Mueble 7
Casilla 1

REPÚBLICA ARGENTINA

DIVISIÓN POLÍTICA

# Ministerio de Relaciones Exteriores y Culto

GUERRA EUROPEA

Expediente 4 Año 1939

DECLARACION DE GUERRA A ALEMANIA POR

GRAN BRETAÑA

EXPEDIENTE Nº 4.

# INDICE

| FOLIO | FECHA | No. | PROCEDENCIA | OBJETO |
|---|---|---|---|---|
| | | | | |

SECCIÓN DE CLAVE
2 SEPT. 1939
MINISTERIO DE RELACIONES EXTERIORES

4

TELEGRAMA CIFRADO Nº 761

Londres, septiembre 2 de 1939.

A S.E. el Señor Ministro de Relaciones Exteriores,

Buenos Aires.

Nº 80.- Máximum precauciones militares y evacuación. El Parlamento vota ley llamando clases 18 a 41 años.

Expírase de un momento a otro designación gobierno amplio defensa nacional.

La Pretom

La traductora,

OFICINA DE CIFRA
03 SEPT. 1939
RELACIONES EXTERIORES

fdl

4 2 9

TELEGRAMA CRIPTADO Nº 1530.

Berlín, 3 de septiembre de 1939.-

A S.E. el señor Ministro de Relaciones Exteriores.

Buenos Aires

Nº 77.- Embajador Gran Bretaña fué recibido a las once de la mañana y otra vez poco más tarde. Embajador Francia a las doce. Salvo circunstancias imprevisibles sus retiros son inminentes.

Olivera.

Es copia.-

ANOTADO

OFICINA DE CIFRA
3-SET 1939
RELACIONES EXTERIORES

Pol

4

TELEGRAMA CIFRADO Nº 1531.-

Berlin, 3 de septiembre de 1939.-

A S.E. el señor Ministro de Relaciones Exteriores.

Buenos Aires

Nº 78.- De fuente propias Embajadas. Gran Bretaña considéranse en guerra desde las once. Francia desde las diez y siete.

Olivera.

Es copia.-

MINISTERIO

OFICINA DE CIFRA
3 SET. 1939
RELACIONES EXTERIORES

Por

TELEGRAMA CIFRADO Nº 471.-

Londres, 3 de septiembre de 1939.

A S.E. el señor Ministro de Relaciones Exteriores.

Buenos Aires

Nº 82.- En la sesión del Parlamento donde existimos la mayor parte de los Jefes de Misión Presidente del Consejo de Ministros informó que en vista de la falta de una contestación de Alemania a las notas de Francia y el Gobierno británico gestionando el cese de las hostilidades contra Polonia, estos dos países se consideraban desde hoy a las 11 en estado de guerra contra Alemania.

Las palabras del Ministro demostraban profunda y sincera emoción y una gran firmeza en la decisión. Los más importantes oradores de la Cámara manifestaron el decidido y unánime propósito de apoyar con todo patriotismo la actitud adoptada.

Cabe señalar que todo pasó sin manifestaciones extraordinarias y siguiéndose estrictamente ritual y fórmulas del viejo procedimiento parlamentario.

Le Breton.

Es traducción.-

Señor Ministro:

Tengo el honor de informar a V.S. que esta mañana he recibido un telegrama del Principal Secretario del Departamento de Negocios Extranjeros de S.M. comunicando que ha estallado la guerra entre el Reino Unido de la Gran Bretaña e Irlanda del Norte y Alemania.

Aprovecho la oportunidad, señor Ministro, para reiterar a V.E. las seguridades de mi más alta consideración.

Fdo: Charles Dodd.

BRITISH EMBASSY,
BUENOS AIRES,

No. 134 September 3rd, 1939.

URGENT

Monsieur le Ministre,

I have the honour to inform Your Excellency that I have this morning received from His Majesty's Principal Secretary of State for Foreign Affairs a telegram stating that war has broken out between the United Kingdom of Great Britain and Northern Ireland and Germany.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

Charles Dodd.

His Excellency,
Señor Don José María Cantilo,
Minister for Foreign Affairs,
BUENOS AIRES.

Buenos Aires, setiembre 4 de 1939.

D.A.P.

Señor Encargado de Negocios:

Tengo el honor de dirigirme a S.S. para acusar recibo de su nota nº 132, de fecha 3 del corriente, por la que se sirve comunicar a este Ministerio el estado de guerra existente entre Gran Bretaña y Alemania.

Con este motivo, presento a S.S. las seguridades de mi alta y distinguida consideración.



A S.S. el señor Encargado de Negocios de Gran Bretaña,
Don Charles Dodd.

MESA DE ENTRADAS Y ESPECIONES
DIVISION ASUNTOS POLITICOS

LEGACIÓN
DE LA
REPÚBLICA ARGENTINA

No. 278

Exp. H

Tokyo, 5 de Setiembre de 1939.

MESA DE ENTRADAS
Y ESPECIONES
25 OCT. 1939
MINISTERIO DE RELACIONES
EXTERIORES Y CULTO

Señor Ministro:

Tengo el honor de dirigirme a V.E. para remitir como antecedente la declaración que ha hecho el Embajador de Gran Bretaña en este Imperio acerca de los motivos que ha tenido su país para declarar la guerra a Alemania.

Saluda a V.E. con alta consideración.

Rodolfo Moreno

Buenos Aires, Noviembre 8 de 1939.

Acúsese recibo.

ANOTADO
CON EL ARCHIVO
CONFORME
PASE A LA DIVISION DE ASUNTOS POLITICOS

A S.E. el señor Ministro de Relaciones Exteriores y Culto,
Doctor Don José María Cantilo,
Buenos Aires.

Legación de la República Argentina

# *Craigie Explains Reasons Why England Waging War*

Inviting Japanese and foreign newspapermen to his official residence last night, the British Ambassador Sir Robert Craigie delivered a statement setting forth his personal and private explanation of why England is at war with Germany.

The world knows, he said, that Prime Minister Neville Chamberlain is a man of peace; but the time has come when there must be a stop to intimidation by force and threats of force at the sacrifice of the freedom of smaller nations and the constant deprivation of the peace of Europe.

His statement follows:

"We are at war because we are determined that the policy of violence against small nations, which has cast Europe in a turmoil and under the perpetual shadow of war, must stop.

"We are not at war to prevent revision of the Versailles Treaty or the creation of German frontiers. The world has not forgotten that at Munich last year Mr. Chamberlain took the lead in making Germany to obtain a very far-reaching change of the Versailles Treaty. On the same occasion the world was shown that we did not oppose—the United Nations—revision in favor of Germany.

"I need not tell you that Mr. Chamberlain is a man of peace. He proved that his intention to peace was always when he flew to Germany last year, and, in the face of severe criticism, with the responsibility of educated Czechoslovaks to make heavy sacrifices to preserve the peace of Europe and save not the wishes of those citizens Germans.

### Events After Munich

"Let me remind you of what happened after Munich last year. Nothing could more clearly explain why we are determined to prevent a repetition of the methods by which Czech nationality was destroyed.

"In September, 1938, the Munich Agreement was signed in the light of solemn private and public assurances by Mr. Hitler that he had made his last territorial demand on Europe. In the September, 1938, what has become of those assurances? Germany has forcibly seized a further large portion of former Czechoslovakia, in which it had no conceivable claim on racial or any other grounds, has occupied the Memel district, and is now laying claim to further territory, all in spite of Mr. Hitler's solemn promise.

"It was after matters had the British Government had previously found Mr. Hitler's promises valueless and it had thus clearly become necessary for those nations wishing to protect themselves from further aggression we began to rely upon such promises but to adopt appropriate safeguards for defending themselves. For this reason the close and cordial relations which now unite Britain and France with Poland were hardly born at that we now absolutely loathe.

"But we explain to some extent how the Anglo-French-Polish agreement for joint resistance to German aggression came into existence. The facts prove that it was a purely defensive arrangement.

### Poland's Position

"In March of this year, Germany for the third and unmask Czechoslovakia. Germany immediately began to conclude that Germany was preparing similar aggression plots against Poland. On March 31, therefore—10 days after the occupation of Prague—the British Government informed the Polish Government that it would support Poland against any aggression which threatened its destroy its independence. The French Government took an exactly similar line. It has now been disclosed how well-founded was the fear of a German attack on Polish independence. In view of these facts it is clear that the peace of Europe can no longer depend on concessions to Germany and agreements which are signed without sincerity and torn up a few months after they are made.

"I must not propose to impose upon the functions of my friend the Polish Ambassador by going into the details of what some people choose to call the Polish question. Two points, however, I should like to emphasize in order to get the facts straight. Firstly from the Polish point of view there is no 'Polish question' at all. Poland has made no claims, has given rise to no legitimate danger, and has refused not changed the policy of conciliation initiated in the German-Polish Treaty of 1934, which was concluded for 10 years but was unilaterally denounced by Germany after two. As Colonel Beck said on May 5, 'Neither Great Britain nor Poland has any aggressive intentions whatever, but they are determined to defend certain basic principles of conduct in international life.'

"My second point is connected with the German allegation that in the course of diplomatic discussions preceding the outbreak of hostilities Britain had adopted, in our instructions, an uncompromising attitude. This allegation is false. History will show that throughout these discussions the British influence was a moderating one, although we did refuse to ask Poland to sacrifice its independence and to pose vital interests of the supreme interest of a foreign Power.

### Versailles Not Infallible

"It is sometimes argued that Germany is merely taking the initiative in rectifying situations perpetrated by the Treaty of Versailles. The British people know but that some injustices were committed and for that reason, while deploring the violent methods used by the German Government, for revising the treaty have not hitherto felt themselves to oppose force with force.

"But the moment one of these controversies is over some arbitrary injustice is not an issue which is ready to embark and when in the name of treaty revision the head of the German Government rules the whole civil population of a modern fighting force as a nation, hostile to us as well as to Czechoslovakia it is no longer possible for the British Government and people to stand on one side.

"The British people have no quarrel with the German people, whom they admire and recognize as friendly rivals in science and trade. Our quarrel is with the present German regime which, by making demand after demand each accompanied by threats of violence and each accompanied followed by broken promises and new demands has made settled peace in Europe impossible.

"It is to restore peace and confidence which the present German regime has so systematically destroyed, and good will to international relations that Great Britain and its allies has compelled to take up arms. They will continue resolutely as they have with full confidence in the achievement of their final objectives."

Buenos Aires, Noviembre 8 de 1939.

D.A.P.

187

Señor Ministro:

Tengo el agrado de dirigirme a V.E. para acusar recibo de su nota nº 276 de fecha 5 de septiembre ppdo., con la que se remite, adjunto, un recorte de periódico que reproduce las declaraciones del Embajador inglés ante ese Imperio, sobre los motivos que ha tenido su país para declarar la guerra a Alemania.

Saludo a V.E. con las seguridades de mi distinguida consideración.

PABLO SANTOS MARTINEZ
SECRETARIO GENERAL

A S.E. el Señor Enviado Extraordinario y Ministro Plenipotenciario de la República Argentina en el Japón, Doctor Rodolfo Moreno.

OFICINA DE ENTRADAS Y EXPEDICIONES
MINISTERIO DE RELACIONES EXTERIORES Y CULTO

EMBAJADA ARGENTINA
EN LONDRES

Londres, Septiembre 6 de 1939.

Señor Ministro:

A la brevedad de su arribo a esta capital:

a) Texto del documento blanco en el que aparecen las notas cambiadas entre el Gobierno de S.M. Británica y el de Alemania con motivo de la crisis que ha culminado en la declaración de guerra entre estos dos países;

b) Texto de la declaración de guerra;

c) Nota del Ministerio del Aire en la que se describe las zonas aéreas minadas;

d) Nota del Ministerio del Aire en la que se consignan las restricciones a la aviación civil.

El ritmo de la labor actual en este Ministerio no justifica mayormente el comentario especial sobre los hechos origen de los documentos que se acompañan. No obstante, a los efectos a que hubiere lugar llama la atención de V.E. respecto al deliberado propósito por parte del Gobierno Británico de destacar ante la opinión pública este carácter como internacional, la circunstancia de que las hostilidades se hallan principalmente dirigidas contra el régimen político en Alemania que encarna la personalidad del Führer y los dirigentes, la uniformidad de procedimiento a este respecto por parte del Gobierno y la prensa, como asimismo el sentimiento que se advierte en la masa popular, pruebas de que existe un propósito deliberado en que así se interpreten los acontecimientos que se están desarrollando y sus consecuencias.

Dentro de las circunstancias, las actividades del Gobierno y de la población en general, se desarrollan con un orden y previsión que es dable destacar.

Me es grato saludar a V. S. con mi consideración más distinguida.

CON EL ANEXO CONFORME

T. G. de Bunge

A.S. el Ministro de Relaciones Exteriores y Culto,
Dr. José María Cantilo,
BUENOS AIRES.-

Buenos Aires, Septiembre 30 de 1939.

Acúsese recibo., y remítase copia de la nota con el anexo al Ministerio de Marina y del Interior.

BY THE KING
A PROCLAMATION. -

SPECIFYING THE ARTICLES TO BE TREATED AS CONTRABAND OF WAR.-

GEORGE R.I.

WHEREAS a state of War exists between Us, on the one hand, and Germany on the other:

AND WHEREAS it is necessary to specify the Articles which it is Our intention to treat as Contraband of War:

NOW, THEREFORE, We do hereby Declare, by and with the advice of Our Privy Council, that during the continuance of the War, or until we do give further public notice, the Articles enumerated in Schedule I hereto will be treated as Absolute Contraband, and the Articles enumerated in Schedule II hereto will be treated as Conditional Contraband:-

SCHEDULE I.

(a) All kinds of arms, ammunition, explosives, chemicals or appliances suitable for use in chemical warfare, and machines for their manufacture or repair; component parts thereof; articles necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(b) Fuel of all kinds; all contrivances for, or means of, transportation on land, in the water or air, and machines used in their manufacture or repair; component parts thereof; instruments, articles or animals necessary or convenient for their use; materials or ingredients used in their manufacture; articles necessary or convenient for the production or use of such materials or ingredients.

(c) All means of communication, tools, implements, instruments, equipment, maps, pictures, papers, and other articles, machines, or documents necessary or convenient for carrying on hostile operations; articles necessary or convenient for their manufacture or use.

(d) Coin, bullion, currency, evidences of debt; also metal, materials, dies, plates, machinery, or other articles necessary or convenient for their manufacture.

SCHEDULE II.

(a) All kinds of food, foodstuffs, feed, forage, and clothing and articles and materials used in their production.

GIVEN at Our Court at Buckingham Palace, this third day of September, in the year of our Lord one thousand nine hundred and thirty-nine, and in the Third year of Our Reign.

GOD SAVE THE KING.

Ex copia.-

Miscellaneous No. 8 (1939)

# CORRESPONDENCE

BETWEEN

H.M. GOVERNMENT IN THE UNITED KINGDOM
AND THE GERMAN GOVERNMENT

August 1939

*Presented to the Secretary of State for Foreign Affairs*
*by Parliament by Command of His Majesty*

LONDON
PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
York House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;
26 York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast,
or through any bookseller
1939
Price 4d. net

Cmd. 6106

Archivo Histórico
Universidad de Buenos Aires
Argentina

# Correspondence between His Majesty's Government in the United Kingdom and the German Government.

## 1.—*Letter of August 22, 1939, from the Prime Minister to the German Chancellor.*

Your Excellency, 10 Downing Street, August 22, 1939.

Your Excellency will have already heard of certain measures taken by His Majesty's Government, and announced to the press and on the wireless this evening.

These steps have, in the opinion of His Majesty's Government, been rendered necessary by the military movements which have been reported from Germany, and by the fact that apparently the announcement of a German-Soviet Agreement is taken in some quarters in Berlin to indicate that intervention by Great Britain on behalf of Poland is no longer a contingency that need be reckoned with. No greater mistake could be made. Whatever may prove to be the nature of the German-Soviet Agreement, it cannot alter Great Britain's obligation to Poland which His Majesty's Government have stated in public repeatedly and plainly, and which they are determined to fulfil.

It has been alleged that, if His Majesty's Government had made their position more clear in 1914, the great catastrophe would have been avoided. Whether or not there is any force in that allegation, His Majesty's Government are resolved that on this occasion there shall be no such tragic misunderstanding.

If the case should arise, they are resolved, and prepared, to employ without delay all the forces at their command, and it is impossible to foresee the end of hostilities once engaged. It would be a dangerous illusion to think that, if war once starts, it will come to an early end even if a success on any one of the several fronts on which it will be engaged should have been secured.

Having thus made our position perfectly clear, I wish to repeat to you my conviction that war between our two peoples would be the greatest calamity that could occur. I am certain that it is desired neither by our people, nor by yours, and I cannot see that there is anything in the questions arising between Germany and Poland which could not and should not be resolved without the use of force, if only a situation of confidence could be restored to enable discussions to be carried on in an atmosphere different from that which prevails to-day.

We have been, and at all times will be, ready to assist in creating conditions in which such negotiations could take place, and in which it might be possible successfully to discuss the wider problems affecting the future of international relations, including matters of interest to us and to you.



The difficulties in the way of any peaceful discussion in the present state of tension are, however, obvious, and the longer that tension is maintained, the harder will it be for reason to prevail.

These difficulties, however, might be mitigated, if not removed, provided that there could for an initial period be a truce on both sides—and indeed on all sides—to press pretensions and to all incitement.

If such a truce could be arranged, then, at the end of that period, during which steps could be taken to examine and deal with complaints made by either side as to the treatment of minorities, it is reasonable to hope that suitable conditions might have been established for direct negotiation between Germany and Poland upon the issues between them (with the aid of a neutral intermediary, if both sides should think that that would be helpful).

But I am bound to say that there would be slender hope of bringing such negotiations to successful issue unless it were understood beforehand that any settlement reached would, when concluded, be guaranteed by other Powers. His Majesty's Government would be ready, if desired, to make such contribution as they could to the effective operation of such guarantees.

At this moment I confess I can see no other way to avoid a catastrophe that will involve Europe in war.

In view of the grave consequences to humanity, which may follow from the action of their rulers, I trust that Your Excellency will weigh with the utmost deliberation the considerations which I have put before you.

Yours sincerely,
NEVILLE CHAMBERLAIN.

## 2.—*Communication from Herr Hitler to the Prime Minister, handed to His Majesty's Ambassador on August 29, 1939.*

Your Excellency,

The British Ambassador has just handed to me a communication in which your Excellency draws attention in the name of the British Government to a number of points which in your estimation are of the greatest importance.

I may be permitted to answer your letter as follows:—

1. Germany has never sought conflict with England and has never interfered in English interests. On the contrary she has for years endeavoured—although unfortunately in vain—to win England's friendship. On this account she voluntarily assumed in a wide area of Europe the limitations on her own interests which from a national-political point of view it would have otherwise been very difficult to tolerate.

2. The German Reich, however, like every other State possesses certain definite interests which it is impossible to renounce. These do not extend beyond the limits of the necessities laid down by former German history and deriving from vital economic pre-requisites.

Archivo Histórico
Argentina



Some of these questions hold and still hold a significance both of a national-political and a psychological character which no German Government is able to ignore.

To these questions belong the German City of Danzig, and the connected problem of the Corridor. Numerous statesmen, historians and men of letters even in England have been conscious of this at any rate up to a few years ago. I would add that all these territories bring in the aforesaid German sphere of interest and in particular those lands which returned to the Reich eighteen months ago received their cultural development at the hands not of the English but exclusively of the Germans and this, moreover, already from a time dating back over a thousand years.

3. Germany was prepared to settle the questions of Danzig and of the Corridor by the method of negotiation on the basis of a proposal of truly unparalled magnanimity. The allegations disseminated by England regarding a German mobilisation against Poland, the assertion of aggressive designs towards Roumania, Hungary, &c., as well as the so-called guarantee declarations which were subsequently given had, however, dispelled Polish inclination to negotiate on a basis of this kind which would have been tolerable for Germany also.

4. The unconditional assurance given by England to Poland that she would render assistance to that country in all circumstances regardless of the causes from which a conflict might spring, could only be interpreted in that country as an encouragement thereforward to unloosen, under cover of such a charter, a wave of appalling terrorism against the one and a half million German inhabitants living in Poland. The atrocities which since then have been taking place in that country are terrible for the victims, but intolerable for a Great Power such as the German Reich which is expected to remain a passive onlooker during these happenings. Poland has been guilty of numerous breaches of her legal obligations towards the Free City of Danzig, has made demands in the character of ultimata, and has initiated a process of economic strangulation.

5. The Government of the German Reich therefore recently caused the Polish Government to be informed that it was not prepared passively to accept this development of affairs, that it will not tolerate further obscuring of notes in the character of ultimata to Danzig, that it will not tolerate a continuance of the persecutions of the German minority, that it will equally not tolerate the extermination of the Free City of Danzig by economic measures, in other words, the destruction of the vital basis of the population of Danzig by a kind of Customs blockade, and that it will not tolerate the occurrence of further acts of provocation directed against the Reich. Apart from this, the questions of the Corridor and of Danzig must and shall be solved.

6. Your Excellency informed me in the name of the British Government that you will be obliged to render assistance to Poland in



any such case of intervention on the part of Germany. I take note of this statement of yours and assure you that it can make no change in the determination of the Reich Government to safeguard the interests of the Reich as stated in paragraph 5 above. Your assurance to the effect that in such an event you anticipate a long war is shared by myself. Germany, if attacked by England, will be found prepared and determined. I have already more than once declared before the German people and the world that there can be no doubt concerning the determination of the new German Reich rather to accept, for however long it might be, every sort of misery and tribulation than to sacrifice its national interests, let alone its honour.

7. The German Reich Government has received information to the effect that the British Government has the intention to carry out measures of mobilisation which, according to the statements contained in your own letter, are clearly directed against Germany alone. This is said to be true of France as well. Since Germany has never had the intention of taking military measures other than those of a defensive character against England or France, and, as has already been emphasised, has never intended, and does not in the future intend, to attack England or France, it follows that this announcement as confirmed by you, Mr. Prime Minister, in your own letter, can only refer to a contemplated act of menace directed against the Reich. *I therefore inform your Excellency that, in the event of these military announcements being carried into effect, I shall order immediate mobilisation of the German forces.*

8. The question of the treatment of European problems on a peaceful basis is not a decision which rests on Germany but primarily on those who since the crime committed by the Versailles dictate have stubbornly and consistently opposed any peaceful revision. Only after a change of spirit on the part of the responsible Powers can there be any real change in the relationship between England and Germany. I have all my life fought for Anglo-German friendship; the attitude adopted by British diplomacy—at any rate up to the present—has, however, convinced me of the futility of such an attempt. Should there be any change in this respect in the future nobody would be happier than I.

ADOLF HITLER.

---

3.—*Supplementary Communication from Herr Hitler handed to His Majesty's Ambassador on August 25, 1939.*

The following is a translation of the text of a verbal communication made to Sir Nevile Henderson by Herr Hitler at his interview on the 25th August :—

"By way of introduction the Führer declared that the British Ambassador had given expression at the close of the last conversation to the hope that, after all, an understanding between Germany

Archivo Histórico
Universidad de Buenos Aires
Argentina



and England might yet be possible. He (the Führer) had therefore turned things over in his mind once more and desired to make a move as regards England which should be as decisive as the move as regards Russia which had led to the recent agreement. Yesterday's sitting in the House of Commons and the speeches of Mr. Chamberlain and Lord Halifax had also moved the Führer to talk once more to the British Ambassador. The assertion that Germany affected to conquer the world was ridiculous. The British Empire embraced 40 million square kilometres, Russia 16 million square kilometres, America 9½ million square kilometres, whereas Germany embraced less than 900,000 square kilometres. It is quite clear who it is who desires to conquer the world.

"The Führer makes the following communication to the British Ambassador:—

"1. Poland's actual provocations have become intolerable. It makes no difference who is responsible. If the Polish Government denies responsibility, that only goes to show that it no longer itself possesses any influence over its subordinate military authorities. In the preceding night there had been a further twenty-one new frontier incidents; on the German side the greatest discipline had been maintained. All incidents had been provoked from the Polish side. Furthermore, commercial aircraft had been shot at. If the Polish Government stated that it was not responsible, it showed that it was no longer capable of controlling its own people.

"2. Germany was in all the circumstances determined to abolish those Macedonian conditions on her eastern frontier and, what is more, to do so in the interests of quiet and order, but also in the interests of European peace.

"3. *The problem of Danzig and the Corridor must be solved.*—The British Prime Minister had made a speech which was not in the least calculated to induce any change in the German attitude. At the most, the result of this speech could be a bloody and implacable war between Germany and England. Such a war would be bloodier than that of 1914 to 1918. In contrast to the last war, Germany would no longer have to fight on two fronts. Agreement with Russia was unconditional and signified a change in foreign policy of the Reich which would last a very long time. Russia and Germany would never again take up arms against each other. Apart from this, the agreements reached with Russia would also render Germany secure economically for the longest possible period of war.

"The Führer had always wanted an Anglo-German understanding. War between England and Germany could at the best bring some profit to Germany but none at all to England.

"The Führer declared that the German-Polish problem must be solved and will be solved. He is, however, prepared and determined after the solution of this problem to approach England once



more with a large comprehensive offer. He is a man of great decisions, and in this case also he will be capable of being great in his action. He accepts the British Empire and is ready to pledge himself personally for its continued existence and to place the power of the German Reich at its disposal if—

"(1) His colonial demands which are limited and can be negotiated by peaceful methods are fulfilled and in this case he is prepared to fix the longest time limit.

"(2) His obligations towards Italy are not touched; in other words, he does not demand that England gives up her obligations towards France and similarly for his own part he cannot withdraw from his obligations towards Italy.

"(3) He also desires to stress the irrevocable determination of Germany never again to enter into conflict with Russia. The Führer is ready to conclude agreements with England which, as has already been emphasised, would not only guarantee the existence of the British Empire in all circumstances as far as Germany is concerned, but also if necessary on assurance to the British Empire of German assistance regardless of where such assistance should be necessary. The Führer would then also be ready to accept a reasonable limitation of armaments which corresponds to the new political situation, and which is economically tolerable. Finally, the Führer renewed his assurance that he is not interested in Western problems and that a frontier modification in the West does not enter into consideration. Western fortifications which have been constructed at a cost of milliards were final Reich frontier on the West.

"If the British Government would consider these ideas a blessing for Germany and also for the British Empire might result. If it rejects these ideas there will be war. In no case would Great Britain emerge stronger; the last war proved this.

"The Führer repeats that he is a man of old infamous decisions by which he himself is bound and that this is his last offer. Immediately after solution of the German-Polish question he would approach the British Government with an offer."

---

4.—*Reply of His Majesty's Government dated August 28, 1939, to the German Chancellor's Communications of August 29 and 25, 1939.*

His Majesty's Government have received the message conveyed to them from the German Chancellor by His Majesty's Ambassador in Berlin, and have considered it with the care which it demands.

Academia Diplomática
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



They note the Chancellor's expression of his desire to make friendship the basis of the relations between Germany and the British Empire and they fully share this desire. They believe with him that if a complete and lasting understanding between the two countries could be established it would bring untold blessings to both peoples.

2. The Chancellor's message deals with two groups of questions: those which are the matters now in dispute between Germany and Poland and those affecting the ultimate relations of Germany and Great Britain. In connexion with these last, His Majesty's Government observe that the German Chancellor has indicated certain proposals which, subject to one condition, he would be prepared to make to the British Government for a general understanding. These proposals are, of course, stated in very general form and would require closer definition, but His Majesty's Government are fully prepared to take them, with some additions, as subjects for discussion and they would be ready, if the differences between Germany and Poland are peacefully composed, to proceed as soon as practicable to such discussion with a sincere desire to reach agreement.

3. The condition which the German Chancellor lays down is that there must first be a settlement of the differences between Germany and Poland. As to that, His Majesty's Government entirely agree. Everything, however, turns upon the nature of the settlement and the method by which it is to be reached. On these points, the importance of which cannot be absent from the Chancellor's mind, his message is silent, and His Majesty's Government feel compelled to point out that an understanding upon both of these is essential to achieving further progress. The German Government will be aware that His Majesty's Government have obligations to Poland by which they are bound and which they intend to honour. They could not, for any advantage offered to Great Britain, acquiesce in a settlement which put in jeopardy the independence of a State to whom they have given their guarantee.

4. To the opinion of His Majesty's Government a reasonable solution of the differences between Germany and Poland could and should be effected by agreement between the two countries on lines which would include the safeguarding of Poland's essential interests, and they recall that in his speech of the 28th April last the German Chancellor recognised the importance of these interests to Poland.

That, as was stated by the Prime Minister in his letter to the German Chancellor of the 22nd August, His Majesty's Government consider it essential for the success of the discussions which would precede the agreement that it should be understood beforehand that any settlement arrived at would be guaranteed by other Powers. His Majesty's Government would be ready if desired to make their contribution to the effective operation of such a guarantee.



5. In the view of His Majesty's Government it follows that the next step should be the initiation of direct discussions between the German and Polish Governments on a basis which would include the principles stated above, namely, the safeguarding of Poland's essential interests and the securing of the settlement by an international guarantee.

They have already received a definite assurance from the Polish Government that they are prepared to enter into discussions on this basis, and His Majesty's Government hope the German Government would for their part also be willing to agree to this course.

If, as His Majesty's Government hope, such discussion led to agreement the way would be open to the negotiation of that wider and more complete understanding between Great Britain and Germany which both countries desire.

6. His Majesty's Government agree with the German Chancellor that one of the principal dangers in the German-Polish situation arises from the reports concerning the treatment of minorities. The present state of tension, with its concomitant frontier incidents, reports of ill-treatment and inflammatory propaganda, is a constant danger to peace. It is manifestly a matter of the utmost urgency that all incidents of the kind should be promptly and rigidly suppressed and that unverified reports should not be allowed to circulate, in order that time may be afforded, without provocation on either side, for a full examination of the possibilities of settlement. His Majesty's Government are confident that both the Governments concerned are fully alive to these considerations.

7. His Majesty's Government have said enough to make their own attitude plain in the particular matters at issue between Germany and Poland. They trust that the German Chancellor will not think that, because His Majesty's Government are scrupulous concerning their obligations to Poland, they are not anxious to use all their influence to assist the achievement of a solution which may commend itself both to Germany and to Poland.

That such a settlement should be achieved seems to His Majesty's Government essential, not only for reasons directly arising in regard to the settlement itself, but also because of the wider considerations of which the German Chancellor has spoken with such conviction.

8. It is unnecessary in the present reply to stress the advantage of a peaceful settlement over a decision to settle the questions at issue by force of arms. The results of a decision to use force have been clearly set out in the Prime Minister's letter to the Chancellor of the 22nd August, and His Majesty's Government do not doubt that they are as fully recognised by the Chancellor as by themselves.

On the other hand, His Majesty's Government, noting with interest the German Chancellor's reference in the message now under consideration to a limitation of armaments, believe that, if a peaceful settlement can be obtained, the assistance of the world could immediately be anticipated for practical measures to enable the transition

Archivo Histórico
Argentina



from preparation for war to the normal activities of peaceful trade to be safely and smoothly effected.

8. A just settlement of these questions between Germany and Poland may open the way to world peace. Failure to reach it would ruin the hopes of better understanding between Germany and Great Britain, would bring the two countries into conflict, and might well plunge the whole world into war. Such an outcome would be a calamity without parallel in history.

---

2.—*Reply of the German Chancellor to the Communication of August 28, 1939, from His Majesty's Government. This reply was handed to Sir Nevile Henderson by Herr Hitler during the evening of August 29, 1939.*

THE British Ambassador in Berlin has submitted to the British Government suggestions which I felt bound to make my order—

(1) to give expression once more to the will of the Reich Government for sincere Anglo-German understanding, co-operation and friendship;

(2) to leave no room for doubt as to fact that such an understanding could not be bought at the price of a renunciation of vital German interests, let alone the abandonment of demands which are based as much upon common human justice as upon the national dignity and honour of our people.

The German Government have noted with satisfaction from the reply of the British Government and from the oral explanations given by the British Ambassador that the British Government for their part are also prepared to improve the relationship between Germany and England and to develop and extend it in the sense of the German suggestion.

In this connection, the British Government are similarly convinced that the removal of the German-Polish tension, which has become unbearable, is the prerequisite for the realisation of this hope.

Since the autumn of the past year, and on the last occasion in March 1939, there were submitted to the Polish Government proposals, both oral and written, which, having regard to the friendship then existing between Germany and Poland offered the possibility of a solution of the questions in dispute acceptable to both parties. The British Government are aware that the Polish Government saw fit, in March last, finally to reject these proposals. At the same time, they used this rejection as a pretext or an occasion for taking military measures which have since been continuously intensified. Already in the middle of last month Poland



was in effect in a state of mobilisation. This was accompanied by numerous encroachments in the Free City of Danzig due to the instigation of the Polish authorities; threatening demands in the nature of ultimata, varying only in degree, were addressed to that City. A closing of the frontiers, at first in the form of a measure of customs policy but extended later in a military sense affecting also traffic and communications, was imposed with the object of bringing about the political exhaustion and economic destruction of this German community.

To this were added barbaric actions of maltreatment which cry to Heaven, and other kinds of persecution of the large German national group in Poland which extended even to the killing of many resident Germans or to their forcible removal under the most cruel conditions. This state of affairs is unbearable for a Great Power. It has now forced Germany, after remaining a passive onlooker for many months in her turn to take the necessary steps for the safeguarding of justified German interests. And indeed the German Government can but assure the British Government in the most serious manner that a condition of affairs has now been reached which can no longer be accepted or observed with indifference.

The demands of the German Government are in conformity with the revision of the Versailles Treaty in regard to this territory which has always been recognised as being necessary; viz., return of Danzig and the Corridor to Germany, the safeguarding of the existence of the German national group in the territories remaining to Poland.

The German Government note with satisfaction that the British Government also are in principle convinced that some solution must be found for the new situation which has arisen.

They further feel justified in assuming that the British Government too can have no doubt that it is a question now of conditions, for the elimination of which there no longer remain days, still less weeks, but perhaps only hours. For in the disorganised state of affairs obtaining in Poland, the possibility of incidents intervening, which it might be impossible for Germany to tolerate, must at any moment be reckoned with.

While the British Government may still believe that these grave differences can be resolved by way of direct negotiations, the German Government unfortunately can no longer share this view as a matter of course. For they have made the attempt to embark on such peaceful negotiations, but, instead of receiving any support from the Polish Government, they were rebuffed by the sudden introduction of measures of a military character in favour of the development alluded to above.

The British Government attach importance to two considerations: (1) that the existing danger of an imminent explosion should be eliminated as quickly as possible by direct negotiation, and that (2) the existence of the Polish State, in the form which it would then continue to exist, should be adequately safeguarded in the economic and political sphere by means of international guarantees.

Archivo Histórico
Argentina



On this subject the German Government makes the following declaration.

Though sceptical as to the prospects of a successful outcome, they are nevertheless prepared to accept the English proposal and to enter into direct discussion. They do so, as has already been emphasised, solely as the result of the impression made upon them by the written statement received from the British Government that they too desire a pact of friendship in accordance with the general lines indicated to the British Ambassador.

The German Government desire in this way to give the British Government and the British nation a proof of the sincerity of Germany's intentions to enter into a lasting friendship with Great Britain.

The Government of the Reich felt, however, bound to point out to the British Government that in the event of a territorial rearrangement in Poland they would no longer be able to bind themselves to give guarantees or to participate in guarantees without the U.S.S.R. being associated therewith.

For the rest, in making these proposals the German Government have never had any intention of touching Poland's vital interests or questioning the existence of an independent Polish State. The German Government, accordingly, in these circumstances agree to accept the British Government's offer of their good offices in securing the despatch to Berlin of a Polish Emissary with full powers. They await the arrival of this Emissary on Wednesday, the 30th August, 1939.

The German Government will immediately draw up proposals for a solution acceptable to themselves and will, if possible, place these at the disposal of the British Government before the arrival of the Polish negotiator.

---

6.—*Telegram from H.M. Government to Sir Nevile Henderson sent at 2 a.m. on August 30, 1939.*

We shall give careful consideration to German Government's reply, but it is, of course, unreasonable to expect that we can produce a Polish representative in Berlin to-day, and German Government must not expect this.

It might be well for you at once to let this be known in proper quarters through appropriate channels. We hope you may receive our reply this afternoon.

---



7.—*Message sent, through Sir Nevile Henderson, from the Prime Minister to the German Chancellor at 2·45 a.m. on August 30, 1939.*

We are considering German note with all urgency and shall send official reply later in afternoon.

We are representing at Warsaw how vital it is to reinforce all instructions for avoidance of frontier incidents, and I would beg you to confirm similar instructions on German side.

I welcome the evidence in the exchanges of views, which are taking place, of that desire for Anglo-German understanding of which I spoke yesterday in Parliament.

---

8.—*Telegram from H.M. Government to Sir N. Henderson, sent at 3·30 p.m. on August 30, 1939.*

In informing German Government of the renewed representations which have been made in Warsaw, please make it clear that Polish Government can only be expected to maintain an attitude of complete restraint if German Government reciprocate on their side of frontier and if no provocation is offered by members of German minority in Poland. Reports are current that Germans have committed acts of sabotage which would justify the strongest measures.

---

9.—*Telegram from H.M. Government to Sir Nevile Henderson, sent at 6·00 p.m. on August 30, 1939.*

We understand that German Government are insisting that a Polish representative with full powers must come to Berlin to receive German proposals.

2. We cannot advise Polish Government to comply with this procedure, which is wholly unreasonable.

3. Could you not suggest to German Government that they adopt the normal procedure, when their proposals are ready, of inviting Polish Ambassador to call and handing proposals to him for transmission to Warsaw and inviting suggestions as to conduct of negotiations.

4. German Government have been good enough to promise they will communicate proposals also to His Majesty's Government. If latter think they offer reasonable basis they can be counted on to do their best in Warsaw to facilitate negotiations.

---

Archivo Histórico
Ministerio de Relaciones Exteriores
Argentina



10.—*Reply of His Majesty's Government to the German Chancellor's Communication of August 29, 1939. This Reply was handed by Sir Nevile Henderson to Herr von Ribbentrop at Midnight on August 30, 1939.*

His Majesty's Government appreciate the friendly reference in the Declaration contained in the reply of the German Government to the latter's desire for an Anglo-German understanding and to their statement of the influence which this consideration has exercised upon their policy.

2. His Majesty's Government repeat that they reciprocate the German Government's desire for improved relations, but it will be recognised that they could not sacrifice the interests of other friends in order to obtain that improvement. They fully understand that the German Government cannot sacrifice Germany's vital interests, but the Polish Government are in the same position and His Majesty's Government believe that the vital interests of the two countries are not incompatible.

3. His Majesty's Government note that the German Government accept the British proposal and are prepared to enter into direct discussions with the Polish Government.

4. His Majesty's Government understand that the German Government accept in principle the condition that any settlement should be made the subject of an international guarantee. The question of who shall participate in this guarantee will have to be discussed further, and His Majesty's Government hope that to avoid loss of time the German Government will take immediate steps to obtain the assent of the U.S.S.R., whose participation in the guarantee His Majesty's Government have always assumed.

5. His Majesty's Government also note that the German Government accepts the position of the British Government as to Poland's vital interests and independence.

6. His Majesty's Government must make an express reservation in regard to the statement of the particular demands put forward by the German Government in an earlier passage in their reply. They understand that the German Government are drawing up proposals for a solution. No doubt these proposals will be fully examined during the discussions. It can then be determined how far they are compatible with the essential conditions which His Majesty's Government have stated and which in principle the German Government have expressed their willingness to accept.

7. His Majesty's Government are at once informing the Polish Government of the German Government's reply. The method of contact and arrangements for discussions must obviously be agreed



with all urgency between the German and Polish Governments, but in His Majesty's Government's view it would be impracticable to establish contact as early as to-day.

8. His Majesty's Government fully recognise the need for speed in the initiation of discussion, and they share the apprehensions of the Chancellor arising from the proximity of two mobilised armies standing face to face. They would accordingly most strongly urge that both parties should undertake that, during the negotiations, no aggressive military movements will take place. His Majesty's Government feel confident that they could obtain such an undertaking from the Polish Government if the German Government would give similar assurances.

9. Further, His Majesty's Government would suggest that a temporary *modus vivendi* might be arranged for Danzig, which might prevent the occurrence of incidents tending to render German-Polish relations more difficult.

---

11.—*The following is the Translation of a Message which was communicated to H.M. Ambassador in Berlin by the State Secretary in the evening of August 31.*

His Majesty's Government informed the German Government, in a note dated the 28th August, 1939, of their readiness to offer their mediation towards direct negotiations between Germany and Poland over the problems in dispute. In so doing they made it abundantly clear that they, too, were aware of the urgent need for progress in view of the continuous incidents and the general European tension. In a reply dated the 29th August, the German Government, in spite of being sceptical as to the desire of the Polish Government to come to an understanding, declared themselves ready in the interests of peace to accept the British mediation or suggestion. After considering all the circumstances prevailing at the time, they considered it necessary in their note to point out that, if the danger of a catastrophe was to be avoided, their action must be taken readily and without delay. In this sense they declared themselves ready to receive a personage appointed by the Polish Government up to the evening of the 30th August, with the proviso that the latter was, in fact, empowered not only to discuss but to conduct and conclude negotiations.

Further, the German Government pointed out that they felt able to make the basic points regarding the offer of an understanding available to the British Government by the time the Polish negotiator arrived in Berlin.

Instead of a statement regarding the arrival of an authorised Polish personage, the first answer the Government of the Reich received to their readiness for an understanding was the news of the

Archivo Histórico
Ministerio de Relaciones Exteriores
Argentina



Polish mobilisation, and only towards 12 o'clock on the night of the 30th August, 1939, did they receive a somewhat general assurance of British readiness to help towards the commencement of negotiations.

Although the fact that the Polish negotiator expected by the Government of the Reich did not arrive removed the necessary condition for informing His Majesty's Government of the views of the German Government as regards possible basis of negotiation, since His Majesty's Government themselves had pleaded for *direct* negotiations between Germany and Poland, the German Minister for Foreign Affairs, Herr von Ribbentrop, gave the British Ambassador on the occasion of the presentation of the last British note precise information as to the text of the German proposals which would be regarded as a basis of negotiation in the event of the arrival of the Polish plenipotentiary.

The Government of the German Reich considered themselves entitled to claim that in these circumstances a Polish personage would immediately be nominated, at any rate retro-actively.

For the Reich Government cannot be expected for their part seriously not only to emphasise their willingness to start negotiations, but actually to be ready to do so, while being from the Polish side merely put off with empty subterfuges and meaningless declarations.

It has since been made clear as a result of a démarche which has meanwhile been made by the Polish Ambassador that the latter himself has no plenary powers either to enter into any discussion, or even to negotiate.

The Führer and the German Government have thus waited two days in vain for the arrival of a Polish negotiator with plenary powers.

In these circumstances the German Government regard their proposals as having this time too been to all intents and purposes rejected, although they considered that these proposals, in the form in which they were made known to the British Government also, were more than loyal, fair and practicable.

The Reich Government consider it finally to inform the public of the bases for negotiation which were communicated to the British Ambassador by the Minister for Foreign Affairs, Herr von Ribbentrop.

The situation existing between the German Reich and Poland is at the moment of such a kind that any further incident can lead to an explosion on the part of the military forces which have taken up their position on both sides. Any peaceful solution must be framed in such a way as to ensure that the events which lie at the root of this situation cannot be repeated on the next occasion offered, and that thus not only the East of Europe, but also other territories shall not be brought into such a state of tension. The causes of this development lie in: (1) the impossible delineation of frontiers, as fixed by the Versailles dictate; (2) the impossible treatment of the minority in the ceded territories.



In making these proposals, the Reich Government are, therefore, actuated by the idea of finding a lasting solution which will remove the unbearable situation created by frontier delineation, which may cause to both parties their vitally important line of communication, which may—as far as it is at all possible—remove the minority problem and, in so far as this is not possible, may give the minorities the assurance of a tolerable future by means of a reliable guarantee of their rights.

The Reich Government are content that in so doing it is essential that economic and physical damage done since 1918 should be exposed and repaired in its entirety. They, of course, regard this obligation as being binding for both parties.

These considerations lead to the following practical proposals:—

(1) The Free City of Danzig shall return to the German Reich in view of its purely German character, as well as of the unanimous will of its population.

(2) The territory of the so-called Corridor which extends from the Baltic Sea to the line Marienwerder–Graudenz–Culm–Bromberg (inclusive) and thence may run in a westerly direction to Schiblanke, shall itself decide as to whether it shall belong to Germany or Poland.

(3) For this purpose a plebiscite shall take place in this territory. The following shall be entitled to vote: all Germans who were either domiciled in this territory on the 1st January, 1918, or who by that date have been born there, and similarly all Poles, Kashubes, &c., domiciled in this territory on the above day (the 1st January, 1918) or born there up to that day. The Germans who have been driven from this territory shall return to it in order to exercise their vote with a view to ensuring an objective plebiscite, and also with a view to ensuring the extensive preparation necessary thereto. The above territory shall, as in the case of the Saar territory, be placed under the supervision of an international commission to be formed immediately, on which shall be represented the four Great Powers—Italy, the Soviet Union, France and England. This commission shall exercise all the rights of sovereignty in this territory. With this end in view, the territory shall be evacuated within a period of the utmost brevity, still to be agreed upon, by the Polish armed forces, the Polish police, and the Polish authorities.

(4) The Polish part of Gdynia, which fundamentally constitutes Polish sovereign territory so far as it is confined territorially to the Polish settlement, shall be excluded from the above territory. The exact frontiers of this Polish port should be determined between Germany and Poland, and, if necessary, delimited by an international committee of arbitration.

(5) With a view to assuring the necessary time for the execution of the extensive work involved in the carrying out of a just plebiscite, this plebiscite shall not take place before the expiry of twelve months.

(6) In order to guarantee unrestricted communication between Germany and East Prussia and between Poland and the sea during this period, roads and railways shall be established to render free

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



transit traffic possible. In this connexion only such taxes as are necessary for the maintenance of the means of communication and for the provision of transport may be levied;

(7) The question as to the party to which the area belongs is to be decided by simple majority of the votes recorded;

(8) In order to guarantee to Germany free communication with her province of Danzig-East Prussia, and to Poland her connexion with the sea after the cessation of the plebiscite—regardless of the results thereof—Germany shall, in the event of the plebiscite area going to Poland, receive an extra-territorial traffic zone, approximately in a line from Rhine to Danzig or Dirschau, in which to lay down an autobahn and a 4-track railway line. The road and the railway shall be so constructed that the Polish lines of communication are not affected, i.e., they shall pass either over or under the latter. The breadth of this zone shall be fixed at 1 kilometre, and it is to be German sovereign territory. Should the plebiscite be favourable to Germany, Poland is to obtain rights analogous to those accorded to Germany to a similar extra-territorial communication by road and railway for the purpose of free and unrestricted communication with her port of Gdynia;

(9) In the event of the Corridor returning to the German Reich, the latter declares its right to proceed to an exchange of population with Poland to the extent to which the nature of the Corridor lends itself thereto;

(10) Any special right desired by Poland in the port of Danzig would be negotiated on a basis of sanitary against similar rights to be granted to Germany in the port of Gdynia;

(11) In order to remove any feeling in this area that either side was being threatened, Danzig and Gdynia would have the character of exclusively mercantile towns, that is to say, without military installations and military fortifications;

(12) The peninsula of Hela, which as a result of the plebiscite might go either to Poland or to Germany, would in either case have similarly to be demilitarised;

(13) Since the Government of the German Reich has the most vehement complaints to make against the Polish treatment of minorities, and since the Polish Government for their part feel obliged to make complaints against Germany, both parties declare their agreement to have these complaints laid before an international committee of enquiry, whose task would be to examine all complaints as regards economic or physical damage, and any other acts of terrorism. Germany and Poland undertake to make good economic or other damage done to minorities on either side since the year 1918, or to cancel expropriation as the case may be, or to provide complete compensation to the persons affected for this and any other encroachments on their economic life;

(14) In order to free the Germans who may be left in Poland and the Poles who may be left in Germany from the feeling of being outlawed by all nations, and in order to render them secure against



being called upon to perform actions or to render services incompatible with their national sentiments, Germany and Poland agree to guarantee the rights of both minorities by means of the most comprehensive and binding agreement, in order to guarantee to these minorities the preservation, the free development and practical application of their nationality (Volkstum), and in particular to permit for this purpose such organisation as they may consider necessary. Both parties undertake not to call upon members of the minority for military service;

(15) In the event of agreement on the basis of these proposals, Germany and Poland declare themselves ready to decree and to carry out the immediate demobilisation of their armed forces;

(16) The further measures necessary for the more rapid execution of the above arrangement shall be agreed upon by both Germany and Poland conjointly.

---

12.—*Telegram from H.M. Government to Sir Nevile Henderson despatched at 11 a.m. on August 31, 1939.*

PLEASE inform German Government that we understand that Polish Government are taking steps to establish contact with them through Polish Ambassador in Berlin.

2. Please also ask them whether they agree in the necessity for securing an immediate provisional *modus vivendi* as regards Danzig. (We have already put this point to German Government.) Would they agree that M. Burckhardt might be employed for this purpose if it were possible to secure his services?

---

13.—*Reply to the above Telegram received in the early hours of September 1, 1939.*

WRITTEN communication was made to the Ministry for Foreign Affairs early this morning in the sense of paragraph 2 of your telegram.

---

14.—*The following explanatory Note upon the actual course of events should be read in conjunction with the Documents published above.*

THE reply to the German Government of 29th August was, before its delivery, communicated to the French and Polish Governments. The Polish Government authorised His Majesty's Government to inform the German Government that Poland was ready at once to enter into direct discussions with Germany. It will be seen that

paragraph 4 of the British reply of 29th August made plain the attitude of the Polish Government on this point.

The British reply was handed to Herr Hitler at 10·30 p.m. on 29th August, and he promised to give a written reply the following day.

The German reply in writing was handed to His Majesty's Ambassador at 7·15 p.m. on 30th August. Apart from the complete distortion of events leading up to the crisis, the German Government's reply demanded the arrival in Berlin of a Polish emissary with full powers during the course of the following day.

The reply of the British Government is self-explanatory. It was communicated by His Majesty's Ambassador to the German Minister for Foreign Affairs at midnight on 30th August. Herr von Ribbentrop's reply was to produce a long document which he read out rapidly in German. It was apparently the sixteen-point plan which the German Government have since published. When Sir N. Henderson asked for the text of these proposals in accordance with the undertaking in the German reply of 29th August Herr von Ribbentrop asserted that it was now too late as the Polish plenipotentiary had not arrived in Berlin by midnight, as had been demanded by the German Government in their communication of the previous evening.

The Polish Government on learning of these developments informed His Majesty's Government during the afternoon of 31st August that they would authorise their Ambassador to inform the German Government that Poland had accepted the British proposals for negotiations.

The Polish Ambassador in Berlin (M. Lipski) was not received by Herr von Ribbentrop until the evening of 31st August. After this interview the German Government broadcast their proposals forthwith. M. Lipski at once tried to establish contact with Warsaw but was unable to do so because all means of communication between Poland and Germany had been closed by the German Government.

---

Wt. —— 150 4/39 F.O.P. 1939 Gp. 140

FOREIGN OFFICE, S.W.1.

3rd September, 1939.

Sir,

On September 1st His Majesty's Ambassador in Berlin, acting upon my instructions, informed the German Government that unless they were prepared to give His Majesty's Government in the United Kingdom satisfactory assurances that the German Government had suspended all aggressive action against Poland and were prepared promptly to withdraw their forces from Polish territory, His Majesty's Government in the United Kingdom would, without hesitation, fulfil their obligations to Poland.

2. At 9 a.m. this morning His Majesty's Ambassador in Berlin, acting upon my instructions, informed the German Government that unless not later than 11 a.m., British Summer Time, today September 3rd, satisfactory assurances to the above effect had been given by the German Government and had reached His Majesty's Government in London, a state of war would exist between the two countries as from that hour.

3. No such assurances having been received, I have the honour to inform you that a state of war exists between the two countries as from 11 a.m. today, September 3rd.

I have the honour to be

With high consideration,

Your obedient servant,

HALIFAX.

The German Chargé d'Affaires

Etc., etc., etc.

Buenos Aires, Septiembre 30 de 1939.

D.A.P.

181

Señor Embajador:

Tengo el honor de dirigirme a V.E. para acusar recibo de su nota nº 164 de fecha 6 del corriente, con la que se remite el texto oficial de las notas cambiadas entre el Gobierno británico y el de Alemania con motivo de la crisis que ha epilogado en la declaración de guerra entre los dos países; el texto de la declaración de guerra, la nota del almirantazgo en la que se describe las zonas marítimas minadas y la nota del Ministerio del Aire en que se consignan las restricciones a la aviación civil.

Reitero a V.E. las seguridades de mi distinguida consideración.

ROBERTO CACHET

A S.E. el Señor Embajador Extraordinario y Plenipotenciario de la República Argentina en Gran Bretaña, Doctor Tomás A. Le Bretón.

Buenos Aires, Septiembre 30 de 1939.

D.A.P.

Señor Jefe:

Me es grato dirigirme a S.S. para remitir a ese Departamento, a los efectos que procedan, una cópia original de una nota del Almirantazgo británico en la que se describen las zonas marítimas minadas, alrededor de las Islas británicas, y que son peligrosas para la navegación.

Saludo a S.S. con mi mayor consideración.

MINISTERIO DE RELACIONES EXTERIORES
30 OCT 1939
DIVISION DE ASUNTOS POLITICOS

ROBERTO CACHE
SUB SECRETARIO DE RELACIONES EXTERIORES

A S.S. el Señor Jefe de la Secretaría de Marina

[redacted]

Capitán de Navío Abelardo Pantín

Buenos Aires, Septiembre 30 de 1939.

D.A.P.

Señor Subsecretario:

Me es grato dirigirme a S.S. para remitir a ese Departamento, a los efectos que procedan, una cópia original de una nota del Ministerio del Aire Británico en la que se consignan las restricciones a la aviación civil en las Islas Británicas.

Saludo a S.S. con las seguridades de mi distinguida consideración.

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
26 OCT 1939
DIVISION DE ASUNTOS POLITICOS

ROBERTO M. ORTIZ
SUB SECRETARIO DE RELACIONES EXTERIORES

A S.S. el Señor Subsecretario del Interior,

Doctor José C. Castells.

EMBAJADA
DE LA
REPUBLICA ARGENTINA

Berlín, 5 de octubre de 1939.-

Nº 451

MESA DE ENTRADAS Y EXPEDICIONES
11 DIC. 1939
MINISTERIO DE RELACIONES EXTERIORES Y CULTO

Señor Ministro:

Aunque arriesgando abordar un asunto que es muy probable sea conocido a V.E. por intermedio del señor Embajador en Londres, creo oportuno llamar su atención sobre el interés excepcional que ofrece el "Libro Azul" que acaba de publicar la Cancillería británica, documentando la crisis que culminó en la guerra. Los telegramas y las notas de Sir Neville Henderson son de un contenido humano realmente documental.

Acompaño dos largos extractos: "Los últimos días de la paz", un artículo que le ha dedicado "The Times" en el número correspondiente al 23 del pasado septiembre y una correspondencia de "Le Temps"

Saludo a V.E. con mi más alta y distinguida consideración. Eduardo Labougle

Buenos Aires, Diciembre 21 de 1939.

Acúsese recibo,

A S.E. el Señor José María Cantilo,
Ministro de Relaciones Exteriores y Culto,
Buenos Aires.-

Archivo Histórico — Ministerio de Relaciones Exteriores, Comercio Internacional y Culto — Argentina

"The Times" de 23 de septiembre de 1939.-



## TORS IN TIME OF WAR

### ARY AND CIVILIAN SERVICES

### DINATION NEEDED

E EDITOR OF THE TIMES

leading article of September 16 ndence disclose the difficult problem e best use of the medical profession ions of a war which presents novel he big task of "numbering" the their classification for varied duties ried through by the B.M.A. during months with conspicuous success. of Health, having taken the hos- ngland under its direction and e medical men to staff them, had nd difficult task of urgent prepara- assed air attacks, involving rapid f casualties from the centre to the de by side with a care for the hos- f the ordinary civil population. It at the former of these duties being y rightly filled the picture; the care n population for the time faded, and ntary hospitals were denuded. With of those early days, however, is more and more replacing im- and it might be helpful to discuss ns of its success.

stry of Health has already taken steps nsulting physicians and surgeons, so ransfer from whole-time to part-time rder that hospital and private patients ed. It must be remembered that, after , with those who care for them, and id infirm have been evacuated, the ty of its citizens must live and work and therefore must have their hos- s. It follows from the statement of Minister that the London hospitals ne their Out-patient and In-patient er their voluntary managements, sub- ion by the Ministry, and with a pro- heir professional staff, but I suggest s would be necessary:—

an of each such hospital must always s a casualty clearing station.

stay in hospital will be shorter.

cases would also be provided for in outside hospital in the sector; on the atients needing special treatment (*e.g.*, erapy) must be gathered wherever the treatment is located. Such a modified in Paris.

stood to have been agreed in prin- re is to be a unified hospital service le country, that whereas the W.O. directly for its wounded and sick es of war, in England wounded and r originating from the theatres of the civil population, would, as long in-patients, be provided for in the ls. On the other hand, slight or cases belonging to the Army could gregated in convalescent hospitals ilitary discipline. The advantages plan if carried out are great, for lt in better service to the wounded in saving of cost.

the supply of doctors is limited and r careful allotment, and in parti- not afford to waste the skill of men nowledge of special branches by lication. Head injuries and chest be taken as examples. Centres for een or are being organized where se cases are treated to the best at where men of selected ability are ing trained under leaders to fill posts ded, whether at home or oversea. It the sick or wounded man may not e convoyed to this or that block of one of the hospitals where the treat- apted to his ills is located.

known definitely whether this plan a principle, and will be carried out effective organization for casualties

# THE LAST DAYS OF PEACE

## BRITISH EFFORTS IN BERLIN

### VIOLENT TIRADES BY HITLER

The British Government last night issued as a Blue-book (Cmd. 6106, price 1s.) documents concerning German-Polish relations and the outbreak of hostilities between Great Britain and Germany on September 3, 1939.

Many of the documents have appeared before, but among the papers now published for the first time are some illuminating dispatches from Sir Nevile Henderson, the British Ambassador in Berlin. These dispatches throw a remarkable light on the moods and manners of the Führer, Herr von Ribbentrop, and Field-Marshal Göring.

In a dispatch from Berlin dated May 28, 1939, Sir Nevile Henderson speaks of an interview at Karinhall with Field-Marshal Göring, in which he (Sir Nevile) emphasized the effect in Great Britain of the seizure of Bohemia and Moravia. He reminded Field-Marshal Göring that, while he had always appreciated the necessity for the Czechs, in view of their geographical position, to live in the friendliest political and economic relations with Germany, Göring had personally assured him last October that this was all that his Government desired.

The dispatch continued:—

The precipitate action of Germany on March 15, which I again ascribed to the wild men of the party, had consequently, apart from everything and everybody else, been a great shock to me personally and had undone all that I had sought to achieve during my two years at Berlin. Moreover, however indifferent this might seem to him, I could not but regard the destruction of the independence of the Czechs as a major political error, even in Germany's own interests.

The Field-Marshal appeared a little confused at this personal attack on his own good faith, and assured me that he himself had known nothing of the decision before it had been taken. He would not, he said, have gone to San Remo if he had; nor had his stay there profited him, as he had hoped, owing to the unexpected amount of work which had in consequence been thrust upon him. . . .

Though I was in a hurry, he insisted on showing me with much pride the great structural alterations which he is making to the house at Karinhall and which include a new dining-room to hold an incredible number of guests and to be all of marble and hung with tapestries. He mentioned incidentally that the rebuilding would not be completed before November. He also produced with pride drawings of the tapestries, mostly representing naked ladies labelled with the names of various virtues, such as Goodness, Mercy, Purity, &c. I told him that they looked at least pacific, but that I failed to see Patience among them.

### HITLER UNCOMPROMISING

Two telegrams were sent by Sir Nevile Henderson on August 23 and 24 giving an account of his interview with Herr Hitler, when he handed the German Chancellor the personal letter addressed to him by Mr. Chamberlain, emphasizing that the British attitude to Poland was unaffected by the German-Soviet Agreement. At the outset (said Sir Nevile Henderson) Herr Hitler was "excitable and uncompromising." He made no long speeches, but his language was "violent and exaggerated." There was a tirade against British support of Czechs and Poles. The Ambassador said:—

He (Hitler) asserted that the former would have been independent to-day if England had not encouraged them in a policy hostile to Germany. He insinuated that the Poles would be to-morrow if Britain ceased to encourage them to-day. He followed this by a tirade against England, whose friendship he had sought for 20 years only to see every offer turned down with contempt. The British Press was also ently abused. I contested every point and kept his statements inaccurate, but the only effect launch him on some fresh tirade.

the second telegram the Ambassador —

was quite calm the second time and never his voice once. Conversation lasted from 20 s to half an hour but produced little new, that verbally he was far more categoric than tten reply as to his determination to attack if "another German were ill-treated in ."

oke of tragedy of war and of his immense sibility, but his answer was that it would be gland's fault. I refuted this only to learn from hat England was determined to destroy and inate Germany. He was, he said, 50 years e preferred war now to when he would be 60. I told him that it was absurd to talk of ination. Nations could not be exterminated aceful and prosperous Germany was a British t. His answer was that it was England who ghting for lesser races whereas he was fighting or Germany; the Germans would this time o the last man; it would have been different 4 if he had been Chancellor then.

referring to Russian non-aggression pact he ed that it was England which had forced him greement with Russia. He did not seem en- sitic over it but added that once he made agree- it would be for a long period. (Text of ent signed to-day confirms this and I shall prised if it is not supplemented later by some- more than mere non-aggression.)

Nevile Henderson again reported by tele- on August 25 of an interview with Herr r that morning, when the German cellor was "absolutely calm and normal."

. Among various points mentioned by Herr were: that the only winner of another European would be Japan; that he was by nature an not a politician, and that once the Polish on was settled he would end his life as an and not as a warmonger; he did not want to ermany into nothing but a military barracks e would only do so if forced to do so; that the Polish question was settled he himself settle down; that he had no interest in making break her word to Poland; that he had no to be small-minded in any settlement with and that all he required for an agreement er was a gesture from Britain to indicate that uld not be unreasonable. . . .

### UR WORD WAS OUR WORD"

interview with Herr Hitler is vividly ibed in the following telegram from Sir e Henderson to Lord Halifax, received at a.m. on August 29:—

Berlin, August 28, 1939

w the Chancellor at 10.30 this evening. He me to come at 10 p.m., but I sent word that ld not have the translation ready before the hour. Herr von Ribbentrop was present, also chmidt. Interview lasted one and a quarter .

r Hitler began by reading the German transla- When he had finished, I said that I wished to certain observations from notes which I had in the conversations with the Prime Minister is Majesty's Secretary of State for Foreign s. In the first place I wished to say that we gland regarded it as absurd that Britain should pposed by the German Government to consider ishing of Germany as a settled policy. We held e no less astonishing that anyone in Germany doubt for a moment that we would not fight land if her independence or vital interests were ed.

word was our word, and we had never and never break it. In the old days Germany's had the same value, and I quoted a passage German book (which Herr Hitler had read) Marshal Blücher's exhortation to his troops urrying to the support of Wellington at Water- Forward, my children, I have given my word brother Wellington, and you cannot wish me ak it."

Hitler at once intervened to observe that were different 125 years ago. I said not so England was concerned. He wanted, I said, 's friendship. What value would he place on

"Le Temps" -

1

*Lettre d'Angleterre*

# LE LIVRE BLEU ANGLAIS SUR LES ORIGINES DE LA GUERRE

I

Londres, octobre.

Le gouvernement anglais vient de publier un recueil de documents sur la situation germano-polonaise et sur l'ouverture d'hostilités entre la Grande-Bretagne et l'Allemagne le 3 septembre 1939 (Command Paper 6106, édité par His Majesty's Stationery Office, prix 1 shilling). Cette publication officielle, ou Livre bleu, est le livre qui se vend le mieux en ce moment; on l'a mis en vente en Stationery Office, dans Kingsway, près de Aldwych, un de plusieurs emplacements, et il s'en est écoulé plusieurs milliers à l'heure. Le fait est encore plus frappant si l'on songe que ce document présente au public environ 150 pages, et 70 pages qui les précèdent seulement une table descriptive des matières et un carnet de renvoi.

Le Livre bleu expose d'abord brièvement les relations entre Allemagne et Pologne sous le régime de l'accord du 26 janvier 1934, valable pour dix ans, et engageant les deux pays signataires « à ne soumettre en aucun cas à la force entre eux le règlement d'un différend entre eux ». Relations excellentes, comme l'affirmait plusieurs citations du discours de Hitler : la Pologne « est le digne d'un grand peuple, extrêmement courageux » (21 mai 1935); il serait « déraisonnable et impossible de refuser à un Etat de cette grandeur un débouché sur la mer » (7 mars 1936); l'accord « a opéré à l'avantage des deux parties » (30 janvier 1937).

Puis une description, basée sur les textes, de l'aggravation de la situation en Europe à la suite du bapt de la Tchéco-Slovaquie le 15 mars dernier. Les méthodes de violence employées le Reich revenait, malgré l'accord de Munich, sont dénoncées par M. Chamberlain aux Communes (17 mars) et par lord Halifax aux Lords (20 mars) : « Est-ce là la fin d'une vaste aventure, s'écrie le Premier anglais, ou bien est-ce le commencement d'une nouvelle ? Est-ce la dernière attaque contre un seul Etat, ou bien sera-t-elle suivie d'autres ? » Et, dès le 22 mai, Sir Nevile Henderson, à Berlin, prévient Goering que, si le Reich force les Puissances à se battre pour leur indépendance, la France et l'Angleterre livrent la guerre à l'Allemagne.

Les discussions germano-polonaises d'avril-mai 1939 sont ensuite décrites, et l'on notera que Hitler déclare alors l'accord pacifique de 1934 caduc à cause de la garantie anglaise à la Pologne, et que, la Pologne ayant répondu par des contre-propositions à sa demande que Dantzig lui soit cédé, avec un passage à travers le corridor de la Vistule, Berlin déclare après un mois (28 avril) que « la simple présentation de contre-propositions, au lieu d'une acceptation des suggestions formulées allemandes sans modifications ni réserves, a été regardée par le Reich comme un refus de toute discussion ».

Les documents suivants exposent la garantie anglo-française à la Pologne en cas d'attaque, et l'accord d'assistance mutuelle signé le 25 août. D'après à juin, les rapports anglo-allemands s'aigrissent, et Hitler, accusant la Grande-Bretagne de vouloir « encercler » le Reich, dénonce l'accord naval anglo-allemand. Le point de vue britannique touchant une accessibilité est donné, dans des documents diplomatiques et dans le discours de lord Halifax à Chatham-House (29 juin), où il a déclaré notamment : « La politique britannique repose sur deux fondements : l'un est la résolution de résister à la force; l'autre est la reconnaissance du désir mondial du pouvoir à l'œuvre de la construction de la paix. »

Cependant, la situation à Dantzig s'aggravait sous l'influence d'excitations venues d'Allemagne. La tension est forte en juin, mais un progrès s'opère en juillet, et le major von Fersen déclare même (10 juillet), au retour d'une entrevue avec Hitler, que « rien ne sera fait du côté allemand pour provoquer un conflit », et que la question de Dantzig « peut attendre, s'il le faut, jusqu'à l'année prochaine, ou même plus tard ». D'autre part, lord Halifax exprime à M. Forbes, chargé d'affaires britannique à Varsovie, du représenter au gouvernement polonais la nécessité de la modération, et M. Beck l'assure qu'il est aussi désireux d'une solution. En août, la crise reprend un caractère aigu. Berlin intervient directement dans le différend entre Varsovie et la Ville libre de Dantzig en vue des mesures douanières. Sir Nevile Henderson (5 août) exprime à M. von Weizsaecker, secrétaire d'Etat à la Wilhelmstrasse, de « l'erreur tragique » que l'Allemagne commettrait si elle accomplissait une agression de l'Angleterre; et son interlocuteur lui indique que la Russie ne soutiendra pas la Pologne, et « même en cas de conflit pourrait partager ses dépouilles » (note VE). Le 11 août, à la demande de Hitler, M. Burckhardt, haut commissaire de la Société des nations à Dantzig, était allé voir le Führer à Berchtesgaden.

Mais la crise approche de son dénouement. Les violentes attaques de la presse nazie contre la Pologne sont contrôlées par Sir Reginald Hennard, ambassadeur de Grande-Bretagne à Varsovie, qui les qualifie de « falsifications et exagérations grossières des faits ». Il rapporte des incidents de frontière provoqués par les Allemands, et loue l'attitude « saine et défensive du gouvernement polonais. Le 22 août, M. Chamberlain adresse à Hitler une lettre personnelle, affirmant que l'Angleterre tiendra ses engagements envers la Pologne, quelle que soit la nature de l'accord germano-soviétique qui vient d'être annoncé; et il ajoute : « On a prétendu que, si le gouvernement britannique avait pris une position plus nette en 1914, la grande catastrophe aurait été évitée; que cette allégation soit fondée ou non, le gouvernement de Sa Majesté est résolu que, en cette occasion, il n'y ait pas un aussi tragique malentendu. » Sir Nevile Henderson présente cette lettre le lendemain à Hitler, qui se montre emporté et violent dans ses propos : « L'Allemagne, dit-il, en réponse aux avertissements de l'ambassadeur, n'a rien à perdre à une guerre, et l'Angleterre beaucoup; je ne veux pas la guerre, mais je n'hésiterai pas si elle est nécessaire, et mon peuple me soutiendra beaucoup plus qu'en septembre dernier. » Dans un accès subit, il annonce l'intention de vaincre « définitivement et exterminer l'Allemagne ». L'ambassadeur britannique réfute ses arguments, mais il ajoute : « J'ai toujours aimé je prédis la guerre mondiale, qui quand j'aurai cinquante-cinq ou soixante ans. — Il est absurde, lui dit son interlocuteur, de parler d'extermination. On n'exterminera pas des nations, et une Allemagne pacifique et prospère est dans l'intérêt de la Grande-Bretagne. — C'est l'Angleterre, répète-t-il, qui semble, pour des raisons obscures, avoir pris ce conflit à cœur pour l'Allemagne ! Cette fois, les Allemands se battront jusqu'au dernier homme. Les choses se seraient passées autrement, en 1914, si j'avais alors été chancelier ! »

(A suivre.)

ROBERT L. COE.

*Lettre d'Angleterre*

# LE LIVRE BLEU ANGLAIS sur les origines de la guerre

II

On a vu que, dans son entrevue du 23 août avec Sir Nevile Henderson, Hitler était résolu à la guerre, arguant que, pour lui, mieux valait maintenant que plus tard. Sa réponse officielle à M. Chamberlain (pièce 60 du recueil) s'inspire de cet esprit; mais il s'efforce néanmoins de rejeter la responsabilité des hostilités sur l'Angleterre, dans une phrase où il menace de répondre aux mesures de précaution de ce pays en décrétant la mobilisation générale. L'ambassadeur lui demande de s'expliquer, car, dit-il, il regarderait la mobilisation générale en Allemagne comme équivalente à la guerre. « La réponse que j'obtins, écrit Sir N. Henderson (24 août), fut confuse comme la phrase elle-même. Elle revenait à dire que si les mobilisations française et anglaise convainquaient M. Hitler que les puissances d'Occident voulaient l'attaquer, il mobiliserait par mesure de légitime défense. Je remontrai que toute mobilisation britannique resterait fort au-dessous de ce qui existait déjà en Allemagne. M. Hitler répondit que cette phrase était destinée surtout à servir d'avertissement à la France, et que, à ce que je crus comprendre, le gouvernement français en était ou allait en être avisé. »

Le Livre bleu reproduit alors le pacte de non-agression germano-soviétique (n° 61) du 23 août, et la nomination le même jour du gauleiter Forster comme « chef d'Etat » de Dantzig, ainsi que la protestation de la Pologne contre cet acte.

Les Chambres anglaises, convoquées en séance extraordinaire le 24 août, entendirent M. Chamberlain et lord Halifax exposer la situation germano-polonaise, et réaffirmer la résolution du gouvernement britannique de tenir ses engagements envers la Pologne (nos 64-65). Une dépêche du même jour, de Sir Howard Kennard, ambassadeur à Varsovie, expose les efforts du gouvernement polonais pour amener une détente, mais une entrevue de M. Lipski avec Goering, en l'absence de M. von Weizsaecker, donna des résultats négatifs. Cependant Hitler répond (25 août) aux discours de M. Chamberlain et de lord Halifax en adressant une note verbale à Londres, d'où il ressort que, si l'Angleterre le laisse régler l'affaire polonaise, il s'engage à laisser subsister l'empire britannique (« *pledge himself for its continued existence* »), à condition qu'un règlement de ses demandes coloniales intervienne, et que l'axe germano-italien demeure; la note se termine par des offres de désarmement éventuel, et l'assurance que la frontière ouest de l'Allemagne ne changera plus. Au cours des explications que Hitler fournit sur cette note à Sir N. Henderson, le Führer se montra très excité contre la Pologne; d'autre part, il déclara que le seul gagnant dans une autre guerre européenne serait le Japon; que lui-même était par nature un artiste, et non un politicien, et qu'une fois la question polonaise réglée il finirait sa vie en artiste et non en faiseur de guerres, etc. Cependant du 26 au 27 août, le gouvernement de Londres fait de nouveaux efforts pour la paix, suggérant à Varsovie la formation d'un corps d'observateurs neutres, ou bien un échange de populations, pour résoudre la question des minorités; et Varsovie accepte en principe. La réponse du gouvernement de Londres à la note verbale de Hitler, apportée en avion par Sir N. Henderson, est datée du lundi 28 août, et fut remise tard ce soir-là au Führer : le gouvernement anglais proposait une discussion directe, sur un pied d'égalité, entre l'Allemagne et la Pologne. Une longue conversation eut lieu entre Hitler et l'ambassadeur anglais, en présence de M. von Ribbentrop, mais le Führer éluda une réponse positive; lui et son ministre donnent ainsi l'impression qu'ils sont tentés par la perspective d'une entente — et même d'une alliance ? suggère Hitler — de l'Allemagne avec l'Angleterre (p. 126). Qu'on lui offre au moins quelques colonies, dit-il aussi, comme gage des bonnes intentions de la Grande-Bretagne. « Des concessions, réplique Sir Nevile Henderson, sont plus faciles à réaliser dans une bonne que dans une mauvaise atmosphère. » Le premier ministre anglais fait, le 29 août, à la Chambre, un nouvel exposé de la situation, et parle des préparatifs de défense du pays (n° 77).

Le 29 août au soir, nouvelle entrevue, orageuse cette fois, entre l'ambassadeur britannique à Berlin et Hitler et Ribbentrop. La réponse allemande à la proposition anglaise de négociations germano-polonaises directes est une acceptation « [illegible] », et conditionnée par l'envoi d'un négociateur polonais, armé de pleins pouvoirs, qui devra arriver à Berlin dès le lendemain 30 août. Sir Nevile Henderson remarque que cela a l'air d'un ultimatum, et, après quelques propos violents, Hitler et Ribbentrop l'assurent qu'il ne s'agit que de souligner l'urgence d'une situation où deux armées complètement mobilisées sont face à face. Le Führer paraissait beaucoup moins raisonnable que la veille (N° 79). Le 30, à 2 heures du matin, lord Halifax télégraphie à son ambassadeur qu' « il n'est pas raisonnable de s'attendre que nous puissions présenter un représentant polonais à Berlin aujourd'hui, et qu'il ne faut pas que le gouvernement allemand s'y attende »; ce message est remis à M. von Ribbentrop à 4 heures du matin. Hitler avait répondu la veille à la même objection de Sir N. Henderson : « On peut voler de Varsovie à Berlin en une heure et demie ! » L'ambassadeur britannique conclut que Hitler est évidemment résolu à arriver à ses fins, avec ou sans guerre; mais « si on le laisse ainsi continuer... on sera l'encourager à poursuivre dans la même voie l'année prochaine, et l'année suivante ». (N° 80.)

Dans cette même journée du 30 août, Sir Howard Kennard mande de Varsovie que la Pologne ne peut pas envoyer immédiatement à Berlin le mandataire exigé : « Le gouvernement polonais préférerait certainement combattre et périr que de se soumettre à une telle humiliation, surtout après les exemples de la Tchéco-Slovaquie, de la Lituanie et de l'Autriche. » Toutefois Varsovie accepte les suggestions de lord Halifax tendant à éviter toute provocation et tout incident, mais la situation à Dantzig devient intolérable. Lord Halifax demande aussi à l'Allemagne de s'abstenir de provocations et d'actes de sabotage.

(*A suivre.*)

Robert-L. Cru.

Biblioteca Nacional de Maestros
Argentina

3

*Lettre d'Angleterre*

# LE LIVRE BLEU ANGLAIS
## sur les origines de la guerre

III

Au cours journée du 30 août, on a pu savoir à Londres à la possibilité d'entrer des négociations germano-polonaises, car divers renseignements du Foreign Office informaient le gouvernement allemand des exemples de provocations qui ont été faites à Varsovie, et indiquaient que la suggestion allemande de l'envoi immédiat d'un plénipotentiaire polonais à Berlin est raisonnable.

D'autre part, une réponse est arrivée à la note allemande du 29 août, et remise à M. von Ribbentrop à minuit : le gouvernement anglais, agréant les assurances amicales du gouvernement allemand, estimait urgent dans l'intérêt de la paix l'ouverture par Berlin d'une négociation avec la Pologne, et la nécessité d'une garantie internationale pour l'accord qui en résulterait. En outre lorsque la puissance anglaise des affaires étrangères intérimaire le gouvernement polonais. La conférence semblait en bonne voie.

Cependant, dans son entretien avec M. von Ribbentrop dans la nuit du 30-31 août), Sir Nevile Henderson proposait une procédure : la transmission à Varsovie, par M. Lipski, des demandes allemandes en vue de l'ouverture de négociations. « M. von Ribbentrop, écrit l'ambassadeur anglais, répondit en exhibant un long document qu'il venait à lire en allemand tout haut et à toute vitesse. Pensant qu'il allait éventuellement me le remettre, je me hâtai pas de suivre de trop près ses assez rudes, ou étranges, arguments. (L'ambassadeur indique ici de brèves les points principaux de ce mémorandum ; soumis à l'Allemagne de Dantzig et du corridor, etc.) Quand je demandai à M. von Ribbentrop le texte de ces propositions, exactement le langage qu'elles contenaient dans la réponse allemande d'hier, il répondit qu'il était maintenant trop tard, puisque un plénipotentiaire polonais n'était pas arrivé à Berlin avant minuit. J'observai que traiter la question de la note signifiait que la demande de voir arriver un représentant polonais à Berlin le 30 août constituait en fait un ultimatum, malgré ce que lui et M. Hitler m'avaient assuré hier. Il le dit, disant que l'idée d'un ultimatum était un simple produit de mon imagination. — Pourquoi donc, demandai-je, ne pas adopter la procédure normale, me donner un exemplaire des propositions, demander à l'ambassadeur de Pologne de venir vous voir, lui aussi M. Hitler n'avait commencé il y a quelques jours, et les lui remettre pour qu'il les communique au gouvernement polonais? — M. von Ribbentrop répondit, dans les termes les plus violents, que jamais il ne consentirait à l'ambassadeur de venir le voir. Il insistait que, si l'ambassadeur de Pologne lui demandait une entrevue, cela pourrait être différent... Je dois vous dire, conclut Sir N. Henderson, à la fin de cette dépêche à lord Halifax (n° 97), que toute l'attitude de M. von Ribbentrop pendant cette désagréable entrevue rappelait M. Hitler dans ses plus mauvais moments. »

Les documents suivants du Livre bleu (n° 98-99) se rapportent à la correspondance de Londres avec Varsovie quant au pouvoir donné à cette dernière, le 31 août, à la possibilité de négociations entre Allemands et Polonais. La note remise faite par le colonel Beck au rapportait à la probabilité que les demandes allemandes seraient accompagnées d'un ultimatum, et il proposait de différer d'abord les modalités de la conférence proposée.

Le texte des 16 points allemands sur Dantzig et le corridor (n° 98) est connu maintenant, mais ce n'est qu'à 21 h. 45, le 31 août, que M. von Ribbentrop le fit remettre à sir Nevile Henderson, à qui il l'avait lu et vite la veille, une lettre de ce dernier exigeant que comme la Pologne n'a pas envoyé de plénipotentiaire le 30 août, ses propositions sont considérées comme rejetées par la Pologne. C'est ce que M. Chamberlain a appris depuis « la tentative concrète » du régime tant on se rappelle ses invitations à Schuschnigg, à Hacha, et le point commun présenté au cours conférences des tractations germano-polonaises d'avril dernier. Ces propositions allemandes sont radiodiffusées le 31 à 21 heures, et déclarées rejetées par la Pologne — qui ne les avait même pas reçues. C'est donc en vain que lord Halifax, dans la nuit du 31 août au 1er septembre, téléphone et télégraphie à ses ambassadeurs à Berlin et à Varsovie pour essayer de sauver ce qui pouvait la négociation germano-polonaise, dont Berlin n'a pas voulu. Les Allemands envahissent la Pologne à l'aube, le 1er septembre. Ce jour-là, M. Chamberlain exposait les faits à la Chambre des communes (n° 100), et M. Hitler au Reichstag (n° 101); un Livre blanc anglais, dont un extrait est donné (n° 104), a permis de se rendre compte de quel point est l'ordre historique des faits.

Les autres documents du recueil qui nous occupe (n° 106-144) se rapportent à l'ouverture de Dantzig par le Reich, à l'« ultimatum » du 1er septembre, à la déclaration de guerre, à la séance des Communes du 3 septembre, à la suggestion italienne d'une session des hostilités — bien acceptable seulement si l'Allemagne retirait ses armées de la Pologne, — enfin aux tentatives de médiation par d'autres États : États-Unis, Belgique et Hollande, et S. S. le pape. La dernière pièce de ce dossier est l'allocution radiodiffusée de M. Chamberlain, le 3 septembre, au peuple allemand (n° 144).

Pour la dernière guerre, ce n'est qu'en 1921 qu'a paru le recueil des documents diplomatiques relatifs aux origines de la guerre (c'est le onzième, mais le premier paru, dans la collection établie par MM. Gooch et Temperley). Dans la guerre actuelle, le double indispensable à l'histoire n'a paru dans les vingt mois après le début des hostilités.

ROBERT-C. Dell.

Buenos Aires, Diciembre 21 de 1939.

D.A.P.

390

Señor Embajador:

Tengo el honor de dirigirme a V.E. para acusar recibo de su nota nº 451 de fecha 5 de octubre ppdo., con la que se acompaña largos extractos periodísticos del informe elevado a su Gobierno por el ex-embajador en Berlín, Sir Neville Henderson.

Saludo a V.E. con las seguridades de mi distinguida consideración.

MINISTERIO DE RELACIONES EXTERIORES
28 DIC 1939
DIVISION DE ARCHIVO Y ARCHIVO

ROBERTO CACHO
SUB SECRETARIO DE RELACIONES EXTERIORES

A S.E. el Señor Embajador Extraordinario y Plenipotenciario de la República Argentina en Alemania, Doctor Ricardo Olivera.

R.A. 26/10/39

M.E

MESA DE ENTRADAS Y EXPEDIENTES
SERVICIO ASUNTOS POLITICOS

EMBAJADA ARGENTINA
EN LONDRES

Londres, octubre 18 de 1939.

No. 176.-

MESA DE ENTRADAS Y EXPEDIENTES
26 OCT. 1939
MINISTERIO DE RELACIONES EXTERIORES Y CULTO

Señor Ministro:

Ampliando mi cable No. 153, a la presente me es grato acompañar copia de la nota que en la fecha se ha recibido del Foreign Office, sustanciando la posición de los Dominios con motivo de la declaración de guerra a Alemania, asunto sobre el cual se me requería esa información en el cable de V.E. No. 103.

Me complazco en saludar al señor Ministro con mi consideración distinguida.

F. L. Labougle

Buenos Aires, Octubre 31 de 1939.

Acúsese recibo.

VISTO EL ANEXO CONFORME

MINISTERIO DE RELACIONES EXTERIORES
23 NOV. 1939
DIVISION DE ASUNTOS POLITICOS

ANOTADO

A S.E. el Sr. Ministro de Relaciones Exteriores y Culto,
Dr. José María Cantilo,
Buenos Aires.-

ANGLO-AMERICAN

Buenos Aires, Octubre 31 de 1929.

Señor Director:

Tengo el agrado de acusar recibo de la atenta nota de V.E. No. 1268, de fecha 29 del corriente, relacionada con la solicitud de importación de 1.000 toneladas de nafta, que esta Compañía ha formulado ante el Ministerio de Hacienda.

Aprovecho la oportunidad para saludar al señor Director con mi consideración distinguida.

A S.E. el Sr. Ministro de Relaciones Exteriores y Culto,
Dr. José María Cantilo,
Buenos Aires.-

No.T 19669/19669/384. FOREIGN OFFICE, S.W.1.

11th October, 1939.

Your Excellency,

With reference to your Note No.118 of the 22nd September I have the honour to inform Your Excellency that the following is the position with regard to the state of war as between Germany and the Members of the British Commonwealth of Nations.

Canada. A Proclamation issued on September 10th, 1939 declared that a state of war with the German Reich existed in Canada as from that date.

Commonwealth of Australia and New Zealand. His Majesty's Governments in the Commonwealth of Australia and New Zealand have both severed relations with Germany and have requested His Majesty's Government in the United Kingdom to take the necessary steps to indicate to the German Government that the Commonwealth and New Zealand associate themselves with the action taken by His Majesty's Government in the United Kingdom in relation to the state of war with Germany. This was done by means of a note addressed to the United States Ambassador in London on September 7th, 1939.

Union of South Africa. A Proclamation declaring a state of war with Germany was issued in the Union on September 6th, 1939.

India. As the result of the declaration of war by His Majesty's

His Excellency

Senor Don Tomás A.le Breton,

etc., etc., etc.

Majesty's Government in the United Kingdom, India is at war with Germany.

I have the honour to be, with the highest consideration,

Your Excellency's obedient servant,

(For the Secretary of State)

(Sgd) H. WILKINSON

Buenos Aires, Octubre 31 de 1939.

L.A.L.

200

Señor Embajador:

Tengo el honor de dirigirme a V.E. para acusar recibo de su nota nº 194 de fecha 12 del corriente, ampliatoria del cable nº 155 de esa Embajada y con la que envía, adjunta, cópia de una comunicación del Foreign Office relativa a la posición de los Dominios británicos con motivo de la declaración de guerra de Gran Bretaña a Alemania.

Saludo a V.E. con las seguridades de mi consideración distinguida.

ROBERTO MACHE
Jefe Encargado del Despacho

A S.E. el Señor Embajador Extraordinario y Plenipotenciario de la República Argentina en Gran Bretaña, Doctor Tomás A. Le Bretón.

N.H. 2/11/39.-

EMBAJADA ARGENTINA
EN LONDRES

Exp. H

Londres, Octubre 30 de 1939

Ref. int.-

Por suyo. Nombrar 1 A20

Señor Ministro:

1.- En Octubre 4, [illegible] tuve el honor de dirigirme a V.E. en ejemplar del Documento Blanco No. 6106, en el cual se consignan las comunicaciones cruzadas entre el Foreign Office y los Embajadores Británicos en Berlín y Varsovia, referentes a los acontecimientos que precedieron a la declaración de la guerra.

Ayer el Gobierno Británico dió a la publicidad el Documento Blanco Cmd. 6115, con el informe final del Embajador en Berlín Sir Neville Henderson, relatando las circunstancias que culminaron en la terminación de la gestión ante el Gobierno del Reich.

Estos dos documentos se complementan. En el primero, dada la naturaleza de las comunicaciones, el aspecto personal de los diplomáticos intervinientes, se halla casi desdeñado; en cambio, en el documento que hoy cursa No. 1 acompaño a la presente nota, la impresión personal se acentúa ampliamente y permite una correcta visión más completa de los acontecimientos que se desarrollaban. Se hace en este documento una referencia precisa al estado de ánimo reinante en Alemania durante los días que precedieron a la declaración de la guerra. Se percibe la interpretación personal del Embajador británico sobre los efectos de la propaganda organizada, y en conocimiento con respecto a las decisiones tomadas por el Führer. En el texto del informe recibido por Valija Diplomática a que hago referencia más arriba, la cuarta detallada de las proposiciones hechas a Polonia no trasunta con mayor claridad: Sir Neville Henderson suministra algunos datos que permiten apreciar con exactamente una situación tan fundamental.

2.- En Septiembre 19 ppdo. con nota No. 165, envié a V.E. texto de una conferencia radiotelefónica pronunciada por el Profesor J. Brierley sobre neutralidad, contrabando de guerra, etc. El 17 del pte. el mismo autor ha pronunciado una conferencia sobre los aspectos legales de algunos incidentes de la guerra en el mar. Me es grato acompañar copia de la misma.

Conociendo el interés de esa Cancillería con respecto al asunto en debate, a los efectos a que hubiere lugar, remito este documento, que a pesar de no tener origen oficial resulta indicativo, pues las conclusiones generales en la materia del Profesor Brierley, por lo general encontramos que resultan aceptadas por los miembros del Gobierno cuando la oportunidad se presenta.

3.- Los diarios de la mañana publican el texto del tratado Franco-Británico-Turco firmado ayer en Turquía el que acompaño como anexo No. 2.

ANOTADO

Este acuerdo, de beneficios trascendentales tanto en el comercio público, ha sido recibido en general con satisfacción. La prensa de ambas capitales y el lado de carruros este correo traerán un mayor comentario al respecto en esta nota.

Me es grato saludar al Señor Ministro con mi mayor consideración.

T. G. L. Perkins

Buenos Aires, Noviembre 21 de 1939.

Acúsese recibo.

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
22 NOV 1939
DIVISION DE ARCHIVO Y ARCHIVO

A S.E. el Sr. Ministro de Relaciones Exteriores y Culto,
Dr. José María Cantilo
Buenos Aires.-

[illegible]



# LEGAL ASPECTS OF SOME OF THE INCIDENTS IN

# THE WAR AT SEA

by

J.L. BRIERLY.

Tuesday,17th October,1939: 9.15 - 9.30 p.m.

LEGAL ASPECTS OF SOME OF THE INCIDENTS

IN THE WAR AT SEA. -

The economic warfare that each side is carrying on against the other on the sea in the present war, has its legal basis in two rights that the laws of naval warfare give to belligerents. The right to confiscate enemy property on the sea, whatever its character, unless this enemy property is both non-contraband and being carried in neutral ships, and the right to confiscate even neutral property there, when it falls within the category of contraband of war. These are the operations which we commonly refer to as 'the blockade'; and that is a convenient term, provided we remember that there is no 'blockade' in the sense in which lawyers use that word, namely the blocking by the naval forces of the belligerent of ingress to or egress from the enemy's coast to the ships of all nations, and that in judging the actions of the belligerents we are not concerned with the technical rules of blockade but with a different branch of the laws of naval warfare.

I spoke of <u>each</u> side carrying on their economic warfare; for of course, it is a complete delusion to suppose that in our blockade <u>we</u> are doing something to Germany which <u>she</u> isn't trying to do to us. German propaganda would like that to be believed, but it is not the case. Moreover, German submarines, as we now know, had taken up their stations before the war began, and they have been trying to blockade <u>us</u> from the first day of the war; so that when propaganda suggests that the German blockade is only a reprisal for ours, that again is not true. The plain truth is of course simply this: that each of us is trying to disorganise the economic life of the other, and that that is a perfectly legitimate <u>aim</u> in war, provided you do it in the way that rules of law and rules of humanity prescribe. The difference is that whereas the Allies have <u>both</u> the will <u>and</u> the means to disorganise Germany's economic arrangements, the course of the war at sea already gives us good reason for hoping that, though Germany has the will, she has not got the means of disorganising ours.

Tonight then, I want to say something about these two belligerent rights on which our blockade of Germany and hers of us rest; and to illustrate what can and what can not legally be done under each of them I shall use some of the incidents in the war at sea which have already been reported in the press.

First, then, about the right to capture enemy merchant ships on the sea. This right mainly concerns Germany's blockade of us; because, except in the Baltic, German shipping has quickly disappeared from the seas. But you probably saw that a French submarine the other day brought a belated German merchantman for one thousand miles across the Atlantic into a French port, where it will doubtless be brought before a French prize court, and condemned as a prize in due course. That is the proper lawful procedure which a capturing ship ought to follow if it is at all possible. But there <u>are</u> circumstances in which it is lawful to <u>destroy</u> an enemy merchantman at sea, instead of bringing her into port. There are different views as to what circumstances do justify destruction at sea, but about one point there is no - absolutely no difference of opinion, and that is that the destroying warship must first provide for the safety of those on board the merchantman. As recently as 1936 Germany - and note that it was Hitler's Germany - signed a treaty in which

these words occur: "except in case of persistent refusal to stop on being duly summoned, or of active resistance to visit and search, a warship whether surface vessel or submarine, may not sink a merchant vessel without having first placed passengers, crews, and ship's papers in a place of safety". And the treaty went on to say that the ship's boats were not to be regarded as a place of safety unless the safety of passengers and crew was assured by the sea and weather conditions, or the proximity of land, or the presence of another vessel able to take them on board.

We do well to remember this treaty when we read of the Athenia, sunk by a German submarine on the first day of the war, with the loss of one hundred and twelve non-combatant lives. And we do well to remember it too, and how it has proved not to be worth the paper it was written on, when we find in Hitler's 'peace offensive' speech of October 6th that a proposal that a conference should be held to define the use of submarines 'in such a manner' - these are Hitler's words - 'that the war will be deprived of its terrible character of a fight against women and children.' No conference, and no new treaty, is necessary if that is his purpose.

You may have noticed that this treaty of 1936 which I have just quoted, implies that if a merchant ship persistently refuses to stop, or actively offers resistance to the warship that orders her to do so, she may be sunk, and that in such a case the duty to ensure the safety of those on board does not apply. That is so, although it is qualified by the rule that only such force may be used as is essential in order to overcome resistance and that neither refusal nor resistance justifies sinking without regard to the safety of the crew if the ship has surrendered before being sunk. That brings me to another matter on which there has been discussion in the last few weeks. Suppose an enemy merchantman prefers to resist at the risk of being sunk, knowing perhaps, as our ship came to know during the last war, that whether she resists or not, the German submarine, if it can, will sink her without regard to the lives of those on board. Take the case of the Athenia, for instance. Suppose she had sighted the submarine and guessed its intentions in time to offer resistance. What are the legal rights and wrongs of such a case? You have seen, I expect, that the British Admiralty is putting guns on to our merchantmen so that they may defend themselves against submarines, and perhaps you saw that the German wireless in English of October 2nd said that this was 'a direct violation of international law.'

Well, I suppose there are few people in this or any other country who look on Nazi Germany as a trustworthy authority on international law. But what does the law really say about this matter? It says this: If an enemy merchantman tries to escape or resists capture, the warship may sink her, and those on board must take their chance. But if she chooses to resist, she is entitled to do so. The position was put in a nutshell by the United States in a memorandum written while they were still neutral in the last war, which said this: 'The right to capture and the right to prevent capture are recognised as equally justifiable'. In fact one of the oldest and best established of the rules of naval warfare is that a merchantman may carry arms for the purpose of defending herself. She may not use them

offensively, but she may defend herself. All this was recognised by the German Admiralty itself right down to the eve of the last war, for as late as June, 1914, they issued this perfectly proper order to the German Navy; they said that if an armed enemy merchantman attacked one of their ships, she was a pirate; but if she merely resisted capture, she was to be overcome, but her crew were to be prisoners of war, that is to say, honourable enemies who had not violated the laws of war. It is true that Germany changed her mind in this matter during the war; but rules of law are not changed in this way to suit the convenience of a belligerent, and this rule - that a merchantman may defend herself - at her own risk, and that for that purpose she may carry arms, still stands.

Now let me say something about the second of the rights that is being used in the economic war on the sea, the one that chiefly affects neutrals, the right to intercept contraband goods. The essence of it can be put very simply; a belligerent has a right to confiscate goods which are en route to his enemy by sea, whether they are going to him directly, through one of his own ports, or indirectly, through a neutral port, if the goods are of a kind that would increase the enemy's military strength, helping him to avert defeat or to prolong the war. Let us look then at the position of a neutral ship which is transporting contraband goods, because in some respects it differs from that of an enemy ship which we have been considering. If a neutral ship is ordered to stop in order to submit to visit and search by a belligerent warship, it is her duty to do so; she isn't entitled to resist as the enemy ship is. Another difference is that there is a special reason why a neutral ship should be brought into port and not destroyed at sea, if that is at all possible. If a belligerent destroys an enemy ship, he destroys what is in effect his own property, because if the ship were brought before a prize court, its enemy character alone would be enough to condemn it. But mere capture does not turn a neutral ship into the belligerent's property. Whether, after it has been captured, it will or will not become her property depends on many circumstances; even if there is no doubt that it is carrying contraband, it isn't certain that the ship ought to be condemned; and until all the circumstances have been investigated, the rights of the case cannot be known. Hence if a neutral ship is destroyed at sea, it follows that the captor has destroyed something which is not, and very likely never would be his own property; he has probably destroyed too the evidence by which the neutral owner could have been able to prove the innocence of his ship before the prize court. There are therefore strong reasons against allowing neutral ships to be destroyed at sea, and British practice has traditionally held that they ought never to be destroyed, (we say that if they can't be brought into port, they can always be released). Probably the only case where the destruction of neutral ships is at all admissible is where either the ship in question is performing an un-neutral service or in a case of "gravest military emergency" where not to sink the neutral ship would be to bring the capturing warship itself into imminent danger. Many states do, however, regard destruction at sea as allowable in certain cases, but even they say it should be the exception and not the rule. Nevertheless it became the rule of German practice in the last war. She sank then more than one thousand

seven hundred neutral merchant ships, in most cases without even searching them to see if they were actually carrying contraband, and over two thousand lives were lost on them. I need hardly say - it is an a fortiori case - that never in any circumstances can the destruction of a neutral prize without provision made for the safety of those on board be justified.

In the last few weeks we have seen this practice of sinking neutral ships revived by Germany, and in many cases lives have been lost; eleven lives, for instance, in the Danish ship Vendia. No doubt, now that the convoy system has been established for the defence of allied ships, an undefended neutral ship is easier game.

I have time for a word on one other point only. Is there any force in the German argument that her conduct is justified because we are trying to prevent food from going to the German people? The treatment of food as contraband is a thing that easily appeals to the emotions of humane people, but most of the things that war makes it legitimate to do to one's enemy would be ruled out if we took emotion for our guide. It is only right that we should judge in this matter with a full and clear realisation of what war is. Food in past wars has generally been treated as conditional contraband. That means that it has been condemned if it could be shown, not merely that it was going to the enemy country, but also that if it arrived there it was destined for the use of the enemy government or its armed forces. Now in earlier wars it has often been possible to make this distinction, and so to let food go to the enemy with a fair assurance that it would not be a source of added military strength to him. But as one of the foremost living American writers on international law has written: "As war is now conducted, it is a probability rather than a possibility that foodstuffs imported into belligerent territory will serve a military end". When practically the whole population is either with the colours or engaged in some form of war work, and when governments have the power to requisition any commodity that they need and have instituted elaborate systems of control, it is practically impossible to have any assurance at all that food which is allowed to pass will be consumed by non-combatants, and if it were, it would mean that other food would be released for military consumption. And this American writer's conclusion is that a belligerent has a right to intercept whatever offers military aid to his adversary, and therefore that the right to treat foodstuffs as contraband must be recognised. Foodstuffs as contraband are in fact just one facet of that totalitarian war towards which German military doctrine and German practice have always pointed the way. Nevertheless, Great Britain maintains the classification of food as only being conditional contraband; and it can be taken as certain that a cargo of food will only be condemned as contraband by the British Prize Court if that Court is satisfied that the presumption is that the cargo of food in question will be put to warlike use.

Annexe à la lettre no. 151



FOREIGN OFFICE LIBRARY

Germany No. 1 (1939)

# FINAL REPORT BY

THE RIGHT HONOURABLE

# SIR NEVILE HENDERSON

G.C.M.G.

ON THE CIRCUMSTANCES LEADING TO THE TERMINATION OF HIS MISSION TO BERLIN

September 20, 1939

*Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty*

LONDON
PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
York House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;
26 York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any Bookseller

1939

Price 3d. net

Cmd. 6115

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina

# Final Report by the Right Honourable Sir Nevile Henderson, G.C.M.G., on the circumstances leading to the Termination of his Mission to Berlin, September 20, 1939.

My Lord, *London, September 20, 1939.*

Events moved with such rapidity during the last fortnight of my mission to Berlin that it proved impossible at the time to give any connected account of them. If I have the honour to do so now, while the facts are still fresh in my memory, it is with the hope that such an account may be both of immediate interest to your Lordship and serve a purpose from the point of view of historical accuracy.

2. Nevertheless, it is not these last minute manœuvres which have the real importance, except in so far as they confirm the principles and demonstrate the methods and technique of Herr Hitler and of Nazism. A brief description of the background to August 1939 is consequently indispensable, if the events of the last few weeks are to be visualised in their proper perspective.

3. Herr Hitler and National Socialism are the products of the defeat of a great nation in war and its reaction against the confusion and distress which followed that defeat. National Socialism itself is a revolution and a corruption of national philosophy. Contrary to democracy which implies the subordination of the State to the service of its citizens, Nazism prescribes the subordination of its citizens to the service of the State, an all embracing Moloch, and to the individual who rules that State.

4. So long as National Socialism remained an article for internal consumption, the outside world, according to its individual predilection, might criticise or sympathise or merely watch with anxiety. The government of Germany was the affair of the German people. It was not until the theory of German nationalism was extended beyond Germany's own frontiers that the Nazi philosophy exceeded the limits compatible with peace.

5. It would be idle to deny the great achievements of the man who restored to the German nation its self-respect and its disciplined orderliness. The tyrannical methods which were employed within Germany itself to obtain this result were detestable, but were Germany's own concern. Many of Herr Hitler's social reforms, in spite of their complete disregard of personal liberty of thought, word or deed, were on highly advanced democratic lines. The "Strength through Joy" movement, the care for the physical fitness of the nation, and, above all, the organisation of the labour camps, an idea which Herr Hitler once told me that he had borrowed from Bulgaria,



are typical examples of a benevolent dictatorship. Nor can the appeal of Nazism with its slogans so attractive to a not over-discerning youth be ignored. Much of its legislation in this respect will survive in a newer and better world, in which Germany's amazing power of organisation and the great contributions which she has made in the past to the sciences, music, literature and the higher aims of civilisation and humanity will again play a leading part.

6. Nor was the unity of Great Germany in itself an ignoble ideal. It had long been the dream of some of the highest-minded of German thinkers, and it must be remembered that even in 1914 Germany was still immature as a political concept. In spite of the potential political danger for its weaker neighbours of a national philosophy which could so easily be distorted and extended beyond its due and legitimate frontiers, the unity of Great Germany was a reality which had to be faced, no less than that other reality, the paramount economic importance of Germany in Eastern, Central and South-Eastern Europe. It was not the incorporation of Austria and the Sudeten Germans in the Reich which so much shocked public opinion in the world as the unscrupulous and hateful methods which Herr Hitler employed to precipitate an incorporation which would probably have peacefully come in due course of its own volition and in accordance with the established principle of self-determination.

7. Yet even these methods might have been endured in a world which had experienced 1914–1918 and which sought peace as an end in itself, if Herr Hitler had been willing to accord to others the rights which he claimed for Germany. Revolutions are like avalanches, which once set in motion cannot stop till they crash to destruction at the appointed end of their career. History alone will determine whether Herr Hitler could have diverted Nazism into normal channels, whether he was the victim of the movement which he had initiated, or whether it was his own megalomania which drove it beyond the limits which civilisation was prepared to tolerate.

8. Be that as it may, the true background to the events of August 1939 was the occupation of Prague on the 15th March of this year, the callous destruction thereby of the hard and newly-won liberty of a free and independent people and Herr Hitler's deliberate violation by this act of the Munich Agreement which he had signed not quite six months before. In 1939, as in 1914, the origin of war with Germany has been due to the deliberate tearing up by the latter of a scrap of paper. To the impulsion of a system which employed the barbarism of the middle ages in its persecution of the Jews, which subjected Roman Catholic priests and Protestant pastors alike to the inhumanities of the concentration camp for obedience to their religious faith, and which crushed out, in a fashion unparalleled in history, all individual liberty within the State itself, was added the violation not only of international agreements freely negotiated, but also of that principle of self-determination which Herr Hitler had

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



invoked with such insistence so long as it suited his own purposes to do so. Up to last March the German ship of State had flown the German national flag, and in spite of the "sickening technique" of Nazism it was difficult not to concede to Germany the right both to control her own destiny and to benefit from those principles which were accorded to others. On the 15th March, by the ruthless suppression of the freedom of the Czechs, its captain hoisted the skull and crossbones of the pirate, cynically discarded his own theory of racial purity and appeared under his true colours as an unprincipled menace to European peace and liberty.

9. Two of the less attractive characteristics of the German are his inability either to see any side of a question except his own, or to understand the meaning of moderation. It would have been understandable to argue that a hostile Bohemia in the centre of Germany was an untenable proposition. But Herr Hitler could see no reason between rendering the Czechs innocuous as a potential enemy and destroying their liberty as an independent people. There is some surprising reason to believe that Herr Hitler himself was disagreeably and literally astonished at the reaction in Britain and the world generally, which was provoked by the occupation of Prague and his breach of faith with Mr. Chamberlain. But while he may have realised his tactical mistake, it did not deter him from prosecuting his further designs.

10. As I had reported to your Lordship, at the beginning of the year Germany's immediate objectives, apart from the complete political and economic domination of Czecho-Slovakia and the eventual restoration of German colonies, were Danzig and Memel. Herr Hitler felt that it would not add much to the general execration of his aggression and ill-faith in March if he settled these two problems simultaneously with Prague. The Democracies were, he thought, as averse to war that they would accept any fait accompli. They would be less disturbed if everything was done at once. Thereafter, the agitation would be anticipated, gradually subside until, after consolidating his gains, he was once more in a position to strike again.

11. With this plan in view the Lithuanian Government was at once bludgeoned into surrendering Memel. The same method was employed at Warsaw, but the Poles were made of sterner stuff. Negotiations had been proceeding ever since Munich for a settlement of the Danzig and the Corridor question. After Prague Herr Hitler decided that they must be abruptly concluded, and Herr von Ribbentrop peremptorily dictated to the Polish Ambassador the terms which Herr Hitler would be pleased to impose on the Polish Government. The reply of the latter was given on the 26th March and constituted a refusal to accept a Diktat, while expressing readiness to continue free and equal discussion. Alarmed at the threatening attitude adopted by the German Government in



consequence of this refusal, the Polish Government mobilised part of its forces (the German army was already largely mobilised), and the British guarantee to Poland was given on the 31st March.

12. The Ides of March constituted in fact the parting of the ways and were directly responsible for everything which happened thereafter. Thenceforward no small nation in Europe could feel itself secure from some new adaptation of Nazi racial superiority and jungle law. The Polish guarantee was followed by unilateral guarantees on Britain's part to Greece and Roumania as well as by an attempt on the part of the British and French Governments to induce the U.S.S.R. to join in a peace front against aggression, ill-faith and oppression. The Nazi Government, for its part and with considerable success in Germany, represented this attempt as a renewal of the alleged pre-war British policy of encirclement. As a war-cry for the German people it was exceedingly effective up to the signature of the Russo-German non-aggression pact on the 23rd August. The net of Nazi propaganda was on two similarly contradictory lines either of which was destined, according to the development of the situation, to serve Herr Hitler's purpose. The first spread the persistent report that Britain would never go to war for the sake of Danzig. It was calculated to undermine the confidence of the Poles and to shake the faith of the smaller Powers, as well as of the United States of America, in the determination of Britain to resist any further German aggression. The second represented Britain as resolved to make war at the first opportunity on Germany in any case and in order to crush her before she became a too formidable political and economic rival. Both were fallacies but the Germans are a credulous race and, since the first has failed, it is the latter argumentation which forms the basis of Germany's present war propaganda.

13. Up to the beginning of August, though the clouds were black and the peace front negotiations dragged on interminably, the situation remained serious but not immediately dangerous. Instead, however, of there being any sign of a relaxation of tension at Danzig the position there had gradually become more and more strained. From the end of March till the end of August all personal contact between Warsaw and Berlin was suspended. The remilitarisation of the Free City, alleged by the Germans to be purely defensive, but no less adaptable for offensive purposes, had proceeded apace, and other measures had been taken indicative of a German intention to effect a sudden coup there. The Poles for their part, in view of the great increase in arms smuggling, had been obliged to strengthen their customs inspectorate by a number of frontier guards. They had also taken certain economic counter-measures of a nature to prejudice the trade of the Free City.

14. What was, however, even more ominous were the extensive preparations which were being made by the Germans for the

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Danzig on a more satisfactory footing. He saw Herr Hitler on the 11th August, while Count Ciano and Herr von Ribbentrop were meeting at Salzburg.

22. Intransigent as he appears to have been at his interview with Dr. Burckhardt, there is little doubt in my mind that Herr Hitler would have been far more so had he at the time been in possession of the text of the final paragraph of the Polish reply of 10th August, which had only been communicated to the Ministry for Foreign Affairs at Berlin on that day. He was aware of it, however, when Count Ciano visited him at Berchtesgaden immediately after Dr. Burckhardt's departure, and it undoubtedly rendered unavailing the Italian Foreign Minister's laudable intention of pouring oil on the troubled waters. Once again, as in 1938, the inexorable fatality of the Greek tragedy was in evidence, and the coincidence of the Polish note of the 10th August with the Ciano visit was a striking example of it. Count Ciano returned to Italy and a day or so later the Italian Ambassador at Berlin was hurriedly summoned to Rome.

23. Herr Hitler's carefully calculated patience was, in fact, exhausted, and on the 10th August I telegraphed to your Lordship that I had come to the definite conclusion that, if peace was to be preserved, the present situation could not be allowed to continue and that the only alternative to war must be some immediate and mediatory action. In this connexion I repeated a suggestion which I had made some time previously, namely, that a personal letter should be addressed by the Prime Minister to Herr Hitler and be delivered by some emissary from London. Two days later I again telegraphed to the same effect, and stated my conviction that Herr Hitler had now finally decided upon some form of immediate action which would force the issue. I drew attention at the same time to the increased German military strength which had been assembled in East Prussia under cover of the Tannenberg anniversary and expressed my apprehension lest that celebration might prove the starting point for the action which Herr Hitler contemplated. I have little doubt but that such was Herr Hitler's original and premeditated intention.

24. On the 21st August information reached me that the long expected but carefully concealed German military concentrations were already in progress, and that instructions had been given to complete them by the 24th August. A report which reached me at that time actually mentioned the 25th August as the date fixed for the German advance into Poland.

25. I shall return to this point later, but I must here refer to the bombshell which was exploded late in the evening of the 21st August by the announcement that negotiations had been concluded for the signature of a Russo-German non-aggression pact and that Herr von Ribbentrop would fly to Moscow on the 23rd to sign it.



26. The secret, which on the German side had been known to not more than a few persons, had been well kept. It had been realised that German counter-negotiations had been proceeding throughout the summer, but it was hoped that they had been abandoned after the actual arrival at Moscow of the French and British military missions. Comment on the subject is, however, outside the scope of this report, except in so far as it concerns the effect of this announcement on the German public. The first impression in Berlin was one of immense relief, partly at the removal of the dreaded Russian air menace, but more particularly because, in the minds of a public which had been led to believe by Goebbels propaganda that the British negotiations with the U.S.S.R. were really entertainment with a view to a preventive war, the conclusion of a Russo-German non-aggression pact meant that peace was assured, since Britain would not, it was told, fight for Danzig or Poland without Russian aid. Once more the faith of the German people in the ability of Herr Hitler to obtain his objective without war was reaffirmed. Its satisfaction was, however, short-lived and the deception considerable when it was realised that Britain's word to Poland did not depend on Russian support. Those who had fought the war of nation against communism were furthermore puzzled by this complete *volte-face*. The Nazi theory of racial purity had been discarded in March and in August a second of its basic principles was thus equally relegated to the scrap-heap. To most Germans the old hereditary enmity to Russia, nor was their confidence in the sincerity of her good intentions towards Germany greatly fortified by this exhibition of Russian ill-faith towards the Western Democracies. Nevertheless, as a diplomatic coup, the Russo-German pact was a strikingly successful and surprising one. It is devoutly to be hoped that it may prove as Pyrrhic as are most diplomatic victories.

27. At the moment when Herr von Ribbentrop was preparing to fly to Moscow, I received shortly before 9 p.m. on the 22nd August your Lordship's instructions to convey without delay a personal letter from the Prime Minister to Herr Hitler. I at once got into communication with the Ministry for Foreign Affairs, and in the course of the night an interview was arranged for the following day. I left Berlin at 9·30 on the morning of the 23rd August accompanied by the State Secretary and Herr Hewel, in an aeroplane provided for me by the Ministry for Foreign Affairs.

28. I reached Salzburg about midday and I had my first audience with Herr Hitler at Berchtesgaden at 1 p.m. on the 23rd August in the presence of Baron von Weizsäcker and Herr Hewel. The correspondence, including the text of the Prime Minister's letter, of Herr Hitler's reply and my own telegraphic record of my two conversations with the Chancellor, is to be found in the Blue Book presented to Parliament and publishing the documents concerning German-Polish relations and the outbreak of hostilities between Great Britain and Germany on the 3rd September, 1939.(1)

(1) See Cmd. 6106, Nos. 61, 87, 88, 89.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



29. I need not say more here than that the three main points of the Prime Minister's letter were (1) insistence on the determination of His Majesty's Government to fulfil their obligations to Poland; (2) their readiness, if a peace atmosphere could be created, to discuss all the problems at issue between our two countries, and (3) their anxiety, during a period of truce, to see immediate direct discussion initiated between Germany and Poland in regard to the reciprocal treatment of minorities.

30. In Herr Hitler's reply of the 23rd August he declared that Great Britain's determination to support Poland could not modify his policy as expressed in the German verbal note to the Polish Government of the 9th August that he was prepared to accept even a long war rather than sacrifice German national interests and honour, and that, if Great Britain persisted in her own measures of mobilisation, he would at once order the mobilisation of the whole of the German forces.

31. At my first interview with him on that day, Herr Hitler was in a mood of extreme excitability. His language as regards the Poles and British responsibility for the Polish attitude was violent, recriminatory and exaggerated. He referred, for instance, to 100,000 German refugees from Poland, a figure which was at least five times greater than the reality. Again I cannot say whether he was persuaded or persuaded himself of the reality of these figures. At my second interview, when he handed me his reply, he had recovered his calm but was not less uncompromising. No longer, he told me, did he trust Mr. Chamberlain. He preferred war, he said, when he was 50 to when he was 53 or 55. He had himself always sought and believed in the possibility of friendship with England. He now realised, he said, that those who had argued the contrary had been right and nothing short of a complete change in British policy towards Germany could ever convince him of any sincere British desire for good relations. My last remark to him was that I could only deduce from his language that my mission to Germany had failed and that I bitterly regretted it.

32. I flew back from Berchtesgaden to Berlin the same evening. I had in fact little hope that either the Prime Minister's letter or my own language to Herr Hitler, however direct and straightforward, would give him pause. The Russian pact had, I felt, created in his opinion a situation which was favourable to his designs and I believed his mind to be definitely made up. Though he spoke of his artistic tastes and of his longing to satisfy them, I derived the impression that the corporal of the last war was even more anxious to prove what he could do as a conquering Generalissimo in the next.

33. Nevertheless the visit to Berchtesgaden may after all have postponed the disaster for a week. Herr von Ribbentrop flew back to Germany with the signed Russo-German Agreement and Herr



Hitler returned to Berlin the night of the 24th August. I have some reason to believe—though I cannot confirm it—that the order for the German Army to advance into Poland was actually issued for the night of the 25th-26th August. It is difficult otherwise to find justification for the various orders and arrangements which came into force on the 26th and 27th August. In the afternoon of the 25th August itself all telephone communication between Berlin and London and Paris was unexpectedly cut off for several hours. The celebrations at Tannenberg were cancelled on the 26th and the Party Rally at Nuremberg on the 27th August; all Naval, Military and Air Attachés at Berlin were refused permission to leave the city without prior authority being obtained from the Ministry of War. All German airports were closed from that date, and the whole of Germany became a prohibited zone for all aircraft except the regular civil lines. All internal German air services were also suspended. Moreover as from the 27th a system for the rationing of food-stuffs and other commodities throughout Germany came into force. That this latter and—for the public—depressing measure should have been adopted prior to the outbreak of war can scarcely be explained, except on the assumption that war should actually have broken out on the 26th August.

34. The fact may well be, as I imagine it was, that Herr Hitler had had in consequence of the Prime Minister's letter one last hesitation and countermanded the orders to his Army, whereas the other arrangements were allowed to proceed unchecked. But it was not the horrors of war which deterred him. He had unlimited confidence in the magnificent army and air force which he had re-created and he was certainly not averse to putting them to the test so far as Poland was concerned. In two months, he told me, the war in the East would be ended and he would then, he said, hurl 160 divisions against the Western Front if England was so unwise as to oppose his plans. His hesitation was due rather to one final effort to detach Britain from Poland. Be that as it may, at about 12·45 on the 25th August, I received a message to the effect that Herr Hitler wished to receive me at the Chancellery at 1·30 p.m. At that meeting he made to me the verbal communication which is recorded in the Blue Book.[3]

35. Briefly put, Herr Hitler's proposals therein dealt with two groups of questions: (a) the immediate necessity of a settlement of the dispute between Germany and Poland, and (b) an eventual offer of friendship or alliance between Germany and Great Britain. My interview with Herr Hitler, at which Herr von Ribbentrop and Dr. Schmidt were also present, lasted on this occasion over an hour. The Chancellor spoke with calm and apparent sincerity. He described his proposals as a last effort, for conscience sake, to secure good relations with Great Britain, and he suggested that I should fly to

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina



London myself with them. I told his Excellency that, while I was fully prepared to consider this course, I felt it my duty to tell him quite clearly that my country could not possibly go back on its word to Poland, and that, however anxious we were for a better understanding with Germany, we could never reach one except on the basis of a negotiated settlement with Poland.

36. Whatever may have been the underlying motive of this final gesture on the part of the Chancellor, it was one which could not be ignored, and, with your Lordship's consent, I flew to London early the following morning (26th August), on a German plane which was courteously put at my disposal. Two days were spent by His Majesty's Government in giving the fullest and most careful consideration to Herr Hitler's message, and on the afternoon of the 28th August I flew back to Berlin with their reply.(7) Therein, while the obligations of His Majesty's Government to Poland were reaffirmed, it was stated that the Polish Government were ready to enter into negotiations with the German Government for a reasonable solution of the matter in dispute on the basis of the safeguarding of Poland's essential interests, and of an international guarantee for the settlement eventually arrived at. His Majesty's Government accordingly proposed that the next step should be the initiation of direct discussions between the Polish and German Governments on that basis and the adoption of immediate steps to relieve the tension in the matter of the treatment of minorities. Furthermore, His Majesty's Government undertook to use all their influence with a view to contributing towards a solution which might be satisfactory to both parties and which would, they hoped, prepare the way for the negotiation of that wider and more complete understanding between Great Britain and Germany which both countries desired. Finally, after a reference to a limitation of armaments, His Majesty's Government pointed out that, whereas a just settlement of the Polish question might open the way to world peace, failure to do so would finally ruin the hopes of a better understanding between our countries and might well plunge the whole world into war.

37. Before continuing the record of events after my return to Berlin on the evening of the 28th August, it is necessary to give a brief account of what had happened after my meeting with the Chancellor at 1·30 on the 25th August. At 5 p.m. on that day Herr Hitler had received the French Ambassador and given him a letter for communication to M. Daladier. Its general tenour was a suggestion to France, with whom Germany was stated to have no quarrel, to abstain from further support of Poland. It received a dignified answer from the French Government, which was published on the 27th August. Appeals for peace were made at this time to both the German and Polish Governments as well as to other Powers by the Pope and the President of the United States of America. Though

(7) [illegible] No. 78.



they received a favourable response from the Polish Government, they received scant consideration from Germany.

38. On the evening of the 25th August the Anglo-Polish Pact had been signed in London. Though it had been under negotiation for several months, its signature gave great offence to Herr Hitler, who was at first inclined to regard it as the reply of His Majesty's Government to his message to them. His immediate retort was the announcement on the morning of the 26th August that Herr Forster had been appointed Reichsstatthalter, or Head of the State of Danzig. At the same time the German concentrations against Poland began to reach their final stage.

39. Thereafter there was a lull for two days pending my return to Germany with the reply of His Majesty's Government. I had left London at 3 p.m. on the 28th August, and at 10·30 p.m. I was received by Herr Hitler at the Chancellery and handed to him that reply, together with a German translation. I sent to your Lordship a full record of my conversation with the Chancellor the same night.(8)

40. On this occasion Herr Hitler was again friendly and reasonable and appeared to be not dissatisfied with the answer which I had brought to him. He observed, however, that he must study it carefully and would give me a written reply the next day.

41. I would mention incidentally that both that evening and the next, when I visited Herr Hitler again and was handed his reply, nothing was left undone to enhance the solemnity of the occasion. A considerable but quite expressionless crowd was waiting outside the Chancellery and a guard of honour awaited me in the courtyard of the main entrance. In view of what has been reported to the contrary, I desire to bear witness here to the fact that throughout the whole of these anxious weeks neither I nor my staff received anything but the utmost courtesy and civility from all Germans, except on one occasion to which I shall refer later.

42. Such information as reached me during the course of the day of the 29th August tended to represent the atmosphere as not unfavourable and to foreshadow Herr Hitler's readiness to open direct negotiations with the Poles. I was therefore somewhat disappointed on being summoned to the Chancellery at 7·15 that evening to find the Chancellor in a far less reasonable mood than on the previous evening. The German midday Press had reported the alleged murder of six German nationals in Poland, and this story, which was probably fabricated by the extremists in fear lest he was weakening, together with the news of the Polish general mobilisation, had probably upset him. I sensed in any case a distinctly more uncompromising attitude on Herr Hitler's part when he handed me his answer. I

(8) [illegible] No. 75.

British Embassy
Archivo Histórico de Relaciones Exteriores, Cancillería, Honorable Canciller y Culto
Argentina



read it through carefully, and, though it reiterated his demand for the whole Corridor as well as Danzig, I made no comment till I reached the phrase at the end of it, in which, after a grudging acquiescence in direct discussions with the Poles solely by way of proof of Germany's sincerity in her desire for lasting friendship with Great Britain, it was stated that "the German Government counted upon the arrival in Berlin of a Polish Emissary with full powers on the following day, Wednesday, the 30th August." I pointed out to his Excellency that this phrase sounded very much like an ultimatum ("hatte den Klang eines Ultimatums"). This was strenuously and heatedly denied by Herr Hitler himself, supported by Herr von Ribbentrop. According to the former this sentence merely emphasised the urgency of the moment, not only on account of the risk of incidents when two mobilised armies were standing opposite one another, but also when Germans were being massacred in Poland. In this latter connection his Excellency asserted that "I did not care how many Germans were being slaughtered in Poland." This gratuitous impugnment of the humanity of His Majesty's Government and of myself provoked a heated retort on my part and the remainder of the interview was of a somewhat stormy character.

43. It was closed, however, by a brief and in my opinion quite honest harangue on Herr Hitler's part in regard to the genuineness of his constant endeavour to win Britain's friendship, of his respect for the British Empire, and of his liking for Englishmen generally.

44. I should like to state here, parenthetically but emphatically, that Herr Hitler's constant repetition of his desire for good relations with Great Britain was undoubtedly a sincere conviction. He will prove in the future a fascinating study for the historian and the biographer with psychological leanings. Wholly different explanations will be propounded, and it would be out of place and time to comment at any length in this despatch on this aspect of Herr Hitler's mentality and character. But be combined, as I fancy many Germans do, admiration for the British race with envy of their achievements and hatred of their opposition to Germany's excessive aspirations. It is no exaggeration to say that he assiduously courted Great Britain, both as representing the aristocracy and most successful of the Nordic races, and as constituting the only seriously dangerous obstacle to his own far-reaching plan of German domination in Europe. This is evident in *Mein Kampf*, and, in spite of what he regarded as the constant rebuffs which he received from the British side, he persisted in his endeavours up to the last moment. Geniuses are strange creatures, and Herr Hitler, among other paradoxes, is a mixture of long-headed calculation and violent and arrogant impulse provoked by resentment. The former drove him to seek Britain's friendship and the latter finally into war with her. Moreover, he believes his resentment to be entirely justified. He failed to realise why his military conquests tyranny should be repugnant to British ideals of individual and national freedom and



liberty, or why he should not be allowed a free hand in Central and Eastern Europe to subjugate smaller and, as he regards them, inferior peoples to superior German rule and culture. He believed he could buy British acquiescence in his own far-reaching schemes by offers of alliance with and guarantees for the British Empire. Such acquiescence was indispensable to the success of his ambitions and he worked unceasingly to secure it. His great mistake was his complete failure to understand the inherent British sense of morality, humanity and freedom.

45. It must be mentioned here that the concluding passage of the Chancellor's reply to His Majesty's Government had contained a statement to the effect that the German Government would immediately draw up proposals for a solution of the Polish question which it would, if possible, place at the disposal of the British Government before the arrival of the Polish negotiator.

46. I had at once telegraphed to your Lordship the text of the German note[5], and in the early hours of the morning of the 30th August (4 a.m.) I had already conveyed to the Ministry for Foreign Affairs your interim reply, to the effect that it would be carefully considered, but observing that it would be unreasonable to expect that His Majesty's Government could produce a Polish representative at Berlin within twenty-four hours, and that the German Government must not count on this.

47. Later in the course of the day, I received three messages for communication to the German Government. The first was a personal one from the Prime Minister to the Chancellor notifying the latter of the representations made to Warsaw in regard to the avoidance of frontier incidents, and begging the German Government to take similar precautions. (I transmitted this in the afternoon to its destination in a personal letter to the Minister for Foreign Affairs.) The second similarly notified the German Government of our counsels of restraint to Poland and asked for reciprocation on Germany's part. The third pointed out that the demand that a Polish Representative with full powers must come to Poland to receive the German proposals was unreasonable and suggested that the German Government should follow the normal procedure of inviting the Polish Ambassador to call and of handing him the German proposals for transmission to Warsaw with a view to arrangements being made for the conduct of negotiations. This last communication also reminded the German Government that it had promised to communicate its detailed proposals to His Majesty's Government, who undertook, if they offered a reasonable basis, to do their best in Warsaw to facilitate negotiations. The good intentions of His Majesty's Government were, in fact, patently clear and had Herr Hitler honestly desired or preferred a pacific settlement all the arrangements to that end seemed to be in full swing.

Archivo Histórico
Biblioteca del Congreso de la Nación
Argentina



48. I had arranged to see the Minister for Foreign Affairs at 11·30 p.m. to make these communications to him. Shortly before the appointed time I received in code the considered reply of His Majesty's Government to the German Note of the 29th August.(1) I was accordingly obliged to ask that my meeting with Herr von Ribbentrop should be postponed for half an hour, in order to give me the time to have this last message decyphered.

49. In the final passages of that communication His Majesty's Government, while fully recognising the need for speed in the initiation of discussions, urged that during the negotiations no aggressive military operations should take place on either side. They further expressed their confidence that they could secure such an undertaking from the Polish Government, if the German Government would give similar assurances. They also suggested a temporary *modus vivendi* at Danzig, such as would obviate the risk of incidents which might render German-Polish relations still more difficult.

50. I saw Herr von Ribbentrop at exactly midnight, before which hour the German Government had ostensibly counted on the arrival of a Polish emissary at Berlin. I say "ostensibly" since it seems hardly possible that it cannot have occurred to either Herr Hitler or his Minister for Foreign Affairs that it was utterly unreasonable to expect a Polish Plenipotentiary to present himself at Berlin without even knowing in advance the basis of the proposals about which he was expected to negotiate. It is conceivable that the Army Leaders had been representing to their Führer that even 24 hours' delay involved the risk of bad weather holding up the rapidity of the German advance into Poland, but, even so, it is difficult not to draw the conclusion that the proposals in themselves were but dust to be thrown in the eyes of the world with a view to its deception and were never intended to be taken seriously by the German Government itself.

51. Be that as it may, it is probable that Herr Hitler's mood in the hour when he had to decide between peace or war was not an amiable one. It was reflected in Herr von Ribbentrop, whose reception of me that evening was, from the outset, one of intense hostility, which increased in violence as I made each communication in turn. He kept leaping from his chair in a state of great excitement, and asking if I had anything more to say. I kept replying that I had, and, if my own attitude was no less unfriendly than his own, I cannot but say in all sincerity that I had every justification for it. When I told him that I would not fail to report his comments and remarks to my Government, he calmed down a little and said that they were his own, and that it was for Herr Hitler to decide. As for inviting the Polish Ambassador to come and see him, such a course would, he indignantly said, be utterly unthinkable and intolerable.

(1) Above No. 39.



52. After I had finished making my various communications to him, he produced a lengthy document which he read out to me in German, or rather gabbled through to me as fast as he could, in a tone of the utmost annoyance. Of the sixteen articles in it I was able to gather the gist of six or seven, for it would have been quite impossible to guarantee even the exact accuracy of these without a careful study of the text itself. When he had finished, I accordingly asked him to let me see it. Herr von Ribbentrop refused categorically, threw the document with a contemptuous gesture on the table and said that it was now out of date ("überholt"), since no Polish Emissary had arrived at Berlin by midnight.

53. I observed that in this case the sentence in the German note of the 29th August to which I had drawn his and his Führer's attention on the preceding evening had, in fact, constituted an ultimatum in spite of their categorical denials. Herr von Ribbentrop's answer to that was that the idea of an ultimatum was a figment of my own imagination and creation.

54. I do not desire to stress the unpleasant nature of this interview. The hour was a critical one and Herr von Ribbentrop's excitability at such a moment was understandable. It seemed to me, however, that he was wilfully throwing away the last chance of a peaceful solution, and it was difficult to remain indifferent when faced with such a calamity. I would merely add that, contrary to what was subsequently published in the German press, I did not discuss a single detail of the German proposals with Herr von Ribbentrop, who flatly declined to do so. While it is true that they were read to me, it was in such a manner as to make them practically unintelligible.

55. I returned to His Majesty's Embassy that night with the feeling that the last hope for peace had vanished. I nevertheless saw the Polish Ambassador at 2 a.m., gave him a brief and studiously moderate account of my conversation with Herr von Ribbentrop, mentioned the cession of Danzig and the plebiscite in the Corridor as the two main points in the German proposals, stated that so far as I could gather they were not on the whole too unreasonable, and suggested to him that he might recommend to his Government that they should propose at once a meeting between Field-Marshals Smigly-Rydz and Göring. I felt obliged to add that I could not conceive of the success of any negotiations if they were conducted with Herr von Ribbentrop.

56. Though M. Lipski undertook to make this suggestion to his Government, it would by then probably have been in any case too late. There was, in fact, for Herr Hitler only one conceivable alternative to brute force, and that was that a Polish Plenipotentiary should humbly come to him, after the manner of Dr. Schuschnigg or President Hacha, and sign on the dotted line to the greater glory

Archive Collection
Argentina



of Adolf Hitler. And even that must happen at once. The Army was asking "Yes" or "No," since the success of its plans depended largely on the rapid occupation of Poland and the conclusion as soon as possible of the war on the Eastern front. Bad weather might otherwise intervene at any time and was likely to prove one of Poland's best defences against the highly mechanised German army. Moreover, a week had already been lost by Herr Hitler's hesitation on the 25th August.

57. I have no doubt that such and other considerations were present in Herr Hitler's mind on the night of the 30th August. I was consequently not surprised when I received in the early hours of the morning of the 31st reliable information that the actual decision had been taken to order the advance of the German Army by midday or 1 p.m. if no Polish Plenipotentiary had arrived before then. I believe this information to have been accurate, and I attribute the further brief respite which ensued to the twelfth-hour efforts of the Italian Government to restrain Herr Hitler from war.

58. I had in the meantime obtained from another source more definite, if unauthorised, details of the German proposals, and these I at once communicated through the Counsellor of His Majesty's Embassy to the Polish Ambassador, who spent that morning on the telephone in Warsaw. About the middle of the day I had transmitted to the Ministry for Foreign Affairs a further message from His Majesty's Government to the German Government notifying them that the Polish Government were taking steps to establish contact with them through the Polish Ambassador at Berlin, and asking them to agree to an immediate provisional *modus vivendi* at Danzig, for which purpose M. Burckhardt was suggested as intermediary. To this communication I never received any reply. There was, however, a further delay of some 12 hours. The Polish Government had authorised their Ambassador to establish contact with Herr von Ribbentrop, and Herr Hitler waited to see what message M. Lipski would bring. The question, in fact, was whether his qualifications would be those of a Plenipotentiary empowered by the Polish Government to conclude and conclude negotiations or not. On no other terms was Hitler prepared to postpone action. His army was ready and Poland must be taught a lesson. She must crawl or get her whipping.

59. During the day there had been much activity on the part of Field-Marshal Göring. I think there can be no doubt that Field-Marshal Göring himself would have preferred a peaceful solution, but in matters such as these it was Herr Hitler's decision which alone counted; and whatever Field-Marshal Göring himself might feel, he was merely the loyal and submissive servant of his master. Moreover, he had come down definitely on the side of peace a year before and it may have been difficult for him to adopt this course a second time. He invited me, however, to come and see him that



afternoon, and I did so at 3 p.m. in company of Sir G. Ogilvie-Forbes. Inasmuch as I had heard that the text of the proposals which Herr von Ribbentrop had refused to give me was to be communicated that evening, my first remark was to point out to the Field-Marshal that this procedure would probably and finally wreck the last prospect of peace and to beg him to do his utmost to prevent their publication. Field-Marshal Göring's reply was that he could not intervene, and that the German Government felt obliged to broadcast their proposals to the world in order to prove their "good faith."

60. Instead he talked for the best part of two hours of the iniquities of the Poles and about Herr Hitler's and his own desire for friendship with England, and of the benefit to the world in general and the advantage to England in particular of such a friendship. It was a conversation which led nowhere and I could not help feeling that his remarks, which from his point of view were perfectly genuine but which I had heard often before, were chiefly intended for the edification of his listeners. I augured the worst from the fact that he was in a position at such a moment to give me so much of his time. He had a few days before been made president of the new German Defence Council for the Reich (or War Cabinet) and he could scarcely have afforded at such a moment to spare time in conversation if it did not mean that everything down to the last detail was now ready for action.

61. Incidentally the composition of that council was evidence of Herr Hitler's concern. He had selected for it all the most respectable of the Nazi leaders, such as Herr Frick, Dr. Lammers, Dr. Funk, who might be counted upon, with Field-Marshal Göring himself the most popular of them all with the general public, to inspire the confidence of the German people. The worst extremists and the most unpopular with the people were omitted from it. To them was to be confided the less enviable task of dealing with the neutrals, of organising the Interior and of ruthlessly repressing any internal discontent. My general impression of this last talk with Field-Marshal Göring was, in fact, that it constituted a final but forlorn effort on his part to detach Britain from the Poles. Nevertheless the Field-Marshal seemed sincere when, having been called to the telephone, he returned to tell us that M. Lipski was on his way to see Herr von Ribbentrop. He seemed to hope that, provided contact was only established, war might after all prove unnecessary. The meeting between the Polish Ambassador proved, however, quite futile. M. Lipski stated that he was acting solely in his capacity as an Ambassador without plenary powers to discuss or to negotiate, and handed to the Minister for Foreign Affairs a brief communication to the effect that the Polish Government were weighing favourably the proposal of His Majesty's Government for direct discussion and that a formal answer in this matter would be communicated to the German Government in the immediate future.

Archivo Histórico
Argentina



He did not ask for the German proposals and Herr von Ribbentrop did not offer to give them to him. Their meeting lasted but a few minutes.

62. Early in the morning I had rung up the State Secretary and, after pointing out that the German Government had promised to communicate these proposals to His Majesty's Government, and how helpless I was without the authorised text of them, had asked him to suggest to Herr von Ribbentrop once more that they should be communicated to me. I heard no more from Baron von Weizsäcker until late in the evening, when I received a message asking me to call upon him at 9·15 P.M. Similar messages had been sent to the French Ambassador and to the United States Chargé d'Affaires, giving them appointments for 9·30 and 9·45 respectively. I accordingly called on Baron von Weizsäcker at the hour named and received from him the text of the proposals, together with an explanatory statement.(1) As both these documents had already been broadcast at 8 P.M. I asked the Secretary of State what was the point now of making these communications to me. Baron von Weizsäcker observed that he was merely carrying out his instructions and that he could make no further statement to me. I could only infer from this reply that Herr Hitler had taken his final decision. I accordingly drafted that night a telegram to your Lordship to the effect that it would be quite useless for me to make any further suggestions since they would now only be outstripped by events and that the only course remaining to us was to show our inflexible determination to resist force by force.

63. In point of fact the advance into Poland had been ordered that night, and in the early hours of the 1st September without any declaration of war the German army crossed the frontier and the German Air Force proceeded to bomb the Polish aerodromes and lines of communications.

64. In accordance with Herr Hitler's usual technique everything was done by the German authorities to prove to the German public that it was the Poles who had been the aggressors instead of the aggressed. Cynical notices were communicated at 8 A.M. to His Majesty's Embassy notifying me that the Bay of Danzig was closed both to navigation and to flying in view of the possibility of military operations "against hostile attacks by Polish naval forces or by Polish aircraft." Field-Marshal Göring also sent me a message to say that the Poles had begun the war by blowing up the bridge across the Vistula at Dirchau, while Herr Hitler himself issued a proclamation to the German army, declaring that the Polish State had refused the settlement which he offered and had appealed to arms, that the Germans in Poland were being persecuted by a bloody terror, and that the Poles were no longer willing to respect the frontier of the German Reich. Every German newspaper repeated the lie that it

(1) Ideas No. 16.



was the Poles who had begun the fighting. Finally at 10·30 A.M. Herr Hitler met the Reichstag which had been summoned for that hour, and similarly announced to the assembled Delegates that he had been "forced to take up arms in defence of the Reich." The lie had in fact been cast and never can there have been or ever be a case of more deliberate and carefully planned aggression.

65. Late that evening I was instructed by your Lordship to notify the German Government that the latter by their action had created conditions which called for the implementation by the Governments of the United Kingdom and France of their undertaking to come to Poland's assistance, and that, unless His Majesty's Government received satisfactory assurances that the German Government had suspended all aggressive action and would be prepared to withdraw its forces from Polish territory, His Majesty's Government would, without hesitation, fulfil their obligations to Poland. I was instructed at the same time to request an immediate reply, and was authorised, if asked, to explain that this communication was in the nature of a warning, and was not to be considered as an ultimatum.

66. I handed this communication in writing to the Minister for Foreign Affairs at 9·30 P.M. that evening. Herr von Ribbentrop received it without other comment than that for his Government the Polish question was now closed. He made no enquiry as to the nature of the communication which he merely said that he must submit to the Führer. I said that I realised that this would be necessary, and that I would be available at whatever hour he might be in a position to give me the Reichschancellor's reply. The French Ambassador, who had been instructed to make a similar communication, did so immediately after me and received a reply on the same lines.

67. Earlier in the afternoon of that day, in accordance with your Lordship's instructions, I had officially requested the United States Chargé d'Affaires to be good enough to take charge of British interests in the event of war. All ciphers and confidential documents were burnt, and the whole of the Staff left their normal residences and were concentrated in the Adlon Hotel next door or in the Embassy itself. All the arrangements were carried out with a maximum of efficiency and a minimum of confusion, which did the utmost credit to the organisation and competency of the very excellent Staff of His Majesty's Embassy. The chief responsibility for this rested upon Mr. Hohman, as Head of the Chancery.

68. The 2nd September was a day of suspense. The Poles were, it was reported, putting up a brave resistance in the face of surprise and overwhelming numbers, and in spite of the vast superiority of the German air force and mechanised forces. No reply was received from the German Government throughout the day to the British and French warnings.

Archivo Histórico
Universidad de Torcuato Di Tella
Centro de Estudios Internacionales y Civiles
Argentina



69. On the other hand, the Italian Government was making one more effort to save the situation. The Italian Ambassador had come to see me at midday on his way to the Ministry for Foreign Affairs. Signor Attolico told me that he must know one thing immediately. Was the communication which I had made the previous evening to Herr von Ribbentrop an ultimatum or not? I told his Excellency that I had been authorised to tell the Minister for Foreign Affairs if he had asked me—which he had not done—that it was not an ultimatum but a warning. I mentioned to Signor Attolico that I understood that the Italian Government had put forward a suggestion for the cessation of hostilities and the immediate summoning of a conference of the interested Powers. In this connection I said that I felt bound to express the opinion that such a proposal would never be entertained unless at the same time all the German troops were withdrawn from Polish territory.

70. The Ambassador retorted that I could not speak for my Government. I admitted that fact, but said that I could not imagine the possibility of ourselves, and much less of the Poles, agreeing to any lesser course. I do not know what reply, if any, was given by the German Government to this proposal. But I should like to put on record here that no one ever worked harder for peace than did Signor Attolico not only this year but last year also. He was entirely selfless in this his earnest endeavour.

71. There were, in fact, for Herr Hitler only two solutions: the use of force, or the achievement of his aims by the display of force. "If you wish to obtain your objective by force, you must be strong; if you wish to obtain them by negotiation, you must be stronger still." That was a remark which he made to a foreign Statesman who visited him this year, and it expresses in the concisest possible form the Hitler technique. It was exactly that which he displayed in September 1938. He was no more bluffing then than he was bluffing in August 1939. Up to the middle of August this year the fear of a war on two fronts, with Russia hostile or at least unfriendly, might possibly have deterred him and his military advisers from action against Poland. There was no Eastern front to give him cause for hesitation in 1938, and he could have counted then on Hungarian as well as Polish support in his nefarious plans for the dismemberment of Czecho-Slovakia. But for Munich he would without a shadow of doubt have invaded that country on the 28th September last year, just as surely as he invaded Poland on the 1st September this year, and the war would have come eleven months earlier. In both cases the methods employed were identical: the gradual mobilisation of the German army over a period of months and its secret concentration at the appointed positions, whence the advance could begin at almost any moment and within a very few hours.

72. So it was again in 1939. If he could have secured his objectives by this display of force he might have been content for the moment, with all the additional prestige which another Bloodless



success would have procured for him with his own people. But it would only have been to start again once the world had recovered from the shock, and even his own people were beginning to be tired of these repeated crises. Millions of Germans had begun to long for a more peaceful existence. Guns instead of butter were becoming more and more unpopular except with the younger generation, and Hitler may well have wondered what might happen to his Nazi revolution if its momentum were allowed to stop. Moreover the financial and economic position of Germany was such that things could scarcely continue as they were without some form of explosion, internal or external. Of the two alternatives the most attractive from the point of view of his growing personal ambitions, and those of the clique which was nearest to him, was war.

73. It is scarcely credible that he would have acted as he did if bloody war, rather than a bloodless victory, had not seemed the fairer prospect for him. He had always meant to teach the Poles a lesson for what he regarded as their base ingratitude in refusing the "generous" demands which he had made to them in March. His only manœuvres since that date were with the object of creating circumstances favourable to his plans or of inducing Britain and France to abandon their Polish ally and to leave him a free hand in Central and Eastern Europe.

74. To this end, encouraged by Herr von Ribbentrop, who apparently advised him up to the last moment that Britain would not fight, he worked unceasingly. In the course of one of the five interviews which I had with him during those last few days, I remarked to him that it was he who was ungenerous to the Poles, in view of the advantages which his treaty of 1934 with Pilsudski had brought him. Herr Hitler denied that that treaty had ever been of any benefit to Germany and asserted that it had merely been unpopular with the Germans. It was a remark which was typical of Herr Hitler's capacity to ignore everything which he might have said, promised or done in the past as soon as it had become contrary to views for the present or the future.

75. One of Herr Hitler's greatest drawbacks is that, except for two official visits to Italy, he has never travelled abroad. For his knowledge of British mentality he consequently relied on Herr von Ribbentrop as an ex-Ambassador to Britain, who spoke both French and English, and who had spent some years in Canada, and whom he regarded as a man of the world. If report be true Herr von Ribbentrop gave him consistently false counsels in regard to England, while his successes in other spheres induced Herr Hitler to regard him more and more as a second Bismarck, a conviction which Herr von Ribbentrop probably shared to the full.

76. Even the most absolute Dictator is susceptible to the influence of his surroundings. Nevertheless Herr Hitler's decisions, his calculations, and his opportunisms were his own. As Field-

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Marshal Göring once said to me, "when a decision has to be taken, none of us count more than the stones on which we are standing. It is the Führer alone who decides." If anything did count, it was the opinion of his Military Advisers. I have always believed that it was they who, in the interests of Germany's strategical security, recommended the establishment of the Protectorate over Bohemia. And again this August, it was they, I fancy, who told Herr Hitler that further delay would be fatal lest the seasonal bad weather in Poland might upset their calculations for her swift overthrow. The army grudged him even the week between the 25th August and the 1st September which his last attempt to secure British neutrality or at least goodwill had cost it.

77. Yet even as the advice of his soldiers was probably merely cover for the prosecution of Hitler's own plans, His impatience and precipitate action on that last day of August can scarcely have been other than premeditated. All through the summer he had been waiting on events to turn in his favour and had been making his preparations to seize the opportunity, when it was offered to him. The Russian pact appeared to give him the advantage which he was seeking and thereafter there was no time to lose, if small was not to be added to Poland's allies.

78. When therefore the Polish Government delayed 48 hours in sending its Plenipotentiary to beg for terms at Berlin and even then sent only an Ambassador without plenary powers, Herr Hitler in spite of the expressed readiness of Poland to enter into direct negotiations, finally made up his mind not to keep his army waiting any longer. The order for the advance into Poland was probably given immediately after M. Lipski's interview with Herr von Ribbentrop at 6/30 p.m. on the 31st August.

79. Late in the afternoon of the 2nd September I communicated to the Secretary of State for the information of the German Government the verbatim report of the Prime Minister's speech in the House of Commons on that date. Therein Mr. Chamberlain stated that while His Majesty's Government could not agree to the proposal of the Italian Government for a conference while Poland was being subjected to invasion, they would be willing, if the German forces were withdrawn from Polish territory, to regard the position as being the same as before the forces had crossed the frontier. It was the last chance of avoiding the great catastrophe of war at the last minute, but the German Government remained silent.

80. In the early hours (4 a.m.) of the 3rd September I was accordingly instructed by your Lordship to arrange for a meeting with the Minister for Foreign Affairs at 9 a.m. There was some difficulty in establishing contact with the Ministry at that hour, but I was finally informed that Dr. Schmidt was authorised by the Minister to accept on his Excellency's behalf any communication



which I might make to him. I accordingly handed to Dr. Schmidt at 9 a.m. precisely the final ultimatum from His Majesty's Government, pointing out that over 24 hours had elapsed since I had requested an immediate answer to our warning communication of the 1st September, that since then the attacks on Poland had been intensified, and that, unless satisfactory assurances were received by His Majesty's Government before 11 a.m. British summer time of the suspension of all aggressive action against Poland and of the withdrawal of the German forces from that country, a state of war would exist between our two countries as from that hour.

81. Dr. Schmidt received this communication and undertook to deliver it immediately to his Chief. As no reply from the German Government was vouchsafed by 11 a.m., the German Representative in London was informed in due course at that hour that a state of war existed between Britain and Germany. By 10 minutes past 11 a.m. every British consular officer in Germany had been advised by the staff of His Majesty's Embassy at Berlin that this was the case.

82. Shortly after 11 a.m. I received a final message from Herr von Ribbentrop asking me to call upon him at once. I did so at 11/30 and he handed me this time a lengthy document to read, beginning with a refusal on the part of the German people to accept any demands in the nature of an ultimatum made by the British Government, and stating that any aggressive action by England would be answered with the same weapons and the same form. The rest of the document was pure propaganda with a view to attempting to prove to the German people and the world generally that it was Britain alone who was to blame for everything which had happened. My only comment on reading this completely false representation of events was: "It would be left to history to judge where the blame really lay." Herr von Ribbentrop's answer was to the effect that history had already proved the facts, and that nobody had striven harder for peace and good relations with England than Herr Hitler himself. His last remark to me was that he wished me personally good, to which I could only reply that I deeply regretted the failure of all my efforts for peace, but that I bore no grudge against the German people. Thereafter I saw no further German official except the member of the Protocol, who accompanied our special train as far as Rotterdam. My last official communication to the German Government was a note which I presented on the instructions of His Majesty's Government enquiring whether the German Government would observe the provisions of the Geneva Protocol of 1925 prohibiting the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare—I understand that the German Government have since replied through the Swiss Minister in London giving the required assurance on the understanding that His Majesty's Government would similarly observe the provisions of the Protocol.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



80. The French Ambassador had presented at noon a similar ultimatum to the German Government to expire at 5 p.m. For a few hours after 11 a.m. the telephonic lines of His Majesty's Embassy at Berlin continued to function, but about 4 p.m. all telephonic lines were cut off and both the Staff at the Adlon Hotel and the Embassy itself was isolated from all external contact. Members of my staff, however, had visited the Protocol at 11 a.m. with a view to arranging for our departure. They were treated with every civility and consideration and were informed that a special train would be placed at our disposal the following morning.

84. Our only contact thereafter with the outside world was through the American Embassy. Its aid and help was invaluable. No trouble was too great for the Chargé d'Affaires, Mr. Alexander Kirk, and the members of his staff. They did everything that was possible to smooth over the difficulties of these last 24 hours, and our pleasantest recollection of them is our appreciation of the great sympathy and willing assistance which we received from the American Embassy.

85. The French Embassy left Berlin at 9 a.m. the following morning, Monday, the 4th September. The British Embassy followed in a special train, leaving the Charlottenberg station at 11-20 a.m. The whole party consisted of 90 men, 7 women and 2 dogs. A small crowd collected round the Embassy before our departure, but unlike 1914 it evinced no single sign of hostility. Mr. Kirk rendered me one more last service by driving me to the station in his own car. The streets of Berlin were practically deserted and there was nothing to indicate the beginning of a war which is to decide whether force is to be the sole arbiter in international affairs; whether international instruments solemnly and freely entered into are to be modified, not by negotiation, but by mere unilateral repudiation; whether there is to be any faith in future in written contracts; whether the fate of a great nation and the peace of the world is to rest in the future in the hands of one man; whether small nations are to have any rights against the pretensions of States more powerful than themselves; in a word, whether government of the people by the people for the people is to continue in this world, or whether it is to be replaced by the arbitrary will and ambition of single individuals regardless of the peoples' will.

86. Our journey through Germany, if prolonged, was uneventful. At the various stations at which we stopped there was some curiosity but no evidence of hostility. We reached Elleine, a small station some 25 kilom. from the German frontier, at about 6 p.m. on the Monday evening. There our train was detained for nearly twenty hours pending the safe arrival in Dutch territorial waters of the German mission from London. We eventually left Elleine at 1-20 p.m. on Tuesday and were received with great hospitality at



the Dutch frontier. We reached Rotterdam that evening, and after spending a night at The Hague and one on board the Dutch steamer *Batavier V*, left Rotterdam in the early hours of Thursday morning, the 6th September. We arrived at Gravesend about 6 p.m. that evening.

I have, &c.
NEVILE HENDERSON.

Buenos Aires, Noviembre 21 de 1939.

D.A.P.

217

Señor Embajador:

Tengo el honor de dirigirme a V.E. para acusar recibo de su nota nº 181 de fecha 20 del mes ppdo., con la que se remite el texto de una conferencia de Mr. J. Brierley sobre aspectos legales de algunos incidentes de la guerra marítima, que expresa en cierta medida opiniones del Gobierno británico; el texto del tratado firmado por ese Gobierno y del Francia con el de Turquía, el 19 de octubre último, y el texto del informe presentado a su Gobierno, por el último Embajador en Berlín sobre su misión diplomática.

Saludo a V.E. con las seguridades de mi distinguida consideración.

MINISTERIO DE RELACIONES EXTERIORES
22 NOV 1939
DIVISION DE ASUNTOS POLITICOS

A S.E. el Señor Embajador Extraordinario y Plenipotenciario de la República Argentina en Gran Bretaña, Doctor Tomás A. Le Bretón.

MESA DE ENTRADAS Y EXPEDICIONES
A
DIVISION ASUNTOS POLITICOS

P

EMBAJADA
DE LA
REPUBLICA ARGENTINA

Berlín, 22 de octubre de 1939.-

11 DIC. 1939
MINISTERIO DE RELACIONES
EXTERIORES Y CULTO

Señor Ministro:

En una nota anterior me permití llamar la atención de V.E. sobre el "Libro Azul" que acababa de publicar el Foreing Office y en el cual el interés - realmente excepcional, en el género - lo aportan las piezas de la correspondencia de Sir Neville Henderson, el último embajador de Gran Bretaña en Berlín. Leo en los periódicos, la aparición, también sensacional, - el martes 13 - de un "Libro Blanco", este dedicado exclusivamente a la correspondencia del embajador. El interés de las hasta ahora inéditas, parece ser tan grande, aino mayor que el realmente extraordinario que hizo del precedente volumen "the best seller" de la estación. Me creo, pues, en el caso de completar aquella información, señalándolo. Acompaño un artículo de "L'Indépendance Belge" que extracta varios de los despachos, quizás demasiado fragmentariamente.

Saludo a V.E. con mi más alta y distinguida consideración. Mariano Latorre

Buenos Aires, Diciembre 28 de 1939.

Acúseese recibo.

MINISTERIO DE
RELACIONES EXTERIORES Y CULTO
29 DIC 1939
DIVISION DE
ASUNTOS POLITICOS

A S.E. el Señor José María Cantilo,
Ministro de Relaciones Exteriores y Culto,
Buenos Aires.-

De "L'Indépendance Belge" de 18.I.1939.-

# Un Livre Blanc sur la fin de la mission de Sir Nevile Henderson à Berlin

Londres, 17 octobre.

Le rapport de sir Nevile Henderson au gouvernement britannique sur les circonstances qui ont accompagné la fin de la mission de l'ambassadeur à Berlin, est publié, mardi soir, à Londres sous la forme d'un Livre Blanc.

Parlant des événements des 30 et 31 août sir Nevile Henderson écrit notamment, au sujet du maréchal Goering :

« Je crois qu'il ne peut y avoir de doute que le maréchal Goering aurait préféré une solution pacifique, mais en ce qui concerne le côté militaire, c'était la seule chance d'Hitler qui comptait et croyait que l'autre aux sentiments pessimistes, Goering, n'était qu'un serviteur loyal et soumis de son maître. »

Dans un autre passage, traitant de l'intervention qu'il avait reçue d'admettre le gouvernement allemand que, si ce dernier n'arrêtait pas tout acte d'agression, le gouvernement britannique remplirait ses engagements à l'égard de la Pologne, sir Nevile raconte ses entretiens avec M. von Ribbentrop.

« Je remis cette communication par écrit au ministre des Affaires étrangères, à 8 h. 30, ce soir-là. M. von Ribbentrop la reçut en disant seulement que les Polonais étaient sans doute en bâtir, que c'étaient eux qui avaient insulté les pouvoirs et qui avaient les premiers ouvert l'Allemagne avec des troupes appartenant à l'armée régulière.

« Le ministre ne s'enquit pas de la nature de la communication et dit simplement qu'il tâcherait qu'il la soumettrait au Führer. »

L'ambassadeur parle ailleurs de la politique d'Hitler en ces termes :

Des deux partis à prendre, le plus tentant du point de vue de ses ambitions personnelles consistait à se lancer dans l'aventure dès le début de la guerre. Il est difficile de croire qu'il aurait agi comme il l'a fait si une guerre européenne ne l'avait pas pris sans qu'une victoire pacifique. Il avait toujours eu l'intention de donner une leçon aux Polonais pour les punir d'avoir repoussé les demandes pacifiques qu'il leur avait faites en mars, ce qu'il considérait comme une basse ingratitude.

Une des plus grandes leçons d'Hitler consistait en ce que, à l'exception de deux visites officielles en Italie, il n'a jamais voyagé à l'étranger. En conséquence, sa connaissance de la mentalité britannique dépendait de M. von Ribbentrop qu'il considérait, en tant qu'ex-ambassadeur en Angleterre, parlant anglais et français et ayant passé plusieurs années au Canada, comme un homme ayant l'expérience du monde.

Il en va de même en mai. M. von Ribbentrop lui donna malheureusement des avis erronés au sujet de l'Angleterre, insista que ses succès dans Danzig auraient amusement lieu à la conférence au plus en plus comme un accord Munich, entretint que von Ribbentrop partageait pratiquement entièrement.

Hitler le prit absolu des dirigeants est accessible à l'influence de son entourage. Néanmoins, ses décisions sont prises et ses opportunistes lui appartiennent en propre. Quoique Goering ne le dit une fois : quand une décision doit être prise, aucun de nous ne compte plus que les pierres qui sont sous nos pieds. C'est le Führer seul qui décide.

Il y avait quelque chose qui comptait. C'était l'opinion de ses conseillers militaires. On a toujours cru que c'est sur qui le convainquit l'opposition d'un promenoir de Bohême, en prédisant en mois d'août, je crois que ce sont eux qui ont dit à Hitler que leur autre relève serait fatal de peur que le nouveau temps d'automne, en Pologne, ne contrecarrât leurs plans de campagne rapide. L'armée ne fut pas en état d'avoir laissé écouler la semaine du 28 août au 1er septembre, qui fut le prix de la dernière tentative d'obtenir la neutralité au tout au moins la bonne volonté de l'Angleterre. En dépit tout, l'avis de ses soldats ne serait probablement à rien de plus qu'à couvrir la nouvelle des plans personnels d'Hitler.

Son impulsion et son action principale, durant le dernier jour d'août, peuvent difficilement avoir été autres que précédemment. Le poste avec le Führer semblait ne donner l'avantage qu'il recherchait à un tel point qu'il n'y avait pas de temps à perdre s'il voulait parler que le temps ne s'écoulait aux Alliés de la Pologne. »

Sir Nevil relate également sa dernière entrevue avec M. von Ribbentrop le jour de la déclaration de guerre.

Le ministre des Affaires étrangères lui donna à lire un long document, relatant les dernières tentatives et déclarant que l'Allemagne répondrait à toute action agressive de l'Angleterre avec les mêmes armes et de la même façon. Le note qui donnait, suit l'ambassadeur, était de la pure propagande, qui cherchait à prouver au peuple allemand et au monde, en général, que la Grande-Bretagne était seule à vouloir pour tout ce qui était arrivé.

Mon seul commentaire, en lisant ce papier, complètement faux, des événements, fut que ce serait à l'Histoire de juger à qui la blâme devrait être imputé. M. von Ribbentrop répondit que l'Histoire avait déjà prouvé les faits et une personne n'avait fait de plus grands efforts que M. Hitler pour assurer la paix et établir un bonne relations avec l'Angleterre.

La dernière remarque qu'il m'adressa fut qu'il me souhaitait personnellement du bien, à quoi je ne pus que répondre que je regrettais profondément l'échec de mes efforts pour la cause de la paix, mais... que je ne pouvais exprimer aucune sympathie au peuple allemand.

A partir de ce moment, je ne vis plus de fonctionnaire allemand, à l'exception d'un membre du protocole qui nous accompagna sans notre train spécial jusqu'à Rotterdam.

Enfin, l'ambassadeur fait une description de son départ de Berlin : un petit groupe de curieux s'étaient assemblés devant l'ambassade avant notre départ, mais contrairement à ce qui s'était passé en 1914, il ne manifesta aucun signe d'hostilité.

Les rues de Berlin étaient presque désertes, et rien ne révélait le début d'une guerre qui doit décider si la race doit être le seul arbitre dans les relations internationales ; si les petites nations devront avoir des droits à opposer à des nations plus puissantes qu'elles, en un mot, si le gouvernement du peuple par le peuple et pour le peuple doit continuer ou se modifier ou s'il doit être remplacé par la volonté et l'ambition d'hommes régnant seuls sans autre exemple de la volonté des peuples.

Dans sa conclusion, sir Nevile Henderson rend hommage à l'ambassade des États-Unis et particulièrement au chargé d'Affaires, sir Alexander Kirk, pour l'aide qu'ils lui apportèrent.

(Belga.)

Buenos Aires, Diciembre 28 de 1939.

Reservado

407

Señor Embajador:

Tengo el honor de dirigirme a V.E. para acusar recibo de su nota nº 504 de fecha 22 de octubre último, con la que se sirvió remitir un recorte de "L'Independance Belge" que publica estimación de muertos personales del cuerpo Embajador británico en Berlín, publicados oficialmente en Londres.

Saludo a V.E. con las seguridades de mi distinguida consideración.

ROBERTO CASES
Subsecretario de Relaciones Exteriores

A S.E. el Señor Embajador Extraordinario y Plenipotenciario de la República Argentina en Alemania, Doctor Ricardo Olivera.

Archivo General
Ministerio de Relaciones Exteriores y Culto
Argentina

MESA DE ENTRADAS Y EXPEDICIONES
A
SECCION ASUNTOS POLITICOS

P
H

EMBAJADA
DE LA
REPUBLICA ARGENTINA
ANTE LA SANTA SEDE
N.S.-nº 128

Roma, Octubre 25 de 1939

MESA DE ENTRADAS
Y EXPEDICIONES
12 DIC. 1939

Señor Ministro:

Tengo el honor de dirigirme a V.E. a fin de informarle acerca de la parte asignada en el "Libro Azul" inglés a la actividad desarrollada por la Santa Sede en las tentativas para salvar la paz, antes del día 1º de Septiembre. Un resumen oficioso dice lo siguiente:

"Como se sabe, en este libro se han registrado los antecedentes más destacados y las negociaciones que precedieron a la iniciación de la guerra. En tres oportunidades se cita la acción de la Santa Sede en pro de la paz.

En primer lugar, el Documento 133, al referirse al llamado radiotelefónico lanzado el 23 de Agosto por el Rey de los Belgas en nombre de los Estados del grupo de Oslo, dice que el Santo Padre envió a Leopoldo III una carta autógrafa expresando "su gratitud y su sincera esperanza que los sentimientos expresados por Su Majestad sean favorablemente acogidos por las partes en conflicto".

Luego, sigue el documento 139 que reproduce íntegramente el llamado radiotelefónico dirigido por el Papa al mundo el 24 de Agosto de 1939. A continuación

ANEXADO

A S.E. Don José María Cantilo
Ministro de Relaciones Exteriores y Culto
Buenos Aires

se inserta el telegrama dirigido por Lord Halifax al Sr. Osborne, Ministro de Gran Bretaña ante el Vaticano para encargarlo de informar al Cardenal Secretario de Estado y aún al mismo Pontífice que el Gobierno inglés había apreciado mucho el conmovedor y digno llamado del Santo Padre en favor de la paz. Agregaba Lord Halifax que ya la víspera, en su discurso había respondido al mensaje pontificio pero que a pesar de ello deseaba que Su Santidad conociera más directamente los sentimientos que sus palabras habían suscitado en el espíritu y en el corazón, no sólo del Gobierno inglés, sino del pueblo entero.

Por último el "libro Azul" alude al paso dado por el Papa el 31 de Agosto, la víspera de la iniciación de las hostilidades. El Sumo Pontífice rogaba a los Gobiernos alemán y polaco que hicieran todo lo posible para evitar cualquier incidente o cualquiera medida apta a agravar la situación. De este paso informaba a los Gobiernos de Inglaterra, de Francia y de Italia, para que lo apoyasen. El Ministro inglés ante el Vaticano informaba además a su Gobierno le había también participado la comunicación papal al Embajador de España y que la trasmitiría al Embajador de Estados Unidos ante el Quirinal.

El "libro Azul" detalla que, a consecuencia de este paso pontificio, el Ministro inglés de Relaciones Exteriores había encargado a los Embajadores de Inglaterra en Berlín y Varsovia que dieran a conocer a los Gobiernos en causa, que el Gobierno inglés apoyaba con todas sus fuerzas el llamado pontificio.

Saludo a V.E. con las seguridades de mi más alta y distinguida consideración.

////// nos Aires, Diciembre 30 de 1939.

Acúsese recibo.



Buenos Aires, Diciembre 30 de 1939.

D.A.P.

111

Señor Embajador:

Tengo el honor de dirigirme a V.E. para acusar recibo de su nota nº 128 de fecha 25 de octubre ppdo., en la que se recoge las referencias hechas en el "Libro Azul" inglés a la actividad desarrollada por la Santa Sede hasta el 1º de septiembre último para salvar la paz.

Saludo a V.E. con las seguridades de mi distinguida consideración.

PABLO SANTOS MUÑOZ
SECRETARIO GENERAL

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
15 ENE 1940
DIVISION DE ASUNTOS POLITICOS

A S.E. el Señor Embajador Extraordinario y Plenipotenciario de la República Argentina ante la Santa Sede, Doctor Enrique Ruiz Guiñazú.

MESA DE ENTRADAS Y EXPEDICIONES
DIVISION ASUNTOS POLITICOS

P

EMBAJADA ARGENTINA
EN LONDRES

H

No. 813.-

4 de Diciembre de 1939.-

MESA DE ENTRADAS Y EXPEDICIONES
14 DIC. 1939
SECRETARIA DE RELACIONES EXTERIORES Y CULTO

Señor Ministro:

Tengo el honor de dirigirme a la presente las últimas del Diario de Sesiones de la Cámara de los Lores en que aparece el discurso pronunciado por el Secretario de Estado, Lord Halifax, el 5 de Diciembre, sobre los objetivos de la guerra y de la paz.

La importancia del mismo del correo último y la labor exigida por las otras tradicciones que por el mismo corren, han impedido que se pudiera enviar la versión castellana de esta importante declaración política.

Aprovecho a V.E. las expresiones de mi más alta y distinguida consideración.

F. C. L. Bailey

ANEXO

A S.E. el Señor Ministro de Relaciones Exteriores y Culto,
Dr. Don José María Cantilo,
Buenos Aires.-

Buenos Aires, Diciembre 28 de 1939.

Adjunse recibo.

CONFORME

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
28 DIC 1939
DIVISION DE ASUNTOS POLITICOS

armament works in France at the present time. Your Lordships are probably aware that there is an extensive and continuous propaganda going on in France, [sic] Germany, consisting not only of leaflets but also wireless messages and statements endeavouring to sow the seeds of discord between this country and France. It goes on night and day, with the Germans saying all the time, "You are being played with by your Ally, Britain. They do not intend really to support you more than they must. They are leaving for you the brunt of the fight; you know that practically every able-bodied man up to a class over 40 in France has been called up and England have called up" (so they say and it is untrue) "a negligible number of people." They add that "when the war is over you will find you have been sold, that the British people have let you down." I am saying this, not because in my belief there is a word of truth in it—indeed I am convinced that it is only a part of the campaign of lies which the Germans have throughout used in order to wage this war—but because I think, and I may almost say I know, that speeches here and elsewhere all over the country which talk of our war aims and peace aims as if it was for this country to make up its mind on that subject without regard to the feelings, the hopes and the necessities of France, to say nothing for a moment of the Dominions, are doing a great deal of injury to the feelings which ought to obtain between Allies such as France and ourselves.

As I have said, I am not intending to take up more than a minute of your Lordships' time, but if you want to have references to a vindictive peace, and to say that we must not have a vindictive peace, if you want to enlarge upon the high-minded motives that ought to animate us when the distant day of peace, if it is distant, comes, for heaven's sake add that you do not mean by that that you are not going so far as you can to insist on terms which will enable us and the French, not only for our own lifetimes but for a longer period than that, to live quietly without a fear that this terrible attack will come upon us again. We must be certain, and the French must be certain, that there is not going to be for a long time, as far as human foresight can see, a country in Central Europe that will on some flimsy pretext embark again upon aggression against everybody which seems to them to be unable to protect himself. Those who talk of peace terms as if they could be considered even by reasonable people without regard to the feelings of the French and of the Dominions are most unwise, and those who think that the French will ever consent to any terms which do not give them security in the future are simply crazy.

5.30 p.m.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (Viscount HALIFAX): My Lords, the Motion on the Paper covers a wide field, and the noble Lord who moved it pointed out to us how naturally it fell into two comparatively separate compartments. I think that most of the observations that have been addressed to your Lordships this afternoon have been occupied with that part of the Motion that concerns the war and peace aims of His Majesty's Government and the essential principles of satisfactory and lasting peace. I understood that it will be within the power of those of your Lordships who wish to develop the other side of the Motion to have an interval of two days in which to ponder the general introduction to that side of it that fell from the noble Lord who moved it, and that it will be convenient that that section of the debate should take place in greater detail on Thursday, when we shall have the opportunity of receiving the reply on behalf of the Government from the noble Viscount who sits on the Woolsack.

There was, however, one observation made on that field by the noble Lord opposite, Lord Galnsford, to whom I might perhaps at once make one observation by way of reply. I can tell the noble Lord that I shall lose no time in bringing the observations that he made to the attention of my right honourable Friend the Minister of Supply, who, I can assure him and those for whom he speaks, has no other desire but to work in as close and intimate harmony with all those concerned in labour and production, whether trade unions or those responsible for the employers' organisations, as he can, and that he and all the Government, not less than anyone else, are anxious at this time to have all the regard possible to the most important question that he raised—namely, that of watching the level and the volume of exports from this country, because we must all surely realise that as

[Viscount Halifax.]

that largely depends the financial and economic strength to which we have so much to look.

The debate inside Parliament and outside it on the broad question of what has now come to be known as war and peace aims has ranged widely, and, as I think I said in a debate in this House early last month, His Majesty's Government are always ready to consider all views that are put forward. I feel myself in complete agreement with an observation that fell from my noble friend Lord Crawford, when he emphasised the desirability of everyone giving all the thought that he could—privately, he is added—to all the various ramifications of these issues that do or may arise; but I think everyone will have been struck by the very large common measure of agreement that this debate has revealed. I shall have something to say in a moment about the noble Lord, Lord Ponsonby, who has not intrusively, as this afternoon, spoken in his capacity as the representative of a minority, so far as I could judge, of one.

The distinction that my right honourable friend the Prime Minister drew the other day between peace and war aims is, with all respect to Lord Ponsonby, generally admitted to be valid, and I think that what he said in that connection has secured a very general approval. I was particularly glad that both Lord Crawford and my noble friend Lord Maughan reminded us of the impossibility of this country itself endeavouring to give quiet detail and precision to these subjects without adequate regard to what may be the feeling, and what may be even in some regards a different feeling, in some of the Dominions or among the Governments of our Allies. That is a consideration of which we must never for a moment lose sight. But I suggest, my Lords, that, after all, the general purposes for which we have taken up arms are perfectly clear. They have been, as I think, defined as far as it is possible for the Government to define them, and I was particularly glad to notice that both the noble Lord who moved and the most reverend Primate shared that view. I really do not think there is any difference of opinion in any quarter now as to their general substance. It is quite possible, as the most reverend Primate said, that some may put the emphasis differently and that, as circumstances change, that may from time to time lead to some variety of expression. But the fundamental purpose remains. When the noble Lord, Lord Ponsonby, told us, what is no doubt a self-evident truth, that this Government must some day give place to another, I was consoled by the reflection that, unless the noble Lord, Lord Ponsonby, himself be called upon to form a Government, I do not anticipate that there will be any substantial variation in the war aims of this country in the hands of any Government formed from any responsible quarter in this House.

Perhaps I may for the sake of clarity, however, repeat and summarise in the briefest possible fashion what our purposes appear to me to be. In doing so I shall be perhaps merely putting into different words what fell from my noble friend Lord Crawford in a speech to which the House listened with such evident enjoyment. We desire peoples who have been deprived of their independence to recover their liberties. We desire to relieve the peoples of Europe from this constant fear of German aggression, and we desire to safeguard our own freedom and security. It is quite true, in spite of the fact that it evoked a measure of criticism from the noble Lord, Lord Ponsonby, to say that we do not seek aggrandisement and we do not seek to redraw the map in our own interests, and still less—although I recognise what can be said about the increasing difficulty of maintaining this position in the hearts of our people as the war goes on—are we moved by any spirit of vengeance. On the contrary, if Germany is able to restore the confidence which she has destroyed, we aim at a settlement which will encourage her to take her rightful place in Europe, and we seek to create an international order in which all peoples, as we hope, secure under the reign of law, can determine their political and economic life free from the interference of their more powerful neighbours. To this end we would be willing to give our best, in full co-operation with other nations, including Germany, to the work of reconstruction, political and economic, for only so do we believe that the ordered international life of Europe can be preserved.

Now, my Lords, that general framework—and it has been said over and over again—will be found in the speeches of

members of His Majesty's Opposition just as much as in speeches of those who speak for His Majesty's Government, and in all views expressed in statements made on behalf of the Dominions. It will be found in the declaration of M. Daladier and of French leaders of all Parties, and I do not believe it would meet with dissent in any Allied quarter. These declarations in my judgment may fairly claim to represent what the terms of the Motion describe as "the essential principles of a satisfactory and lasting peace." It may well be that the sacrifices that this war must be expected to impose may lead—and I most devoutly hope that they will lead—to an appreciation of those Christian values of which the most reverend Primate spoke, and lead all men to seek to give more practical application to them in the life of our people. If such are our peace aims and if, perhaps more important, that is the spirit in which we would wish to see them realised, it is perhaps not difficult to see the answer to another question that many people pose, which is perhaps the same question in other words.

What are the precise terms, it is asked—the noble Viscount opposite this afternoon came near to asking this question—what are the precise terms upon which this country would be willing to stop the war to-day? His Majesty the King the other day, in answering the peace proposals of the King of the Belgians and the Queen of the Netherlands, said that it was not his wish nor that of his Government for the war to continue a day longer than was necessary. On what conditions, then, would this country lay down arms? The answer to that question was given by M. Daladier in the speech he made a few days ago. He said that France—and he might have added the United Kingdom—would lay down her arms when she could treat with a Government whose signature could be trusted. She would treat when the wrongs caused to weaker nations could be righted and lasting security established. And he went on to indicate that France must have confidence that this security would endure.

A great many people write to me, as no doubt to many of you, suggesting that an armistice should be proclaimed and a conference summoned. They say: "You will have to have a conference some time, why wait till after the war? Why not have it before you have to pay all the price that war exacts?" The success of any conference depends upon the conditions of its meeting. The conference method was followed in September, 1938. We were willing to follow it again immediately before this war, if Germany would abandon her intention of invading Poland and would withdraw her troops. Why, in fact, did not the Munich conference secure lasting peace in Europe? Agreement was reached, the most solemn assurances were given, but only six months afterwards Herr Hitler changed his mind, and, as he has so often shown, he can always find excuses satisfactory to himself to justify action which completely contradicts assurances given earlier. That kind of right-about-turn after such solemn undertakings does show that no conference can be securely counted successful unless that habit of disregarding assurances is abandoned. That is a fundamental reversal of what has hitherto been German policy, and it is little use deluding ourselves with wishful thinking about the results to be achieved by conference until the primary lesson has been learnt by those who would take part in it—namely, that force is a bad plan. There is no evidence yet that the German Government have learnt that primary lesson.

Therefore, my Lords, I suggest to you that the two prerequisites for a conference are, first, evidence that the German Government were willing to accept terms which would correspond to the purposes for which we took up arms—and everybody knows what those were—and secondly, security that any settlement reached would be respected. On any other basis a conference, in my judgment, would achieve nothing and would be only likely to enable the leaders of Germany to make their people believe that on the whole the old method of force had not worked too badly. What Lord Newton suggested about the importance of showing that aggression had failed would not have been achieved, and the world would in consequence be left in the same precarious and intolerable suspense as we have all known during these last years.

The tale of evil consequence that has flowed from the German example and practice of aggression, as the noble Viscount reminded us, grows. In the last two days we have witnessed what has, as he said, been universally condemned

[Viscount Halifax.]

as an unexcusable act of aggression by one of the largest upon one of the smallest but most highly civilised nations of Europe: their open towns bombarded, their women and children mutilated and done to death, on the pretext that a nation of under 4,000,000 had hostile designs against one of 180,000,000. The British people, themselves deeply committed in a struggle against aggression, have I think experienced two deep emotions: they have been profoundly shocked by the circumstances of the Soviet attack, and they have profoundly admired the magnificent resistance of the Finns. It is the case, as the noble Viscount said, that this matter is forming the subject of an appeal to the Council of the League of Nations at the end of this week, to be followed, as I understand, by a meeting of the Assembly on Monday. I can assure him, if it were necessary to do so, that on that occasion His Majesty's Government, by whomever represented—and I am afraid I see great difficulties about absenting myself from this country for so many days—will make their position plain.

There are two comments that I would make on this unhappy extension of the conflict, and the first is this. The Russian attack on Finland seems to me to be a direct consequence of German policy. By the agreement which he thought would give him a free hand to attack Poland, it would seem that Herr Hitler bartered what was not his property to barter: the liberties of the Baltic people. The sequence of events has shown how wide is the damage once the floodgates are opened. I know that historical parallels can often be pushed too far, but your Lordships will perhaps forgive me if I remind you of the famous passage in which Lord Macaulay condemns the action of Frederick the Great, because it is not without significance to these events:

> "Till he (Frederick the Great) began the war, it seemed possible even probable, that the peace of the world would be preserved. . . . To those all Europe into confusion for a purpose clearly unjust was an light matter. . . . England was true to her engagements. The voice of Chatham had always been for peace, but the selfish ambition of the King of Prussia gave the signal to his neighbours. The whole world sprang to arms. . . . The evils produced by his wickedness were felt in lands where the name of Prussia was unknown, and in order that he might rob a neighbour whom he had promised to defend, black men fought on the coast of Coromandel and red men scalped each other by the Great Lakes of North America."

That is not quite irrelevant to the picture of events to-day.

Earlier in the year we had tried to improve our relations with Russia, but in doing so we had always maintained the position that rights of third parties must remain intact and be unaffected by our negotiations. Events have shown that the judgment and the instinct of His Majesty's Government in refusing agreement with the Soviet Government on the terms of formulae covering cases of indirect aggression on the Baltic States were right. For it is now plain that these formulae might well have been the cloak of ulterior designs. I have little doubt that the people of this country would prefer to have difficulties and embarrassment rather than feel that we had compromised the honour of this country and of the Commonwealth on such issues. The other observation that I wished to make was this. Germany used to complain of encirclement, and I remember saying in the summer that if encirclement there was, it was Germany herself who was responsible for it. I little thought when I spoke that we should so soon see Germany extending this operation of self-encirclement in a direction that must surely give the German people food for anxious thought upon the future issue of it.

In the face of these events we have, of course, increasing awareness of the perils that threaten European society as a direct consequence of German policy. I have heard it suggested that immediate peace on almost any terms would be desirable in order to save Western civilisation from worse perils. I venture to think that view is shortsighted. Its fallacy is exposed to my judgment and to my heart by these events in German-occupied Poland, for example, to which my noble friend Lord Crawford drew our attention. Noble Lords will have seen the account in the last few days issued by the Polish Government of the terrible acts of oppression and savagery that have been perpetrated there, and which are condemning daily thousands of Poles to misery and many to death. Nor does that stand alone. We hear much, but we do not hear all, of the tyranny in Prague: and we hear much, but I have no doubt again

we do not hear all of the veiled menace to other countries who as yet preserve their independence and their neutrality of fact. These considerations are surely relevant in forming a judgment upon the conduct of the war.

We have recently received protests from certain neutral countries about the measures which we have taken by way of reprisal against German exports, which will, it is claimed, harm neutral interests. These protests will of course be answered with full detail; and it is of course undeniable that hostilities are bound to involve some loss to all countries, but His Majesty's Government have not exceeded the rights given to them by International Law. We do our best to apply our policy with restraint and consideration. We try to alleviate hardships to neutral trade, and nothing that we have done on the sea has brought into peril a single life of any neutral citizen. But Germany has ruthlessly violated neutral rights and destroyed neutral life by indiscriminate sinking of neutral as well as belligerent ships, whether by submarine action or by illegal mines. Her policy clearly threatens both the liberties of neutral countries and the fundamental principles on which their life, just as much as our own, is founded. It is in that light that we have a right to ask neutral countries to judge the actions which are forced upon us through the methods by which the German Government makes war.

It is such considerations as these that have brought our people and their Allies to their present resolve to see this war through. They understand well enough what is at stake. They do not expect an easy victory. They do not underrate the skill and the power and the determination of their enemy. Nor do they count on an early collapse on the enemy's home front. But they do know the quality of their own resolution, and they know that the recognition of the issues at stake will keep that resolution both united and intense. There are some, whom we may honour even if we cannot applaud, who feel that it is both futile and wrong to attempt to exercise the evil spirits loose in the world to-day by the use of physical force; and if we could be exclusively concerned with what is passing in the non-material sphere we might, I should suppose, all be of one mind. But where physical force is invoked for the destruction of values, moral and material, upon which our very life depends, it is in the last resort only by physical force that the ravages of the evil spirit can be resisted and contained.

But I most whole-heartedly agree with what fell from the noble Lord who moved, when he suggested that that resistance would not by itself achieve our purpose unless, when it had opened the door to the positive work of reconstruction, we were able to enlist much practical wisdom in that great task. The Prime Minister, as he said, referred to this subject in his broadcast address the other day. We do not of course know, as yet, what will be the conditions in which peace is made. It has already been said that a new order in Europe can only come through surrender in some measure by the nations of their sovereign rights in order to clear the way for some more organic union. I do not know that I should go quite so far as my noble friend Lord Stanhope in condemning all attempts to fashion a new order, but I do agree with him that we only court disaster if we forget that no paper plan will endure that does not freely spring from the will of the peoples that can alone give it vigour and life; and international, like our own national, institutions must be very securely and deeply anchored on reality. I often think that some, in reflecting on the future of these things, are inclined to yield to thoughts of schemes that I cannot myself believe to be immediately practicable. I have sometimes felt that, if he will forgive me for saying so, about some of the proposals that my noble friend Lord Davies has from time to time laid before us in this House. But he would, I have no doubt, agree with me that we must build our Utopia course by course on foundations that are themselves well laid and solid.

Much emphasis has been placed, and rightly placed, upon the thought to be given to the economic side of international collaboration in the future. I would not say more to-day than that His Majesty's Government fully appreciate and recognise the importance of all these issues. It may well be that, from working together to solve concrete problems and difficulties arising in finance and in trade, closer political understanding may spring and may develop. But here again, in

[Viscount Halifax.]

considering the future of economic as well as of political collaboration, we must not only keep in line with our Allies and with the Dominions, but also we have to consider the views and the interests of many nations themselves to-day non-belligerent. But if we bear these considerations in mind then we may begin, I think, to get security, and then the reconstruction will, in the words of the Motion, be "wisely planned."

I have only one word more to add. When we see, as we do see wherever we look to-day, the rank growth of the doctrine of brute force in the world, and when we picture to ourselves how, if unchecked, this must choke all the other plants upon which the human race depends for its sustenance and its health, most of us, I think, instinctively recognise that there can be no merely temporary truce or patched-up armistice that would bring no real relief. My Lords, our people are sometimes slow to grasp the full implication of events, or to draw deductions which have upon them the necessity for grave decisions, but when judgment is shirked and astounding, sure; and it is just because they have come to see with perfect clarity how impossible life is to-day on the conditions created by the present rulers of Germany that there is no inconsistency between their passionate desire for peace and their deep determination to see this struggle through until their purpose is attained.

LORD STRABOLGI: My Lords, I beg to move that this debate be now adjourned.

Moved, That the debate be now adjourned.—(*Lord Strabolgi.*)

On Question, Motion agreed to, and debate adjourned accordingly.

House adjourned at half-past six o'clock.

Buenos Aires, Diciembre 28 de 1939.

D.A.P.

260

Señor Embajador:

Tengo el honor de dirigirme a V.E. para acusar recibo de su nota nº 213 de fecha 6 del corriente, con la que se remite el texto del discurso del ministro de negocios extranjeros de ese Gobierno, pronunciado en la Cámara de los Lores, sobre los objetivos aliados de la guerra y de la paz.

Saludo a V.E. con las seguridades de mi distinguida consideración.

ROBERTO GACHE
SUB SECRETARIO DE RELACIONES EXTERIORES

A S.E. el Señor Embajador Extraordinario y Plenipotenciario de la República Argentina en Gran Bretaña, Doctor Tomás A.Le Breton.

EMBAJADA ARGENTINA
EN LONDRES

MESA DE ENTRADAS Y ESPECIALIDADES
DIVISION ASUNTOS POLITICOS

No. 219.-

Ac. Mesa
E/

La Embajada Argentina en Londres se complace en remitir al Ministerio de Relaciones Exteriores y Culto, para su conocimiento, una publicación del Ministerio de Información Británico "The Assurance of Victory"

Londres, Diciembre 27 de 1939.-

Buenos Aires, enero 15 de 1940.

Acúsese recibo.

ASUNTOS POLITICOS
DIVISION DE
ASUNTOS POLITICOS

ANEXO
CONFORME

# THE ASSURANCE OF VICTORY

*"The Allies are bound to win in the end, and the only question is how long it will take them to achieve their purpose"*

(The Prime Minister, November 29th, 1939)

MINISTRY OF INFORMATION

# CONTENTS


| | Page |
|---|---|
| WHY WE ARE AT WAR | 3 |
| HOW THE WORLD LIVED UP | 6 |
| THE FIGHTING FORCES | 9 |
| ASPECTS OF WAR | 19 |
| THE HOME FRONT | 25 |


# WHY WE ARE AT WAR

We are at war. Why?

Great Britain and France had undertaken to defend Poland against aggression. On September 1, German troops invaded Poland. Britain and France, therefore, were obliged by their pledges to declare war on the invaders.

But our guarantee to Poland was not the real cause of the war. We gave that guarantee in the interests, not of Poland alone, but of European civilisation as a whole. We gave it because Germany was trampling under foot all that we treasure most and because a halt had to be called if civilisation as we understand it was to survive.

We are, in consequence, at war because Nazism is the enemy of all that civilised men care for—social progress, learning and culture, freedom of the human spirit. If Nazism triumphs, these things will wither and die.

We are at war because the fate of Austria, Czecho-Slovakia and Poland—to say nothing of the German people themselves—has proved beyond all doubt that no nation is safe from the shadow of the Swastika and the tyranny of the Gestapo.

In the years following the Great War of 1914-1918, an effort was made to re-establish the unity of Europe on firm foundations. The League of Nations was formed to give the peoples of the world a way of settling their disputes by negotiation and arbitration, instead of by force.

Hitler from the first was opposed on principle to the ideas and practice of the League. He has shocked mankind by his disregard for fair and honourable dealing. He has trampled on the rights of his neighbours, just as he has trampled on the rights of the German people.

At Godesberg, in September, 1938, when the Nazi campaign of threats against the Czech Government was at its height, Hitler told Mr. Neville Chamberlain that the incorporation in the Reich of the German-speaking Sudetenland was his last territorial ambition.

"I assured the British Premier," said Hitler at the Berlin Sportpalast, at the end of September, 1938, "that when this

problem is solved, Germany has no more territorial problems in Europe . . . We do not want any Czechs."

In view of this hope—that the Sudetenland was really Germany's final territorial demand—the British and French Governments agreed at Munich, in September, 1938, to its incorporation in the German Reich.

At the same time Mr. Chamberlain realised that these hopes might be ill-founded. He therefore sounded a warning.

"If I were convinced," he said, "that any nation had made up its mind to dominate the world by fear of its force, I should feel that it must be resisted. Under such a domination life for people who believe in liberty would not be worth living."

In March, 1939, only six months after Hitler's statement that the Sudetenland was his "last claim," German troops marched on Prague and the independent State of Czecho-Slovakia was destroyed.

No further evidence was needed to prove that all Hitler's pledges were utterly worthless. His real goal now stood nakedly revealed—the domination of the whole of Europe by Nazism.

Great Britain had therefore no alternative but to turn to the policy which British Governments have consistently pursued in face of the attempts of any Power to dominate Europe by force—a policy of resistance in common with other peace-loving Powers in defence of law and order and the independence of free nations.

The Peace Front was the answer of civilised Europe to the Nazi threat. The British Government, in the months immediately following the capture of Prague, made a defensive agreement with Poland, and also guaranteed the frontiers of Greece and Roumania. Moreover relations between Britain and Turkey were drawn steadily closer, a process destined to culminate after the outbreak of war in the conclusion of a defensive alliance. Hitler was warned again and again that any further act of aggression would be resisted by the combined forces of the Peace Front.

In spite of these warnings, Hitler prepared his forces for an attack on Poland—a nation with which he had signed a non-aggression pact as recently as January, 1934.



On September 1 German troops invaded Poland. Without any formal declaration of war, and brushing aside all attempts at peaceful negotiation, the Nazi dictator had set out to conquer and enslave yet another independent people.

This time the aggressor's challenge has been taken up. Britain, in common with other peace-loving nations, is determined to throw her whole weight into this struggle for world civilisation and the rights of small nations.

* * *

# HOW THE WORLD LINES UP

What are the forces of aggression now ranged against us?

The enemy dominates about 110 million people.

Over a quarter of these are Poles, Czechs and other victims of aggression, who are simply under military occupation, as the Belgians were in 1914-1918. The Nazis in fact have to reckon on widespread enmity within their own camp.

Himmler, chief of the Nazi Secret Police, has confessed that they cannot even be sure of their own people. Their opponents in Germany, crushed and silenced during peace-time, may well prove a source of danger now that war has come.

In Europe, where they are strongest, the Nazis command well under a quarter of the population. Outside Europe they have hardly any support at all. They have cleverly exploited the legacy of Russian support. We shall see later what this support amounts to.

What are the forces ranged on our side?

Citizens of the British Empire alone outnumber the population of enemy territory by more than four to one.

**For every person dominated by Hitler SIX have already come in on our side. For every person living in Hitler's territory there are EIGHTEEN outside.**

The balance of man-power is already ruled heavily against the Nazis. What is their strategic position?

As long as they kept the peace, the Nazis held a key position on the Continent. As long as they kept the peace, they were able to wield a powerful influence over their neighbours. As long as they kept the peace, they could draw essential food supplies and raw materials from the far corners of the earth.

By their own acts of aggression, the Nazis have now destroyed their own security. Faced by the immense forces of the Allies, they are shut off from resources without which they cannot possibly win a prolonged war. A short war is their only chance of survival for, as time goes by, Hitler will find himself beaten by hard economic facts. Every leaf torn off the calendar means greater danger to the Nazis. Every day that passes brings us greater strength.

Unlike the Nazis, we can draw man-power and war resources from every continent. All over the world people are working for the Allies. When farmers and lumberjacks in Canada, rubber planters and tin miners in Malaya, aircraft workers in Australia—all these men, and millions like them, are throwing their weight behind the Allied cause.

Above all, our command of the sea is beyond challenge.

In the Great War of 1914-1918 we were unable, for political reasons, to use our sea power to the fullest possible extent. For two whole years, therefore, Germany obtained large supplies of food and materials from neutral countries.

This time our mastery of the sea can be and is being used to the full, and from the very start.

When at length in the last war our blockade of the Central Powers could be made really effective—in 1917—German resistance began to break down. The Germans themselves have admitted that they were beaten mainly because of this stranglehold. At that time they were masters of four times the territory they now control, including Roumania and large areas of Russia.

This time we have begun where we left off in 1918.

This time, moreover, neutral opinion is overwhelmingly unsympathetic to the Nazis.



The aims of the Soviet Union were declared by M. Molotoff in a speech on October 31, 1939, to be "a free hand in international affairs, the continuation of neutrality, and the cessation of the war."

This decision came as a bitter disappointment to the Nazi leaders, who had been confident of Russian military support. It meant the collapse of Ribbentrop's plans.

The United States have also announced their determination to remain neutral. And this decision does not mean that they are altogether impartial in their feelings. Many months before war broke out President Roosevelt has put the American attitude plainly:

> "There are many methods short of war, but stronger and more effective than mere words, of bringing home to aggressor governments the aggregate sentiments of our own people. At the very least we can and should avoid any action, or any lack of action, which will encourage, assist, or build up an aggressor."

President Roosevelt's Neutrality Bill became law in November, 1939. This measure repeals the neutrality legislation of 1935, under which the President was compelled *automatically* to apply an embargo on the supply of arms and munitions to Powers engaged in a war. It replaces the old legislation by a "cash and carry" plan. This plan permits all countries to obtain war materials from America—provided they pay cash and carry the goods in their own ships.

Britain and France, because of their command of the seas, can now get large quantities of arms and munitions from America. Germany cannot.

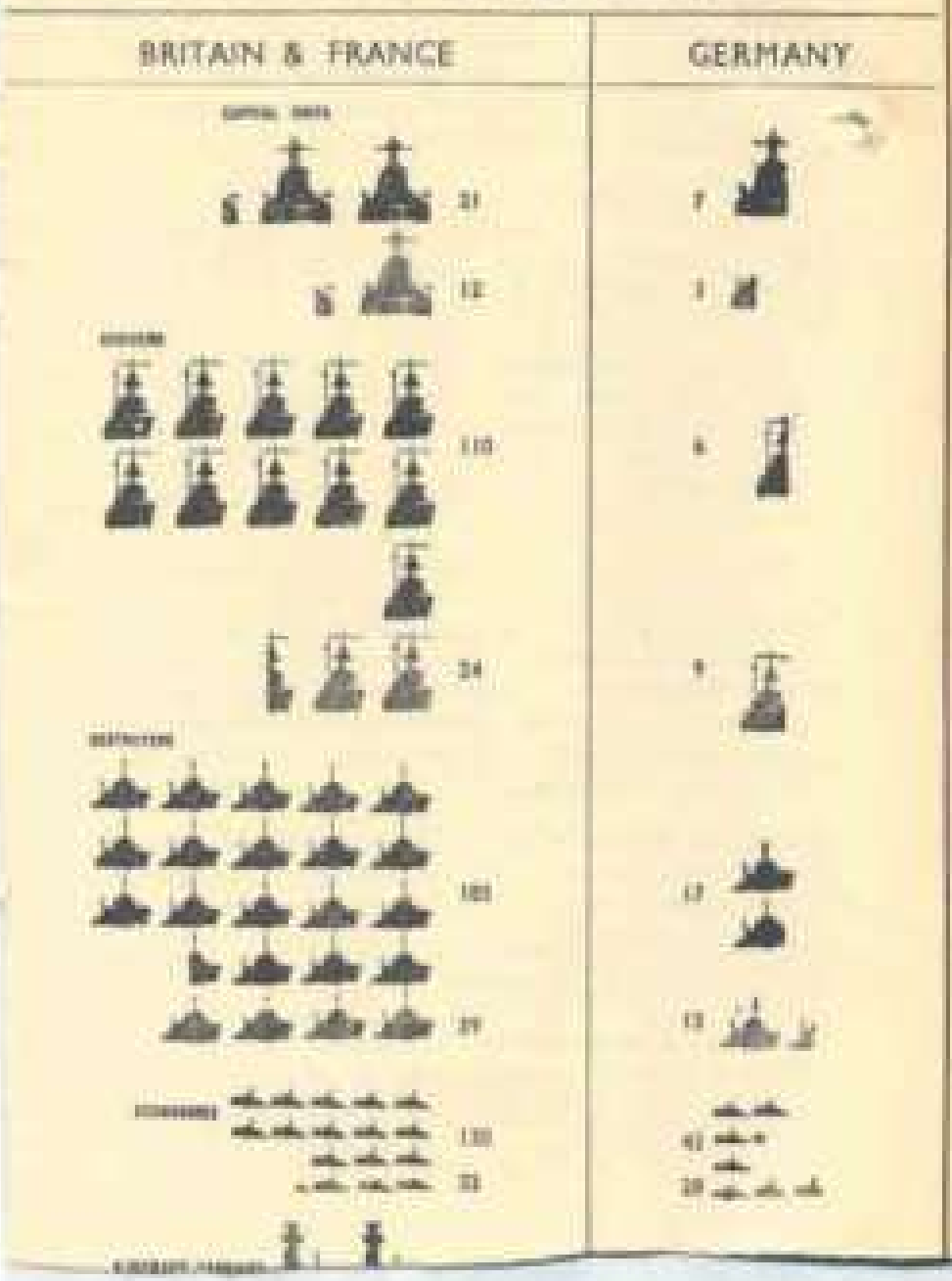
Mr. William Bankhead, Speaker of the House of Representatives, voiced the feelings of the majority of Congress.

"You cannot place an embargo on man's mind and heart," he said the House, "Thank God we are still entitled to express our views and our preferences for the democratic liberties of France and Britain to the rule of the concentration camp and the firing squad."

# OUR FLEETS—AND THE ENEMY'S

February 1, 1939

*One unit = two vessels – building and projected vessels dashed.*




# THE FIGHTING FORCES

*Victory in a modern war depends mainly on three things.*

*It depends on the fighting power of armies, navies and air forces.*

*It depends, too, on the ability of a nation to keep itself supplied with key war materials.*

*Above all, it depends on the strength of the "home front"—on the capacity of factories to keep going at full blast, and on the will of the people to stand up to the strain of war.*

*First let us see how our armed forces compare with those of the enemy.*

## SEA POWER

Our power to win the war depends mainly on our command of the sea.

In 1914 the German Navy was strong enough to offer a serious challenge to our own. **To-day the British Navy is by far the strongest in Europe. The French Navy comes second.**

We spend three times as much on the Navy as we did in 1913–14. We have far more of every kind of fighting vessel than Germany—more battleships, more cruisers, more destroyers and more aircraft carriers.

After setting aside enough warships to cope with the German fleet in European waters, Britain and France have plenty to spare for action in other oceans, wherever they may be needed.

The greatest menace facing us, in these early months of the war, is the Nazis' indiscriminate use of the submarine. By scattering submarines along our trade routes, and by using them to attack merchant ships—in defiance of the laws of war and humanity—the enemy is trying to cut off our supplies of food and raw materials.

How can the submarine be fought and beaten?

The chief enemies of the submarine are the patrol ships. By means of detectors, these ships can tell where the submarine is. By means of depth charges, they can destroy it.

In 1916 and 1917, German U-boats took such a heavy toll of our shipping that we were faced with the threat of starvation.

After a long struggle, the German campaign was defeated. Anti-submarine methods were developed, and from 1917 our merchant vessels were given the added protection of the convoy system.

Throughout the whole war we destroyed 191 enemy submarines. Three-quarters of these were sunk during the last two years. In the end the U-boat was fighting a losing battle against our patrols.

The Germans hope once again, by breaking every rule of international law and common humanity, to sink without trace large numbers of merchant ships on the high seas, but their hope is still-born. We have already shown that we can deal with them.

At first, while submarines were scattered at strategic points on our trade routes, it was to be expected that we should suffer losses. But the Nazis will have a hard job to keep their campaign going. Lack of bases on the main ocean routes must narrow down the area in which their submarines can work.

Anti-submarine methods have made rapid strides since the last war.

While a submarine is under water its speed amounts to less than ten knots (about 11½ miles an hour). When it comes up, it is exposed to attack from warships and aircraft. Once a submarine has been found, the chances are that it is trapped and destroyed.

This fact is bound to undermine the morale of enemy submarine crews. In the last war the losses were so heavy that it became impossible for Germany to go on manning submarines on a large enough scale.

This time the German submarine fleet has already suffered badly. Mr. Winston Churchill, the First Lord of the Admiralty, has estimated that out of about sixty U-boats ready for action at the beginning of the war, about one-third were sunk or seriously damaged during the first six weeks.

On November 8, 1939, Mr. Churchill told the House of Commons that on a conservative estimate "the losses of U-boats lie between two and four in every week, according to the activity which prevails." In other words, we are putting U-boats out of action at about twice the rate (1 to 1½ a week) of the sinkings in 1917–18.



In the last war the German Navy was so strong that a great part of our fleet had to be kept in home waters.

This time the main of our fighting vessels are free to patrol the oceans. This time, moreover, we are able to use aircraft to find out where the raiders are, and to destroy them by bombing. In the Fleet Air Arm the British Navy to-day has a powerful air force of its own, and one which can play a big part in defending our merchant ships against enemy submarines.

We must face the fact that enemy raiders will be a menace in the early stages of the struggle. As long as they remain scattered over the ocean, we must reckon with the possibility of their inflicting losses on our merchant vessels. But there is every reason to believe that we shall round them up quickly and successfully.

We can also expect attacks by enemy aircraft on our merchant shipping at sea and in harbour. Much effort and money have been devoted to guarding against this new menace, and the experience of the first weeks of war has given us every confidence in our power to deal with it.

The same is true of Germany's much-vaunted secret weapon of the "magnetic mine." At the moment this new menace is taking its toll of the shipping of Britain and several countries indiscriminately. But the Prime Minister has assured us that "already we know the secrets of the magnetic mine, and we shall soon master the magnetic mine as we have already mastered the U-boat."

In the first seven weeks of the war our total losses of merchant shipping amounted to less than 1 per cent. of our total tonnage afloat. Even if the enemy achieved success at the same rate throughout a four-year war, we should still be left with about 70 per cent. of the tonnage with which we started—to say nothing of new tonnage built in the meantime.

## ARMIES

Our main strength lies in our command of the sea—in our power to cut off the enemy from external supplies, and to make sure that we ourselves are kept well provided with the food and materials we need.

The Nazis are compelled to rely on the power of their arms to gain rapid victories. We, on the other hand, are enabled in certain areas to wage a holding war against the Nazis, and to allow them to exhaust their resources in attacking us.

The Nazis must win quickly if they are to win at all.

They cannot afford to sit still indefinitely and wait until they are attacked. We, on the other hand, can choose our opportunity, no matter how long we have to wait. Bearing this in mind, let us see how our land forces compare with theirs.

First look at Germany.

Ludendorff once admitted that the Germans suffered in the last war because all their men of military age were not fully trained.

To-day their position is less favourable. The Nazis did not introduce conscription until 1935, and the German Army is badly lacking in large numbers of officers and non-commissioned officers.

This lack of trained men is borne out by a report on August 28, 1939—that is, *before* the outbreak of war—that Germany had mobilised reserves up to the age of 50.

In modern warfare a nation must keep its factories going at full pressure. This means that a large part of its manpower cannot be spared for military duties.

The *Militärwissenschaft*, a German military periodical, has stated that there must be at least SEVEN to EIGHT workers behind the lines to every ONE fighting soldier. The Germans would place themselves in danger if they failed to maintain this balance between workers and soldiers.

What is more, much of Germany's military equipment has been hurriedly obtained.

Last—but not least—the German railways have deteriorated in recent years.

In the last war Germany owed much to its excellent railway system, which made it possible to switch troops over at great speed from one part of the front to another.

This time the Nazis begin the war with a railway system which has already had a huge strain imposed on it by the re-armament drive. In the last five years, for example, the traffic on German railways increased by EIGHTY per cent. Rolling stock increased by only TEN per cent.

In 1932—the year before Hitler came into power—there were 400 accidents on the German railways. By 1937 this figure had risen to over 1,000.

The weakness of German railways cannot be offset by the system of motorways, especially when it is remembered that Germany has only five-sixths as many commercial vehicles as we have—to serve an area two-and-a-half times as great as Britain. Moreover, it will be shown later that German supplies of petrol are extremely limited.

On the Western Front the Germans are faced by the French Army, the strongest and best-trained military force in the world.

The French, unlike the Germans, have continued conscription without interruption since 1914, and have about five million fully trained men. They have the advantage, moreover, of being able to draw from a huge reserve of experienced officers.

A large proportion of the French infantry divisions are motorised. They are more mobile than the German infantry, and have a bigger proportion of tanks. The whole of the French artillery is tractor-drawn.

Immediately war broke out the mobilisation of the French Army went forward with remarkable speed and precision. Within a few days millions of men had taken up the positions planned for them, ready for any attack the Nazis might launch.

The French Army is supported by a strong expeditionary force from Great Britain.

The last five years have seen a rapid increase in the size of our Regular and Territorial Armies. The number of regular soldiers and Territorials DOUBLED between 1935 and 1939—apart altogether from the formation of the Militia.

Within five weeks of the outbreak of war, 158,000 men and 25,000 vehicles were taken across the Channel. Each subsequent week has seen an addition to their numbers. By the Spring of 1940 we may confidently expect to have put a million men in the field. And we shall have achieved this in half the time that was found necessary in the last war.

"Nearly 60 per cent. of the fighting troops in 1914," said Mr. Hore-Belisha, "were infantrymen, relying on their rifles and

bayonets and two machine-guns a battalion. Now only 30 per cent. of the fighting troops are infantrymen, with 50 Bren guns, 27 anti-tank rifles, and other weapons as well with each battalion. It will be seen by this one example how much more effectively armed with fire power is the present expeditionary force."

Britain has not only sent troops to the Western Front. Large forces have been built up in the Middle East and our garrisons in other parts of the world have been reinforced with men and material. Although these British forces have not yet been called on to take part in actual fighting, they are of immense importance to the Allied cause.

It was in fact largely due to the reassuring effect of our armed strength in this vital strategic area that it was possible to bring about the Anglo-Turkish alliance, the results of which are equivalent to a first-class victory in the field.

At the beginning of the last war the British forces were small compared with those of the enemy. But our military strength grew as the struggle went on. By mobilising their manpower Britain and the Dominions were soon able to put huge armies into the field.

**Once again the nations of the Commonwealth can build up their strength as the war goes on, and their big reserves of men are mobilised.**

In 1914, German invaders overran Belgium and Northern France. These countries were at that time largely unfortified.

**To-day the Belgian frontier is strongly fortified, while along the whole length of France's eastern frontier runs a great barrier of steel and concrete—the famous Maginot line.** French soldiers and engineers put ten years' effort into building it. Germany's Siegfried line, on the other side of the frontier, was rushed through at great speed.

A number of German military experts have publicly admitted that all hopes of a "lightning" war are false.

One leading authority, Colonel Thomas, wrote these words in a volume edited by a member of the German General Staff: "**Our mistaken attitude to the question of a short war has once already caused our ruin, and for that reason we must not let ourselves be led into wishful thinking about a short war in this age of swarms of tanks and aeroplanes.**"

We do not have to defeat the Nazis on land, but only to prevent them from defeating us. If we can succeed in doing that, we can rely on our strength in other directions to bring them to their knees.

## AIR FORCES

As we have seen, the Nazis cannot hope to win the war on sea or on land. What are their prospects in the air?

More than any other nation they depend on the striking power of their bombers.

They may be able to inflict grave losses. For a time the Allied peoples must be ready to endure considerable damage and perhaps many casualties.

But—this is the vital question—can the Nazis keep it up?

**They cannot possibly keep it up unless their present air forces are backed by big enough reserves of trained pilots—and unless they can produce 'planes and equipment and fuel rapidly enough to stand the pace.**

If they lack any of these things, they will be in danger of weakening under the heavy rate of wastage once their "knock-out" effort has failed.

The Italian *Ala d'Italia*, a well-informed journal friendly to Germany, reported that in April, 1939, the German Air Force reached a total of 6,000 first-line aircraft. It also said that Germany was then building about 600 'planes a month, and that 2,800 new pilots were recruited in 1938.

**To keep this big air force going in a "total" war against Britain and France, they would need to make up for losses amounting to at least 30 per cent. a month. In other words, they would have to build over 3,000 'planes every month and to recruit new pilots on the same scale.**

Can the Nazis do it?

Of all countries, Germany will have the biggest difficulty in carrying out such a huge programme.

In their efforts to build up a gigantic air force, the Nazis have mobilised all the available skilled labour in Germany. Heavy overtime, for week after week, and month after month, even in peace-time sapped the health of the workers. The German labour force is thus very badly placed for standing the strain of war.

Nor can Germany hope to recruit enough new pilots to keep a huge air force going under conditions of intensive warfare. There are plenty of men fit to obey orders, but not many who are able to handle an aeroplane for hours on end.

Finally, there is the danger of oil shortage.

In peace-time this was already a serious problem. Speaking to government officials and Nazi leaders (at the end of February, 1939), Dr. Brinkmann, then Vice-Director of the Reichsbank, is reported to have made this frank confession:

> "What is the use of all these aeroplanes if we have no oil for them—and we are still short in that respect!"

Now matters are far worse. The Nazis need far greater quantities of oil than in peace-time.

In peace-time they had to import two-thirds of their oil. Much of this came from countries which they cannot reach any longer.

When their first "knock-out" effort is spent, many things will begin to tell against the Nazis—their heavy losses of bombers, their lack of new pilots, their lack of industrial reserves and their lack of oil.

They will, moreover, have to reckon with the powerful air forces of Britain and France.

The Royal Air Force has expanded at an immense rate during the past five years.

No nation discloses publicly the *whole* of its aircraft strength and production. But according to figures showing the *officially declared* increase in our aircraft, we now have at home four times as many "first line" 'planes as in 1934-5—apart from a growing force of several hundreds overseas. But this statement does not do anything like justice to the remarkable advance which has taken place, for it leaves out of account the very large number of *undeclared* additions to the Royal Air Force.

On the outbreak of war there were five times as many men in our regular Air Force as there were five years ago. The numbers in the Auxiliary Air Force and Reserves were seven times as high as in 1934-5.

Within a fortnight of the outbreak of war as many as 10,000 new recruits were accepted for service as pilots, crew and maintenance personnel. Plans have been made for a continuous expansion of the Royal Air Force as the war goes on.

R.A.F. squadrons have been established on the Western Front for some time, side by side with French squadrons. During the first few weeks of war, aircraft in the Coastal Command flew about one million miles on reconnaissance, convoy and anti-submarine patrols and provided escorts for over one hundred convoys. "We have confirmed from prisoners' statements," Sir Kingsley Wood, Secretary of State for Air, told the House of Commons (October 10th, 1939), "that the mere presence of an aircraft is sufficient to make a submarine submerge and remain submerged, and that the presence of an air escort often prevents a submarine commander from attacking a convoy."

Day after day our bombers have carried out reconnaissance flights over Germany. A complete photographic map of the Siegfried line has been made, and millions of leaflets have been dropped on German towns. There is evidence that these leaflets are being picked up in spite of the heavy penalties imposed by the Nazi Government. Copies have actually been found in the possession of German prisoners of war.

In addition to the R.A.F. itself we have the Fleet Air Arm—Britain's "second Air Force"—which is now as large as the main air forces of many countries.

The Dominions have played a big part. During peace-time many hundreds of pilots from different parts of the Empire were passing into the R.A.F. Since the outbreak of war arrangements have been made with Dominion Governments for a rapid expansion of the training organization for pilots, observers and gunners.

In Canada, far out of reach of enemy bombers, young men from many parts of the Empire—including Great Britain—will be given advanced training to fit them for service in the line.

"The aim, in short," as Sir Kingsley Wood told the House of Commons, "is to achieve by co-operative effort air forces of overwhelming strength."

The French Air Force has also expanded at a great rate in recent months and production is now eight times as high as in September, 1938. France has a number of splendid modern aircraft factories, and the design of the latest French machines is outstanding.

The superiority of French fighters has already been proved on the Western Front. During the first four weeks of war the French Air Force lost only eight fighters. The Germans lost 24.

In a great air battle on November 8, 1939, nine French fighters attacked a group of twenty-seven German fighters. Nine of the Nazi 'planes were brought down, whilst every one of the French 'planes returned safely.

With their immense reserves of men, factories and materials, the Allies can have every hope of keeping pace in war-time with the huge month-to-month demand for new 'planes and equipment.

"At the outbreak of war," said Sir Kingsley Wood, "the rate of aircraft production represented an achievement unprecedented in this country in time of peace . . . Immediately war broke out our carefully prepared plans for greatly increased production were put into effect. They will mean in due course a rate of production more than twice the considerable figure we have now reached."

Here again the Dominions are giving invaluable help. Their aircraft factories, far beyond the range of enemy bombers, are working at top speed for the Allied cause.



# SINEWS OF WAR

Armed forces alone cannot win a war.

However large a nation's armies and navies may be, it cannot carry on the fight without certain key resources—food for its people and raw materials for its factories. These are the sinews of war.

How do we compare with the enemy?

Because of our command of the sea, we can continue to draw vital materials from every part of the world.

The Nazis, on the other hand, must sooner or later find themselves in great difficulties.

Their share in total world production of many of the most vitally important war materials is very small indeed. In peace-time they had to get a large part of their requirements of these materials from countries which they cannot now reach. Russian help cannot greatly alter the position. Russia actually ranks lower than Denmark as an exporter, and exports cannot be multiplied in a day.

Now that war has come, they will not be able to get anything like as much nickel, rubber and copper as they need. They will have to use substitutes for these things, at a heavy cost both in money and man-power.

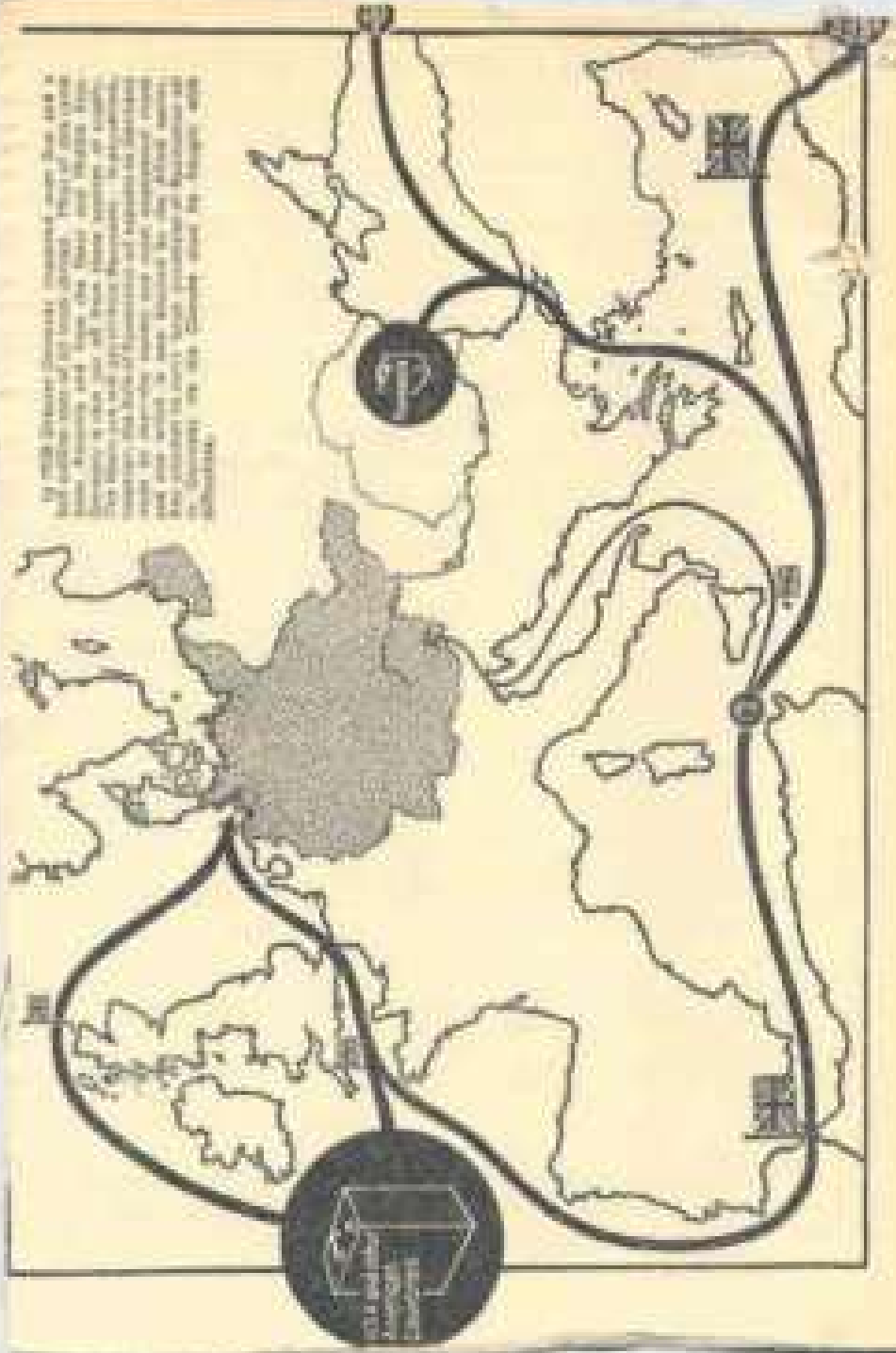
No war material is more vital than Oil. This is a war of machines—of aeroplanes, tanks, motor vehicles. Without enough oil machines come to a standstill. And what is wanted is not simply crude oil as it comes out of the earth, but refined oil—the product of elaborate plants which take a long time to build.

Here again the outlook for Nazi Germany is black.

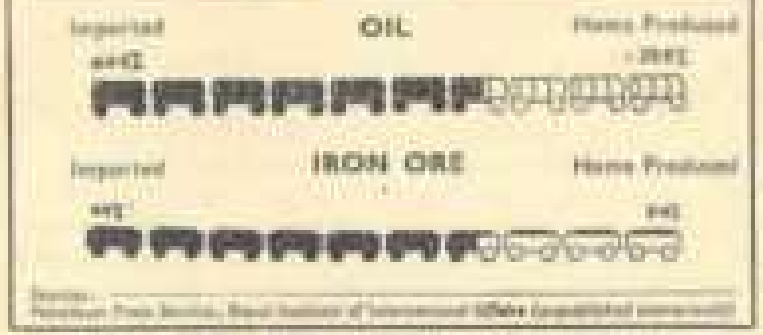
In peace-time the Germans used nearly seven million tons of oil a year in the old Reich alone. No less than *nine-tenths* of the total had to be imported.

In war-time the Nazis probably need anything up to twenty million tons of oil a year—three times as much as in peace-time. Such is the admission of Ferdinand Friedensburg, a leading German authority. That is to say, the Nazis must obtain up to fourteen million tons more than in peace-time, either by increasing home production or by additional imports.

What are their chances of getting it?



## GERMANY'S SUPPLIES OF OIL AND IRON ORE




**In peace-time the Nazis obtained the greater part of their oil from the United States and other American countries. Now that war has come they are cut off from these sources of supply. They may be able to turn to Soviet Russia for some part of their war requirements, but the WHOLE of Russia's oil export (about 4 million tons a year) would amount to no more than ONE-FIFTH of the total imported by Greater Germany in peace-time. And petrol, which the Nazis most need, forms only a small part of the oil exported from Russia.**

What is more, the Nazis would have great difficulty in transporting the oil from Russia to Germany. The small quantity of Russian oil and petrol supplied to Germany in peace-time went by way of the Black Sea, the Mediterranean and the Atlantic to Germany's North Sea ports—a route which is now closed to the Nazis. They cannot hope to carry large quantities of oil along the obvious alternative route—via the Black Sea and the Danube—owing to their lack of tankers, barges and tank wagons. The Danube, moreover, is a very difficult river to navigate, and its lower reaches are icebound during part of the winter.

They might, in the second place, try to increase their production of synthetic oil from coal. This method is very costly, and even in peace-time used up enormous quantities of coal. Any attempt

to raise the oil output still further by this means would place an even greater strain on German coal resources. Great difficulties, moreover, stand in the way of increasing coal production on a large scale. Mining is a highly skilled job, and miners cannot be trained in thousands overnight.

The Nazis might, on the other hand, seize the Roumanian oil-fields.

But even if they succeeded in getting the oil-wells intact—and this is extremely doubtful—their problem would not be solved. The whole Roumanian and German oil production put together would not supply anything like half the Nazis' wartime needs. Much of the Roumanian oil, moreover, is of a kind which yields very little aviation spirit.

**It is quite clear that there is a big gap between Nazi Germany's war-time oil needs and the amount which can be produced in territory dominated by Berlin. For a short time this gap may be filled by drawing from stocks built up in peace-time. When these stocks run out, the Nazis will have immense difficulties in obtaining the huge oil supplies they need.**

What are Germany's chances of getting enough of another vitally important war material—IRON ORE?

On the eve of the last war, the Germans were producing THREE-QUARTERS of all the iron ore they needed. In those days their richest ironfield was in Lorraine.

**To-day the Lorraine ironfield lies on the other side of the Maginot line.**

In peace-time the Nazis produced only ONE-THIRD of their iron ore. Germany thus depends far more on foreign supplies than in 1914. In war-time this spells danger. Here Russia can be of little help. The Russian output of iron ore has increased greatly in recent years—but the Russians need it all themselves. They only export a trifling amount.

Even before war broke out the shortage was so acute that the Nazi Government combed the country for scrap-iron. Tramlines, for example, were torn up, and park railings were removed.

Now let us turn to the food position.

Our command of the sea is a guarantee that the Allied peoples will be kept supplied with enough healthy food.



The French are in any case able to produce the greater part of their food at home. Justus Schmidt, the German military writer, has stated that "the situation of France as regards her supplies of agricultural products in case of war is very favourable." Germany presents a very different picture.

Take, for example, the question of fats.

Among the most important fats are table oils, pure vegetable fats, margarine, bacon, lard, butter and cheese.

**In peace-time the Germans had to get one-half of their fats from abroad. This was fatal once: it will be fatal again if the German military effort and morale do not collapse first. The German home front collapsed in 1918 in spite of the fact that they controlled a large part of south-east Europe.**

In *The German Fat Plan*, based on official German statistics, Dr. Karl Brandt reveals the German position. In 1929 Germany consumed 1,863,000 tons of fats. By 1936 this figure had risen to 2,044,000. Despite all efforts made to raise home production, over one-third of the total had to be brought from abroad.

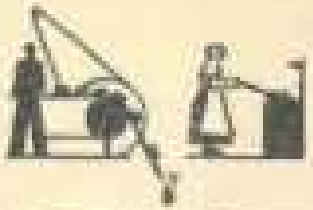
Dr. Brandt concludes that although it might technically be possible to "close the fat gap" the growth of population and other factors makes it very unlikely that the deficit can be got below at least 400,000 tons in the next few years. This is equivalent to the needs of thirteen million Germans—one-sixth of the total population.

In peace-time the Germans imported most of their fats from Russia, China, Argentina, British West Africa, British India, the Dutch East Indies and the Antarctic. **Most of these sources are beyond Germany's reach in wartime.**

At one point after another the German war economy depends on foodstuffs and raw materials which can neither be produced in adequate amounts at home nor imported from countries which Germany can reach.

The Nazi Government, intending sooner or later to challenge the peace-loving nations, recognised the dangers of dependence when it launched the Four-Year Plan of self-sufficiency. But even under peace conditions Germany came nowhere near to being self-sufficient. The main outcome of the Plan has been to produce many of the effects of a blockade against Germany even before the outbreak of war.

# NATIONAL INCOMES



VALUE OF GOODS AND SERVICES PRODUCED ANNUALLY

One Unit = £100,000,000

GREAT BRITAIN

●●●●●●●●●●

DOMINIONS AND INDIA

●●●●●●●●

FRANCE

●●●●●

GERMANY

●●●●●●●●●●



# THE HOME FRONT

*In our struggle with Nazi Germany victory will finally depend on the strength of the "home front."*

*Modern war is not only a conflict between armies, navies and air forces. It is a struggle between the industrial power and morale of nations.*

*More and more the test of a Great Power is not how many soldiers, but how many factories it possesses, and how long it is in a position to keep them going at full blast turning out aircraft and guns, shells and uniforms, and all the other needs of a modern war.*

*The main elements in a nation's home front are :—*

**the size of its national income and national wealth ;**

**the amount and efficiency of its industrial capacity ;**

**the quantity and quality of available labour force ;**

**the ability of home defence to prevent production from being stopped or interrupted by land invasion, sea bombardment, blockade and air attack ;**

*and above all :*

**the will of the people, in spite of hardships and casualties, to carry on and see the struggle through to a victorious end.**

## PAYING FOR THE WAR

We cannot expect to pass on the cost of the war to our great-grandchildren. That old idea has been exploded.

Each country must bear the cost of the struggle from week to week, from month to month. It must pay for the war out of its national income, except in so far as its capital investments overseas can be drawn upon to buy resources from neutrals.

By the "national income" of a country is meant the total value of goods and services produced by its inhabitants every year. How do the national incomes of the Allies compare with that of Germany?

The chart opposite, which is based on estimates published recently in a German economic journal, shows quite clearly that the Allied nations are in a much better position than Germany to bear the heavy cost of a modern war.

Only by spending as much as one-quarter of the German national income on armaments—before war broke out—have the Nazis been able to threaten the Allied Powers.

To make this programme possible, they have placed a crippling burden on the shoulders of the German people. They have strained German industry almost to the limit.

**They have already exhibited most of the hidden reserves on which other governments can draw in time of war.**

Their gold reserve, for example, stands at a very low level—despite the amounts seized from Austria and Czecho-Slovakia, and from private German citizens. Even if we allow for undisclosed reserves, the total figure cannot possibly be more than about £100,000,000. **The Germans have far less gold now than they had in 1918, after four years of warfare.**

Having only small reserves of gold, scarcely any foreign exchange or securities abroad, and no credit, the Nazis will find great difficulty in obtaining even the most essential raw materials from overseas, except within the small area which they dominate by force.

Their plight is made even more desperate by the British Government's decision (November 21, 1939), as a reprisal against the unrestricted U-boat and mine campaign, to seize exports of goods shipped directly or indirectly from Germany.

As the struggle goes on they will find themselves overwhelmed by the superior economic strength of the Allied Powers. The weight of resources on our side is even greater than in 1914-18, when Britain's industrial efficiency was much lower and the industrialisation of the Dominions and Turkey had hardly begun.

## INDUSTRIAL STRENGTH

As we have already seen, the staying-power of a nation at war depends largely on the ability of its factories and workshops to keep pace with the demands of the armed forces.

How do the leading countries stand in this respect?

Measured by sheer output, Germany has in peace conditions one of the strongest industrial systems in the world. The Reich official figures estimate the German share in world industrial production at rather more than 15 per cent. in 1938.



But German industry suffers from weaknesses which will place it at a grave disadvantage under the stress of war. The Nazi armament drive has meant the operation of plant without proper maintenance, and large numbers of key workers have been lost through conscription and persecution.

Britain and France have kept their industries linked to the world economic system, with its enormous sources of resources. Nazi Germany, on the other hand, has deliberately cut itself adrift from the rest of the world. This policy of "autarky" brought certain benefits as long as peace prevailed. At the cost of a reduced standard of life, it meant fuller employment, and it made Germany less dependent on other countries.

**But soon, under the stress of war, the Nazi regime will pay dearly for this policy.**

Dr. Brinkmann, then Vice-Director of the Reichsbank, in the remarkably frank speech already mentioned, is represented as having warned the Nazi leaders that they were heading for disaster:

> "The three pillars of a national economy are (1) Labour, (2) Raw materials, (3) Capital. In our country all three are entirely exhausted . . . We have mortgaged the future up to the hilt. The treasury is empty. There are not enough savings available in the country to meet our current financial needs and resources are growing less."

Here is an example of Germany's dangerous industrial position, given in *The Economist*'s Berlin report for April 29, 1939:

> "Since armaments have a heavy and prior claim on machine tools, delivery periods now run to as long as three years. . . . In sum the machinery industry is working at full stretch. The branches stimulated by armaments are working at 120 to 150 per cent. of their normal capacity."

Although half a million workers were taken into the industry between 1932 and 1938, the average working time had to be pushed up to over fifty hours a week.

The truth is that for some years the German industrial machine has been worked under what has amounted to war conditions.

It has been kept going at such a high pitch that its performance cannot be increased very far to meet needs of war.

The Allied nations, on the other hand, have a huge reserve of unused capacity and manpower.

## WORKERS AND THE WAR

Success on the home front does not depend on factories and machines alone. Even more important are the goodwill and morale of the men and women who run the machines.

The Nazis have reduced the workers to something like serfdom. Everything has been sacrificed to the demands of a vast war machine.

Official Nazi information reveals the plight of the German worker. The weekly report of the German Institute of Business Research admits that by the end of 1938 skilled workers were earning less than four-fifths of the wages they received ten years earlier under the Republic. The wages of unskilled workers had sunk below two-thirds of their 1928 level.

Out of this greatly reduced pay-envelope, the German worker has to pay back a large proportion to the State. He has to pay heavy taxes. He has to pay insurance contributions. He has to pay dues to the many organisations controlled by the Nazi Party. He is compelled to make "voluntary" contributions to funds such as Winter Relief.

**A German worker often has as much as twenty per cent. deducted from his wages.**

An unemployed man in Germany, even if his insurance contributions are fully paid up, does not claim benefit. If he made any such claim he might instantly be drafted to work on fortifications or to serve as an agricultural labourer many miles from his home.

The health of the German worker has suffered badly as the result of food shortage. All kinds of foods were rationed long before the outbreak of war. By August 27, 1939, Germany's rations of meat, sugar and other foods were much the same as those prevailing in Britain in 1918—*after four years of warfare*. The Nazis rationed *in peace-time* a number of foods, such as milk and coffee, which were never rationed in Britain through the



whole of the last war. Within a month of war breaking out they even rationed bread—the staple food on which heavy workers fall back when there is a shortage of other foods.

It is not surprising that Dr. Ley, leader of the German Labour Front, told the Nazi Party Congress in 1937 that "half the workers employed in the factories under observation had to receive medical attention."

Nor is it surprising that in 1937, when the number of insured workers rose by 10 per cent., **the number of industrial accidents rose by 25 per cent.**

The German worker has been driven at a pace which often became unbearable even in peace-time. Excessive overtime and speeding-up imposed a terrible strain on his health.

Against all these inflictions he has no redress. The great trade unions, which won the worker such substantial benefits under the Republic, have been smashed by the Nazi masters of Germany. Their former leaders have been thrown into prisons and concentration camps. Even in peace-time there have been signs of unrest among the workers.

When Field-Marshal Göring ordered miners' hours to be increased to 53 a week (April 21st, 1935), the workers instantly rebelled. **In Upper Silesia they tore down posters bearing the Göring order.** At one pit in the Saar territory, only 17 men arrived for the morning shift out of a total of 5,000. **As a result of such tactics there was a serious loss of output.**

The Nazis have officially admitted that they have had to offer miners a 200 per cent. bonus to induce them to make the required effort.

All this happened in peace-time. The burdens of war will put the German workers' morale to an even more severe test.

In Britain, on the other hand, the workers are throwing their whole weight behind the national effort.

While German wages have fallen, British wages have gone up.

According to the Ministry of Labour, the wage rates of British workers were 7 per cent. higher in 1938 than in 1929.

On an average, adult male workers earn about 65*s.* a week. Unlike the German workers, their wages are not subject to heavy deductions by the State. Every adult male worker contributes

to fail, a work towards State insurance against unemployment, illness and accidents, and a pension for himself on his widow and orphans. That is all.

Above all, the British workers are free to organise themselves and to bargain for better conditions. Behind them they have a trade union movement of immense power and influence.

The workers of Britain have watched the fate of the German workers with deep and growing concern. A recent report of the Trades Union Congress stated:

> **"The status of the worker in Germany is rapidly being lowered to that of a convict under sentence of penal servitude."**

The British workers know that a Peace Front victory will bring freedom back to the millions of German workers who are crushed under the heel of Hitler's dictatorship.

They know that the present struggle is their own struggle. They know that their own hard-won freedom and security are at stake.

## THE PEOPLE'S WILL TO WIN

This war, more than any struggle of the past, will put the spirit of whole peoples to the test.

If that spirit falters, a nation will be on the road to defeat. Victory will go to the nation whose people remain unbroken in the face of the anxieties and hardships of modern war.

What are the things which strengthen a people's resolve to stand firm?

Here is the answer given by Karl Pfutscheriss, the German military writer, in a book which had the approval of the highest military authorities in Germany:

> **"No condition determining the capacity of population to resist is so important as the personal freedom and feeling of duty, fostering each man's individual pride. . . . Complete and perfect respect for the State can only be felt by a man who is inspired by the flame of independence of judgment, freedom, a sense of right and of struggle."**

Apply these tests to Nazi Germany.



"Personal freedom," "individual pride," "independence of judgment"—these are the very things which Hitler has sought to uproot and destroy.

Hitler has never had the freely expressed support of the majority of the German people. Even at the elections of March, 1933—when Hitler's opponents throughout Germany were subjected to a campaign of terror—the Nazis failed to win a majority in the Reichstag.

Hitler was *given* by violence—and he has *kept* power by violence. He has destroyed the democratic institutions of the German Republic. He has crushed all open opposition to the regime. He has suppressed freedom of speech, freedom of religion, freedom of the Press.

**Some indication of the terror under which the German people have been living is given by the fact that nearly 200 persons were executed for "high treason" IN PEACE-TIME.** This does not include the many political murders committed by the Nazis—such, for example, as the "blood-bath" of June 30, 1934.

What has happened to the millions of Germans—the majority of the nation—who voted against Hitler in 1933? They could not come into the open in peace-time, for open opposition would have meant imprisonment or death. But there are many signs that their enmity to Nazism is still alive.

In 1934 and 1935, for example, when elections for shop-stewards were held in the factories, the workers used their voting papers to demonstrate against the Nazis. In 1936 Hitler called off the elections at the last moment.

The Nazi leaders know that the "underground" opposition is a grave threat in time of war. Listen to the words of Himmler, chief of the Secret Police:

> "In the war of the future there will not only be the fronts of the armies on land and the navies at sea and of the air forces in the air, but there will be a fourth theatre of war inside Germany."

Himmler proposes to deal ruthlessly with internal opposition in war-time. More and more people are to be thrown into concentration camps, and a Volksgerichtshof ("People's Inferno-

tion Service") has already been formed to help the Gestapo to round up enemies of the regime.

Pintcherin, voicing the opinion of high military circles, believes such a policy to be disastrous.

"Men can be hunted," he writes, "but not made to fight."

The German people enjoyed throughout the last war far greater freedom than the Nazis have ever allowed them in peace-time. In spite of this, the German home front collapsed in 1918.

This time the German morale is open to grave doubt. Millions of Germans are fighting not for something in which they believe, but because they have been thrust into the war by Hitler.

In pre-war days the Nazis never tired of referring to the "decadence" of the great democracies. They deluded themselves into thinking that our liberties and democratic rights were a sign of weakness, and that we would crumple up before the totalitarian offensive.

They are now discovering their mistake. Democracy and freedom give an incalculable strength—a strength which the free-ridden Nazi State, for all the ruthlessness of its military machine, can never hope to command. Ours is not the sham unity of an enslaved population silenced by terror, but the real unity of free peoples who control their own destiny.

The Allied peoples, irrespective of party or creed, are fighting for a cause they know to be just, the cause of world civilisation. In war, as in peace, they are free to criticise their governments. This freedom is in itself of great value in getting real grievances put right and in seeing that the war is prosecuted with the utmost efficiency.

If any German dared to raise his voice against Hitler's war policy, or to criticise the rationing scheme or soldiers' allowances, he would immediately be silenced by the Gestapo. Germany is a country where every grievance becomes a festering wound and where the follies and blunders of the Nazi rulers, who live in a narrow world of their own, cannot be called into question by public criticism and discussion.

This war will expose the fatal weaknesses of the Nazi structure; every acute crisis will bring the regime nearer to disaster. The immense staying-power of democracy is the final guarantee of Allied triumph.



Printed in England by H. & K. Ltd.

7

La División de Asuntos Políticos se complace en acusar recibo a la Embajada de la República en Londres de su nota verbal nº 219 y del anexo que la acompaña.

Buenos Aires, enero 15 de 1940.

MINISTERIO DE RELACIONES EXTERIORES
15 ENE 1940
DIVISION DE

CARLOS M. KIER

A LA EMBAJADA DE LA REPUBLICA ARGENTINA EN LONDRES.

Ministerio de
Relaciones Exteriores y Culto

D. I. A. P.

15

H

La Dirección de la Cuarta Sección (Investigaciones, Archivo y Propaganda) tiene el agrado de dirigirse a la Dirección de Asuntos Políticos, remitiéndole adjunto dos ejemplares del Libro Azul Británico, de los seis que fueron enviados a esta Dirección por la Embajada Británica.

REPUBLICA ARGENTINA
3 ENE 1960
División
BIBLIOTECA

Buenos Aires, Enero 3 de 1960

Buenos Aires, enero 5 de 1960.

Agréguese a sus antecedentes.

ANCTADO

MINISTERIO DE
RELACIONES EXTERIORES Y CULTO
05 ENE 1960
DIVISION DE
ASUNTOS POLITICOS

Los ejemplares han sido agregados a la Biblioteca de la División.

POR AVION

Gme 1

EMBAJADA ARGENTINA
EN LONDRES

Londres, Agosto 6 de 1940.

No.137.-

Señor Ministro:

Con la presente me es grato acompañar un ejemplar de una publicación que contiene la legislación de emergencia titulada EMERGENCY POWERS (DEFENCE) ACTS, 1939 y 1940, y las leyes británicas modificadas por tal motivo.

Las exigencias de la guerra, a pesar de tratarse de un país en donde el culto de los derechos del individuo constituye la máxima aspiración nacional, ha impuesto limitaciones fundamentales al ejercicio de esos derechos, los que, dada la universalidad en las repercusiones del conflicto, considero de interés someter a la atención de V. E. y comentar.

2.- La parte 1ª en su artículo 1º y 2º trata de las medidas necesarias para la seguridad del Estado, en lo relativo a interferencia con los servicios esenciales, ayuda al enemigo y sabotaje y la libertad de la prensa. La pena de presidio, hasta perpetuidad, ha sido establecida para el delito de asistencia al enemigo y sabotaje.

Independientemente de la censura de órden general existente, se restringe aún más la libertad de prensa. Bajo el título de "corrupción de la moral pública" se reprime la circulación de material impreso y periodístico tendiente a dificultar la "prosecución de cualquier objetivo concerniente a toda guerra en que su Majestad estuviese comprometida". Con este frase, repetidamente en el texto de la ley, se trata de calificar el delito. Los procedimientos no pueden ser iniciados sino a instancia del Procurador General, y, tanto el procedimiento sumario como de hacer al individuo de sus jueces naturales, no ha sido evitado. Este aspecto de la legislación de emergencia fué objeto de un animado debate en la Cámara de los Comunes, cuyo resultado, a pesar de la intranquilidad reinante, fué no dar curso excesivo a los procedimientos sumarios típicos del estado de guerra.

3.- Los artículos 3 al 11 tratan de la información que pudiera resultar de beneficio al enemigo, desde el punto de vista del desarrollo normal de las actividades comerciales de orden internacional. Se prescriben una serie de limitaciones en el desarrollo de los negocios particulares.

4.- La circulación de los habitantes en determinadas zonas destinadas a la defensa del territorio o a servicios públicos ha sido restringida, y el poder público, por intermedio del Ministro de Estado o el Almirantazgo está autorizado a determinar las zonas o edificios destinados a tal fin.

A S.E. el Señor Ministro de Relaciones Exteriores y Culto,
Dr. José María Cantilo,
BUENOS AIRES.-

ANOTADO

CONFORME

5.- La libertad de los habitantes se halla restringida, sin juicio previo por el Secretario de Estado, quien, a su satisfacción, puede imponer limitación a la vida ordinaria de cualquier persona que considere sospechosa. Puede ordenar su detención cuando pertenezca a asociaciones que conspiren contra la seguridad del Estado. La calificación de asociaciones de esta naturaleza es de gran latitud, y podría decirse que el factor determinante es el de obedecer a "órdenes o sugestiones del extranjero".

6.- Como prevención a las actividades de la quinta columna en caso de invasión, se obliga a los motoristas a que cierren sus coches cuando los dejen estacionados y los inmovilicen por otros medios durante la noche aún en los garages. Severas medidas se han tomado para el control de la noche.

7.- La libertad individual ha sido también limitada en lo que se refiere al abandono de la función pública. Toda persona al servicio del Estado, ya sea en el órden regular o en funciones extraordinarias, estará obligado a continuar en ellas salvo razones de salud u otras debidamente justificadas.

8.- La propaganda en el orden interno y externo está centralizada por el Secretario de Estado quien puede adoptar medidas ejecutivas, sin que ello obste para que los procedimientos continuen ante los tribunales. Lo mismo rige en lo que se refiere al derecho de reunión.

9.- Dije más arriba que las prácticas del comercio en general, en cuanto puedan ayudar al enemigo han sido modificadas; las actividades marítimas en especial. Como exponente de esta tendencia cabe señalar el art. 46.3 de la parte III, cuando prescribe la política a seguir por las compañías de navegación británicas en lo que hace al empleo de súbditos extranjeros en el exterior. La autoridad competente en el país Unido tiene que aprobar los servicios de súbditos extranjeros en el exterior.

10.- La parte IV de la publicación adjunta trata de las limitaciones a los derechos de la propiedad mueble e inmueble. El artículo 94.3 autoriza al Ministro de Abastecimientos a declarar cualquier empresa o manufactura como sujeta a control por parte del Estado. No se trata de una expropiación sino de una supervisión estricta para la cual las leyes de emergencia sientan algunas directivas que contemplan, en todo lo compatible con las circunstancias, la situación de los empleados y obreros y los precios.

11.- La concertación de los contratos para el suministro de los materiales y efectos requeridos para la prosecución de la guerra han sido objeto de cuidadoso estudio. En algunos casos el Parlamento debatió el asunto, y es una consecuencia, entre otros, lo prescripto en el art. 81.4 en cuanto se refiere a los intermediarios. Este conflicto se caracteriza por el empeño de los poderes públicos a fin de

que no se realicen gestiones con motivo de los suministros.

A pesar de las limitaciones que impone, es del caso señalar que esta legislación ha sido aceptada por parte del público sin reservas y como una consecuencia natural del estado de cosas reinante.

Me es grato saludar a V. E. con mi consideración más distinguida.

F. C. de Beistegui

ANOTADO

Buenos Aires, Agosto 14 de 1941.-

Archívese.-

MINISTERIO DE RELACIONES EXTERIORES Y CULTO
14 AGO 1941
DIVISION DE ASUNTOS POLITICOS

# DEFENCE REGULATIONS

*(being Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, printed as amended up to and including 24th July, 1940)*

to which is prefaced
A table of Acts of Parliament amended, suspended or applied by Defence Regulations and orders made thereunder, by Orders in Council made under the Chartered and Other Bodies (Temporary Provisions) Act, 1939, and by orders made under the Import, Export and Customs Powers (Defence) Act, 1939

5th Edition—24th July, 1940

LONDON
HIS MAJESTY'S STATIONERY OFFICE
Price 4s. 6d. net

Argentina

# DEFENCE REGULATIONS

*(being Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, printed as amended up to and including 25th July, 1940)*

to which is prefaced
A table of Acts of Parliament amended, suspended or applied by Defence Regulations and orders made thereunder, by Orders in Council made under the Chartered and Other Bodies (Temporary Provisions) Act, 1939, and by orders made under the Import, Export and Customs Powers (Defence) Act, 1939

*Prepared in the Office of the Parliamentary Counsel*

*Crown Copyright Reserved*

LONDON
PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
To be purchased directly from H.M. STATIONERY OFFICE at the following addresses
York House, Kingsway, London, W.C.2; 120 George Street, Edinburgh, 2;
37 York Street, Manchester, 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any bookseller
1940
Price 4*d*. net

Antonio Hurtado
Universidad de Palermo Departamento Comercio Internacional y Cultura Argentina



| | |
|---|---|
| 13 & 14 Geo. 5. c. 30. | [The Agricultural Returns Act, 1923.] "Agricultural land" extended [poultry breeding], p. 233. |
| 13 & 14 Geo. 5. c. 60. | [The Criminal Justice Act, 1925.] S. 10 amended, p. 377; s. 25 (new provisions substituted), p. 381; s. 31 (2) amended, p. 170. |
| 16 & 17 Geo. 5. c. 24. | [The Police Pensions Act, 1926.] Excluded, p. 82. |
| 16 & 17 Geo. 5. c. 37. | [The Lead Paint (Protection against Poisoning) Act, 1926.] Functions of Secretary of State transferred to Minister of Labour and National Service, p. 120. |
| 16 & 17 Geo. 5. c. 48. | [The Births and Deaths Registration Act, 1926.] S. 1 excluded, p. 63. |
| 17 & 18 Geo. 5. c. 19. | [The Police (Appeals) Act, 1927.] Excluded, p. 82. |
| 17 & 18 Geo. 5. c. 23. | [The Currency and Bank Notes Act, 1928.] S. 2 suspended, p. 252. |
| 19 & 20 Geo. 5. c. 23. | [The Companies Act, 1929.] S. 120 amended, p. 223. |
| 19 & 20 Geo. 5. c. 34. | [The Coal Mines Act, 1930.] S. 3 suspended, p. 122. S. 8 excluded, p. 122. |
| 20 & 21 Geo. 5. c. 43. | [The Road Traffic Act, 1930.] S. 63 (3) suspended, p. 136. S. 90 (1) and (2) applied, p. 230. S. 6 (3), new proviso, p. 130. |
| 20 & 21 Geo. 5. c. 44. | [The Land Drainage Act, 1930.] Ss. 4 (1) and 18 (3) amended, p. 103. Sch. III, Part II, para. 3 amended. See S.R. & O. 1940, No. 760. |
| 20 & 21 Geo. 5. c. 15. | [The Yarmouth Naval Hospital Act, 1931.] Applied, p. 70. |
| 21 & 22 Geo. 5. c. 42. | [The Agricultural Marketing Act, 1931.] S. 9 excluded, p. 191; First Schedule, Part II, para. 2 suspended, p. 199. |
| 22 & 23 Geo. 5. c. 43. | [The Improvement of Live Stock (Licensing of Bulls) Act, 1931.] In part suspended, pp. 193, 200. |
| 22 & 23 Geo. 5. c. 51. | [The Sunday Entertainments Act, 1932.] See pp. 83, 86. |
| 23 & 24 Geo. 5. c. 6. | [The Visiting Forces (British Commonwealth) Act, 1933.] S. 2 (2) amended, p. 209. |
| 23 & 24 Geo. 5. c. 14. | [The London Passenger Transport Act, 1933.] Ss. 23 and 34 excluded, p. 130. |
| 23 & 24 Geo. 5. c. 23. | [The Pharmacy and Poisons Act, 1933.] Ss. 23 (1) and 26 (2) excluded, p. 130. |
| 24 & 25 Geo. 5. c. 8. | [The Tyrotoxin (Import Regulation) Act, 1934.] Suspended by order under the Import, Export and Customs Powers (Defence) Act, 1939. S.R. & O., 1939 (No. 1054), I, p. 386. |
| 24 & 25 Geo. 5. c. 36. | [The Petroleum (Production) Act, 1934.] S. 8 amended (Secretary for Petroleum substituted for Secretary for Mines), p. 244. |
| 25 & 26 Geo. 5. c. 9. | [The Herring Industry Act, 1935.] In part suspended, pp. 193, 200. |
| 26 Geo. 5. & 1 Edw. 8. c. 22. | [The Hours of Employment (Conventions) Act, 1936.] Functions of Secretary of State under s. 1, so far as relating to employment in factories, and s. 3, transferred to Minister of Labour and National Service, p. 120. |
| 26 Geo. 5. & 1 Edw. 8. c. 84. | [The Employment of Women and Young Persons Act, 1936.] Functions of Secretary of State transferred to Minister of Labour and National Service, p. 120. |



| | |
|---|---|
| 26 Geo. 5. & 1 Edw. 8. c. 49. | [The Public Health Act, 1936.] Ss. 206 to 219 excluded, p. 40. |
| 26 Geo. 5. & 1 Edw. 8. c. 51. | [The Housing Act, 1936.] S. 135 (3) see p. 134. |
| 1 Edw. 8. & 1 Geo. 6. c. 6. | [The Public Order Act, 1936.] S. 3 (1) and (2), and words in s. 5 (1) suspended, p. 87. |
| 1 Edw. 8. & 1 Geo. 6. c. 15. | [The Geneva Convention Act, 1937.] S. 1 (2) and (3) amended [U.K.], pp. 146, 147. |
| 1 Edw. 8. & 1 Geo. 6. c. 37. | [The Children and Young Persons (Scotland) Act, 1937.] Ss. 1 to 12 excluded, p. 30. |
| 1 Edw. 8. & 1 Geo. 6. c. 38. | [The Ministers of the Crown Act, 1937.] Ss. 1, 2, 9 and 10 amended (Parliamentary Under-Secretaries; Secretary for Petroleum). See pp. 243, 244. |
| 1 Edw. 8. & 1 Geo. 6. c. 50. | [The Livestock Industry Act, 1937.] In part suspended, pp. 193, 200. |
| 1 Edw. 8. & 1 Geo. 6. c. 52. | [The Agricultural Wages (Regulation) (Scotland) Act, 1937.] Ss. 2 (2) and 6 (3) proviso (ii) suspended, p. 196. |
| 1 Edw. 8. & 1 Geo. 6. c. 67. | [The Factories Act, 1937.] Functions of Secretary of State transferred to Minister of Labour and National Service, p. 120. |
| 1 & 2 Geo. 6. c. 27. | [The Cinematograph Films Act, 1938.] Ss. 1 (1), 26 and 44 (1) amended, p. 155; s. 3 (alternative provisions substituted), p. 155. S. 42 amended by Order in Council under the Chartered and other Bodies (Temporary Provisions) Act, 1939. S.R. & O., 1940, No. 886, see Appendix, p. 11. |
| 1 & 2 Geo. 6. c. 30. | [The Sea Fish Industry Act, 1938.] In part suspended, pp. 194, 200. |
| 1 & 2 Geo. 6. c. 41. | [The Herring Industry Act, 1938.] In part suspended, pp. 193, 200. |
| 1 & 2 Geo. 6. c. 56. | [The Food and Drugs Act, 1938.] S. 33 (1) (d) amended, pp. 122, 123. |
| 1 & 2 Geo. 6. c. 70. | [The Holidays with Pay Act, 1938.] S. 1 (1) proviso in part excluded, p. 119. |
| 1 & 2 Geo. 6. c. 72. | [The Bacon Industry Act, 1938.] Amended and in part suspended, pp. 189-191, 200. |
| 1 & 2 Geo. 6. c. 72. | [The Fire Brigades Act, 1938.] S. 14 (1) "member of the brigade" extended [auxiliary firemen]; s. 14 (2) "member of the brigade" extended [auxiliary firemen], p. 59. S. 14 (3) amended by S.R. & O. 1940 Nos. 151, 307 and 308. See Appendix, pp. 12, 13. |
| 2 & 3 Geo. 6. c. 16. | [The Bacon Industry (Amendment) Act, 1939.] Suspended, pp. 189, 200. |
| 2 & 3 Geo. 6. c. 31. | [The Civil Defence Act, 1939.] Ss. 2 (3) suspended, p. 52. S. 73 suspended, p. 62. S. 82 amended (save subs. (6)), p. 53. |
| 2 & 3 Geo. 6. c. 47. | [The Overseas Trade Guarantee Act, 1939.] S. 1 suspended, p. 18. |
| 2 & 3 Geo. 6. c. 57. | [The War Risks Insurance Act, 1939.] Amended. See pp. 276-278. |
| 2 & 3 Geo. 6. c. 61. | [The British Overseas Airways Act, 1939.] S. 2 (1) and Sch. I, para. 8. Amended by Order in Council under the Chartered and Other Bodies (Temporary Provisions) Act, 1939. S.R. & O. 1939 (No. 1698), I, p. 278. See Appendix, p. 168. |

Archivo Histórico
Facultad de Ciencias Económicas, Jurídicas y Políticas
Universidad Nacional de La Plata
Argentina



1 & 2 Geo. 6. c. 65. [The Courts (Emergency Powers) Act, 1939.] Extended, see pp. 219, 220.

1 & 2 Geo. 6. c. 78. [The Administration of Justice (Emergency Provisions) Act, 1939.]
S. 3 (1) (courts of quarter sessions and of summary jurisdiction), see pp. 176, 177; s. 8 (1) (new provisions substituted), p. 179.

1 & 2 Geo. 6. c. 79. [The Administration of Justice (Emergency Provisions (Scotland) Act, 1939.] S. 3 amended, p. 188.

1 & 2 Geo. 6. c. 80. [Do Trading with the Enemy Act, 1939.] Ss. 1 (1), 1 (2) and 2 (1) amended, p. 251; new ss. 6 (3A), 7A and 15 (1A) inserted, pp. 252, 253, 255; s. 7 (1) extended, p. 253.

1 & 2 Geo. 6. c. 103. [The Police and Firemen (War Service) Act, 1939.] Excluded, p. 82.

1 & 2 Geo. 6. c. 107. [The Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939.] S. 3 amended, p. 223.

1 & 2 Geo. 6. c. 113. [The Courts (Emergency Powers) (Scotland) Act, 1939.] Extended, see p. 220.

1 & 2 Geo. 6. c. 9. [The Cotton Industry Act, 1940.] Paragraph 2 of Schedule amended, p. 424.

3 & 4 Geo. 6. c. 14. [The Agriculture (Miscellaneous War Provisions) Act, 1940.] Fifth Schedule amended, p. 429.

3 & 4 Geo. 6. c. 17. [The Agricultural Wages Act, 1940.] Amended and applied pp. 196–198.

*Acts of the Parliament of Northern Ireland.*

12 & 26 Geo. 5. c. 3 (N.I.). [The Agricultural Marketing (Pig Industry) Act (Northern Ireland) 1934.] Operation in part suspended, pp. 201, 202.

2 Geo. 6. c. 44 (N.I.). [The Holidays with Pay Act (Northern Ireland) 1938.] S. 1 (2), proviso in part excluded, p. 189.

2 & 3 Geo. 6. c. 10 (N.I.). [Bacon Industry Act (Northern Ireland) 1938.] Operation in part suspended, pp. 201, 202.

2 & 3 Geo. 6. c. 13 (N.I.). [The Civil Defence Act (Northern Ireland) 1939.] S. 7 (3) suspended, p. 52; s. 23 amended (new subs. (4)), p. 55.

## APPENDIX.

### [ORDERS IN COUNCIL AND ORDERS UNDER ENACTMENTS OTHER THAN THE EMERGENCY POWERS (DEFENCE) ACTS.]

#### I. Chatteris and Other Bridges.

*Extract from S.R. & O. 1939 (No. 1656) I, p. 276.*

1.—(1) Notwithstanding the provisions of subsection (2) of section one of the British Overseas Airways Act, 1939, the Corporation shall consist of a chairman, deputy-chairman and one other member, or such number of other members not being greater than three as the Secretary of State may from time to time direct, so, however, that the proceedings of the Corporation shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member.

2. Notwithstanding paragraph 8 of the First Schedule to the said Act, the quorum of the Corporation shall be two.



*Extract from S.R. & O. 1939 (No. 1872) I, p. 270.*

1.—(1) The number of the Electricity Commissioners that are required by subsection (3) of section one of the Electricity (Supply) Act, 1919, to be whole-time officers shall be reduced to two.

(2) This order shall have effect as from the thirteenth day of October, nineteen hundred and thirty-nine.

*Extract from S.R. & O. 1940 No. 30.*

2. Notwithstanding anything in the Medical Acts or any other enactment no person shall, while this order is in force, be elected to the General Medical Council as a direct representative, and any person who, at the commencement of this order, was a direct representative, shall continue in office:

Provided that nothing in this order shall prevent the election of the office of a direct representative otherwise than upon the expiration of the period for which he was elected; and in the event of any such office being vacant while this order is in force, a person to fill the vacancy shall be elected, as soon as conveniently may be, by the General Medical Council.

3. No person shall, by virtue of any enactment or rule of law, be required to perform any duty solely for the purpose of any election which by virtue of this order is not to be held.

4. In this order the expression "direct representative" has the meaning assigned to it by section eight of the Medical Act, 1886.

*Extract from S.R. & O. 1940 No. 886.*

1. All the members of the Cinematograph Films Council holding office on the thirteenth day of June, nineteen hundred and forty, shall, notwithstanding anything in section forty-one of the Cinematograph Films Act, 1938, or in the instruments appointing the members of the council, continue to hold office until the thirteenth day of June, nineteen hundred and forty-one.

Provided that nothing herein shall affect the proviso to subsection (3) of the said section forty-one (which requires any member convicted of an offence under the said Act or the Cinematograph Films Act, 1927, to vacate his office).

#### II. Fire Brigades.

*Extract from S.R. & O. 1940 No. 131.*

2. Notwithstanding the provisions of subsection (3) of section 14 of the Fire Brigades Act, 1938, it shall be lawful for the control of the operations for extinguishing any fire within the said Region, to be undertaken by the Area Officer for the Area in which the fire has occurred, or by the Alternative Operating Officer acting on his behalf, if he is present at the fire, or, if the Regional or District Commissioner shall have appointed any other person to be in charge thereof, by such person, if he is present at the fire.

*Extract from S.R. & O. 1940 No. 392.*

4.—(1) At any fire to which this Order applies any person authorised by the Regional Commissioner in that behalf or, if no such person is present, the district officer for the district in which the fire is, if he is present, may take control of the operations for the extinction of the fire.

(2) Where a person has taken control of the operations for the extinction of a fire by virtue of this Article, he, instead of any other officer or person mentioned in subsection (3) of section fourteen of the Fire Brigades Act, 1938, shall have the sole charge and control of all operations for the extinction of the fire, and that subsection shall be construed accordingly as referring to him and not to any other officer or person.

Argentina



*Extract from S.R. & O. 1940 No. 398.*

4.—(1) At any fire in the area the Regional Fire Officer or any person authorised by him in that behalf may, if present, take sole charge and control of all operations for the extinction of the fire.

(2) Where a person has taken sole charge and control of all operations for the extinction of a fire by virtue of this Article, then—

(a) if the fire is within the administrative county of London, section twelve of the Metropolitan Fire Brigade Act, 1865, shall, in relation to that fire, have effect as if a reference to that person were substituted for the reference in the said section twelve to the chief or other officer in charge of the fire brigade, and

(b) if the fire is not within the administrative county of London, subsection (3) of section fourteen of the Fire Brigades Act, 1938, shall, in relation to that fire, have effect as if a reference to that person were substituted for the reference to the senior officer or other person mentioned in the said subsection (3).

STATUTORY RULES AND ORDERS

**1939 No. 927**[†]

(as amended)

# THE DEFENCE (GENERAL) REGULATIONS, 1939

## ARRANGEMENT OF REGULATIONS.

### PART I.

PROVISIONS FOR THE SECURITY OF THE STATE.

*Interference with Essential Services.*

1. Misleading acts and misrepresentation.
1A. Interference with persons in His Majesty's service, &c.
1B. Forcing safeguards.
2. Interference with telegraphic communications.

*Assisting the Enemy and Sabotage.*

2A. Acts done with intent to assist the enemy.
2B. Sabotage.
2C. Corruption of public morals.
2D. Control of newspapers.

*Safeguarding Information useful to the Enemy.*

3. General provisions for safeguarding information.
4. Communication with enemy agents.
4A. Communication with persons in enemy territory.
4AA. Information as to insurance contracts.
4B. Signs containing geographical indications.
4C. Articles likely to afford information or other assistance to the enemy.
5. Photography, &c.
6. Inventions and designs.
6A. Returns containing information useful to the enemy.

*Control of means of Communication.*

7. Signalling.
7A. Notification to police of possession of certain electrical apparatus.
8. Wireless telegraphy, &c.
9. Pigeons.
10. Means of secret communication.
11. Postal communications.
11A. Warrants under section fifty-two of Telegraph Act, 1863, to continue until revoked.

[† S.R. & O. 1939 I, p. 773]

Archivo Histórico
Biblioteca de Relaciones Exteriores
Argentina



*Access to certain Premises and Areas.*

22. Protected places.
23. Protected areas.
24. Bye-laws as respects certain places and areas.
24A. Search of persons in and about certain places and areas.
25. Trespassing and loitering.
25A. Restriction of access to essential works.
26. Control of highways over or near defence works and protected places.

*Restrictions on Movements and Activities of Persons.*

16A. Defence areas.
17. Entering enemy territory.
18. Entering and leaving United Kingdom.
18A. Restriction of movements of suspected persons.
18AA. Control and winding up of certain organisations.
18B. Detention orders.
18BB. Power to arrange for transfer to the United Kingdom of persons detained in colonies, &c.
18BC. Power of Regional Commissioner to order detention.
18C. Prisoners of war, &c.
18D. Power to detain suspected persons.
19. Stopping of ships and aircraft.
19A. Control of motor vehicles.
19B. Control of fuel, &c., required for motor vehicles.
19C. Immobilisation of vessels.
20. Change of name.
20A. Amendment of Aliens Restriction Act, 1914.
20AA. Supervision of persons who have been aliens.

*Amendments of Official Secrets Acts.*

20B. Amendments of Official Secrets Acts.

PART II.

PUBLIC SAFETY AND ORDER.

*Public Safety.*

21. Evacuation of areas.
22. Billeting.
23. Precautions in the event of hostile attack.
23A. Power of local education authority to provide air raid shelter in non-provided public elementary schools.
23B. Erection of air raid shelters.
23C. Suspension of s. 9 (3) of Civil Defence Act, 1939.
23CA. Suspension of s. 7 (3) of Civil Defence Act (Northern Ireland), 1939.



23D. Extension of powers of Minister under Civil Defence Act, 1939, as to camouflage.
23DA. Extension of powers of Ministry of Home Affairs for Northern Ireland as to camouflage.
23E. Duty of occupiers of premises to carry out measures for hindering hostile attack.
24. Control of lights and sounds.
25. Danger in premises.
25A. Power to control animals in the event of hostile attack.
25B. Stray dogs.
26. Power to cut off supplies of electricity, gas and water.
27. Measures for dealing with outbreaks of fire.
28. Powers and duties of auxiliary firemen.
29. Co-ordination of fire brigades.
29A. Co-ordination and control of certain civil defence functions of local authorities.
29B. Power to require persons to continue in police and civil defence employment.
30. Deaths occurring in consequence of war operations.
31. Appointment of additional registrars and deputy registrars of births and deaths.
31A. Provision of food, lodging and medical treatment for persons transferred under evacuation plans.
31B. Power to remit charges.
32. Hospitals and ambulances.
32A. Transfer of persons of unsound mind and mental defectives.
32B. Temporary registration in medical register of colonial and foreign practitioners.
33. Exemption of certain women from Acts relating to midwives.
34. Explosives, ammunition and fire arms.
35. Manufacture and transport of dangerous articles.
36. Precautions to be taken in connection with storage of certain liquids.
37. Curfew.
38. Exercise of certain powers by Minister of Home Security.

*Public Order.*

38A. Looting and kindred offences.
39. Control of police forces.
39A. Seducing persons from duty and causing disaffection.
39B. Propaganda.
39BA. Publication of disturbing reports.
39C. Display of flags, &c.
39D. Unlawful drilling.
39E. Processions and meetings.
40. Additional inspectors of constabulary.
40A. Making of declarations by persons appointed to serve as metropolitan police constables.

Archivo Histórico




40AA. Extension of power to appoint special constables nominated by the Admiralty, Army Council or Air Council.
40BB. Miscellaneous provisions as to police forces.
40B. Prisons for execution of death sentences.
41. Visiting committees for certain prisons.
42. Visiting committees for prisons in Scotland.
42A. Discharge and release on license of prisoners, convicts and persons in Borstal Institutions.
42AA. Nomination of sheriffs.
42B. Opening on Sundays of cinemas in areas in England or Wales where forces are quartered.
42C. Closing of undesirable premises.


## PART III.

### Ships and Aircraft.


43. General control of navigation.
43A. Control of salvage.
44. Control of lighthouses, &c.
44A. Power to exclude British ships from particular areas.
45. Measures for safety of British ships.
45A. Employment in British ships and aircraft.
45B. Employment abroad of agents for ships and aircraft.
46. Control of trade by sea.
46A. Registration of ships built in the United Kingdom.
46B. Power of competent authority to prosecute for certain offences.
47. Transfer and registry of British ships.
47A. Desertion from ships, &c.
47B. Exclusion of s. 92 (1) of Merchant Shipping Act, 1894, in relation to ships trading within certain limits, and amendment thereof in relation to ships otherwise trading.
47C. Authority for certain aliens to act as master or officer of a British ship.
48. Amendments of Air Navigation Act, 1920.


## PART IV.

### Essential Supplies and Work.

#### *General Provisions.*


49. Competent authorities for purposes of Part IV.
50. Power to do work on land.
51. Taking possession of land.
52. Use of land for purposes of H.M. Forces.
53. Requisitioning of property other than land.
54. Special powers as to ships and aircraft.
54A. Power to permit nuisances where necessary.
54AA. Power to suspend statutory restrictions on the carrying on of work.





54B. Power to give directions to local authorities.
54C. Controlled undertakings.
55. General control of industry.
56. Public utility undertakings.
56A. Power of Postmaster General to refuse transmission of certain circulars.
57. Disposal of reserves of essential commodities created under 1 & 2 Geo. 6, c. 51.
57A. Exemption from Acts relating to spirits.
58. Licensing of explosives factories.
58A. Control of employment.
58AA. Avoidance of strikes and lockouts.
58AB. Power to amend directions under Acts relating to holidays with pay.
58B. Transfer to Minister of Labour and National Service of functions of the Secretary of State under the Factories Act, 1937, &c.
59. Exemptions from Acts relating to factories, mines and quarries.
60. Safety and welfare of factory workers.
60B. Suspension of s. 5 of the Coal Mines Act, 1930.
60C. Amendment of s. 33 of Food and Drugs Act, 1938.
60D. Employment of certain aliens under the Crown in civil capacities.
60E. Amendments of s. 3 of Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939.


#### *Agriculture and Fisheries.*


62. Preservation of agricultural land.
62. Control of cultivation, and termination of agricultural tenancies.
62A. Power of local authority to let land for allotments.
62B. Suspension of restrictions on keeping pigs, hens and rabbits.
62BA. Agistment of livestock.
62C. Land drainage.
63. Killing of game and pests.
63A. Provision regarding damage by deer, hares and rabbits to crops in Scotland.
63B. Provisions regarding heather burning in Scotland.
64. Control of fisheries.
65. Suspension of fishing rights.
66. Delegation of functions of Minister of Agriculture.
67. Agricultural returns.
68. Felling and sale of trees.


#### *Housing.*


68A. Reconditioning of housing accommodation for war workers.

*Transport.*

69. Special provisions as to taking control of railways.
70. Traffic on highways.
71. Maintenance of highways.
71A. Control of road works in London Traffic Area.
72. Modification of enactments relating to road vehicles and drivers thereof.
73. Modification of enactments of Parliament of Northern Ireland relating to road vehicles and drivers thereof.
74. Control of traffic at ports.
75. Congestion of traffic at ports and on railways.
76. Handling and conveyance of ammunition, &c., in ports.

*Supplementary Provisions.*

77. Inquiries.
78. Institution of proceedings under Part IV.

PART V.

GENERAL AND SUPPLEMENTARY PROVISIONS.

*General Provisions.*

79. Dutiable articles.
79A. Exclusion of Fatal Accidents Inquiry (Scotland) Act, 1895, in certain cases.
79AA. Sittings of sheriff courts in vacation.
79B. Power to slaughter dangerous and injured animals in the event of hostile attack.
80. Amendment of Geneva Convention Acts.
80A. Power to obtain information.
81. Affixing of notices.
81A. Commission in connection with government contracts.
82. False documents and false statements.
83. Obstruction.
84. Restrictions on disclosing information.
84A. Power to enable Regional Commissioners to make byelaws.

*Administrative Provisions.*

85. Entry upon, and inspection of, land.
86. Removal of offices, &c.
87. Permits, licences, &c.
88. Fees for permits, licences, &c.
88A. Entry and search of premises etc. to obtain evidence of offences.
88B. Power to stop and search vehicles and vessels.
88C. Power to arrest without warrant.
88D. Identification of persons in custody.
89. Use of force in entering premises.



*Offences and Legal Proceedings.*

90. Attempts to commit offences, and assisting offenders.
91. Offences by corporations.
92. Penalties.
93. Legal proceedings.
93A. Summary proceedings in Scotland against persons in His Majesty's service, &c.
94. Disposal of articles in possession of executive authorities.
94A. Seizure of printing presses used in connection with the commission of certain offences.
94B. Seizure of printing presses used in connection with certain newspapers.

*Supplementary Provisions.*

95. Recovery of expenses.
96. Entrusting of functions to statutory bodies.
97. Service of notices.
98. Revocation and variation of orders, &c.
99. Exercise of powers of Board of Trade, Attorney General and chief officers of police.
100. Interpretation.
101. Application to Scotland.
102. Application to Northern Ireland.
103. Application to Isles of Scilly.
104. Special provisions as to India, Burma and Southern Rhodesia.
105. Short title.

SCHEDULES:

First Schedule—Amendments of Official Secrets Acts, 1911 and 1920.

Second Schedule—Specified Offences.

PART I.

PROVISIONS FOR THE SECURITY OF THE STATE.

*Interference with Essential Services.*

Misleading acts and misrepresentation.

1.—(1) No person shall—

(*a*) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of His Majesty or a foreign Government, or as a member of a police force, a special constable, a member of a fire brigade or an auxiliary fireman, or in the service, or on behalf, of an undertaking engaged in the performance of essential services, or

(*b*) do, in relation to any property, any act calculated falsely to suggest that the property does or does not belong to, or is or is not in the possession or under

Archivo Histórico
Material de Relaciones Exteriores
Cancillería Argentina



Part I.—cont.

the control of, His Majesty, or has or has not been classified, selected or appropriated on behalf of His Majesty for any particular purpose, or

(c) do any act whereby there are communicated, or likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of the realm or the securing of the public safety, or

(d) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorised by or on behalf of a Secretary of State or the Admiralty, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose or otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal, or

(e) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the defence of the realm or the securing of the public safety:

Provided that the provisions of sub-paragraph (a) of this paragraph shall not apply to anything done by any servant of His Majesty or constable acting in the course of his duty as such.

(2) In this Regulation the expression "defence signal" means any signal authorised by or on behalf of a Secretary of State or the Admiralty to be used for any purpose connected with the defence of the realm or the securing of the public safety.

[*] (3) No person shall supply to or make for any unauthorised person any naval, military, air force, police, fire brigade, auxiliary fire service, or other official uniform, whether the uniform is British or foreign, or any badge or emblem supplied or authorised by any Government department or local or public authority, or any uniform, badge or emblem so nearly resembling any such uniform, badge or emblem as aforesaid as to be calculated to deceive:

Provided that it shall be a defence, in any proceedings in respect of a contravention of this paragraph for the defendant to prove that he took all reasonable steps to satisfy himself that the person to or for whom the uniform, badge or emblem was supplied or made was an authorised person.

[* New paragraph inserted by S.R. & O. 1940 No. 848.]



Part I.—cont.

Interference with persons in His Majesty's service, &c.

[*]1A. No person shall—

(a) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by persons in His Majesty's service or the carrying on of their work by persons engaged in the performance of essential services, or

(b) do, in relation to any person whom he knows to be a person in His Majesty's service or to be a person engaged in the performance of essential services, any act with intent thereby to render him incapable of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged:

Provided that a person shall not be guilty of an offence against this Regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

Forcing safeguards.

[*]1B.—(1) Any person who endeavours to force a safeguard shall be guilty of an offence against this Regulation and shall, on conviction on indictment, be liable to suffer death or penal servitude for life.

(2) In this Regulation the expression "safeguard" means any party of His Majesty's forces posted for the purpose of protecting, or of preventing or controlling access to, any premises or place, or for the purpose of regulating traffic on any road railway or inland navigation, and includes any sentry being a member of the said forces posted for any of the purposes aforesaid.

(3) A person sentenced to death after conviction on indictment of an offence against this Regulation shall be dealt with in like manner as persons convicted on indictment of murder.

Interference with telegraphic communications.

2. No person shall knowingly—

(a) cause interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television, or

(b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means:

Provided that the preceding provisions of this Regulation shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or constable acting in the course of his duty as such.

[* New Regulation inserted: see S.R. & O. 1939 [No. 1681] I, p. 811.]
[* New Regulation inserted by S.R. & O. 1940 No. 1211.]

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Part I.—cont.

*Assisting the Enemy and Sabotage.*

Acts done with intent to assist the enemy.

[*]2A.—(1) If, with intent to assist the enemy, any person does any act which is likely to assist the enemy or to prejudice the public safety, the defence of the realm or the efficient prosecution of the war, then, without prejudice to the law relating to treason, he shall be guilty of an offence against this Regulation and shall, on conviction on indictment, be liable to penal servitude for life.

(2) A person shall not be summarily convicted of an offence against this Regulation and a court of quarter sessions shall not have jurisdiction to try any person upon an indictment charging him with an offence against this Regulation.

Sabotage.

[*]2B.—(1) No person shall do any act with intent to impair the efficiency or impede the working or movement of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used in His Majesty's service or in the performance of essential services, or to impair the usefulness of any works, structure or premises used or intended to be used as aforesaid:

Provided that a person shall not be guilty of an offence against this Regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

(2) The preceding provisions of this Regulation shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as they apply in relation to the doing of any act by a person.

(3) Any person convicted of an offence against this Regulation shall, if convicted on indictment, be liable to penal servitude for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

12 Geo. 3, c. 24

(4) The operation of the Dockyards, &c., Protection Act, 1772, shall be suspended during the continuance in force of this Regulation.

Corruption of public morals.

[*]2C.—(1) If it appears to the Secretary of State that any person is concerned in the systematic publication of matter which is, in the opinion of the Secretary of State, calculated to foment opposition to the prosecution to a successful issue of any war in which His Majesty is engaged, and that serious mischief may be caused by subsequent publications of a similar character, the Secretary of State may cause to be served upon

[* New Regulation inserted: see S.R. & O. 1939 (No. 1084) I, p. 811; amended by S.R. & O. 1940 No. 1901.]

[* New Regulation inserted: see S.R. & O. 1939 (No. 1084) I, p. 811.]

[* New Regulation inserted by S.R. & O. 1940 No. 1280.]



Part I.—cont.

that person a notice in writing drawing his attention to the matter objected to and warning him that if he is concerned in any future publication of matter calculated to foment such opposition as aforesaid he will become liable to prosecution under this Regulation.

(2) If, after such a warning as aforesaid has been served upon any person, that person publishes, whether orally or otherwise, any matter calculated to foment opposition to the prosecution to a successful issue of any war in which His Majesty is engaged, or aids abets counsels or procures the publication of such matter, then, whether or not the matter is of a similar character to the matter in respect of which the warning was given, that person shall be guilty of an offence against this Regulation and shall on conviction on indictment be liable to penal servitude for a term not exceeding seven years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine:

Provided that it shall be a defence to any prosecution in respect of a contravention of this paragraph to prove that the person by whom the offence is alleged to have been committed had no intent to foment opposition to the prosecution to a successful issue of any war in which His Majesty is engaged, and had no reasonable cause to believe that the matter published was calculated to foment such opposition.

(3) If, after such a warning as aforesaid has been served upon any person that person, with intent to commit an offence against the foregoing provisions of this Regulation, has in his possession or under his control any document of such a nature that the publication of copies thereof or the aiding abetting counselling or procuring of such publication, would, if committed by any person who had been duly warned under this Regulation, constitute such an offence he shall be guilty of an offence against this Regulation and shall, on conviction on indictment, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

(4) Where it appears to the Secretary of State that a person upon whom a notice is to be served under paragraph (1) of this Regulation as being a person concerned in such publication as is mentioned in that paragraph, is so concerned in the capacity of a manager of any organization engaged in the systematic publication of matter, the Secretary of State may direct that the notice shall state that the notice is a warning not only to the person upon whom it is served but also to the organization named or described therein; and if on the prosecution of any person for an offence against this Regulation it is proved—

(*a*) that a notice so purporting to warn an organization has been served; and

Archivo Histórico
Universidad de Buenos Aires
Argentina



Part I.—cont.

(b) that the person upon whom the notice was served was at the time of the service thereof a manager of that organisation; and

(c) that the person charged was at the time of the commission of the act in respect of which the prosecution was instituted a manager of that organisation or of an organisation engaged, in succession thereto, in substantially the same systematic publication as was formerly carried on by that organisation;

then, for the purposes of paragraph (2) and paragraph (3) of this Regulation, the person charged shall be deemed to be a person upon whom such a warning as is referred to in those paragraphs has been served.

For the purposes of this paragraph any person taking part in the management or control of an organisation, or holding or purporting to hold a position of management or control therein, shall be deemed to be a manager of that organisation.

(5) A prosecution in respect of a contravention of this Regulation shall not be instituted in England or Northern Ireland except with the consent of the Attorney General.

(6) A person shall not be summarily convicted of an offence against this Regulation, and a court of quarter sessions shall not have jurisdiction to try any person upon an indictment charging him with an offence against this Regulation.

(7) A notice served upon a person under paragraph (2) of this Regulation may be withdrawn if at any time the Secretary of State is satisfied that it is no longer necessary that the notice should continue in operation, and after the withdrawal of any such notice no person shall be deemed to be by virtue of that notice a person upon whom such a warning as aforesaid has been served, but without prejudice to the service of any subsequent notice.

Control of newspapers.

[*]**2**B.—(1) If the Secretary of State is satisfied that there is, in any newspaper, a systematic publication of matter which is, in his opinion, calculated to foment opposition to the prosecution to a successful issue of any war in which His Majesty is engaged, he may by order apply the provisions of this Regulation to that newspaper.

(2) No person shall print, publish or distribute or be in any way concerned in the printing, publication or distribution of any newspaper to which this Regulation applies.

(3) An order of the Secretary of State under this Regulation specifying a newspaper by name shall have effect not only with respect to any newspaper published under that name but with respect to any newspaper published under any other name if

[*] New Regulation inserted by S.R. & O. 1940 No. 808.]



Part I.—cont.

the publication thereof is in any respect in continuation of, or in substitution for, the publication of the newspaper named in the order.

*Safeguarding Information useful to the Enemy.*

General provisions for safeguarding information.

[*]**3.**—(1) Subject to the provisions of this paragraph, no person shall—

(1) obtain,

(2) record, communicate to any other person or publish, or

(3) have in his possession any document containing, or other record whatsoever of,

any information being, or purporting to be, information with respect to any of the following matters, that is to say:—

(a) the number, description, armament, equipment, disposition, movement or condition of any of His Majesty's forces, vessels or aircraft;

(b) any operations or projected operations of any of His Majesty's forces, vessels or aircraft;

(c) any measures for the defence or fortification of any place on behalf of His Majesty;

(d) the number, description or location of any prisoners of war;

(e) munitions of war;

(f) any other matter whatsoever information as to which would or might be directly or indirectly useful to an enemy:

Provided that this paragraph shall not apply to anything done by any servant of His Majesty or constable acting in the course of his duty as such, or to anything done for the purpose of the performance of a contract with His Majesty; and a person shall not be guilty of a contravention of this paragraph in respect of anything done by him if he proves that it was done under any authority or permission granted by or on behalf of His Majesty, or that the doing of that thing was not likely to prejudice the defence of the realm or the efficient prosecution of the war.

[*](2) If either House of Parliament in pursuance of a resolution passed by that House holds a secret session, it shall not be lawful for any person in any newspaper, periodical, circular or other publication, or in any public speech, to publish any report of, or to purport to describe the proceedings at, that session, except such report or description thereof as may be officially communicated through the Press and Censorship Bureau.

Communication with enemy agents.

**4.**—(1) No person shall communicate or associate with any other person having reasonable cause to believe that that other person is engaged in assisting the enemy:

[*] Paragraph (1) amended by S.R. & O. 1940, No. 584.]
[*] New paragraph inserted: see S.R. & O. 1939 [No. 1702] I, p. 844.]

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Part I—cont.

Provided that in any proceedings taken by virtue of this Regulation in respect of any particular communication or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to the public safety or the defence of the realm.

[*](2) Any person convicted of an offence against this Regulation shall, if convicted on indictment, be liable to penal servitude for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

Communication with persons in enemy territory.

[*]**4A.**—(1) No person shall communicate with any person in enemy territory:

Provided that this Regulation shall not apply—

(a) to anything done by any servant of His Majesty acting in the course of his duty as such; or

(b) to anything done under an authority given generally or specially by, or by any person authorised in that behalf by, a Secretary of State, the Treasury, or the Board of Trade.

[*](1A) Any person convicted of an offence against this Regulation shall, if convicted on indictment, be liable to penal servitude for any term not exceeding five years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

(2) In this Regulation the expression "enemy territory" means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty.

Information as to insurance contracts.

[*]**4AA.**—(1) Subject as hereinafter provided, no person engaged in the United Kingdom in the business of insurance shall send or cause to be sent by post or otherwise to any destination outside the United Kingdom, except the destinations mentioned in the next following paragraph, any of the following information relating to contracts of insurance:—

(a) in the case of a contract of insurance relating to property in the United Kingdom, France or Algeria, any information as to the identity of the assured or as to the nature or situation of the property insured;

(b) in the case of a contract of marine insurance, being a voyage policy or a floating policy, any information as to the policy or as to any event affecting the risk covered by the policy;

[* New paragraph inserted by S.R. & O. 1940 No. 1356.]
[* New Regulation inserted by S.R. & O. 1940 No. 1134.]
[* New Regulation 4A inserted by S.R. & O. 1940 No. 698; re-numbered 4AA by S.R. & O. 1940 No. 1134.]



Part I—cont.

(c) in the case of a contract of marine insurance, being a time policy, any information as to any term or warranty the effect of which is to define or limit the voyages to be undertaken or the cargo to be carried, or as to any provision for the payment of an additional premium in the case of a breach of any such term or warranty, or as to any such breach or other event affecting the risk covered by the policy:

Provided that—

(i) the information mentioned in sub-paragraph (b) hereof may be sent after the expiration of three months from the commencement of the risk, and the information mentioned in sub-paragraph (c) hereof may be sent after the expiration of the period for which the policy is in force;

(ii) nothing in this paragraph shall prevent the sending of any information mentioned in sub-paragraph (b) or in sub-paragraph (c) hereof, in so far as it is required to be sent for the purpose of establishing a claim in respect of any loss whether total or partial.

(2) The foregoing paragraph shall not apply to the sending of information to a destination in any of the following countries or territories, namely, the Channel Islands, the Isle of Man, France, Algeria, any part of His Majesty's dominions outside the British Islands, or any territory under His Majesty's protection.

(3) The foregoing provisions of this Regulation shall apply, so far as applicable, in relation to any proposal for a contract of insurance as they apply in relation to a contract of insurance.

(4) In this Regulation, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"floating policy", "voyage policy" and "time policy" have the same meanings as in the Marine Insurance Act, 1906, except that in the case of a policy which is both a voyage policy and a time policy, the policy shall be deemed to be a time policy and not a voyage policy; 6 Edw. 7. c. 41.

"insurance" includes re-insurance.

Signs containing geographical indications.

[*]**4B.**—(1) A Secretary of State, the Admiralty or the Minister of Transport may by order make provision for prohibiting the erection or display of direction posts, place names, maps or other signs likely to afford assistance to the enemy in the event of hostile attack, and for the removal, obliteration or concealment of any such signs.

[* New Regulation inserted by S.R. & O. 1940 No. 880.]

Archivo histórico
Argentina



Part I—cont.

(2) Any order under this Regulation may be made so as to apply either generally or to a particular area and either to signs generally or to any class of signs.

(3) This Regulation shall, in its application to Northern Ireland, have effect as if the reference to the Minister of Transport were omitted.

Articles likely to afford information or other assistance to the enemy.

[1]4c.—(1) If a Secretary of State is satisfied that any articles or articles of any class or description are likely to assist the enemy to obtain information of military value or otherwise to facilitate the preparation or carrying out of hostile operations, he may by order make such provision as appears to be expedient—

(a) for prohibiting or restricting the acquisition, sale, distribution, possession, or disposal of such articles;

(b) for requiring such articles to be placed in the custody of such authorities or persons as may be specified in the order;

(c) for authorising or requiring the destruction of such articles;

and any such order may make provision for such incidental and supplementary matters as appear to the Secretary of State to be necessary or expedient.

(2) Any order under this Regulation may be made so as to apply either generally or to a particular area.

Photography, &c.

5.—(1) Subject to any exemptions for which provision may be made by order of a competent authority, no person shall, except under the authority of a written permit granted by or on behalf of a competent authority,—

(a) have a camera with him—

(i) in any such area in the United Kingdom as may be specified by order of a competent authority, being an area in relation to which the restriction of photography appears to that competent authority to be expedient in the interests of the defence of the realm, or

(ii) in any premises in relation to which an order made under Regulation twelve of these Regulations is in force, or any prohibited place within the meaning of the Official Secrets Act, 1911, as amended by the Official Secrets Act, 1920, or

1 & 2 Geo. 5 c. 28. 10 & 11 Geo. 5 c. 75

(b) make any photograph, sketch, plan or other representation—

(i) of, or of any part of or object in, any such area as aforesaid, or

(ii) of any premises in relation to which an order made under Regulation twelve of these

[1 New Regulation inserted by S.R. & O. 1940 No. 1080.]



Part I—cont.

Regulations is in force, or of any prohibited place within the meaning of the Official Secrets Act, 1911, as amended by the Official Secrets Act, 1920, or of any part of or object in any such premises or place, or

(iii) of persons, things or occurrences of any such description as may be specified by order of a competent authority.

(2) A competent authority may make such orders, and any person acting on behalf of a competent authority may give such special directions, as the said authority or person thinks necessary for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of paragraph (1) of this Regulation, shall not be published either at all or in any specified manner unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order or directions, as the case may be; and a competent authority, or any person acting on behalf of a competent authority, may, if that authority or person thinks it necessary in the interests of the defence of the realm so to do, retain, or destroy or otherwise dispose of, anything submitted as aforesaid.

(3) The preceding provisions of this Regulation shall not apply to anything done by any servant of His Majesty or constable acting in the course of his duty as such.

(4) For the purposes of this Regulation, the competent authorities shall be a Secretary of State and the Admiralty.

Inventions and designs.

[2]8.—(1) Where, either before or after the coming into force of this Regulation, an application has been made to the Comptroller General of Patents, Designs and Trade Marks for the grant of a patent or the registration of a design, the Comptroller General, if satisfied, on the advice of a Secretary of State, the Admiralty, [3the Minister of Supply], [3or the Minister of Aircraft Production], that it is expedient in the interests of the defence of the realm so to do, may, notwithstanding anything in any Act, omit or delay the doing of anything which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(2) No person shall, except under the authority of a written permit granted by, or on behalf of, the Comptroller General of Patents, Designs and Trade Marks, make any application for the grant of a patent, or the registration of a design, in any foreign country.

[1 New Regulation inserted: see S.R. & O. 1939 (No. 1681) I, p. 811.]
[2 Words in brackets inserted: see S.R. & O. 1939 (No. 1681) I, p. 840.]
[3 Words in brackets inserted by S.R. & O. 1940 No. 763.]

Archivo Histórico
Ministerio de Relaciones Exteriores y Culto
Argentina



Part I—cont.

A Secretary of State may by order direct that a permit granted by such authority or person in any part of His Majesty's dominions (other than the United Kingdom), or in any foreign country or territory in which His Majesty has jurisdiction, as may be specified in the order, shall be treated for the purpose of this paragraph as if it were a permit granted by the Comptroller General of Patents, Designs and Trade Marks.

(3) A Secretary of State, the Admiralty, the Board of Trade, [the Minister of Supply] [or the Minister of Aircraft Production], if it appears to him or them to be necessary or expedient in the interests of the defence of the realm or the efficient prosecution of the war so to do, may give directions to any person requiring him to furnish to such authority or person as may be specified in the directions any such information in his possession relating to any invention, design or process as may be specified in the directions, or demanded of him by the said authority or person.

(4) The right of a person to apply for, or obtain, a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to a person in compliance with paragraph (3) of this Regulation, or used by a person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used as aforesaid.

(5) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of, the Crown [whether by virtue of the Patents and Designs Act, 1907, or otherwise], a Secretary of State, the Admiralty, [the Minister of Supply] [or the Minister of Aircraft Production], may authorise the use of any drawing, model, plan or other document or information in such manner as appears to the Secretary of State, the Admiralty, [the Minister of Supply] [or the Minister of Aircraft Production] to be expedient in the interests of the defence of the realm or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and so far as it confers on any person, otherwise than for the benefit of the Crown, a right to receive any payment in respect of the use of any document or information in pursuance of such an authorisation, shall be inoperative.

7 Edw. 7. c. 29.

Returns containing information useful to the enemy. 1 & 2 Geo. 6. c. 47.

[*]8A. The operation of section two of the Overseas Trade Guarantees Act, 1939, shall be suspended during the continuance in force of this Regulation.

[* Words in brackets inserted: see S.R. & O. 1939 [No. 1681] I, p. 840.]
[† Words in brackets inserted by S.R. & O. 1940 No. 763.]
[‡ New Regulation inserted by S.R. & O. 1940 No. 1801.]



Part I—cont.

*Control of means of Communication.*

Signalling.

7. [—(1)] Subject as hereinafter provided no person shall make any signal [* . . . . ] in such circumstances as show that the signal—

(a) is intended to be received by a person on board a vessel at sea or an aircraft in flight, or

(b) is made for a purpose prejudicial to the defence of the realm:

Provided that the preceding provisions of this Regulation shall not restrict the making of any signal by any servant of His Majesty or constable acting in the course of his duty as such, the making of any signal for the purpose only of saving life or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a Power at war with His Majesty, or the making of any signal with permission granted by or on behalf of a Secretary of State or the Admiralty.

[*](2A) Any person convicted of the offence of making a signal in such circumstances as show that the signal is made for a purpose prejudicial to the defence of the realm shall, if convicted on indictment, be liable to penal servitude for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

[*](2) A Secretary of State or the Admiralty, if satisfied that it is necessary or expedient so to do with a view to preventing the making of signals for purposes prejudicial to the defence of the realm, may by order prohibit or restrict the flying over any area of balloons (whether fixed or free) or kites generally, or of balloons or kites of any description specified in the order.

[*](2B) The Secretary of State, if satisfied that it is expedient in the interests of the defence of the realm so to do, may—

(a) by directions prohibit any person specified in the directions; or

(b) by order prohibit all persons in any area specified in the order, with such exceptions, if any, as may be so specified;

from having in his or their possession or under his or their control any specified apparatus or class of apparatus, being apparatus or a class of apparatus which appears to the Secretary of State to be capable of transmitting signals which would or might afford assistance to the enemy or to be readily adaptable for that purpose:

[* The words "either visually or by means of sound" were revoked by S.R. & O. 1940 No. 763.]
[† New paragraph inserted by S.R. & O. 1940 No. 1318.]
[‡ New paragraph inserted: see S.R. & O. 1939 [No. 1681] I, p. 840.]
[§ New paragraph inserted by S.R. & O. 1940 No. 907.]

Archivo Histórico
Universidad de Buenos Aires
Colección de Reglamentos y Leyes
Argentina



Part I.—cont.

Provided that nothing in any order made under this paragraph shall restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such.

[1](3) If any person authorised in writing by a Secretary of State or by the Postmaster General to act under this paragraph has reasonable ground to believe that there is in any premises apparatus capable of transmitting signals which is or has been so used, whether intentionally or unintentionally, that assistance might thereby be afforded to the enemy, he or any constable or member of His Majesty's forces authorised by him, may enter the premises and may require to be taken any steps reasonably necessary to prevent the apparatus from being so used, or may, if necessary, himself take such steps as aforesaid.

For the purposes of these Regulations the expression "premises" in this paragraph includes vehicles.

Notification to police of possession of certain electrical apparatus.

[2]7A.—(1) Any person in the case of whom either of the following conditions is satisfied, namely—

(a) that, on the twenty-eighth day of June, nineteen hundred and forty, he has in his possession or under his control any apparatus to which this Regulation applies; or

(b) that, not having had any such apparatus in his possession or under his control on the said day, there comes into his possession or under his control after the said day, any such apparatus;

shall forthwith report that fact to a constable at a police station.

(2) This Regulation applies to apparatus that generates or uses, and has a maximum power output exceeding ten watts of electrical energy at a frequency exceeding ten thousand cycles per second, not being wireless transmitting apparatus.

Wireless telegraphy, &c.

8.—(1) The Postmaster General may by order direct that, subject to any exemptions for which provision may be made by the order, no person shall, except under the authority of a written permit granted by such authority or person as may be specified in the order, have in his possession or under his control—

(a) any such article as may be specified in the order, being an article which is designed for the purpose only of being used for the operation of wireless transmitting apparatus;

(b) any such wireless receiving apparatus as may be specified in the order, being a type of apparatus which is designed to be used also as wireless transmitting apparatus of which appears to the Postmaster General to be readily adaptable for the purpose of being so used;

[1 New paragraph inserted by S.R. & O. 1940 No. 848.]
[2 New Regulation inserted by S.R. & O. 1940 No. 1079.]



Part I.—cont.

Provided that nothing in any such order shall restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such, or apply in relation to any apparatus in respect of which there is in force a licence under the Wireless Telegraphy Acts, 1904 to 1926, authorising the use of the apparatus for transmission or in relation to any article forming part of any such apparatus; and in any proceedings taken by virtue of this paragraph against any person by reason of his having in his possession or under his control any article not forming part of any such apparatus, it shall be a defence for him to prove that at the material time he had the article in his possession or under his control for the purpose only of the operation of apparatus in respect of which such a licence was then in force.

(2) The competent authority may by order provide for prohibiting in certain circumstances, and otherwise for regulating, the use of wireless transmitting apparatus; and if any apparatus is used in contravention of an order under this paragraph, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises on which the apparatus is situated, or, where the apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall each be guilty of an offence against this Regulation:

Provided that, in any proceedings which, by virtue of this paragraph, are taken against any person in respect of the use of any apparatus by some other person in contravention of such an order, it shall be a defence for the defendant to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any contravention of the order.

(3) Any person acting on behalf of His Majesty may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under paragraph (2) of this Regulation relating to the ship or aircraft, or, where a contravention of such an order has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the contravention to be effectually taken.

[1](3A) Subject to any exemptions for which provision may be made by orders made by the Postmaster General no person shall use or have in his possession or under his control any wireless receiving apparatus installed in any road vehicle:

Provided that the foregoing provisions of this paragraph shall not apply to anything done by any servant of His Majesty or constable acting in the course of his duty as such.

Any wireless receiving apparatus shall, notwithstanding that it is not fixed in position, be deemed for the purposes of this

[1 New paragraph inserted by S.R. & O. 1940 No. 848.]

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina



Part I—cont.

paragraph to be installed in a vehicle if it is in the vehicle in circumstances in which it can be used or readily adapted for use.

4 Edw. 7. c. 24

(4) Notwithstanding anything in section two of the Wireless Telegraphy Act, 1904, the Postmaster General in his discretion may refuse to grant a licence under the said section and may revoke at any time a licence granted under that section.

(5) In subsection (2) of section three of the Wireless Telegraphy Act, 1904, the reference to British ships shall be construed as including a reference to British aircraft, and in subsection (3) of that section the reference to British ships whilst on the high seas shall be construed as including a reference to British aircraft wherever they may be; and the operation of subsection (4) of that section shall be suspended during the continuance in force of this Regulation.

(6) In this Regulation the expression "the competent authority" means—

(a) in relation to apparatus on board a sea-going ship or on board a vessel in any tidal water, the Admiralty;

(b) in relation to apparatus on board any aircraft, the Secretary of State; or

(c) in relation to any other apparatus, the Postmaster General;

and in this paragraph the expression "tidal water" means any part of the sea (whether in a port or harbour or not), or any part of a river within the ebb and flow of the tide at ordinary spring tides (whether in a port or harbour or not).

Pigeons.

**9.**—(1) Subject to any exemptions for which provision may be made by order of the Secretary of State, no person shall, except under the authority of a licence granted by or on behalf of the Secretary of State, bring, take or send any live pigeon into or out of the United Kingdom; and where any officer of Customs and Excise finds any live pigeon on any occasion on which it has been brought or sent into the United Kingdom or is being taken or sent out of the United Kingdom, then, unless he is satisfied that the bringing, taking or sending of the pigeon as aforesaid on that occasion is either exempt from the restriction imposed by this paragraph or authorised by such a licence as aforesaid, he may seize the pigeon and may cause it to be liberated, detained, destroyed or otherwise disposed of in accordance with instructions given by or on behalf of the Secretary of State:

Provided that the preceding provisions of this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such, and shall not restrict the bringing, taking or sending of pigeons from one part of the United Kingdom to another, from the United Kingdom to the Isle of Man or from the Isle of Man to the United Kingdom.



Part I—cont.

(2) Subject as hereinafter provided, no person shall, in the United Kingdom,—

(a) have under his control, or liberate, any racing pigeon or homing pigeon except under the authority of a written permit granted by or on behalf of a chief officer of police;

(b) knowingly kill, wound or take any such pigeon; or

(c) remove or tamper with any article attached to such a pigeon, being an article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information:

Provided that—

(i) the preceding provisions of this paragraph shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or constable acting in the course of his duty as such; and

(ii) nothing in sub-paragraphs (b) and (c) of this paragraph shall apply to anything done in relation to a pigeon by the person entitled to possession thereof or by any person acting on his behalf.

(3) With a view to the enforcement of this Regulation, any constable may liberate any pigeons found by him at any place, and may enter any premises for the purpose of exercising his powers under this paragraph.

(4) Whenever any person in the United Kingdom finds dead or unable to fly a racing pigeon or homing pigeon to which there is attached any article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information, he shall forthwith cause the pigeon to be delivered to a member of His Majesty's forces being on duty or to a constable at a police station:

Provided that nothing in this paragraph shall impose any obligation in respect of a pigeon upon any person, or the servant or agent of any person, who is entitled to have that pigeon in his possession or under his control by virtue of a permit granted under paragraph (2) of this Regulation.

[*] (4A) Notwithstanding anything in the Wild Birds Protection Acts, 1880 to 1939, or the Wild Birds Protection Act (Northern Ireland), 1931, or in any order made under any of those Acts, the Secretary of State may by order provide that, in any area specified in the order, being an area through which, in the opinion of the Secretary of State, homing pigeons

[* New paragraph inserted by S.R. & O. 1940 No. 1016.]



B

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina



Part I—cont.

carrying messages to or from members of His Majesty's forces or other persons in His Majesty's service are likely to fly, it shall be lawful for any person authorised by or on behalf of the Secretary of State to take or destroy at any time peregrine falcons or the eggs of peregrine falcons.

(5) This Regulation shall come into operation on such date as the Secretary of State may by order appoint[*].

Means of secret communication.

**10.**—(1) Subject to the provisions of this Regulation no person shall, except with permission granted by or on behalf of the Secretary of State, knowingly have in his possession, or knowingly send by post or otherwise to any destination within or outside the United Kingdom,—

(*a*) any instructions for utilising any means of secretly conveying, receiving or recording information,

(*b*) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, or

(*c*) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-paragraph (*a*) of paragraph (1) of this Regulation, shall, if requested by or on behalf of the Secretary of State so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this Regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of the Secretary of State so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) of this Regulation shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1) of this Regulation.

[*](4A) Any person convicted of an offence against paragraph (1) of this Regulation shall, if convicted on indictment, be liable to penal servitude for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

(5) In this Regulation the expression "instructions for utilising any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) of this Regulation shall not apply—

(*a*) to the possession of—

(i) any code or cipher the use of which is approved by the Secretary of State, or

[*]The day appointed was 3rd September, 1939—S.R. & O. 1939 (No. 1060) I, p. 703.]

[†] New paragraph inserted by S.R. & O. 1940 No. 1126.]



Part I—cont.

(ii) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used, or

(*b*) to the use, in accordance with conditions imposed by or on behalf of the Secretary of State, of any such code or cipher as is mentioned in sub-paragraph (*a*) of this paragraph,

and shall not restrict the doing of anything by any servant of His Majesty or constable acting in the course of his duty as such.

Postal communications.

[*]**11.**—(1) The Minister of Information may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, postal packets of any such description as may be specified in the order shall not be despatched by post from Great Britain to any destination outside Great Britain, except in accordance with the order; and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, any such order may, in relation to any description of postal packets, direct that no postal packet of that description shall be so despatched as aforesaid otherwise than under the authority of a permit granted by such authority or person as may be specified in the order.

(2) The Minister of Information may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from Great Britain to any destination outside Great Britain otherwise than by post, or conveyed into Great Britain from a place outside Great Britain otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

An order may be made under this paragraph with respect to any class or description of document, pictorial representation, photograph, or article recording information.

(3) Any person who, on any occasion, is about to leave Great Britain or arrives in Great Britain (which person is hereafter in this paragraph referred to as "the traveller") shall, if on that occasion he is required so to do by the appropriate officer—

[*] Regulations amended by S.R. & O. 1940 Nos. 584 (Transfer of functions of Secretary of State to Minister of Information), 646 and 1114.]

Archivo Histórico
Universidad de Relaciones Internacionales
Comercio Internacional y Cultura
Argentina



Part I—cont.

(a) declare whether or not he has with him any such article as is mentioned in paragraph (2) of this Regulation, and

(b) produce any such article as aforesaid which he has with him,

and the appropriate officer, and any person acting under his directions, may examine or search any article which the traveller has with him for the purpose of ascertaining whether he is conveying or has in his possession any such article as is mentioned in paragraph (2) of this Regulation, and if the appropriate officer has reasonable grounds for suspecting that the traveller has about his person any such article as is mentioned in the said paragraph (2), search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the appropriate officer has reasonable ground for suspecting that it is such an article as is mentioned in the said paragraph (2):

Provided that no female shall be searched in pursuance of this paragraph except by a female.

(3A) Where any persons are about to leave Great Britain in any ship, or where any persons arrive in Great Britain in any ship, the appropriate officer, and any person acting under his directions, may go on board the ship for the purpose of exercising the powers conferred on them by the last preceding paragraph, and may also examine or search the ship for the purpose of ascertaining whether there is on board the ship any such article as is mentioned in paragraph (2) of this Regulation and may seize any article found upon such examination or search, being an article as to which the appropriate officer has reasonable ground for suspecting that it is such an article as is mentioned in the said paragraph (2).

This paragraph shall apply in relation to aircraft as it applies in relation to ships.

(4) Where, at any place in Great Britain, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person about to leave, or arriving in, Great Britain, the provisions of paragraph (3) of this Regulation shall apply in relation to the person so found, as they apply in relation to a person about to leave Great Britain; and where any person is on any occasion found travelling in Great Britain to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if, when so found, he had been about to leave Great Britain.

. . . . . .



Part I—cont.

(6) As respects any goods, being goods consigned from Great Britain to a destination outside Great Britain or from a place outside Great Britain to a destination in Great Britain, the appropriate officer, and any person acting under his directions, may examine or search the goods for the purpose of ascertaining whether any such article as is mentioned in paragraph (2) of this Regulation is being sent or conveyed and may seize any article found upon such examination or search as aforesaid, being an article as to which the appropriate officer has reasonable ground for suspecting that it is such an article as is mentioned in the said paragraph.

The appropriate officer, and any person acting under his directions, may go on board any ship or aircraft for the purpose of exercising the powers conferred on them by this paragraph in relation to any goods on board the ship or aircraft.

(7) Where any article is seized under this Regulation it may be retained for such period and dealt with in such manner as may be directed by or on behalf of a Secretary of State or the Minister of Information, and in particular, but without prejudice to the generality of the foregoing words, may be subjected to any process and may be wholly or partly destroyed or obliterated.

. . . . . .

(9) In this Regulation—

(a) the expression "postal packets" has the same meaning as in the Post Office Act, 1908; 8 Edw. 7. c. 48.

(b) the expression "photographs" includes any photographic plates, photographic films or other sensitised articles which have been exposed or otherwise treated so as to record information, whether they have been developed or not; and

(c) the expression "the appropriate officer" means any officer of Customs and Excise, any immigration officer, any constable or any person authorised in that behalf by a Secretary of State or the Minister of Information.

(10) The foregoing provisions of this Regulation shall apply in relation to Northern Ireland as they apply in relation to Great Britain, as if for references therein to Great Britain there were substituted references to Northern Ireland.

[*][11A. Notwithstanding anything in section fifty-two of the Telegraph Act, 1863 (which relates to the control by His Majesty's Government in an emergency of the transmission of telegraphic messages), any warrant under that section shall, during the continuance in force of this Regulation, continue to have effect until revoked in writing by the Secretary of State.

[*] New Regulation inserted: see S.R. & O. 1939 [No. 1681] I, p. 840.

Archivo Histórico
Universidad de Navarra Biblioteca
Colección Hemerográfica y Cartográfica
Argentina



Part I.—cont.

*Access to certain Premises and Areas.*

Protected places.

**13.**—(1) If, as respects any premises, it appears to a Secretary of State to be necessary or expedient, in the interests of the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare those premises to be a protected place for the purposes of these Regulations; and so long as the order is in force, then, subject to any exemptions for which provision may be made by the order, no person shall be in those premises without the permission of such authority or person as may be specified in the order.

Any premises in relation to which an order made under this Regulation is in force are hereafter in these Regulations referred to as " a protected place ".

(2) In relation to any premises in the possession or under the control of the Admiralty, paragraph (1) of this Regulation shall have effect as if for the references in that paragraph to a Secretary of State there were substituted references to the Admiralty.

(3) Where, in pursuance of this Regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the authority by whom the order was made or by, or on behalf of, the authority or person granting the permission; [". . .].

(4) If any person is in a protected place in contravention of this Regulation, or, while in such a place, fails to comply with any direction given under this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by any constable, any person acting on behalf of His Majesty, or any person authorised in that behalf by the occupier of the premises.

(5) The Official Secrets Acts, 1911 and 1920, shall have effect as if in sections one and two of the Official Secrets Act, 1911, and in sections one and three of the Official Secrets Act, 1920, references to a prohibited place included references to a protected place.

57 & 57 Vict. c. 66.

(6) Nothing in section three of the Rules Publication Act, 1893, shall apply to any order made under this Regulation; but the authority making any such order shall cause notice of the effect of the order to be given as soon as may be in such manner as that authority thinks necessary for bringing it to the notice of persons in, or in the vicinity of, the premises to which the

[" except sales of paragraphs amended by S.R. & O. 1940 No. 1228.]



order relates, and to the notice of any other persons who, in the opinion of the said authority, ought to have notice of the order.

Part I.—cont.

Protected areas.

**13.**—(1) Without prejudice to any other of these Regulations, a Secretary of State, if satisfied with respect to any area that it is necessary or expedient, in the interests of the defence of the realm or the efficient prosecution of the war, to regulate the entry of persons into that area, may by order declare that area to be a protected area for the purposes of these Regulations; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person being either an enemy alien or a person who was not at the beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

Any area in relation to which an order made under this Regulation is in force is hereafter in these Regulations referred to as " a protected area ".

(2) If any person is in a protected area in contravention of this Regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the directions of any constable or any member of His Majesty's forces on duty in the area.

Byelaws as respects certain places and areas.

**14.**—(1) Without prejudice to any other of these Regulations, a Secretary of State or the Admiralty may, as respects—

(*a*) any protected place or protected area, or

(*b*) any place in relation to which it appears to the Secretary of State or the Admiralty, as the case may be, to be necessary to take special precautions owing to the presence in that place of members of His Majesty's forces or munitions of war,

make such byelaws regulating the conduct of persons in the said place or area as the authority making the byelaws thinks necessary for the protection of persons and property in that place or area, for safeguarding the discipline and efficiency of members of His Majesty's forces therein, or for facilitating the enforcement therein of these Regulations; and byelaws made under this Regulation as respects any such place as is mentioned in sub-paragraph (*b*) of this paragraph may make provision for restricting access to that place, and for removing therefrom any person who is therein in contravention of the byelaws.

(2) Nothing in section three of the Rules Publication Act, 1893, shall apply to any byelaws made under this Regulation as respects any protected place or any such place as is mentioned in sub-paragraph (*b*) of paragraph (1) of this Regulation; but the authority making any such byelaws shall cause notice

Archivo Histórico
Universidad de Buenos Aires
Colección de Historia Social y Obrera
Argentina



Part I—cont.

of the effect of the byelaws to be given as soon as may be in such manner as that authority thinks necessary for bringing them to the notice of persons in, or in the vicinity of, the place to which the byelaws relate, and to the notice of any other persons who, in the opinion of the said authority, ought to have notice of the byelaws.

Search of persons in and about certain places and areas.

[1]**14A.**—(1) If any person entering, or seeking to enter, or being in, any protected area or protected place or any place as respects which byelaws made under Regulation fourteen of these Regulations are in force, upon being questioned by a person authorised to act under this Regulation, fails to satisfy the person so authorised as to the purposes for which he is entering, or seeking to enter, or is in, that area or place, the person so authorised may search that person, and may detain him for the purpose of searching him.

(2) No female shall be searched under this Regulation except by a female, and any female whom it is proposed to search under this Regulation may be taken to such place as may be necessary in order to secure compliance with this paragraph.

(3) The persons authorised to act under this Regulation are—

(*a*) in relation to a protected area or any such place as is mentioned in sub-paragraph (*b*) of paragraph (1) of Regulation fourteen of these Regulations, any constable, any member of His Majesty's forces acting in the course of his duty as such, and any person authorised in that behalf by a Secretary of State or by the Admiralty;

(*b*) in relation to a protected place, any constable, any person acting on behalf of His Majesty, and any person authorised in that behalf by an authority or person having power, in accordance with the provisions of paragraph (2) of Regulation twelve of these Regulations, to permit persons to be in that place.

Trespassing and loitering.

**15.**—(1) No person shall—

(*a*) trespass on—

(i) any premises used, or appropriated for use, in His Majesty's service, or

(ii) any premises used for the purposes of a railway, dock or shipyard, or

(*b*) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for use in His Majesty's service;

and if any person is found trespassing on any premises in contravention of this paragraph, or is found in any vehicle, vessel or aircraft on any occasion on which he has entered or boarded

[1 New Regulation inserted by S.R. & O. 1940 No. 918.]



Part I—cont.

it in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by the appropriate person from the premises or from the vehicle, vessel or aircraft, as the case may be.

(2) No person shall, for any purpose prejudicial to the public safety or the defence of the realm,—

(*a*) be in, or in the vicinity of,—

(i) any premises, vehicle, vessel or aircraft used, or appropriated for use, in His Majesty's service, or

(ii) any premises used or appropriated for the purpose of the performance of essential services, or

(*b*) be in the vicinity of a protected place;

and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel, aircraft or place concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety or the defence of the realm.

(3) No person loitering in the vicinity of a protected place or of any such premises, vehicle, vessel or aircraft as are or is mentioned in sub-paragraph (*a*) of the last preceding paragraph shall continue to loiter in that vicinity after being requested by the appropriate person to leave it; and any person trespassing in any such premises as aforesaid may be removed therefrom by the appropriate person.

(4) In this Regulation the expression "the appropriate person" means—

(*a*) any person acting on behalf of His Majesty,

(*b*) any constable,

(*c*) the person occupying the premises or being in charge of the vehicle, vessel or aircraft, as the case may be, or any person authorised by him.

Restriction of access to essential works.

[1]**15A.**—(1) For the purpose of protecting works, structures or premises used or intended to be used in His Majesty's service or in the performance of any work or services which appear to the competent authority to be essential for the defence of the realm or the efficient prosecution of the war or to be essential to the life of the community, the competent authority may give directions authorising the taking of such measures as may be specified in the directions for preventing or restricting access to any such works, structures or premises so specified, and, subject to the next following paragraph, no person shall be under

[1 New Regulation inserted by S.R. & O. 1940 No. 1134.]

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina



Part I—cont.

any criminal or civil liability in respect of any injury or damage caused by or arising in consequence of any measures taken in accordance with any such directions.

(2) The foregoing paragraph of this Regulation shall not affect the right of any person to compensation under the Workmen's Compensation Acts, 1925 to 1938, in respect of any such injury, but any sum paid by any person in respect of such compensation shall be repaid by the competent authority.

(3) Directions may be given under this Regulation so as to relate to any particular works, structures or premises, or to any class of works, structures or premises.

(4) In this Regulation the expression "the competent authority" means a Secretary of State, the Admiralty, the Board of Trade, the Minister of Health, the Minister of Transport, the Minister of Supply, the Minister of Aircraft Production, the Postmaster General and the Commissioners of Works.

Control of highways over or near defence works and protected places.

**16.**—(1) A Secretary of State, [the Minister of Supply] [or the Minister of Aircraft Production], if he considers it necessary in the interests of the defence of the realm so to do, may by order provide for the stopping up or diversion of any highway passing through, and for prohibiting or restricting the exercise of any right of way over, or the use of any waterway passing through—

(a) any premises used or appropriated for use in His Majesty's service, or

(b) any premises used or appropriated for the performance of any services designated by the Secretary of State, [the Minister of Supply] [or the Minister of Aircraft Production] for the purposes of this Regulation, being services which appear to him to be essential for the defence of the realm or the efficient prosecution of the war or to be essential to the life of the community, or

(c) land adjoining any such premises as aforesaid, or adjoining any protected place.

(2) In relation to any premises or protected place in the possession or under the control of the Admiralty, paragraph (1) of this Regulation shall have effect as if for the references therein to a Secretary of State, [the Minister of Supply] [or the Minister of Aircraft Production] there were substituted references to the Admiralty.

[1 Words in brackets inserted: see S.R. & O. 1939 (No. 1684) I, p. 840.]
[2 Words in brackets inserted by S.R. & O. 1940 No. 298.]



Part I—cont.

*Restrictions on Movements and Activities of Persons.*

Defence areas.

[3]**16A.**—(1) If it appears to the Minister of Home Security to be necessary or expedient so to do, he may by order declare any area in the United Kingdom to be a defence area, and thereupon—

(a) it shall be the duty of every person in that area to comply with any orders or directions (including any orders or directions as to the removal of persons or property out of the area) issued or given by or on behalf of the Regional Commissioner for the purpose of meeting or hindering any actual or apprehended attack by an enemy or of protecting persons and property from the damage involved in any such attack; and

(b) the Regional Commissioner may issue orders or give directions regulating or prohibiting the entry of persons, vehicles or animals into that area:

Provided that in exercising any powers conferred on him under this Regulation a Regional Commissioner shall be subject to the control and direction of the Minister of Home Security.

(2) Subject to any directions given by the Minister of Home Security, a Regional Commissioner may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of the functions conferred on him under this Regulation to any specified persons or class of persons.

(3) In this Regulation the expression "Regional Commissioner" means in relation to any area or to any part of an area to which an order under this Regulation relates the Regional Commissioner for the region in which that area or part is.

(4) This Regulation shall not extend to Northern Ireland.

Entering enemy territory.

**17.**—(1) Subject as hereinafter provided, no person, being either a British subject or a British protected person, shall, without the permission of a Secretary of State or the Admiralty or of a person authorised by a Secretary of State or the Admiralty to grant permissions for the purpose of this Regulation, voluntarily enter any enemy territory or voluntarily go on board any vessel or aircraft being used in the service of a Power at war with His Majesty:

Provided that the preceding provisions of this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such.

(2) Any person convicted of an offence against this Regulation shall, if convicted on indictment, be liable to penal servitude for a term not exceeding five years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

[3 New Regulation inserted by S.R. & O. 1940 No. 842.]

Archivo Histórico
Universidad de Navarra Colección Documentos y Cifras
Argentina





(3) A Secretary of State may by order direct that the permission of such authority or person in any part of His Majesty's dominions (other than the United Kingdom), or in any foreign country or territory in which His Majesty has jurisdiction, as may be specified in the order, shall be treated, for the purpose of paragraph (1) of this Regulation, as if it were such a permission as is mentioned in that paragraph.

(4) In this Regulation the expression "enemy territory" means any area which is under the sovereignty of, or administered by, or for the time being in the occupation of [or invaded by], a Power at war with His Majesty, but does not include any area in the occupation of His Majesty or of a Power allied with His Majesty.

Entering and leaving United Kingdom.

[1] **18.**—(1) The Secretary of State may make provision by order for securing that, subject to any exemptions for which provision may be made by the order—

(*a*) a British subject shall not, on coming by sea or by air from a place outside the United Kingdom, disembark in the United Kingdom from any vessel or aircraft elsewhere than at a place which is an approved port for the purposes of the Aliens Order, 1920;

(*b*) a British subject shall not, for the purpose of proceeding by sea or by air to a destination outside the United Kingdom, embark in the United Kingdom on any vessel or aircraft elsewhere than at such a place as aforesaid;

(*c*) a British subject shall not proceed from the United Kingdom to a destination outside it, except with the leave of an immigration officer;

and an order containing such provisions as are authorised by sub-paragraph (*c*) of this paragraph may also contain provisions for securing that the leave of an immigration officer shall not be granted for the purposes of the order except to a person producing such permit or document of identity as may be prescribed by or under the order.

(2) The Secretary of State may by order direct that, in relation to British subjects travelling between Great Britain and Northern Ireland, paragraph (1) of this Regulation shall have effect as if for any reference in that paragraph to the United Kingdom there were substituted a reference to Great Britain, to Northern Ireland or to Great Britain or Northern Ireland, according as the order may direct.

(2A) The Secretary of State may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, a British subject shall not, on coming by sea or by air from any place in Ireland, disembark in Great Britain from any vessel or aircraft, except with the leave of an immigration officer, and any such order may—

(*a*) secure that the leave of an immigration officer may be granted subject to conditions as to such matters as may be prescribed by the order but shall not be granted except to a person producing such permit or document of identity as may be prescribed by or under the order;

(*b*) make provision for the return to Ireland of any person to whom leave to disembark in Great Britain is refused by an immigration officer and of any person with respect to whom such authority or person as may be specified in the order is satisfied that he has failed to comply with any condition subject to which he was permitted to land;

(*c*) provide for the detention pending his return of any person required under the order to return to Ireland.

(3) The Secretary of State may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, any person entering or who has recently entered the United Kingdom with respect to whom there is reasonable cause to believe that he has come from any territory to which this paragraph applies may, pending inquiries, be detained or required to notify his movements in such manner and at such times and to such authority or person as may be specified in the order.

(4) Any person detained in pursuance of an order made under this Regulation shall be deemed to be in lawful custody and shall be detained in such place as may be authorised by the Secretary of State and in accordance with instructions issued by him, so, however, that the period for which a person may be so detained shall not in any case exceed thirty days and unless in any particular case the Secretary of State for special reasons otherwise directs shall not exceed fifteen days.

(5) Paragraph (3) of this Regulation applies to any territory which is under the sovereignty of, or administered by, or for the time being in the occupation of, or invaded by, a Power at war with His Majesty.

Restriction of movements of suspected persons.

[2] **18A.**—(1) The Secretary of State, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to the public safety or the defence of the realm, it is necessary so to do, may make an order for any or all of the following purposes, that is to say:—

[1] Words in brackets inserted by S.R. & O. 1940 No. 842.]
[2] Regulation amended by S.R. & O. 1940 Nos. 661, 881, 942 and 1016.]

[2] New Regulation inserted: see S.R. & O. 1939 (No. 1681) I, p. 811; amended by S.R. & O. 1940 Nos. 942, 1227 and 1252.]

Archivo Histórico
Presidencia de la Honorable Legislatura
Comisión Bicameral Archivo y Obra
Argentina



Part I—cont.

(a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, he shall not be in any such place or area in the United Kingdom as may be so specified;

(b) for prohibiting or restricting the possession or use by him of any specified articles;

(c) for prohibiting him from being out of doors between such hours as may be specified in the order, except under the authority of a written permit granted by such authority or person as may be specified in the order;

(d) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order.

(2) If any person is in any place or area in contravention of an order made under this Regulation, or fails to leave any place or area in accordance with the requirements of such an order, then, without prejudice to any proceedings which may be taken against him, he may be removed from that place or area by any constable or any person acting on behalf of His Majesty.

(3) The Secretary of State may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of his functions under this Regulation to a Regional Commissioner.

Control and winding up of certain organisations.

[*] **18AA.**—(1) If a Secretary of State is satisfied with respect to any organisation either—

(a) that it is subject to foreign influence or control, or

(b) that the persons in control thereof have, or have had, associations with persons concerned in the government of, or sympathies with the system of government of, any Power with which His Majesty is at war,

and in either case that there is danger of the utilisation of the organisation for purposes prejudicial to the public safety, the defence of the realm, the maintenance of public order, the efficient prosecution of the war, or the maintenance of supplies or services essential to the life of the community, he may by order direct that this Regulation shall apply to that organisation.

(2) If a Secretary of State is satisfied that any organisation is engaged in succession to any organisation to which this Regulation applies in activities substantially similar to those formerly carried on thereby, he may by order direct that this Regulation shall apply to that organisation.

(3) No person shall—

(a) summon a meeting of members or managers of an organisation to which this Regulation applies,

[*] New Regulation inserted by S.R. & O. 1940 No. 1028.



(b) attend any such meeting in the capacity of a member or manager of such an organisation,

(c) publish any notice or advertisement relating to any such meeting,

(d) invite persons to support such an organisation,

(e) make any contribution or loan to funds held or to be held by or for the benefit of such an organisation or accept any such contribution or loan, or

(f) give any guarantee in respect of such funds as aforesaid.

(4) If, upon application being made by the Attorney General, or by any member or creditor of the organisation, it appears to the High Court that any organisation is an organisation to which this Regulation applies, the Court may make such order as appears necessary to prevent any disposition without the leave of the Court of property held by or for the organisation, and may direct an inquiry and report to be made as to any such property as aforesaid, and as to the affairs of the organisation, and make such further orders as appear to the Court to be just and equitable for the winding up and dissolving of the organisation and for the application of any such property as aforesaid in or towards any costs incurred in connection with any such inquiry and report and the winding up and dissolving of the organisation, in or towards the discharge of the liabilities of the organisation lawfully incurred before the date of the application or since that date with the approval of the Court, and in or towards the repayment of moneys to persons who contributed to funds held by or for the organisation before this Regulation applied thereto, and may order that any such property which is not directed by the Court to be so applied as aforesaid shall be forfeited to the Crown.

(5) In this Regulation the expression "manager" means, in relation to any organisation, any officer of the organisation, and any person taking part in the management or control of the organisation or holding or purporting to hold a position of management or control therein.

(6) This Regulation shall, in its application to Scotland, have effect as if for the reference to the Attorney General there were substituted a reference to the Lord Advocate and as if for the reference to the High Court there were substituted a reference to the Court of Session.

Detention orders.

[*] **18B.**—(1) If the Secretary of State has reasonable cause to believe any person to be of hostile origin or associations or to have been recently concerned in acts prejudicial to the public safety or the defence of the realm or in the preparation or instigation of such acts and that by reason thereof it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

[*] New Regulation inserted: see S.R. & O. 1939 (No. 1681) I. p. 811; amended by S.R. & O. 1940 Nos. 683, 770 and 942.

Archivo Histórico
Asociación de Residentes Extranjeros, Comisión Internacional y Cultos
Argentina



PART I—cont.

(1A) If the Secretary of State has reasonable cause to believe any person to have been or to be a member of, or to have been or to be active in the furtherance of the objects of, any such organisation as is hereinafter mentioned, and that it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

The organisations hereinbefore referred to are any organisation as respects which the Secretary of State is satisfied that either—

(a) the organisation is subject to foreign influence or control, or

(b) the persons in control of the organisation have or have had associations with persons concerned in the government of, or sympathies with the system of government of, any Power with which His Majesty is at war,

and in either case that there is danger of the utilisation of the organisation for purposes prejudicial to the public safety, the defence of the realm, the maintenance of public order, the efficient prosecution of any war in which His Majesty may be engaged, or the maintenance of supplies or services essential to the life of the community.

(2) At any time after an order has been made against any person under this Regulation, the Secretary of State may direct that the operation of the order be suspended subject to such conditions—

(a) prohibiting or restricting the possession or use by that person of any specified articles;

(b) imposing upon him such restrictions as may be specified in the direction in respect of his employment or business, in respect of the place of his residence, and in respect of his association or communication with other persons;

(c) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified;

(d) requiring him to notify his movements in such manner, at such times, and to such authority or person as may be so specified;

(e) prohibiting him from travelling except in accordance with permission given to him by such authority or person as may be so specified;

as the Secretary of State thinks fit; and the Secretary of State may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed, or that the operation of the order can no longer remain suspended without detriment to the public safety or the defence of the realm.



PART I—cont.

(3) For the purposes of this Regulation, there shall be one or more advisory committees consisting of persons appointed by the Secretary of State; and any person aggrieved by the making of an order against him, by a refusal of the Secretary of State to suspend the operation of such an order, by any condition attached to a direction given by the Secretary of State or by the revocation of any such direction, under the powers conferred by this Regulation, may make his objections to such a committee.

(4) It shall be the duty of the Secretary of State to secure that any person against whom an order is made under this Regulation shall be afforded the earliest practicable opportunity of making to the Secretary of State representations in writing with respect thereto and that he shall be informed of his right, whether or not such representations are made, to make his objections to such an advisory committee as aforesaid.

(5) Any meeting of an advisory committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the Secretary of State and it shall be the duty of the chairman to inform the objector of the grounds on which the order has been made against him and to furnish him with such particulars as are in the opinion of the chairman sufficient to enable him to present his case.

(6) The Secretary of State shall make a report to Parliament at least once in every month as to the action taken under this Regulation (including the number of persons detained under orders made thereunder) and as to the number of cases, if any, in which he has declined to follow the advice of any such advisory committee as aforesaid.

(7) If any person fails to comply with a condition attached to a direction given by the Secretary of State under paragraph (2) of this Regulation that person shall, whether or not the direction is revoked in consequence of the failure, be guilty of an offence against this Regulation.

(8) Any person detained in pursuance of this Regulation shall be deemed to be in lawful custody and shall be detained in such place as may be authorised by the Secretary of State and in accordance with instructions issued by him.

Power to arrange for transfer to United Kingdom of persons detained in colonies &c. 2 & 3 Geo. 6. c. 84.

18BB.—(1) Where any person has been lawfully ordered to be detained in any country or territory to which the Emergency Powers (Defence) Act, 1939, has been extended by any Order in Council made under section four of that Act, the Secretary of State may if it appears to him that it is expedient in the interests of the public safety or the defence of the realm that that person should be detained but that his detention in that country or

[S.R. & O. 1940 No. 607.] New Regulation inserted by

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Part I—cont.

territory is impracticable or inexpedient, make arrangements with the authority in the said country or territory by which that person has been ordered to be detained for the removal of that person to the United Kingdom, and may make an order against that person directing that while on board any British ship not being a Dominion ship and after his arrival in the United Kingdom he shall be detained.

(2) Any person detained in pursuance of this Regulation shall be deemed to be in lawful custody and shall be detained in accordance with instructions issued by the Secretary of State and after arrival in the United Kingdom shall be detained in such place as may be authorised by the Secretary of State.

Power of Regional Commissioner to order detention.

[*] **18BB.**—(1) A Secretary of State may by order provide for empowering any Regional Commissioner who has reasonable cause to believe any person to be of hostile origin or associations or to have been recently concerned in acts prejudicial to the public safety or the defence of the realm or in the preparation or instigation of such acts to direct the detention of that person pending consideration by the Secretary of State of the question whether an order should be made against that person under Regulation eighteen B of these Regulations.

(2) A Regional Commissioner shall, as soon as may be after he has directed the detention of any person under powers conferred by any such order as aforesaid, furnish particulars of the case to the Secretary of State.

(3) Any person detained in pursuance of directions given by a Regional Commissioner under powers conferred by any such order as aforesaid shall be deemed to be in lawful custody and may be detained in any prison or police station or in such other place as the Regional Commissioner may direct.

(4) This Regulation shall not extend to Northern Ireland.

Prisoners of war, &c.

[*] **18C.**—(1) No person shall—

(a) knowingly assist a prisoner of war to escape from custody, or knowingly harbour an escaped prisoner of war; or

(b) give an escaped prisoner of war any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the prisoner.

[*] (1A) Any person convicted of an offence against the foregoing paragraph of this Regulation shall, if convicted on indictment, be liable to penal servitude for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

[*] New Regulation inserted by S.R. & O. 1940 No. 1135.]
[†] New Regulation inserted: see S.R. & O. 1939 (No. 1686) I, p. 611.]
[*] New paragraph inserted by S.R. & O. 1940 No. 1328.]



(2) A Secretary of State may by order provide— Part I—cont.

(a) for regulating access to, and the conduct of persons in, places in the United Kingdom where prisoners of war are detained, and for prohibiting or regulating the dispatch or conveyance, from outside such places to or for prisoners of war therein, of any such articles as may be specified in the order;

(b) for prescribing conditions to be observed in connection with the employment of, or the provision of board or lodging for, prisoners of war in the United Kingdom while elsewhere than in places for the detention of prisoners of war.

(3) The preceding provisions of this Regulation shall apply in relation to any person in respect of whom there is in force an order for his detention made either under this Part of these Regulations or in exercise of the prerogative of the Crown, as those provisions apply in relation to a prisoner of war.

(4) No proceedings shall be taken, by virtue of this Regulation, against a person in respect of any act done by him when he is himself a prisoner of war.

(5) The operation of the Prisoners of War (Escape) Act, 1812, shall be suspended during the continuance in force of this Regulation. 52 Geo. 3. c. 156.

Power to detain suspected persons.

[*] **18D.**—(1) If any person upon being questioned by a constable or by a member of His Majesty's forces acting in the course of his duty as such fails to satisfy the constable or member of His Majesty's forces as to his identity or as to the purposes for which he is in the place where he is found, the constable or member of His Majesty's forces may, if he has reasonable ground to suspect that that person is about to act in any manner prejudicial to the public safety or the defence of the realm, arrest him without warrant and may detain him pending inquiries.

(2) No person shall be detained under the powers of detention conferred by this Regulation for a period exceeding twenty-four hours except with the authority of an officer of police of a rank not lower than that of inspector or, subject as hereinafter provided, for a period exceeding forty-eight hours in all:

Provided that if such an officer of police as aforesaid is satisfied that the necessary inquiries cannot be completed within the period of forty-eight hours, a chief officer of police may authorise the further detention of the person detained for an additional period not exceeding seven days but shall, on giving any such authorisation, forthwith report the circumstances to the Secretary of State.

[*] New Regulation inserted by S.R. & O. 1940 No. 843 and amended by S.R. & O. 1940 No. 1135.]

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina



Part I—cont.

(3) Any person detained under the powers conferred by this Regulation shall be deemed to be in lawful custody and may be detained in any prison or in any police station or other similar place authorised by the Secretary of State.

(4) The Secretary of State may give directions—

(a) for authorising or requiring chief officers of police to make reports required to be made by virtue of paragraph (2) of this Regulation to a Regional Commissioner instead of to the Secretary of State;

(b) for providing that persons detained under the powers conferred by this Regulation may be detained in places authorised by Regional Commissioners.

(5) Paragraph (4) of this Regulation shall not extend to Northern Ireland.

Stopping of ships and aircraft.

**12.**—(1) Any person authorised by a Secretary of State or the Admiralty to act under this Regulation may, if it appears to that person to be necessary in the interests of the defence of the realm so to do, give, with respect to any particular ship or aircraft at a port or place in the United Kingdom, directions that the ship or aircraft shall not leave the port or place until permitted to do so by such authority or person as may be specified in the directions; and if any ship or aircraft leaves or attempts to leave any port or place in contravention of any such directions as aforesaid, the master of the ship or the pilot of the aircraft, as the case may be, shall be guilty of an offence against this Regulation:

Provided that any directions given under this paragraph shall cease to have effect twenty-four hours after the time at which they are given, unless in the meantime they have been confirmed by a Secretary of State or the Admiralty.

(2) Any person acting on behalf of His Majesty may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary to secure compliance with any directions given under this Regulation with respect to the ship or aircraft or, where an offence against this Regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

Control of motor vehicles.

[1] **12a.**—(1) A Secretary of State or the Minister of Home Security may by order provide for requiring mechanically propelled road vehicles, or any such class of mechanically propelled road vehicles as may be specified in the order, to be rendered, when not being driven, incapable of use by unauthorised persons during such hours as may be so specified; and any such order may contain provisions with respect to the method by which vehicles are to be rendered incapable of use as aforesaid.

[1] New Regulation inserted by S.R. & O. 1940 No. 844.]



Part I—cont.

(2) This Regulation shall, in its application to Northern Ireland, have effect as if the reference to the Minister of Home Security were omitted.

Control of fuel etc. required for motor vehicles.

[1] **12b.**—(1) A Secretary of State or the Minister of Home Security may by order provide for regulating the supply and storage of any substances and articles capable of being used as fuel or lubricants for motor vehicles or otherwise in connection with such vehicles, with a view to preventing supplies thereof being available for use in any manner prejudicial to the safety of the realm in the event of hostile attack; and any such order may, in particular, provide for prohibiting the supply and storage of such substances and articles as aforesaid elsewhere than in such places and under such conditions as may be approved by such authorities or persons as may be specified in the order.

(2) Any order made under this Regulation may be made so as to apply either generally or to a particular area, and may provide for any incidental or supplementary matters for which the Secretary of State or the Minister of Home Security thinks it is expedient for the purposes of the order to provide, including, in particular, the entry and inspection of premises to which the order relates and the taking of such steps as may be expedient with a view to securing compliance with the order.

(3) This Regulation shall, in its application to Northern Ireland, have effect as if the references to the Minister of Home Security were omitted.

Immobilisation of vessels.

[2] **12c.**—(1) The Admiralty, a Secretary of State or the Minister of Home Security may by order make provision for preventing or impeding the use of vessels to which the order applies which are for the time being in waters to which the order applies or on land adjacent to those waters.

(2) Any such order may—

(a) apply to all vessels or vessels of any class or description specified in the order;

(b) apply to all waters in or adjacent to the United Kingdom or any part thereof specified in the order, or to any such waters so specified;

(c) contain provisions with respect to the method by which the use of the vessels is to be prevented or impeded, whether by removing them and keeping them removed from the water or otherwise;

(d) require the said provisions to be complied with either at all times or at such times as may be specified in the order.

[1] New Regulation inserted by S.R. & O. 1940 No. 844.]
[2] New Regulation inserted by S.R. & O. 1940 No. 1134.]

Archivo Histórico
Argentina



Part I—cont.

(3) If the provisions of any such order are contravened in the case of any vessel, the owner of the vessel, or, if some other person is in charge of the vessel, that other person, shall be guilty of an offence against this Regulation.

(4) Any person acting on behalf of His Majesty may in relation to any vessel take such steps and use such force as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the vessel, or, where an offence against this Regulation has occurred in the case of the vessel, for enabling proceedings in respect of the offence to be effectually taken.

(5) This Regulation shall, in its application to Northern Ireland, have effect as if the references to the Minister of Home Security were omitted.

Change of name. 9 & 10 Geo. 5. c. 92.

[*]**20.**—(1) The following amendments shall be made in section seven of the Aliens Restriction (Amendment) Act, 1919:—

(*a*) for subsections (1) and (2) there shall be substituted the following subsections:—

"(1) No alien who is in the United Kingdom on the date of the coming into force of Regulation twenty of the Defence Regulations, 1939, shall, while in the United Kingdom at any time after that date, assume or use or purport to assume for any purpose any name other than that by which he was ordinarily known immediately before the said date.

(2) Where, after the said date, any alien carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than that under which that trade or business was being carried on immediately before the said date, he shall, for the purposes of the preceding subsection, be deemed to be using a name other than that by which he was ordinarily known immediately before the said date.

(2A) In relation to any alien who, not having been in the United Kingdom on the said date, thereafter lands in the United Kingdom, subsections (1) and (2) of this section shall have effect as if for any reference in those subsections to the said date there were substituted a reference to the day on which he first lands in the United Kingdom after the said date";

(*b*) subsection (4) shall have effect as if paragraph (*b*) thereof were omitted.

[*] New Regulation inserted: see S.R. & O. 1939 [No. 1681] I, p. 511.]



Part I—cont.

(2) No British subject who is in the United Kingdom on the date of the coming into force of this Regulation, shall, while in the United Kingdom at any time after that date, assume or use or purport to assume for any purpose any name other than that by which he was ordinarily known immediately before the said date, unless, at least twenty-one days before the day on which he first assumes or uses or purports to assume that other name, he has caused to be published in the London Gazette, the Edinburgh Gazette or the Belfast Gazette a notice specifying—

(*a*) his existing name in full and the change which he proposes to make in it, and

(*b*) the address of his place of residence or place of abode, if any, in the United Kingdom.

(3) In relation to any British subject who, not having been in the United Kingdom on the date of the coming into force of this Regulation, thereafter lands in the United Kingdom, paragraph (2) of this Regulation shall have effect as if for any reference in that paragraph to the said date there were substituted a reference to the day on which he first lands in the United Kingdom after the said date.

(4) Nothing in paragraph (2) of this Regulation shall apply in relation to—

(*a*) the assumption or use of any name in pursuance of a Royal Licence,

(*b*) the assumption or use of any name in consequence of the grant of, or succession to, any peerage,

(*c*) the assumption or use by any married woman of her husband's name,

(*d*) the carrying on of any business under any business name within the meaning of the Registration of Business Names Act, 1916, in circumstances in which registration in connection with the carrying on of the business is either required by that Act or declared by any provision of that Act to be unnecessary, or 6 & 7 Geo. 5. c. 58.

(*e*) the assumption or use of any name in such circumstances as may be specified by order of the Secretary of State.

(5) For the purposes of this Regulation and of section seven of the Aliens Restriction (Amendment) Act, 1919,—

(*a*) the expression "name" shall be construed as including surname, and a name shall be deemed to be changed if the spelling thereof is altered; and

(*b*) a person entering Northern Ireland by land shall be deemed thereby to land in the United Kingdom.

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina



Part I—cont.

Amendment of Aliens Restriction Act, 1914. 4 & 5 Geo. 5. c. 12.

[*] **20A.**—Subsection (1) of section one of the Aliens Restriction Act, 1914, shall have effect as if after paragraph (i) thereof there were inserted the following paragraph:—

"(j) for enabling the Secretary of State to direct the detention of any alien against whom a deportation order has been made, if, in the opinion of the Secretary of State, the deportation of the alien would be impracticable or prejudicial to the efficient prosecution of any war in which His Majesty may be engaged and his detention is necessary or expedient for securing the public safety, the defence of the realm or the maintenance of the public order; and ".

Supervision of persons who have been aliens.

[*] **20AA.**—(1) The Secretary of State may by order provide for requiring persons who, having been aliens, have at any time since the thirty-first day of December, nineteen hundred and thirty-two, become British subjects, to comply with such provisions as to registration and notification of their movements as may be provided by the order.

(2) Any order under this Regulation may be made so as to apply either generally to all such persons as aforesaid or to any class or description of such persons.

*Amendments of Official Secrets Acts.*

Amendments of Official Secrets Acts.

[*] **20B.**—The amendments specified in the First Schedule to these Regulations shall be made in the Official Secrets Acts, 1911 and 1920.

## PART II.

### PUBLIC SAFETY AND ORDER.

*Public Safety.*

Evacuation of areas.

**21.**—(1) A Secretary of State or the Admiralty, or any person authorised by a Secretary of State or the Admiralty to act under this Regulation, may, if it appears to him or them to be necessary or expedient so to do for the purpose of meeting any actual or apprehended attack by the enemy or of protecting persons and property from the dangers involved in any such attack, make, as respects any area in the United Kingdom, either or both of the following orders, that is to say:—

(a) an order directing that after such time as may be specified in the order, no person other than a person of such a class as may be so specified shall be in that area without the permission of such authority or person as may be so specified;

[*] New Regulation inserted by S.R. & O. 1940 No. 682.]
[*] New Regulation inserted by S.R. & O. 1940 No. 1136.]
[*] New Regulation numbered 20A inserted: see S.R. & O. 1939 [No. 1681] I, p. 819; amended by S.R. & O. 1940 No. 384 and re-numbered 20AA by S.R. & O. 1940 No. 682.]



Part II—cont.

(b) an order directing that any such animals or things in that area as may be specified in the order shall, by such time as may be so specified, be removed from that area or, if they cannot reasonably be so removed before that time, be destroyed or rendered useless so far as practicable, and that after that time no such animals or things shall be brought into the area except under such permission as aforesaid.

(2) An order made under paragraph (1) of this Regulation for the removal of persons or property from any area—

(a) may prescribe the routes by which persons or property, or any particular classes of persons or property, are to leave or be removed from the area;

(b) may prescribe different times as the times by or at which different classes of persons or property in the area are to leave or be removed therefrom;

(c) may prescribe the places to which persons are to proceed on leaving that area in compliance with the order;

(d) may make different provision in relation to different parts of the area;

and may contain such other incidental and supplementary provisions as appear to the authority or person making the order to be necessary or expedient for the purposes of the order.

(3) In relation to the area, or any part of the area, of a harbour authority the powers exercisable by a Secretary of State or the Admiralty by virtue of paragraphs (1) and (2) of this Regulation shall be exercisable also by the Minister of Transport.

(4) Where an order is made under this Regulation requiring the removal of any animals or things from any area by a specified time, the authority by whom the order was made may, while the order is in force, cause those animals or things, or any of them, to be removed from the area or to be destroyed or rendered useless, if that authority is satisfied that such action is the most effectual means of securing compliance with the order; and if any person or any animal or thing is in any area in contravention of an order made under this Regulation, then (without prejudice to any proceedings which may be taken in respect of the offence) he or it may be removed from that area by, or under the direction of, any constable or any person acting on behalf of His Majesty.

(5) If any order made under this Regulation is contravened or not complied with in the case of any animal or thing, the person in charge thereof shall be guilty of an offence against this Regulation.

[*] (6) Paragraph (3) of this Regulation shall not extend to Northern Ireland.

[*] New paragraph substituted: see S.R. & O. 1939 [No. 1986] I, p. 845.]

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Part II—cont. Billeting.

**22.**—(1) Any person acting under the authority of the Minister of Health or the Commissioners of Works may serve upon the occupier of any premises a written notice (hereinafter referred to as "a billeting notice") requiring the occupier of the premises to furnish therein, while the notice remains in force, such accommodation by way of lodging or food or both, and either with or without attendance, as may be specified in the notice for such persons as may be so specified.

(2) Where a room in any premises is required by a billeting notice to be devoted exclusively to the accommodation of any person, then, notwithstanding anything in any contract, no other person shall be entitled to occupy the room so long as that requirement is in force.

(3) The Minister of Health and the Commissioners of Works respectively may, to such extent and subject to such restrictions as they think proper, delegate their functions under paragraph (1) of this Regulation to any specified persons or class of persons.

Any person having power to serve a billeting notice is hereinafter referred to as "a billeting officer".

(4) The occupier of any premises shall, if requested so to do by a billeting officer, furnish to such authority or person as may be specified in the request such information with respect to the accommodation contained in the premises and with respect to the persons living therein as may be so specified.

(5) The price payable in respect of any accommodation furnished in any premises to any person in accordance with a billeting notice shall be such as may be determined by order of the Minister of Health, and shall be paid to the occupier of the premises by that Minister or by such other authority as may be designated by order of that Minister or of the Treasury; and the amount of any sum paid in accordance with this paragraph by that Minister or any other authority in respect of accommodation furnished to any person may be recovered by the Minister or other authority, summarily as a civil debt, from that person or his personal representative or any person liable to maintain him.

(6) A billeting officer may revoke a billeting notice relating to any premises, without prejudice to the service of a further billeting notice relating to those premises; and the Minister of Health or the Commissioners of Works may by order direct that all billeting notices for the time being in force shall cease to have effect, either generally or as respects premises in a particular area.

(7) Where—

(*a*) a billeting notice is revoked or ceases to have effect under the last preceding paragraph, or

(*b*) accommodation required by a billeting notice to be provided for any person ceases to be provided,



Part II—cont.

the occupier of the premises to which the billeting notice relates shall forthwith surrender it to a billeting officer, who shall cancel or amend the notice, as the case may require.

*[Remainder of paragraph revoked: see S.R. & O. 1939 (No. 1410) I. p. 709.]*

(8) If any person contravenes or fails to comply with the requirements of a billeting notice or with any of the requirements of this Regulation, he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(9) For the purposes of hearing complaints in respect of billeting notices there shall be tribunals constituted in accordance with such rules as may be made by the Minister of Health; and any person who is aggrieved by the service upon him of a billeting notice, or by the operation of a billeting notice served upon him, may, subject to, and in accordance with, rules made by the Minister of Health, make a complaint to a tribunal constituted under this paragraph; and upon hearing the complaint the tribunal may cancel or vary the billeting notice as the tribunal thinks fit.

[*](9a) Where there is operative on the twenty-first day of October, nineteen hundred and thirty-nine, a notice issued to the occupier of any premises under voluntary arrangements made with a local authority in pursuance of an evacuation plan, stating that a person specified in the notice has been lodged in the premises on the understanding that the occupier will provide him with such accommodation as is mentioned in the notice, the said notice shall, for all the purposes of this Regulation, have effect as if it were a billeting notice duly served on that day, requiring the occupier of the premises to furnish the said accommodation therein for the said person.

(10) This Regulation shall not authorise the service of a billeting notice requiring the furnishing of accommodation for any person who can lawfully be billeted by virtue of the Naval Billeting, &c., Act, 1914, the Army Act or the Air Force Act. 4 & 5 Geo. 5 c. 70.

(11) Sections two hundred and six to two hundred and nineteen of the Public Health Act, 1936, shall not apply in relation to any children for whom accommodation is for the time being furnished in pursuance of this Regulation or of [*"an evacuation plan"] but it shall be the duty of the occupier of any premises in which accommodation for any child not accompanied by a person otherwise responsible for his care is so furnished as aforesaid to care for the child to the best of the occupier's ability. 26 Geo. 5 & 1 Edw. 8. c. 49.

[*] New paragraph inserted: see S.R. & O. 1939 (No. 1410) I. p. 709.]

[*] "an evacuation plan" substituted for "plans prepared by His Majesty's Government for the transference of members of the civil population from one area to another": see S.R. & O. 1939 (No. 1410) I. p. 709.]

Biblioteca Electrónica
Universidad Nacional de Córdoba
Argentina



Part II—cont.

(12) A billeting notice relating to any premises may, if it is not practicable to deliver it to the occupier of the premises, be served by delivering it to any person on the premises.

(13) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

(a) for references to the Minister of Health there shall be substituted references to the Secretary of State;

(b) paragraph (5) shall have effect as if the word "summarily" were omitted;

(c) for the reference in paragraph (11) to sections two hundred and six to two hundred and nineteen of the Public Health Act, 1936, there shall be substituted a reference to sections one to eleven of the Children and Young Persons (Scotland) Act, 1937.

1 Edw. 8 & 1 Geo. 6. c. 37

(14) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

(a) for references to the Minister of Health there shall be substituted references to the Secretary of State;

(b) for the reference in paragraph (11) to sections two hundred and six to two hundred and nineteen of the Public Health Act, 1936, there shall be substituted a reference to Part I of the Children Act, 1908, as amended by the Children (Amendment) Act (Northern Ireland), 1951.

8 Edw. 7. c. 67.

Precautions in the event of hostile attack

**23.**—(1) Any person authorised by the Secretary of State to act under this Regulation may direct that any premises or part of any premises may be used for affording protection to persons from war operations; and upon the giving of such notice or signal indicating the imminence of hostile attack as may be specified in the directions, such number of persons as may be so specified may enter those premises or that part of those premises, as the case may be, and remain therein until such notice or signal indicating the cessation of danger from hostile attack as may be so specified is given.

Directions under this paragraph may be given either generally or as respects any particular class of persons.

(2) No person shall—

(a) wilfully obstruct any person entering or seeking to enter any premises or part of any premises in accordance with paragraph (1) of this Regulation, or

(b) eject from any premises or part of any premises any person who is entitled to be therein by virtue of that paragraph.

(3) The Secretary of State may, by an order made as respects the United Kingdom or any area therein, prohibit or restrict, or empower a chief officer of police to prohibit or restrict, assemblies of persons and the use of premises or any class of premises as places of public resort, in so far as such prohibition or restriction appears to the Secretary of State or chief officer



Part II—cont.

of police, as the case may be, to be necessary in order to minimise the risk of loss of life or personal injuries being caused in consequence of war operations; and any constable may take such steps, and use such force, as may be reasonably necessary to secure compliance with any order under this paragraph.

[1](4) The Secretary of State may, if it appears to him to be expedient in the interests of public safety or the defence of the realm, by order prohibit camping in any area specified in the order or specified by a chief officer of police under the order, except in such cases and subject to such conditions as may be specified in or under the order.

In this paragraph the expression "camping" means spending the night in a tent, hut or similar structure or a caravan or other vehicle, whether on wheels or not.

Power of local education authority to provide air raid shelter in non-provided public elementary schools.

11 & 12 Geo. 5. c. 51.

[2]**23A.**—(1) A local education authority for the purposes of elementary education shall be deemed to have power under the Education Act, 1921, to provide air raid shelter in connection with a public elementary school maintained but not provided by them, notwithstanding that the provision of the shelter involves any such alterations or improvements in the buildings of the school as are referred to in paragraph (d) of subsection (2) of section twenty-nine of that Act.

(2) Any additional land required in the case of any such school as aforesaid for the provision of air raid shelter by the local education authority may be provided either by the managers or by the authority, and, if provided by the authority, shall not be deemed to form part of the schoolhouse for the purposes of the Education Act, 1921.

(3) This Regulation shall not authorise a local authority to provide any shelter in connection with any such school as aforesaid otherwise than with the consent of the managers, unless the shelter is provided on land provided by the authority.

(4) In this Regulation, the expression "air raid shelter" has the same meaning as in the Civil Defence Act, 1939.

Erection of air raid shelters.

[3]**23B.**—(1) Where before the first day of June, nineteen hundred and forty, the occupier of any premises has been provided free of charge on behalf of His Majesty with corrugated steel materials for the erection of an air raid shelter and has not erected a proper shelter on the premises with those materials, the following provisions shall have effect:—

(a) the person occupying the premises on the said first day of June shall, before the eleventh day of June, nineteen hundred and forty, either cause a proper shelter to be erected on the premises with those materials or give notice in writing to the local authority that no such shelter has been so erected;

[1] New paragraph inserted by S.R. & O. 1940 No. 780.]
[2] New Regulation inserted: see S.R. & O. 1939 (No. 1680) I, p. 846.]
[3] New Regulation inserted by S.R. & O. 1940 No. 840.]

Archivo Histórico
Argentina



Part II—cont.

(b) every such notice shall state the reason why a proper shelter has not been erected on the premises with the materials;

(c) where such a notice is given to the local authority, they shall as soon as practicable either themselves cause a proper shelter to be erected on the premises with the materials or remove the materials from the premises;

(d) where such a notice is not given to the local authority before the said eleventh day of June, and they are satisfied that a proper shelter has not been erected on the premises, they shall as soon as practicable remove the materials from the premises;

(e) the local authority shall store any materials removed by them as aforesaid and comply with any directions of the Minister of Home Security as to their disposal.

(2) For the purpose of this Regulation, a proper shelter shall not be deemed to have been erected with the materials provided on behalf of His Majesty unless those materials have been formed into an air raid shelter, and covered with earth of a minimum thickness of fifteen inches on the top, and thirty inches at the sides and back, of the shelter.

(3) In this Regulation the expression "local authority" means—

(a) in relation to any premises in the City of London, the Common Council of the City;

(b) in relation to any premises in a metropolitan borough, the council of the borough;

(c) in relation to any other premises in England, the council for the county borough or county district in which the premises are situated;

(d) in relation to any premises in Scotland the council of the county or burgh in which the premises are situated.

(4) This Regulation shall not extend to Northern Ireland.

Suspension of s. 9 (3) of Civil Defence Act, 1939. 2 & 3 Geo. 6. c. 31.

[*]**23c.**—The operation of subsection (3) of section nine of the Civil Defence Act, 1939 (which requires certain notices to be given by local authorities who construct air raid shelters in streets), shall be suspended during the continuance in force of this Regulation, without prejudice however, to the provisions of subsection (4) of that section.

Suspension of s. 7 (3) of Civil Defence Act (Northern Ireland), 1939.

[*]**23ca.**—The operation of subsection (3) of section seven of the Civil Defence Act (Northern Ireland), 1939 (which requires certain notices to be given by local authorities who construct air raid shelters in streets), shall be suspended during the continuance in force of this Regulation, without prejudice however, to the provisions of subsection (4) of that section.

[* New Regulation inserted by S.R. & O. 1940 No. 1016.]
[* New Regulation inserted by S.R. & O. 1940 No. 1291.]



Part II—cont.

Extension of powers of Minister under Civil Defence Act, 1939, as to camouflage.

[*]**23cb.**—Section eighty-nine of the Civil Defence Act, 1939, shall have effect as if, after subsection (6) thereof, there were inserted the following subsection—

"(6a) In relation to the provisions of Part VI of this Act relating to camouflage (that is to say in relation to section forty-five thereof and sections forty-six and forty-seven thereof in so far as they relate to the matters dealt with by the said section forty-five) this section shall have effect as if, in subsection (2) thereof, the words " in which more than fifty persons work." were omitted.

Extension of powers of Ministry of Home Affairs for Northern Ireland as to camouflage.

[*]**23cc.**—Section seventy-three of the Civil Defence Act (Northern Ireland), 1939, shall have effect as if, after subsection (4) thereof, there were inserted the following subsection:—

"(4a) In relation to the provisions of Part V of this Act relating to camouflage (that is to say in relation to section thirty-eight thereof and sections forty-nine and forty thereof in so far as they relate to the matters dealt with by the said section thirty-eight) this section shall have effect as if, in subsection (2) thereof the words " in which more than fifty persons work " were omitted.

Duty of occupiers of premises to carry out measures for taking up hostile attack.

[*]**23d.**—(1) If the Minister of Home Security or any person authorised by him to act under this Regulation gives directions requiring anything which is in his opinion necessary or expedient for the purpose of meeting or hindering any actual or apprehended attack by the enemy to be done, or not to be done, in, or in relation to, any premises it shall be the duty of the occupier of the premises, and of any servant or agent of the occupier to whom the directions are given, to comply with the directions whether or not compliance therewith would otherwise be lawful.

(2) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Minister of Home Security there were substituted a reference to the Secretary of State.

Control of lights and sounds.

**24.**—(1) The Secretary of State may by order provide—

(a) for prohibiting or regulating the display of lights of any such description as may be specified in the order;

[*](aa) for empowering a chief officer of police, or any constable acting under his general or special directions, to prohibit or restrict, in the event of hostile

[* New Regulation inserted by S.R. & O. 1940 No. 1016.]
[* New Regulation inserted by S.R. & O. 1940 No. 1291.]
[* New Regulation inserted by S.R. & O. 1940 No. 1217.]
[* New sub-paragraphs (aa) and (b) substituted for sub-paragraph (b): see S.R. & O. 1939 (No. 1681) I. p. 840.]

Archivo Histórico
Universidad de Belgrano Departamento Documentación Institucional y Cultura
Argentina



S.I. 1939/1681 Part II—cont.

attack or the apprehension of hostile attack, the display of any light which would otherwise be lawful under the order;

[*](*b*) for securing that in such circumstances as may be specified in the order such indication of the position of such premises and places, and such warning of the presence of such vehicles, vessels, animals and things as may be so specified shall be given by such means as may be prescribed by the order, and for prescribing the manner in which any apparatus for the purpose of giving any such indication or warning is to be constructed, installed and used;

(*c*) for prohibiting or regulating the use of roads by any particular class of traffic, so far as appears to the Secretary of State to be necessary for avoiding danger consequent on compliance with any provisions of an order under this Regulation which relate to the lighting of roads or of vehicles on roads;

(*d*) for preventing or minimizing the emission of flames, sparks or glare or the making of noise, so far as appears to the Secretary of State to be necessary for the purpose of preventing either the conveyance of information useful to the enemy or interference with measures taken for the defence of the realm or in the interests of the public safety;

[*](*e*) for prohibiting or regulating the use of any vehicle on roads, unless such steps have been taken in relation to the vehicle as may be prescribed by or under the order to diminish the visibility of the vehicle from the air.

[*]Any such order may be made so as to apply either throughout the United Kingdom, or to any area or premises therein, may make different provision as respects different classes of premises, places, vehicles, vessels, animals or things, may grant, or provide for the granting of, absolute or conditional exemptions from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the Secretary of State to be necessary or expedient for the purposes of the order.

[*](2) If any order made under this Regulation is contravened or not complied with in the case of any premises, vehicle or vessel, any constable or any member of His Majesty's forces may enter the premises or board the vehicle or vessel and take in relation thereto all such steps as may be reasonably necessary for the enforcement of the order.

[* See note * on previous page.]

[* New sub-paragraph inserted by S.R. & O. 1940 No. 1217.]

[* Words in brackets substituted : see S.R. & O. 1939 [No. 1681] I, p. 840.]

[* New paragraphs (2), (2A), and (2B) substituted for paragraph (2) : see S.R. & O. 1939 [No. 1681] I, p. 840.]



Part II—cont.

[*](2A) Any constable who has reason to suspect in the case of any vehicle that any order made under this Regulation is being, or has been, contravened or not complied with, may take any reasonable steps for the purpose of inspecting or examining the vehicle, or any part thereof or any lamps thereon or therein, with a view to ascertaining whether or not there is, or has been, any such contravention or non-compliance.

[*](2B) If any order made under this Regulation is contravened or not complied with in the case of any premises, vehicle or vessel, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises, the person in charge of the vehicle or the master of the vessel, as the case may be, shall be guilty of an offence against this Regulation:

Provided that, in any proceedings which by virtue of this paragraph are taken against any person in respect of a contravention of, or non-compliance with, such an order on the part of another person, it shall be a defence for the defendant to prove that the contravention occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

(3) Any person authorised by the Secretary of State to act under this Regulation may cause any whistle, siren or other apparatus for making sound which is situated in any premises to be used in such manner as the Secretary of State may determine to be appropriate for indicating the imminence or occurrence of hostile attack, or the cessation of danger therefrom.

Danger in premises.

**25.**—(1) Where, as respects any premises, it appears to any officer of police of a rank not lower than that of inspector, or to any person authorised by a Secretary of State or the Admiralty to act under this paragraph, that by reason of the fact—

(*a*) that substantial damage has occurred on those premises, or

(*b*) that works of demolition or construction are being, or are about to be, executed on the premises, or

(*c*) that, in consequence of war operations, the premises are contaminated by any lethal gas or other noxious substance, or

(*d*) that there is reasonable ground for believing that a source of danger exists on the premises by reason of the presence thereon of unexploded ammunition which has been discharged in the course of war operations,

it is expedient in the interests of the public safety or the defence of the realm so to do, the said officer or person may take, or authorise the taking of, such steps, and give such directions, as he thinks necessary for the purpose of the protection of

[* See note * on previous page.]



C

Archivo Histórico
Argentina



Part II—cont.

persons and property in, or in the vicinity of, those premises; and for the avoidance of doubt it is hereby declared that the powers conferred in relation to any premises by the preceding provisions of this Regulation include powers to stop up, and to prohibit or restrict the use of, any highway, to prohibit or restrict the occupation of premises, to enter upon land, and to demolish buildings and structures, so far as may be necessary for the said purpose.

(2) Any person authorised by a Secretary of State or the Admiralty or by a local authority to act under this paragraph may, if satisfied with respect to any chattel that, in consequence of war operations, the chattel is contaminated by any lethal gas or other noxious substance, and that in order to prevent danger to life or health being occasioned thereby it is necessary so to do—

(a) cause to be taken in relation to the chattel all such steps as the person so authorised thinks necessary to render it free from the contamination, or

(b) if he is satisfied that it is not reasonably practicable so to render the chattel free from the contamination, cause the chattel to be destroyed.

[*] (3) The Minister of Transport may by order provide for empowering any harbour authority or any officer of a harbour authority to exercise in the area under the control of the authority any of the powers conferred by this Regulation on persons authorised to act thereunder, and may by order authorise any such authority or officer to give to any person having control over any chattel with respect to which the authority or officer is satisfied that, in consequence of war operations, it is contaminated by any lethal gas or other noxious substance, or over any premises in which such a chattel is situated, such directions as to the removal, decontamination or disposal of the chattel, as the authority or officer considers necessary or expedient in the interests of public safety or the efficient conduct of the undertaking of the authority; and any such order may contain such incidental and supplementary provisions as appear to the Minister to be necessary or expedient for the purposes of the order.

[*] (4) This Regulation shall, in its application to Northern Ireland, have effect as if for references to the Minister of Transport there were substituted references to the Secretary of State.

Power to control animals in the event of hostile attack.

[†] 23A.—(1) The Secretary of State may by order make such provision for the control of animals and vehicles drawn by animals as he considers expedient with a view to securing the public safety or maintaining public order in the event of hostile attack.

[* New paragraph inserted by S.R. & O. 1940 No. 990.]
[† New Regulation inserted by S.R. & O. 1940 No. 1134.]



Part II—cont.

(2) Any such order may be made so as to apply either throughout Great Britain and Northern Ireland or to any areas therein.

(3) A constable in uniform may inspect any animal to which any such order applies and the harness or other equipment attached thereto for the purpose of ascertaining whether the order is being complied with, and, if the animal is in motion, any person driving, leading or otherwise in charge of the animal, shall stop the animal on being required so to do by the constable and render all reasonable assistance to the constable for the purpose of the exercise of his powers under this paragraph.

Stray dogs.

[*] 23B.—(1) A person taking possession of a stray dog may, instead of returning the dog to its owner or taking it to a police station in accordance with subsection (1) of section four of the Dogs Act, 1906, as amended by any subsequent enactment, take the dog to any animal post within three miles from the place where the dog was found and inform the person in charge of that post where the dog was found.

6 Edw. 7. c. 28.

(2) Where a dog is taken to an animal post under the foregoing paragraph, the person in charge of the post shall—

(a) forthwith take such steps as may be reasonably practicable to trace the owner of the dog and restore it to him;

(b) within three days next following the day on which it was taken to the post, take the dog to the nearest police station, unless it has been restored to its owner;

and where a dog is taken to a police station in pursuance of this paragraph, it shall be treated as if it had been seized by a police officer in pursuance of section three of the Dogs Act, 1906.

(3) The person in charge of an animal post shall enter in a register kept by him the following particulars as respects any dog taken to the post in pursuance of this Regulation, namely:—

(a) a brief description of the dog;

(b) the date on which it was received by him; and

(c) the manner in which it was disposed of;

and shall cause the said register to be open to inspection at all reasonable times by any member of the public.

(4) In this Regulation the expression "animal post" means any post established, under arrangements approved by the Minister of Home Security, for dealing with animals in the event of hostile attack.

(5) This Regulation shall not extend to Northern Ireland.

[* New Regulation inserted by S.R. & O. 1940 No. 1134.]

Archivo Histórico
Universidad de Buenos Aires
Facultad de Filosofía y Letras
Argentina



Part II—cont.

Power to cut off supplies of electricity, gas and water.

**26.** Without prejudice to any powers exercisable apart from this Regulation, the person carrying on any undertaking for the supply of electricity, gas or water may, if satisfied that any premises to which he is obliged to supply electricity, gas or water are unoccupied, cause the supply of electricity, gas or water, as the case may be, to those premises to be cut off until the premises are re-occupied; and any officer or servant employed in connection with the carrying on of such an undertaking may enter any premises for the purpose of exercising the powers conferred by this paragraph on the person carrying on the undertaking:

Provided that, where an entry is made on premises which could not lawfully have been made but for the provisions of this Regulation, the premises shall be left no less secure than they were immediately before they were entered.

Measures for dealing with outbreaks of fire.

**27.**—(1) In the event of any outbreak of fire the person having the charge and control of the operations for the extinction of the fire, and any person authorised by the Secretary of State to act under this Regulation, may take or authorise the taking of such steps, and give such directions, as appear to that person to be necessary for preventing the spread of the fire; and the steps which may be so taken include entering upon land and the destruction or removal of anything in, on or over any land.

[*](2) With a view to preventing the spread or facilitating the extinction of fire caused by incendiary bombs, the Secretary of State may by order make provision for requiring rooms or other spaces on premises to which the order applies to be cleared and kept clear of articles which are not affixed to the premises.

[*](3) Any such order may apply either to the whole of Great Britain or Northern Ireland or to any part thereof specified in the order, and either to all premises or to premises of such classes or descriptions as may be so specified.

[*](4) If the provisions of any order made under this Regulation are not complied with as respects any premises, the occupier of the premises shall be guilty of an offence against this Regulation.

[*](5) Any person authorised by the Secretary of State in writing, or by or under any such order, may at any time enter and inspect any premises to which the order applies for the purpose of seeing whether the order has been complied with; and if the person so authorised finds that the order has not been complied with, he may, without prejudice to any proceedings

[* New paragraph inserted by S.R. & O. 1940 No. 1213.]



Part II—cont.

which may be taken for an offence against this Regulation, take such steps and use such force as may appear to him to be reasonably necessary for the purpose of securing compliance with the order.

Powers and duties of auxiliary firemen.

1 & 2 Geo. 6. c. 72.

**28.**—(1) Auxiliary firemen shall have the same powers of entry and of taking steps for extinguishing fire or for protecting property, or rescuing persons or property, from fire as are conferred on members of fire brigades by subsection (1) of section fourteen of the Fire Brigades Act, 1938; and accordingly that subsection shall have effect as if the reference therein to any member of a fire brigade which provides local services under that Act being on duty included a reference to any auxiliary fireman being on duty.

Subsection (2) of section fourteen of the Fire Brigades Act, 1938 (which penalises persons who wilfully obstruct or interfere with any member of a fire brigade engaged in the performance of his duty), shall have effect as if the reference in that subsection to any member of a fire brigade included a reference to any auxiliary fireman.

(2) It shall be deemed to be a condition of service of every person who has undertaken to [*serve] as an auxiliary fireman—

(a) that he shall comply with any orders given to him at any fire by the person having the charge and control of the operations for the extinction of the fire, and

(b) [*if he has undertaken to give whole-time service] that he may be ordered to serve with his brigade outside the area of the local authority in whose service he is.

(3) This Regulation shall, in its application to Northern Ireland, have effect as if for paragraph (1) there were substituted the following paragraph:—

" (1) Any auxiliary fireman being on duty may enter, and, if necessary, break into, any premises in which a fire has or is reasonably supposed to have broken out, or any premises which it is necessary to enter for the purpose of extinguishing a fire, without the consent of the owner or occupier of the premises, and may do anything he thinks necessary for extinguishing the fire or protecting from fire any such premises or rescuing any person or property therein.

[* "serve" substituted for "give whole-time service": see S.R. & O. 1939 (No. 1184) I, p. 796.]
[* Words in brackets added: see S.R. & O. 1939 (No. 1184) I, p. 796.]

Archivo Histórico
Universidad de Navarra Departamento Comunicación Audiovisual y Cine
Argentina



Part II—cont.

Any person who wilfully obstructs or interferes with any auxiliary fireman engaged in operations for the extinction of a fire or the protection or rescue of any person or property from fire, shall be liable on summary conviction to a fine not exceeding ten pounds ".

Co-ordination of fire brigades.

**22.** The Secretary of State, if it appears to him to be necessary or expedient in the interests of the public safety or the defence of the realm so to do, may by order—

(*a*) constitute as a special fire brigades area any area in the United Kingdom specified in the order;

(*b*) make provision for securing that such fire brigades as may be specified in the order are available for dealing with outbreaks of fire in any part of the said area or, if required, elsewhere, and for securing that the operations of such fire brigades for the extinction of fires are conducted as efficiently as possible;

(*c*) make such provision as the Secretary of State thinks expedient with a view to securing the proper co-operation of fire brigades for the purpose of dealing with outbreaks of fire in any part of the United Kingdom, and in particular, for determining the arrangements to be made for the assistance of one fire brigade by another for that purpose;

(*d*) provide for securing that, in such circumstances as may be specified in the order, there shall be made to any fire authority, in respect of services which in pursuance of the order are rendered by the fire brigade of that authority outside its area, and to any other person in respect of services which in pursuance of the order are rendered by any fire brigade maintained by that person, payments of such amounts, and by such persons, as may be determined by or under the order;

and any such order may contain such incidental and supplementary provisions (including provisions for modifying or adapting any Act or regulations relating to fire brigades) as appear to the Secretary of State to be necessary or expedient for the purposes of the order.

Co-ordination, and control of certain civil defence functions of local authorities.

[*] **22A.**—(1) The appropriate Minister (hereinafter in this Regulation referred to as " the Minister ") may give such directions as appear to him to be necessary or expedient in the interests of the public safety or the defence of the realm—

(*a*) extending or reducing the area in which all or any of the civil defence functions of a local authority are to be exercised;

[* New Regulation inserted by S.R. & O. 1940 No. 843.]



Part II—cont.

(*b*) transferring all or any of the civil defence functions of a local authority to another local authority or to himself or to any person appointed by him;

(*c*) making provision for requiring local authorities having civil defence functions to co-operate in the discharge thereof;

(*d*) placing any services provided by a local authority in the discharge of its civil defence functions wholly or partly under the control of another local authority or of himself or of any person appointed by him;

and may give directions making provision for any matters which appear to the Minister to be incidental to or consequential on any directions given by him under the foregoing provisions of this paragraph.

(2) The Minister may by order—

(*a*) make provision for the making of payments by local authorities in respect of things done in pursuance of any directions given under the last foregoing paragraph, being things which, apart from the directions, that authority would have been empowered or required to do;

(*b*) provide for the making of such financial adjustments between any local authorities affected by any such directions as appear to the Minister to be just having regard to the directions.

(3) The Minister may give to a local authority having civil defence functions such directions as to the manner in which and the persons by whom those functions are to be discharged, and as to the appointment and dismissal of such persons, as appear to the Minister to be necessary or expedient in the interests of the public safety or the defence of the realm.

(4) The Minister may require any person employed (whether voluntarily or in pursuance of any contract) by a local authority in connection with the discharge of the civil defence functions of that authority to do such acts and carry out such operations (whether inside or outside the area of the authority) for the purpose of protecting persons and property against hostile attack or mitigating the consequences thereof as the Minister may specify.

(5) In this Regulation the expression " civil defence functions " has the meaning assigned to it by section ninety of the Civil Defence Act, 1939, but includes also all functions relating to the extinction of fires whether exercisable under that Act or otherwise.

(6) The Minister may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of his functions under paragraphs (1), (3) and (4) of this Regulation to any specified persons or class of persons.

Archivo Histórico
Argentina



Part II—cont.

(7) In this Regulation the expression "the appropriate Minister" means, in relation to the functions of local authorities in England under Part VII of the Civil Defence Act, 1939, the Minister of Health, in relation to the functions of local authorities in Scotland being functions under the said Part VII or functions relating to the extinction of fires the Secretary of State, and, in relation to any other civil defence functions of local authorities the Minister of Home Security:

Provided that the power conferred upon the Minister of Home Security by section one of the Civil Defence Act, 1939, to make arrangements for the exercise on his behalf by any other Minister of the Crown of any of his functions under that Act or under the Air Raid Precautions Act, 1937, shall include power to make arrangements for the exercise by any such Minister of any of his functions under this Regulation.

1 & 2 Geo. 6. c. 5.

(8) The operation of section seventy-three of the Civil Defence Act, 1939, shall be suspended during the continuance in force of this Regulation.

Power to require persons to continue in police and civil defence employment.

[1]29B.—(1) A Secretary of State, or the Minister of Health, may by order provide for requiring persons employed as constables, and persons in the service of local authorities employed in any capacity to which this Regulation applies, to continue in such employment until their services are dispensed with in accordance with the provisions of the order:

Provided that no order made under this Regulation shall apply to persons employed without remuneration.

(2) The capacities to which this Regulation applies are: any capacity in which persons are employed at control or report centres, the capacity of air raid warden, and any capacity as a member of any first aid, ambulance, rescue, or decontamination service, or of any service carrying out functions relating to the extinction of fires exercisable by local authorities whether under the Civil Defence Acts, 1937 and 1939, or otherwise.

(3) Any order under this Regulation may be made so as to apply either generally or to a particular area and either to persons employed as aforesaid generally, or to any class or description of such persons.

(4) This Regulation shall in its application to Scotland have effect as if the reference to the Minister of Health were omitted.

(5) This Regulation shall not extend to Northern Ireland.

Deaths occurring in consequence of war operations.

26 Geo. 5. & 1 Edw. 8. c. 59.

[1]30.—(1) If, with respect to any dead body in any county borough or county district or in the district of a sanitary authority for the purposes of the Public Health (London) Act, 1936, there has been given by a person authorised by the Secretary of State to act under this Regulation a certificate that

[1] New Regulation inserted by S.R. & O. 1940 No. 906.]
[1] New Regulation inserted: see S.R. & O. 1939 (No. 1688) I, p. 611; amended by S.R. & O. 1940 Nos. 1016 and 1134.]



Part II—cont.

it is the body of a person who has died in consequence of war operations, then, notwithstanding anything in any Act, the council of the borough or district or the sanitary authority, as the case may be, shall, unless they are satisfied that adequate arrangements have been otherwise made for the disposal of the body, themselves cause the body to be interred in such churchyard, public burial ground or cemetery as they think fit.

Any expenses incurred for the purposes of this paragraph by such a sanitary authority as aforesaid shall be defrayed as if they were expenses incurred under the Public Health (London) Act, 1936.

16 & 17 Geo. 5. c. 48.

(2) Section one of the Births and Deaths Registration Act, 1926 (which provides that the body of a deceased person shall not be disposed of without either the certificate of the registrar of deaths or an order of the coroner), shall not apply in relation to any interment of a dead body effected in pursuance of this Regulation.

(3) No person who, apart from this Regulation, would be required to give any information concerning a death to a coroner shall be obliged so to give that information, if that person has reasonable cause to believe that the death occurred in consequence of war operations; and, except in any particular case in which the Secretary of State otherwise directs, a coroner shall not be obliged or authorised to take any action in relation to any death if he is satisfied that the death occurred in consequence of war operations.

(4) The enactments relating to the registration of deaths shall have effect as if the information thereby required to be given to a registrar concerning the death of any person included, in a case where the informant has reasonable cause to believe that the death occurred in consequence of war operations, a statement that the death so occurred.

(5) The enactments relating to the registration of deaths shall, in relation to any case in which a certificate that a dead body is the body of a person who has died in consequence of war operations is given by a person authorised by the Secretary of State to act under this Regulation, have effect as if the class of persons required by those enactments to give information concerning the death to a registrar included the person by whom the certificate is given; and any duty imposed by the said enactments, as amended by this Regulation, to give any information concerning the death to a registrar or to attend before the registrar and sign the register shall, in that case, be deemed to have been discharged by the said person if, within the time limited for the giving of that information, he sends the certificate together with so much of that information as he has in his possession to the registrar.

(6) Where, upon information of a death given to a registrar in accordance with the enactments relating to the registration

Archivo Histórico
Universidad de Buenos Aires
Argentina



Part II—cont.

of deaths, as amended by this Regulation, the registrar is satisfied that the death occurred in consequence of war operations, he shall, subject to any such general or special directions as may be given by the Registrar General of Births, Deaths and Marriages for determining the manner in which a death so occurring is to be registered, register the death forthwith in the manner directed by the said enactments.

(6a) Where an application is made under Regulation seven of the Cremation Regulations, 1930, for the cremation of the body of a deceased person, and there is produced to the medical referee or the deputy medical referee of the crematorium a certificate given under the hand of the registrar of deaths in pursuance of section two of the Births and Deaths Registration Act, 1926, or a duplicate thereof issued under subsection (4) of that section, showing—

(a) that the death of the deceased has been registered as being due to war operations, or

(b) that the death is not required by law to be registered in England and that satisfactory evidence has been produced that the death was due to war operations,

the following provisions of the Cremation Regulations, 1930, shall not apply, that is to say—

(i) Regulation eight, except so far as it requires the cremation to be authorised in writing by the medical referee of the crematorium;

(ii) paragraph (3) so far as it relates to certificates, and paragraphs (5) and (6) of Regulation twelve.

(7) In this Regulation—

(a) the expression "body" includes part of a body;

(b) the expression "the Cremation Regulations, 1930" means the Regulations dated October 28, 1930, made by the Secretary of State for the Home Department, under section seven of the Cremation Act, 1902, and section ten of the Births and Deaths Registration Act, 1926. 2 Edw. 7. c. 8.

(8) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

(a) for the reference to the Registrar General of Births, Deaths and Marriages there shall be substituted a reference to the Registrar General of Births, Deaths and Marriages in Scotland;

(b) in paragraph (1) for references to a county borough and to a county district there shall be substituted respectively references to a burgh and to a county, and for the words from "Any expenses" to the end of the paragraph there shall be substituted the words "Any expenses incurred for the purposes of



this paragraph by a county or town council shall be defrayed in like manner as expenses under the Public Health (Scotland) Act, 1897"; Part II—cont. 60 & 61 Vict. c. 38.

(c) for paragraph (2) there shall be substituted the following paragraph—

"(2) In any case in which a certificate that a dead body is the body of a person who has died in consequence of war operations is given by a person authorised by the Secretary of State to act under this Regulation, and in accordance with the enactments relating to the registration of deaths, as amended by this Regulation, there is given to the registrar any information concerning the death, which includes a statement that the death occurred in consequence of war operations, the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, shall have effect in relation to the death as if in section thirty-nine the words from "and the registrar" to the end of the section, and in section forty-four the words from "and if any dead body" to the end of the section, were omitted"; 17 & 18 Vict. c. 80.

(d) at the end of paragraph (6) the following words shall be added:—

"and no inquiry in regard to the death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895, or of section fifty-three of the Prisons (Scotland) Act, 1877, either as originally enacted or as applied or extended by any subsequent enactment"; 58 & 59 Vict. c. 56. 40 & 41 Vict. c. 53.

(e) for paragraph (6a) there shall be substituted the following paragraph:—

"(6a) Where, on an application for the cremation of the body of any deceased person, there is produced to the medical referee or the deputy medical referee of the crematorium a certificate by a qualified medical practitioner to the effect that death was due to a specified cause which is consistent with death directly due to war operations, together with either—

(a) a certificate given by a person authorised by the Secretary of State to act under this Regulation that the body is the body of a person who has died in consequence of war operations; or

(b) a certificate of registration under the hand of the registrar of births, deaths and

Archivo Histórico
Universidad de Navarra Biblioteca
Argentina





marriages in the form of Schedule I appended to the Registration of Births, Deaths and Marriages (Scotland) Act, 1854; or

(c) a certificate given under the hand of the registrar of deaths in pursuance of section two of the Births and Deaths Registration Act, 1926, or a duplicate thereof issued under subsection (4) of that section showing that the death of the deceased has been registered;

the following provisions of the Cremation (Scotland) Regulations, 1935, shall not apply, that is to say—

(i) Regulation six;

(ii) Regulation eight;

(iii) in Regulation twelve, paragraph (d), and the words from "In the event of any suspicious circumstances" to the end of the Regulation."

(9) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

(a) for the reference to the Registrar General of Births, Deaths and Marriages, there shall be substituted a reference to the Registrar General for Northern Ireland;

(b) in paragraph (1) for the references to a county borough or county district and to the council of the borough or district there shall be substituted respectively references to the district of a sanitary authority within the meaning of the Public Health (Ireland) Act, 1878, and to the sanitary authority, and for the words from "Any expenses" to the end of the paragraph there shall be substituted the words "Any expenses incurred for the purposes of this paragraph by a sanitary authority shall be defrayed as expenses incurred by them in the execution of the Public Health (Ireland) Act, 1878, and in the case of a rural sanitary authority shall be general expenses".

41 & 42 Vict. c. 52.

Appointment of additional registrars and deputy registrars of births and deaths. 19 & 20 Geo. 5. c. 17.

[†]**21.**—(1) If any superintendent registrar dies, resigns or otherwise ceases to hold his office, and there is no interim superintendent registrar, the clerk of the responsible council as defined by subsection (5) of section twenty-two of the Local Government Act, 1929, shall, if required by the Registrar General of Births, Deaths and Marriages so to do, appoint an interim superintendent registrar.

[† New Regulation inserted: see S.R. & O. 1939 (No. 1681) I. p. 811.]





(2) Every superintendent registrar or registrar shall, if required by the Registrar General of Births, Deaths and Marriages so to do, appoint an additional deputy or additional deputies approved by the Registrar General; and any person appointed under this paragraph shall be deemed to be a deputy appointed under section twenty-four of the Births and Deaths Registration Act, 1874.

37 & 38 Vict. c. 88.

(3) Any reference in this Regulation to a superintendent registrar, an interim superintendent registrar or a registrar, shall be construed as a reference to a superintendent registrar, an interim superintendent registrar or a registrar, as the case may be, for the purposes of the enactments relating to the registration of births and deaths.

(4) This Regulation shall not extend to Scotland or to Northern Ireland.

Provision of food, lodging and medical treatment for persons transferred under evacuation plans.

[†]**21A.**—(1) The Minister of Health may make arrangements for the provision of food or lodging or both for persons transferred under an evacuation plan; and where, in pursuance of such arrangements, food or lodging is provided for any person, there shall be payable in respect thereof to the said Minister a charge determined in accordance with such scale as that Minister, with the approval of the Treasury, may from time to time fix, and the amount of the charge may be recovered by the Minister summarily as a civil debt from that person or from his personal representative or any person liable to maintain him.

(2) The Minister of Health may make arrangements for securing that proper medical treatment will be available for persons transferred under an evacuation plan, and for the remuneration by that Minister of persons providing medical treatment under those arrangements.

In respect of each person for whom medical treatment is available under the said arrangements, a sum calculated at such rate as the said Minister, with the approval of the Treasury, may by order prescribe, shall be payable to that Minister, and may be recovered by him summarily as a civil debt from that person or from his personal representative or any person liable to maintain him.

(3) In this Regulation the expression "medical treatment" means such medical attendance and treatment (including the supply of medicine and medical and surgical appliances) as may be provided by way of medical benefit under the National Health Insurance Act, 1936.

9 Edw. 8. c. 31.

[† New Regulation inserted: see S.R. & O. 1939 (No. 1426) I. p. 799; extended to Northern Ireland by S.R. & O. 1940 No. 244.]

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Part II—cont.

(4) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

(a) for references to the Minister of Health, there shall be substituted references to the Secretary of State; and

(b) paragraphs (1) and (2) shall have effect as if the word "summarily" were omitted.

(5) This Regulation shall, in its application to Northern Ireland, have effect as if for references to the Minister of Health there were substituted references to the Secretary of State.

Power to remit charges.

[*]**31B.**—(1) The Minister of Health or a person acting on his behalf may, in relation to any class of cases or in any particular case, dispense with payment, wholly or in part, of any charge or other sum which would otherwise be payable to that Minister under the last preceding Regulation or be payable to him under Regulation twenty-two of these Regulations in respect of persons transferred under an evacuation plan.

(2) This Regulation shall, in its application to Scotland and to Northern Ireland, have effect as if for references to the Minister of Health there were substituted references to the Secretary of State.

Hospitals and ambulances.

**32.**—(1) As respects any hospital, the Minister of Health and any person authorised by him to act under this Regulation may give such directions with respect to the management and use of the hospital as that Minister thinks necessary for securing that proper hospital treatment will be readily available for persons in the United Kingdom who may be suffering from any injury, disease or incapacity in consequence of war operations, or who may leave their homes in consequence of, or in apprehension of, attacks by the enemy; and the Minister of Health may by order relax any obligation or limitation which by, or by virtue of, any Act or other instrument determining their functions, is imposed on the persons having the management of the hospital.

(2) With a view to ascertaining whether any directions given under this Regulation in relation to a hospital are complied with, any person authorised in that behalf by the Minister of Health may at any time enter and inspect any premises used for the purposes of the hospital.

(3) Any person concerned in, or employed in connection with, the management of a hospital shall, if requested by or on behalf of the Minister of Health so to do, furnish such information relating to the hospital as that Minister considers it necessary to obtain for the purposes of this Regulation.

[* New Regulation inserted: see S.R. & O. 1939 (No. 1426) I. p. 799; extended to Northern Ireland by S.R. & O. 1940 No. 814.]



Part II—cont.

(4) Paragraphs (1) to (3) of this Regulation shall apply in relation to any ambulance service, not being a service maintained for the purposes of any police force or fire brigade, as they apply in relation to a hospital.

(5) The Minister of Health, if it appears to him necessary so to do for securing that proper hospital treatment will be readily available for persons in the United Kingdom who may be suffering from any injury, disease or incapacity in consequence of war operations, or who may leave their homes in consequence of, or in apprehension of, attacks by the enemy, may manage any hospital or authorise a person to manage it in accordance with any instructions of the said Minister; and while, by virtue of this paragraph, the Minister of Health or a person so authorised is managing any hospital—

(a) he shall be deemed to be acting as agent of the persons who would otherwise have the management of the hospital, except that those persons shall not have any right to control the management thereof; and

(b) those persons shall not be bound by any obligation or limitation imposed on them by or by virtue of any Act or other instrument determining their functions.

[*Paragraph (6) revoked: see S.R. & O. 1939 (No. 1426) I. p. 799.*]

(7) In this Regulation the expression "hospital" includes—

(a) any sanatorium, convalescent home, or public assistance institution;

(b) any institution within the meaning of the Mental Treatment Act, 1930, or institution, certified house or approved home within the meaning of the Mental Deficiency Act, 1913; and — 20 & 21 Geo. 5. c. 23. 3 & 4 Geo. 5. c. 28.

(c) any clinic, dispensary, hospital centre or out-patients' department.

[*Remainder of paragraph revoked: see S.R. & O. 1939 (No. 1426) I. p. 799.*]

(8) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

(a) for references to the Minister of Health there shall be substituted references to the Secretary of State;

[*Sub-paragraph (b) revoked: see S.R. & O. 1939 (No. 1426) I. p. 799.*]

(c) for sub-paragraph (b) of the last preceding paragraph there shall be substituted the following sub-paragraph—

"(b) any institution, certified house or approved home within the meaning of the Mental Deficiency and Lunacy (Scotland) Act, 1913, or asylum". — 3 & 4 Geo. 5. c. 38.

Archivo Histórico
Argentina



Part II—cont.

(9) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications—

(a) for references to the Minister of Health there shall be substituted references to the Ministry of Home Affairs;

(b) for sub-paragraph (b) of paragraph (7) there shall be substituted the following sub-paragraph—

"(b) any public mental hospital or registered institution within the meaning of the Mental Treatment Act (Northern Ireland), 1932".

Transfer of persons of unsound mind and mental defectives.

[†]**22A.**—(1) Where, in accordance with arrangements made by or with the approval of the Minister of Health or the Board of Control or made in pursuance of an order or direction made or given under Regulation sixteen A or an order made under Regulation twenty-one of these Regulations, a person of unsound mind or a mental defective is transferred from the institution in which he is being treated or maintained to another institution, he shall be deemed to have been lawfully so transferred and may be received into the other institution, and anything required or authorised under the Lunacy and Mental Treatment Acts, 1890 to 1930, or the Criminal Lunatics Act, 1884, or the Mental Deficiency Acts, 1913 to 1938, or under any rules, regulations, order or warrant made or issued under any of those Acts, to be done in relation to him by the persons having the management or control of, or employed for the purposes of, the institution in which he was being treated or maintained shall or may, as the case may be, be done by the persons having the management or control of, or employed for the purposes of, the institution to which he has been transferred.

47 & 48 Vict. c. 64.

(2) The authority or person liable for the maintenance of any person transferred in accordance with any such arrangements as aforesaid shall, subject to any adjustments provided for in the arrangements, be liable for the expenses of his transfer and of his maintenance at the institution to which he has been transferred.

(3) Where arrangements have been made by the Admiralty for the maintenance and treatment at any place of patients who have been or would otherwise be maintained and treated at the Royal Naval Hospital at Great Yarmouth, the Yarmouth Naval Hospital Act, 1931, and any order made thereunder, shall apply in relation to any such place, and to any patients transferred thereto from the said Royal Naval Hospital, and to any persons of the classes mentioned in subsection (2) of section one of that Act removed by order of the Admiralty or admitted by the Admiralty as voluntary patients to any such place, as if that place were the said Royal Naval Hospital.

21 & 22 Geo. 5. c. 13.

[† New Regulation substituted by S.R. & O. 1940 No. 1328, for the original Regulation: see S.R. & O. 1939 (No. 927) I, p. 723.]



Part II—cont.

(4) In this Regulation the expression "institution" means any institution within the meaning of the Mental Treatment Act, 1930, any institution or certified house within the meaning of the Mental Deficiency Act, 1913, any workhouse, and any hospital approved for the purposes of section nineteen of the Mental Treatment Act, 1930, and also includes any place to which persons of unsound mind or mental defectives are transferred in accordance with any such arrangements as are referred to in paragraph (1) of this Regulation.

(5) In the application of this Regulation to Scotland—

(a) for references to the Minister of Health and the Board of Control there shall be respectively substituted references to the Secretary of State and the General Board of Control for Scotland; for references to the Lunacy and Mental Treatment Acts, 1890 to 1930, and to the Mental Deficiency Acts, 1913 to 1938, there shall be respectively substituted references to the Lunacy (Scotland) Acts, 1857 to 1919, and to the Mental Deficiency (Scotland) Acts, 1913 and 1940; for any reference to the Criminal Lunatics Act, 1884, there shall be substituted a reference to the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871; and for any reference to a person of unsound mind there shall be substituted a reference to a lunatic;

44 & 45 Vict. c. 93.

(b) the expression "institution" means any asylum, any institution or certified house within the meaning of the Mental Deficiency and Lunacy (Scotland) Act, 1913, and any poorhouse, and also includes any place to which lunatics or mental defectives are transferred in accordance with any such arrangements as are referred to in paragraph (1) of this Regulation.

Temporary registration in medical register of ordained and foreign practitioners.

[†]**22B.**—(1) Where, on the application of any person by law entitled to practise medicine, surgery and midwifery in any territory outside the United Kingdom to which this Regulation is applied by order of the Ministers, or in any part of that territory, it is shown to the satisfaction of the General Medical Council that that person fulfils the prescribed conditions, the Council may, if they think fit, direct that he shall be registered in the medical register—

(a) if the territory in question is within His Majesty's dominions, as a colonial practitioner,

(b) in any other case as a foreign practitioner,

and on the direction being given that person shall be registered accordingly, and section fourteen of the Medical Act, 1886, shall apply in relation to persons registered by virtue of this Regulation as it applies in relation to persons registered under that Act.

49 & 50 Vict. c. 48.

[† New Regulation inserted by S.R. & O. 1940 No. 1328.]

Archivo Histórico
Universidad Nacional Autónoma de México
Argentina



Part II—cont.

Provided that, without prejudice to the provisions of the Medical Acts relating to the erasure of names from the register, a person registered by virtue of this Regulation shall cease to be registered on the revocation or expiration thereof—

(2) In this Regulation—

(a) the expression "prescribed conditions" means, in relation to a territory specified in an order made by the Ministers under this Regulation, such conditions as to nationality, character, professional qualifications, and otherwise, as may be prescribed by the order;

(b) the expression "the General Medical Council" means the Council established under section three of the Medical Act, 1858, as amended by any subsequent enactment;

21 & 22 Vict. c. 90.

(c) the expression "the Ministers" means two Secretaries of State and the Minister of Health, acting jointly.

Exemption of certain women from Acts relating to midwives.

4 Edw. 7. c. 17.

10 Geo. 5. & 1 Edw. 8. c. 40.

[†]**33.**—(1) A local supervising authority within the meaning of the Midwives Act, 1902, if it appears to that authority to be necessary so to do in order to secure that the number of women who are available in its area or any part thereof for attendance on women in childbirth, or as maternity nurses during childbirth or at any time during the lying-in period as defined for the purposes of subsection (1) of section one of the Midwives Act, 1936, is adequate for the needs of the area or that part thereof, as the case may be, may by an order made as respects the area or that part thereof exempt from the provisions of the Midwives Acts, 1902 to 1936, for such period and subject to such conditions as may be specified in the order, any such women who have surrendered their certificates under subsection (2) of section five of the Midwives Act, 1936, as may be named in the order.

A woman named in any order under this paragraph which is for the time being in force shall, for the purposes of subsection (1) of section one of the Midwives Act, 1936, be deemed to be a certified midwife.

(2) Without prejudice to the power to attach conditions to any exemption granted by an order under the preceding paragraph, it shall be a condition of such an exemption that every woman on whom the exemption is conferred shall comply with any rules for the time being in force under section three of the Midwives Act, 1902, regulating, supervising and restricting within due limits the practice of midwives; and if any woman named in such an order fails to comply with the said rules or to observe any other condition subject to which the exemption under the order is conferred on her, the local supervising authority may revoke the order so far as it relates to her.

[† New Regulation inserted: see S.R. & O. 1939 (No. 1681) I. p. 811.]



Part II—cont.

(3) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

(a) for references to the Midwives Act, 1902, and to section three thereof there shall be substituted references to the Midwives (Scotland) Act, 1915, and to section five thereof;

2 & 3 Geo. 5. c. 21.

(b) for the reference to the Midwives Acts, 1902 to 1936, there shall be substituted a reference to the Midwives (Scotland) Acts, 1915 and 1927, and the Maternity Services (Scotland) Act, 1937;

1 Edw. 8. & 1 Geo. 6. c. 30.

(c) for the references to section one and to section five of the Midwives Act, 1936, there shall be respectively substituted references to section one and to section four of the Maternity Services (Scotland) Act, 1937;

(4) This Regulation shall not extend to Northern Ireland.

Explosives, ammunition and firearms.

**34.**—(1) A Secretary of State may by an order made as respects any specified area in the United Kingdom provide, subject to any exemptions for which provision may be made by the order, for prohibiting (either absolutely or conditionally) the keeping in that area of any explosive, any ammunition or any firearm or component part of a firearm; and such an order may be made either with respect to all explosives, ammunition, firearms or component parts of firearms, or with respect to any class of explosives, ammunition, firearms or component parts of firearms.

(2) Every person who, in any such area in the United Kingdom as may be specified by order of a Secretary of State, not being an area in relation to which an order made under paragraph (1) of this Regulation is in force, keeps any explosive, any ammunition or any firearms or component parts of firearms, shall comply with such directions for securing the safe custody thereof as may be given by the chief officer of police for the district in which the explosive, ammunition, firearms or component parts is or are situate, and any such directions may require the removal of the explosive, ammunition, firearms or component parts to such place in the first-mentioned area as may be specified in the directions.

If any directions given under this paragraph by a chief officer of police are not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said officer may cause the articles to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

Manufacture and transport of dangerous articles.

**35.**—(1) If, as respects any premises in the United Kingdom used for producing, treating, handling or keeping any articles or substances, a Secretary of State is satisfied that [† provision

[† Words in brackets substituted by S.R. & O. 1940 No. 363.]

Archivo Histórico · Argentina





ought to be made for affording protection to persons and property in, or in the vicinity of, those premises against special risks arising from the nature of the articles or substances, he may make such order for the removal from the premises of the articles or substances or any of them, or for prohibiting or restricting the production, treatment, handling or keeping, on the premises of the articles or substances, or for securing the observance of precautions in connection therewith, as appears to him to be necessary or expedient for affording such protection;] and any such order may authorise the searching of persons entering, or seeking to enter, or being within, any premises to which the order applies.

(2) A Secretary of State may by order make, in relation to the conveyance on vehicles or vessels of any description of articles or substances specified in the order, such provision as appears to him to be necessary or expedient for protecting persons and property against any special risks arising, in connection with such conveyance, by reason of the nature of those articles or substances.

(3) In relation to any premises in the possession or under the control of the Admiralty, ['the Minister of Supply,] ['or the Minister of Aircraft Production;] and in relation to any vehicle or vessel in the possession of the Admiralty, ['the Minister of Supply,] ['or the Minister of Aircraft Production] paragraphs (1) and (2) of this Regulation shall have effect as if for the references in those paragraphs to a Secretary of State there were substituted references to the Admiralty, ['the Minister of Supply,] ['or the Minister of Aircraft Production,] as the case may be.

Precautions to be taken in connection with the storage of certain liquids.

**36.**—(1) Subject to the provisions of this Regulation, no vessel situated wholly or partly above ground and having a capacity of more than five hundred gallons shall, in any premises, be used for keeping any liquid to which this Regulation applies, unless the vessel is surrounded by a wall, embankment or excavation so constructed and situated as to prevent, so far as reasonably practicable, the escape of the liquid by reason of damage done to the vessel in consequence of war operations; and if any vessel is used in contravention of this paragraph, the occupier of the premises in which the vessel is situated shall be guilty of an offence against this Regulation.

(2) Paragraph (1) of this Regulation shall not apply to any vessel in relation to which measures approved for the purposes of this Regulation by a Secretary of State, the Admiralty, the Board of Trade, ['the Minister of Supply,] ['or the Minister of Aircraft Production,] have been taken; and the Secretary of

[1] Words in brackets inserted: see S.R. & O. 1939 (No. 1681) I, p. 840.]
[2] Words in brackets inserted by S.R. & O. 1940 No. 763.]





State, if satisfied that owing to special circumstances he can properly do so, may by order direct that the said paragraph shall not apply in relation to any such premises, vessels or liquids, or class of premises, vessels or liquids as may be specified in the order.

(3) The liquids to which this Regulation applies are—

(a) such liquids as give off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit; and

(b) such other liquids as may from time to time be specified by order of the Secretary of State.

(4) In this Regulation the expression "vessel" includes any chamber, tank or vat.

Curfew.

[1][**37.** The Secretary of State may, as respects any area in the United Kingdom, by order direct that, subject to any exemptions for which provision may be made by the order, no person in that area shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by such authority or person as may be specified in the order.

Exercise of certain powers by Minister of Home Security.

**38.** The powers conferred on a Secretary of State by any of the preceding Regulations contained in this Part of these Regulations, except Regulations thirty-four and thirty-five, may, in relation to Great Britain, be exercised also by the Minister of Home Security[2].

*Public Order.*

Looting and wrecked premises.

[1][**38A.**—(1) If, in an area which has been subjected to attack by the enemy, whether by means of aircraft or otherwise, or in any area to which this Regulation has been applied by order of the Minister of Home Security, any person—

(a) steals any article from premises which have been damaged by war operations or vacated by reason of attack by the enemy or in consequence of any authorised directions given for the purpose of meeting or hindering any actual or apprehended attack by the enemy or of protecting persons and property from the dangers involved in any such attack; or

(b) steals any article which has been left exposed or unprotected as a consequence of war operations; or

(c) enters any premises, damages any property, assaults any person, or is found with any offensive weapon or housebreaking instrument, with intent to commit any offence punishable by penal servitude;

[1] New Regulation inserted: see S.R. & O. 1939 (No. 1681) I, p. 841.]
[2] For transfer of functions of the Minister for the purposes of the Civil Defence Act, 1939, under these Regulations to the Minister of Home Security: see S.R. & O. 1939 (No. 1443) II, p. 1717 and S.R. & O. 1940 No. 1091.]
[1] New Regulation inserted by S.R. & O. 1940 No. 1121.]

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina



Part II—cont.

he shall be guilty of an offence against this Regulation, and shall on conviction thereof on indictment be liable to suffer death or penal servitude for life.

(2) The Minister of Home Security may by order direct that this Regulation shall apply to any area in which, in his opinion, there is, or is likely to be, special difficulty in preserving public order by reason of any measures taken for the purpose of meeting or hindering any actual or apprehended attack by the enemy.

(3) In this Regulation the expression "authorised directions" means any order or directions made or given in the exercise of powers conferred by these Regulations or made or given by any officer of His Majesty's forces.

(4) A person sentenced to death after conviction on indictment of an offence against this Regulation shall be dealt with in like manner as persons convicted on indictment of murder.

(5) This Regulation shall, in its application to Northern Ireland, have effect as if for references to the Minister of Home Security there were substituted references to the Secretary of State.

Control of police forces.

[1] **39.**—(1) The Secretary of State may give with respect to any police force such general or special instructions as appear to him to be necessary or expedient in the interests of the public safety, the defence of the realm, the maintenance of public order or the efficient prosecution of the war, and, in particular, may by any such instructions make provision for the assistance of one police force by another.

(2) Instructions given with respect to any police force under the last foregoing paragraph may be given either to the police authority by which the force is maintained or to the chief officer thereof, and shall have effect notwithstanding any restriction or limitation imposed by or under any Act.

(3) Where, in pursuance of instructions given under paragraph (1) of this Regulation, any constables are transferred to any police force, then notwithstanding that they have not been sworn or have not made any declaration as members of that force, they shall be deemed for all purposes to be members of that force, and shall have powers, duties and privileges accordingly.

(3A) The Secretary of State may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of the powers conferred on him by paragraph (1) of this Regulation to any specified persons or class of persons.

(4) Any expenditure incurred by or on behalf of a police force by reason of an instruction given under this Regulation shall, unless the Secretary of State otherwise directs, be defrayed in the first instance out of the police fund out of which the expenses of that force are paid, but the Secretary of State

[1] New Regulation substituted by S.R. & O. 1940 No. 846 and amended by S.R. & O. 1940 No. 881.]



Part II—cont.

may, in respect of any such expenditure, require such adjustments to be made between police funds as appear to him to be just having regard to the instruction.

(5) In this Regulation the expressions "police authority" and "police fund" have the same meanings respectively as in section thirty of the Police Pensions Act, 1921. 11 & 12 Geo. 5. c. 31.

(6) This Regulation shall not extend to Northern Ireland.

Soliciting persons from duty and causing disaffection.

[1] **38A.**—(1) No person shall—

(a) endeavour to seduce from their duty persons in His Majesty's service or engaged under any public authority in the performance of functions in connection with the defence of the realm or the securing of the public safety, or to cause among such persons disaffection likely to lead to breaches of their duty; or

(b) endeavour to incite persons who have become or may become liable under the National Service (Armed Forces) Act, 1939, to be called up for service to evade any duties or liabilities which they are or may become liable to perform or discharge under or by virtue of that Act, or to perform or discharge any such duties or liabilities otherwise than to the best of their ability; or 2 & 3 Geo. 6. c. 81.

(c) endeavour to incite persons to abstain from enrolling voluntarily in His Majesty's forces or in any civil defence organisation, or endeavour to prejudice the training discipline or administration of those forces or of any such organisation; or

(d) with intent to contravene, or to aid, abet, counsel or procure a contravention of, sub-paragraph (a), (b) or (c) of this paragraph, have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

(2A) In this Regulation the expression "civil defence organisation" means any organisation in which persons serve, or are engaged, under any public authority in the performance of functions in connection with the defence of the realm or the securing of the public safety; and the expression "enrolment" includes any procedure by which a person may become a member of His Majesty's forces or of a civil defence organisation.

(2) A prosecution for an offence against this Regulation shall not be instituted except by, or with the consent of, the Director of Public Prosecutions.

(2A) Any person convicted of an offence against this Regulation shall, if convicted on indictment, be liable to penal servitude

[1] New Regulation inserted: see S.R. & O. 1939 (No. 1681) I. p. 811; amended by S.R. & O. 1940 Nos. 680 and 1328.]

Archivo Histórico
Argentina



Part II—cont.

for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

9 & 10 Geo. 5. c. 46.

(3) Section three of the Police Act, 1919 (which penalises the causing of disaffection among members of any police force) shall have effect as if any reference in that section to members or a member of a police force included a reference—

(a) to special constables, or a special constable, appointed under any of the provisions of the Special Constables Act, 1831, as amended by the Special Constables Acts, 1914 and 1923, or appointed under section one hundred and ninety-six of the Municipal Corporations Act, 1882, and

1 & 2 Will. 4. c. 41. 45 & 46 Vict. c. 50.

(b) to members or a member of the police force of any railway, harbour or dock undertaking.

(4) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

(a) paragraph (2) shall not apply; and

(b) for sub-paragraph (a) of paragraph (3) there shall be substituted the following sub-paragraph—

"(a) to special constables or a special constable appointed under the provisions of the Special Constables (Scotland) Acts, 1892 to 1923, or any local Act, and ".

(5) This Regulation shall, in its application to Northern Ireland, have effect as if—

(a) for the reference to section three of the Police Act, 1919, there were substituted a reference to section three of the Constabulary and Police (Ireland) Act, 1919; and

9 & 10 Geo. 5. c. 68.

(b) for the reference to the enactments under which special constables are appointed there were substituted a reference to section eight of the Constabulary Act (Northern Ireland), 1922, and the enactments mentioned in that section.

Propaganda.

[*] 38B.—(1) No person shall—

(a) endeavour by means of any false statement, false document or false report to influence public opinion (whether in the United Kingdom or elsewhere) in a manner likely to be prejudicial to the defence of the realm or the efficient prosecution of the war, or

(b) do any act, or have any article in his possession, with a view to making, or facilitating the making of, any such endeavour.

A prosecution in respect of a contravention of this paragraph shall not be instituted in England or Northern Ireland except with the consent of the Attorney General, and it shall be a defence

[* New Regulation inserted: see S.R. & O. 1939 (No. 1681) I, p. 811.]



Part II—cont.

to any prosecution in respect of a contravention of this paragraph to prove that the person by whom the contravention is alleged to have been committed had reasonable cause to believe that the statement, document or report in question was true.

(2) If at any time the Secretary of State is satisfied that it is necessary to prevent or restrict the publication in the United Kingdom of matters of which the publication or unrestricted publication, as the case may be, would or might, in his opinion, be prejudicial to the relations between the United Kingdom and any country outside the United Kingdom, or to any transactions in process of being effected, or proposed to be effected, between His Majesty's Government in the United Kingdom and persons in any other country, he may by order bring this paragraph into operation, and while this paragraph is in operation the Secretary of State may give such directions as appear to him necessary or expedient for the purpose of prohibiting the publication of any such matters as aforesaid specified in the directions except with the permission of such authority or person as may be so specified and subject to any conditions which may be imposed by that authority or person.

11 & 12 Vict. c. 44.

(3) Notwithstanding anything in the Newspapers, Printers and Reading Rooms Repeal Act, 1869, proceedings in respect of any offence under the provisions of the Act 2 and 3 Vict. c. 12, set out in the Second Schedule to the said Act of 1869 may, in England, be instituted by any constable or by, or with the consent of, the Director of Public Prosecutions.

(4) In this Regulation—

(a) the expression "public opinion" includes the opinion of any section of the public;

(b) the expression "publication" means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds in connection with the exhibition of the film as aforesaid; and

(c) the expression "cinematograph film" includes a sound track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film.

Publication of disturbing reports.

[*] 38BB.—(1) Subject as hereinafter provided, any person who publishes any report or statement relating to matters connected with the war which is likely to cause alarm or despondency shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding fifty pounds or to both such imprisonment and such fine:

[* New Regulation inserted by S.R. & O. 1940 (No. 958).]

Archivo Histórico
Documento de Colección del Congreso de la Nación Argentina



Part II—cont.

Provided that a person shall not be convicted of an offence against this Regulation if he proves—

(a) that he had reasonable cause to believe that the report or statement was true; and

(b) that the publication thereof was not malicious and ought fairly to be excused.

(2) Nothing in this Regulation shall apply to any report or statement made by or to any servant of His Majesty or constable in the course of his duty as such.

(3) A prosecution in respect of an offence against this Regulation shall not, in England or Northern Ireland, be instituted by a constable.

Display of flags, &c.

[*] **39c.** The Secretary of State may by order prohibit the display by any person in public of any flag, banner or emblem as to which the Secretary of State is satisfied that the display thereof as aforesaid would be likely to cause a disturbance of the public order or to promote disaffection; and any such order may be made so as to apply either generally or to a specified area.

Unlawful drilling. 60 Geo. 3 & 1 Geo. 4, c. 1.

[*] **39d.**—(1) Proceedings for an offence against the Unlawful Drilling Act, 1819, may, with the consent of the Director of Public Prosecutions, be taken under the Summary Jurisdiction Acts, and the penalties to which a person shall be liable on summary conviction of such an offence shall be imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds or both such imprisonment and such fine.

(2) This Regulation shall, in its application to Scotland, have effect as if for the reference to the Director of Public Prosecutions there was substituted a reference to the Lord Advocate.

Processions and meetings.

[*] **39e.**—(1) The Secretary of State, if satisfied, with respect to any area in the United Kingdom, that the holding of public processions or of any class of such processions in that area would be likely to cause serious public disorder or to promote disaffection, may by order prohibit, for such period as may be specified in the order, the holding in that area of processions or processions of that class, as the case may be.

(2) The Secretary of State may give directions prohibiting the holding in the United Kingdom of any meeting as to which he is satisfied that the holding thereof would be likely to cause serious public disorder or to promote disaffection.

(3) Any constable may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made or directions given under this Regulation.

[*] New Regulation inserted: see S.R. & O. 1939 [No. 1681] I, p. 811.]



Part II—cont. 1 Edw. 8. & 1 Geo. 6. c. 6.

(4) The operation of subsections (2) and (3) of section three of the Public Order Act, 1936, and the operation of the words "or organises or assists in organising any public procession held or intended to be held in contravention of an order made under this section or incites any person to take part in such a procession" in subsection (4) of the said section, shall be suspended during the continuance in force of this Regulation.

(5) In this Regulation the expression "public procession" has the same meaning as in the Public Order Act, 1936.

Additional inspectors of constabulary. 19 & 20 Vict. c. 69.

[*] **40.**—(1) The Secretary of State may appoint inspectors of constabulary, in addition to the inspectors of constabulary appointed under section fifteen of the County and Borough Police Act, 1856, and the additional inspectors so appointed shall perform such duties as he may assign to them.

(2) This Regulation shall, in its application to Scotland, have effect as if for the reference to the inspectors appointed under section fifteen of the County and Borough Police Act, 1856, there were substituted a reference to the inspector appointed under section sixty-five of the Police (Scotland) Act, 1857.

20 & 21 Vict. c. 72.

(3) This Regulation shall not extend to Northern Ireland.

Rights of declaration by persons appointed as constables of metropolitan police district.

**40a.** The declaration required to be made by any person appointed to serve as a constable of the Metropolitan Police Force may be made before any justice of the peace.

Extension of power to appoint special constables nominated by the Admiralty, Army Council or Air Council. 13 & 14 Geo. 5, c. 11.

[*] **40aa.**—(1) The power conferred by section three of the Special Constables Act, 1923, to appoint persons nominated by the Admiralty, Army Council, or Air Council, to be special constables within the places and limits therein mentioned shall extend to the appointment of persons so nominated to be special constables in, and within fifteen miles of, any other premises in Great Britain which are for the time being in the possession or under the control of the Admiralty, the Army Council, the Air Council, the Secretary of State for Air, the Minister of Supply or the Minister of Aircraft Production, or are for the time being used for or in connection with naval, military or air force purposes, and the said section three shall have effect accordingly.

23 & 24 Vict. c. 135. 4 & 5 Geo. 5. c. 49.

(2) The Metropolitan Police Act, 1860, and the Metropolitan Police (Employment in Scotland) Act, 1924 (both as originally enacted and as applied to the Air Force) and section three of the Special Constables Act, 1923, shall, during the continuance in force of this Regulation, have effect as if the proviso to section two of the first-mentioned Act were omitted.

(3) Any special constable who, when this Regulation comes into force, is authorised under section three of the Special

[*] New Regulation inserted: see S.R. & O. 1939 [No. 1681] I, p. 811.]
[*] New Regulation inserted by S.R. & O. 1940 No. 1016.]

Archivo Histórico
Argentina



Part II—cont.

Constables Act, 1923, to act within the places and limits therein mentioned, may, without being further appointed or sworn for the purpose, act within the premises and limits within which special constables may be appointed to act by virtue of paragraph (1) of this Regulation.

Miscellaneous provisions as to police forces.

17 & 18 Geo. 5. c. 19. 2 & 3 Geo. 6. c. 103.

[*]**40A.**—(1) The following provisions shall not apply to constables appointed for service during a period of national emergency only, that is to say sections one, two and four of the Police Act, 1919, and the Schedule thereto, regulations made under the said section four, the Police Pensions Acts, 1921 and 1926, the Police (Appeals) Act, 1927, and the Police and Firemen (War Service) Act, 1939; and accordingly for the purposes of the said provisions such constables as aforesaid shall not be deemed to be members of a police force within the meaning of any of those enactments.

(2) The Secretary of State may make rules as to the government, pay, allowances, clothing, expenses and conditions of service of such constables as are mentioned in the last foregoing paragraph.

(3) During the continuance in force of this paragraph subsection (2) of section four of the Police Act, 1919, shall not have effect.

(4) This Regulation shall not extend to Northern Ireland.

Prisons for execution of death sentences.

[*]**40B.**—(1) Where judgment of death has been passed upon any person by any court, the Secretary of State, if he considers it necessary or expedient so to do for the purpose of carrying the judgment into execution—

(*a*) may direct that the judgment shall be carried into execution in such prison as may be specified in the directions instead of in the prison in which it would otherwise be carried into execution, and that for that purpose the person upon whom the judgment has been passed shall be removed to the prison so specified; and

(*b*) whether he has given directions under sub-paragraph (*a*) of this paragraph or not, may direct that such sheriff as may be specified in the directions shall be charged with the execution of the judgment instead of the sheriff who would otherwise be charged with the execution thereof.

(2) Where any direction is given under the foregoing paragraph, the sheriff charged with the execution of the judgment

[* New Regulation inserted by S.R. & O. 1940 No. 1134.]
[* New Regulation inserted by S.R. & O. 1940 No. 384.]



Part II—cont.

shall for that purpose have the same jurisdiction and powers and be subject to the same duties and responsibilities—

(*a*) in the case of a direction under sub-paragraph (*a*) of the said paragraph, as if the prison specified in the direction were the prison in which the judgment would, but for the direction, have been carried into execution; and

(*b*) in the case of a direction under sub-paragraph (*b*) of the said paragraph, as if he were the sheriff who would, but for the direction, have been charged with the execution of the judgment.

(3) In the application of this Regulation to Scotland, for any reference to judgment of death there shall be substituted a reference to sentence of death, and for any reference to a sheriff there shall be substituted a reference to the magistrates of a burgh.

(4) This Regulation shall not extend to Northern Ireland.

Visiting committees for certain prisons.

28 & 29 Vict. c. 126. 42 & 43 Vict. c. 21.

[*]**41.**—(1) The Secretary of State may appoint a visiting committee for any prison that is a prison under the Prison Act, 1865, and the Prison Act, 1877, but has for the time being no visiting committee appointed under section thirteen of the Prison Act, 1877, and a visiting committee appointed under this Regulation and the members thereof, shall have the same powers and duties respectively, as if the committee were a visiting committee appointed under the said section thirteen.

(2) No visiting committee shall be appointed under the said section thirteen for a prison for which a visiting committee has been appointed under this Regulation.

(3) Any committee appointed under this Regulation shall consist of such persons as the Secretary of State may think fit to appoint thereto, and the Secretary of State may from time to time make further appointments of persons to be members of any such committee.

(4) Any person appointed to be a member of any committee appointed under this Regulation shall hold office until he resigns his appointment by a notice in writing addressed to the Secretary of State, or until the Secretary of State directs that he shall no longer be a member of that committee.

Visiting committees for prisons in Scotland.

[*]**42.**—(1) The Secretary of State may appoint a visiting committee for any prison in Scotland which has for the time being no visiting committee appointed under section fourteen of the Prisons (Scotland) Act, 1877, and a visiting committee appointed under this Regulation and the members thereof, shall have the same powers and duties respectively, as if the committee were a visiting committee appointed under the said section fourteen.

[* New Regulation inserted: see S.R. & O. 1939 (No. 1681) I. p. 911; amended by S.R. & O. 1940 No. 250.]

Scottish Studies
Universidad de Buenos Aires
Argentina



Part II—cont.

(2) No visiting committee shall be appointed under the said section fourteen for a prison for which a visiting committee has been appointed under this Regulation.

(3) Any committee appointed under this Regulation shall consist of such persons as the Secretary of State may think fit to appoint thereto, and the Secretary of State may from time to time make further appointments of persons to be members of any such committee.

(4) Any person appointed to be a member of any committee appointed under this Regulation shall hold office until he resigns his appointment by a notice in writing addressed to the Secretary of State, or until the Secretary of State directs that he shall no longer be a member of that committee.

Discharge and release on licence of prisoners, convicts and persons in Borstal Institutions.

[1]42B.—(1) The arrangements to be made under paragraphs (a) and (b) of Rule 69 of the Prison Rules, 1933, shall be arrangements by which a convicted person sentenced to imprisonment, whether by one sentence or by consecutive sentences, for a period exceeding one calendar month, and a person sentenced to penal servitude, whether by one sentence or by consecutive sentences, may become eligible for discharge or, as the case may be, for release on licence when a portion of his sentence not exceeding one third of the whole sentence has yet to run, and accordingly the said Rule 69 shall have effect as if in paragraph (a) thereof for the words "one-sixth" there were substituted the words "one-third" and in paragraph (b) thereof for the words "one-fourth (or in the case of women one-third)" there were substituted the words "one-third":

Provided that nothing in the said arrangements shall authorise the reduction of any period of imprisonment to be served to less than thirty days.

This paragraph shall come into operation on such date as the Secretary of State may by order appoint.[2]

9 Edw. 7. c. 30.

(2) Subsection (1) of section five of the Prevention of Crime Act, 1908 (which confers power to release persons from Borstal Institutions on licence) shall have effect, in relation to persons detained in Borstal Institutions in Great Britain, as if the words "the expiration of six months, or in the case of a female, three months, from" were omitted therefrom.

(3) This Regulation shall, in its application to Scotland, have effect as if for paragraph (1) there were substituted the following paragraph—

"(1) A convicted person sentenced to imprisonment, whether by one sentence or cumulative sentences, for a period exceeding thirty days shall be eligible to earn remission of a portion of his imprisonment not exceeding

[1] New Regulation inserted by S.R. & O. 1940 No. 1217.]
[2] Up to 14th July, 1940, no date had been appointed.]



Part II—cont.

one-third of the whole sentence (so, however, that such remission shall not reduce the period of imprisonment to be served to less than thirty days), and a male convict may render himself eligible for liberation on licence when one-third of his sentence has yet to run; and accordingly Rule 409 of the Prisons (Scotland) Rules shall have effect as if for the words "one-sixth" there were substituted the words "one-third", and Rule 413 thereof shall have effect as if for the words "one-fourth" there were substituted the words "one-third."

This paragraph shall come into operation on such date as the Secretary of State may by order appoint."[1]

Nomination of sheriffs.

55 & 57 Vict. c. 53.

[2]42AA. If, in the case of any year, it appears to the Privy Council that by reason of circumstances arising out of the existence of a state of war the nomination of sheriffs for which provision is made by subsection (1) of section six of the Sheriffs Act, 1887, would, if carried out in accordance with the provisions of that subsection, be attended by undue danger, the Privy Council may by Order provide for the postponement of the nomination of sheriffs for that year and may by the same or a subsequent Order provide for the nomination of sheriffs for that year at such place, on such day, in such manner and by such persons as may be directed by the Order.

Opening on Sundays of cinemas in areas in England or Wales where forces are quartered.

9 Edw. 7. c. 30.

22 & 23 Geo. 5. c. 51.

[3]42B.—(1) If the competent naval, military or air force authority is of opinion that, having regard to the fact that large numbers of members of His Majesty's forces are quartered in, or in the neighbourhood of, a particular area, it is expedient that places in that area licensed under the Cinematograph Act, 1909, should be opened on Sundays for the purpose of cinematograph entertainments, that authority may furnish a certificate stating that the authority is of that opinion, and specifying the area in question, to the council of the borough or county district in which the area is situated, and where such a certificate is so furnished, a draft order providing for the extension of section one of the Sunday Entertainments Act, 1932, to the area specified therein may be submitted by the council to the Secretary of State for the purposes of subsection (4) of that section, without compliance (save as hereinafter provided) with the provisions of the Schedule to that Act.

(2) An order submitted under this Regulation shall be in the terms specified in paragraph 2 of the said Schedule, subject to the modification, in the case of an order with respect to an area consisting of part only of a borough or county district,

[1] Up to 14th July, 1940, no date had been appointed.]
[2] New Regulation numbered 42A inserted: see S.R. & O. 1939 (No. 1466) I. p. 802; renumbered 42AA by S.R. & O. 1940 No. 1217.]
[3] New Regulation inserted: see S.R. & O. 1939 (No. 1832) I. p. 845.]

Archivo Histórico
Argentina



Part II—cont.

that for the reference therein to the borough or district there shall be substituted a reference to that part thereof, and the requirements of the proviso to the said paragraph 1 (which relates to the publication and advertisement of orders) shall be complied with in relation to the order.

(3) In relation to an order submitted under this Regulation with respect to an area consisting of part only of a borough or county district, the said subsection (5) shall have effect subject to the modification aforesaid.

(4) Section one of the said Act shall cease to extend to an area to which it extends by virtue of an order submitted under this Regulation as soon as this Regulation ceases to be in force.

(5) In this Regulation the expression "the competent naval, military or air force authority" means an officer authorised by the Admiralty, the Army Council or the Air Council to furnish a certificate for the purpose of this Regulation.

Closing of unlicensible premises.

[1]42c.—(1) A chief officer of police of any district in Great Britain, if so authorised either generally or specially by the Secretary of State, may, if he is satisfied in the case of any premises in his district that there is reasonable cause to believe that the following conditions are fulfilled, that is to say—

(*a*) that persons are permitted to be on the premises between ten o'clock in the evening and six o'clock in the morning for the purpose of eating or drinking or dancing or being entertained; and

(*b*) that payment is made by any of the persons so present (other than any person who is the occupier of the premises) for admission to or use of the premises, for food or drink (whether alcoholic or not), for dancing, or for a dancing partner, or for entertainment (whether the payment is demanded as a charge or is made voluntarily); and

(*c*) that while persons are so present on the premises—

(i) drunkenness or disorderly or indecent conduct or any entertainment of a demoralising character takes place on the premises, or

(ii) criminals or prostitutes or associates of criminals or prostitutes are to be found on the premises,

or that any of the persons having control of or taking part in the management of the premises are criminals or their associates or associates of prostitutes or have been concerned in the control or management of other premises which have been the subject of an order under this Regulation;

(1 New Regulation inserted by S.R. & O. 1940 No. 1326.)



and that it is expedient in the public interest that he should make an order under this Regulation with respect to the premises, make an order directing that during the continuance in force of the order, the premises shall not be used as premises on which persons are permitted to be for the purpose of eating or drinking, dancing or being entertained either at all or, if the order so provides, between such hours as may be specified in the order. Part II—cont.

(2) Any person who is aggrieved by an order made under this Regulation may appeal to a court of summary jurisdiction, and the court shall, if it is satisfied by the appellant that there is no reasonable cause to believe that the conditions specified in sub-paragraphs (*a*) (*b*) and (*c*) of paragraph (1) of this Regulation were fulfilled in relation to the premises, but not otherwise, revoke the order, without prejudice, however, to the previous operation thereof or to the bringing or continuation of any proceedings in respect of a previous contravention of the order:

Provided that no appeal against an order made under this Regulation as respects any premises shall be brought after the expiration of fourteen days from the delivery to any person concerned, or appearing or professing to be concerned, with the control or management of the premises of a notice of the making of the order, or from the affixing of such a notice to a conspicuous part of the premises.

(3) Any constable authorised in writing in that behalf by the chief officer of police of any district in Great Britain (being a chief officer authorised either generally or specially in that behalf by the Secretary of State) may, with such assistance as may be reasonably necessary, at any time enter and search any premises in that district which the chief officer of police has reasonable grounds for suspecting to be premises in the case of which the conditions specified in sub-paragraphs (*a*) and (*b*) of paragraph (1) of this Regulation are fulfilled and may seize any books and papers relating to the conduct of the premises which appear to the constable to be relevant to the decision of the question whether there is or is not ground for making an order under this Regulation, or to be evidence of the commission of any offence; and without prejudice to the provisions of Regulation ninety-four of these Regulations or any other right to retain the said books or papers, any books or papers so seized may be retained for such period as may be reasonably necessary in order to enable due consideration to be given to the question whether there is or is not ground for making an order under this Regulation or instituting proceedings in respect of any offence.

(4) This Regulation shall not apply to any premises—

(*a*) in respect of which a licence is in force for public singing, music, dancing or other public entertainments of the like kind;

Archivo Histórico
Universidad de Antioquia. Colecciones Especiales y Archivo Histórico
Argentina



Part II—cont. 10 Edw. 7 & 1 Geo. 5. c. 24

(b) which are licensed premises as defined for the purposes of the Licensing (Consolidation) Act, 1910; or

(c) which are premises used for the purposes of a registered club.

(5) This Regulation shall in its application to Scotland have effect as if for sub-paragraphs (a) and (b) of paragraph (4) there were respectively substituted the following sub-paragraphs—

(a) which are licensed as a place of public amusement;

(b) in respect of which a certificate for the sale of excisable liquors granted under the Licensing (Scotland) Acts, 1903 to 1934, is in force.

## PART III.

### Ships and Aircraft.

General control of navigation.

**43.**—(1) The Admiralty may by order make provision as to the places in or to which vessels may be or go, and generally for regulating the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of vessels, ['and any such order may make provision for such incidental and supplementary matters as appear to the Admiralty to be necessary or expedient;] and any order made under this Regulation is hereafter in these Regulations referred to as " a navigation order ".

(2) If, in the case of any vessel, a navigation order is contravened or not complied with, the master of the vessel shall be guilty of an offence against this Regulation.

(3) Any person acting on behalf of His Majesty may, in relation to any vessel, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the vessel, or, where an offence against this Regulation has occurred in the case of the vessel, for enabling proceedings in respect of the offence to be effectually taken.

(4) The preceding provisions of this Regulation shall apply in relation to seaplanes on the surface of the water as those provisions apply in relation to vessels, and seaplanes taking off from, or alighting on, the water shall be deemed, for the purposes of this Regulation, to be on the surface of the water while in contact therewith.

Control of salvage.

[*]**43**A.—(1) The Admiralty, or any person authorised by them to act under this Regulation, may give directions for

[* Words in brackets inserted by S.R. & O. 1940 No. 1720.]
[* New Regulation inserted by S.R. & O. 1940 No. 384.]



regulating the rendering of salvage services in respect of any vessel, cargo or property (including services in saving life from a vessel), and in particular for requiring that any such services shall be accepted, or shall not be rendered, or shall cease to be rendered, by the person to whom the directions are given. Part III—cont.

(2) Any person authorised by the Admiralty to act under this Regulation may exercise all or any of the powers conferred upon a receiver of wreck by the Merchant Shipping Acts, 1894 to 1938.

(3) Any person acting on behalf of His Majesty may take such steps and use such force as may appear to that person to be reasonably necessary for securing compliance with any direction given under this Regulation or, where an offence against this Regulation has been committed by reason of failure to comply with any such direction, for enabling proceedings in respect of the offence to be effectually taken.

(4) In this Regulation references to a vessel include references to an aircraft.

Control of lighthouses, &c. 57 & 58 Vict. c. 60.

**44.**—(1) Except under permission granted by or on behalf of the Admiralty—

(a) no light, buoy, beacon or other apparatus used in the United Kingdom for the purpose of aiding navigation in or on the water, or being under the control of a general lighthouse authority under the Merchant Shipping Act, 1894, shall be discontinued, altered or removed; and

(b) no variation shall be made in the mode of exhibiting or operating any such light, buoy, beacon or other apparatus.

(2) The Admiralty, and any person acting on their behalf, may, if it appears to them or him to be necessary in the interests of the public safety or the defence of the realm so to do, give directions for prohibiting or restricting the exhibition or operation of, or requiring the removal, alteration or concealment of, or the making of any variation in the mode of exhibiting or operating, any such light, buoy, beacon or other apparatus as aforesaid.

(3) If this Regulation, or any direction given under this Regulation, is contravened or not complied with in the case of any light, buoy, beacon or other apparatus, the person responsible for the maintenance of the light, buoy, beacon or apparatus, as the case may be, shall be guilty of an offence against this Regulation; and, in the case of a failure to comply with any such direction as aforesaid requiring the removal, alteration or concealment of any light, buoy, beacon or other apparatus, the Admiralty may [without prejudice to any pro-

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Part III—cont.

cuedings which may be taken in respect of the offence) cause to be done all such work as may be necessary for securing compliance with the direction.

Power to exclude British ships from particular areas

[*]**44.**—(1) The Admiralty may, if it appears to them to be necessary or expedient so to do for the purpose of facilitating the protection of shipping or the efficient prosecution of the war, by order require any British ship to leave, or to keep away from, any area specified in the order, and any such order may make provision for such incidental and supplementary matters as appear to the Admiralty to be necessary or expedient.

(2) If in the case of any British ship an order under this Regulation is contravened or not complied with, the master of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation.

(3) Any person acting on behalf of His Majesty may, in relation to any ship, take such steps and use such force as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the ship, or, where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

Measures for safety of British ships.

**45.**—(1) Subject as hereinafter provided, the Admiralty may, if it appears to them to be necessary or expedient for the safety of British ships and of persons on board such ships so to do, make provision by order—

(*a*) for securing that any British ship to which the order applies shall not, except under permission granted by or on behalf of the Admiralty, proceed to sea from any port (whether within or outside the United Kingdom) unless such requirements in respect of the alteration of the structure or external appearance of the ship, and in respect of the equipping of the ship with any particular apparatus, contrivance or appliance, as may be contained in the order have been complied with;

(*b*) for securing the proper maintenance and efficient use of any apparatus, contrivance or appliance with which any such ship is equipped in pursuance of the order;

[*](*bb*) for prescribing the wireless telegraph services to be maintained, and the number, grade and qualifications of operators and watchers to be carried, in connection with the operation of any wireless telegraph installation provided in any such ship, whether in pursuance of the order or otherwise;

[*] New Regulation inserted by S.R. & O. 1940 No. 176.]
[*] New sub-paragraph inserted : see S.R. & O. 1939 [No. 1643] I, p. 810.]



Part III—cont.

(*c*) for any incidental and supplementary matters for which it appears to the Admiralty to be necessary or expedient for the purposes of the order to provide;

and an order under this Regulation may be made so as to apply either to a particular British ship or to British ships of a particular class, and so as to apply to any such ship or ships either wherever it or they may be or while in such waters, or engaged in such voyages, as may be specified in the order, but shall not apply to any Dominion ship.

(2) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this Regulation, the master of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation.

(3) Any person acting on behalf of His Majesty may, in relation to any ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the ship, or, where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

Employment in British ships and aircraft.

[*]**45A.**—(1) The competent authority, if it appears to that authority to be necessary or expedient in the interests of the defence of the realm or the efficient prosecution of the war so to do, may, as respects any class of British ships other than Dominion ships, make provision by order—

(*a*) for securing that, subject to any exemptions for which provision may be made by the order, any such class of persons as may be specified in the order shall not be employed on board ships to which the order applies;

(*b*) for prohibiting the employment of any persons or class of persons on board such ships unless they are holders of certificates of identity issued in such form and manner as may be prescribed by the order, and for determining the circumstances in which certificates of identity may be granted and revoked under the order;

and an order under this Regulation may be made so as to restrict the employment of persons either in any capacity or in such capacity as may be specified in the order, and so as to restrict the employment of persons on such British ships as aforesaid either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be so specified.

(2) The preceding provisions of this Regulation shall apply in relation to aircraft as they apply in relation to ships, except that

[*] New Regulation inserted : see S.R. & O. 1939 [No. 1681] I, p. 811.]

Archivo Histórico
Universidad de Navarra Corpus Documental y Cartográfico
Argentina



Part III—cont.

any reference in those provisions to the competent authority shall be construed as a reference to the Secretary of State.]

[*Paragraph* (3) *revoked by S.R. & O.* 1940 *No.* 250.]

Employment abroad of agents for ships and aircraft.

[1]**45a.**—(1) The competent authority, with a view to preventing the employment abroad, in connection with the management of British ships, of enemy aliens or persons connected with the enemy, may by order direct that, as from such date as may be specified in the order, the owner, manager or charterer of any British ship, being a person resident in the United Kingdom or a corporation incorporated under the law of any part of the United Kingdom, shall not employ in any foreign country or territory, in connection with the management of the ship, any person other than a person approved for the purpose by the competent authority; and an order under this Regulation may be made so as to apply either generally to employment in all foreign countries or territories or to employment in such foreign countries or territories, or such class of foreign countries or territories, as may be specified in the order.

(2) The preceding provisions of this Regulation shall apply in relation to aircraft as they apply in relation to ships, except that any reference in those provisions to the competent authority shall be construed as a reference to the Secretary of State.

Control of trade by sea.

**46.**—(1) Without prejudice to any navigation order, [2the competent authority], with a view to securing that British ships are used in such manner only as [2the competent authority] consider expedient in the interests of the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may by order provide that a British ship to which the order applies shall not proceed to sea from any port (whether within or outside the United Kingdom) except under the authority of a licence granted by such authority or person as may be specified in the order; and any such order may contain provisions whereby a licence under the order may be granted subject to such limitations and conditions as the authority or person granting the licence thinks fit to impose with respect to—

(*a*) the trades in which the ship may be engaged, and the voyages which may be undertaken by the ship;

(*b*) the class of cargoes or passengers which may be carried in the ship; and

(*c*) the hiring of the ship and the terms upon which cargoes or passengers may be carried in the ship;

[1 New Regulation inserted: see S.R. & O. 1939 (No. 1681) I. p. 811.]

[2 "the competent authority" substituted for "the Board of Trade": see S.R. & O. 1939 (No. 1681) I. p. 811.]

[3 "the competent authority" substituted for "the Board": see S.R. & O. 1939 (No. 1681) I. p. 811.]



Part III—cont.

and may also contain such provisions with respect to incidental and supplementary matters as appears to [1the competent authority] to be necessary or expedient for the purposes of the order.

Any provisions of an order under this paragraph may be framed so as to apply to any specified class of British ships, and so as to apply to any such ships either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified in the order, but nothing in such an order shall apply to any Dominion ship.

(2) Without prejudice to any of the provisions of the preceding paragraph, [1the competent authority], with a view to regulating the use of ships in the coasting trade, may by order provide that no ship shall proceed to sea from a port in the United Kingdom on a voyage to any other such port or to a port in the Isle of Man or in the Channel Islands, except under the authority of a licence granted by such authority or person as may be specified in the order.

(3) Without prejudice to any navigation order or to the preceding provisions of this Regulation, any person acting on behalf of [1the competent authority], or any such authority or person as may be designated by [1the competent authority] for the purposes of this paragraph, may give such directions with respect to any particular ship—

(*a*) for determining the port in the United Kingdom to which the ship may go, or the position within any such port at which the ship may lie, and

(*b*) for determining the class of goods or passengers which may be put off or taken on board the ship at any particular port in the United Kingdom,

as [1the competent authority] or the said authority or person, as the case may be, considers necessary or expedient in the interests of the defence of the realm or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community.

(4) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this Regulation, or if otherwise there is any contravention of such an order in the case of a ship, the master of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation.

(5) Any person acting on behalf of His Majesty may, in relation to any ship, take such steps, and use such force, as may

[1 "the competent authority" substituted for "the Board of Trade": see S.R. & O. 1939 (No. 1681) I. p. 811.]

[2 "the competent authority" substituted for "the Board": see S.R. & O. 1939 (No. 1681) I. p. 811.]

Archivo Histórico
Universidad de Buenos Aires
Facultad de Filosofía y Letras
Argentina





appear to that person to be reasonably necessary for securing compliance with any order under this Regulation relating to the ship, or, where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

Registration of ships built in the United Kingdom.

[*]46A.—(1) It shall not be lawful for the first registry of any ship built in the United Kingdom, the construction of which has not been completed before the thirtieth day of April, nineteen hundred and forty, to be effected at any port outside the United Kingdom, without the consent of the competent authority.

(2) No such ship as aforesaid shall, without the consent of the competent authority, proceed to sea from any port of the United Kingdom to any port outside the United Kingdom unless—

(*a*) the first registry of the ship has been effected at a port in the United Kingdom or, with the consent of the competent authority, at a port outside the United Kingdom; or

(*b*) the ship is exempted from registry under the Merchant Shipping Act, 1894, by virtue of section three of that Act.

(3) If—

(*a*) any ship is registered in contravention of this Regulation, the owner of the ship and any person applying for the registration shall each be guilty of an offence against this Regulation;

(*b*) any ship proceeds to sea in contravention of this Regulation, the master of the ship and the person having the management thereof shall each be guilty of an offence against this Regulation;

and in either case the ship shall be subject to forfeiture under Part I of the Merchant Shipping Act, 1894, and section seventy-six of that Act as amended by any subsequent enactment shall apply accordingly.

(4) The builder of any such ship as aforesaid shall not, without the consent of the competent authority, deliver to any person a certificate which may be used for the purpose of effecting the registration of the ship, except to the registrar of British ships at a port of registry in the United Kingdom for the purpose of effecting registration of the ship at that port.

(5) This Regulation shall not apply to any ship belonging to His Majesty.

Power of competent authority to prosecute for certain offences.

[*]46B. Notwithstanding any restriction imposed by any of the following Regulations, a prosecution in respect of an offence

[*] New Regulation inserted by S.R. & O. 1940 No. 807.]

[*] New Regulation inserted (as S.R. & O. 1939 (No. 1681) I, p. 811) amended by S.R. & O. 1940 No. 807.]



against any of the last four preceding Regulations may, in England or Northern Ireland, be instituted by or on behalf of the competent authority.



47.

*[Paragraphs (1) and (2) omitted with saving and September, 1939—See S.R. & O. 1939, No. 978, Art. 13, and S.R. & O. 1939, No. 1065.]*

Transfer and registry of British ships.

(3) Nothing in section forty-eight of the Merchant Shipping Act, 1894, as amended by section fifty-three of the Merchant Shipping Act, 1906, shall apply in relation to any alterations of a British ship registered under the first-mentioned Act, which, in pursuance of directions given by or on behalf of [*the competent authority], are made on any occasion for the purpose only of providing in the ship additional space or accommodation for cargo, stores, passengers or crew, provided that such particulars of the alterations as may be prescribed by [*the competent authority] are, within such time after the completion of the alterations as may be so prescribed, endorsed on the ship's certificate of registry by a registrar of British ships.

8 Edw. 7. c. 48.

Desertion from ships, &c.

[*]47A.—(1) No person lawfully engaged to serve on board any ship to which this Regulation applies shall—

(*a*) neglect or refuse without reasonable cause to join his ship or to proceed to sea in his ship; or

(*b*) desert or be absent without leave from his ship; or

(*c*) be absent without leave from his duty at any time.

(2) Nothing in the foregoing provisions of this Regulation shall be taken to prejudice the provisions of section two hundred and twenty-one of the Merchant Shipping Act, 1894, relating to forfeiture of effects or wages for desertion or absence without leave.

(3) Where an authorised officer has reason to believe that any person has, in the United Kingdom, contravened the provisions of paragraph (1) of this Regulation, that person may be conveyed on board his ship by or under the direction of that officer.

(4) For the purpose of the last foregoing paragraph, the following persons shall be authorised officers, that is to say, the master of the ship, any mate of the ship, the person having the management of the ship, any constable, any commissioned officer in His Majesty's forces and any superintendent within the meaning of the Merchant Shipping Act, 1894.

[*] "the competent authority" substituted for "the Board of Trade": see S.R. & O. 1939 (No. 1681) I, p. 811.]

[*] New Regulation substituted by S.R. & O. 1940 No. 807.]

Archivo Histórico
Universidad de Buenos Aires
Colección Historia Naval y Militar
Argentina



Part III—cont.

(5) In relation to ships to which this Regulation applies, the last two foregoing paragraphs shall have effect—

(a) in the case of a British ship, in substitution for the provisions of section two hundred and twenty-two of the Merchant Shipping Act, 1894; and

(b) in the case of a ship belonging to a subject of a foreign country to which section two hundred and thirty-eight of that Act for the time being applies, in substitution for the provisions of subsections (2) and (3) of that section.

(6) No person lawfully engaged to serve on board any ship to which this Regulation applies, shall join his ship, or be whilst on board his ship, in a state of drunkenness so that the performance of his duties or the navigation of the ship is thereby impeded.

(7) The ships to which this Regulation applies are—

(a) every ship belonging to His Majesty and every ship, whether British or foreign, chartered or requisitioned by or on behalf of His Majesty; and

(b) every ship in respect of which there is for the time being in force a licence granted in pursuance of an order made under Regulation forty-six of these Regulations.

Exclusion of s. 92 (1) of Merchant Shipping Act, 1894, in relation to ships trading within certain limits, and amendment thereof in relation to ships otherwise trading.

[†]**47B.** Subsection (1) of section ninety-two of the Merchant Shipping Act, 1894, as amended by section fifty-six of the Merchant Shipping Act, 1906, shall not apply in relation to any ship employed in trading or going between places within the following limits, that is to say, the United Kingdom, the Channel Islands, the Isle of Man, Eire, and the continent of Europe between the River Elbe and Santander, inclusive, being a ship not carrying, or carrying not more than twelve, passengers, and shall, in relation to any such ship otherwise employed, have effect as if for the requirements imposed by paragraphs (d) and (e) of that subsection there were substituted a requirement that the ship shall—

(a) if it is of two hundred and fifty nominal horse-power or upwards, be provided with at least two engineers, one of whom shall be a first-class engineer and the other shall be a first-class or second-class engineer duly certificated;

(b) if it is of less than two hundred and fifty but not less than one hundred and fifty nominal horse-power, be provided with at least one engineer who is a first-class engineer duly certificated; and

(c) if it is of less than one hundred and fifty nominal horse-power, be provided with at least one engineer who is a first-class or second-class engineer duly certificated.

[†] New Regulation substituted by S.R. & O. 1940 No. 1134, for the Regulation originally inserted : see S.R. & O. 1940 No. 1015.]



Part III—cont.

Authority for certain aliens to act as master or officer of a British ship.

[†]**47C.**—(1) Notwithstanding the provisions of section five of the Aliens Restriction (Amendment) Act, 1919, any subject or former subject of such a foreign state as may be specified in an order made by the competent authority may be authorised by or on behalf of that authority to act as master or officer of any grade of a British ship or as skipper or second hand of a British fishing boat, if the authority or person acting on behalf of the authority is satisfied that he is competent to act in that capacity.

(2) Any person authorised as aforesaid shall, while acting in pursuance of the authorisation, be deemed for the purposes of section ninety-two of the Merchant Shipping Act, 1894, or, as the case may be, of section four hundred and thirteen of that Act to hold a certificate of competency under that Act of the appropriate grade.

Amendments of Air Navigation Act, 1920.
10 & 11 Geo. 5. c. 80.
26 Geo. 5. & 1 Edw. 8. c. 44.

**48.**—(1) The power of the Secretary of State under section seven of the Air Navigation Act, 1920, as amended by the Air Navigation Act, 1936, to regulate or prohibit by order the navigation of aircraft shall be exercisable in relation to the navigation of British aircraft, other than Dominion aircraft, over any area outside the United Kingdom, as it is exercisable in relation to the navigation of aircraft over the United Kingdom, and the said section shall have effect as if it enabled the Secretary of State to make, in an order under that section, such provision with respect to incidental and supplementary matters as appears to him to be necessary or expedient for the purposes of the order.

(2) In addition to the provisions authorised by subsection (2) of section seven of the Air Navigation Act, 1920, as amended by the Air Navigation Act, 1936, an order under that section may, for the purpose of securing compliance with the order, contain provisions authorising any commissioned officer in His Majesty's forces, or any person acting under the orders of any such officer, to fire at any aircraft that flies or attempts to fly in contravention of the order.

(3) Section twelve of the Air Navigation Act, 1920, (which section, as amended by the Air Navigation Act, 1936, confers on the Secretary of State powers with respect to the investigation of any accident arising out of or in the course of air navigation and occurring in or over the United Kingdom) shall apply in relation to any case where an aircraft lands or alights in the United Kingdom elsewhere than at a place lawfully appropriated and used for the landing or alighting of aircraft, as that section applies in relation to such an accident as aforesaid, and accordingly in paragraph (c) of subsection (2) of that section the reference to aircraft in which an accident has occurred shall

[†] New Regulation inserted by S.R. & O. 1940 No. 383 and amended by S.R. & O. 1940 No. 607.]

Argentina



Part III—cont.

be construed as including a reference to aircraft which have landed or alighted as aforesaid.

(4) Subsection (1) of section fourteen of the Air Navigation Act, 1920, (which enables a person alleged to be guilty of an offence under that Act or under any Order in Council or regulations made thereunder to be tried in any place where he is for the time being) shall extend to offences under any order made under section seven of that Act, and accordingly the said subsection shall have effect as if there were therein inserted after the words "Order in Council" the word "order".

## PART IV.

### Essential Supplies and Work.

*General Provisions.*

Competent authorities for purposes of Part IV.

**49.**—(1) For the purposes of any of the Regulations contained in this Part of these Regulations, not being a Regulation which otherwise specially provides, any of the following Ministers or authorities shall be a competent authority, that is to say, a Secretary of State, the Admiralty, the Board of Trade, the Minister of Agriculture and Fisheries, the Minister of Health, the Minister of Transport, the Minister of Supply, the Minister of Home Security[1] [the Minister of Food], [the Minister of Shipping], [the Minister of Aircraft Production], the Postmaster General and the Commissioners of Works.

(2) In respect of such matters as the Board of Trade may determine, the powers of the Board under this Part of these Regulations shall, subject to the directions of the Board, be exercised, in relation to Great Britain, through the Secretary for Mines.

(3) This Regulation shall, in its application to Scotland, have effect as if the references to the Minister of Agriculture and Fisheries and the Minister of Health were omitted.

(4) This Regulation shall, in its application to Northern Ireland, have effect as if the references to the Minister of Agriculture and Fisheries, the Minister of Health, the Minister of Transport and the Minister of Home Security were omitted.

Power to do work on land.

**50.**—(1) [[2]Any person authorised by a competent authority to act under this Regulation, and, subject to any instructions given by the Admiralty, the Army Council or the Air Council, as the case may be, any member of His Majesty's forces acting in the course of his duty as such], may, for any purpose connected with the defence of the realm, the prosecution of the war, the securing of the public safety or the maintenance of supplies

[1] See note [2] on page 75.]
[2] Words in brackets inserted: see S.R. & O. 1939 (No. 1189) I. p. 792.]
[3] Words in brackets inserted by S.R. & O. 1939 No. 1396.]
[4] Words in brackets inserted by S.R. & O. 1940 No. 363.]
[5] Words in brackets substituted: see S.R. & O. 1939 (No. 1396) I. p. 808.]



Part IV—cont.

and services essential to the life of the community, do any work on any land or place anything in, on or over any land.

(2) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of the public safety, the defence of the realm, the efficient prosecution of the war or the maintenance of supplies and services essential to the life of the community, may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person (other than a constable or a servant of His Majesty acting in the course of his duty as such) shall, except with permission granted by or on behalf of a competent authority, remove, alter or tamper with any work done, or thing placed, in, on or over any land in pursuance of this Regulation.

(4) For the purpose of this Regulation, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land, the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in pursuance of this Regulation.

[*Paragraph (5) revoked*: see S.R. & O. 1939 (No. 1249) I. p. 765.]

Taking possession of land.

**51.**—(1) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may take possession of any land, and may give such directions as appear to the competent authority to be necessary or expedient in connection with the taking of possession of that land.

(2) While any land is in the possession of a competent authority by virtue of this Regulation [[3]or by reason of the exercise of any power exercisable by virtue of the prerogative of the Crown or of any power conferred by section fifty-two of the Telegraph Act, 1863, or by section seven of the Air Navigation Act, 1920, as amended by any subsequent enactment], the land may, notwithstanding any restriction imposed on the use thereof (whether by any Act or other instrument or otherwise), be used by, or under the authority of, the competent authority for such purpose, and in such manner, as that authority thinks expedient in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community; and the competent authority, so far as appears to it to be necessary or expedient in connection with the taking of possession [[4]of any

[2] Words in brackets inserted: see S.R. & O. 1939 (No. 1082) I. p. 840.]
[3] Words in brackets substituted for "or the use of the land in pursuance of this Regulation": see S.R. & O. 1939 (No. 1082) I. p. 840.]

Archivo Histórico
Universidad de Buenos Aires
Colección Enrique Udaondo y Carlos
Argentífera



Part IV.—1918.

land in pursuance of this Regulation, or with the use of any land in possession of the competent authority by virtue of this Regulation or by reason of the exercise of any of the said powers,]—

(a) may do, or authorise persons using the land as aforesaid to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that interest, and

(b) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

[The power of the competent authority under this paragraph to authorise the use of land for such purposes and in such manner as that authority thinks expedient in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community includes power to authorise the persons carrying on any business or undertaking to occupy and use the land for the purposes of that business or undertaking on such terms as may be agreed between them and the competent authority, if the competent authority thinks it expedient as aforesaid that the land should be so occupied and used.]

(3) The owner or occupier of any land shall, if requested by or on behalf of a competent authority so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land [being information which may reasonably be demanded of him in connection with the execution of this Regulation] as may be so specified.

(4) The operation of [so much of section nineteen of the Defence Act, 1842, as amended by any subsequent enactment, as relates to the putting of the Crown into immediate possession of land], shall, except as respects things done before the date of the coming into force of this Regulation, be suspended during the continuance in force of this Regulation.

The reference in the preceding provisions of this paragraph to section nineteen of the Defence Act, 1842, shall be construed as including a reference to that section as applied by the Air Force (Application of Enactments) (No. 1) Order, 1918.

(5) A competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under paragraphs (1) to (3) of this Regulation to any specified persons or class of persons.

Use of land for purposes of H.M. forces.

**52.**—(1) Without prejudice to any other of these Regulations, a Secretary of State or the Admiralty may by order authorise, subject to any restrictions and conditions imposed

[1] Words in brackets inserted by S.R. & O. 1940 No. 848.]

[2] Words in brackets substituted for "section nineteen of the Defence Act, 1842, as amended by any subsequent enactment" by S.R. & O. 1939 (No. 1099) I. p. 715.]



Part IV.—1918.

by the order, the use of any land specified therein for military purposes, for air force purposes or for any of the purposes of His Majesty's navy, as the case may be, during such period as may be specified in the order; and any such order may, so far as appears to the authority making the order to be necessary or expedient for the purposes thereof, provide—

(a) for entitling persons using any land in pursuance of the order to do such acts in relation to that land as may be specified in the order, and

(b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(2) During the continuance in force of this Regulation the operation of the following provisions of the Military Lands Acts, 1892 to 1903, shall be suspended, that is to say, the proviso to subsection (1) of section fourteen, section sixteen, and subsection (2) of section seventeen, of the Military Lands Act, 1892, the proviso to subsection (2) of section two of the Military Lands Act, 1900, and subsection (3) of the said section two. 52 & 53 Vict. c. 43.

(3) In relation to any land which, by virtue of an order made under this Regulation or in consequence of possession of the land having been taken under this Part of these Regulations, is used for any military or air force purpose or for any purpose of His Majesty's navy, the power of the Secretary of State or the Admiralty to make bye-laws under the Military Lands Acts, 1892 to 1903, as amended by this Regulation, shall be exercisable as if the land were vested in the Secretary of State or the Admiralty, as the case may be, and appropriated for that purpose. 63 & 64 Vict. c. 56.

(4) In this Regulation the expressions "military purposes" and "air force purposes" have the meanings respectively assigned to those expressions by section twenty-three of the Military Lands Act, 1892, and by that section as applied by the Air Force (Application of Enactments) (No. 2) Order, 1918.

Requisitioning of property other than land.

**53.**—(1) Subject as hereinafter provided, a competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may requisition—

(a) any chattel in the United Kingdom (including any vessel or aircraft and anything on board a vessel or aircraft), and

(b) any British ship or aircraft or anything on board a British ship or aircraft, wherever the ship or aircraft may be;

and may give such directions as appear to the competent authority to be necessary or expedient in connection with the requisition:

Archivo Histórico
Biblioteca de Derecho Internacional y Cultura
Argentina



Part IV—cont.

Provided that the preceding provisions of this Regulation shall not authorise the requisitioning of any Dominion ship or aircraft or of anything on board such a ship or aircraft.

(2) Where a competent authority requisitions any property under this Regulation ['or any property (other than land) is in the possession or at the disposal of a competent authority by reason of the exercise of any power exercisable by virtue of the prerogative of the Crown or of any power conferred by section fifty-two of the Telegraph Act, 1863, or by section seven of the Air Navigation Act, 1920, as amended by any subsequent enactment], the competent authority may use or deal with, or authorise the use of or dealing with, the property for such purpose and in such manner as the competent authority thinks expedient in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, and may hold, or sell or otherwise dispose of, the property as if the competent authority were the owner thereof ['and as if the property were free from any mortgage, pledge, lien or other similar obligation, and, in a case where the property requisitioned is a vessel, vehicle or aircraft, may acquire it by serving on the owner of the vessel, vehicle or aircraft a notice stating that the competent authority has acquired it in pursuance of this Regulation.

Where a notice of acquisition is served under this paragraph on the owner of any vessel, vehicle or aircraft, then, at the beginning of the day on which the notice is served,—

(a) the vessel, vehicle or aircraft shall vest in the competent authority free from any mortgage, pledge, lien or other similar obligation, and

(b) the period of the requisition thereof shall end.]

(3) Without prejudice to the powers conferred by paragraphs (1) and (2) of this Regulation, the Board of Trade, ['the Minister of Shipping'], ['the Minister of Supply'] ['or the Minister of Aircraft Production'] may by order require the owners of, and the persons having the power to dispose of, chattels of any description specified in the order, being chattels situate outside the United Kingdom, to comply with such directions as may be given by or on behalf of the Board ['the Minister of Shipping'], ['the Minister of Supply'] ['or the Minister of Aircraft Production'], as the case may be for the purpose of securing that the ownership of such chattels or the right to dispose thereof is transferred to the Board, ['the Minister of Shipping'], ['the Minister of Supply'] ['or the Minister of Aircraft Production'], as the case may be.

[1 Words in brackets inserted: see S.R. & O. 1939 [No. 1234] I, p. 737; amended by S.R. & O. 1939 (No. 1987) I, p. 740.]
[2 Words in brackets inserted: see S.R. & O. 1939 (No. 1406) I, p. 811.]
[3 Words in brackets inserted: see S.R. & O. 1939 (No. 1940) I, p. 807.]
[4 Words in brackets inserted: see S.R. & O. 1939 (No. 1822) I, p. 840.]
[5 Words in brackets inserted by S.R. & O. 1940 No. 769.]



Part IV—cont.

(4) A competent authority, if it appears to that authority to be necessary for the effectual exercise of its powers under paragraph (1) of this Regulation so to do, may, by order made as respects the whole of the United Kingdom or any part thereof,—

(a) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any premises in the area to which the order relates, any such articles as may be described in the order, shall remove the articles, or cause or permit them to be removed, from the premises until the removal of the articles therefrom is permitted by such authority or person as may be specified in the order;

(b) require the owner or occupier of any premises in the said area to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the premises, and, if so, the number or quantity of those articles which was or will be on the premises on that date, according as the order may direct.

(5) A competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under paragraphs (1) and (2) of this Regulation to any specified persons or class of persons.

(6) The powers conferred by the preceding provisions of this Regulation shall not be exercisable in relation to any of the following things, that is to say, currency, gold, securities or negotiable instruments.

(7) Any reference in this Regulation to articles shall be construed as including a reference to substances, vehicles, vessels or animals.

Special powers as to ships and aircraft.

**54.**—(1) Subject as hereinafter provided, the competent authority may require any space or accommodation in a British ship or aircraft to be placed at the disposal of the competent authority, and may give such directions as appear to the competent authority to be necessary or expedient in connection with any such requirement; and if any directions given under this paragraph with respect to any vessel or aircraft are contravened or not complied with, the master of the vessel or the pilot of the aircraft, as the case may be, and the person having the management thereof, shall each be guilty of an offence against this Regulation:

Provided that the preceding provisions of this Regulation shall not authorise the doing of anything in relation to a Dominion ship or aircraft.

(2) Where, in respect of any ship or aircraft, there subsists between a person to whom this paragraph applies and any other

Archivo Histórico
Universidad de Buenos Aires
Argentina



Part IV—cont.

person a charter-party or other contract under which the first-mentioned person is entitled to possession of the ship or aircraft, or has the right to have any articles carried in the ship or aircraft or to use any space or accommodation in the ship or aircraft, the competent authority may serve on the first-mentioned person, in any manner appearing to the competent authority to be convenient, a notice stating that on such date as may be specified in the notice his rights and liabilities under the contract will be transferred to the competent authority; and in that event the contract shall, as regards any rights exercisable, or liabilities incurred, on or after the said date, have effect (subject to the provisions of the next following paragraph) as if the competent authority were a party to the contract instead of the person on whom the notice was served, and as if for any reference in the contract to that person there were substituted a reference to the competent authority.

The persons to whom this paragraph applies are—

(a) every British subject not being resident in a Dominion, and

(b) every corporation incorporated under the law of—

(i) any part of the United Kingdom,

(ii) the Isle of Man or any of the Channel Islands,

(iii) any colony or British protectorate administered by His Majesty's Government in the United Kingdom, or

(iv) any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom,

or incorporated under British law as in force in any other country being a foreign country in which for the time being His Majesty has jurisdiction.

(3) The competent authority may at any time cancel a notice served under paragraph (2) of this Regulation in respect of a contract, and thereupon the said paragraph shall, unless and until a further notice is served thereunder in respect of that contract, cease to operate in relation to the contract as regards any rights exercisable, or liabilities incurred, on or after the date on which the cancellation takes effect.

Notice of any such cancellation shall be given as soon as may be by the competent authority in such manner as that authority thinks best for informing the person concerned.

(4) The competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under paragraphs (1) to (3) of this Regulation to any specified persons or class of persons.



Part IV—cont.

(5) In this Regulation the expression "the competent authority" means in relation to any ship, the Board of Trade [or the Minister of Shipping] or in relation to any aircraft, the Secretary of State.

Power to permit emergency where necessary.

[1][34A.—(1) If the competent authority is satisfied—

(a) that it is necessary in the interests of the defence of the realm or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community (hereafter in this Regulation referred to as "the public interests") that any particular work should be carried on in any particular premises or place; and

(b) that the carrying on of that work therein under the conditions necessitated by the requirements of the public interests is causing or may cause a nuisance,

the competent authority may by order provide for authorising the carrying on of that work in those premises or that place notwithstanding that a nuisance may be caused thereby:

Provided that—

(i) before making any such order the competent authority shall take steps to ascertain whether arrangements cannot be made for the work to be carried on under such conditions as aforesaid, either in the premises or place in which it is being carried on or in some other premises or place, without causing a nuisance, and, if satisfied that such arrangements cannot be made, shall ascertain what means can be taken for minimising the nuisance; and

(ii) any such order shall specify the work and the premises or place to which it relates and shall be made subject to such conditions as the competent authority thinks best calculated to minimise the nuisance so far as is practicable without prejudicing the public interests.

(2) Where an order has been made under this Regulation authorising the carrying on of any work in any premises or place, no legal proceedings for the abatement or prohibition of any nuisance caused by the carrying on, while the order is in force, of that work in those premises or that place or for the recovery of damages in respect of such a nuisance (including proceedings for the enforcement of any undertaking given, or of any injunction or other order of a court granted or made, before the coming into operation of the order) shall be entertained by any court, but if upon representations made by any person appearing to the competent authority by which the order was made to be interested, the authority is satisfied that any

[1] Words in brackets inserted: see S.R. & O. 1939 (No. 1, rev.), p. 808.]
[1] New Regulation inserted by S.R. & O. 1940 No. 893.]

Argentina





condition imposed by the order is not being complied with, the authority shall send to the persons engaged in the work authorised by the order a notice requiring them to comply with that condition within such time as may be specified in the notice, and, if the requirements of the notice are not complied with to the satisfaction of the competent authority the authority shall revoke the order:

Provided that the provisions of this paragraph as to the duty of the competent authority in the event of any such condition not being complied with shall be without prejudice to the power of the competent authority to vary any such condition if the competent authority is satisfied that it is necessary so to do.

(3) If while any order made by a competent authority under this Regulation is in force, an application is made to the authority by persons appearing to the authority to be interested requesting that an inquiry into the extent of the nuisance, or the steps that might be taken to minimise it, should be held by the authority under Regulation seventy-seven of these Regulations, the competent authority shall, unless the application appears to the authority to be frivolous, direct the holding of such an inquiry, and shall after receiving the report of the person appointed to hold the inquiry, consider whether or not the order should be varied or revoked.

(4) For the purposes of this Regulation, proceedings for the enforcement of an express covenant not to commit nuisance or for the recovery of damages in respect of a breach of such a covenant shall be deemed to be proceedings for the abatement or prohibition of a nuisance or for the recovery of damages in respect of a nuisance, as the case may be.

(5) In the application of this Regulation to Scotland, for any reference to injunction there shall be substituted a reference to interdict.

(6) Nothing in this Regulation shall affect any proceedings for the enforcement of an Act of Parliament.

Power to suspend statutory restrictions on the carrying out of work.

[*]**84**AA.—(1) If a competent authority is satisfied that in the interests of the defence of the realm or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community, it is necessary that any undertaking engaged or proposing to engage in essential work should be permitted to carry on such work notwithstanding any provision of any enactment specified in paragraph (3) of this Regulation, the competent authority may, with the consent of the Minister of Health, by order suspend during the continuance in force of this Regulation or for such less period as may be specified in the order the operation of that provision with respect to the

[* New Regulation inserted by S.R. & O. 1940 No. 1892.]





carrying on of that work by that undertaking either unconditionally or subject to such conditions as may be specified in the order.

(2) Where by virtue of an order made under this Regulation the operation of any provision of any enactment is suspended with respect to the carrying on of any work by any undertaking subject to conditions specified in the order no proceedings for the enforcement of that provision shall be instituted by reason of any breach of any such condition without the consent of the competent authority by which the order was made:

Provided that this paragraph shall not apply to proceedings for the enforcement of any provision for the enforcement of which the institution of proceedings without the consent of the Minister of Health is prohibited by any enactment.

(3) The enactments referred to in paragraph (2) of this Regulation are the Rivers Pollution Prevention Act, 1876, the Alkali, &c., Works Regulation Act, 1906, section eight of the Salmon and Freshwater Fisheries Act, 1923, Part III of the Public Health Act, 1936, the following provisions of the Public Health (London) Act, 1936, that is to say:—section eighty-two, Part IV, Part V, subsection (3) of section two hundred and eighty-two and the Fifth Schedule, and any byelaw made under either of the two last mentioned Acts. 39 & 40 Vict. c. 75. 6 Edw. 7. c. 14. 13 & 14 Geo. 5. c. 49.

(4) In this Regulation the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"competent authority" means a Secretary of State, the Admiralty, the Minister of Supply and the Minister of Aircraft Production;

"essential work" means work appearing to a competent authority to be essential for the defence of the realm or the efficient prosecution of the war or to be essential to the life of the community;

"undertaking" means any public utility undertaking or any undertaking by way of trade or business.

(5) This Regulation shall in its application to Scotland have effect as if—

(a) for any reference to the Minister of Health there were substituted a reference to the Secretary of State for Scotland;

(b) for the proviso to paragraph (2) there were substituted the following proviso—

"Provided that this paragraph shall not apply to proceedings by, or on behalf of, the Lord Advocate or proceedings for the enforcement of any provision for the enforcement of which the institution of proceedings without the consent of the Secretary of State is prohibited by any enactment."; and

Archivo Histórico
Universidad de Buenos Aires
Colección Documental y Bibliográfica
Argentina



(c) for paragraph (3) there were substituted the following paragraph—

(3) The enactments referred to in paragraph (1) of this Regulation are the Smoke Nuisance (Scotland) Act, 1857, section sixty-five of the Tweed Fisheries Act, 1857, section thirteen of the Salmon Fisheries (Scotland) Act, 1862, the Smoke Nuisance (Scotland) Act, 1865, the Rivers Pollution Prevention Act, 1876, section three hundred and eighty-four of the Burgh Police (Scotland) Act, 1892, sections sixteen to thirty-seven and section one hundred and forty-six of the Public Health (Scotland) Act, 1897, any byelaw made under that Act and any byelaw for sanitary purposes made under section three hundred and sixteen of the Burgh Police (Scotland) Act, 1892, the Alkali, &c. Works Regulation Act, 1906.

20 & 21 Vict. c. 72.
23 & 26 Vict. c. 97.
26 & 29 Vict. c. xxix.
53 & 54 Vict. c. 53.
60 & 61 Vict. c. 38.

(6) This Regulation shall not extend to Northern Ireland.

Power to give directions to local authorities.

[*]**54B.**—(1) A competent authority and any person authorised by a competent authority to act under this Regulation may give directions to any local authority requiring the local authority to perform such functions as the competent authority thinks proper in the interests of the public safety, the defence of the realm, the maintenance of public order, or the efficient prosecution of the war, or for maintaining supplies or services essential to the life of the community, and any local authority to which such directions are given shall comply with the directions and shall have power so to do notwithstanding any obligation or limitation imposed on the local authority by or by virtue of any Act or other instrument relating to the powers of the local authority.

(2) For the purpose of carrying out any directions given to a local authority under this Regulation the local authority and any person authorised by that authority so to do may enter on any land and, subject to any instructions given by the competent authority, may exercise any of the powers conferred by Regulation fifty of these Regulations upon persons authorised by a competent authority to act under that Regulation, and that Regulation shall apply accordingly as if references therein to the competent authority included references to that local authority.

(3) A competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under this Regulation to any specified persons or class of persons.

[* New Regulation inserted by S.R. & O. 1940 No. 580.]



[*]**54C.**—(1) If the Minister of Supply is satisfied that it is expedient that any war production undertaking, or any class or description of such undertakings, should become subject to the provisions of this Regulation, he may by order declare that undertaking, or every undertaking of that class or description, to be a controlled undertaking, and thereupon the following provisions shall have effect as respects every undertaking to which the order relates:—

(a) the undertakers shall carry on the undertaking in accordance with orders made or directions given by a competent authority, and such orders or directions may, in particular—

(i) require the undertakers to employ upon such work and for such period as may be specified in the order or directions, such persons, or such class or description of persons, or such number of persons, or such number of persons of such class or description, as may be so specified;

(ii) fix the price or remuneration to be paid for any articles produced or supplied or services rendered by the undertakers (whether to a competent authority or otherwise) in accordance with the order or directions;

(b) no obligation or limitation imposed on the undertakers by or by virtue of any Act or other instrument determining their functions shall prevent or excuse the undertakers from complying with any such order or directions;

(c) with a view to ascertaining whether any such orders or directions with respect to an undertaking are complied with, any person authorised in that behalf by a competent authority may at any time enter and inspect any premises used or appropriated for the purposes of the undertaking.

(2) For the purposes of this Regulation any of the following Ministers and authorities shall be a competent authority, that is to say, a Secretary of State, the Admiralty, the Minister of Labour and National Service, the Minister of Supply, and the Minister of Aircraft Production.

(3) A competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under this Regulation to any specified persons or class of persons.

[* New Regulation inserted by S.R. & O. 1940 No. 580, and amended by S.R. & O. 1940 Nos. 907 and 941.]

Archivo Histórico
Universidad Nacional de Rosario
Argentina



Part IV—cont.

(4) In this Regulation the following expressions have the meanings hereby respectively assigned to them, that is to say—

" article " includes electricity and any substance, vehicle, or vessel;

" undertaking " means any public utility undertaking or any undertaking by way of any trade or business, and the expression " undertakers " shall be construed accordingly;

" war production undertaking " means an undertaking which, in the opinion of the competent authority, is or should be principally engaged upon the production or supply of articles required for the use of the armed forces of the Crown or otherwise for the prosecution of the war or the defence of the realm, or upon the performance of services required for such purposes.

(5) This Regulation shall, in its application to Northern Ireland have effect as if for the reference to the Minister of Labour and National Service there were substituted a reference to the Ministry of Labour for Northern Ireland.

(6) Nothing in section three of the Rules Publication Act, 1893, shall apply to any order made under this Regulation; but upon making any such order the Minister of Supply shall cause notice of the effect of the order to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of the undertakers carrying on the undertakings to which the order relates and to the notice of such other persons, if any, as ought in the opinion of the Minister to have notice of the order.

General control of industry.

**55.**—(1) A competent authority, so far as appears to that authority to be necessary in the interests of the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may by order provide—

(*a*) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of articles of any description, and, in particular, for controlling the prices at which such articles may be sold;

(*b*) for regulating the carrying on of any undertaking engaged in essential work, and, in particular, for controlling the charges which may be made by the undertakers in respect of the doing of any work by them;

(*c*) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking as may be prescribed by or under the order;



Part IV—cont.

[1](*d*) for requiring persons carrying on, or employed in connection with, any undertaking, if requested so to do by or on behalf of the competent authority or by or on behalf of any other authority or person specified in the order, to produce to such person, or to a person of such class or description, as may be mentioned in the request such books, accounts or other documents relating to the undertaking or to furnish to him such estimates, returns or information relating to the undertaking as may be mentioned or described in the request;

(*e*) for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates with a view to securing compliance with the order;

and also make such provision as the competent authority thinks necessary or expedient for facilitating the introduction and operation of a scheme of control under this Regulation; and an order under this Regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order, and may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking, and so as to have effect either generally or in any particular area.

[2](1A) For the purposes of any order made under the foregoing paragraph of this Regulation affecting coal mines (within the meaning of Part I of the Coal Mines Act, 1930), sub-paragraphs (*c*) and (*d*) of that paragraph shall have effect as if the references to persons carrying on any undertaking included, in relation to any such coal mine, the executive board constituted under the Coal Mines Act, 1930, for the district in which the coal mine is situated, and section eight of the said Act (which prohibits the disclosure of information) shall not apply to any information furnished by any such executive board in pursuance of an obligation imposed upon them by any such order as aforesaid. 23 & 24 Geo. 5. c. 34.

(2) Any competent authority being an authority which has power to amend or revoke, or to approve the amendment of, a scheme made under any Act for regulating the production, marketing or distribution of any articles, may by order amend or revoke that scheme or suspend the operation thereof in whole or in part, if it appears to the authority to be necessary so to

[1 New sub-paragraph substituted by S.R. & O. 1940 No. 290.]
[2 New paragraph inserted by S.R. & O. 1940 No. 934.]

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina





do in the interests of the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community.

[1][(2A) A competent authority may, if it appears to that authority to be necessary so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, make or give as respects any undertaking all or any orders or directions which might have been made or given under sub-paragraph (a) of paragraph (2) of Regulation fifty-four C by an authority which is a competent authority for the purposes of that Regulation, if the undertaking had been a war production undertaking and had been declared under that paragraph to be a controlled undertaking, and sub-paragraphs (b) and (c) of that paragraph shall apply accordingly.

(3) Where the right to make charges in connection with the carrying on of any undertaking with respect to which an order may be made under this Regulation is limited by law, any order so made in relation to that undertaking may authorise the undertakers to make in that connection charges in excess of, or in addition to, those which they would otherwise be authorised to make.

(4) A competent authority, if it appears to that authority to be necessary so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may carry on the whole or any part of any existing undertaking, or authorise a person to carry on the whole or any part of any existing undertaking, in accordance with any instructions of the competent authority; and while by virtue of this paragraph a competent authority or a person so authorised is carrying on the whole or any part of an undertaking,—

(a) the said authority or person shall be deemed to be acting as the agent of the undertakers, except that the undertakers shall not have any right to control the carrying on of the undertaking or part of the undertaking; and

(b) the undertakers shall not be bound, or, as the case may be, shall not in respect of such matters as may be specified by order of the competent authority, be bound, by any obligation or limitation imposed on the undertakers by or by virtue of any Act or other instrument determining their functions.

(5) For the purposes of this Regulation, any of the following Ministers and authorities shall be deemed to be a competent

[1] New paragraph inserted by S.R. & O. 1940 No. 361.]





authority, that is to say, [2the Treasury,] a Secretary of State, the Admiralty, the Board of Trade, the Minister of Agriculture and Fisheries, the Minister of Health, [2the Minister of Labour and National Service,] the Minister of Transport, the Minister of Supply, [2the Minister of Food,] [2the Minister of Shipping,] [2the Minister of Aircraft Production] and the Postmaster General, [2and any such competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate all or any of its functions under this Regulation to any specified persons or class of persons.]

[1][(5A) For the avoidance of doubt, it is hereby declared that the powers conferred by this Regulation may be exercised as respects any undertaking whether or not the undertaking has been declared to be a controlled undertaking, and that paragraph (2A) of this Regulation authorises the making of any such orders or the giving of any such directions as are therein mentioned in relation to any undertaking, notwithstanding that the undertaking is being carried on under paragraph (4) of this Regulation by a person authorised in that behalf by the competent authority.

(6) In this Regulation—

(a) the expression "essential work" means work appearing to the competent authority to be essential for the defence of the realm or the efficient prosecution of the war or to be essential to the life of the community; and

(b) the expression "undertaking" means any public utility undertaking or any undertaking by way of any trade or business, and the expression "undertakers" shall be construed accordingly;

and any reference in this Regulation to articles shall be construed as including a reference to substances, vehicles, vessels or animals and also as including a reference to electricity.

(7) This Regulation shall, in its application to Scotland, have effect as if the references to the Minister of Agriculture and Fisheries and the Minister of Health were omitted.

(8) This Regulation shall, in its application to Northern Ireland, have effect as if the references to the Minister of Agriculture and Fisheries, the Minister of Health and the Minister of Transport were omitted [2and as if for the reference to the Minister of Labour and National Service there were substituted a reference to the Ministry of Labour for Northern Ireland.]

[2] Words in brackets inserted by S.R. & O. 1940 No. 781.]
[3] Words in brackets inserted: see S.R. & O. 1939 (No. 1163) I. p. 717.]
[4] Words in brackets inserted: see S.R. & O. 1939 (No. 1396) I. p. 810.]
[5] Words in brackets inserted by S.R. & O. 1940 No. 983.]
[1] New paragraph inserted by S.R. & O. 1940 No. 781.]
[2] Words in brackets inserted by S.R. & O. 1940 No. 781 and amended by S.R. & O. 1940 No. 997.]

Archivo Histórico
Universidad de Buenos Aires
Colección Constitucional y Política
Argentina



Part IV—cont.

Public utility undertakings.

**56.**—(1) As respects any public utility undertaking, the competent authority, and any person authorised by the competent authority to act under this Regulation, may give directions for securing that the undertaking is carried on in such manner as the competent authority thinks proper in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community; and the competent authority may by order relax any obligation or limitation imposed on the undertakers by, or by virtue of, any Act or other instrument determining their functions, and in particular may authorise the undertakers to make, in connection with the carrying on of the undertaking, charges in excess of, or in addition to, those which they would otherwise be authorised to make.

For the avoidance of doubt it is hereby declared that this paragraph authorises the giving of such directions ['and the making of such orders] as aforesaid in relation to any undertaking, notwithstanding that the undertaking is being carried on under the last preceding Regulation by a person authorised in that behalf by the competent authority ['or is under the control of the Minister of Transport by virtue of an order made under Regulation sixty-nine of these Regulations.]

(2) With a view to ascertaining whether any directions given under this Regulation with respect to a public utility undertaking are complied with, any person authorised in that behalf by the competent authority may at any time enter and inspect any premises used or appropriated for the purposes of the undertaking.

(3) Any person concerned in the management, or employed in connection with the carrying on, of a public utility undertaking shall, if requested by or on behalf of the competent authority so to do, produce or furnish to such authority or person as may be specified in the request such books or other documents, or, as the case may be, such estimates, returns, accounts or other information, being documents or information in his possession relating to the undertaking, as may be so specified.

(4) In this Regulation the expression "the competent authority" means—

(a) in relation to any undertaking for the supply of electricity or any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour or pier undertaking, the Minister of Transport;

(b) in relation to any undertaking for the supply of water, any sewerage or sewage disposal undertaking or any undertaking for the collection and disposal of refuse, the Minister of Health;

[1] Words in brackets inserted by S.R. & O. 1940 No. 363.]



Part IV—cont.

(c) in relation to the undertaking of a drainage authority, the Minister of Agriculture and Fisheries; or

(d) in relation to any other undertaking, the Board of Trade, or if His Majesty in Council designates, for the purposes of this Regulation, any Minister or authority in respect of such an undertaking, that Minister or authority.

(5) This Regulation shall, in its application to Scotland, have effect as if for the reference to the Minister of Health there were substituted a reference to the Secretary of State, and as if sub-paragraph (c) of paragraph (4) were omitted.

(6) This Regulation shall, in its application to Northern Ireland, have effect as if for references to the Minister of Transport, the Minister of Health and the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.

Power of Postmaster-General to refuse transmission of certain circulars.

[1][56A.—(1) With a view to preventing the obstruction of essential postal services by the transmission of circulars issued for the purpose of enabling persons to participate in competitions, the Postmaster General may refuse to transmit any postal packet as to which he is satisfied that it contains such a circular, and any such packet found in the post may be detained.

(2) Where any postal packet is detained under the power conferred by this Regulation the Postmaster General shall send by post notice to the sender of the packet informing him at what post office the packet is detained, and that it will be destroyed unless within such time as may be specified in the notice, not being less than two days after the service of the notice, the packet is removed by the sender from that post office; and if the packet is not so removed it may be destroyed.

(3) Nothing in this Regulation shall authorise the Postmaster General to refuse to transmit any newspaper registered under the Post Office Act, 1908, or the detention of any such newspaper.

Disposal of reserves of essential commodities created under 1 & 2 Geo. 6, c. 51.

**57.** The Minister or other authority by whom any stocks of commodities are held under section two of the Essential Commodities Reserves Act, 1938, or any such persons as may be authorised in that behalf by that Minister or authority or specified in an order made for the purposes of this Regulation by that Minister or authority, may make and carry out arrangements whereby those stocks are used and disposed of in such manner as that Minister or authority thinks expedient in the interests of the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community.

[1] New Regulation inserted [on S.R. & O. 1939 (No. 1833) I, p. 848.]

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Part IV—cont.

Exemption from Acts relating to spirits.

[*] 35A.—(1) The Minister of Supply, with the concurrence of the Treasury, may by order, in such extent, during such period, and subject to such conditions as may be specified in the order, exempt any premises so specified, or any particular operations carried on at any premises so specified, from the provisions of any enactment relating to the manufacture of or manufacturers of spirits, if he is satisfied that such exemption is expedient in order to facilitate the production of spirits required for industrial purposes.

(2) If the occupier of any premises contravenes or fails to comply with any conditions subject to which an exemption has been granted in respect of those premises by an order made under the foregoing paragraph, he shall be guilty of an offence against this Regulation.

Licensing of explosives factories. 18 & 19 Vict. c. 11a

38.—(1) Where—

(a) the draft of a licence for the establishment of a factory or magazine for gunpowder or other explosives is, in pursuance of section six of the Explosives Act, 1875, submitted to the Secretary of State by the applicant for the licence, or

(b) an application for an amending licence for the making of any alteration in such a factory or magazine is made to the Secretary of State in pursuance of section twelve of the said Act,

the Secretary of State may, instead of taking any other steps which he is required by the said Act to take in respect of the application, grant the licence or amending licence, as the case may be, subject to such conditions, if any, as he thinks proper, and any licence granted under this Regulation shall have effect for the purposes of the said Act, as if it had been duly granted under section eight or section twelve, as the case may be, of that Act.

(2) This Regulation shall, in its application to Northern Ireland, have effect as if for references to the Secretary of State there were substituted references to the Ministry of Home Affairs.

Control of supplymen.

[†] 38A.—(1) The Minister of Labour and National Service (hereafter in this Regulation referred to as "the Minister") may direct any person in the United Kingdom to perform such services in the United Kingdom or in any British ship not being a Dominion ship as may be specified by the direction, being services which that person is, in the opinion of the Minister, capable of performing.

[*] New Regulation inserted by S.R. & O. 1940 No. 1016.]
[†] New Regulation inserted by S.R. & O. 1940 No. 781, and amended by S.R. & O. 1940 Nos. 828 and 1017.]



Part IV—cont.

(2) Any services required by a direction given under this Regulation to be performed shall be performed upon such terms as to remuneration and conditions of service as the Minister may, in accordance with the provisions of this Regulation, direct:

Provided that in determining the terms upon which any such services are to be performed the Minister shall have regard to any rates of salary, fees or wages for the performance of those services which appear to the Minister to be usual, and, in particular, in the case of services usually rendered under a contract of service, shall have regard to any determination relating to the remuneration and conditions of service of persons employed in the district in the capacity and in the trade in which the person to whom the direction relates is to serve, being a determination contained in an agreement between organisations representative of employers and workers or in a decision of a Joint Industrial Council, conciliation board, arbitration tribunal or other similar body, or, in the absence of any such determination, shall have regard to the remuneration and conditions of service in practice prevailing among good employers in that trade in the district.

(3) Any directions given by the Minister under this Regulation may, in accordance with his instructions, be given on his behalf by any person duly authorised in writing by him, and any person so authorised shall be called a "National Service Officer".

(4) The Minister may by order make provision for regulating the engagement of workers by employers and the duration of their employment, and for giving effect to the foregoing provisions of this Regulation, and may, in particular, provide by any such order:—

(a) for requiring persons to register such particulars about themselves as may be prescribed by or under the order;

(b) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking as may be prescribed by or under the order;

(c) for requiring persons carrying on, or employed in connection with, any undertaking, to produce to such person as may be designated by or on behalf of the Minister or by or on behalf of any other authority or person specified in the order such books, accounts or other documents relating to the undertaking and to furnish such estimates, returns or information relating thereto as may be prescribed by or under the order;

Archivo Histórico
Universidad de Concepción, Dirección de Bibliotecas, Archivos y Museos
Argentina



Part IV—cont.

(d) for any incidental and supplementary matters for which the Minister thinks it expedient to provide, including, in particular, the entry and inspection of premises with a view to securing compliance with directions given under this Regulation;

and any such provisions may be made so as to relate either to persons or undertakings generally or to any particular person or undertaking or class or description of persons or undertakings.

(5) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference therein to the Minister of Labour and National Service there were substituted a reference to the Ministry of Labour for Northern Ireland.

Avoidance of strikes and lockouts.

[1]58AA.—(1) With a view to preventing work being interrupted by trade disputes, the Minister of Labour and National Service may by order make provision—

(a) for establishing a tribunal for the settlement of trade disputes, and for regulating the procedure of the tribunal;

(b) for prohibiting, subject to the provisions of the order, a strike or lockout in connection with any trade dispute;

(c) for requiring employers to observe such terms and conditions of employment as may be determined in accordance with the order to be, or to be not less favourable than, the recognised terms and conditions;

(d) for recording departures from any rule, practice or custom in respect of the employment, non-employment, conditions of employment, hours of work or working conditions of any persons;

(e) for any incidental and supplementary matters for which the Minister thinks it expedient for the purpose of the order to provide.

(2) The Arbitration Acts, 1889 to 1934, shall not apply to any reference under any such order.

(3) Nothing in any such order shall affect the power to refer trade disputes or other matters for settlement or advice under the Industrial Courts Act, 1919, or affect the operation of any enactment which requires or authorises any trade dispute or other matter to be referred to the Industrial Court for settlement or advice.

9 & 10 Geo. 5. c. 69.

(4) In this Regulation the expression "trade dispute" has the same meaning as in the Industrial Courts Act, 1919.

(5) This Regulation shall, in its application to Northern Ireland have effect as if for the reference to the Minister of Labour and National Service there were substituted a reference to the Ministry of Labour for Northern Ireland.

[1] New Regulation inserted by S.R. & O. 1940 No. 1217.



Part IV—cont.

Power to amend directions under Acts relating to holidays with pay. 1 & 2 Geo. 6. c. 76.

[1]58AB.—(1) The appropriate Minister within the meaning of the Holidays with Pay Act, 1938, may by order make provision in relation to any direction given under section one of that Act—

(a) for the amendment by the order of any provisions of the direction which require the holidays to be allowed in pursuance thereof to be allowed on consecutive days;

(b) in the case of a direction which contains provisions for the allowing of holidays at times in the year nineteen hundred and forty, or within a period ending in that year, for postponing the times or extending the period at or within which the holidays to be allowed under those provisions are to be allowed;

Provided that no such time or period as is mentioned in sub-paragraph (b) of this paragraph shall be postponed or extended so as to expire later than—

(i) in the case of a direction given by a Trade Board or by the Road Haulage Central Wages Board, the thirty-first day of March, nineteen hundred and forty-one; or

(ii) in the case of a direction given by an Agricultural Wages Committee, the thirty-first day of January, nineteen hundred and forty-one.

(2) An order made under this Regulation in relation to any such direction as aforesaid may provide that the direction shall have effect subject to any amendments which appear to the appropriate Minister to be requisite in consequence of any provision made by the order under the powers conferred by the preceding paragraph.

The power to amend a direction conferred by this paragraph shall be limited to the making, by way of amendment, of such provision as could have been validly made by the direction:

Provided that the proviso to subsection (2) of section one of the said Act, so far as it relates to the allowing of holidays for period exceeding in the aggregate one week in any period of twelve months, shall not have effect in relation to the power to amend a direction conferred by this paragraph.

(3) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications—

(a) for the references to the appropriate Minister within the meaning of the Holidays with Pay Act, 1938, there shall be substituted references to the Ministry of Labour for Northern Ireland; and

(b) for the references to section one of the Holidays with Pay Act, 1938, there shall be substituted references to section one of the Holidays with Pay Act (Northern Ireland), 1938.

[1] New Regulation inserted by S.R. & O. 1940 No. 1217.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Part IV—cont. Transfer to Minister of Labour and National Service of functions of the Secretary of State under the Factories Act, 1937, &c. 1 Edw. 8. & 1 Geo. 6. c. 67. 23 Geo. 5. & 1 Edw. 8. c. 22.

[*]**88a.**—(1) There shall be transferred to the Minister of Labour and National Service (in this Regulation referred to as "the Minister") all the powers and duties of the Secretary of State under the following enactments, that is to say, the Factories Act, 1937, any enactment which is to be construed as one with that Act or to have effect as if it formed part of or were incorporated in that Act, and section three of the Hours of Employment (Conventions) Act, 1936.

(2) In the construction and for the purposes of any enactment, judgment, decree, order, award, deed, contract, regulation, bye-law, certificate or other document, passed or made before the coming into operation of this Regulation, but so far only as may be necessary in consequence of the transfer effected by this Regulation, for references to the Secretary of State there shall be substituted references to the Minister.

(3) Nothing in this Regulation shall affect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation, made or given, or other thing done by the Secretary of State before the coming into operation of this Regulation, but any such matter shall, if in force at the coming into operation thereof, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done, by the Minister.

(4) Where anything has been commenced by or under the authority of the Secretary of State before the coming into operation of this Regulation, and relates to any of the powers or duties thereby transferred, it may be carried on and completed by or under the authority of the Minister.

(5) Where at the coming into operation of this Regulation any legal proceeding is pending to which the Secretary of State is a party, and the proceeding has reference to any of the powers or duties thereby transferred, the Minister shall be substituted in the proceeding for the Secretary of State, and the proceeding shall not abate by reason of the substitution.

Exemptions from Acts relating to factories, mines and quarries.

[*]**88.**—(1) The Minister of Labour and National Service may by order, to such extent, during such period, and subject to such conditions, as may be specified in the order, exempt any particular premises or operations or class of premises or operations from the Factories Act, 1937, if he is satisfied that such exemption is, by reason of circumstances arising out of the war, desirable in the public interest in order to secure or facilitate the carrying on of work in those premises or in that class of premises, or the carrying on of those operations or of that class of operations

[*] New Regulation inserted by S.R. & O. 1940 No. 907.]
[*] New Regulation inserted: see S.R. & O. 1939 (No. 1680) I. p. 811: amended by S.R. & O. 1940 No. 907.]



Part IV—cont.

as the case may be, or in order to promote the safety of persons employed in such premises or engaged in such operations.

(2) The Board of Trade may by order, to such extent, during such period, and subject to such conditions, as may be specified in the order, exempt any particular premises or operations or class of premises or operations from the Coal Mines Act, 1911, the Metalliferous Mines Regulation Acts, 1872 and 1875, the Quarries Act, 1894, and from any orders or Regulations made under any of those Acts, or any special rules established under the Metalliferous Mines Regulation Act, 1872, if the Board are satisfied that such exemption is, by reason of circumstances arising out of the war, desirable in the public interest in order to secure or facilitate the carrying on of work in those premises or in that class of premises, or the carrying on of those operations or of that class of operations, as the case may be, or in order to promote the safety of persons employed in such premises or engaged in such operations. 1 & 2 Geo. 5. c. 50. 37 & 38 Vict. c. 48. 38 & 39 Vict. c. 77.

(3) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

(a) for the reference to the Factories Act, 1937, there shall be substituted a reference to the Factories Act (Northern Ireland), 1938;

(b) for the reference to the Quarries Act, 1894, there shall be substituted a reference to the Quarries Act (Northern Ireland), 1927; and

(c) for the references to the Minister of Labour and National Service and to the Board of Trade there shall be substituted respectively references to the Ministry of Labour for Northern Ireland and to the Ministry of Commerce.

Safety and welfare of factory workers.

[*]**90.**—(1) The Minister of Labour and National Service may by order make such provision as he thinks desirable for securing the safety, health or welfare of persons who in circumstances which, in the opinion of the Minister, are or are likely to be dangerous to life or limb or injurious to health, are either—

(a) employed in any premises to which any of the provisions of the Factories Act, 1937, apply, in the performance of any services which appear to the Minister to be essential for the defence of the realm or the efficient prosecution of the war or to be essential to the life of the community, or

(b) engaged in any operations to which any of the provisions of the Factories Act, 1937, apply, being operations which appear to the Minister to

[*] New Regulation inserted: see S.R. & O. 1939 (No. 1680) I. p. 811: amended by S.R. & O. 1940 No. 907.]

Archivo Histórico
Universidad de Buenos Aires. Facultad de Derecho y Ciencias Sociales
Argentina





be essential for the defence of the realm or the efficient prosecution of the war or to be essential to the life of the community;

and, without prejudice to the generality of the power aforesaid, any such order may in particular contain such requirements with respect to the provision of medical attendance, nourishment, clothing, facilities for taking meals, rest or recreation, or facilities for transport, and may impose such prohibitions, restrictions or obligations in respect of the use of machinery, appliances, materials or processes, as appear to the Minister to be necessary or expedient for the purposes of the order.

An order under this Regulation may be made so as to apply to any particular premises or class of premises or to any particular operations or class of operations.

(2) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

(*a*) for the references to the Minister of Labour and National Service there shall be substituted references to the Ministry of Labour for Northern Ireland; and

(*b*) for the references to the Factories Act, 1937, there shall be substituted references to the Factories Act (Northern Ireland), 1938.]

*[Regulation 60A (Amendments of enactments relating to the closing of shops), which was inserted (see S.R. & O. 1939, (No. 1464) I. p. 804), was revoked as from 17th March, 1940, by S.R. & O. 1940, No. 290, Art. 5.]*

Suspension of s. 5 of the Coal Mines Act, 1930. 1 & 2 Geo. 6. c. 52.

[*]**60B.** The operation of section five of the Coal Mines Act, 1930 (which as amended by section fifty-of, and the Seventh Schedule to, the Coal Act, 1938, provides for committees of investigation and a central appeal tribunal for the investigation of certain complaints as to the operation of schemes) shall be suspended during the continuance in force of this Regulation, and accordingly, during the continuance in force of this Regulation, no proceedings shall be instituted or continued before any of those committees or that tribunal.

Amendment of s. 33 of Food and Drugs Act, 1938. 1 & 2 Geo. 6. c. 56.

[*]**60C.** Paragraph (*c*) of subsection (2) of section thirty-three of the Food and Drugs Act, 1938 (which prescribes conditions as to the containers and wrappers of margarine sold by retail) shall, during the continuance in force of this Regulation, have effect as if—

(*a*) for the words " in block letters not less than half an inch long " there were substituted the words " in block letters of a type at least as large as that of any other letters printed on the outside of that wrapper "; and

[*] New Regulation inserted: see S.R. & O. 1939 (No. 1939) I. p. 847.]
[*] New Regulation inserted by S.R. & O. 1940 No. 508.]





(*b*) the words " and the outside of that wrapper shall bear no other printed matter, except such matter as may be required by or under any enactment " were omitted.

Employment of certain aliens under the Crown in civil capacities. 12 & 13 Will. 3. c. 2.

[*]**60D.** During the continuance in force of this Regulation, any alien who has entered or enters the United Kingdom on or after the ninth day of May, nineteen hundred and forty, from territory which has been invaded by a Power with whom His Majesty is at war, may notwithstanding anything in the Act of Settlement or in section six of the Aliens Restriction (Amendment) Act, 1919, be employed, with the consent of the Treasury, in any civil capacity under the Crown:

Provided that nothing in this Regulation shall authorise the employment as aforesaid of any enemy alien.

Amendments of s. 3 of Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939. 2 & 3 Geo. 6. c. 107.

[*]**60E.**—(1) Section three of the Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939, (which relates to the power of the comptroller to suspend trade mark rights of an enemy or an enemy subject) shall have effect, with the requisite modifications, in relation to unregistered trade marks as it has effect in relation to registered trade marks.

(2) At the end of paragraph (*b*) of sub-section (2) of the said section three there shall be inserted the words " and, if the comptroller so requires, being such a description or means of reference as will be open to the public use ".

(3) Where a licence under a patent is in force by virtue of an order made under section two of the said Act, or the comptroller proposes to make an order under that section granting a licence under a patent, and it is made to appear to the comptroller that it is difficult or impracticable to describe or refer to an article or substance manufactured under the patent without the use of a trade mark registered in respect of that article or substance or of an unregistered trade mark used in relation thereto, the comptroller may make an order in relation to the trade mark under subsection (2) of the said section three on the application of the licensee, or of the person in whose favour he proposes to make the order granting the licence under the patent, as the case may be, notwithstanding that the trade mark is not and has not been in the proprietorship, or registered in the name, of an enemy or an enemy subject as mentioned in subsection (1) of the said section three.

*Agriculture and Fisheries.*

Preservation of agricultural land.

[*]**61.**—(1) The Minister of Agriculture and Fisheries may by order direct that any land which, at the time when the order comes into force, is agricultural land shall not thereafter be used otherwise than as agricultural land except with permis-

[*] New Regulation inserted by S.R. & O. 1940 No. 1134.]
[*] New Regulation inserted by S.R. & O. 1940 No. 1326.]
[*] Regulation cancelled by S.R. & O. 1940 No. 1127.]

Archive Hellenique



Part IV—cont.

sion granted by or on behalf of the Minister; and an order under this Regulation may be made so as to apply either generally or to any particular area:

Provided that nothing in an order under this paragraph shall restrict the use of any land on behalf of His Majesty.

(1A) If, without reasonable excuse, any person trespasses on any agricultural land in the United Kingdom on which there is growing any crop other than grass and thereby damages the crop or any part thereof, that person shall be guilty of an offence against this Regulation and liable on summary conviction to a fine not exceeding fifty pounds.

(2) If, without reasonable excuse, any person trespasses on any other agricultural land in the United Kingdom of any description specified in an order of the Minister of Agriculture and Fisheries for the time being in force, that person shall, subject as hereinafter provided, be guilty of an offence against this Regulation and liable on summary conviction to a fine not exceeding fifty pounds:

Provided that no person shall be liable to any penalty under this paragraph unless it is proved that, at the material time, notices warning trespassers of their liability under this paragraph were posted on or near the boundary of the land in question, so as to be easily seen and read by members of the public.

(3) This Regulation shall, in its application to Scotland and to Northern Ireland, have effect as if for the references to the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.

Control of cultivation, and termination of agricultural tenancies.

[*] **62.**—(1) The Minister of Agriculture and Fisheries may give such directions with respect to the cultivation, management or use of agricultural land as he thinks necessary or expedient for the purpose of increasing or maintaining the production in the United Kingdom of articles essential to the life of the community, and such directions may be given either—

(a) by order relating to all agricultural land or to agricultural land of any class or description specified in the order; or

(b) by notice relating to the agricultural land specified therein served upon the person by whom the directions are to be complied with.

This paragraph shall apply in relation to any land ..... which is not agricultural land but which—

(i) is occupied together with a house as a park; or

(ii) is kept or preserved mainly or exclusively for purposes of sport or recreation; or

(iii) is used as a race course;

as it applies in relation to agricultural land.

[*] Regulation amended: see S.R. & O. 1939 (No. 1460) I, p. 807; S.R. & O. 1940 Nos. 363, 1016, 1213 and 1692.]



Part IV—cont.

(1A) If the Minister is satisfied that any directions given under the last foregoing paragraph have been contravened or not complied with by a tenant of any agricultural land then (without prejudice to any proceedings in respect of the contravention or failure) the Minister may by notice served on the tenant and on the landlord terminate the tenancy on such date as may be specified in the notice.

(2) If, with respect to any land which is an agricultural holding, it appears at any time to the Minister of Agriculture and Fisheries that the tenant of the holding is not cultivating it according to the rules of good husbandry, the Minister may, by notice in writing served on the tenant and on the landlord, terminate the tenancy on such date as may be specified in the notice.

The power conferred on the Minister of Agriculture and Fisheries by this paragraph shall be in addition to, and not in derogation of, the powers conferred on him by paragraph (1A) of this Regulation.

(3) For the avoidance of doubt it is hereby declared that the termination of a tenancy of any agricultural holding by reason of a notice given under this Regulation is to be treated as the termination of the tenancy for the purposes of the Agricultural Holdings Act, 1923 (without any implication, however, that the notice is to be treated as a notice to quit, or notice to terminate the tenancy, given by the landlord), and that the provisions of the said Act which determine the respective rights of the landlord and the tenant of such a holding upon the termination of the tenancy of the holding, or upon the quitting thereof by the tenant (except the provisions of sections twelve to fourteen of the said Act) apply accordingly. 13 & 14 Geo. 5. c. 5.

(3A) Where by virtue of this Part of these Regulations the Minister of Agriculture and Fisheries or any person acting under his authority is in possession of any agricultural land the Minister, or the person so acting, as the case may be, may from time to time make contracts for the occupation of the land by any person while possession is retained under these Regulations; and any contract made under the power conferred by this paragraph may incorporate with or without modifications any of the provisions of the Agricultural Holdings Act, 1923, and the person who by virtue of the contract becomes the occupier of the land shall be deemed to be the tenant of the other party thereto.

(4) Where, by virtue of this Part of these Regulations, possession of any agricultural land is taken by any person, sections one to eight of the Agricultural Holdings Act, 1923, shall apply in relation thereto as if—

(a) at the beginning of the period for which possession of the land is retained by virtue of this Part of these

Argentina



Part IV—cont.

Regulations, the said person had become entitled to possession thereof as a tenant under a contract of tenancy made at the beginning of that period for the duration thereof, and

(*b*) the end of that period were the termination of the tenancy.

(5) In this Regulation the expression "agricultural holding" means a holding as defined by section fifty-seven of the Agricultural Holdings Act, 1923, and the expression "rules of good husbandry" has the meaning assigned to that expression by the said section.

(6) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

(*a*) for references to the Minister of Agriculture and Fisheries there shall be substituted references to the Secretary of State;

(*b*) for references to the Agricultural Holdings Act, 1923, and to section fifty-seven thereof, there shall be substituted respectively references to the Agricultural Holdings (Scotland) Act, 1923, and to section forty-nine thereof; and

13 & 14 Geo. 5. c. 44.

(*c*) in paragraph (4) for the words "a contract of tenancy made" there shall be substituted the words "a lease entered into".

(7) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

(*a*) for the references to the Minister of Agriculture and Fisheries there shall be substituted references to the Secretary of State; and

(*b*) paragraphs (2) to (5) shall not apply.

Power of local authority to let land for allotments.

[*]**62A.**—(1) Any local authority which is in occupation of any land may, notwithstanding anything in any Act (including a private or local Act) or any trust or covenant or restriction affecting the land,—

(*a*) adapt the land for use as allotment gardens;

(*b*) let the land for use by the tenants as allotment gardens or to any society having as its object the cultivation of vacant land for the purpose of subletting for such use.

12 & 13 Geo. 5. c. 51.

(2) In this Regulation the expression "allotment garden" has the same meaning as in the Allotments Act, 1922, and references to land in the occupation of a local authority include references to unoccupied land in the possession of which a local authority is entitled and land forming part of a park or

[*] New Regulation inserted: see S.R. & O. 1939 (No. 1156) I, p. 849.]



Part IV—cont.

open space which is under the management or control of a local authority.

(3) If any tenancy created under this Regulation is still in force when this Regulation expires it shall thereupon cease, and the tenant thereunder shall have the like rights as to compensation as he would have on the termination of his tenancy by the termination of that of his landlord.

(4) This Regulation shall, in its application to Scotland, have effect as if for the reference to the Allotments Act, 1922, there were substituted a reference to the Allotments (Scotland) Act, 1922.

12 & 13 Geo. 5. c. 51.

(5) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

(*a*) the council of a county shall not be a local authority for the purposes of this Regulation;

(*b*) any expenses incurred by a local authority for the purposes of this Regulation shall be defrayed as expenses incurred by them in the execution of the Public Health (Ireland) Act, 1878, and, in the case of the council of a rural district shall be general expenses; and

(*c*) for references to allotment gardens there shall be substituted references to allotments to be cultivated by the tenants thereof.]

Suspension of restrictions on keeping pigs, hens and rabbits.

[*]**62B.**—(1) It shall be lawful, notwithstanding any provision to the contrary in any lease or tenancy or in any covenant, contract or undertaking relating to the use to be made of any land, and notwithstanding any restriction imposed by or under any enactment, for the occupier of any land—

(*a*) to keep pigs, hens or rabbits in any place on the land; and

(*b*) to erect or place, and maintain, such buildings or structures on the land, and to make and maintain such excavations and other works on the land, as are reasonably necessary for that purpose:

Provided that nothing in this paragraph shall—

(i) authorise any pigs, hens or rabbits to be kept in such a place or in such a manner as to be prejudicial to health or a nuisance; or

(ii) affect the operation of the Diseases of Animals Acts, 1894 to 1937, or of any Regulation made under the Emergency Powers (Defence) Acts, 1939 and 1940.

(2) For the purposes of any enactment regulating the erection of new buildings or the extension of buildings by reference to the position of other buildings, no account shall be taken of any building, structure or excavation exempted by this Regulation from the operation of that enactment.

[*] New Regulation inserted by S.R. & O. 1940 No. 1616 and extended to Northern Ireland by S.R. & O. 1940 No. 1939.]

Archivo Histórico
Universidad de Buenos Aires
Argentina



Part IV—cont.

(3) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Diseases of Animals Acts, 1894 to 1937, there were substituted a reference to the Diseases of Animals Acts (Northern Ireland), 1894 to 1935.

Agistment of livestock.

[*]**22BB.**—(1) Where, by virtue of an order made under Regulation sixteen A or Regulation twenty-one of these Regulations, any livestock is removed from any land, or where the Minister of Agriculture and Fisheries thinks it necessary or expedient that any livestock should be removed from any land for the purpose of preserving the livestock or improving its condition, the said Minister may give directions—

(a) to the owner or other person in charge of the livestock, requiring him to deliver the livestock for agistment to the occupier of any other land specified in the directions; and

(b) to the occupier of that other land, requiring him to agist the livestock;

and any such directions may provide for determining the period for which and (in default of agreement) the terms on which the livestock is to be agisted, including terms conferring a lien on the agister and enabling him to sell the livestock to recover sums due to him in respect of the agistment.

(2) In the application of this Regulation to Scotland—

(a) for any reference to the Minister of Agriculture and Fisheries there shall be substituted a reference to the Secretary of State; and

(b) the expression "agist" means to take in livestock to pasture in return for a money payment, and the expressions "agister" and "agistment" shall be construed accordingly.

(3) This Regulation shall, in its application to Northern Ireland, have effect as if for references to the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.

Land drainage. 20 & 21 Geo. 5. c. 44.

[*]**22C.**—(1) The proviso to subsection (3) of section four of the Land Drainage Act, 1930 (which provides that orders confirming schemes under paragraph (b) of subsection (1) of that section, if opposed, shall be provisional only and shall not have effect until confirmed by Parliament), shall, as respects any order made during the continuance in force of this Regulation, have effect only if the result of the scheme as confirmed by the order is to include within an internal drainage district land which would otherwise not be within any internal drainage district.

[* New Regulation inserted by S.R. & O. 1940 No. 1127.]
[* New Regulation inserted by S.R. & O. 1940 No. 1134.]



Part IV—cont.

(2) So much of subsection (3) of section eighteen of the said Act as provides that an order under Part III of that Act shall, if opposed, be provisional only and have no effect until confirmed by Parliament shall, as respects any order made during the continuance in force of this Regulation, have effect only if the result of the order is to include within a drainage district land which would otherwise not be within any drainage district.

(3) The functions of a drainage board as respects the doing of any work are not to be treated as in any way limited by the fact that some other person is under an obligation, by reason of tenure, custom, prescription or otherwise, to do that work.

(4) The Fifth Schedule to the Agriculture (Miscellaneous War Provisions) Act, 1940, shall, in relation to any scheme prepared by a Catchment Board during the continuance in force of this Regulation, have effect as if for paragraphs 2 to 5 thereof there were substituted the following paragraph— 3 & 4 Geo. 6. c. 14.

"2. When the Board has prepared the scheme, they may submit it to the Minister for his approval, and he may approve it either without modification or with any modifications which he considers expedient."

(5) Expressions used in this Regulation have the same meanings as in the Land Drainage Act, 1930.

Killing of game and vermin.

[*]**23.**—(1) If it appears to the Minister of Agriculture and Fisheries that, for the purpose of preventing damage to crops, trees, pasturage, fences, banks or works, it is expedient by order to require, upon any land specified in the order, the destruction of any species of vermin or pest so specified or the killing or taking of hares or rabbits or of any land so specified, he may by order require any person having the right to carry out such destruction or killing or taking on that land to take, within such time as may be prescribed by the order, such steps as may be necessary for that purpose, including such steps, if any, as may be specified in the order; and if the Minister is satisfied that the requirements of any such order have not been complied with, the Minister may (without prejudice to any proceedings which may be taken for failure to comply with those requirements) authorise any person or any class or description of persons to enter upon the land at any time and to take such steps as the Minister may direct for the purpose of carrying out the destruction, killing or taking required by the order.

(2) If it appears to the Minister of Agriculture and Fisheries that, for the purpose of preserving crops, trees, pasturage, fences, banks or works, it is expedient by order to authorise the killing of deer upon any land specified in the order, he may by order authorise any person or any class or description of persons

[* New Regulation substituted by S.R. & O. 1940 No. 982 : for the original Regulation see S.R. & O. 1939 (No. 1178) I. p. 714.]

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina





to enter upon that land at any time and to take such steps as may be specified in the order for the purpose of killing deer.

(4) The Minister of Agriculture and Fisheries may give such directions as appear to him to be expedient with respect to the keeping of animals taken or killed in pursuance of the provisions of this Regulation and with respect to the disposal of such animals, whether for the purpose of being used as food or otherwise; and any order made under this Regulation may contain such incidental and supplementary provisions as appear to the Minister to be necessary or expedient for the purpose of the order.

(5) The foregoing provisions of this Regulation shall apply in relation to the taking, keeping or disposal of the eggs of any bird as they apply in relation to the taking, keeping or disposal of that bird.

(6) A person authorised or required to kill or take any animal in pursuance of the provisions of this Regulation shall not be required to obtain for that purpose a licence to kill game, and shall have the same power of selling any such animal in pursuance of any such authorisation or requirement as if he had such a licence, but nothing in this Regulation shall exempt any person from the provisions of the Gun Licence Act, 1870.

53 & 54 Vict. c. 57.

[*](5A) The following provisions of the Pharmacy and Poisons Act, 1933, namely—

23 & 24 Geo. 5. c. 25.

(a) the provisions of subsection (1) of section twenty-three of that Act requiring that rules under that section shall be made only after consultation with or on the recommendation of the Poisons Board; and

(b) the provisions of subsection (2) of section twenty-six of that Act requiring that, if the Secretary of State makes any such rules as aforesaid with which the said Board does not concur, he shall lay before each House of Parliament a statement of his reasons for making the rules;

shall not apply to any such rules as aforesaid which appear to the Secretary of State to be expedient for facilitating the destruction of vermin and pests for the purpose of preventing damage to crops, trees, pasturage, fences, banks or works.

(6) This Regulation shall, in its application to Scotland and to Northern Ireland, have effect as if for the references therein to the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State; and where the Secretary of State has, in pursuance of this Regulation, required or authorised any person to kill or take any animal, he may for that purpose by order authorise, subject to such conditions and restrictions as may be specified in the order, the use of poisonous gas in rabbit holes or the placing therein of substances which, by evaporation or in contact with moisture, generate

[*] New paragraph inserted by S.R. & O. 1940 No. 1253.]





poisonous gas, notwithstanding that such use or placing would otherwise be unlawful.

Provision regarding damage by deer, hares and rabbits to crops in Scotland.

[*]**32.**—(1) If it appears to the Secretary of State to be necessary or expedient so to do for the purpose of preventing damage to crops, trees, pasturage, fences, banks or works, he may by order authorise the occupiers of agricultural holdings or of woodlands in Scotland to take such action on their holdings as in his opinion may be necessary for such purposes.

Any such order may—

(a) provide for the manner in which deer or hares or rabbits killed in pursuance of the action so taken may be disposed of;

(b) authorise the killing and taking, the sale and purchase, and the possession, of any deer or hares or rabbits, at any time when the killing and taking, the sale and purchase, or the possession thereof would otherwise be unlawful;

(c) enable an occupier to such extent and subject to such conditions, as may be specified in the order, to authorise other persons to kill deer or hares or rabbits on his holding.

(2) A person authorised or directed to kill or dispose of deer or hares or rabbits in pursuance of any order under this Regulation shall not be required to obtain for such purpose a licence to kill game, and shall have the same power of selling deer or hares or rabbits killed by him or by any persons authorised by him as if he had a licence to kill game, but nothing in this Regulation shall exempt any person from the provisions of the Gun Licence Act, 1870.

(3) An order under this Regulation may authorise, subject to such conditions and restrictions as may be therein specified, the use of poisonous gas in rabbit holes or the placing therein of substances which, by evaporation or in contact with moisture, generate poisonous gas, notwithstanding that such use or placing would otherwise be unlawful.

(4) This Regulation shall extend to Scotland only.

Provisions regarding heather burning in Scotland.

[*]**33.**—(1) The tenant of any lands in Scotland may, after due notice in writing to the proprietor of such lands and to the proprietor of any woodlands adjoining such lands, or to their factors or commissioners, and with due care to prevent damage to any woodlands on or adjoining such lands or to any adjoining lands, march fences or other subjects, make muirburn or burn the heath within the boundaries of such lands at any time between sunrise and sunset during the period from the first day

[*] New Regulation inserted by S.R. & O. 1939 (No. 1484) I, p. 805.]
[*] New Regulation inserted by S.R. & O. 1940 No. 225.]

Archivo Histórico
Fundación de Investigaciones Económicas Latinoamericanas (FIEL)
Argentina



Part IV—cont.

(2) Any such order may be made so as to apply either to trees generally or to any specified description of trees, and so as to have effect either throughout the United Kingdom or in any particular area therein, may make different provision in relation to different descriptions of trees, and may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order.

(3) Any person authorised by the Minister of Supply may—

(*a*) take such steps, whether by marking or otherwise, as the Minister considers necessary for identifying any trees to which such an order as aforesaid or any licence thereunder relates; and

(*b*) if it appears to the Minister to be necessary so to do for maintaining supplies essential to the life of the community, cause any growing trees to be felled.

[1](4) The Minister of Supply may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of his functions under paragraph (3) of this Regulation to the Forestry Commissioners.

*Housing.*

Power of licensing of housing accommodation for war workers.

[1]**68A.**—(1) If, after consulting the War Agricultural Executive Committee set up by the Minister of Agriculture and Fisheries, the council of a county district are satisfied as respects the district—

(*a*) that the influx into the district of persons engaged, or to be engaged, on agricultural work is such, or is likely to be such, that additional housing accommodation must be immediately provided; and

(*b*) that there are in the district unoccupied houses which, owing to the operation of subsection (3) of section one hundred and fifty-five of the Housing Act, 1936, cannot be re-occupied but some or all of which can be put into such a condition of cleanliness and repair as to be reasonably capable of being used, as a temporary war-time measure, for housing purposes without detriment to health,

the powers conferred by the subsequent provisions of this Regulation shall be exercisable with respect to the district by that council.

26 Geo. 5. & 1 Edw. 8. c. 51.

(2) Where the powers conferred by this paragraph have become exercisable by a council, the council may, if they are satisfied, with respect to any house in the district which owing to the operation of subsection (3) of the said section

[1 New paragraph inserted by S.R. & O. 1940 No. 1001.]
[1 New Regulations inserted by S.R. & O. 1940 No. 1134.]



Part IV—cont.

one hundred and fifty-five cannot be occupied, that any necessary steps have been taken to render the house reasonably capable of being used, as a temporary war-time measure, for housing purposes without detriment to health, grant to the person who would, but for the operation of the said subsection (3), be entitled to authorise the occupation of the house, a licence authorising the occupation thereof during the continuance of the licence by such number of persons of such class as may be specified in the licence, and on such terms as to the rent and other conditions on which the house is to be occupied as may be so specified, and the house may be occupied accordingly.

(3) Any such licence may be revoked at any time by the council granting the licence, and shall in any case cease to have effect at the expiration of such period (not exceeding six months from the granting thereof) as may be specified therein.

(4) The reference in paragraph (2) of this Regulation to rent shall, in relation to an agricultural worker who is permitted to occupy the house in question by his employer, be construed as including a reference to any sum in respect of the occupation of the house which may be reckoned as payment of wages in lieu of payment in cash:

Provided that no such sum shall be reckoned as aforesaid unless it was fixed by the council with the concurrence of the Agricultural Wages Committee established under the Agricultural Wages (Regulation) Act, 1924.

14 & 15 Geo. 5. c. 37.

*Transport.*

Special provisions as to taking control of railways.

**68.**—(1) The Minister of Transport may by order take control of such railway undertakings as may be specified in the order; and an order made under this Regulation in relation to any railway undertaking shall operate as a requirement—

(*a*) that any property from time to time held by the undertakers for the purposes of the undertaking (other than currency, gold, securities or negotiable instruments) shall be placed at the disposal of the Minister in accordance with any directions which may be given by him or on his behalf while the order is in force; and

(*b*) that the undertaking shall be carried on in accordance with any directions which may be so given while the order is in force.

(2) Any reference in the preceding paragraph to a railway undertaking shall be construed as including a reference to any undertaking carried on by the person by whom the railway undertaking is carried on; and any reference in this Regulation to an undertaking shall be construed as including a reference to part of an undertaking.

Archivo Histórico
Ministerio de Relaciones Exteriores y Culto
Argentina



Part IV—cont.

[*](3) So long as the Minister is by virtue of any order made under this Regulation in control of any railway undertaking no annual review of the charges of the undertakers shall be held under section fifty-nine of the Railways Act, 1921, and no general revision or variation of the charges or fares of the undertakers shall be carried out under section thirty-five of that Act or sections twenty-nine or thirty-four of the London Passenger Transport Act, 1933.

11 & 12 Geo. 5. c. 55.

23 & 24 Geo. 5. c. 14.

Traffic on highways.

**70.**—(1) Without prejudice to any other of these Regulations, the Minister of Transport may by order provide for the regulation of traffic on highways, and, without prejudice to the generality of the power aforesaid, any such order may in particular provide—

(*a*) for determining the routes to be followed by any particular class of vehicles proceeding on highways, either generally or in such circumstances as may be determined by or in accordance with the order;

(*b*) for prohibiting or regulating the use of vehicles or any class of vehicles on highways or the use by vehicles of specified roads or classes of roads, either generally or in such circumstances as may be so specified;

and may be made so as to apply either generally or to any specified area, and may make different provision for different parts of the area to which the order applies.

(2) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Minister of Transport there were substituted a reference to [*the Ministry of Home Affairs].

Maintenance of highways.

**71.**—[*](1) If at any time the Minister of Transport is satisfied that it is expedient in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, that any highway should be repaired, he may give to any authority or person whose duty it is to maintain that highway such directions as to the repair thereof as he thinks expedient in those interests.

In this Regulation the expression "highway" includes any bridge under or over a highway and any tunnel through or over which a highway lies.

(2) If any directions given under this Regulation are not complied with by the person to whom they are given, then (without prejudice to any proceedings which may be taken in respect of the offence) the Minister of Transport may cause to be done all such work as may be necessary for securing compliance with the directions.

[* New paragraph inserted by S.R. & O. 1940 No. 963.]

[* "The Ministry of Home Affairs" substituted for "the Secretary of State" by S.R. & O. 1940 No. 1162.]

[* New paragraph substituted by S.R. & O. 1940 No. 1807.]



Part IV—cont.

(3) A local highway authority, if authorised in that behalf by the Minister of Transport, may do on his behalf any work which he is authorised to cause to be done under paragraph (2) of this Regulation.

(4) For the purposes of this Regulation in its application to Scotland the expression "local highway authority" means the county or town council responsible for the maintenance and management of the roads in the area in which is situated the highway with respect to which directions have been given under this Regulation.

(5) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

(*a*) for references to the Minister of Transport there shall be substituted references to the Secretary of State; and

(*b*) the expression "local highway authority" means a local authority by whom roads or streets are maintainable.

Control of road works in London Traffic Area.

14 & 15 Geo. 5. c. 34.

[*]**71A.**—(1) The operation of section four of the London Traffic Act, 1924 (which relates to the closing for works of streets in the London Traffic Area), shall be suspended during the continuance in force of this Regulation.

(2) No works of such a nature as will involve any substantial interference with vehicular traffic shall be commenced in the London Traffic Area—

(*a*) by a road authority, for the purposes of road maintenance or improvement; or

(*b*) by undertakers in the exercise of any powers to break up streets;

without the previous consent of the Minister of Transport:

Provided that this paragraph shall not apply to works to be carried out in cases of emergency, or to works to be carried out by undertakers for making, altering, repairing or disconnecting service connections.

(3) In this Regulation the expressions "London Traffic Area", "road authority" and "undertakers", have the same meanings respectively as in the said Act.

Maintenance of enactments relating to road vehicles and drivers thereof.

20 & 21 Geo. 5. c. 43.

24 & 25 Geo. 5. c. 50.

**72.**—(1) In any proceedings which, by virtue of subsection (1) of section four, or section seventy-seven, of the Road Traffic Act, 1930, or by virtue of subsection (1) of section thirty-one of the Road Traffic Act, 1934, may be taken in respect of the driving of any vehicle by a person not licensed for the purpose, it shall be a defence for the defendant to prove that at the material time the vehicle was being driven under an authority granted generally or specially for the purposes of this paragraph by or on behalf of the Minister of Transport.

[* New Regulation inserted: see S.R. & O. 1939 (No. 1939) I, p. 899.]

Archivo Histórico
Presidencia de Relaciones Exteriores
Canciller Honorario José A. Cabo
Argentina



Part IV—cont.

of October to the thirtieth day of April, both days inclusive, notwithstanding that he is precluded by the terms of his lease or otherwise from so doing.

(2) In the case of a deer forest more than fifteen hundred feet above sea-level, the foregoing paragraph shall have effect as if the fifteenth day of May were substituted for the thirtieth day of April.

(3) In this Regulation the expression "tenant" means a tenant for agricultural or pastoral purposes and in the case of a common grazing includes the committee appointed under the Small Landholders (Scotland) Acts, 1886 to 1931, and the expression "lease" in relation to such common grazing includes regulations made or approved by the Land Court under the said Acts.

Control of fisheries.

**64.**—(1) The Minister of Agriculture and Fisheries may, as respects any several fishery, give such directions with respect to the cultivation, management and use of the fishery as he thinks necessary or expedient for the purpose of increasing or maintaining the supply of fish in the United Kingdom.

(2) The said Minister may, so far as he thinks necessary or expedient for the purpose aforesaid, by order—

(*a*) authorise the taking of fish at any times and by any means specified in the order, and the possession, sale, purchase, or exposure or consignment for sale, of fish at any time so specified;

(*b*) prohibit or regulate the taking of fish of any description at any time specified in the order, or by any means so specified;

(*c*) authorise persons to kill or take at any time specified in the order any such birds, or the eggs of any such birds, as may be specified in the order, being birds which, in the opinion of the Minister, are injurious or likely to be injurious to fisheries, and to enter on land for that purpose;

(*d*) provide for requiring persons taking fish to make returns with respect thereto in such form and manner, at such times, and to such authority or person, as may be prescribed by or in accordance with the order.

(3) An order under this Regulation may be made so as to apply either generally or to a particular area.

(4) This Regulation shall, in its application to Scotland and to Northern Ireland, have effect as if for the references to the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.



Part IV—cont.

Suspension of fishing rights.

**65.**—(1) The Minister of Agriculture and Fisheries, so far as appears to him to be necessary or expedient for the purpose of increasing or maintaining the supply of fish in the United Kingdom, may by order vest in himself and any persons licensed by him for the purpose of this Regulation the exclusive right of taking fish in such waters as may be specified in the order; and in any waters to which such an order relates no person other than the Minister or a person so licensed shall take, kill or injure any fish.

(2) This Regulation shall, in its application to Scotland and to Northern Ireland, have effect as if for the references to the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.

Delegation of functions of Minister of Agriculture.

[*]**66.**—(1) The Minister of Agriculture and Fisheries may by order provide for delegating, to such extent and subject to such restrictions as may be specified in the order, to any person or body of persons appointed or approved by him all or any of his functions under any of the following Regulations, that is to say, Regulations sixty-one, sixty-two, sixty-two B.A, sixty-three, sixty-four and sixty-five of these Regulations; and any such order may contain such provisions as the Minister thinks proper with respect to the procedure of any body to whom functions are so delegated and with respect to other incidental and supplementary matters.

(2) This Regulation shall, in its application to Scotland and to Northern Ireland, have effect as if for references to the Minister of Agriculture and Fisheries there were substituted references to the Secretary of State.

Agricultural returns. 15 & 16 Geo. 5. c. 36.

**67.**—(1) For the purposes of the Agricultural Returns Act, 1925, agricultural land shall be deemed to include land used wholly or mainly for the purpose of breeding or keeping poultry.

(2) Notwithstanding anything in subsection (2) of section one of the Agricultural Returns Act, 1925, any returns made under that Act may be used in any manner which the Minister of Agriculture and Fisheries or the Secretary of State, as the case may be, thinks necessary or expedient in the interests of the defence of the realm or the efficient prosecution of the war, or in connection with the maintenance of the supply of food in the United Kingdom.

Felling and sale of trees.

[†]**68.**—(1) Without prejudice to his powers under any other of these Regulations, the Minister of Supply may by order provide for regulating and restricting the felling of trees, and the sale of growing trees for felling, and in particular for controlling the prices at which growing trees may be sold for felling.

[*] Regulation amended: see S.R. & O. 1940 (No. 1760) I, p. 849, and S.R. & O. 1940 (No. 1167).

[†] For transfer of functions from Board of Trade see S.R. & O. 1939 (No. 668) I, p. 811 and 1940 Nos. 292 and 364.

Universidad de Buenos Aires
Colección Digital de Leyes
Argentina



Part IV—cont.

[*](1A) In any proceedings which, by virtue of subsection (1) of section seventy-seven of the Road Traffic Act, 1930, may be taken in respect of a person not licensed to act as conductor of a public service vehicle having so acted, it shall be a defence for the defendant to prove that at the material time that person was acting under an authority granted generally or specially for the purposes of this paragraph by or on behalf of the Minister of Transport.

[*](2B) If, on an application in that behalf made to him by or on behalf of a person who is, by virtue of a conviction or order under Part I of the Road Traffic Act, 1930, or under the corresponding provisions of any enactment repealed by that Act, disqualified for holding or obtaining a licence to drive a motor vehicle granted under the said Part I, the Secretary of State considers it expedient in the interests of the defence of the realm or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community so to do, he may direct the removal of the disqualification as from such date as may be specified in the directions, and, if he so directs, he shall cause particulars of the directions to be endorsed on any such licence as aforesaid previously held by the person by or on behalf of whom the application is made.

[*](2C) During the continuance in force of this Regulation subsection (3) of section nine of the Road Traffic Act, 1930 (which prohibits persons under twenty-one years of age from driving certain heavy vehicles on roads), shall have effect as if for the proviso thereto the following proviso were substituted—

"Provided that a vehicle being an agricultural tractor shall not be deemed to be driven on a road within the meaning of this subsection while it is being so driven—

(*a*) in the course of the internal operations of a farm, or

(*b*) from one farm to another farm."

(2) If it appears to the Minister of Transport that, in the interests of the defence of the realm or the efficient prosecution of the war, it is no longer expedient to require compliance with the statutory provisions relating to the granting of public service vehicle licences or road service licences under Part IV of the Road Traffic Act, 1930, or to the granting of licences for the purposes of Part I of the Road and Rail Traffic Act, 1933, he may by order direct that in any proceedings which may be taken in respect of the use of a vehicle on any occasion in contravention of section sixty-seven or section seventy-two of the Road Traffic Act, 1930, or section one of the Road and Rail Traffic Act, 1933, as the case may be, it shall be a defence

11 & 12 Geo. 5. c. 59.

[* New paragraph inserted by S.R. & O. 1940 No. 1084.]
[* New paragraph inserted by S.R. & O. 1940 No. 1318.]
[* New paragraph numbered (1A) inserted by S.R. & O. 1940 No. 384; re-numbered (1C) by S.R. & O. 1940 No. 1318.]



Part IV—cont.

to prove that the vehicle was on that occasion being used under an authority granted generally or specially for the purposes of this paragraph by or on behalf of the Minister of Transport.

[*Where such an authority as aforesaid is granted in respect of a person who, if it had not been granted, would be required to be the holder of a road service licence granted under section seventy-two of the Road Traffic Act, 1930, subsections (1) and (2) of section ninety-three of that Act (which relates to wages and conditions of employment) shall apply in relation to that person as they apply in relation to the holder of such a licence.]

(3) The operation of subsection (3) of section sixty-two of the Road Traffic Act, 1930, as amended by section twenty-seven of the Road and Rail Traffic Act, 1933 (which subsection provides that an order under the said section sixty-two for varying the number or limits of traffic areas shall be of no effect unless and until it has been approved by a resolution of each House of Parliament) shall be suspended during the continuance in force of this Regulation.

(4) The Minister of Transport may by order direct that section nineteen of the Road Traffic Act, 1930, as amended by section thirty-one of the Road and Rail Traffic Act, 1933, shall not apply in relation to the driving of motor vehicles used for the purposes of any such work as may be specified in the order, being work which appears to the said Minister to be essential for the defence of the realm or the efficient prosecution of the war or to be essential to the life of the community; and any such order may be made so as to apply either to all motor vehicles so used or to any specified class of motor vehicles so used, and may, in relation to drivers of vehicles to which the order applies, impose such restrictions and obligations with respect to hours of work and hours for rest as the Minister thinks proper.

[*The Minister of Transport may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of his functions under this paragraph to any specified persons or class of persons.]

(5) Nothing in section thirteen of the Finance Act, 1930, or in section five of the Roads Act, 1920, shall apply in relation to any vehicle being used for the purposes of His Majesty's service or any services designated for the purposes of this paragraph by the Minister of Transport, being services which appear to him to be essential for the defence of the realm or the efficient prosecution of the war or to be essential to the life of the community, if and so long as there is exhibited on the vehicle, in accordance with directions given by the said Minister,

20 & 21 Geo. 5. c. 28.
10 & 11 Geo. 5. c. 32.

[* Words in brackets inserted by S.R. & O. 1940 No. 1217.]

Archivo Histórico
Argentina



Part IV—cont.

a certificate that the vehicle is being so used in a case of emergency.

(6) This Regulation shall not extend to Northern Ireland.

Modification of enactments of Parliament of Northern Ireland relating to road vehicles and drivers thereof.

73.—(1) In any proceedings which, by virtue of subsection (1) of section three or subsection (1) of section twelve of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926 (in this Regulation referred to as "the Act of 1926"), are taken in respect of the driving of any vehicle by a person not licensed for the purpose, it shall be a defence for the defendant to prove that at the material time the vehicle was being driven under an authority granted generally or specially for the purposes of this paragraph by or on behalf of the Secretary of State.

[(1A) In any proceedings which, by virtue of subsection (1) or subsection (2) of section twelve of the Act of 1926, may be taken in respect of a person not licensed to act as conductor of a public service vehicle having so acted, it shall be a defence for the defendant to prove that at the material time that person was acting under an authority granted generally or specially for the purposes of this paragraph by or on behalf of the Secretary of State.

(2) If it appears to the Secretary of State that, in the interests of the defence of the realm or the efficient prosecution of the war, it is no longer expedient to require compliance with the statutory provisions relating to the granting of public service vehicle licences under Part II of the Act of 1926, or to the granting of licences for the purposes of Part III of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, he may by order direct that in any proceedings which may be taken in respect of the use of a vehicle on any occasion in contravention of section eleven of the Act of 1926 [as amended by section six of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1929, or section twenty-four of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, as the case may be] it shall be a defence to prove that the vehicle was on that occasion being used under an authority granted generally or specially for the purposes of this paragraph by or on behalf of the Secretary of State.

(3) The Secretary of State may by order direct that section fourteen of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, shall not apply in relation to the driving of motor vehicles used for the purposes of any such work as may be specified in the order, being work which appears to the Secretary of State to be essential for the defence of the realm or the efficient prosecution of the war or to be essential to the life of the community; and any such order may be made so as to apply either to all motor vehicles so used or to any specified class of

[1 New paragraph inserted by S.R. & O. 1940 No. 169.]



Part IV—cont.

motor vehicles so used, and may, in relation to drivers of vehicles to which the order applies, impose such restrictions and obligations with respect to hours of work and hours for rest as the Secretary of State thinks proper.

[The Secretary of State may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of his functions under this paragraph to any specified persons or class of persons.]

(4) Nothing in section thirteen of the Finance Act, 1920, or in section five of the Roads Act, 1920, shall apply in relation to any vehicle being used for the purposes of His Majesty's service or any services designated for the purposes of this paragraph by the Secretary of State, being services which appear to him to be essential for the defence of the realm or the efficient prosecution of the war or to be essential to the life of the community, if and so long as there is exhibited on the vehicle, in accordance with directions given by the Secretary of State, a certificate that the vehicle is being so used in a case of emergency.

(5) This Regulation shall extend to Northern Ireland only.

Control of traffic at ports.

74.—(1) Without prejudice to any navigation order, a competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may make provision by order—

(a) for prohibiting or restricting the shipping or unshipping of articles or persons, or any specified class of articles or persons, at any port in the United Kingdom;

(b) generally for regulating, facilitating or expediting the traffic at any such port;

and an order under this Regulation may contain such incidental and supplementary provisions as appear to the competent authority to be necessary or expedient for the purposes of the order.

(2) The reference in the preceding provisions of this Regulation to shipping or unshipping shall be construed as including a reference to embarking on or putting on board of seaplanes or disembarking or unloading from seaplanes.

(3) For the purposes of this Regulation, the competent authorities shall be the Board of Trade, [the Minister of Shipping] and the Minister of Transport.

(4) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Minister of Transport there were substituted a reference to the Secretary of State.

[2 Words in brackets inserted by S.R. & O. 1940 No. 1161.]
[3 Words in brackets inserted: see S.R. & O. 1939 (No. 1940) I, p. 808.]

Archivo Histórico
Universidad de Buenos Aires
Colección de Leyes y Cartas
Argentina



Part IV—cont.

Congestion of traffic at ports and on railways.

**75.**—(1) Any person authorised by a competent authority to act under this Regulation may, if it appears to him to be necessary so to do for the purpose of preventing or avoiding any undue congestion of traffic at any port or railway premises, cause to be removed from the port or premises, and to be kept at such place in the United Kingdom as he thinks proper, any goods at the port or on the premises which are not removed therefrom with reasonable dispatch by or on behalf of the consignee.

(2) For the purposes of this Regulation, the competent authorities shall be the Board of Trade, ['the Minister of Shipping'] and the Minister of Transport.

(3) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Minister of Transport there were substituted a reference to the Secretary of State.

Handling and conveyance of ammunition, &c., in ports.

**76.**—(1) The Minister of Transport may by order make such provision as appears to him to be required in the interests of safety for regulating the shipping, unshipping, handling, storage and conveyance of ammunition, explosives and inflammable substances in the area of any harbour authority in the United Kingdom; and an order under this paragraph may abrogate or modify any restriction imposed by or under any Act in relation to the shipping, unshipping, handling, storage or conveyance of ammunition, explosives or inflammable substances in any such area.

Any such order as aforesaid may be made so as to apply either to the areas of all harbour authorities in the United Kingdom or to the area of any particular harbour authority therein.

(2) Nothing in any restriction imposed by or under any Act in relation to the area of any harbour authority in the United Kingdom shall apply—

(*a*) to the shipping, unshipping, handling, storage or conveyance in the service of His Majesty or under instructions given on behalf of His Majesty of ammunition, explosives or inflammable substances, or

(*b*) to the conveyance of ammunition, explosives or inflammable substances in any vessel for purposes of defence.

(3) Any reference in this Regulation to shipping or to unshipping shall be construed as including a reference to putting on board of seaplanes or to unloading from seaplanes, as the case may be.

[Words in brackets inserted] see S.R. & O. 1939 (No. 1300) I, p. 808.]



Part IV—cont.

(4) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Minister of Transport there were substituted a reference to the Secretary of State.

*Supplementary Provisions.*

Inquiries.

**77.**—(1) A competent authority, if it considers it desirable for the exercise of any of its powers under this Part of these Regulations that an inquiry should be held into any particular matter, may direct the holding of an inquiry into that matter by such person and at such place as the authority may determine.

(2) For the purposes of any inquiry held in pursuance of this Regulation, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this Regulation, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of such an inquiry, shall be guilty of an offence against this Regulation.

Institution of proceedings under Part IV.

**78.**—(1) Notwithstanding any restriction imposed by any of the following Regulations, a prosecution in respect of an offence against any Regulation contained in this Part of these Regulations may be instituted by or on behalf of a competent authority for the purposes of that Regulation or by any such authority or person as may be specified by an order of a competent authority for the purposes of that Regulation.

(2) In relation to any Regulation contained in this Part of these Regulations which specifically entrusts functions under the Regulation to a Secretary of State or other Minister or to the Admiralty or the Board of Trade, paragraph (1) of this Regulation shall have effect as if in that paragraph for the words "a competent authority for the purposes of that Regulation," in such place where those words occur, there were substituted a reference to that Secretary of State or other Minister or to the Admiralty or the Board of Trade, as the case may be.

(3) This Regulation shall not extend to Scotland.

Archivo Histórico
Argentina



## PART V.

### General and Supplementary Provisions.

*General Provisions.*

Derelict articles.

[1]**79.**—(1) Whenever any person finds an article as to which he has reasonable cause to believe that it has been lost or abandoned, and that, immediately before being lost or abandoned, it was used or intended to be used for the purposes of an armed force or was in the possession of a person who had it with him while serving with an armed force, the person finding the article—

(*a*) shall forthwith report the nature and situation thereof, or, if the article is a document, cause it to be delivered, to a member of His Majesty's forces being on duty or to a constable at a police station, and

(*b*) save as aforesaid, shall not remove or tamper with the article except with permission granted by or on behalf of a Secretary of State or the Admiralty:

Provided that a Secretary of State or the Admiralty may by order direct that the obligations and restrictions imposed by this Regulation shall not apply in relation to any such description of articles as may be specified in the order or determined by such authority or person as may be so specified.

(2) In relation to the finding by a person of such an article as aforesaid outside the United Kingdom, paragraph (1) of this Regulation shall have effect as if for the requirement contained in sub-paragraph (*a*) of that paragraph there were substituted a requirement that the said person shall forthwith take such steps as are reasonably practicable to secure that the nature and situation of the article are reported, or, if the article is a document, that it is delivered as soon as may be to some person in His Majesty's service.

Exclusion of Fatal Accidents Inquiry (Scotland) Act, 1895, in certain cases.

[2]**79A.** Where any person in His Majesty's service or engaged in the performance of essential services would, in the opinion of the Lord Advocate, be an essential witness at any public inquiry regarding a death to which the Fatal Accidents Inquiry (Scotland) Act, 1895, applies, it shall not be necessary to hold such an inquiry unless the Lord Advocate thinks it expedient in the public interest and directs accordingly.

Sittings of sheriff courts in vacation. 7 Edw. 7. c. 35.

[3]**79AA.** Notwithstanding anything in sections twenty-five and twenty-six of the Sheriff Courts (Scotland) Act, 1907, (which prescribe the sessions and vacations of the sheriff courts and provide for the fixing of court days in vacation), there shall,

[1] New Regulation inserted (as S.R. & O. 1939 [No. 1681] I. p. 811.)
[2] New Regulation inserted by S.R. & O. 1940 No. 928.]
[3] New Regulation inserted by S.R. & O. 1940 No. 1328.]





during the continuance in force of this Regulation, be held in each sheriffdom in vacation as in session, and in accordance with any directions that may be issued by the sheriff, such courts as may be necessary for the despatch of civil and criminal business.

Power to slaughter dangerous and injured animals in the event of hostile attack.

[1]**79B.**—(1) In the event of the occurrence of hostile attack in the vicinity, any constable may—

(*a*) with a view to securing the public safety or maintaining public order, slaughter any animal which appears to him to be—

(i) at large or out of control; and

(ii) dangerous or seriously injured;

(*b*) with a view to preventing the wastage of food suitable for human consumption, slaughter any animal which appears to him to be seriously injured:

Provided that the power conferred by sub-paragraph (*b*) of this paragraph shall not be exercised, if the owner of the animal is present and objects.

(2) A chief officer of police, if he considers it necessary or expedient so to do for the purpose of—

(*a*) securing the public safety or maintaining public order; or

(*b*) preventing the wastage of food suitable for human consumption,

in the event of hostile attack, may authorise in writing any person being a duly registered veterinary surgeon or an officer of an approved organisation to exercise the powers conferred on a constable by the foregoing paragraph.

(3) The power to slaughter an animal conferred by or under this Regulation shall include power—

(*a*) to cause or procure the animal to be slaughtered by some other person;

(*b*) to enter, and to authorise any such other person to enter, upon any land for the purpose of the slaughter; and

(*c*) to remove and dispose of the carcase, or cause it to be removed and disposed of:

Provided that—

(i) except where an animal is slaughtered in a place to which the public have access, the power to remove

[1] New Regulation inserted by S.R. & O. 1940 No. 1134.]

Archivo Histórico
Biblioteca de Relaciones Exteriores
Canciller Mariscal José A. Pitte
Argentina



Part V—cont.

the carcase shall not be exercised if the owner is present and objects; and

(*b*) any person exercising the power to dispose of a carcase shall comply with such directions (if any) as may be given to him by the chief officer of police.

(4) In this Regulation the expression "approved organisation" means any organisation formed for the promotion of the welfare of animals and for the time being approved for the purpose of this Regulation by the Minister of Home Security.

(5) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to the Minister of Home Security there were substituted a reference to the Secretary of State.

Amendment of Geneva Convention Acts.

[*]**80.** The Geneva Convention Acts, 1911 and 1937 (which contain provisions prohibiting the use of the Red Cross or initiations thereof without the authority of the Army Council or the Board of Trade, as the case may be), shall, in the operation of those Acts as part of the law of the United Kingdom, have effect subject to the following modifications, that is to say:—

1 & 2 Geo. 5. c. 22.

(*a*) in subsection (1) of section one of the said Act of 1911, for the words "to a fine not exceeding ten pounds, and" there shall be substituted the words "to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, and also"; and in subsection (2) of section one of the said Act of 1937, for the words "to a fine not exceeding ten pounds and" there shall be substituted the words "in a case where the offence is in respect of the use of any design or words referred to in paragraph (*c*) of that subsection, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, or, in any other case, to a fine not exceeding ten pounds, and also, in any case,";

1 Edw. 7. & 1 Geo. 5. c. 53.

(*b*) subsection (4) of section one of the said Act of 1911 (which requires the consent of the Attorney General to the taking of proceedings under that Act in England or Northern Ireland) shall, in relation to proceedings in England, have effect as if the references in that subsection to the Attorney General included a reference to the Director of Public Prosecutions; and

[*] New Regulation inserted: see S.R. & O. 1939 (No. 1681) I. p. 611.



Part V—cont.

(*c*) subsection (5) of section one of the said Act of 1937 shall, in relation to proceedings under that section which may be taken in England by reason of the use of any design or words referred to in paragraph (*c*) of subsection (1) of that section, have effect as if the reference in the said subsection (5) to the Attorney-General included a reference to the Director of Public Prosecutions.

Power to obtain information.

[*]**80A.**—(1) Without prejudice to any special provisions contained in these Regulations, any person shall, on being requested by or on behalf of a Secretary of State, the Admiralty or the Postmaster General so to do, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the authority or person making the request considers it necessary or expedient in the interests of the public safety, the defence of the realm or the efficient prosecution of the war to obtain or examine.

(2) A prosecution in respect of an offence against this Regulation shall not be instituted except by, or with the consent of, the Director of Public Prosecutions:

Provided that this paragraph shall not extend to Scotland.

Affixing of notices.

**81.** Any constable, and any person acting on behalf of His Majesty or a local authority, may, for any purpose connected with the defence of the realm, the prosecution of the war, the securing of the public safety, or the maintenance of supplies and services essential to the life of the community, affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may, for the purpose of exercising any power conferred by the preceding provisions of this Regulation, enter any premises at any time; and where any constable or person acting on behalf of His Majesty or a local authority affixes a notice, or causes a notice to be displayed, in pursuance of this Regulation, no person other than a constable, a person acting on behalf of His Majesty or a person acting on behalf of that local authority, as the case may be, shall remove, alter, deface or obliterate the notice.

Commission in connection with government contracts.

[*]**81A.**—(1) No person shall, with intent to obtain commission for himself or for any other person, make any representation calculated to lead to the belief that he or any other person is, or may be, able to bring influence to bear, in connection with any contract with His Majesty or any government department,

[*] New Regulation inserted: see S.R. & O. 1939 (No. 1681) I. p. 611; amended by S.R. & O. 1940 Nos. 226 and 828.]

[*] New Regulation inserted by S.R. & O. 1940 No. 383.]

Archivo Histórico
Universidad de Buenos Aires
Colección Enrique Udaondo y Folio
Argentina



Part V—cont.

or in connection with the execution of any work or the supply of any goods, upon any person acting in the service, or on behalf, of His Majesty or any government department.

(2) Subject as hereinafter provided, no person shall, with intent to obtain commission for himself or for any other person, make any representation calculated to lead to the belief that he or any other person is, or may be, able to procure, or assist in procuring, any contract with His Majesty or any government department:

Provided that this paragraph shall not apply to any representation made with respect to any such contract by an agent to his principal, after the principal has, by letter addressed to the Under-Secretary of State or Secretary of the government department by which the contract is to be negotiated, notified that the agent is the principal's accredited agent for the negotiation of contracts on his behalf.

(3) No person shall enter into any contract with His Majesty or any government department in connection with which commission has been paid or agreed to be paid by him, or on his behalf, or to his knowledge, unless before the contract is made, particulars of any such commission and of the terms and conditions of any agreement for the payment thereof have been disclosed in writing to a prescribed officer:

Provided that if a contract is entered into in contravention of this paragraph the contract shall not be void by reason only of the contravention, but His Majesty or the government department shall, without prejudice to any proceedings for an offence against this Regulation, have, in relation to the contract and in relation to any person to or by whom any undisclosed commission was paid or agreed to be paid in connection therewith, the same rights and the same remedies by way of civil proceedings as if that commission had been a secret commission paid or agreed to be paid to an agent of His Majesty or of that department and as if the person to whom it was paid or agreed to be paid had been such an agent.

(4) In the event of a contravention of the provisions of the last foregoing paragraph, then, without prejudice to any other proceedings in respect of the contravention, any person who pays or receives any commission with respect to which the contravention occurred, knowing or having reasonable cause to believe that the said provisions were not complied with, shall be guilty of an offence against this Regulation.

(5) In this Regulation, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" commission " includes any valuable consideration in the nature of a commission (whether computed on a percentage basis or otherwise) and the expressions " pay " and " payment " shall be construed accordingly;

" prescribed officer " means, in relation to any contract or proposed contract, such officer as may be designated in that behalf under the hand of the Minister of the Crown having charge of the government department by which the contract is or was negotiated, or under the hand of an officer of the department authorised in that behalf by him.



Part V—cont.

False documents and false statements.

[*]**32.**—(1) If, with intent to deceive, any person—

(*a*) forges or uses, or lends to or allows to be used by any other person, any document issued for the purposes of any of these Regulations or of any order, rule or byelaw made under any of these Regulations; or

(*b*) makes or has in his possession any document so closely resembling such a document as aforesaid as to be calculated to deceive; or

(*c*) produces, furnishes, sends or otherwise makes use of, for the purposes aforesaid, any book, account, estimate, return, declaration or other document which is false in a material particular;

he shall be guilty of an offence against that Regulation.

(2) If, in furnishing any information for the purposes of any of these Regulations or of any order, rule or byelaw made under any of these Regulations, any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence against that Regulation.

(3) In this Regulation the expression " forges " has, in the application thereof to England and Northern Ireland, the same meaning as in the Forgery Act, 1913.

3 & 4 Geo. 5. c. 27.

Obstruction.

**33.** No person shall wilfully obstruct any servant of His Majesty acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these Regulations, or otherwise discharging any lawful functions in connection with the defence of the realm or the securing of the public safety.

Restrictions on disclosing information.

**34.** No person who obtains any information by virtue of these Regulations shall, otherwise than in connection with the execution of these Regulations or of an order, rule or byelaw made under these Regulations, disclose that information except with permission granted by, or on behalf of, a Minister of the Crown.

[*] New Regulation substituted by S.R. & O. 1940 No. 1091.

Archivo Legislativo
Argentina



Part V—cont. Power to enable Regional Commissioners to make byelaws.

[*]**84A.**—(1) If it appears to the Minister of Home Security (hereafter in this Regulation referred to as "the Minister") that, by reason of military operations or other special circumstances affecting any region, it is necessary or expedient to enable byelaws to be made for that region or for any part thereof, the Minister may by order empower the Regional Commissioner to make for that region or for any part thereof specified in the order, byelaws for any of the purposes for which Defence Regulations are authorised by the Emergency Powers (Defence) Acts, 1939 and 1940, to be made, but, save as otherwise expressly provided in this Regulation, no byelaw made by a Regional Commissioner shall come into force until it has been approved by the Minister:

Provided that no byelaw rendering any offence punishable by death shall be made by a Regional Commissioner.

(2) If a Regional Commissioner having power under this Regulation to make byelaws certifies that it is essential that any byelaw made by him should come into force immediately, but that owing to the interruption of communications it is, for the time being, impracticable to apply for or obtain the approval of the Minister, the byelaw shall, notwithstanding anything contained in paragraph (1) of this Regulation, come into force without being approved by the Minister and continue in force so long as the certificate has effect:

Provided that—

(a) as soon as may be after issuing any certificate under this paragraph, the Regional Commissioner by whom it is issued shall send to the Minister a copy thereof and of the byelaw to which it relates, and the Minister may either approve the byelaw or direct that it and the certificate relating thereto shall cease to have effect;

(b) any certificate issued under this paragraph shall cease to have effect upon the expiration of a period of forty days from the issue of the certificate, but without prejudice to the issue of further certificates in respect of the same byelaw, so long as it continues to be impracticable to apply for or obtain the approval of the Minister.

(3) Any byelaws made under this Regulation may contain such incidental and supplementary provisions as appear to the Regional Commissioner to be necessary or expedient for the purposes of the byelaws.

(4) Any byelaw in force under this Regulation shall have effect notwithstanding anything inconsistent therewith contained

[*] New Regulation inserted S.R. & O. 1940 No. 1278.]



Part V—cont.

in any Defence Regulation or in any instrument having effect by virtue of a Defence Regulation.

(5) Nothing in section three of the Rules Publication Act, 1893, shall apply to any byelaws made by a Regional Commissioner under this Regulation; but the Regional Commissioner by whom any such byelaws are made shall cause notice of the effect of the byelaws to be given as soon as may be in such manner as he thinks necessary for bringing them to the notice of persons who, in the opinion of the Regional Commissioner, ought to have notice thereof.

(6) This Regulation shall not extend to Northern Ireland.

*Administrative Provisions.*

Entry upon and inspection of land.

[*]**83.**—(1) Any person authorised by a competent authority to act under this Regulation, and, subject to any instructions given by the Admiralty, the Army Council or the Air Council, as the case may be, any member of His Majesty's forces acting in the course of his duty as such,—

(a) may enter on any land for the purpose of exercising any of the powers conferred by or under any of these Regulations;

(b) may enter on any land and inspect the land and any article thereon for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to the land or that article; and

(c) may, for any purpose connected with the defence of the realm, the prosecution of the war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

(2) A competent authority may, to such extent and subject to such restrictions as it thinks proper, delegate its functions under paragraph (1) of this Regulation to any specified persons or class of persons.

(3) In this Regulation the expression "competent authority" means a competent authority for the purposes of Part IV of these Regulations.

Removal of offices, &c.

**85.**—(1) Where, by any enactment, any office, registry, record or other thing is required to be or to be kept in, or any act is required to be done at, or any document is required to be sent to, any specified place, the com-

[*] Regulation amended: see S.R. & O. 1939 (No. 1168) I, p. 808 and S.R. & O. 1940 No. 362.]

Archivo Histórico
Argentina



Part V—cont.

petent authority, if it appears to that authority to be necessary or expedient for the defence of the realm or the efficient prosecution of the war so to do, may by order provide for the removal of that office, registry, record or other thing to, or the keeping thereof in, or the doing of that act at, or the sending of that document to, such place as may be specified in the order, and make any such adaptations and modifications of any enactment as appear to the said authority to be desirable for the purposes of the order.

(2) References in this Regulation to any enactment shall be construed as including references to any proclamation, Order in Council, order, rule, regulation or byelaw made in pursuance of any Act; and in this Regulation the expression "the competent authority" means the Treasury or such authority as the Treasury may designate for the purposes of this Regulation.

Permits, licences, &c.

**87.**—(1) Any person claiming to be the holder of any permit, licence, certificate or written permission granted or issued for the purposes of any of these Regulations shall, on demand made in that behalf by any constable or by any person acting on behalf of His Majesty, produce the permit, licence, certificate or permission, as the case may be, to the person making the demand.

[*Paragraph* (2) *revoked by S.R. & O.* 1940, *No.* 290.]

(3) Any permit, licence or permission granted for the purposes of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

Fees for permits, licences, &c.

**88.**—(1) There may be charged in respect of the grant, renewal or issue of any permit, licence, certificate or other document for the purposes of any of these Regulations, such fee, not exceeding five pounds, as the Secretary of State or other Minister concerned with the administration of the Regulation may, with the approval of the Treasury, by order determine.

(2) The reference in paragraph (1) of this Regulation to a Minister shall be construed as including a reference to the Admiralty and to the Board of Trade.

Entry and search of premises, etc., to obtain evidence of offences.

[*] **88A.**—(1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that any of the offences specified in the Second Schedule to these Regulations or any act prejudicial to the public safety or the defence of the realm, has been or is being committed and that evidence of the commission of the offence or act is to be found at any premises specified in the information, or in any vehicle vessel or aircraft so specified, he may grant a search warrant

[* New Regulation substituted by S.R. & O. 1940 No. 448 and amended by S.R. & O. 1940 No. 1131; for the Regulation originally inserted see S.R. & O. 1939 (No. 1684) I, p. 811.]



Part V—cont.

authorising any constable or any member of His Majesty's forces, together with any other persons named in the warrant and any other constables or members of His Majesty's forces, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle vessel or aircraft so specified may be, at any time within one month from the date of the warrant, and to search the premises, or, as the case may be, the vehicle vessel or aircraft.

(2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle vessel or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle vessel or aircraft, as the case may be, and may seize any article found in the premises or in the vehicle vessel or aircraft which he has reasonable ground for believing to be evidence of the commission of any such offence or act as aforesaid.

(3) If an officer of police of a rank not lower than that of superintendent, or any person authorised by the Secretary of State to act under this paragraph, has reasonable ground for suspecting that any of the offences specified in the Second Schedule to these Regulations, or any act prejudicial to the public safety or the defence of the realm, has been or is being committed, and that evidence of the commission of the offence or act is to be found at any premises or in any vehicle vessel or aircraft, and is satisfied that it is expedient in the interests of the State that the premises vehicle vessel or aircraft should be searched for the purpose of obtaining that evidence, but that by reason of urgency or other good cause it is impracticable to apply for a warrant under the foregoing provisions of this Regulation, the said officer or person may, by a written order under his hand, confer the like power of search or seizure in relation to the premises vehicle vessel or aircraft as might be conferred under paragraph (1) of this Regulation by the warrant of a justice of the peace.

(4) No female shall, in pursuance of any warrant issued or order made under this Regulation, be searched except by a female.

(5) If upon the search of any premises vehicle vessel or aircraft in pursuance of powers conferred under this Regulation anything is found which appears to the person by whom the search was made to be evidence of the commission by any person of an act prejudicial to the public safety or the defence of the realm he may, if he considers it necessary so to do in order to prevent the commission of any further such act, detain that person pending inquiries.

(6) No person shall be detained under the powers of detention conferred by this Regulation for a period exceeding twenty-four

Archivo Histórico
Argentina



Part V—cont.

hours except with the authority of an officer of police of a rank not lower than that of inspector or, subject as hereinafter provided, for a period exceeding forty-eight hours in all:

Provided that if such an officer of police as aforesaid is satisfied that the necessary inquiries cannot be completed within the period of forty-eight hours, a chief officer of police may authorise the further detention of the person detained for an additional period not exceeding seven days but shall, on giving any such authorisation, forthwith report the circumstances to the Secretary of State.

(7) Any person detained under the powers conferred by this Regulation shall be deemed to be in lawful custody and may be detained in any prison or in any police station or other similar place authorised by the Secretary of State.

(7A). The Secretary of State may give directions—

(a) for authorising or requiring chief officers of police to make reports required to be made by virtue of paragraph (6) of this Regulation to a Regional Commissioner instead of to the Secretary of State;

(b) for providing that persons detained under the powers conferred by this Regulation may be detained in places authorised by Regional Commissioners.

(8) The operation of section nine of the Official Secrets Act, 1911, shall be suspended during the continuance in force of this Regulation.

(9) Paragraph (7A) of this Regulation shall not extend to Northern Ireland.

Power to stop and search vehicles and vessels.

[*]**88B.**—(1) The person driving, or in control of, any road vehicle in motion or any vessel in motion on water to which the public have access or on any inland navigation shall stop the vehicle or vessel on being required so to do by any constable in uniform or by any member of His Majesty's forces being in uniform and on duty.

(2) If—

(a) as respects any road vehicle being on a public highway or in a place to which the public have access, or

(aa) as respects any vessel being on water to which the public have access or on any inland navigation, or

(b) upon the overtaking of a road vehicle or vessel on any occasion on which the person driving, or in control of, the vehicle or vessel has been lawfully required to stop it but has failed to do so,

any constable or member of His Majesty's forces has reasonable ground for suspecting that there is to be found in the vehicle

[*] New Regulation inserted: see S.R. & O. 1939 (No. 1681) I, p. 811; amended by S.R. & O. 1940 Nos. 384 and 1318.]



Part V—cont.

or vessel evidence of the commission of any of the offences specified in the Second Schedule to these Regulations, he may search the vehicle or vessel and may seize any article found therein which he has reasonable ground for believing to be evidence of the commission of any of these offences.

The powers conferred by this paragraph shall be in addition to, and not in derogation of, any of the powers conferred by the last preceding Regulation.

[*Paragraph* (3) *revoked by S.R. & O. 1940, No. 898, Art. 14.*]

Power to arrest without warrant.

[*]**88C.**—(1) Any constable and any person authorised by the Secretary of State to act under this Regulation may arrest without warrant any person whom he has reasonable ground for suspecting to have committed any of the offences specified in the Second Schedule to these Regulations.

(2) Any member of His Majesty's forces shall, for the purposes of carrying out his duty as such, have the like powers as are conferred upon constables by the preceding provisions of this Regulation.

(3) The operation of section six of the Official Secrets Act, 1911, shall be suspended during the continuance in force of this Regulation.

Identification of persons in custody.

[*]**88D.**—(1) The Secretary of State may make rules authorising the taking, in relation to any person in custody whom the proper officer of police has reasonable grounds for suspecting to have committed any of the offences specified in the Second Schedule to these Regulations, of all such steps as may be reasonably necessary for photographing, measuring and otherwise identifying that person in such manner as may be prescribed by the rules.

(2) Rules made under this Regulation shall make provision for securing—

(a) that no photograph of a person taken in pursuance of the powers conferred by this Regulation shall be published, except for the purpose of tracing that person, and that no copy of any such photograph shall be shown to any person except a person officially authorised to see it; and

(b) that all photographs (both negatives and copies), and all documents relating to the measurement and identification of any person taken or made in pursuance of the said powers shall, unless that person has been convicted of any of the offences specified in the Second Schedule to these Regulations, be

[*] New Regulation inserted: see S.R. & O. 1939 (No. 1681) I, p. 811; amended by S.R. & O. 1940 No. 384.]

[*] New Regulation inserted: see S.R. & O. 1939 (No. 1681) I, p. 811; amended by S.R. & O. 1940 Nos. 384 and 442.]

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina



Part V—cont.

destroyed as soon as may be after the expiration of the Emergency Powers (Defence) Acts, 1939 and 1940.

(3) In this Regulation the expression "the proper officer of police" means any officer of police being of a rank not lower than that of inspector, or being in charge of a police station.

Use of force in entering premises.

**89.** Where, by virtue of any of these Regulations, a person has any power to enter premises, he may use such force as is reasonably necessary for the purpose of exercising that power.

*Offences and Legal Proceedings.*

Attempts to commit offences, and assisting offenders. 11 & 12 Vict. c. 43. 24 & 25 Vict. c. 94.

**90.**—(1) Without prejudice to the operation of section five of the Summary Jurisdiction Act, 1848, and section eight of the Accessories and Abettors Act, 1861, any person who attempts to commit, or does any act preparatory to the commission of, an offence against any of these Regulations, shall be guilty of an offence against that Regulation.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these Regulations, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

(3) This Regulation shall, in its application to Scotland, have effect as if for the references to section five of the Summary Jurisdiction Act, 1848, and section eight of the Accessories and Abettors Act, 1861, there were substituted respectively references to section sixty-one of the Criminal Procedure (Scotland) Act, 1887, and section five of the Summary Jurisdiction (Scotland) Act, 1908.

50 & 51 Vict. c. 35. 8 Edw. 7. c. 65.

(4) This Regulation shall, in its application to Northern Ireland, have effect as if for the reference to section five of the Summary Jurisdiction Act, 1848, there were substituted a reference to section twenty-two of the Petty Sessions (Ireland) Act, 1851.

14 & 15 Vict. c. 93.

Offences by corporations.

**91.** Where a person convicted of an offence against any of these Regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Penalties.

**92.** [—(1)] If any person contravenes or fails to comply with any of these Regulations, or any order, rule or byelaw made under any of these Regulations, or any direction given or requirement imposed under any of these Regulations or under any order, rule or byelaw made under any of these Regulations, he shall be guilty of an offence against that Regulation;



Part V—cont.

and, subject to any special provisions contained in these Regulations, a person guilty of an offence against any of these Regulations shall—

(a) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or

(b) on conviction on indictment, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

[*](2) Where a person convicted on indictment of an offence against any of these Regulations is a body corporate, no provision in these Regulations limiting the amount of the fine which may be imposed shall apply, and the body corporate shall be liable to a fine of such amount as the court thinks just.

Legal proceedings.

**93.**—(1) Without prejudice to any special provisions contained in these Regulations, no prosecution in respect of an offence against any of these Regulations shall be instituted otherwise than either by a constable or by, or with the consent of, the Director of Public Prosecutions:

Provided that the preceding provisions of this paragraph shall not—

(a) prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the consent of the Director of Public Prosecutions to the institution of a prosecution for the offence has not been obtained, or

(b) be taken to restrict the institution of any proceedings under the Naval Discipline Act, the Army Act or the Air Force Act.

(2) Any proceedings under the Summary Jurisdiction Acts which may be taken against a person in respect of [†any of the offences specified in the Second Schedule to these Regulations] [†may, notwithstanding anything to the contrary in those Acts, be commenced at any time not later than twelve months from the date of the commission of the offence or where the offence was committed by that person outside the United Kingdom] from the date on which he first lands in the United Kingdom after having committed the offence.

For the purpose of this paragraph, a person entering Northern Ireland by land shall be deemed thereby to land in the United Kingdom.

[*] New paragraph inserted by S.R. & O. 1940 No. 699.]
[†] Words in brackets substituted by S.R. & O. 1940 No. 584.]
[†] Words in brackets substituted by S.R. & O. 1940 No. 699.]

Argentina





(3) Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

(4) Paragraph (2) of this Regulation shall not extend to Scotland.

[*](5) In any proceedings under the Summary Jurisdiction (Scotland) Acts, which may be taken against a person in respect of an offence alleged to have been committed by him against any of these Regulations, the court may, notwithstanding the provisions of subsection (2) of section thirty-three of the Summary Jurisdiction (Scotland) Act, 1908, as amended by section five of the Criminal Procedure (Scotland) Act, 1938 (which empowers a court in certain circumstances to hear and dispose of a case in the absence of the accused) proceed to hear and dispose of a case in the absence of the accused if a solicitor, or a person not being a solicitor who satisfies the court that he is authorised by the accused, appears on behalf of the accused and tenders a plea of guilty:

1 & 2 Geo. 6. c. 48.

Provided that—

(a) the court may, if it thinks fit, continue the case to another diet and require the attendance of the accused with a view to pronouncing sentence in his presence, and

(b) no sentence of imprisonment shall be imposed in the absence of the accused.

Summary proceedings in Scotland against persons in His Majesty's service, &c.

[*]**93A.**—Where, in proceedings under the Summary Jurisdiction (Scotland) Acts, in respect of any offence, the Court is satisfied that the accused is a person in His Majesty's service or engaged in the performance of essential services, the provisions of paragraph (5) of the last preceding Regulation shall apply to those proceedings in like manner as the said provisions apply to proceedings in respect of an offence against any of these Regulations.

Disposal of articles in possession of executive authorities.

**94.**—(1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under any of these Regulations or otherwise) which the authority has reasonable ground for believing to be evidence as to the commission of [*any of the offences specified in the Second Schedule to these Regulations,] may be retained for a period of one month or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, or proceedings under the following provisions of this Regulation in respect of the

[*] New paragraph inserted: see S.R. & O. 1939 (No. 1356) I, p. 708.]
[*] New Regulation inserted by S.R. & O. 1940 No. 290.]
[*] See note * on p. 157.]





article, until the final determination of those proceedings; and any article retained by virtue of this Regulation is hereafter in this Regulation referred to as " a retained article ".

(2) Where proceedings are taken in respect of [*any of the offences specified in the Second Schedule to these Regulations,] being proceedings in which a retained article is, or can properly be, adduced in evidence, the court by or before which the alleged offender is tried may make an order—

(a) authorising the destruction or disposal of the article, or

(b) authorising the further retention of the article until such date as may be specified in the order;

and any such order authorising the destruction of a document may be made so as to extend to all copies of that document which at the time of the making of the order are in, or which subsequently come into, the possession of an executive authority in any part of the United Kingdom.

(3) Without prejudice to the operation of paragraph (2) of this Regulation, a court of summary jurisdiction, upon complaint made in respect of a retained article by an executive authority, may, after giving to the person (if any) claiming, or appearing to the court, to be the owner of the article an opportunity of being heard, make such an order in respect of the article as is authorised by paragraph (2) of this Regulation.

(4) A court shall not make an order under this Regulation unless the court is satisfied that it is necessary so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of the war.

(5) Where an order is made under this Regulation authorising the further retention of an article, paragraph (1) of this Regulation shall, in relation to that article, have effect as if the period first mentioned in that paragraph were a period ending on the date until which the article is authorised by the order to be retained; and the making by a court of such an order in respect of any article shall not be taken to preclude that or any other court from subsequently exercising, in relation to that article, any jurisdiction conferred on the court by paragraph (2) or paragraph (3) of this Regulation, or by section one of the Police (Property) Act, 1897, as applied by this Regulation.

6a & 61 Vict. c. 30.

(6) Where, in the course of any proceedings for an offence, an order is made under paragraph (2) of this Regulation, the court hearing any appeal in the matter of those proceedings may vary or annul the order.

(7) Where an order is made under paragraph (3) of this Regulation, any person aggrieved by the order who appeared on the hearing of the application in relation to which the order

[*] See note * on p. 157.]

Archivo Histórico
Universidad de Buenos Aires
Facultad de Filosofía y Letras
Argentina



Part V—cont.

is made may appeal against the order to a court of quarter sessions, and for the purposes of this paragraph and of the enactments relating to such an appeal, a refusal to make an order shall be deemed to be an order.

(8) Where an order is made under this Regulation authorising the destruction or disposal of an article, the article shall not be destroyed or disposed of, as the case may be, until the final determination of the proceedings in which the order is made.

(9) Subject to the preceding provisions of this Regulation, the Police (Property) Act, 1897, shall apply to any article coming into the possession of an executive authority which the authority has reasonable ground for believing to be evidence of the commission of [any of the offences specified in the Second Schedule to these Regulations,] as that Act applies to property coming into the possession of the police in the circumstances mentioned in section one of that Act, and, in relation to any such article, shall have effect as if the reference in subsection (1) of that section to an officer of police included a reference to an executive authority (whether a constable or not).

(10) For the purposes of this Regulation, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(11) For the purposes of this Regulation, any authority, constable or other person whatsoever having functions in connection with the execution of these Regulations shall be deemed to be an executive authority.

(12) Nothing in this Regulation shall affect the operation of the enactments relating to customs, or be taken to prejudice any right to retain or dispose of property which may exist in law apart from the provisions of this Regulation.

(13) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

(a) in paragraph (5) for the words "section one of the Police (Property) Act, 1897, as applied by this Regulation" there shall be substituted the words "paragraph (9) of this Regulation"; and

(b) for paragraph (9) there shall be substituted the following paragraph—

"(9) Subject to the preceding provisions of this Regulation and to the provisions of any enactment conferring powers dealing with offenders,

[1 See note 1 on p. 161.]



Part V—cont.

any article which has come into the possession of an executive authority under this Regulation shall be returned to the owner, or, if the owner cannot be ascertained shall be disposed of in such manner as the sheriff, on a summary application made to him, may direct".

Seizure of printing presses used in connection with the commission of certain offences.

[1] **96A.**—(1) If the Secretary of State is satisfied that any printing press, or a printing press under the control of any person, has been used for the production of any document in respect of which a person has been convicted of an offence against Regulation two C, thirty-nine A or thirty-nine B of these Regulations, he may by order direct that the printing press, or that all or any of the printing presses under the control of that person, as the case may be, shall not be used until the leave of the High Court has been obtained for the use thereof, and any such order may authorise any persons specified therein to take such steps (including the taking possession of any printing press with respect to which the order is made or of any premises in which it is contained or of any part of such printing press or premises) as appear to the persons authorised to be necessary for securing compliance with the order.

(2) Upon any application to the High Court for leave to use any printing press with respect to which an order has been made by the Secretary of State under the foregoing provisions of this Regulation, the Court, after affording to all persons appearing to the Court to be interested an opportunity of being heard, may, if satisfied that the use of the printing press for the production of the document in respect of which the offence was committed was due to a mistake, make an order granting such leave unconditionally or may, although not so satisfied as aforesaid, make an order granting such leave subject to such conditions as may be specified in the order, or, if the Court is satisfied, either upon such an application as aforesaid or upon an application made by or on behalf of the Attorney General, that such leave ought not to be given, the Court may by order direct that the printing press be forfeited to His Majesty or be destroyed or otherwise disposed of, or may make such other order as to the Court seems just.

(3) In this Regulation the expression "printing press" includes any machinery, apparatus or plant capable of being used for printing, lithography, photography, or other mode of representing or reproducing words in a visible form, or any type or other article belonging to such machinery, apparatus or plant.

(4) In the application of this Regulation to Scotland, for any reference to the High Court there shall be substituted a

[1 New Regulation inserted by S.R. & O. 1940 No. 680.]

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Part V—cont.

reference to the High Court of Justiciary, and for any reference to the Attorney General there shall be substituted a reference to the Lord Advocate.

Seizure of printing presses used in connection with certain newspapers.

[*] **94A.** If the Secretary of State is satisfied that any printing press, or a printing press under the control of any person, has been used in the production of a newspaper and either—

(*a*) that that newspaper is one in which there has been a systematic publication of matter which is, in his opinion, calculated to foment opposition to the prosecution to a successful issue of any war in which His Majesty is engaged, or

(*b*) that the production as aforesaid of that newspaper was in contravention of Regulation two D of these Regulations,

he may make such an order with respect to that printing press or, as the case may be, all or any of the printing presses under the control of that person as is authorised by paragraph (1) of Regulation ninety-four A of these Regulations to be made in the cases in which that paragraph applies; and the provisions of the said Regulation ninety-four A shall apply in relation to any order so made as they apply in relation to orders made under that Regulation, subject to the modification that for the reference in paragraph (2) of that Regulation to the production of the document in respect of which the offence was committed there shall be substituted a reference to the production of the newspaper.

*Supplementary Provisions.*

Recovery of expenses.

**95.** Where any work is done in the exercise of powers conferred by any of these Regulations, then, if and so far as the work was work which, apart from the provisions of these Regulations, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connection with the doing of the said work shall be a debt due from that person to the Crown.

Entrusting of functions to statutory bodies.

**96.** A provision made in, or a direction or determination given or made in pursuance of, any of these Regulations or any order under these Regulations, and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the Regulation or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of persons is, or consists of or comprises, a body or bodies constituted by or under an Act; and any such body to whom any functions are entrusted under or by virtue of these Regulations shall have power to discharge those

[* New Regulation inserted by S.R. & O. 1940 No. 848.]



Part V—cont.

functions, notwithstanding any limitation or restriction which, apart from these Regulations, is imposed by any Act or other instrument determining the functions of that body.

Service of notices.

**97.** Without prejudice to any special provisions contained in these Regulations, or in any order, rule or byelaw made thereunder, a notice to be served on any person for the purposes of any of these Regulations or any order, rule or byelaw made thereunder may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Revocation and variation of orders, &c.

**98.** Any power conferred by any of these Regulations to make any order, rule or byelaw shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order, rule or byelaw.

Exercise of powers of Board of Trade, Attorney General and chief officers of police.

**99.**—(1) Anything required or authorised by or under these Regulations to be done by, to or before the Board of Trade, may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

(2) The functions of the Attorney General under any of these Regulations may, in the event of a vacancy in the office or in the event of the Attorney General being unable to act owing to illness or absence, be exercised by the Solicitor General.

(3) The powers conferred by or under these Regulations on any chief officer of police may, in the event of a vacancy in the office or in the event of the chief officer of police being unable to act owing to illness or absence, be exercised by the person duly authorised in accordance with directions given under subsection (4) of section nine of the Public Order Act, 1936, to exercise on behalf of the chief officer of police the powers conferred on him by that Act.

(4) This Regulation shall, in its application to Northern Ireland, have effect subject to the modification that any authority or directions required for the purposes of the last preceding paragraph shall be given in accordance with the provisions of the Constabulary Acts (Northern Ireland), 1922 to 1934.

Interpretation.

**100.**—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"agricultural land" means any land used as arable, meadow or pasture ground only, land used for a plantation or a wood or for the growth of saleable underwood, land exceeding one-quarter of an acre used for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within

Academia Nacional de Derecho y Ciencias Sociales de Buenos Aires
Colección Histórica del Derecho y Ciencias Sociales
Argentina



Part V—cont.

the meaning of the Allotments Act, 1922, but does not include land occupied together with a house as a park or pleasure grounds or as a garden other than a market or allotment garden, or land kept or preserved mainly or exclusively for purposes of sport or recreation, or land used as a race-course;

" aircraft " has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Act, 1920;

" ammunition " means ammunition for any firearm, and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not, and prohibited ammunition within the meaning of the Firearms Act, 1937;

1 Edw. 8. & 1 Geo. 6. c. 12.

" British aircraft " means an aircraft registered in any part of His Majesty's dominions, in any British protectorate or in any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty's dominions;

" chief officer of police " has the same meaning as in the Police Pensions Act, 1921;

[" competent authority ", in any of these Regulations which does not otherwise expressly provide, means—

(*a*) in the case of a Regulation contained in Part III of these Regulations, the Board of Trade or the Minister of Shipping; and

(*b*) in the case of a Regulation contained in Part IV of these Regulations, a competent authority as defined by Regulation forty-nine of these Regulations;]

" Dominion " means any Dominion within the meaning of the Statute of Westminster, 1931, except Newfoundland, and includes any territory administered by His Majesty's Government in a Dominion;

22 Geo. 5. c. 4.

" Dominion ship or aircraft " means a British ship or aircraft registered in a Dominion, not being a ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom, and " Dominion ship " and " Dominion aircraft " shall be construed accordingly;

" drainage authority " has the same meaning as in the Land Drainage Act, 1930;

20 & 21 Geo. 5. c. 44.

" the enemy " means the enemy in any war in which His Majesty may be engaged;

" enemy alien " means a person who, not being either a British subject or a British protected person, possesses the nationality of a State at war with His Majesty;

[2 Words in brackets inserted by S.R. & O. 1940 No. 1126.]



Part V—cont.

" essential services " means services essential for the defence of the realm or the prosecution of the war or essential to the life of the community;

[" evacuation plan " means such a plan as is mentioned in subsection (1) of section fifty-six of the Civil Defence Act, 1939;]

" explosive " has the same meaning as in the Explosives Act, 1875;

" firearm " means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes any prohibited weapon within the meaning of the Firearms Act, 1937, whether it is such a lethal weapon as aforesaid or not;

" fire authority " means a fire authority within the meaning of the Fire Brigades Act, 1938, and includes the London County Council;

" fire brigade " means any fire brigade other than one the purpose of which is to provide fire services exclusively for the person by whom it is maintained;

" fish " includes shell-fish;

[" fishing boat " has the same meaning as in section three hundred and seventy-three of the Merchant Shipping Act, 1894, and " second hand ", in relation to a fishing boat, has the same meaning as in Part IV of that Act;]

" harbour authority " has the same meaning as in the Petroleum (Consolidation) Act, 1928;

18 & 19 Geo. 5. c. 32.

" immigration officer " means an immigration officer for the purposes of the Aliens Order, 1920;

" land " includes (without prejudice to any of the provisions of section three of the Interpretation Act, 1889) land covered with water, and parts of houses or buildings;

52 & 53 Vict. c. 63.

" local authority " means the Common Council of the City of London, the council of a metropolitan borough, or the council of a county, county borough or county district;

[" navigation order " has the meaning assigned to that expression by paragraph (1) of Regulation forty-three of these Regulations;]

[" port " includes any dock, harbour, pier, quay, wharf, mooring, anchorage or other similar place];

" prisoner of war " means a prisoner of war in the power of His Majesty;

[" protected area " has the meaning assigned to that expression by paragraph (1) of Regulation thirteen of these Regulations;]

[3 Words in brackets inserted [see S.R. & O. 1939 (No. 1226) I, p. 708.]
[4 Words in brackets inserted by S.R. & O. 1940 No. 607.]
[5 Words in brackets inserted by S.R. & O. 1940 No. 250.]
[6 New definition substituted [see S.R. & O. 1939 (No. 1481) I, p. 803.]

Archivo Histórico
Ministerio de Relaciones Exteriores y Culto
Argentina





[" " protected place " has the meaning assigned to that expression by paragraph (2) of Regulation twelve of these Regulations;]

" public utility undertaking " means any of the following undertakings the carrying on of which is authorised by any Act (whether public general or local) or by any order made under, or confirmed by, an Act, that is to say:—

(*a*) any undertaking for the supply of electricity, gas or water;

(*b*) any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking;

(*c*) any sewerage or sewage disposal undertaking, or any undertaking for the collection or disposal of refuse;

(*d*) any undertaking of a drainage authority;

and includes any such undertaking as aforesaid which is carried on by a local authority;

[" Regional Commissioner " means a person appointed by His Majesty to be a Regional Commissioner for the co-ordination of measures of civil defence;]

" requisition " means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

[" road vehicle " means any vehicle designed or adapted for use on roads;]

" seaplane " includes a flying boat and any other aircraft designed to manœuvre on the water;

" ship " and " vessel " have respectively the same meanings as in the Merchant Shipping Act, 1894;

" tenant " and " landlord " have respectively the same meanings as in the Agricultural Holdings Act, 1923;

" the war " means any war in which His Majesty may be engaged;

" wireless transmitting apparatus " means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television, and " wireless receiving apparatus " means apparatus for receiving communications or information made or given by the said means.

[(2) Any reference in these Regulations to the master of a vessel shall be construed as including a reference to the person (other than a pilot) for the time being in charge of the vessel, and any reference to the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the aircraft.

[1 Words in brackets inserted by S.R. & O. 1940 No. 1880.]
[2 Words in brackets inserted by S.R. & O. 1940 No. 1132.]
[3 Words in brackets inserted by S.R. & O. 1940 No. 858.]
[4 New paragraph substituted by S.R. & O. 1940 No. 940.]





(3) Where, under any of these Regulations, any person has power to authorise other persons to act under that Regulation, the power may be exercised so as to confer the authority either on particular persons or on a specified class of persons.

(4) Any reference to the making, sending or receiving of communications which is made in any of the provisions of these Regulations relating to wireless telegraphy, wireless telephony or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

(5) For the avoidance of doubt it is hereby declared that nothing in any custom of the country affects the exercise, in relation to agricultural land, of powers which by virtue of any of these Regulations are exercisable with respect to the taking of possession, or the use or disposal, of property.

(6) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations, and of any orders, rules or byelaws made thereunder, as it applies to the interpretation of an Act of Parliament, and for the purposes of section thirty-eight of the said Act, these Regulations and such orders, rules and byelaws as aforesaid shall be deemed to be Acts of Parliament.

(7) Any reference in any document to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to that Regulation, as amended by any subsequent Regulations made under [1the Emergency Powers (Defence) Acts, 1939 and 1940.]

Application in Scotland.

**181.** These Regulations shall apply to Scotland subject to the following modifications:—

(1) For references to a court of summary jurisdiction, there shall be substituted references to the sheriff, and any reference to a justice of the peace shall include a reference to the sheriff;

(2) References to appeal to quarter sessions shall not apply;

[2](2A) The expression " arson " means fire raising and the expression " manslaughter " means culpable homicide;

(3) The expression " chattel " shall mean corporeal moveable, the expression " defendant " means " person accused," and the expression " summons " means " order ";

(4) The expression " agricultural land " means any land used, or capable of being used, as arable, meadow

[1 Words in brackets substituted for " the Emergency Powers (Defence) Act, 1939 " by S.R. & O. 1940 No. 944.]
[2 New paragraph inserted by S.R. & O. 1940 No. 1328.]

Archivo Histórico
Argentina



Part V—cont.

or pasture ground, land used for a plantation or a wood or for the growth of saleable underwood, land exceeding one quarter of an acre used for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments (Scotland) Act, 1922, but does not include land occupied together with a house as a park or pleasure grounds or as a garden other than a market or allotment garden;

(5) In the last preceding Regulation—

(a) references to a drainage authority shall be omitted;

(b) for the definition of "local authority" there shall be substituted the following definition:—

"'local authority' means any county, town, or district council";

(c) in the definition of "tenant" and "landlord" for the reference to the Agricultural Holdings Act, 1923, there shall be substituted a reference to the Agricultural Holdings (Scotland) Act, 1923.

Application for Northern Ireland.

**102.** In the application of these Regulations to Northern Ireland the following modifications shall have effect:—

(1) References to the Attorney General and the Director of Public Prosecutions shall be construed as references to the Attorney General for Northern Ireland, or, in a case in which the Attorney General for Northern Ireland is unable to act, to the deputy appointed under section two of the Office of Attorney General Act (Northern Ireland), 1923, to act as Attorney General for Northern Ireland;

(2) References to the Summary Jurisdiction Acts shall be construed as references to the Petty Sessions (Ireland) Act, 1851, and any Act amending that Act, whether past or future, and the expression "summary conviction" means conviction subject to and in accordance with the Petty Sessions (Ireland) Act, 1851, and any Act amending that Act, whether past or future;

(3) References to quarter sessions or a court of quarter sessions and to a court of summary jurisdiction shall respectively be construed as references to a court of quarter sessions, and to a court of summary jurisdiction, as constituted in accordance with the provisions of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935;



Part V—cont.

(4) References to a justice of the peace shall be construed as references to a resident magistrate within the meaning of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935;

(5) The expressions "chief officer of police" and "police area" mean, respectively, the county inspector of the Royal Ulster Constabulary for any district for which such a county inspector is appointed and any such district as aforesaid; and references to the rank of superintendent of police or of inspector of police shall be construed as a reference to the rank of district inspector of the said Constabulary;

(6) The expression "drainage authority" means a county council acting as a drainage authority under the Drainage Acts (Northern Ireland), 1925 to 1935;

[*](6A) The expression "evacuation plan" means such arrangements as are mentioned in subsection (1) of section forty-nine of the Civil Defence Act (Northern Ireland), 1939;

(7) Paragraph (5) of the last but one preceding Regulation, and the definitions of the expressions "tenant" and "landlord" in that Regulation shall not apply;

(8) The expression "fire authority" means a local authority by whom a fire brigade is maintained;

(9) The expression "harbour authority" has the same meaning as in the Petroleum (Consolidation) Act (Northern Ireland), 1929;

(10) The expression "Act" includes an Act of the Parliament of Northern Ireland, and references to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Application to Isles of Scilly.

**103.** These Regulations shall, in their application to the Isles of Scilly, have effect as if—

(a) for any reference to a local authority there were substituted a reference to the Council of the Isles of Scilly, and

(b) for any reference to a chief officer of police there were substituted a reference to the chairman of the joint police committee of the Isles.

Special provisions as to India, Burma and Southern Rhodesia.

**104.** For the purposes of these Regulations—

(a) any British subject resident in India, Burma or Southern Rhodesia shall be treated as if he were a British subject resident in a Dominion; and

[*] New paragraph inserted by S.R. & O. 1939 No. 1314.

Archivo Histórico
Universidad de Buenos Aires
Argentina



Part V.—cont.

(b) any British ship or aircraft registered in India, Burma or Southern Rhodesia, not being a ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom, shall be treated as if it were a Dominion ship or aircraft.

Short title.

**105.** These Regulations may be cited as the Defence (General) Regulations, 1939. [*]

Reg. 200.

[*]FIRST SCHEDULE.

ARRANGEMENTS OF OFFICIAL SECRETS ACTS, 1911 AND 1920.

1. In paragraph (a) of section three of the Official Secrets Act, 1911, as amended by the Official Secrets Act, 1920, after the word "naval" there shall be inserted the word "military".

2. The following amendments shall be made in section one of the Official Secrets Act, 1920:—

(1) in paragraph (a) of subsection (1), for the words "or tampers with" there shall be substituted the words "tampers with or destroys";

(2) for paragraph (c) of subsection (1) there shall be substituted the following paragraphs:—

"(c) has in his possession or under his control any official die, seal or stamp, any impression of such a die, seal or stamp, or any official paper; or

(d) counterfeits any official die, seal or stamp, or has in his possession or under his control any counterfeit official die, seal or stamp, or anything so closely resembling an official die, seal or stamp as to be calculated to deceive, or any paper so closely resembling official paper as to be calculated to deceive"; and

(3) at the end of subsection (1) there shall be inserted the following paragraph:—

"For the purposes of this subsection any die, seal, stamp or paper shall be taken to be an official die, seal or stamp, or official paper, as the case may be, if, but only if, it is specially designed for use in His Majesty's service, in the service of a foreign government or for the purposes of a police force".

3.—(1) The maximum penalty that may be imposed on a person convicted of an offence under section five of the Official Secrets Act, 1920 (which provides for the registration and regulation of persons carrying on the business of receiving postal packets), shall be imprisonment for a term of three months and a fine of fifty pounds, and accordingly in subsection (4) of that section for the words "one month" and the words "ten pounds" there shall be respectively substituted the words "three months" and the words "fifty pounds".

(2) Notwithstanding anything in section eight of the Official Secrets Act, 1911, a prosecution for an offence under section five of the Official Secrets Act, 1920, may, in England and Northern Ireland, be instituted by any constable.

[*] Short title amended: see S.R. & O. 1939 (No. 1082, Art. 11) I. p. 840.]
[*] Schedule inserted by S.R. & O. 1939 (No. 1681) I. p. 811; designated First Schedule by S.R. & O. 1940 No. 384.]



4. In section seven of the Official Secrets Act, 1920, for the words "and does any act" there shall be substituted the words "or does any act". First Schedule—cont.

5. In section eight of the Official Secrets Act, 1911, and in subsection (2) of section eight of the Official Secrets Act, 1920 (which provisions respectively require the consent of the Attorney General to the institution of prosecutions, and to the summary trial of misdemeanours, under those Acts), references to the Attorney General shall be construed as including references to the Director of Public Prosecutions.

[*]SECOND SCHEDULE. Regs. 18A, 18B, 18C, 18D, 91 and 94.

SCHEDULED OFFENCES.

Treason, in so far as it consists of adhering to the King's enemies giving them aid and comfort.

[*]An offence against the Treachery Act, 1940. 3 & 4 Geo. 6. c. 21.

[*]Murder.

[*]Manslaughter.

[*]Arson.

An offence of trading with the enemy.

An offence under any of the provisions of the Official Secrets Acts, 1911 and 1920.

An offence against any of these Regulations.

An offence against any Order in Council or order made under Part I or section seven of the Air Navigation Act, 1936, as amended by the Air Navigation Act, 1938, or an offence under section twelve of the Air Navigation Act, 1920, as amended by these Regulations.

An offence under the Unlawful Drilling Act, 1819.

Attempting or conspiring to commit or aiding, abetting, counselling or procuring the commission of, or being an accessory to, any of the offences specified in the preceding provisions of this Schedule.

[*] Second Schedule inserted by S.R. & O. 1940 No. 384.]
[*] Entry inserted by S.R. & O. 1940 No. 1302.]

Argentina



STATUTORY RULES AND ORDERS

**1940 No. 1028**

(as amended)

# THE DEFENCE (ADMINISTRATION OF JUSTICE) REGULATIONS, 1940

ARRANGEMENT OF REGULATIONS.

*Assizes, quarter sessions and trials on indictment.*

1. Assizes.
2. Quarter sessions.
3. Committal for trial.
4. Provisions consequential on alteration of place or court of trial.
5. Amendment of s. 11 of the Criminal Justice Act, 1925.

*Justices.*

6. Power of Secretary of State to alter sittings and jurisdiction of justices.
7. Power of justices to alter sittings.
8. Provisions consequential on alteration of sittings or jurisdiction of justices.
9. Amendment as to date of summary trial of indictable offences.
10. Provision as to warrants.
11. Remanding of accused persons.
12. Application to special courts of summary jurisdiction.

*Jurors.*

13. Challenge of jurors.
14. Supplying deficiency of jurors.
15. Continuance of certain proceedings where a juror dies or becomes incapable.

*Evidence.*

16. Use of statutory declarations before examining justices.
17. Use of depositions at trial on indictment.

*Miscellaneous and General.*

18. General provisions as to orders and directions.
19. Delegation of powers.
20. Short title, interpretation and extent.



FIRST SCHEDULE.—Provisions consequential on Regulations 1, 2 and 3.

*Part I.*—Provisions applicable where court is moved or time of sitting is altered.

*Part II.*—Provisions applicable where trial is transferred to another court.

SECOND SCHEDULE.—Manner of binding over witnesses making statutory declarations.

*Assizes, Quarter Sessions and Trials on Indictment.*

Assizes.

1.—(1) If the appropriate authority for a circuit, having regard to any hostile operations in Great Britain, thinks it expedient that the assizes for any county or other area of jurisdiction on the circuit should not be held or continued at the place at which they have been appointed to be held or continued, or should not be continued at the place at which they are then being held, he may give directions either—

(*a*) that those assizes shall be held or continued at such other place as may be specified in the directions or any subsequent directions given by the appropriate authority, whether or not that place is on the circuit or in that county or other area; or

(*b*) that those assizes shall not be held or shall be discontinued, and that the trial of all persons committed for trial at those assizes, or of all persons so committed whose trial has not begun, or has not been brought to a final conclusion, shall take place before such other court of assize as may be specified in the directions or any subsequent directions given by the appropriate authority, whether or not that court is on the circuit:

Provided that any directions given under sub-paragraph (*b*) of this paragraph may provide that the trial of any such person who has been committed for an offence within the jurisdiction of a court of quarter sessions shall, instead of taking place before such other court of assize as aforesaid, take place before such court of quarter sessions as may be specified in the directions or any subsequent directions given by the appropriate authority, whether or not that court is the court for that county or other area.

(2) For the purpose of considering whether it is expedient to give directions under the foregoing paragraph as respects any assizes, or what directions should be so given, the appropriate authority may give directions postponing or adjourning

Archivo Histórico
Universidad de Buenos Aires, Colección Universidad y Cultura
Argentina



those assizes, and postponing any other assizes, to such date as may be fixed by subsequent directions given by the appropriate authority.

(3) For the purpose of this Regulation, the appropriate authority for any circuit shall be the judge for the circuit:

Provided that the Lord Chancellor may as respects any circuit by order provide that—

(a) the person first mentioned in a list contained in the order shall be the appropriate authority for the circuit in relation to the giving of directions under this Regulation at any time when the judge for the circuit is for any reason unable to act; and

(b) any other person mentioned in the list shall be the appropriate authority for the circuit in relation to the giving of such directions at any time when the judge for the circuit and all persons previously mentioned in the list are for any reason unable to act.

(4) For the purpose of this Regulation, the judge for a circuit shall be deemed to be the judge going or appointed to go the circuit or, where two judges have been appointed to go a circuit or any part of a circuit together, then—

(a) in relation to the giving of directions under this Regulation at any time when they are on circuit together, or when neither of them has started on the circuit, the senior of them or, if for any reason he is unable to act, the junior of them; or

(b) in relation to the giving of such directions at any time when one of them is on circuit alone, that one.

For the purpose of this paragraph, the following shall be deemed to be separate circuits, namely—

(i) each part of the South Eastern circuit;

(ii) the assizes for the Birmingham division of the county of Warwick;

(iii) the assizes for the county and city of Chester;

(iv) the assizes for the county of Glamorgan.

(5) References in the foregoing provisions of this Regulation to a judge going or appointed to go a circuit or part of a circuit shall include references to any commissioner of assize going or appointed to go the circuit or part of the circuit in lieu of a judge.

Quarter sessions.

**2.**—(1) The Secretary of State, if he thinks it expedient so to do having regard to any hostile operations in Great Britain, may by order direct—



(a) that any court of quarter sessions shall sit at such place or places (whether within or without the area by reference to which the jurisdiction of the court is limited), and on such date or for such periods, and at such times, as may be specified in or appointed under the order;

(b) that the whole or any part of the jurisdiction of any court of quarter sessions shall be transferred to such other court or courts of quarter sessions as may be so specified or appointed.

(2) If the chairman of a court of quarter sessions, at any time while the court is sitting, or at any time within seven days before the date on which the court has been appointed to sit (whether under paragraph (1) of this Regulation or otherwise) or the date to which it has been adjourned, thinks it expedient, having regard to any hostile operations in Great Britain, that the court should not sit or continue to sit at the place at which it has been appointed to sit or is sitting, he may give directions either—

(a) that the sitting of the court shall be adjourned or postponed or further adjourned to such date and place as may be fixed by or under an order or further order to be made under paragraph (1) of this Regulation; or

(b) notwithstanding any such order in force at the time when the directions are given, that the court shall sit or continue its sitting at such place within the county or other area for which the court is held, and at such time, as may be appointed by the directions or any subsequent directions given by him.

(3) The powers conferred by the last foregoing paragraph on the chairman of a court of quarter sessions may be exercised at any time when the chairman is for any reason unable to act—

(a) by any deputy chairman; or

(b) if no deputy chairman is then able to act, by the clerk of the peace; or

(c) if neither a deputy chairman nor the clerk of the peace is then able to act, by the deputy clerk of the peace.

(4) In this Regulation—

(a) the expression "court of quarter sessions" includes any committee to which the powers and duties of a court of quarter sessions are delegated by virtue of any Act;

(b) the expression "deputy chairman" means, in relation to any court of quarter sessions, a person, by whatsoever name styled, performing or nominated to perform the duty of presiding over the court in the absence of the chairman and of presiding over any

Archivo Histórico
Universidad de Buenos Aires
Argentina



second court, and the said expression includes in relation to any court any number of such persons;

(c) in relation to the court of quarter sessions for a borough, references to the chairman shall be construed as references to the recorder and references to a deputy chairman as references to the mayor of the borough.

(3) The foregoing provisions of this Regulation shall have effect in substitution for so much of subsection (2) of section five of the Administration of Justice (Emergency Provisions) Act, 1939, as relates to courts of quarter sessions.

2 & 3 Geo. 6. c. 78.

Committal for trial

**3.**—(1) The Secretary of State, if he thinks it expedient so to do having regard to any hostile operations in Great Britain, may by order direct that, so long as the order is in force, all persons charged with indictable offences before justices in such area as may be specified in the order shall be committed to be tried at the assizes for such place as may be appointed by or under the order or (if the offence is within the jurisdiction of a court of quarter sessions) either at those assizes or at the quarter sessions for such place as may be so appointed.

(2) Subject to any order made under this Regulation, the justices before whom any person is charged with an indictable offence, if they think it expedient so to do having regard to any hostile operations in Great Britain, may instead of committing that person to be tried at the assizes or quarter sessions for a place to which but for this Regulation he might have been committed (whether by virtue of subsection (1) of section fourteen of the Criminal Justice Act, 1925, or otherwise), commit him to be tried at the assizes for such other place, or (if the offence is within the jurisdiction of a court of quarter sessions) at the quarter sessions for such other place, as they think expedient having regard to the said operations.

15 & 16 Geo. 5. c. 86.

Provisions consequential on alteration of place or court of trial

**4.**—(1) Where, by virtue of the exercise of any power conferred by sub-paragraph (a) of paragraph (1) or paragraph (2) of Regulation one, or by sub-paragraph (a) of paragraph (1), or paragraph (2) of Regulation two, of these Regulations, a court of assize or quarter sessions sits at a time or place, or at a time and place, other than that at which it would have sat but for the exercise of the power, the consequential provisions set out in Part I of the First Schedule to this Order shall have effect.

(2) Where, by virtue of the exercise of any power conferred by sub-paragraph (b) of paragraph (1) of Regulation one, by sub-paragraph (b) of paragraph (1) of Regulation two, or by Regulation three, of these Regulations, the trial of any person is required to take place before a court other than that before which it has begun, or before which it would have taken place but for the exercise of the power, the consequential provisions set out in Part II of the First Schedule to this Order shall have effect.



Amendment of s. 11 of the Criminal Justice Act, 1925.

**5.** Notwithstanding anything in proviso (a) to subsection (1) of section eleven of the Criminal Justice Act, 1925, examining justices shall not discontinue further proceedings under that subsection, if it appears to them, having regard to any hostile operations in Great Britain, that it is expedient to continue the proceedings; and no appeal shall lie under proviso (b) to that subsection from the refusal of justices to comply with an application to discontinue such proceedings if the justices certify that it appears to them as aforesaid.

*Justices.*

Power of Secretary of State to alter sittings and jurisdiction of justices.

**6.**—(1) The Secretary of State may by order direct that courts of summary jurisdiction for any petty sessional division shall be held at such place or places (whether within or without the division, and whether within or without the county or other area of jurisdiction of the justices constituting the court) and on such dates or for such periods, and at such times as may be specified in, or appointed under, the order.

(2) The Secretary of State may by order direct—

(a) that any functions of the justices for any county or other area shall be performed by the justices for such other county or area as may be specified in, or appointed under, the order;

(b) that the whole or any part of the jurisdiction of a court of summary jurisdiction for any petty sessional division shall be exercised by a court of summary jurisdiction for such other petty sessional division as may be so specified or appointed;

and any such order may provide for the performance of such functions, or for the exercise of such jurisdiction, either exclusively or concurrently with the justices by whom those functions were performed, or the court by which that jurisdiction was exercised, before the making of the order.

(3) The foregoing provisions of this Regulation shall have effect in substitution for so much of subsection (2) of section five of the Administration of Justice (Emergency Provisions) Act, 1939, as relates to courts of summary jurisdiction, and any order made before the date on which these Regulations come into force under the said subsection (2) in relation to courts of summary jurisdiction shall be deemed to be made under this Regulation.

Power of justices to alter sittings.

**7.** Subject to the provisions of any order made under the last foregoing Regulation—

(a) a justice for any county or other area may, if he considers it expedient so to do having regard to any hostile operations in Great Britain, exercise any of

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



his functions as such a justice at any place in any county or area adjoining that county or area, as well as at any place in that county or area;

(b) a court of summary jurisdiction for any petty sessional division may, if it appears to the justices constituting the court to be expedient having regard to any hostile operations in Great Britain, be held at any place, whether within or without that division, and whether within the county or other area of jurisdiction of the justices or any adjoining county or area.

Provisions consequential on alteration of situation or jurisdiction of justices.

**8.**—(1) Where any person is, by virtue of any summons, recognizance, warrant or otherwise, required to appear or be brought before a court of summary jurisdiction for any petty sessional division at any specified time or place, and that court is, by virtue of the exercise of any power conferred by paragraph (1) of Regulation six, or by paragraph (b) of Regulation seven, of these Regulations, to be held at some other time or place, any justice acting for that division, or the clerk to the justices for that division, or any constable, may give notice to that person, or to any other person whose duty it is to bring him before the court, requiring him to appear or be brought before the court at such time and place as may be specified in the notice, and thereupon the summons, recognizance or warrant shall have effect accordingly.

(2) The place at which a court of summary jurisdiction for any petty sessional division is held by virtue of the exercise of any such power shall be deemed to be a petty sessional court house, and, if it is suitable that division, anything done by the court at that place shall, for the purpose of the jurisdiction of the court, be deemed to be done within that division.

(3) Where any person is, by virtue of any summons, recognizance, warrant or otherwise, required to appear or be brought before a court of summary jurisdiction for any petty sessional division, and the jurisdiction of that court with respect to that person, by virtue of the exercise of the power conferred by sub-paragraph (b) of paragraph (2) of Regulation six of these Regulations, is to be exercised by a court of summary jurisdiction for some other petty sessional division (in this paragraph referred to as " the new court ") any justice acting for either of those divisions, or the clerk to the justices for either of those divisions, or any constable, may give notice to that person, or to any other person whose duty it is to bring him before the court, requiring him to appear or be brought before the new court at such time and place as may be specified in the notice, and thereupon the summons, recognizance or warrant shall have effect accordingly.



(4) Anything done by a justice by virtue of the exercise of any power conferred by sub-paragraph (a) of paragraph (2) of Regulation six, or by paragraph (a) of Regulation seven, of these Regulations, at any place outside the county or other area of jurisdiction for which he is acting shall, for the purpose of the jurisdiction of the justice, be deemed to be done within that county or area.

Amendment as to date of summary trial of indictable offences. 42 & 43 Vict. c. 49.

**9.** Notwithstanding anything in subsection (8) of section twenty of the Summary Jurisdiction Act, 1879 (which provides that an indictable offence shall not be dealt with summarily under that Act except on a day publicly appointed for the hearing of indictable offences) a court of summary jurisdiction may deal summarily with an indictable offence on any day on which the court is sitting as a petty sessional court.

Provision as to warrants.

**10.** A warrant issued under subsection (2) of section thirty-one of the Criminal Justice Act, 1925, may, if the justice issuing the warrant considers it expedient having regard to any hostile operations in Great Britain, direct the offender when apprehended to be brought before a court of summary jurisdiction for the petty sessional division for which the justice acts, and thereupon that court shall have jurisdiction to deal with the case.

Remanding of accused persons on indictable cases. 11 & 12 Vict. c. 42.

**11.**—(1) The maximum period for which an accused person may be remanded under section twenty-one of the Indictable Offences Act, 1848, or section twenty-four of the Summary Jurisdiction Act, 1879, shall be twenty-one clear days, unless he is admitted to bail and both he and the prosecutor consent to a longer period:

Provided that—

(a) where a person is remanded under the said section twenty-four, he may, notwithstanding anything in this Regulation or any enactment, be remanded, either in custody or on bail, to the next practicable sitting of a petty sessional court, whenever that may be; and

(b) nothing in this Regulation shall affect section thirty-six of the Metropolitan Police Courts Act, 1839. 2 & 3 Vict. c. 71.

(2) The foregoing provisions of this Regulation shall have effect in substitution for the provisions of subsection (2) of section twenty of the Criminal Justice Administration Act, 1914, and subsection (1) of section nine of the Administration of Justice (Emergency Provisions) Act, 1939. 4 & 5 Geo. 5 c. 58.

Argentina



Application to special courts of summary jurisdiction.

**12.** For the purpose of the foregoing provisions of these Regulations—

(*a*) each division of the metropolitan police court area;

(*b*) the City of London; and

(*c*) any area not being a petty sessional division, for which a stipendiary magistrate is appointed, or other special court of summary jurisdiction is constituted;

shall be deemed to be a petty sessional division.

*Jurors.*

Challenge of jurors.

**13.**—(1) No person indicted for treason or felony shall have any right of peremptory challenge of jurors.

(2) Any question arising in any criminal proceedings on a challenge to the array, or on any challenge to the polls for cause, shall be determined by the judge, chairman of quarter sessions, recorder or other person before whom the proceedings are to be heard.

Supplying deficiency of jurors.

**14.**—(1) Where a court of assize or court of quarter sessions is satisfied that, for lack of jurors duly summoned to appear before the court, it is impracticable to proceed with due despatch with the trial of any person indicted before the court, the court shall require the sheriff to return the names of such number of persons as the court may direct, being persons who are then present or can be found to serve on the jury, whether or not they would, apart from this Regulation, be qualified or liable to serve on a jury or to serve on the jury at that court.

(2) Thereupon the sheriff shall as soon as practicable return the names of the required number of such persons as aforesaid, and require such of them as may be present in the court to remain in court and such of them as may not be so present to appear in court forthwith:

Provided that the sheriff shall not return the name of any person who appears to him not to have attained the age of twenty-one or to have attained the age of seventy.

(3) Any person whose name is returned in a court under this Regulation shall be deemed for all purposes to have been duly summoned to attend on the jury in that court under the Juries Act, 1825.

6 Geo. 4. c. 50.

(4) This Regulation shall have effect notwithstanding that no persons have been duly summoned to attend on the jury in the court in question, or that no precept or writ has been issued requiring persons to be so summoned, or that no persons so summoned have appeared before the court, if it appears to the court that the failure to issue the summons, writ or precept, or the failure of jurors to appear before the court, is due to any hostile operations in Great Britain.

(5) In this Regulation the expression "sheriff", in relation to any court, means the sheriff or other officer responsible for summoning jurors to attend on the jury in that court, or, in the absence of that sheriff or other officer, any officer of the court appointed by the court for the purpose of this Regulation.



Continuance of certain proceedings where a juror dies or becomes incapable.

**15.**—(1) Where, in the case of a criminal trial or an inquest, any member of the jury dies or is discharged by the court or the coroner as being through illness incapable of continuing to act or for any other reason, the jury shall nevertheless—

(*a*) in a case where the trial or inquest commenced before twelve jurors, so long as the number of members of the jury is not reduced below ten; and

(*b*) in any other case, so long as the number of members of the jury is not reduced below five;

be considered as remaining for all the purposes of that trial or inquest properly constituted, and the trial or inquest shall proceed and a verdict may be given accordingly.

(2) The foregoing provisions of this Regulation shall have effect in substitution for the provisions of section fifteen of the Criminal Justice Act, 1925.

*Evidence.*

Use of statutory declarations before examining justices.

**16.**—(1) Where any person is charged with an indictable offence before examining justices, the prosecutor may, unless the offence is dealt with summarily, use as evidence in support of the charge any statutory declaration, instead of calling the person making the declaration as a witness.

(2) Where a statutory declaration is used as aforesaid and the person charged is committed for trial—

(*a*) the prosecutor shall within two days of the committal provide the accused free of charge with a copy of the declaration;

(*b*) the person making the declaration shall, in accordance with the provisions of the Second Schedule to these Regulations, be bound to attend the trial, either conditionally or not, as if he had been called as a witness before the examining justices; and

(*c*) the declaration shall be signed by one of the examining justices and shall be transmitted to the court of trial as if it were the deposition of the person making it.

Archivo Histórico
Biblioteca del Poder Judicial Corrientes
Corrientes, Hipólito Irigoyen 1, Cuerpo
Argentina



Case of depositions at trial on information.

**17.**—(1) Where a person has been committed for trial for any offence, and it is proved at his trial, whether for that offence or for any other offence arising out of the same transaction or set of circumstances, as that offence,—

(*a*) that any witness whose deposition was taken before the examining justices is unable to attend the trial either by reason of being engaged in the naval, military or air force service of His Majesty or on other work of urgent public importance, or by reason of hostile operations in the United Kingdom; and

(*b*) that the deposition was taken in the presence of the accused, and (except in the case of a deposition by a witness on behalf of the accused) that the accused, or any person appearing on his behalf before the examining justices, had full opportunity of cross-examining the witness;

then, if the deposition purports to be signed by one of the examining justices, it may be given in evidence at the trial without further proof, unless it is proved that it was not in fact signed by the justice purporting to sign it.

(2) For the purpose of this Regulation the following certificates, that is to say—

(*a*) a certificate purporting to be signed by a secretary or assistant secretary to the Admiralty, Army Council or Air Council, certifying that a person is unable to attend a trial by reason of being engaged in the naval, military or air force service of His Majesty;

(*b*) a certificate purporting to be signed by one of the examining justices or by the clerk to the examining justices certifying that a deposition was taken in the presence of the accused, and that the accused, or a person appearing on his behalf before the examining justices, had full opportunity of cross-examining the witness;

shall be conclusive evidence of the facts so certified, unless it is proved that the certificate in question was not in fact signed by the person by whom it purports to have been signed; but nothing in this paragraph shall be taken to exclude any other mode of proof.

*Miscellaneous and General.*

General provisions as to orders and directions.

**18.**—(1) Any order or direction made or given under any provision of these Regulations may be varied, supplemented or revoked by a subsequent order or direction made or given in like manner.



(2) Any order or direction made or given under any provision of these Regulations may contain such provisions as appear to be necessary or expedient for giving effect to the order or direction, or to any previous order or direction made or given under that provision.

(3) Where any person makes or gives any order or direction under these Regulations, he shall take all practical steps to bring the order or direction to the notice of all persons concerned.

Delegation of powers.

**19.** The Lord Chancellor and the Secretary of State may, to such extent and subject to such restrictions as they think proper, delegate all or any of their powers under these Regulations to any specified person or class of persons.

Short title, interpretation and extent.

**20.**—(1) These Regulations may be cited as the Defence (Administration of Justice) Regulations, 1940.

(2) For the purpose of these Regulations the following expressions have the meanings respectively assigned to them—

"court of summary jurisdiction", in relation to any petty sessional division, means a court consisting of any justice or justices of the peace for that division sitting in his or their capacity as such or, in relation to any division or other area which is deemed to be a petty sessional division by Regulation twelve of these Regulations, a court consisting of any magistrate or magistrates (by whatever name called) for that division or other area sitting for the purpose of exercising any jurisdiction which is exercisable by a justice or justices of the peace sitting in his or their capacity as such, except that it shall not include a court of quarter sessions;

"examining justices" means the justices before whom a charge is made against any person for an indictable offence and references to examining justices include references to a single examining justice;

[" hostile operations " includes measures taken in anticipation of, or in consequence of, hostile operations.]

(3) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations and of any order made thereunder as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

(4) Any reference in any document to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to that Regulation as amended by any subsequent Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940.

(5) These Regulations shall not extend to Scotland or Northern Ireland.

[1 Words in brackets inserted by S.R. & O. 1940 No. 1161.]

Archivo Electrónico
Argentina



SCH. 1

## FIRST SCHEDULE

PROVISIONS CONSEQUENTIAL ON REGULATIONS 1, 2 AND 3.

### PART I.

*Provisions applicable where court is moved or time of sitting is altered.*

1. Any recognizance, warrant or other document requiring a person to appear or be brought before the court shall have effect as if it required him to appear or be brought before the court at the time and place at which the court sits by virtue of the exercise of any such power as is mentioned in paragraph (a) of Regulation four of these Regulations.

2. Where, by virtue of the exercise of any such power, a court of assize or quarter sessions for any county or other area of jurisdiction sits at a place outside that county or other area (hereafter in this paragraph referred to as "the original county or area")—

(a) the court shall have jurisdiction for all purposes in like manner as if it were sitting within the original county or area;

(b) the jurors to attend the court shall be summoned from the county in which the court sits, and for that purpose precepts may be directed to the sheriff of that county—

(i) in the case of a court of assize, by any person who is for the time being the appropriate authority for the circuit for the purposes of Regulation one of these Regulations;

(ii) in the case of a court of quarter sessions for a borough, by the recorder, mayor, clerk of the peace or deputy clerk of the peace of the borough; and

(iii) in the case of any other court of quarter sessions, by two justices;

and the jurors so summoned, and any jury formed out of those jurors, shall have jurisdiction in the manner as if they had been summoned from the original county or area;

(c) except as hereinbefore provided, and subject to any directions given by the court, all officers of the court and other persons required to attend thereat, or to perform functions in relation thereto, shall attend at the place where the court sits, and shall perform those functions in relation to the court, in the manner as if it had been sitting within the original county or area.

### PART II.

*Provisions applicable where trial is transferred to another court.*

1. The new court shall have jurisdiction for all purposes connected with the trial of the offender as though the offence had been committed in the place for which that court is held.

2. Where judgment of death is passed at the trial of the offender by the new court, the sheriff who would, if the offender had been tried by the original court, have been charged with the execution of the judgment shall be charged with the execution of the judgment, and—

(a) may carry the judgment into execution in any prison which is the common gaol of his county or to which the offender was confined for the purpose of safe custody before his removal to the place where the new court was held; and



(b) shall, for the purposes of the execution, have the same jurisdiction in the prison and over the officers of the prison, and be subject to the same responsibilities and duties, as though he were the sheriff of the place for which the assize was held within the meaning of the Sheriffs Act, 1887; 50 & 51 Vict. c. 55

Provided that—

(i) nothing in this paragraph shall affect the provisions of subsection (3) of section two of the Criminal Criminal Court (Prisons) Act, 1881, and 44 & 45 Vict. c. 24

(ii) this paragraph shall have effect subject to the provisions of Regulation forty B of the Defence (General) Regulations, 1939.

3. All indictments, inquisitions, recognizances, depositions, exhibits and other relevant documents shall be transmitted to the new court.

4. Any recognizance, warrant or other document requiring the offender or any other person to appear or be brought before the original court shall have effect as if it required him to appear or be brought before the new Court.

5. Any commission, writs, indictments, inquisitions, depositions, exhibits or other relevant documents shall be deemed to be amended so far as may be necessary to consequence of the change of the court of trial:

Provided that nothing in this paragraph shall be taken to require the sheriff or other officer responsible for summoning jurors to attend on the original court to summon jurors to attend on the new court, or any juror summoned to attend on the original court to attend on the new court.

6. Where the trial of the offender has begun before the original court but has not been brought to a final conclusion then—

(a) if the jury have not returned a verdict, the jury shall be discharged and the offender shall be tried by a fresh jury before the new court;

(b) if the jury have returned a verdict, the offender may either be sentenced by the original court, or be sentenced by the new court as if he had been tried by a jury before the new court

7. Where the offender could not have been tried by the new court but for the exercise of any such power as is mentioned in paragraph (a) of Regulation four of these Regulations, any costs payable in the case under the Costs in Criminal Cases Act, 1908, shall in the first instance be paid in the same manner as if the offence had been committed in the county or borough in which he is tried, but shall be recoverable by the treasurer of that county or borough from the treasurer of the county or borough in which the offence was committed. 8 Edw. 7. c. 15

8. In this Part of this Schedule the following expressions have the meanings hereby respectively assigned to them—

"New court" means the court before which the trial of an offender is required to take place by virtue of the exercise of any such power as is mentioned in paragraph (a) of Regulation four of these Regulations;

"Offender" means a person whose trial, by virtue of the exercise of any such power, is required to take place before a court other than that before which it has begun, or before which it would have taken place but for the exercise of any such power;

"Original court" means the court before which the trial of an offender has begun, or would have taken place but for the exercise of any such power.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



SECOND SCHEDULE.

MATTER OF NOTICE OVER WITNESSES MAKING STATUTORY DECLARATIONS.

1. A notice signed by one of the examining justices shall be served in the manner applicable to a witness summons on the person making the declaration, and a copy of the notice with a certificate of service endorsed thereon and signed by the person serving the notice shall be transmitted to the court of trial as if it were the precognition of the person making the declaration.

2. The notice shall be in one of the following forms or in a form to the like effect, and upon service thereof upon the person making the declaration shall have the like effect as if that person had entered into a recognisance in accordance with the terms of the notice before the examining justices.

(a) *Form to be used where the witness is not bound over conditionally.*

to wit. | TAKE NOTICE, that you C.D. of
| are hereby bound in the sum of
to appear at the next Court of *usitat* [*or* quarter sessions of the peace] to be holden at in and for the county of , to be holden at in the said county, and then and there to give evidence against A.B.; and unless you then appear there and give evidence accordingly the recognisance will be forthwith levied on you.

Dated this day of 19 .

J.S.
Justice of the Peace for the County of

(b) *Form to be used where the witness is bound over conditionally.*

to wit. | TAKE NOTICE, that you C.D. of
| are hereby bound in the sum of
to appear, upon notice given to you, at the next Court of *usitat* [*or* quarter sessions of the peace] to be held for the county of , to be holden at , in the said county, and then and there to give evidence against A.B.; and unless you comply in all respects with the requirements of any notice you may receive relating to this recognisance and duly appear at such Court as you may be directed therein and give evidence accordingly, this recognisance will be forthwith levied on you.

Dated this day of 19 .

J.S.
Justice of the Peace for the County of



STATUTORY RULES AND ORDERS

**1940 No. 1191**

# THE DEFENCE (ADMINISTRATION OF JUSTICE) (SCOTLAND) REGULATIONS, 1940

Provision regarding discharge of jury in criminal trials.

1. Where in any trial on indictment (whether in the High Court of Justiciary or in the sheriff court), the presiding judge has deemed it necessary, by reason of any hostile operations in Great Britain, to discharge the jury and to desert the diet *pro loco et tempore*, then, without prejudice to the power of the Lord Advocate to direct the institution of new proceedings, the provisions of section forty-two of the Criminal Procedure (Scotland) Act, 1887, shall apply in any such case in like manner as they apply in the case of desertion of the diet for any of the causes set forth in section forty-one of the said Act.

50 & 51 Vict. c. 35.

Powers of presiding judge at criminal jury trial.

2. The presiding judge at any trial on indictment in the High Court of Justiciary shall have power to give such directions in relation to the trial as he may deem necessary, having regard to any hostile operations in Great Britain, with respect to (*a*) the right of audience, (*b*) the procedure to be followed and (*c*) the performance of the duties of clerk of the court by a sheriff clerk or sheriff clerk depute in the event of the absence or incapacity of the clerk in the Justiciary Office appointed to act as clerk at the trial.

Provisions as to jury in criminal cases.

3.—(1) For the purposes of a trial on indictment (whether in the High Court of Justiciary or in the sheriff court) no person residing outside the county in which the trial is to be held shall be required to serve on the jury, and the jury shall be summoned from the general jury roll of that county, and any enactment relating to the return or summoning of jurors shall have effect accordingly.

(2) It shall not be competent in any trial on indictment (whether in the High Court of Justiciary or in the sheriff court) to challenge any juror without reason assigned.

(3) It shall be competent for the presiding judge at any trial on indictment (whether in the High Court of Justiciary or in the sheriff court) where he is satisfied that, owing to lack of special jurors or of common jurors it is impossible to empanel a jury containing the respective numbers of such special and common jurors required by any Act, to authorise a common juror to serve on the jury in place of a special juror or *vice versa*.

Archivo Histórico
Argentina



(4) Where in the course of a trial on indictment (whether in the High Court of Justiciary or in the sheriff court) by a jury consisting, in accordance with section three of the Administration of Justice (Emergency Provisions) (Scotland) Act, 1939, of seven persons any of such persons dies, or the presiding judge is satisfied that any of such persons is through illness or other reason unfit to continue to serve on the trial, the presiding judge may direct that the trial shall proceed before the remaining jurors (if they shall be not less than five in number), and where any such direction is given the remaining jurors shall be deemed in all respects to be a properly constituted jury for the purpose of the trial and shall have power to return a verdict accordingly: provided always that they shall not be entitled to return a verdict of guilty unless five of their number are in favour of such verdict, and if in any such case the remaining jurors shall inform the presiding judge that less than five of their number are in favour of a verdict of guilty, and that there is not a majority in favour of any other verdict they shall be deemed to have returned a verdict of not guilty.

2 & 3 Geo. 6. c. 70.

Short title.

4. These Regulations may be cited as the Defence (Administration of Justice) (Scotland) Regulations, 1940.



STATUTORY RULES AND ORDERS

**1939 No. 1383**[1]

(as amended)

# THE DEFENCE (AGRICULTURE AND FISHERIES) REGULATIONS, 1939

## PART I.

*General.*

Citation.

**1.** These Regulations may be cited as the Defence (Agriculture and Fisheries) Regulations, 1939.

Interpretation.

**2.** The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament, and the provisions of that Act with respect to repeals shall apply in relation to the suspension of enactments effected by these Regulations as they apply to the repeal of enactments by an Act.

52 & 53 Vict. c. 63.

## PART II.

*Bacon Industry.*

Suspension of provisions of Bacon Industry Acts, 1938 and 1939.

**3.** So long as this Part of these Regulations remains in force, and subject to the provisions thereof, the provisions of the Bacon Industry Acts, 1938 and 1939, set out in the First Schedule hereto shall not have effect, and the remaining provisions of the said Acts shall have effect subject to the following provisions of this Part of these Regulations.

1 & 2 Geo. 6. c. 71; and 2 & 3 Geo. 6. c. 19.

Provisions as to Bacon Development Board and appointment of Emergency Committee.

**4.**—(1) So long as the Bacon Development Board established under the Bacon Industry Act, 1938 (hereinafter referred to as "the Board"), contains at least one member appointed by the Minister, one member nominated by the Pigs Marketing Board and one member nominated by the Bacon Marketing Board, it shall not be necessary to fill any vacancy occurring among the members of the Board.

(2) The quorum of the Board shall be two, and the chairman of the Board shall be such member thereof as the Minister may appoint in that behalf.

(3) No remuneration shall be payable to any member of the Board appointed or nominated after the commencement of this Part of these Regulations other than such remuneration (if any) as may be payable to him as a member of the Emergency Committee of the Board.

[1] S.R. & O. 1939 I, p. 830.

Archivo Histórico
Provincia de Río Negro Contralmirante Guillermo Brown Viedma, Río Negro Argentina



(4) It shall not be necessary for the Minister, before making a determination under subsection (3) of section one of the Bacon Industry Act, 1938, with respect to a nominated member of the Board, to consult the Marketing Board by which he was nominated; and any determination made by the Minister under that subsection before the commencement of this Part of these Regulations may be subsequently varied by him in such manner as he thinks fit.

(5) As from the commencement of this Part of these Regulations all committees appointed by the Board shall be dissolved, and the Board shall not thereafter appoint any committees other than the Emergency Committee.

(6) There shall be a committee of the Board (to be called "the Emergency Committee") consisting of one of the members of the Board appointed by the Minister, one of the members of the Board nominated by the Pigs Marketing Board, and one of the members of the Board nominated by the Bacon Marketing Board.

The Board shall, before the expiration of a period of three months from the commencement of this Part of these Regulations, appoint the members of the Emergency Committee, and if at the expiration of the said period no such appointment has been made by the Board, the Minister may himself make the appointment.

(7) A member of the Emergency Committee shall hold office for such period as may be determined by the Board, or, as the case may be, by the Minister, on the occasion of his appointment. If any member of the Emergency Committee ceases to hold office, the Board shall appoint another member of the Board in his place, and if within one month after the vacancy occurs no such appointment has been made by the Board, the Minister may himself make the appointment.

(8) The Board shall pay to each member of the Emergency Committee such remuneration, not exceeding one hundred pounds per annum, as the Board may, after consultation with the Minister of Food, from time to time determine.

(9) The quorum of the Emergency Committee shall be two, and the chairman thereof shall be that member of the Committee who was appointed by the Minister to be a member of the Board.

The Emergency Committee may act notwithstanding a vacancy in the members thereof.

(10) As from the appointment of the Emergency Committee, all the functions of the Board, other than the functions thereof relating to the appointment of members of the Emergency Committee and the determination of their remuneration, shall be performed by the Emergency Committee.



(11) At least once in every period of twelve months the Emergency Committee shall summon a meeting of the Board and shall submit to the Board a report of their proceedings. The Emergency Committee shall also summon a meeting of the Board if so requested by the chairman of the Board or any two members thereof. The Emergency Committee, or the Minister may at any time summon a meeting of the Board if it appears to them or him that it is desirable to do so.

Except as aforesaid, no meeting of the Board shall be held after the appointment of the Emergency Committee.

(12) It shall not be necessary for the Board to send to the Minister under paragraph 18 of the First Schedule to the Bacon Industry Act, 1938, a report as to the working of that Act, or for the Minister to lay before Parliament a copy of any report and accounts sent to him under that paragraph.

Additional powers of Bacon Development Board.

5. The Board may—

(a) take such steps as they consider desirable for the purpose of preserving their assets;

(b) carry out such researches in matters affecting the production and marketing of pigs suitable for bacon or the production and marketing of bacon as may be approved by the Minister or by the Minister of Food;

(c) enter into any agreement for the letting or use of any of their premises or for the hiring or use of any of their equipment or for the use of the services of any member of their staff or for the loan of any of their assets to or by any Government department, or any person designated by any Government department, and sell to any Government department or to any person so designated as aforesaid any of the Board's property;

(d) make, after consultation with the Minister of Food, such arrangements as they think fit for making payments to, or to any dependent of, any member of their staff whose services are used under any such agreement as aforesaid, or who is engaged in, or has been injured or killed in the performance of, any national service.

Amendment of s. 37 of Bacon Industry Act, 1938.

6. Section thirty-seven of the Bacon Industry Act, 1938, shall have effect as if at the end of paragraph (a) of the proviso to that section there were added the words "or to the Minister of Food."

Transitory provisions.

7. For the purpose of the application, in relation to any period before the commencement of this Part of these Regulations, of the provisions of the Bacon Industry Act, 1938, as

Archivo Histórico
Ministerio de Asuntos Agrarios, Ganadería, Pesca y Alimentación
Argentina



amended by the Bacon Industry (Amendment) Act, 1939, hereby suspended—

(a) the contract period beginning on the first day of December, nineteen hundred and thirty-eight, and any period with respect to which a determination has been made by the Bacon Marketing Board under section forty-five of the Bacon Industry Act, 1938, shall be deemed to have terminated on the date of the commencement of this Part of these Regulations; and

(b) the ascertained bacon price and the ascertained hard price as defined by section twenty-eight of the said Act as so amended shall, if it has not been previously ascertained, be determined by the Minister of Agriculture and Fisheries.

Savings.

**8.**—(1) The provisions of subsections (1) and (5) of section thirty-two of the Bacon Industry Act, 1938, shall, notwithstanding the suspension of those provisions by this Part of these Regulations, have effect in relation to any damage suffered by a registered producer of pigs or a registered curer by reason of a contravention, before the commencement of this Part of these Regulations, by the Pigs Marketing Board or the Bacon Marketing Board of a direction given to them by the Board.

(2) The suspension by this Part of these Regulations of the provisions of the Bacon Industry Act, 1938, which, under subsection (1) of section forty-three of that Act, had effect in lieu of Part VI of the Pigs Marketing Scheme, 1933, and Part VI of the Bacon Marketing Scheme, 1933, shall not be construed as reviving those Parts of those Schemes.

Interpretation of Part II.

**9.** For the purposes of this Part of these Regulations—

(a) "the Minister" means the Minister of Agriculture and Fisheries and the Secretary of State for Scotland acting in conjunction;

(b) "the Pigs Marketing Board" and "the Bacon Marketing Board" mean respectively the Boards established under the Pigs Marketing Scheme, 1933, and the Bacon Marketing Scheme, 1933.

Commencement of Part II.

**10.** This Part of these Regulations shall come into force on such date as the Minister may by order direct.[†]

[† The day appointed was the 15th January, 1940—S.R. & O. 1940, No. 63.]



## PART III.

### *Livestock Industry.*

Suspension of provisions of Livestock Industry Act, 1937. 1 Edw. 8 & 1 Geo. 6. c. 50.

**11.** So long as this Part of these Regulations remains in force, and subject to the provisions thereof, the provisions of the Livestock Industry Act, 1937, set out in the Second Schedule hereto, and the Cattle Subsidy Scheme approved under Part II of that Act, shall not have effect, and the remaining provisions of the said Act shall have effect subject to the following provisions of this Part of these Regulations.

Dissolution of Livestock Commission and Livestock Advisory Committee, transfer of certain functions of Commission to the Appropriate Minister, and consequential provisions.

**12.**—(1) The Livestock Commission established under section one of the said Act (hereinafter referred to as "the Commission") and the Livestock Advisory Committee established under section three thereof shall cease to exercise any functions, and the offices of the members thereof respectively shall be vacated, and no further appointments of members thereof respectively (other than appointments made with a view to, and so as to take effect on, the expiration of this Part of these Regulations) shall be made.

(2) The functions of the Commission under the provisions of Part IV of the said Act relating to the regulation of the holding of livestock markets, the making of livestock markets byelaws, the limitation of rents and other charges in respect of market premises and the enforcement of the said Part IV shall be performed by the Appropriate Minister, and the power of entry exercisable under section twenty-two of the said Act by any member or officer of the Commission authorised in writing in that behalf by the Commission shall be exercisable by any person authorised in that behalf by the Appropriate Minister.

(3) Any power which, under section fourteen of the said Act, is exercisable after consultation with the Commission shall be exercisable without such consultation.

(4) Any moneys accruing due to the Commission after the commencement of this Part of these Regulations may be recovered by the Minister of Agriculture and Fisheries, and shall be paid by him into the Fund. The said Minister shall pay out of the Fund any sums found after the commencement of this Part of these Regulations to be due from the Commission.

(5) So much of subsection (1) of section forty-one of the said Act as requires the Commission to prepare and submit an account of sums received, and payments made, by them, shall not have effect, but the Minister of Agriculture and Fisheries shall prepare an account of sums received, and payments made, by the Commission and by the said Minister on account of the Commission during the financial year in which this Part of these Regulations comes into force, and subsection (2) of the said section forty-one shall apply to the account so prepared.

Archivo Histórico
Universidad de Buenos Aires
Argentina



Interpretation of Part III.

**13.** For the purposes of this Part of these Regulations—

(a) " the Appropriate Minister " in relation to the exercise as respects any premises of the powers (other than the power to make livestock markets byelaws) hereby transferred to him, or to the making of livestock markets byelaws applicable to any premises, means the Appropriate Minister as defined for the purposes of the said Act in relation to the making of orders under Part IV of that Act relating to, or, as the case may be, to the making of livestock markets byelaws applicable to, such premises;

(b) " the Fund " has the same meaning as in Part VII of the said Act.

Commencement of Part III.

**14.** This Part of these Regulations shall come into force on such date as the Minister of Agriculture and Fisheries may by order direct.[1]

## [2]Part IV.

### *Sea Fish Industry.*

Suspension of provisions of Sea Fish Industry Act, 1938, 1 & 2 Geo. 6, c. 30.

**15.** So long as this Part of these Regulations remains in force, and subject to the provisions thereof, the provisions of the Sea Fish Industry Act, 1938, set out in the Third Schedule hereto shall not have effect, and the remaining provisions of the said Act shall have effect subject to the following provisions of this Part of these Regulations.

Suspension of White Fish Commission and White Fish Industry Joint Council and consequential provisions.

**16.**—(1) The White Fish Commission and the White Fish Industry Joint Council respectively established under section one and section two of the said Act shall cease to exercise any functions, and the offices of the members thereof shall be vacated, and no further appointments of members thereof (other than appointments made with a view to, and so as to take effect on, the expiration of this Part of these Regulations) shall be made.

(2) Any moneys hereafter accruing due to the said Commission may be recovered by the Minister of Agriculture and Fisheries, and the said Minister shall pay any sums hereafter found to be due from the Commission.

Amendment of s. 26 of Sea Fish Industry Act, 1938.

**17.** Section twenty-six of the said Act (which restricts the disclosure of information) shall have effect as if at the end of the proviso there were added the words " or to any disclosure of information to the Minister of Food, the Minister of Agriculture and Fisheries or the Secretary of State for Scotland.

[1] The day appointed was the 15th January, 1940—S.R. & O. 1940, No. 65.]
[2] Part IV inserted: see S.R. & O. 1939 (No. 1501) I, p. 958.]



## [1]Part V.

### *Licensing of Bulls.*

Amendment of 23 & 24 Geo. 5, c. 43.

**18.** So long as this Regulation remains in force, the Improvement of Live Stock (Licensing of Bulls) Act, 1931, shall have effect subject to the following amendments—

(a) upon any change in the ownership of a bull in respect of which a licence or permit is in force under the said Act, the licence or permit shall continue in force without any formal transfer thereof by the Minister; and

(b) it shall not be a condition of any such licence or permit that the holder shall notify the Minister of any change of his address;

and accordingly the sections of the said Act set out in the first column of the Fourth Schedule hereto shall have effect as if there were omitted therefrom the provisions mentioned in the second column of that Schedule.

## [2]Part VI.

### *Herring Industry.*

Suspension of provisions of Herring Industry Acts, 1935 and 1938.

**19.** So long as this Part of these Regulations remains in force and subject to the provisions thereof the provisions of the Herring Industry Acts, 1935 and 1938, and of the Herring Industry Scheme, 1935, made under section two of the Herring Industry Act, 1935, set out in the Fifth Schedule hereto and any rules made by the Herring Industry Board under the said Scheme shall not have effect, and the remaining provisions of the said Acts and Scheme shall have effect subject to the following provisions of this Part of these Regulations.

Suspension of Herring Industry Advisory Council.

**20.** The Herring Industry Advisory Council established under section two of the Herring Industry Act, 1938, shall cease to exercise any functions, and the offices of the members thereof shall be vacated, and no further appointments of members thereof (other than appointments made with a view to, or so as to take effect on, the expiration of this Part of these Regulations) shall be made.

Amendment of s. 12 (2) of Herring Industry Act, 1935.

**21.** Subsection (2) of section twelve of the Herring Industry Act, 1935 (which restricts the disclosure of information) shall have effect as if after the word " behalf " there were inserted the words " or to the Minister of Food, the Secretary of State for Scotland or the Minister of Agriculture and Fisheries."

[1 Part V inserted: see S.R. & O. 1939 (No. 1618) I, p. 958.]
[2 Part VI inserted: see S.R. & O. 1939 (No. 1892) I, p. 959.]

Archivo Histórico
Universidad de Buenos Aires
Argentina



Amendment of paragraph 31 of Herring Industry Scheme.

**22.** Paragraph 31 of the Herring Industry Scheme (which relates to the application of the seal of the Herring Industry Board) shall be read as if for the word "two" there were substituted the word "one."

## [*] PART VII.

### *Agricultural Wages.*

Provisions for giving effect to national minimum wage for agricultural workers. 3 & 4 Geo. 6. c. 17.

**23.**—(1) Where a national minimum wage for agricultural workers is fixed for the first time under the Agricultural Wages (Regulation) Amendment Act, 1940, the following provisions of this Regulation shall, notwithstanding anything in the Agricultural Wages (Regulation) Acts, 1924 and 1940, or in any regulations made thereunder, apply for the purpose of securing that the said national minimum wage shall take effect without delay.

(2) Any representations made under the proviso to subsection (1) of section one of the Agricultural Wages (Regulation) Amendment Act, 1940, by an agricultural wages committee for any county for the fixing of a lower minimum wage for that county or any part thereof shall be made in writing to the Agricultural Wages Board (hereinafter referred to as "the Board") within three days after receiving notification that the national minimum wage has been fixed.

(3) Where in any county the minimum rates of wages fixed by the agricultural wages committee require to be varied for the purpose of conforming to the requirements of the said subsection (1), the agricultural wages committee shall, within seven days after receiving the original notification of the national minimum wage (whether or not representations have been made as aforesaid) notify the Board of the variations which they propose to make.

(4) If any agricultural wages committee fail to comply with the last foregoing paragraph the Board may themselves make proposals for varying for the purpose aforesaid any minimum rates of wages fixed by that committee.

(5) Arrangements shall be made for making, within three days after the expiration of the period of seven days mentioned in paragraph (3) hereof, a wireless announcement as to the national minimum wage fixed by the Board and the proposals for varying minimum rates of wages fixed by agricultural wages committees, and specifying the place where copies of any such proposals may be obtained and the time within which and the manner in which objections thereto may be lodged, and no further notice of the proposals shall be required.

(6) All objections to any such proposals as aforesaid shall be made in such manner as may be so announced within seven days from the date of the announcement.

[* Part VII inserted by S.R. & O. 1940 No. 889.]



(7) All decisions made by agricultural wages committees in pursuance of any such proposals as aforesaid shall be made and sent to the Board within ten days from the date of the said announcement, and if any committee fails to do so, the Board may treat the proposals as a decision of the committee duly notified to them and make an order giving effect thereto accordingly.

(8) The Board may exercise in relation to any proposals made by them in pursuance of this Regulation or any decision made by them in pursuance of such proposals the like powers as are exercisable in relation to proposals and decisions of an agricultural wages committee.

(9) Where, in connection with any such proposals as aforesaid of an agricultural wages committee, the committee propose to make any other variation, whether with respect to minimum rates of wages or the benefits or advantages which may be reckoned as payment of wages in lieu of payment in cash, or the employment which is to be treated as overtime employment, the committee may notify all the proposals together to the Board, and the procedure prescribed by this Regulation shall apply, so far as applicable, to any proposals for any such other variation.

Power of Agricultural Wages Board to fix minimum rates for unqualified workers.

[*]**24.**—(1) Where it appears to the Agricultural Wages Board that, in respect of any class or description of workers employed in agriculture, the minimum rate of wages for time work ought by reason of the lack of experience or limited experience of those workers or the nature or circumstances of their work or employment to be lower than the minimum rate or rates fixed under the Agricultural Wages (Regulation) Acts, 1924 and 1940, which would otherwise be applicable to those workers or any of them, the Board may by order fix for that class or description of workers such a minimum rate of wages for time work as appears to them reasonable in all the circumstances of the case:

Provided that no minimum rate of wages shall be fixed under this Regulation unless both a majority of the members of the Board who represent employers and are present and voting, and a majority of the members of the Board who represent workers in agriculture and are present and voting, vote in favour of the rate.

(2) Where any minimum rate of wages has been fixed by the Board under this Regulation for any class or description of workers, any minimum rate of wages fixed under the said Acts which would otherwise be applicable to any of those workers shall not apply to them.

(3) Any such class or description of workers may be defined in such manner as the Board think fit, and in particular may be defined by reference to all or any of the following matters,

[* New Regulation inserted by S.R. & O. 1940 No. 1211.]

Archivo Histórico
Universidad de Palermo Library
Argentina



namely, their experience in agricultural work, the nature or circumstances of their work or employment, and their age and sex.

(4) Where a minimum rate of wages is fixed under this Regulation for a class or description of workers comprising workers for whom different minimum rates of wages fixed under the said Acts would otherwise be applicable, the minimum rate of wages fixed under this Regulation shall not be invalid by reason that it is, in the case of some workers, higher than that which would otherwise be applicable to those workers, if the minimum rate fixed under this Regulation is lower than the average minimum rate which would otherwise be applicable.

(5) Any such minimum rate of wages may be fixed by deducting from minimum rates of wages fixed under the said Acts such amount (whether expressed by way of a percentage or otherwise) as may be specified in the order, or may be fixed by the order without reference to minimum rates of wages fixed under the said Acts, and the order may vary any such minimum rate of wages as respects any locality in which special conditions apply, and may also vary any such rate according as the employment is for a day, week, month or other period, or according to the number of working hours, or the conditions of the employment, or so as to provide for a differential rate in the case of overtime.

(6) The Board shall, as soon as may be after they have made an order under this Regulation, send notification thereof to all agricultural wages committees, and give notice of the making of the order and the contents thereof in such manner as the Minister may in each case direct.

(7) Any order made by the Board under this Regulation may apply for the purposes of the order, with such modifications as they consider necessary, any order of an agricultural wages committee made in pursuance of paragraph (*a*) or paragraph (*b*) of subsection (1) of section eight of the Agricultural Wages (Regulation) Act, 1924.

14 & 15 Geo. 5. c. 37.

(8) The Minister may direct the Board to reconsider any order made by them under this Regulation and thereupon the Board shall reconsider the order and notify to the Minister the result of their reconsideration.

(9) Any order made under this Regulation may be varied or revoked by an order made in the like manner and subject to the like conditions.

(10) The provisions of the Agricultural Wages (Regulation) Act, 1924, shall, so far as applicable, apply in relation to any minimum rate of wages fixed under this Regulation as they apply in relation to any minimum rate of wages fixed under the said Act and made effective by order of the Board under the said Act.



[1]Part VIII.

*Agricultural Wages—Scotland.*

[1]**25.** So long as this Part of these Regulations remains in force, the provisions of subsection (6) of section two and proviso (ii) to subsection (3) of section six of the Agricultural Wages (Regulation) (Scotland) Act, 1937, as amended by the Agricultural Wages (Regulation) (Scotland) Act, 1940, and any regulations made in pursuance of the said provisions shall not, save to such extent as the Secretary of State may by order direct, have effect.

1 Edw. 8 & 1 Geo. 6. c. 33. 3 & 4 Geo. 6. c. 27.

[1]Part IX.

*Milk Marketing.*

Milk Marketing.

**26.**—(1) Notwithstanding anything in any enactment or in any milk marketing scheme, a milk marketing board shall, in exercising their powers under any such scheme, and in particular their powers to prescribe the prices, premiums and allowances payable to producers of milk, comply with such directions as may be given by the Minister of Food for the purpose of increasing and maintaining the supply of milk and regulating the distribution and utilisation of milk.

(2) Section nine of the Agricultural Marketing Act, 1931, shall not, during the continuance in force of this Regulation, apply in relation to anything done or omitted to be done by a milk marketing board in consequence of a direction given by the Minister of Food under this Regulation; and paragraph 2 of Part II of the First Schedule to the said Act, so far as it applies to milk marketing schemes and milk marketing boards, and any provision of a milk marketing scheme relating to the matters mentioned in that paragraph, shall be suspended during the continuance in force of this Regulation.

21 & 22 Geo. 5. c. 42.

(3) The Minister of Food may, for the purposes aforesaid, by order confer further powers and impose further duties on any milk marketing board, and may by order relax any obligation or limitation imposed on any such board by any enactment or by any milk marketing scheme.

(4) A milk marketing board shall, if required by or on behalf of the Minister of Food so to do, produce to such authority or person as may be specified in the request such books or other documents or, as the case may be, give such estimates, returns, accounts or other information as may be so specified.

(5) In this Regulation, the expressions "milk marketing scheme" and "milk marketing board" respectively mean a scheme approved under the Agricultural Marketing Acts, 1931 and 1933, regulating the marketing of milk, and a board constituted under any such scheme.

(6) This Regulation shall not extend to Northern Ireland.

[1] Part VIII inserted by S.R. & O. 1940 No. 1005.]
[2] Regulation re-numbered by S.R. & O. 1940 No. 1114.]
[3] Part IX inserted by S.R. & O. 1940 No. 1338.]

Archivo Histórico
Argentina



FIRST SCHEDULE.

PROVISIONS OF THE BACON INDUSTRY ACTS, 1938 AND 1939, SUSPENDED.

*The Bacon Industry Act, 1938.*

Sections 1 and 3; subsections (2) and (3) of section 4; sections 5 to 36; section 38 and 39; subsections (2) and (3) of section 40; sections 41 and 42; subsection (3) of section 43; sections 44 to 47; sections 49 to 51; and Schedules II and III.

*The Bacon Industry (Amendment) Act, 1939.*

The whole Act.

SECOND SCHEDULE.

PROVISIONS OF THE LIVESTOCK INDUSTRY ACT, 1937, SUSPENDED.

Sections 1 to 10; subsections (3) and (5) of section 14; sections 15 and 16; subsection (4) of section 17; sections 19, 21, 24 to 37, 39, 42, 45, 48, 50, 52 and 55; and Schedules I to V.

[1]THIRD SCHEDULE.

PROVISIONS OF THE SEA FISH INDUSTRY ACT, 1938, SUSPENDED.

Sections 1 to 15, 17 to 33 and 37; and Schedule I to V.

[2]FOURTH SCHEDULE.

PROVISIONS OF DEPARTMENT OF LIVE STOCK (LICENSING OF BULLS) ACT, 1931, SUSPENDED.

| Section. | *Provision suspended.* |
|---|---|
| Section three. | In subsection (1), the words " and shall send by post to the Minister written notice of the name and address of the new owner ";<br>Subsections (3) and (4).<br>In paragraph (a) of subsection (5), the words " or becomes void ". |
| Section four. | Paragraph (a) of subsection (1). |
| Section six. | Paragraph (b) of subsection (1).<br>In paragraph (i) of proviso (a) to subsection (4), the words " or has become void under subsection (4) of section three of this Act." |

[3]FIFTH SCHEDULE.

PROVISIONS OF THE HARBOURS INDUSTRY ACT, 1935, SUSPENDED.

Subsection (3) of section 1, section 4, subsections (2) to (4) of section 8, subsection (2) of section 9 except so far as it relates to the making of loans for the construction of new boats, section 11, Second Schedule.

PROVISIONS OF THE HARBOURS INDUSTRY ACT, 1938, SUSPENDED.

Subsection (3) of section 1, section 2, sections 6 to 8, First Schedule.

PROVISIONS OF THE HERRING INDUSTRY SCHEME, 1934, SUSPENDED.

Paragraph 4 except so far as relating to the making of loans for the construction of boats, paragraphs 9 to 13, paragraphs 25 to 30, paragraphs 32 to 37.

---

[1 Third Schedule inserted: see S.R. & O. 1939 (No. 1301) I, p. 836.]
[2 Fourth Schedule inserted: see S.R. & O. 1939 (No. 1628) I, p. 858.]
[3 Fifth Schedule inserted: see S.R. & O. 1939 (No. 1692) I, p. 870.]



STATUTORY RULES AND ORDERS

**1940 No. 33**

# THE DEFENCE (AGRICULTURE AND FISHERIES) (NORTHERN IRELAND) REGULATIONS, 1940

Short title.

**1.** These Regulations may be cited as the Defence (Agriculture and Fisheries) (Northern Ireland) Regulations, 1940.

Suspension of certain provisions of 1 & 2 Geo. 6. c. 10 (N. I.), and 25 & 26 Geo. 5. c. 31 (N. I.).

**2.** So long as these Regulations remain in force, and subject to the provisions thereof, the provisions of the Bacon Industry Act (Northern Ireland), 1939 (hereinafter referred to as " the Act of 1939 "), and of the Agricultural Marketing (Pig Industry) Act (Northern Ireland), 1934, which are set out in the Schedule hereto shall not have effect; and the remaining provisions of the Act of 1939 shall have effect subject to the following provisions of these Regulations.

Amendment of S. 16 of 1 & 2 Geo. 6. c. 10 (N. I.).

**3.** Paragraph (b) of section sixteen of the Act of 1939 shall not have effect.

Amendment of S. 18 of 1 & 2 Geo. 6. c. 10 (N. I.).

**4.** In subsection (2) of section eighteen of the Act of 1939 the reference to the remainder of the Pigs Marketing Scheme shall be construed as a reference to provisions of that Scheme other than—

(a) Part VI of that Scheme, and

(b) such other provisions of that Scheme as are inconsistent with the provisions of the Act of 1939 which continue to have effect subject to these Regulations.

Effect of S. 27 of 1 & 2 Geo. 6. c. 10 (N. I.).

**5.** Section twenty-seven of the Act of 1939 shall have effect so far as it applies to any provisions of the said Act which continue to have effect subject to these Regulations.

Commencement.

**6.** These Regulations shall come into force on such date as the Ministry of Agriculture for Northern Ireland may by order direct[1].

---

[1 The day appointed was 15th January, 1940—S.R. & O. (N.I.) 1940 No. 4.]

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



SCHEDULE.

PROVISIONS OF THE BACON INDUSTRY ACT (NORTHERN IRELAND), 1938, AND THE AGRICULTURAL MARKETING (PIG INDUSTRY) ACT (NORTHERN IRELAND), 1934, RESPECTIVELY.

*The Bacon Industry Act (Northern Ireland), 1938.*

The whole Act, except section fourteen, section sixteen, subsections (4), (5) and (6) of section seventeen, subsections (2) and (3) of section eighteen, subsections (1), (2), (4) and (5) of section nineteen, subsection (1) of section twenty, subsections (2) and (4) of section twenty-one, section twenty-two, section twenty-three, section twenty-five, section twenty-six, section twenty-seven, section twenty-eight, and the Schedule.

*The Agricultural Marketing (Pig Industry) Act (Northern Ireland), 1934.*

Subsections (1) and (4) of section five.



## STATUTORY RULES AND ORDERS

## 1939 No. 1304[*]

(as amended)

# THE DEFENCE (ARMED FORCES) REGULATIONS, 1939

**1.** These Regulations may be cited as the Defence (Armed Forces) Regulations, 1939.

**2.** During the continuance in force of this Regulation—

(*a*) an alien may hold a commission or may be entered or enlisted in any of His Majesty's forces as if he were a British subject;

(*b*) there shall be no limit to the number of aliens who may serve together at any one time in any corps or unit;

[*] (*c*) an alien may be enlisted in His Majesty's forces without taking the oath of allegiance; and section eighty of the Army Act and section eighty of the Air Force Act shall accordingly have effect in relation to aliens as if in paragraph (*a*) of subsection (4) the words "and shall then administer to him the oath of allegiance contained in the said paper" were omitted; as if in paragraph (*b*) of that subsection the words "and taking the oath" were omitted; and as if in subsection (5) the words "and takes the oath" were omitted.

[*]**3.** During the continuance in force of this Regulation the Uniforms Act, 1894 (which, as extended by the Air Force (Application of Enactments) (No. 2) Order, 1918, restricts the wearing by unauthorised persons of the uniforms of His Majesty's Naval, Military and Air Forces, or any dress having the appearance or bearing any distinctive marks of those uniforms), shall (as so extended) have effect as if—

57 & 58 Vict. c. 43.

(*a*) references in section three of that Act to His Majesty's Naval Forces included references to the Women's Royal Naval Service; and

(*b*) references in sections two and three of that Act to His Majesty's Military Forces and the Air Force included references to the Auxiliary Territorial Service and the Women's Auxiliary Air Force respectively.

[*] S.R. & O. 1939, I, p. 864.]
[*] New paragraph inserted by S.R. & O. 1940 No. 1015.]
[*] New Regulation inserted by S.R. & O. 1940 No. 484.]

Archivo Histórico
Universidad de Buenos Aires
Colección Instituciones y Leyes
Argentina



23 & 24 Geo. 5. c. 6.

[*]**4.** During the continuance in force of this Regulation, subsection (2) of section three of the Visiting Forces (British Commonwealth) Act, 1933 (which provides for the application in relation to Dominion forces of certain provisions relating to the apprehension of deserters and absentees without leave) shall have effect, in relation to a deserter or absentee without leave from a visiting force within the meaning of the said Act, as if the reference to paragraphs (1) to (4) of section one hundred and fifty-four of the Army Act included a reference to paragraph (5) of that section.

[* New Regulation inserted by S.R. & O. 1940 No. 1187.]



STATUTORY RULES AND ORDERS

**1940 No. 1149**

# THE DEFENCE (AUGUST BANK HOLIDAY) REGULATIONS, 1940

**1.** These Regulations may be cited as the Defence (August Bank Holiday) Regulations, 1940.

**2.** Monday, the fifth day of August, nineteen hundred and forty, shall not, in any part of the United Kingdom, be a bank holiday under the Bank Holidays Act, 1871, or a public holiday under the Holidays Extension Act 1875, section eight of the Customs Consolidation Act, 1876, or the Revenue Offices (Scotland) Holidays Act, 1880:

34 & 35 Vict. c. 17. 38 & 39 Vict. c. 13. 39 & 40 Vict. c. 56. 43 & 44 Vict. c. 47.

Provided that the said day shall be deemed to be a bank holiday throughout the United Kingdom for the purposes of—

(a) sections one to three of the Bank Holidays Act, 1871, in so far as they relate to any bill of exchange or promissory note or the making of any payment, not being a bill or note payable at sight or on demand or a payment in respect of any such bill or note;

(b) paragraph (1) of section fourteen of the Bills of Exchange Act, 1882; and 45 & 46 Vict. c. 61.

(c) such of the provisions of any enactment or other instrument, or of any agreement (whether oral or in writing), as relate to the payment of wages for work done on a bank holiday.

Archivo Histórico
Argentina



STATUTORY RULES AND ORDERS

1940 No. 1137

## DEFENCE (BUILDING SOCIETIES) REGULATIONS, 1940

Short title and interpretation. 52 & 53 Vict. c. 63.

**1.**—(1) These Regulations may be cited as the Defence (Building Societies) Regulations, 1940.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations, the expression "building society" means a society incorporated under the Building Societies Acts, 1874 to 1894, or such an unincorporated society as is mentioned in section seven of the Building Societies Act, 1874.

37 & 38 Vict. c. 42.

Requirements as to length of notice of withdrawal of shares and deposits.

**2.**—(1) No person shall be entitled to be repaid by, or to withdraw from, any building society any sum in respect of—

(*a*) a share therein; or

(*b*) a deposit therewith or loan thereto;

except after the expiration of six months from the date of the giving of a notice in writing claiming the repayment or withdrawal of that sum:

Provided that nothing in this Regulation shall affect—

(i) any loan by any bank; or

(ii) any deposit made with the society in pursuance of a continuing arrangement which conforms to the requirements of Part II of the Schedule to the Building Societies Act, 1939.

1 & 2 Geo. 6. c. 55.

(2) Where a notice claiming the repayment or withdrawal of any sum has been given before the date of the coming into force of this Regulation, but payment has not been made in pursuance of that notice before that date, the foregoing provisions of this Regulation shall apply and the period of six months mentioned in the said provisions shall be deemed to have commenced with the day following the date of the giving of that notice.

(3) This Regulation shall have effect notwithstanding anything to the contrary in any contract or rules, but nothing in this Regulation shall be construed as rendering payable any sum which would not be payable if this Regulation had not been made.



STATUTORY RULES AND ORDERS

1940 No. 1174

## THE DEFENCE (CINEMATOGRAPH QUOTAS) REGULATIONS, 1940

Short title and interpretation. 52 & 53 Vict. c. 63.

**1.**—(1) These Regulations may be cited as the Defence (Cinematograph Quotas) Regulations, 1940.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations the expression "the principal Act" means the Cinematograph Films Act, 1938, and these Regulations shall be construed as one with the principal Act.

1 & 2 Geo. 6. c. 27.

Alternative quota conditions in relation to long films.

**2.**—(1) The principal Act shall, in relation to the renter's quota period beginning with the first day of April, nineteen hundred and forty and all subsequent renters' quota periods, have effect as if subsection (1) of section one thereof had, in relation to long films, provided, as an alternative to the conditions set out in paragraph (*a*) thereof, the condition that the films which have been acquired in the quota period in question by any renter for distribution in Great Britain and are registered as long films should include such number as is specified in the subsequent paragraphs of this Regulation of such films as are so specified, being films registered as British long films and also as renter's quota films.

(2) The number of the films required to be included as aforesaid is at least one for each one hundred thousand feet of the total registered length of the films acquired by the renter in the quota period in question for distribution in Great Britain which are registered as foreign long films:

Provided that if the said total registered length is not an exact multiple of one hundred thousand feet, the remainder shall, if it is not more than ten thousand feet be disregarded, and if it is more than ten thousand feet be treated as a complete one hundred thousand feet.

(3) Each of the films required to be so included must have a registered length of at least seven thousand feet.

(4) In the case of each of the films required to be so included, the quotient derived from dividing the total labour costs of the film by the number of feet comprised in the registered length of the film must be a sum of not less than three pounds.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



(5) The total labour costs of all the films so required to be included must include payments paid or payable in respect of the labour or services of British subjects or persons domiciled in some part of His Majesty's dominions together amounting to not less than the number of pounds arrived at by—

(*a*) ascertaining the number of feet in the total registered length of all the films which have been acquired by the renter in the quota period in question for distribution in Great Britain and are registered as long films (exclusive of films registered only as exhibitor's quota films), and

(*b*) applying to the number so ascertained the proportion prescribed in relation to long films by Part I of the First Schedule to the principal Act for the year beginning with the first day of April in which the quota period in question falls.

Alternative provision substituted for s. 3 of principal Act in relation to alternative quota conditions.

**3.**—(1) Where, by means of such evidence (including statutory declarations) as the Board of Trade may require, a renter carrying on business in Great Britain satisfies the Board with respect to any film registered under Part III of the principal Act as a British long film and also as doubled or trebled for the purposes of renters' quota—

(*a*) that in any renters' quota period the said renter has, for a price of not less than twenty thousand pounds, acquired the film for distribution in a foreign country, and

(*b*) that the said renter has not acquired the film for distribution in Great Britain,

the Board may, if they think fit, give directions that—

(i) in determining whether the alternative quota condition for which provision is made by Regulation two of these Regulations has been fulfilled, the number of pounds mentioned in paragraph (5) of the said Regulation two shall be treated as reduced by the said price, and

(ii) any acquisition of the film by another renter for distribution in Great Britain (whether before or after the giving of the directions) shall be disregarded in determining whether any relevant quota conditions have been fulfilled.

(2) If, at any time after giving any directions under this Regulation, the Board of Trade discover that they were misinformed as to any of the material facts by reference to which their decision to give the directions was made, the Board may revoke the directions; and where any such directions are revoked, they shall be deemed never to have been given.



(3) Section three of the principal Act shall not apply for the purpose of determining whether the alternative quota condition for which provision is made by Regulation two of these Regulations has been fulfilled:

Provided that where a direction has been given under the said section three with respect to any film in relation to a particular renter, so much of that direction as provides that any acquisition of the film by another renter for distribution in Great Britain (whether before or after the giving of the directions) shall be disregarded, shall apply in relation to the said alternative condition as it applies in relation to any other quota conditions.

Amendment of s. 26 of the principal Act.

**4.** Section twenty-six of the principal Act shall have effect as if at the end of subsection (2) thereof there were inserted the following proviso:—

"Provided that the Board of Trade may exempt any particular film from the operation of this subsection if, in their opinion and that of the Minister of Information, it is expedient so to do for any of the purposes mentioned in subsection (1) of section one of the Emergency Powers (Defence) Act, 1939."

Amendment of definition of "renters' quota period".

**5.** The principal Act shall have effect as if for the definition in subsection (1) of section forty-four thereof of the expression "renters' quota period" there were substituted the following definition—

"'renters' quota period' means the year beginning with the first day of April, nineteen hundred and thirty-eight or any of the nine succeeding years;".

Argentina



STATUTORY RULES AND ORDERS

1940 No. 171

## THE DEFENCE (CLOSE SEASONS) REGULATIONS, 1940

Short title.

**1.** These Regulations may be cited as the Defence (Close Seasons) Regulations, 1940.

Reduction of close seasons in 1940 for pheasants.
1 & 2 Will. 4. c. 32.
13 Geo. 3 c. 54.
28 & 29 Vict. c. 54.

**2.**—(1) Section three of the Game Act, 1831, section one of the Game (Scotland) Act, 1772, and section two of the Pheasants (Ireland) Act, 1865, shall, as respects the killing of pheasants between the date of the coming into operation of these Regulations and the last day of February in the year nineteen hundred and forty, and as respects the doing between those dates in relation to pheasants of any other of the acts mentioned in those sections respectively, have effect as if for the references in those sections respectively to the first day of February there were substituted references to the last day of February.

(2) For the purposes of section four of the Game Act, 1831, the first day of March, nineteen hundred and forty, shall be deemed to be the day in that year on which it shall become unlawful to kill or take pheasants.



STATUTORY RULES AND ORDERS

1940 No. 1213

## THE DEFENCE (COMPANIES) REGULATIONS, 1940

Short title, interpretation and extent.
19 & 20 Geo. 5. c. 23.

**1.**—(1) These Regulations may be cited as the Defence (Companies) Regulations, 1940.

(2) These Regulations shall be construed as one with the Companies Act, 1929.

52 & 53 Vict. c. 63.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(4) These Regulations shall not extend to Northern Ireland.

Delegation of functions of liquidators.

**2.**—(1) Subject to the provisions of this Regulation, the functions of a liquidator of a company appointed under any of the provisions of the Companies Act, 1929, may, at any time while he is engaged in war service, be exercised by any person authorised by him by power of attorney (hereafter in this Regulation referred to as a "deputy"), whether the power was created before or after this Regulation comes into operation.

(2) The foregoing paragraph shall not apply with respect to any deputy unless and until—

(*a*) the Board of Trade have consented in writing to his exercising the functions of the liquidator; and

(*b*) there have been filed with the Registrar of Companies—

(i) the instrument creating the power of attorney authorising the deputy, or a copy, verified by an affidavit sworn by the liquidator or the deputy, of that instrument; and

(ii) the document signifying the consent of the Board of Trade as aforesaid; and

(*c*) in a case where the liquidator was appointed by the court in England, the deputy has given security to the satisfaction of the Board of Trade; and

(*d*) in a case where the liquidator was appointed by the court in Scotland, the deputy has made application to the court with regard to the security to be given by him, and either he has given security in accordance with the court's determination, or the court has dispensed with the giving of security.

Archivo Histórico
Argentina



(5) Where a deputy is authorised to exercise the functions of a liquidator in pursuance of this Regulation—

(*a*) he shall have the same powers and duties, and be subject to the same liabilities, and be subject to the jurisdiction and control of the court to the same extent, as if he were the liquidator; and

(*b*) any provision of the Companies Act, 1929, or of any rules made thereunder, requiring or authorising any document to be delivered, sent or given, or any thing to be done, to or before the liquidator shall have effect as if it required or authorised that document to be delivered, sent or given, or that thing to be done, to or before the deputy;

(*c*) no criminal proceedings shall be brought against the liquidator in respect of any contravention by the deputy of, or failure by the deputy to comply with, any provision of the said Act or rules; and in any civil proceedings brought against the liquidator in respect of any act or default of the deputy, it shall be a defence for him to prove that the deputy was appointed by him in good faith and without negligence.

(4) The Board of Trade may at any time give notice in writing to a deputy revoking their consent to his exercising the functions of the liquidator, and thereupon the deputy shall cease to be authorised to exercise those functions.

(5) If the Board of Trade give notice under the last foregoing paragraph, they shall file a copy of the notice with the Registrar of Companies; and if the authority of a deputy to exercise the functions of a liquidator expires or is revoked otherwise than by virtue of such a notice, the deputy shall, within seven days thereafter, file a notice to that effect as aforesaid.

(6) In favour of any person dealing with him, any act done or instrument executed by a deputy shall, notwithstanding that his authority to exercise the functions of the liquidator has expired or has been revoked, be as valid and effectual as if it had continued in force at the time when the act was done or the instrument executed, unless at that time—

(*a*) notice of the expiration or revocation has been filed in accordance with the last foregoing paragraph; or

(*b*) the person dealing with the deputy has had actual notice of the expiration or revocation.

(7) A statutory declaration by a deputy that the liquidator is, or was at any specified time, engaged in war service shall, in favour of a person dealing with the deputy, be conclusive evidence of that fact.



(8) For the purpose of this Regulation, a liquidator shall be deemed to be engaged in war service while he is serving, whether within or outside the United Kingdom, in any of His Majesty's naval, military or air forces, and during the period of one month after he has ceased so to serve.

(9) Anything required or authorised by this Regulation to be done by, to or before the Board of Trade, may be done by, to or before the President of the Board of Trade, any secretary, under secretary, or assistant secretary of the Board, or any person authorised in that behalf by the President.

(10) Nothing in this Regulation shall affect the provisions of section three of the Evidence and Powers of Attorney Act, 1940. 3 & 4 Geo. 6. c. 28.

Amendment as respects annual return of companies.

**3.** Notwithstanding anything in section one hundred and ten of the Companies Act, 1929, it shall not be necessary for the annual return of a company to be contained in the register of members, and accordingly—

(*a*) the following subsection shall be substituted for subsection (1) of that section—

"(1) The annual return must be completed and signed by a director or by the manager or by the secretary of the company within twenty-eight days after the first or only general meeting in the year, and the company must forthwith forward it to the registrar of companies."; and

(*b*) subsection (2) of the said section shall not have effect.

Archivo Histórico
Biblioteca de Relaciones Exteriores
Comercio Internacional y Culto
Argentina



STATUTORY RULES AND ORDERS

**1940 No. 1210**

## THE DEFENCE (ENCOURAGEMENT OF EXPORTS) REGULATIONS, 1940

Short title, interpretation, &c.

**1.**—(1) These Regulations may be cited as the Defence (Encouragement of Exports) Regulations, 1940.

52 & 53 Vict. c. 63.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations and of any order made thereunder as it applies to the interpretation of an Act of Parliament, and for the purposes of section thirty-eight of the said Act these Regulations and any such order shall be deemed to be Acts of Parliament.

(3) Anything required or authorised by or under these Regulations to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Secretary, Under-Secretary or Assistant Secretary of the Board or any person authorised in that behalf by the President.

(4) Any power conferred by any of these Regulations to make any order shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order.

Cotton industry.

**2.**—(1) The Board of Trade may make arrangements for securing that there shall be provided by a company constituted for the purpose such services in relation to the promotion and financing of the export trade in the products of the cotton industry of the United Kingdom as may be specified in the arrangements.

(2) The Board of Trade may by order made with the approval of the Treasury impose such charges in respect of the services provided under the said arrangements as may be prescribed by the order, and may by the order provide for the recovery by the Board of Trade, in such manner and through such agents, if any, as may be specified in the order, of the charges imposed.

3 & 4 Geo. 6. c. 9.

(3) Notwithstanding anything in paragraph 7 of the Schedule to the Cotton Industry Act, 1940, a person shall not be disqualified for being appointed a member of the Cotton Board by reason that he is acting in the management of the company referred to in paragraph (1) of this Regulation, nor shall any member of the Cotton Board vacate his office by reason that he acts in the management of the said company.

(4) Any arrangements made by the Board of Trade under paragraph (1) of this Regulation may be varied by subsequent arrangements made by the Board, and references in this Regulation to arrangements shall be construed accordingly.



STATUTORY RULES AND ORDERS

**1940 No. 1209**

## THE DEFENCE (EVACUATED AREAS) REGULATIONS, 1940

Short title and extent.

**1.**—(1) These Regulations may be cited as the Defence (Evacuated Areas) Regulations, 1940.

(2) These Regulations shall not extend to Northern Ireland.

Interpretation.

**2.**—(1) In these Regulations, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

"the appropriate court" means such court as may be designated by rules made by virtue of Regulation seven hereof;

"business" includes a trade and a profession;

"evacuation area" means any area declared to be an evacuation area for the purposes of these Regulations;

"evacuation period" means—

(a) in relation to any unoccupied premises in an evacuation area, the period commencing with the date of the order declaring the area to be an evacuation area or the date on which the premises became unoccupied, whichever is the later, and ending with such day as may be appointed in relation to the area by an order of the Minister of Home Security;

(b) in relation to any goods which are the subject of a contract for their hire or hire-purchase by any person who has ceased to reside or, as the case may be, to carry on business in any evacuation area, the period commencing with the date of the first-mentioned order or the date on which that person ceased to reside or carry on business, whichever is the later, and ending with such day as aforesaid;

"lease" includes an agreement for a lease and any contract of tenancy;

"mortgage" includes a charge.

52 & 53 Vict. c. 63.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Archivo Histórico
Argentina



Power to declare any part of a defence area to be an evacuation area.
56 & 57 Vict. c. 56.

**3.**—(1) Where it appears to the Minister of Home Security that by reason of the extent to which any part of a defence area has been or is likely to be evacuated these Regulations ought to apply in relation thereto, he may declare that part of the defence area to be an evacuation area for the purposes of these Regulations.

(2) Nothing in section three of the Rules Publication Act, 1893, shall apply to any order made under this Regulation; but the Minister of Home Security shall cause notice of the effect of the order to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of the persons in the evacuation area and of any other persons who in his opinion ought to have notice of the order.

(3) The Lord Chancellor shall take steps to supply courts with copies of the order authenticated in such manner as he may direct, and a court in which any such copy is supplied shall not require any further proof of the order.

Relief to persons in respect of rent, rates and other local charges.

**4.**—(1) Subject to the following provisions of this Regulation,—

(a) no rent or rates payable in respect of any premises in an evacuation area which are unoccupied at the date when the area is declared an evacuation area, or subsequently become unoccupied, and no sum secured or charged on any such premises, and no sum payable in respect of any such premises on account of a redemption annuity within the meaning of the Tithe Act, 1936, or in lieu of tithe, and no sum payable periodically in respect of any right enjoyed in connection with any such premises, and no sum payable under any contract for the supply of water, gas, electricity or telephone services to any such premises, shall be recoverable during the evacuation period;

1936, c. 43. 1 Edw. 8. c. 42.

(b) no sum shall be recoverable during the evacuation period under any contract for the hiring or hire purchase of goods by a person who, in the case of goods used solely for the purpose of a business, has ceased to carry on that business in an evacuation area or, in any other case, has ceased to reside in the area;

and no remedy arising in consequence of a default in the payment of any such rent, rates or sum as aforesaid shall be enforceable (whether by proceedings in any court or otherwise) during the evacuation period:

Provided that this paragraph shall not apply—

(i) to any such rent or sum as aforesaid payable under a lease, mortgage or other contract entered into after the date of these Regulations;



(ii) to any such rent or sum as aforesaid which accrued due and payable before the commencement of the evacuation period;

(iii) to any such rates as aforesaid payable in respect of a rating period completed before the commencement of the evacuation period; or

(iv) to any sum payable under a contract for the hiring or hire purchase of goods, unless the goods or some part thereof were in the area at the commencement of the evacuation period and have not been removed from that area by or on behalf of the hirer before the date on which the sum first accrued due and payable.

(2) For the purposes of the proviso to the foregoing paragraph—

(a) in determining at what date any part of a capital sum secured or charged on any premises and payable or repayable by instalments, or any part of the hire purchase price payable under a hire purchase agreement, accrued due and payable, no regard shall be had to any provision under which the whole amount outstanding accrues due and payable on a default in the payment of any instalment; and

(b) no part of any capital sum secured or charged as aforesaid and not payable or repayable by instalments shall be deemed to have accrued due and payable unless and until a written demand for payment has been served on the person liable and a period of three months, or such longer period as may have been specified in the demand, has elapsed since the service of the demand.

(3) No liability shall arise during the evacuation period under any contract of guarantee, indemnity or insurance entered into before the date of these Regulations by reason of a default in the payment of any rent, rates or sum to which paragraph (1) of this Regulation applies.

(4) If the person entitled to any rent, rates or sum to which paragraph (1) of this Regulation applies satisfies the appropriate court—

(a) in the case of unoccupied premises, that the person entitled to possession thereof has at any time since the commencement of the evacuation period resided in the area;

(b) in any case, that the person liable, or any other person with his consent, has enjoyed a substantial benefit from the premises or goods, as the case may be, since the commencement of the evacuation period or,

Argentina



in the case of any rent, rates or sum payable in respect of a period commencing before the evacuation period, since the commencement of the earlier period; or

(*c*) in any case, that the lease, mortgage, contract, or other obligation under which the liability arises relates also to property other than premises or goods to which that paragraph applies:

the court may make such order removing or modifying, in relation to the particular liability, any of the restrictions imposed by the foregoing provisions of this Regulation as it thinks just, and for the purpose of any such order may apportion any part of the liability to any period or to any premises or goods.

(5) For the purposes of this Regulation—

(*a*) premises requisitioned by or on behalf of any government department shall, without prejudice to the right of any person to compensation in respect of the premises or to any application to the appropriate court under the last foregoing paragraph in respect of any such compensation, be deemed to be unoccupied;

(*b*) no premises shall be deemed to be occupied by reason only of the presence therein of furniture or other goods, and no person shall be deemed to remain in occupation of any premises or to continue to reside or carry on business in an evacuation area by reason only that he intends, when circumstances affecting the area permit, to return to the premises or area or to resume the business.

Preservation of property and disposal of goods.

8.—(1) With a view to preventing or minimising the loss to the persons interested or the waste of goods essential to the life of the community by the destruction of or damage to property in an evacuation area, any person appointed under this Regulation by the Regional Commissioner within whose region the area is situated may, if it appears to him that no other person in the area has authority to act in relation to any such property, take or authorise the taking of any measures for the preservation or removal of the property which he considers necessary or expedient, and, in a case where there are urgent reasons for disposing of goods owing to their perishable nature or otherwise, sell or otherwise dispose of those goods.

(2) Any person acting under this Regulation shall be deemed to be acting on behalf of the persons interested in the property and may exercise any such other powers as he may be authorised by those persons to exercise.



(3) No person acting under this Regulation shall, so long as he acts in good faith, be under any liability by reason of anything done or omitted to be done by him.

Extension of the Courts (Emergency Powers) Act, 1939

9.—(1) Where any judgment or order is or has been given or made for the payment or recovery of a sum of money due under any contract, or for the recovery of possession of land in default of payment of rent, against any person affected directly or indirectly—

(*a*) by the evacuation of an evacuation area or by the provisions of these Regulations in their application to such an area; or

(*b*) by the evacuation of any premises in pursuance of advice given by or on behalf of any government department; or

(*c*) by any order made under Regulation sixteen A or Regulation twenty-one of the Defence (General) Regulations, 1939, requiring the removal of animals from any area;

then, if the person against whom the judgment or order is or has been given or made shows that the contract or lease was entered into after the third day of September, nineteen hundred and thirty-nine, and before the date of these Regulations, and that by reason of his being so affected he is unable immediately to satisfy the judgment or order, or to pay the rent, the appropriate court may exercise its powers under the Courts (Emergency Powers) Act, 1939, as amended by any subsequent enactment, as if the contract or lease had been made before the third day of September, nineteen hundred and thirty-nine.

2 & 3 Geo. 6 c. 67.

(2) Where any person so affected is in default in the payment of any rent or other sum due, or in the performance of any other obligation arising, under a lease, mortgage or other contract made after the third day of September, nineteen hundred and thirty-nine, and before the date of these Regulations, then, if he satisfies the appropriate court that he is unable immediately to pay the rent or other sum or to perform the obligation by reason of his being so affected, the court may, either unconditionally or subject to such conditions as the court thinks just, grant an injunction restraining the exercise of any such remedy as is mentioned in paragraph (*a*) of subsection (2) of section one of the Courts (Emergency Powers) Act, 1939, which may be available against him for the enforcement thereof and, in the case of a mortgage, also grant an injunction restraining the institution of any proceedings for foreclosure or for sale in lieu of foreclosure or for the recovery of possession of the mortgaged property or make an order staying any such proceedings previously instituted.

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina



Procedure.

7. The power conferred by section two of the Courts (Emergency Powers) Act, 1939, to make rules for the purposes of that Act shall extend to the making of rules for the purposes of these Regulations, and the said section shall have effect accordingly.

Application to Scotland.

8. These Regulations shall in their application to Scotland have effect subject to the following modifications:—

(a) any reference to "rent" shall include a reference to feu duty; "mortgage" means heritable security; and "injunction" means interdict;

(b) for any reference to the Lord Chancellor there shall be substituted a reference to the Lord President of the Court of Session;

(c) for references to the Courts (Emergency Powers) Act, 1939, and to paragraph (a) of subsection (2) of section one thereof, there shall be substituted respectively references to the Courts (Emergency Powers) (Scotland) Act, 1939, and to subsection (2) of section one thereof;

2 & 3 Geo. 6. c. 113.

(d) in paragraph (2) of Regulation six for the words from "and in the case of a mortgage" to the end of the Regulation there shall be substituted the words "or stet any action of maills and duties previously instituted".



# STATUTORY RULES AND ORDERS

## 1939 No. 1620[1]

(as amended)

# THE DEFENCE (FINANCE) REGULATIONS, 1939

## ARRANGEMENT OF REGULATIONS.

1. Acquisition by Treasury of certain securities.
1A. Custody and disposition of documents of title to securities.
2. Restriction on purchase, sale and loans of foreign currency and gold.
2A. Power of Treasury to prohibit action on certain orders as to gold, &c.
3. Restrictions on export of currency, gold and securities, &c.
3A. Restrictions upon transfer of securities.
3B. Restriction upon issue of documents of title relating to securities.
3C. Restrictions on payments, &c.
3D. Provisions as to Treasury special accounts.
3E. Provisions supplementary to Regulations 3 to 3D.
4. Acquisition by Treasury of gold coin and bullion.
5. Acquisition by Treasury of certain foreign currency, &c.
5A. Power to exempt securities from provisions of Regulation 1.
5B. Requirements as to payments for goods exported to certain territories.
6. Control of capital issues.
7. Exemption from stamp duty.
8. Power to obtain information.
9. Application of certain provisions of Defence Regulations, 1939.
9A. Provision as to payments by Treasury.
10. Interpretation.
11. Short title.

Acquisition by Treasury of certain securities.

1.—(1) The Treasury may by order direct—

(a) that, subject to any exemptions for which provision may be made by the order, no person shall, except with permission granted by or on behalf of the Treasury, sell, transfer or do anything which involves the creation of a charge on, securities of any such class as may be specified in the order,

[1 S.R. & O. 1939, I, p. 860.]

Archivo Histórico
Universidad de Buenos Aires
Argentina



being a class of securities which, in the opinion of the Treasury, are likely to be marketable outside the United Kingdom, and

(*b*) that the owner of any securities of the said class shall, in such manner and within such period as may be specified in the order, make a return to the Bank of England giving such particulars with respect to those securities as may be so specified.

For the purposes of this paragraph a person who mortgages or pledges a security shall be deemed thereby to create a charge on the security.

(2) At any time while an order made under the preceding paragraph with respect to securities of any class is in force, the Treasury, if they are of the opinion that it is expedient so to do for the purpose of strengthening the financial position of the United Kingdom, may, by an order made generally with respect to any specified securities of that class, or by directions given with respect to any securities of that class of which any particular person is the owner, transfer to themselves the securities to which the order or directions relates or relate, at a price specified in the order or directions being a price which, in the opinion of the Treasury, is not less than the market value of the securities on the date of the making of the order or the giving of the directions:

[1]Provided that where the Treasury have by an order made under this paragraph transferred to themselves securities in respect of which returns had before the date of the making of that order been made to the Bank of England under an order made under the last foregoing paragraph, then, if by an order or directions subsequently made or given under this paragraph the Treasury transfer to themselves securities which would have been transferred to them under the former order if such a return as aforesaid had been made before that date, the minimum price at which the securities may be transferred shall be the price specified in the former order subject to such reduction as the Treasury think fit in respect of any dividend or interest payable since the date of the making of that order, or a price which in the opinion of the Treasury is the market value of the securities on the date of the making or giving of the subsequent order or directions, whichever is the less.

(3) Where any order is made, or any directions are given, under the last preceding paragraph with respect to any securities—

(*a*) those securities shall forthwith vest in the Treasury free from any mortgage, pledge or charge, and the Treasury may deal with the securities as they think fit;

[1 Proviso inserted by S.R. & O. 1940 No. 668.]



(*b*) the owner of any of those securities, and any person who is responsible for keeping any register or book in which any of those securities is registered or inscribed or who is otherwise concerned with the registration or inscription of any of those securities, shall do all such things as are necessary or as the Treasury or the Bank of England on their behalf may direct to be done for the purpose of securing that the security and any document of title relating thereto will be delivered to the Treasury or to such person as the Treasury may direct, and, in the case of any registered or inscribed security, that the security will be registered or inscribed in the name of the Treasury or such person as the Treasury may direct.

(4) The duty to deliver any security under the last preceding paragraph shall include a duty to do all such things as are necessary to secure that any dividends or interest on that security becoming payable on or after the date of the making of the order or the giving of the directions will be paid to the Treasury; and where, in the case of any security payable to bearer which is delivered in pursuance of the said paragraph, any coupons representing any such dividends or interest are not delivered with the security, such reduction in the price payable therefor shall be made as the Treasury think fit:

Provided that, where the price specified in the order or directions in relation to any securities is ex any dividend or ex any interest, this paragraph shall not apply to that dividend or interest or to any coupon representing it.

(5) A certificate signed by any person authorised in that behalf by the Treasury that any specified securities are securities transferred to the Treasury under this Regulation shall be treated by all persons responsible for keeping any registers or books in which the securities are registered or inscribed, or who are otherwise concerned with the registration or inscription of those securities, as conclusive evidence that the securities have been so transferred.

(6) This Regulation shall not apply to any security if the Treasury are satisfied that at all times since the beginning of the twenty-sixth day of August, nineteen hundred and thirty-nine, all the persons interested in the security, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge created before the said day, but including any persons beneficially interested therein under a trust, were not resident in the United Kingdom.

(7) Where, by virtue of sub-paragraph (*a*) of paragraph (3) of this Regulation, any security has become vested in the

Archivo Histórico
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto
Argentina



Treasury, then, at any time before the steps required by sub-paragraph (*b*) of that paragraph to be taken in relation to that security have been taken, the Treasury may, by a declaration made in writing on their behalf, divest themselves of the security; and thereupon the order or directions in consequence of which the security so became vested in the Treasury shall be deemed, for all purposes, not to have been made or given with respect to that security.

(3) For the purposes of this Regulation, the expression "security" includes a deposit receipt in respect of the deposit of securities.

Custody and disposition of documents of title to securities.

[1]1A. The Treasury may give such directions as to the custody and disposition of documents of title relating to securities, or relating to any class or description of securities specified in the direction, as appear to the Treasury to be expedient.

Restriction on purchase, sale and loans of foreign currency and gold.

2.—(1) Except with permission granted by or on behalf of the Treasury, no person other than an authorised dealer shall, in the United Kingdom, buy or borrow any foreign currency or any gold from, or lend or sell any foreign currency or any gold to, any person not being an authorised dealer.

(2) In this Regulation the expression "authorised dealer" means, in relation to any transaction in respect of gold, a person authorised by or on behalf of the Treasury to deal in gold, or, in relation to any transaction in respect of foreign currency, a person authorised by or on behalf of the Treasury to deal in foreign currency.

Power of Treasury to prohibit action on certain orders as to gold, &c.

[2]2A. Where the Treasury are satisfied that any State is exposed to pressure from another State and in consequence action is being, or is likely to be, taken to the detriment of the economic position of the United Kingdom, the Treasury may give general or special directions prohibiting, either absolutely or to such extent as may be specified in the directions, the carrying out, except with permission granted by or on behalf of the Treasury, of any order given by or on behalf of—

(*a*) the first-mentioned State or the Sovereign thereof or any person resident therein, or

(*b*) any body corporate which is incorporated under the laws of that State or is under the control of that State or the Sovereign thereof or any person resident therein,

in so far as the order—

(i) requires the person to whom the order is given to make any payment or to part with any gold or securities; or

[1] New Regulation inserted by S.R. & O. 1940 No. 1498.
[2] New Regulation inserted by S.R. & O. 1940 No. 1503.



(ii) requires any change to be made in the persons to whose credit any sum is to stand or to whose order any gold or securities are to be held.

Restrictions on export of currency, gold and securities, &c.

[1]3.—(1) Subject to any exemptions which may be granted by order of the Treasury, no person shall, except with permission granted by or on behalf of the Treasury, take or send out of the United Kingdom any banknotes, postal orders, gold, securities or foreign currency:

Provided that nothing in this paragraph shall restrict the doing of anything within the scope of his authority by a person authorised by or on behalf of the Treasury to deal in foreign exchange.

(2) Any person who on any occasion is about to leave the United Kingdom (which person is hereafter in this Regulation referred to as "the traveller") shall, if requested so to do by the appropriate officer—

(*a*) declare whether or not he has with him any banknotes, postal orders, gold, securities or foreign currency;

(*b*) produce any banknotes, postal orders, gold, securities or foreign currency which he has with him,

and the appropriate officer and any person acting under his directions may search the traveller, and examine or search any article which the traveller has with him, for the purpose of ascertaining whether he has with him any banknotes, postal orders, gold, securities or foreign currency, and may seize any banknotes, postal orders, gold, securities or foreign currency produced or found upon such examination or search, unless either—

(i) the appropriate officer is satisfied that the traveller is, in respect of all banknotes, postal orders, gold, securities or foreign currency which he has with him on the said occasion, exempted from the restriction imposed by paragraph (1) of this Regulation; or

(ii) the traveller produces to the appropriate officer a single certificate granted by or on behalf of the Treasury, showing, with respect to all banknotes, postal orders, gold, securities or foreign currency which he has with him on the said occasion, that the taking out by him of the banknotes, postal orders, gold, securities or foreign currency does not involve a contravention of the said paragraph (1):

Provided that no female shall be searched in pursuance of this paragraph except by a female.

(3) Where any persons are about to leave the United Kingdom in any ship or aircraft, the appropriate officer and any person acting under his directions may go on board the ship

[1] Regulations 3 to 3E substituted for former Regulations 3 to 3C by S.R. & O. 1940 No. 1734 which came into operation on 18th July, 1940.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



or aircraft for the purpose of exercising the powers conferred on them by the last preceding paragraph, and may also examine or search the ship or aircraft for the purpose of ascertaining whether there are on board the ship or aircraft any banknotes, postal orders, gold, securities or foreign currency and may seize any banknotes, postal orders, gold, securities or foreign currency found upon such examination or search, being banknotes, postal orders, gold, securities or foreign currency which the appropriate officer has reasonable ground for suspecting to be in the ship or aircraft for the purpose of being taken or sent out of the United Kingdom in contravention of paragraph (1) of this Regulation.

(4) Nothing in the preceding provisions of this Regulation shall apply in relation to the taking or sending of anything from one part of the United Kingdom to another or from the United Kingdom to the Isle of Man, or in relation to any person travelling between one part of the United Kingdom and another or between the United Kingdom and the Isle of Man.

(5) As respects any goods consigned from the United Kingdom to a destination which is neither in the United Kingdom nor in the Isle of Man, the appropriate officer and any person acting under his directions may examine or search the goods for the purpose of ascertaining whether there are being sent therewith any banknotes, postal orders, gold, securities or foreign currency and may seize any banknotes, postal orders, gold, securities or foreign currency found upon such examination or search unless there appears to the appropriate officer to have been granted by or on behalf of the Treasury a certificate which shows that the sending aforesaid of banknotes, postal orders, gold, securities or foreign currency does not involve a contravention of paragraph (1) of this Regulation.

The appropriate officer and any person acting under his directions may go on board any ship or aircraft for the purpose of exercising the powers conferred on them by this paragraph in relation to any goods on board the ship or aircraft.

(6) For the purposes of this Regulation, any bill of exchange or promissory note payable otherwise than in sterling shall be deemed to be foreign currency:

Provided that this paragraph shall not apply to bills or notes payable in any currency issued by the Government of, or under the law of, any part of the sterling area, not being bills or notes which are legal tender in any part of that area.

(7) In this Regulation—

(a) the expression "security" includes a deposit receipt in respect of the deposit of securities, a unit or sub-unit of a unit trust, a coupon representing dividends or interest and a life or endowment assurance policy, and any document of title relating to any security;

(b) the expression "appropriate officer" means any officer of Customs and Excise, any immigration officer, any constable or any person authorised by a Secretary of State to act under paragraphs (2), (3) and (5) of this Regulation.



Restrictions upon transfer of securities.

[*]2A.—(1) Subject to any exemptions which may be granted by order of the Treasury, no person shall, either on his own behalf or on behalf of any other person, agree to transfer or acquire, or transfer, or acquire otherwise than by operation of law or by inheritance, any securities or any interest in securities, unless the Treasury or persons authorised by or on behalf of the Treasury are satisfied that no person resident outside the sterling area has, immediately before the transfer, acquisition or agreement, any interest in the securities:

Provided that nothing in this paragraph shall prohibit any agreement, transfer or acquisition which is effected with permission granted by the Treasury or by a person authorised by them or on their behalf.

(2) Subject to any exemptions which may be granted by order of the Treasury, no person shall, except with permission granted by the Treasury or by a person authorised by them or on their behalf—

(a) transfer any security or create or transfer any interest in a security to or in favour of a person resident outside the sterling area;

(b) transfer any security from a register in the United Kingdom to a register outside the sterling area, or do any act which is calculated to secure, or forms part of a series of acts which together are calculated to secure, the substitution for any security which is either in or registered in the United Kingdom of any security which is either outside or registered outside the sterling area; or

(c) procure that, in any register or book in which securities are registered or inscribed, an address outside the sterling area shall, except by way of substitution for another such address, be registered in respect of any security.

In this paragraph the expression "security" includes a coupon representing dividends or interest.

(3) Subject to any exemptions which may be granted by order of the Treasury, no person who holds any securities as trustee or agent shall, except with permission granted by the Treasury or by a person authorised by them or on their behalf,

[* See note on p. 227.]

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



do any act whereby he recognises or gives effect to the transfer of those securities or the creation or transfer of any interest therein by, to or in favour of a person resident outside the sterling area:

Provided that nothing in this paragraph shall restrict the doing of any act for the doing of which permission has been granted to any person by the Treasury or by a person authorised by them or on their behalf under any other paragraph of this Regulation, or the doing of any act recognising or giving effect to any transaction for which permission has been so granted or which has been entered into before the eleventh day of May, nineteen hundred and forty.

(4) Subject to any exemptions which may be granted by order of the Treasury, no person shall, except with permission granted by the Treasury or by a person authorised by them or on their behalf, enter any transfer of securities in any register or book in which those securities are registered or inscribed unless there has been produced to him such evidence that the transfer does not involve a contravention of this Regulation as may be prescribed by instructions issued by or on behalf of the Treasury.

(5) Nothing in paragraph (1) of this Regulation shall prohibit the making of any agreement to which one at least of the parties is a member of—

(*a*) the Stock Exchange, London, or
(*b*) the Associated Stock Exchanges, or
(*c*) the Provincial Brokers' Stock Exchange, or
(*d*) the Mincing Lane Tea and Rubber Share Brokers' Association Limited, or
(*e*) the Stock Exchange, Oldham, or
(*f*) the Association of Stock and Share Dealers,

and nothing in paragraph (2) of this Regulation shall prohibit the execution, by or on behalf of the transferor, of any instrument of transfer of securities in pursuance of any such agreement; but this paragraph shall not authorise the doing of any other act which would, apart from this paragraph, constitute a breach of this Regulation.

(6) In this Regulation—

the expression "acquire by inheritance" means acquire in the capacity of a beneficiary under a will or intestacy, or in the capacity of a personal representative of a deceased person; and

the expression "security" includes a deposit receipt in respect of the deposit of securities and a life or endowment assurance policy, but does not include a Treasury bill or any bill issued by a local authority in the United Kingdom or the Isle of Man;



and for the purposes of this Regulation an interest in securities does not include an interest in expectancy on the determination of a life, or any interest merely as a trustee.

Restrictions upon issue of documents of title relating to securities

[*]3B.—(1) Subject to any exemptions which may be granted by order of the Treasury, no person shall, except with permission granted by the Treasury or by a person authorised by them or on their behalf, issue any bearer bond, share warrant to bearer, or other document of title by the delivery of which the title to securities or to any interest in securities is transferable:

Provided that nothing in this Regulation shall restrict the issue of any such document of title for the purpose of replacing any such document which has been lost or destroyed.

(2) In relation to the issue of documents of title relating to securities the issue of which is authorised by any Act of Parliament passed before the twenty-fourth day of August, nineteen hundred and thirty-nine, this Regulation shall bind the Crown, and the Treasury shall not, by virtue of any contract made by them or on their behalf in relation to any such securities, be required to grant any permission or exemption under the last foregoing paragraph for the issue of any document of title relating to any such securities.

(3) Coupons representing dividends or interest shall be deemed for the purposes of this Regulation to be documents of title by the delivery of which a title to an interest in securities is transferable.

(4) In this Regulation the expression "security" does not include a Treasury bill or any bill issued by a local authority in the United Kingdom or the Isle of Man.

Restrictions on payments, &c.

[*]3C.—(1) Subject to any exemptions which may be granted by order of the Treasury, no person shall, except with permission granted by or on behalf of the Treasury—

(*a*) draw, issue or negotiate any bill of exchange or promissory note, or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment in the United Kingdom or in the Isle of Man is created or transferred in favour of a person who is resident outside the sterling area; or

(*b*) make any payment to any such person.

(2) Subject to any exemptions which may be granted by order of the Treasury, no person shall, except with permission granted by or on behalf of the Treasury—

(*a*) draw, issue or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any

[*] See note on p. 229.]

Archivo Histórico
Argentina



debt, so that a right (whether actual or contingent) to receive a payment in the United Kingdom or in the Isle of Man is created or transferred in favour of a person not resident outside the sterling area as consideration for, or in association with—

(i) the receipt by any person of a payment, or the acquisition by any person of property, outside the sterling area, or

(ii) the creation or transfer, in favour of any person, of a right (whether actual or contingent) to receive a payment, or acquire property, outside the sterling area; or

(b) make any payment to a person not resident outside the sterling area as such consideration or in such association as aforesaid.

In this paragraph the expression "transfer" includes, in relation to any security, transfer by way of loan or security, and the expression "security" includes a deposit receipt in respect of the deposit of securities, a unit or sub-unit of a unit trust, a coupon representing dividends or interest and a life or endowment assurance policy.

(3) Where an individual has at any time since the third day of September, nineteen hundred and thirty-nine, resided in the United Kingdom or the Isle of Man—

(a) until the Treasury otherwise direct, he shall be treated, for the purposes of this Regulation and of any order providing for exemptions from any of the provisions thereof, as having been, and as still being, resident in the United Kingdom or the Isle of Man and not resident outside the sterling area; and

(b) if any such direction is given, the Treasury may, by the same or subsequent direction, declare the territory in which, for those purposes, he is to be treated as being resident,

and any direction given under this paragraph may be either general or special and may be revoked or varied by a subsequent direction thereunder.

(4) Nothing in this Regulation shall restrict the doing by a person authorised by or on behalf of the Treasury of anything within the scope of his authority.

Provisions as to Treasury special accounts.

[1]30.—(1) Where, in the case of any territory with respect to which no agreement is in force for the regulation of payments between the United Kingdom and that territory, it appears expedient to the Treasury to exercise the powers conferred on them by this Regulation, the Treasury may provide for the setting up

[1 See note on p. 229.]



of an account (hereafter in this Regulation referred to as a "Treasury special account") with a view to the payment into that account of sums due to persons resident in the territory in question.

(2) Where a payment is made to the credit of a Treasury special account, the receipt of the Treasury or a person authorised by the Treasury for the sum paid shall, to the extent of the sum paid, be a good discharge to the person making the payment:

Provided that where the liability to make the payment is a liability to make the payment in some currency other than sterling the extent of the discharge shall be ascertained by converting the amount paid into that currency at such rate of exchange as the Treasury may determine.

(3) The amount standing to the credit of any Treasury special account shall from time to time, as the Treasury may direct, be applied in accordance with any agreement which may subsequently be concluded for the regulation of payments between the United Kingdom and the territory in question or, if no such agreement is concluded, for the purpose of paying, in whole or in part and in such order and at such times as the Treasury think fit, debts due from persons resident in the territory in question to persons resident in the United Kingdom or in such other territories as may be specified in an order of the Treasury in that behalf.

Provisions supplemental to Regulations 3 to 30.

[1]31.—(1) The Treasury or a person acting on their behalf may impose such restrictions on the making of payments, and the doing of any other acts, by bankers in the course of their business as appear to the Treasury to be necessary or expedient for the purpose of securing the due enforcement of Regulations three to three D of these Regulations.

(2) For the purposes of the said Regulations three to three D and of any orders made thereunder—

(a) any transaction with a branch in the sterling area of any body corporate resident outside the sterling area shall be treated in all respects as if the branch were a separate body corporate resident where the business of the branch is carried on; and

(b) the making of any book entry or other statement recording a debit against any such branch in favour of the head office of the body corporate or any branch thereof outside the sterling area shall be treated as the acknowledgment of a debt whereby a right is created in favour of a person resident outside the sterling area to receive a payment in the place where the business of the first-mentioned branch is carried on.

[1 See note on p. 229.]

Archivo Histórico
Universidad de Palermo Argentina



Acquisition by Treasury of gold coin and bullion.

4.—(1) Every person resident in the United Kingdom who at the date on which this Regulation comes into operation is, or after that date becomes, entitled to sell, or to procure the sale of, any gold shall offer that gold, or cause it to be offered, for sale to the Treasury or to a person designated by the Treasury for the purposes of this Regulation, at such price as may be determined by or on behalf of the Treasury:

Provided that the preceding provisions of this paragraph shall not impose upon any person an obligation to offer any gold for sale or to cause any gold to be offered for sale, if—

(a) he satisfies the Treasury or a person so designated—

(i) that all the persons interested in that gold, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge created before the third day of September, nineteen hundred and thirty-nine, but including any persons beneficially interested in the gold under a trust, are not resident in the United Kingdom, or

(ii) that the gold is required for the purpose of performing a contract made before the said day, or

(iii) that the gold is held for the purpose of meeting the reasonable requirements of a trade or business carried on in the United Kingdom or the Isle of Man otherwise than by way of dealing in gold, or

(b) he is, in respect of that gold, exempted from this Regulation by the Treasury or by a person so designated.

(1A) Where a person has become bound under paragraph (1) of this Regulation to offer, or cause to be offered, any gold for sale, and has not done so, the Treasury may direct that that gold shall vest in the Treasury, and it shall vest in the Treasury accordingly free from any mortgage, pledge or charge, and the Treasury may deal with it as they think fit, but the Treasury shall pay to the person who would but for the direction be entitled to possession of the gold such price in respect thereof as may be determined by or on behalf of the Treasury.

18 & 19 Geo. 5. c. 13.

(2) The operation of section eleven of the Currency and Bank Notes Act, 1928, shall be suspended during the continuance in force of this Regulation.

Acquisition by Treasury of certain foreign currency, &c.

5.—(1) Every person resident in the United Kingdom who at the date on which this Regulation comes into operation is, or after that date becomes, entitled to sell, or to procure the sale of, any foreign currency to which this Regulation applies shall offer it, or cause it to be offered, for sale to the Treasury, or to a



person designated by the Treasury for the purposes of this Regulation, at such price as may be determined by or on behalf of the Treasury.

(1A) Where a person has become bound under paragraph (1) of this Regulation to offer, or cause to be offered, any foreign currency for sale, and has not done so, the Treasury may direct that that currency shall vest in the Treasury and it shall vest in the Treasury accordingly free from any mortgage, pledge or charge, and the Treasury may deal with it as they think fit, but the Treasury shall pay to the person who would but for the direction be entitled to possession of the currency such price in respect thereof as may be determined by or on behalf of the Treasury.

(2) Every person resident in the United Kingdom who at the date on which this Regulation comes into operation is, or after that date becomes, entitled to assign, or to procure the assignment of, any right to receive outside the United Kingdom and the Isle of Man, in respect of any credit or balance at a bank, payment of any amount in a foreign currency to which this Regulation applies, shall, unless the Treasury or a person designated by the Treasury for the purposes of this Regulation gives him notice to the contrary, do all things necessary for the purpose of assigning that right to the Treasury or to a person so designated.

The sum payable as consideration for any assignment made in accordance with this paragraph shall be such as may be determined by or on behalf of the Treasury.

(3) The preceding provisions of this Regulation shall not impose upon any person an obligation in respect of any currency or right to receive payment of any amount, if—

(a) he satisfies the Treasury or a person designated by the Treasury for the purposes of this Regulation that all the persons interested in that currency or right, other than persons interested therein merely as trustees or merely by virtue of any mortgage, pledge or charge created before the third day of September, nineteen hundred and thirty-nine, but including any persons beneficially interested in the currency or right, under a trust, are not resident in the United Kingdom, or

(b) he satisfies the Treasury or a person so designated that the currency or amount, as the case may be, is held or is required for the purpose—

(i) of performing a contract made before the third day of September, nineteen hundred and thirty-nine, or

(ii) of meeting the reasonable requirements of a trade or business carried on in the United Kingdom or the Isle of Man otherwise than by way of dealing in foreign exchange, or

Archivo Histórico
Argentina



(iii) of defraying reasonable travelling or other personal expenses, or

(c) he is, in respect of that currency or right, as the case may be, exempted from this Regulation by the Treasury or by a person so designated.

(4) The foreign currency to which this Regulation applies is such foreign currency as may from time to time be designated by the Treasury for the purposes of this Regulation, by notice published in the London, Edinburgh and Belfast Gazettes.

(5) Where any goods are exported from the United Kingdom, the person making entry of the goods shall, if required so to do by or on behalf of the Commissioners of Customs and Excise, deliver to the collector or other proper officer, together with the entry, a declaration in such form, signed by such person, and containing such information relating to the export of the goods and the sum to be received or which is expected to be received in respect of the goods, as the said Commissioners may require with a view to facilitating the enforcement of this Regulation and the obtaining of information as to the amounts obtainable in foreign currency (whether a foreign currency to which this Regulation applies or not) by reason of the export of goods.

Without prejudice to any liability to penalties under Part V of the Defence Regulations, 1939, any such declaration shall, for the purposes of section one hundred and sixty-eight of the Customs Consolidation Act, 1876 (which imposes penalties on making false declarations), be deemed to be a declaration in a matter relating to the Customs; and if any goods in respect of which a declaration has been required under this paragraph to be delivered are shipped, put off, or water-borne to be shipped, without the declaration having been delivered in accordance with this paragraph, the goods shall be liable to forfeiture under the enactments relating to the Customs.

39 & 40 Vict. c. 36.

Power to exempt securities from provisions of Regulation 8 (1).

[1]**8A.**—(1) The Treasury may, by an order made by them generally with respect to any description of securities, or by a certificate given by them or on their behalf with respect to any particular securities, exempt the securities to which the order or certificate relates from the provisions of Regulation one of these Regulations, and any such order or certificate shall be deemed to relate not only to the securities specified therein, but also to any security in which the owner of the securities so specified may become or has become entitled as such, either by way of bonus or in consequence of any conversion operation, amalgamation or reconstruction.

(2) Any order made by the Treasury or certificate given by them or on their behalf before the ninth day of May, nineteen hundred and forty, for the purpose of exempting securities

[1 New Regulation substituted by S.R. & O. 1940 No. 688.]



from the provisions of Regulation one of these Regulations, shall be deemed to be an order or certificate made or given under this Regulation.

(3) Any certificate given under this Regulation may be revoked or varied by a notice served by or on behalf of the Treasury on the person to whom the certificate was issued.

(4) In this Regulation the expression "security" includes a deposit receipt in respect of the deposit of securities.

Requirements as to payments for goods exported to certain territories.

[1]**8B.**—(1) Subject to any exemptions which may be granted by order of the Treasury, no person shall, except with permission granted by or on behalf of the Treasury export goods of any class or description to a destination in any territory to which this Regulation is applied by order of the Treasury, unless it is shown to the satisfaction of the Commissioners of Customs and Excise—

(a) that payment for the goods has been made to a person resident in the United Kingdom in such manner as may be prescribed by order of the Treasury in relation to the territory in question;

(b) that payment for the goods is to be so made not later than six months, or such longer period as may be allowed by or on behalf of the Treasury, after the date of export,

and in either case that the amount of the payment of the goods represents the full value of the goods, subject to such deductions, if any, as may be allowed by or on behalf of the Treasury.

(2) For the purpose of enforcing this Regulation and of satisfying themselves, in the case of any goods, as to the matters specified in paragraph (1) of this Regulation, the Commissioners of Customs and Excise may require the person making entry of the goods to deliver to the collector or other proper officer, together with the entry, such declarations and undertakings signed by such persons as the Commissioners may require, and where any such declaration or undertaking has been so required, the goods shall not be exported until it has been delivered as aforesaid.

(3) Without prejudice to any liability to penalties under Part V of the Defence (General) Regulations, 1939—

(a) if any goods are exported in contravention of the provisions of this Regulation or are shipped, put off or water-borne to be shipped for the purpose of being so exported, the goods shall be liable to forfeiture under the enactments relating to the customs; and

[1 New Regulation inserted by S.R. & O. 1940 No. 491 and amended by S.R. & O. 1940 Nos. 822, which came into operation on 10th June, 1940 and 1134 which came into operation on 13th July, 1940.]

Archivo Histórico
Argentina



(b) any declaration required to be delivered under paragraph (2) of this Regulation shall, for the purposes of section one hundred and sixty-eight of the Customs Consolidation Act, 1876 (which imposes penalties on making false declarations), be deemed to be a declaration in a matter relating to the customs.

(4) References in this Regulation to the destination of any goods include references to the ultimate destination thereof.

Control of capital issues.

**2.**—(1) Subject to such exemptions as may be granted by order of the Treasury, it shall not be lawful, except with the consent of the Treasury and in accordance with such conditions as the Treasury may impose, to make an issue of capital in the United Kingdom, to make, in the United Kingdom, any public offer of securities for sale, or to renew or postpone the date of maturity of any security maturing for repayment in the United Kingdom.

(2) Subject to such exemptions as may be granted by order of the Treasury, it shall not be lawful to issue any prospectus or other document offering for subscription, or publicly offering for sale, any securities which does not include a statement that the consent of the Treasury has been obtained to the issue or offer of the securities.

(3) For the purposes of this Regulation a person shall be deemed to make an issue of capital who—

(a) issues any securities (whether for cash or otherwise), or

(b) receives any money on loan on the terms, or in the expectation, that the loan will or may be repaid wholly or partly by the issue of any securities, or by the transfer of any securities issued after the making of the loan.

(4) A security shall not be invalid by reason that the consent of the Treasury has not been given to the issue thereof, or that any conditions imposed by the Treasury in relation to the issue thereof have not been complied with, but nothing in this paragraph shall be construed as modifying the liability of any person to any penalty in respect of any failure to obtain such consent or to comply with such conditions.

(5) In this Regulation, references to securities and to the issue of securities respectively include, as from the twenty-third day of November, nineteen hundred and thirty-nine, references to any mortgage or charge, whether legal or equitable, and to the creation of, or the increasing of the amount secured by, any such mortgage or charge; and the expression "security" includes a promissory note of a local authority and a deposit receipt for money lent issued by a local authority or by any person carrying on any business other than the business of banking.



(6) In the application of this Regulation to Scotland any reference to a mortgage shall include a reference to a heritable security.

Exemption from stamp duty.

**3.**—(1) Stamp duty shall not be chargeable on any security by reason only of the assignment, transfer or negotiation thereof to the Treasury, and shall not be chargeable—

(a) on any instrument whereby any security is assigned or transferred to the Treasury (whether on sale or otherwise), or

(b) on any contract note for, or relating to, any sale of securities to the Treasury.

(2) This Regulation applies only in relation to assignments, transfers, negotiations or sales of securities effected during the continuance in force of this Regulation, whether in compliance with these Regulations or otherwise.

(3) In this Regulation the expression "contract note" has the meaning assigned to that expression by subsection (3) of section seventy-seven of the Finance (1909-10) Act, 1910.

10 Edw. 7. & 1 Geo. 5. c. 8.

Power to obtain information.

[†] **4.**—(1) The Treasury may give to any person directions requiring him, within such time and in such manner as may be specified in the directions, to furnish to them or to any persons designated in the directions as a person authorised to require it, any information in his possession or control which the Treasury or the person so authorised, as the case may be, may require for the purpose of securing compliance with or detecting evasion of these Regulations.

(2) A person required by any such directions as aforesaid to furnish information shall produce such books, accounts or other documents (hereinafter referred to as "documents") in his possession or control as may be required by the Treasury or by the person authorised to require the information, as the case may be, and for the purpose of inspecting any such documents any person so authorised as aforesaid, or any person authorised to act on behalf of the Treasury under this paragraph, may enter any premises and may take possession of any of the documents or take in relation thereto any other steps which appear to him necessary for preserving them and preventing interference therewith.

(3) No person shall, with intent to evade the provisions of these Regulations, destroy, mutilate, deface, secrete or remove any documents.

(4) Any information given by a person in compliance with this Regulation may be given in evidence against him notwithstanding that it may tend to incriminate him.

[†] New Regulation substituted by S.R. & O. 1940 No. 688.]

Archivo Histórico
Argentina



(5) The provisions of this Regulation shall be without prejudice to any other provisions of these Regulations relating to the giving of information, and the provisions of the last foregoing paragraph shall be without prejudice to any question as to the admissibility as evidence of information obtained under statutory powers in the absence of any such express provision.

(6) The Treasury may, to such extent and subject to such restrictions as they think proper, delegate their powers under this Regulation to any person or class or description of persons approved by them.

Application of certain provisions of Defence Regulations, 1939.

[*]**9.**—(1) The provisions of Part V of the Defence Regulations, 1939, shall, subject to the subsequent provisions of this Regulation, apply for the purpose of the enforcement of these Regulations, and otherwise in relation thereto, as if in the said Part V and in the Second Schedule to those Regulations any reference to those Regulations included a reference to these Regulations.

(2) Anything which is in the possession of an executive authority, as defined by Regulation ninety-four of the Defence Regulations, 1939, by reason of its having been seized, whether before or after the twenty-third day of November, nineteen hundred and thirty-nine, under Regulation three of these Regulations may, instead of being dealt with under the said Regulation ninety-four, be dealt with in accordance with directions of the Treasury, and where any such thing is so dealt with the Treasury shall, on the application, in the case of a seizure under paragraph (2) or paragraph (3), of the person from whom the thing was seized, and, in the case of a seizure under paragraph (5), of the person making entry of the goods in question, pay to him such price as appears to the Treasury to have been the market value thereof at the time of the seizure.

(3) Where any person is convicted of an offence against any of these Regulations in relation to any security, currency, gold, banknote, postal order, bill, note, debt, payment or goods, the maximum fine which may be imposed on him shall be such fine as is authorised by paragraph (*a*), or, as the case may be, paragraph (*b*), of Regulation ninety-two of the Defence (General) Regulations, 1939, or a fine equal to three times the value of the security, currency, gold, banknote, postal order, bill, note, debt, payment, or goods, whichever is the larger:

Provided that nothing in this paragraph shall be construed as limiting the fine which may be imposed on the conviction of a corporation on indictment.

In this paragraph, the expression "security" has, in relation to an offence against any of these Regulations, the same

[*] Regulation amended by S.R. & O. 1940 Nos. 384, 622 and 817(S), 1234 which came into operation on 18th July, 1940.



meaning as in the Regulation in question, and the expression "currency" includes a right to receive foreign currency in respect of a credit or balance at a bank.

Provision as to payments by Treasury.

**8A.** Nothing in the preceding provisions of these Regulations relating to the payment of any price by the Treasury shall be construed as requiring the Treasury to pay that price otherwise than in sterling or otherwise than in the United Kingdom.

Interpretation.

**10.** In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"bank notes" means bank notes which are legal tender in the United Kingdom or in any part thereof;

"foreign currency" means any currency other than sterling;

"gold" means gold coin or gold bullion;

"immigration officer" means an immigration officer for the purposes of the Aliens Order, 1920;

"owner," in relation to any security, includes any person who has power to sell or transfer the security, or who has the custody thereof, or who receives, whether on his own behalf or on behalf of any other person, dividends or interest thereon, or who has any other interest therein;

[*"security", except in so far as is otherwise expressly provided—

(*a*) includes shares, stock, bonds, notes, debentures, debenture stock and Treasury bills,

(*b*) does not include a bill of exchange, a promissory note or a deposit receipt; and

"sterling area" means the United Kingdom, the Isle of Man, and such other territories as may be declared by order of the Treasury to be included in the sterling area.]

Short title.

**11.** These Regulations may be cited as the Defence (Finance) Regulations, 1939.

[*] Words in brackets substituted by S.R. & O. 1940 No. 1234 which came into operation on 18th July, 1940.

Archivo Histórico
Ministerio de Hacienda y Finanzas Públicas
Argentina



STATUTORY RULES AND ORDERS

1939 No. 1381 [1]

## THE DEFENCE (GRANTS AND LOANS) REGULATIONS, 1939

Short title.

**1.** These Regulations may be cited as the Defence (Grants and Loans) Regulations, 1939.

Power to discontinue and vary advances made from Road Fund.
9 Edw. 7. c. 47.
10 & 11 Geo. 5. c. 43.
24 & 25 Geo. 5. c. 50.

**2.** As respects any advance or contribution agreed to be made out of the Road Fund by the Minister of Transport under section eight of the Development and Road Improvement Funds Act, 1909, as amended and extended by any subsequent enactment, or under subsection (2), (3), (4) or (4a) of section fifty-seven of the Road Traffic Act, 1930, as amended by section forty of the Road Traffic Act, 1934, the Minister may, notwithstanding anything in the agreement, withhold, or postpone the payment of, the advance or contribution or of any part thereof, or make payment thereof or of any part thereof upon such terms and subject to such conditions (whether in addition to, or in substitution for, any terms or conditions upon or subject to which the advance or contribution was agreed to be made, or otherwise) as he thinks fit.

[1] S.R. & O. 1939, I, p. 877.



STATUTORY RULES AND ORDERS

1940 No. 748

## THE DEFENCE (LOCAL DEFENCE VOLUNTEERS) REGULATIONS, 1940

**1.** These Regulations may be cited as the Defence (Local Defence Volunteers) Regulations, 1940.

**2.**—(1) There shall be established a force to be called the Local Defence Volunteers consisting of such male British subjects as may, in accordance with instructions issued by the Army Council, voluntarily undertake to serve therein without pay, and be accepted for such service.

(2) The period for which persons may be enrolled to serve in the Local Defence Volunteers and the conditions of their service therein shall be such as may be prescribed by instructions issued by the Army Council, and such instructions shall make provision for matters relating to the Local Defence Volunteers and in particular, for their organisation, government, training, and duties:

Provided that such instructions shall not require members of the Local Defence Volunteers—

(a) to give whole time service; or

(b) to live away from their homes; or

(c) to enrol for a period exceeding the period of the present emergency;

and shall provide for enabling the service of any member to be determined by competent authority at any time, or at his own request by fourteen days notice in writing given by him.

(3) Members of the Local Defence Volunteers shall be members of the armed forces of the Crown and every such member shall, notwithstanding that he may hold any rank or commission in any other of His Majesty's forces, be subject to military law as a soldier, and accordingly the Army Act shall have effect as if after paragraph (8A) of section one hundred and seventy-six thereof there were inserted the following paragraph:—

" (8B) All members of the Local Defence Volunteers; "

(4) In this Regulation the expression " the period of the present emergency " means the period ending with such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of the Armed Forces (Conditions of Service) Act, 1939, came to an end.

2 & 3 Geo. 6. c. 66.

Archivo Histórico
Universidad de Buenos Aires
Colección Constitucional y Cívica
Argentina



STATUTORY RULES AND ORDERS

1939 No. 1380[1]

## THE DEFENCE (LOCAL GOVERNMENT) (SCOTLAND) REGULATIONS, 1939

Short title.

**1.** These Regulations may be cited as the Defence (Local Government) (Scotland) Regulations, 1939, and shall extend to Scotland only.

Interpretation.

**2.** In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" local authority " means any county council, town council, or district council or any other local authority within the meaning of the Local Authorities Loans (Scotland) Act, 1891;

54 & 55 Vict. c. 34.

" period of the present emergency " means the period beginning with the date of the coming into force of these Regulations and ending with such day as His Majesty may by Order in Council declare to be the day on which the emergency that was the occasion of the passing of the Emergency Powers (Defence) Act, 1939, came to an end;

" Central Department " means as respects roads, omnibuses, trams, trolley vehicles and garages therefor the Minister of Transport and as respects all other matters the Secretary of State.

Consent to borrowing by a local authority to be obtained.

19 & 20 Geo. 5. c. 23.

**3.** Notwithstanding the provisions of subsection (2) of section twenty-three of the Local Government (Scotland) Act, 1929, every enactment authorising a local authority to borrow money for the purpose of meeting any expenditure of a capital nature shall have effect as if it provided that the local authority shall not, during the period of the present emergency, so borrow without the consent of the Central Department.

[1] S.R. & O. 1939, I, p. 877.



STATUTORY RULES AND ORDERS

1940 No. 761

## THE DEFENCE (PARLIAMENTARY UNDER-SECRETARIES) REGULATIONS, 1940

**1.** These Regulations may be cited as the Defence (Parliamentary Under-Secretaries) Regulations, 1940.

**2.** The Ministers of the Crown Act, 1937, shall have effect subject to the following amendments:— 1 Edw. 1 Geo. 6. c. 38.

(a) in paragraph (a) of subsection (2) of section one (which prescribes the salaries of the Secretaries to the Treasury) for the word " the ", where that word occurs for the second time, there shall be substituted the word " any ";

(b) in the proviso to the said subsection (2) after the words " Foreign Office " there shall be inserted the word " or ", and the words " or to the War Office " shall be omitted;

(c) in paragraph (a) of subsection (3) of section two (which prescribes the number of Parliamentary Under-Secretaries to the Treasury) for the word " two " there shall be substituted the word " three ";

(d) after the said paragraph (a) there shall be inserted the following paragraph—

" (aa) in the case of the War Office, not exceed three ";

(e) in paragraph (c) of the said subsection (3) the words " of the War Office, and " shall be omitted and after the word " Admiralty " there shall be inserted the words " and of the Ministry of Agriculture ";

(f) in proviso (2) to subsection (1) of section nine (which limits the number of Parliamentary Under-Secretaries entitled to sit and vote in the House of Commons for the word " twenty-two " there shall be substituted the word " twenty-five ";

(g) in subsection (2) of section ten in the definition of " Parliamentary Under-Secretary " for the words " the Parliamentary Secretary " there shall be substituted the words " any Parliamentary Secretary to the Treasury ".

Archivo de Derecho Económico
Universidad de Buenos Aires
Argentina



STATUTORY RULES AND ORDERS

1940 No. 749

## THE DEFENCE (PETROLEUM) REGULATIONS, 1940

Short title.

**1.** These Regulations may be cited as the Defence (Petroleum) Regulations, 1940.

Establishment of petroleum department of Board of Trade under Secretary for Petroleum.

**2.** There shall be established a department of the Board of Trade (to be known as the Petroleum Department) under a Parliamentary Secretary to the Board (to be known as the Secretary for Petroleum), and all powers and duties of the Board in relation to petroleum and products of petroleum, shall, subject to the directions of the Board, be exercised and performed through the Secretary for Petroleum.

Consequential amendments of enactments. 34 & 25 Geo. 5. c. 36. 1 Edw. 8 & 1 Geo. 6. c. 38.

**3.**—(1) For the reference in section eight of the Petroleum (Production) Act, 1934, to the Secretary for Mines there shall be substituted a reference to the Secretary for Petroleum.

(2) The Ministers of the Crown Act, 1937, as amended by any subsequent enactment, shall have effect subject to the following amendments:—

(*a*) in paragraph (*b*) of subsection (2) of section one (which prescribes the salaries of certain Parliamentary Under-Secretaries to the Board of Trade) after the words "Secretary for Mines" there shall be inserted the words "of the Secretary for Petroleum";

(*b*) in paragraph (*b*) of subsection (2) of section two (which prescribes the number of Parliamentary Under-Secretaries to the Board of Trade) for the word "three" there shall be substituted the word "four" and after the words "Secretary for Mines" there shall be inserted the words "the Secretary for Petroleum";

(*c*) in proviso (*c*) to subsection (1) of section nine (which limits the number of Parliamentary Under-Secretaries entitled to sit and vote in the House of Commons) for the word "twenty-one" there shall be substituted the word "twenty-two".



STATUTORY RULES AND ORDERS

1939 No. 1113 [1]

(as amended)

## THE DEFENCE (SAVINGS BANKS) REGULATIONS, 1939

**1.**—(1) These Regulations may be cited as the Defence (Savings Banks) Regulations, 1939.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) These Regulations shall extend to the whole of the United Kingdom and the Isle of Man.

**2.** During the continuance in force of this Regulation, the operation of subsection (1) of section six of the Savings Bank Act, 1920, shall be suspended.

**3.**—(1) The provisions in this Regulation shall have effect in relation to trustee savings banks for the purpose of enabling withdrawals to be made from any such bank [2during any period for which this Regulation is in force] at places other than offices of the bank.

(2) If, [2during any such period], a person who is, or purports to be, a depositor in a trustee savings bank presents, at an office of any other bank (being a paying bank as defined for the purposes of this Regulation) or at a head or branch post office or salaried sub-post office, the pass book of that depositor, the paying bank or, as the case may be, the Postmaster General may pay to that person such sum as he may request, not exceeding the credit balance shown in the pass book, so, however, that not more than three pounds shall be paid on any one day at any one office in respect of any one account.

In this paragraph any reference to a depositor includes—

(*a*) in relation to a joint account where it appears from the pass book that one of the joint depositors acting alone is entitled to draw on the account, that depositor; and

[1 S.R. & O. 1939, I, p. 878.]

[2 Words in brackets substituted for "during the month of September, 1939," by S.R. & O. 1940 No. 905.]

[3 Words in brackets substituted for "during the said month," by S.R. & O. 1940 No. 905.]

Instituto de Relaciones Internacionales
Comercio Internacional y Cuba
Argentina



(*b*) in relation to a request for payment made in Scotland, any mandatory or attorney shown in the pass book as entitled to draw on the account.

(3) Where the Postmaster General or a paying bank makes any such payment as is mentioned in paragraph (2) of this Regulation, he or it shall be entitled to receive from the National Debt Commissioners out of the fund for banks for savings the amount of the payment increased by two pence, and the National Debt Commissioners shall debit the said amount as so increased to the account of the savings bank in which the person to whom the original payment was made was, or purported to be, a depositor, and the trustees and managers of the said savings bank shall debit the original amount of the payment to the account of that depositor:

Provided that nothing in this Regulation shall authorise a savings bank to debit any sum to the account of any depositor unless the original payment in question was made to him or to a person acting with his authority.

(4) In this Regulation the expression " paying bank " means any trustee savings bank (or, where the context requires, the trustees and managers thereof) any bank which is a member of the British Bankers' Association, and the Isle of Man Bank Limited and the expression " trustee savings bank " means a bank certified under the Trustee Savings Banks Act, 1863.

(5) This regulation shall have effect notwithstanding anything in any enactment or in any rules or instrument regulating the powers and duties of any bank.

[*] (6) This Regulation shall be in force for such period or periods as the Treasury may from time to time by order direct.

[*] **4.**—(1) The provisions of this Regulation shall have effect in relation to trustee savings banks for the purpose of enabling withdrawals to be made from any such bank on or after the first day of October, nineteen hundred and thirty-nine, at places other than offices of the bank.

(2) At any time after the making of this Regulation, the trustees and managers of a trustee savings bank may, at the request, made either personally or in writing, of any person entitled to draw upon an account in the bank, issue to him a draft or drafts each for three pounds in the form set out in the Schedule to these Regulations:

Provided that not more than ten such drafts (exclusive of drafts which have been cashed or surrendered unused as hereinafter provided) shall be issued in respect of any one account.

[*] New paragraph inserted by S.R. & O. 1940 No. 905.]
[*] New Regulation inserted: see S.R. & O. 1939 (No. 1236) I, p. 880.]



(3) If on the said first day of October, or any subsequent date within three months from the date of the issue of a draft, the draft, completed by the insertion of the name of the payee and by what purports to be the signature of the payee in acknowledgment of the receipt of the sum of three pounds, is presented at an office of a trustee savings bank or at a money order post office, the trustees and managers of the last mentioned bank or, as the case may be, the Postmaster-General, may pay the said sum to the person presenting the draft.

(4) Where any such payment has been made the trustees and managers of the paying bank or, as the case may be, the Postmaster-General, shall on presentation of the draft to the National Debt Commissioners be entitled to receive from the fund for banks for savings the sum of three pounds, increased in the case of the Postmaster-General by twopence-halfpenny, and the National Debt Commissioners shall debit the sum of three pounds, or as the case may be the said sum as so increased, to the account of the savings bank issuing the draft.

(5) Whenever any such draft is issued in the case of any account, the amount which may be drawn from the account shall, until the draft is surrendered unused as hereinafter provided or a debit is made by the National Debt Commissioners in respect thereof in accordance with paragraph (4) of this Regulation, be reduced by three pounds and, on the said debit being made by the said Commissioners, a corresponding debit shall be made in the account:

Provided that if the trustees and managers so determine, the account may be debited immediately upon the issue of the draft.

(6) Any draft issued as aforesaid may either before or after the expiration of three months from the issue thereof be surrendered to the bank by which it was issued and the account shall thereupon again be credited with any amount with which it has been debited by reason of the issue of the draft, and, if the trustees and managers think fit, interest may be allowed in all respects as if the draft had never been issued.

(7) This Regulation shall have effect notwithstanding anything in any enactment or in any rules or instruments regulating the powers and duties of any bank.

[*] **5.**—(1) If arrangements are made between the National Debt Commissioners and the trustees and managers of any trustee savings bank, or any committee of those trustees and managers appearing to the National Debt Commissioners to have power to determine questions of general policy as respects the

[*] New Regulation inserted by S.R. and O. 1940, No. 1181.]

Archivo Histórico
Biblioteca de Relaciones Exteriores
Canciller de Primera y Culto
Argentina



business of the bank, for the carrying on in the United Kingdom by the trustees and managers of that bank (hereinafter referred to as "the managing bank"), in accordance with such direction as may from time to time be given by the National Debt Commissioners, of the whole or any part of the business of any trustee savings bank established in the Channel Islands (hereinafter referred to as "the Island bank"); on such terms as may be provided by the arrangements, the said business may be carried on accordingly.

(2) Where any such arrangements are made, the Treasury may by order make such provision as they think necessary or expedient for giving effect to the arrangements, and, in particular, without prejudice to the generality of the foregoing words, provision for all or any of the following matters—

(*a*) for vesting all or any of the assets of the Island bank in the custodian trustees of the managing bank;

(*b*) for providing for the application, in relation to the business of the Island bank, subject to such exceptions, adaptations and modifications as may be specified in the order, of all or any of the enactments and regulations applicable to, and the rules of, the managing bank and the Island bank; or substituting other provisions in relation to the business of the Island bank for all or any of the said enactments, regulations or rules;

(*c*) for making such consequential modifications, if any, of the enactments, regulations and rules applicable to the managing bank as appear to be necessary or desirable;

(*d*) for making, or authorising the making of, provision for facilitating the removal of any difficulties arising in giving effect to the arrangements for carrying on the business of the Island bank; and

(*e*) for making such consequential and incidental provision as may appear necessary or desirable.

(3) References in this Regulation to the business of a trustee savings bank include references to the keeping of any part of the Post Office register kept by that bank.

(4) Any arrangements made between the National Debt Commissioners and any trustees and managers or committee may be varied by subsequent arrangements similarly made and references in this Regulation to arrangements shall be construed accordingly.

(5) Any order of the Treasury under this Regulation may be revoked or varied by a subsequent order.



[*] SCHEDULE.

FORM OF DRAFT.

*Front.*

Not Negotiable. Trustee Savings Bank Draft. T9/1
000 000

This Draft will become void unless presented for payment within THREE MONTHS of the date of issue.

Date of Issue ..... 19....

Trustee Savings Bank .....

Delete whichever is not applicable.

To the Trustee Savings Bank .....

Postmaster .....

Branch .....

Number .....

PAY .....

the sum of Three Pounds £3

Space Reserved for use of Issuing Bank

Signature of Issuing Officer .....

Paying Office stamp with date cancelling this Draft.

Repeat the above-named sum.

Signature .....

For Regulations—see back.

Back.

1. This Draft is payable at any Money Order Post Office, or Trustee Savings Bank, unless the name of a particular Money Order Post Office or Trustee Savings Bank is shown on the Draft.

2. The name of the payee should be filled in by the depositor before parting with the Draft.

3. Before it can be paid IT MUST HAVE BEEN RECEIPTED IN THE PROPER SPACE BY THE PERSON TO WHOM IT IS MADE PAYABLE.

4. Payment may be refused if the Draft bears any erasure, or alteration, or if it be old, defaced or mutilated.

5. It is a condition of the issue of this Draft that the liability of the issuer and the paying agent shall be absolutely discharged on payment by the paying agency to whomsoever payment is made.

6. No postage stamp may be affixed in order to increase the amount of the Draft, and if any stamp be affixed no payment will be made in respect of it.

7. Any communication in regard to this Draft, e.g., a request for payment at an office other than that shown, should be addressed to the Trustee Savings Bank issuing the Draft.

[* Schedule inserted : see S.R. & O. 1939 (No. 1256) I, p. 880.]

Archivo Histórico
Argentina



STATUTORY RULES AND ORDERS

1939 No. 1379 [1]

(as amended)

# THE DEFENCE (SUMMER TIME) REGULATIONS, 1939

Short title.

**1.** These Regulations may be cited as the Defence (Summer Time) Regulations, 1939.

Extension of period of summer time.
11 & 12 Geo. 5. c. 22.
13 & 14 Geo. 5. c. 64.

**2.** Subsection (1) of section three of the Summer Time Act, 1922, as amended by subsection (2) of section one of the Summer Time Act, 1925 (which defines the period of summer time for the purposes of the first-mentioned Act) shall have effect as if the third Saturday in November were therein substituted for the first Saturday in October ["as if the fourth Saturday in February were therein substituted for the third Saturday in April, and as if the words " or, if that day is Easter Day, the day next following the second Saturday in April " were omitted].

Lighting of vehicles.
27 & 28 Geo. 5. c. 57.

**3.** The references in subsection (4) of section one of the Road Transport Lighting Act, 1927, and subsection (4) of section thirty of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, to the period of summer time shall be construed in like manner as if these Regulations had not been made.

[1] S.R. & O. 1939, I, p. 884.]
[2] Words in brackets added by S.R. & O. 1939 No. 1511.]



STATUTORY RULES AND ORDERS

1940 No. 1092

(as amended)

# THE DEFENCE (TRADING WITH THE ENEMY) REGULATIONS, 1940

Short title and interpretation.
52 & 53 Vict. c. 63.

**1.**—(1) These Regulations may be cited as the Defence (Trading with the Enemy) Regulations, 1940.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations " the principal Act " means the Trading with the Enemy Act, 1939.

3 & 4 Geo. 6 c. 89.
Trading with the enemy.

**2.**—(1) In subsection (1) of section one of the principal Act after the words " any person who trades with " there shall be inserted the words " or attempts to trade with ", and after paragraph (b) of subsection (2) of that section there shall be inserted the words " and any reference in this Act to an attempt to trade with the enemy shall be construed accordingly ".

(2) Proceedings in respect of an offence of trading with the enemy alleged to have been committed by any person may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

(3) The following subsection shall be inserted after subsection (3) of section one of the principal Act:—

" (3A) In any proceedings for an offence of trading with the enemy, the fact that any document has been despatched addressed to a person in enemy territory shall, unless the contrary is proved, be evidence, as against any person who was a party to the despatch of the document, that the person to whom the document was despatched was an enemy. "

Amendments of definitions of " enemy."

**3.** Subsection (1) of section two of the principal Act shall be amended as follows:—

(a) at the end of paragraph (c) the word " or " shall be omitted and after paragraph (d) there shall be inserted the following words—

" and

(e) as respects any business carried on in enemy territory, any individual or body of persons (whether corporate or unincorporate) carrying on that business; "

Archivo Histórico
Biblioteca de Relaciones Exteriores
Canciller Manuel José Cobo
Argentina



(*b*) for the words " does not include any person by reason only that he is an enemy subject " there shall be substituted the words " does not include any individual by reason only that he is an enemy subject ".

Control of businesses.

[†]3A. After section three of the principal Act there shall be inserted the following section:—

" Power to control and wind up certain businesses.

3A.—(1) Where any business is being carried on in the United Kingdom by, or on behalf of, or under the direction of, persons all or any of whom are enemies or enemy subjects or appear to the Board of Trade to be associated with enemies, the Board may, if they think it expedient so to do, make—

(*a*) an order (hereafter in this section referred to as a " restriction order ") prohibiting the carrying on the business either absolutely or except for such purposes and subject to such conditions as may be specified in the order; or

(*b*) an order (hereafter in this section referred to as a " winding up order ") requiring the business to be wound up,

and the making of a restriction order as respects any business shall not prejudice the power of the Board, if they think it expedient so to do, at any subsequent date to make a winding up order as respects that business.

(2) Where an order under subsection (1) of this section is made as respects any business, the Board of Trade may, by that or a subsequent order, appoint a controller to control and supervise the carrying out of the order, and, in the case of a winding up order, to conduct the winding up of the business, and may confer on the controller any such powers in relation to the business as are exercisable by a liquidator in the voluntary winding up of a company in relation to the company (including power in the name of the person carrying on the business or in his own name, and by deed or otherwise, to convey or transfer any property, and power to apply to the court to determine any question arising in the carrying out of the order), and may by the order confer on the controller such other powers as the Board think necessary or convenient for the purpose of giving full effect to the order ".

[†] New Regulation inserted by S.R. & O. 1940, No. 1280.]



(3) Where a restriction order or a winding up order is made as respects any business, the distribution of any assets of the business which are distributed while the order is in force shall be subject to the same rules as to preferential payments as are applicable to the distribution of the assets of a company which is being wound up, and the said assets of the business shall, so far as they are available for discharging unsecured debts, be applied in discharging unsecured debts due to creditors of the business who are not enemies in priority to unsecured debts due to any other creditors, and any balance, after providing for the discharge of all liabilities of the business, shall be distributed among the persons interested in the business in such manner as the Board of Trade may direct:

Provided that the provisions of this subsection shall, in their application to the distribution of any money or other property which would, in accordance with these provisions, fall to be paid or transferred to an enemy, whether as a creditor or otherwise, have effect subject to the provisions of section seven of this Act (which relates to the collection of enemy debts and the custody of enemy property) and of any order made under that section.

(4) Where any business for which a controller has been appointed under this section has assets in enemy territory, the controller shall, if in his opinion it is practicable so to do, cause an estimate to be prepared—

(*a*) of the value of those assets;

(*b*) of the amount of any liabilities of the business to creditors, whether secured or unsecured, who are enemies;

(*c*) of the amount of the claims of persons who are enemies to participate, otherwise than as creditors of the business, in any distribution of assets of the business made while an order under subsection (1) of this section is in force as respects the business;

and, where such an estimate is made, the said liabilities and claims shall, for the purposes of this section, be deemed to have been satisfied out of the said assets of the business in enemy territory, or to

Biblioteca
Argentina



have been satisfied thereout so far as those assets will go, and only the balance (if any) shall rank for satisfaction out of the other assets of the business.

(5) Where an estimate has been prepared under the last preceding subsection, a certificate of the controller as to the value or amount of any assets, claims or liabilities to which the estimate relates shall be conclusive for the purpose of determining the amount of the assets of the business available for discharging the other liabilities of the business and for the distribution amongst other persons claiming to be interested in the business:

Provided that nothing in this subsection shall affect the rights of creditors of, and other persons interested in, the business against the assets of the business in enemy territory.

(6) The Board of Trade may, on an application made by a controller appointed under this section, after considering the application and any objections which may be made by any person who appears to them to be interested, by order grant the controller a release, and an order of the Board under this subsection shall discharge the controller from all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as controller; but any such order may be revoked by the Board on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(7) If any person contravenes, or fails to comply with, the provisions of any order made under subsection (1) of this section, he shall be guilty of an offence of trading with the enemy.

(8) Where an order under subsection (1) of this section has been made as respects a business carried on by any individuals or by a company, no bankruptcy petition, or petition for sequestration or summary sequestration against the individuals, or petition for the winding up of the company, shall be presented, or resolution for the winding up of the company passed, or steps for the enforcement of the rights of any creditors of the individuals or company taken, without the consent of the Board of Trade, but where the business is carried on by a company the Board of Trade may present a petition for the winding up of the company by the court,



and the making of an order under this section shall be a ground on which the company may be wound up by the court.

(9) Where an order is made under this section appointing a controller for any business, any remuneration of, and any costs, charges and expenses incurred by, the controller, and any other costs, charges and expenses incurred in connection with the control and supervision of the carrying out of the order shall, to such amount as may be certified by the Board of Trade, be defrayed out of the assets of the business, and as from the date of the certificate, be charged on those assets in priority to any other charges thereon."

Provisions as to custodians.

**4.**—(1) The rights, powers, duties and liabilities which may be conferred and imposed by the Board of Trade on custodians of enemy property under subsection (1) of section seven of the principal Act shall, where it appears to the Board that it is expedient that any business should be carried on or continue to be carried on in or from the United Kingdom, include such rights, powers, duties and liabilities as respects the property and money mentioned in paragraph (*d*) of the said subsection (1) as, in the opinion of the Board, are necessary or expedient in order to enable that business so to be carried on.

(2) The power of the Board of Trade under the said subsection (1) shall include power, where a custodian dies or for any other reason ceases to hold office as such, by order to vest in his successor any property or right which was vested in the first-mentioned custodian at the time of his dying or ceasing to hold office.

Certain areas to be treated as enemy territory.

[1]**5.** After subsection (1) of section fifteen of the principal Act there shall be inserted the following subsection:—

"(1a) The Board of Trade may by order direct that the provisions of this Act shall apply in relation to any area specified in the order as they apply in relation to enemy territory, and the said provisions shall apply accordingly."

[1] New Regulation added by S.R. & O. 1940, No. 1274.

Archivo Histórico
Universidad de Buenos Aires Colecciones
Comisión Investigadora de Libros
Argentinos



STATUTORY RULES AND ORDERS

1940 No. 771

# THE DEFENCE (WAR RISKS INSURANCE) REGULATIONS, 1940

2 & 3 Geo. 6 c. 27.

**1.** The War Risks Insurance Act, 1939 (hereinafter in these Regulations referred to as "the principal Act"), shall have effect subject to the amendments hereafter specified in these Regulations.

**2.** The sections of the principal Act set out in the first column of the Schedule to these Regulations shall be amended in the manner shown in the second column of that Schedule.

**3.** After section eleven of the principal Act there shall be inserted the following section:—

"Power of Board of Trade to obtain information.

**11A.**—(1) Any person authorised in that behalf by the Board of Trade may at all reasonable times, on producing sufficient documentary evidence of his authority, enter any premises occupied by any person carrying on in the United Kingdom the business of a seller or supplier of goods for the purposes of that business and may inspect the premises and request any person found therein who is for the time being in charge thereof, or in control of the business carried on therein, to produce to him and allow him to examine such accounts, books or other documents and to furnish to him such information as he may reasonably require for the purpose of ascertaining whether or not, and, if so, to what extent, the person carrying on the business is insured under the commodity insurance scheme in respect of goods owned by him in the course of that business, and of ascertaining the value of any goods insurable under the scheme which are, or were at any relevant time, owned by him in the course of that business.

(2) If any person wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with a request made thereunder, he shall, in respect of each occasion on which any such obstruction or failure takes place, be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(3) If any person, in purporting to comply with his obligations under this section, knowingly or recklessly makes a statement false in a material particular, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine."



**4.** After section fourteen of the principal Act there shall be inserted the following section:—

"Power to refund or remit premiums.

**14A.** The Board of Trade shall have power, with the consent of the Treasury, in any case where it appears to the Board just and equitable so to do, to refund the whole or any part of any sum paid to them by any person by way of premium under the commodity insurance scheme, or to remit payment of any part of any sum so payable by any person."

**5.** After section eighteen of the principal Act there shall be inserted the following section:—

"Further exemptions from provisions of Stamp Act, 1891, and Marine Insurance Act, 1906.

**18A.**—(1) No contract entered into by the Board of Trade in the exercise of the powers conferred upon the Board by subsection (1) of section two of this Act to carry on any such business as is mentioned in paragraphs (b), (d) or (e) of that subsection, and no policy of insurance or certificate of insurance issued by the Board in connection with any such contract, shall be invalid by reason only that it does not comply with the requirements of the Stamp Act, 1891, with respect to contracts for or policies of sea insurance, or be inadmissible in evidence by reason only that it is not embodied in a marine policy in accordance with the Marine Insurance Act, 1906. 54 & 55 Vict. c. 39. 6 Edw. 7 c. 41.

(2) Stamp duty shall not be chargeable in respect of any certificate of insurance issued by the Board in connection with any such contract as aforesaid.

(3) No person shall be liable to a fine under section ninety-seven of the Stamp Act, 1891, by reason of having, contrary to the said section, entered into or done or omitted to do anything in relation to, or for the purposes of, any such contract as aforesaid, or be liable under the said section to any disability in relation to any such contract."

**6.**—(1) These Regulations may be cited as the Defence (War Risks Insurance) Regulations, 1940.

(2) This Order shall come into operation on the twenty-third day of May, nineteen hundred and forty.

(3) The Interpretation Act, 1889, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

(4) The Defence (War Risks Insurance) Regulations, 1939, are hereby revoked.

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



SCHEDULE.

AMENDMENTS OF PRINCIPAL ACT.

| Section. | Amendment. |
|---|---|
| Section two | In paragraph (b) of subsection (1), after the words "British ships and" there shall be inserted the words "the insurance and re-insurance, during the continuance of any such war,". |
| Section seven | In subsection (1), for the words from the beginning to "operation" there shall be substituted the words "The Board of Trade may operate", the words "in the United Kingdom" shall be omitted, and after the word "sellers" there shall be inserted the words "or suppliers".<br>In paragraph (a) of subsection (2), for the words "the prescribed period" there shall be substituted the words "a period not exceeding the period for the time being prescribed".<br>In paragraph (b) of subsection (2), the words "and in respect of such period" shall be omitted.<br>At the end of subsection (2) there shall be inserted the words "and different amounts of any one premium payable may be so prescribed relating to different circumstances".<br>After subsection (3) the following subsection shall be inserted:—<br>"(4) Any policy issued in respect of any goods under the commodity insurance scheme may insure a person carrying on the business of banking who is interested in the goods by reason of any pledge, mortgage or charge as well as the person in relation to whom the goods are insurable under subsection (1) of this section." |
| Section nine | In subsection (1), for the words from the beginning to "operation" there shall be substituted the words "While the commodity insurance scheme is in operation", and after the word "seller" there shall be inserted the words "or supplier". |
| Section ten | In subsection (1), for the words "After the date on which the commodity insurance scheme is put into operation" there shall be substituted the words "So long as the commodity insurance scheme is in operation", and after the word "sellers" there shall be inserted the words "or suppliers". |



| Section. | Amendment. |
|---|---|
| Section eleven | In subsection (1), after the word "seller" there shall be inserted the words "or supplier", and the following words shall be omitted, that is to say, the words "in the United Kingdom" where they first occur, the words "produced by him", and the words from "and (b)" to the end of the subsection. |
| Section fourteen | At the end of the section there shall be inserted the following subsection:—<br>"(2) In any order made by the Board of Trade under this Part of this Act for specifying any description of goods, or for prescribing anything in relation to any description of goods, the goods may be described by reference to any circumstances whatsoever." |
| Section fifteen | In paragraph (b) of subsection (1), the words from "and, in relation" to the end of the paragraph shall be omitted, and after that paragraph the following paragraph shall be inserted:—<br>"(bb) the expression "persons carrying on business as suppliers of goods" means persons carrying on a business in the course of which they supply goods for the purposes of or in pursuance of contracts made by them for work, labour and materials)".<br>For subsection (2) the following four subsections shall be substituted:—<br>"(2) Subject to the provisions of this and the next two following subsections, any goods shall be deemed for the purposes of this Part of this Act to be owned—<br>(a) if the property in the goods is for the time being vested in a person in relation to whom they are insurable under this Part of this Act, by that person;<br>(b) if the property in the goods is not so vested, by any person in relation to whom the goods are insurable as aforesaid and who is for the time being entitled, either unconditionally or conditionally, to have the property in the goods vested in him:<br>Provided that where—<br>(i) any goods would, under the foregoing provisions of this subsection, be deemed to be owned by a person in whom the property therein is vested otherwise than in the course of a business carried on by him in the United Kingdom, or who is entitled to have the property therein vested in him otherwise than in the course of such a business; and |

Archivo Histórico
Universidad de Buenos Aires
Colección Documental y Cultural
Argentina



| Section. | Amendment. |
|---|---|
| Section fifteen—*contd.* | (ii) any person carrying on business in the United Kingdom is for the time being entitled to sell the goods as agent;<br>the goods shall be deemed to be owned by the last mentioned person.<br>(3) Subject to the provisions of the next following subsection, a person carrying on business as a supplier of goods shall be deemed for the purpose of this Part of this Act to have owned any goods supplied by him for the purpose of or in pursuance of a contract made by him with any other person (in this subsection referred to as "the party to be supplied") for work, labour and materials at whichever is the earliest of the following times, namely—<br>(a) the time when, under the terms of the contract, he would have owned the goods if this subsection had not been in force;<br>(b) the time when in pursuance of the contract the goods are fixed to or otherwise made part of goods belonging to the party to be supplied;<br>(c) the time when in pursuance of the contract the goods are delivered at premises belonging to or in the occupation of the party to be supplied;<br>and the goods shall, for the purposes of this subsection, be deemed to have been fixed to or made part of goods belonging to the party to be supplied, or to have been delivered at premises belonging to or in the occupation of the party to be supplied, where in pursuance of the contract the goods are fixed to or made part of goods belonging to, or, as the case may be, are delivered at premises belonging to or in the occupation of, some other person with whom the party to be supplied has made a contract for work, labour or materials, or some further person with whom that other person has made such a contract, or some further person with whom that further person has made such a contract, and so on.<br>(4) Where a business is being carried on in the course of which ships or parts of ships are constructed under contract, any ship or part of a ship so constructed and any goods appropriated for its construction, being a ship, part or goods of which under the contract the person carrying on the business is not the owner, shall be deemed |



| Section. | Amendment. |
|---|---|
| Section fifteen—*contd.* | for the purpose of this Part of this Act at all times before delivery under the contract to be owned in the course of that business by the person from time to time carrying on the business:<br>Provided that any money received by that person under a policy issued in pursuance of the commodity insurance scheme in respect of damage to any such ship or part of a ship or goods shall be held by him on trust for the owner of the ship, part or goods, subject however to any lien or charge which would otherwise be enforceable against the ship, part or goods.<br>(5) For the purposes of this Part of this Act, where any goods are consigned from a port in the United Kingdom to any other such port in a vessel which in its transit between those ports is not due to call at any port outside the United Kingdom, the goods shall at all times during the transit be deemed to be situated in the United Kingdom." |
| Section sixteen ... ... | In paragraph (b) of subsection (1), after the word "obligations" there shall be inserted the words "or for the repayment of any premiums". |

## STATUTORY RULES AND ORDERS

## 1940 No. 1142

## THE DEFENCE (WAR RISKS INSURANCE) (No. 2) REGULATIONS, 1940

**1.** The War Risks Insurance Act, 1939, as amended by the Defence (War Risks Insurance) Regulations, 1940, shall have effect subject to the amendments hereafter specified in these Regulations. 1 & 2 Geo. 6. c. 57.

**2.** At the end of section seven there shall be inserted the following subsection:—

"(5) The prescribed form of policy may be such as to incorporate by reference provisions set out in the order prescribing the form."

Archivo Histórico
Argentina



**3.** In subsection (1) of section nine after the words "Provided that" there shall be inserted the words "(subject to the provisions of subsection (1A) of this section)" and after the said subsection (1) there shall be inserted the following subsection:—

"(1A) A compulsory insurance order may contain provisions relating to goods of any class specified in those provisions for securing that no person shall, after such date as may be so specified, carry on any business in the United Kingdom as a seller or supplier of goods, unless in respect of any goods of that class which are insurable under this Part of this Act and are for the time being owned by him in the course of that business there is in force a policy of insurance issued in accordance with the commodity insurance scheme whereby he is insured in respect of all such goods for a sum not less than the value thereof for the time being:

Provided that no such provisions as aforesaid relating to goods of any class shall restrict the carrying on of business as aforesaid by any person, if and so long as the value of all goods of that class which are insurable under this Part of this Act and are for the time being owned by him in the course of that business does not exceed such amount as may be specified in those provisions in relation to goods of that class."

**4.** At the end of section eleven A there shall be added the following subsection:—

"(4) Where in any proceedings in respect of a contravention of section nine of this Act in relation to any business, it is proved, in relation to that business—

(*a*) that a demand for the production of a policy of insurance issued in accordance with the commodity insurance scheme insuring the person carrying on the business was duly made under this section and was not complied with; and

(*b*) that the person making the demand was not satisfied that there was such a policy in existence;

it shall be presumed, except in so far as the contrary is proved, that the said section nine was being contravened in relation to that business at the time when the demand was made and continued to be contravened in relation to that business at all times thereafter."

**5.** These Regulations may be cited as the Defence (War Risks Insurance) (No. 2) Regulations, 1940.



## STATUTORY RULES AND ORDERS

## 1940 No. 1288

# THE DEFENCE (WAR RISKS INSURANCE) (No. 3) REGULATIONS, 1940

**1.** The War Risks Insurance Act, 1939, as amended by the Defence (War Risks Insurance) Regulations, 1940, and the Defence (War Risks Insurance) (No. 2) Regulations, 1940, shall be further amended by the insertion, at the end of paragraph (*b*) of subsection (1) of section two, of the following words:—

"and of any liability to pay compensation in respect of the death of, or personal injury to, masters and members of the crews of such foreign ships".

**2.** These Regulations may be cited as the Defence (War Risks Insurance) (No. 3) Regulations, 1940.

## APPENDIX

THE WAR RISKS INSURANCE ACT, 1939, AS AMENDED BY THE FOREGOING REGULATIONS.

2 & 3 GEO. 6. CH. 57.

### ARRANGEMENT OF SECTIONS.

PART I.

INSURANCE OF SHIPS AND CARGOES.

Section.
1. Agreements for re-insurance by Board of Trade of certain risks in respect of ships and cargoes.
2. Insurance by Board of Trade of ships and cargoes.
3. Transitional provision for compensation in respect of goods in transit after discharge or before shipment.
4. Liabilities of re-insurer in the event of insurer's insolvency.
5. Exemption of certain bodies from s. 333 of Companies Act, 1929.
6. Interpretation of Part I.

PART II.

INSURANCE OF GOODS IN THE UNITED KINGDOM.

Section
7. Scheme of insurance to operate in the event of war.
8. Registration of insurances which would be required in the event of war.

Archivo Histórico
Universidad de Buenos Aires Colección Contemporánea y Cultura
Argentina



9. Power to make insurance compulsory in time of war.
10. Restriction on carrying on certain insurance business in time of war.
11. Goods insurable under Part II.
[11a. Power of Board of Trade to obtain information.]
12. Legal proceedings.
13. Employment of agents by Board of Trade.
14. Orders of Board of Trade.
[14a. Power to refund or remit premiums.]
15. Interpretation and extent of Part II.

PART III.

GENERAL AND SUPPLEMENTARY PROVISIONS.

16. Establishment of funds for purposes of Act.
17. Provisions as to raising of money to make good deficiencies in funds.
18. Exemption of certain agreements from provisions of Stamp Act, 1891, and Marine Insurance Act, 1906.
[18a. Further exemptions from provisions of Stamp Act, 1891, and Marine Insurance Act, 1906.]
19. Expenses of Board of Trade.
20. Exercise of powers of Board of Trade.
21. Application to Scotland and Northern Ireland.
22. Short title.

SCHEDULE.—Fees payable on applications under section eight of this Act.

## CHAPTER 57.

An Act to make provision for authorising the Board of Trade, in the event of war and in other circumstances, to undertake the insurance of ships and other goods for the payment by the Board of Trade, in time of war, of compensation in respect of goods lost or damaged in transit; for requiring persons to insure goods against certain risks in time of war; and for purposes connected with the matters aforesaid.

[4th August 1939.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I.

INSURANCE OF SHIPS AND CARGOES.

Agreements for insurance with the Board of Trade of ships and cargoes.

1.—(1) The Board of Trade, if they are of opinion that it is expedient so to do for the purpose of securing that ships are not laid up and that commerce is not interrupted by reason of lack of insurance facilities, may, with the approval of the Treasury, enter into agreements with any persons—

(a) for the re-insurance by the Board of any King's enemy risks against which a British ship is for the time being insured; and

(b) for the re-insurance by the Board of any King's enemy risks against which the cargo carried in a ship or aircraft is for the time being insured.



In relation to any period during which His Majesty is at war, the preceding provisions of this subsection shall have effect as if for any reference therein to King's enemy risks there were substituted a reference to war risks.

(2) A copy of every agreement made in pursuance of this section shall, as soon as may be after the agreement is made, be laid before each House of Parliament; and if either House, within the period of fourteen days beginning with the day on which a copy of such an agreement is laid before it, resolves that the agreement be annulled, the agreement shall thereupon become void except in so far as it confers rights or imposes obligations in respect of things previously done or omitted to be done, without prejudice, however, to the making of a new agreement.

In reckoning for the purposes of this subsection any such period of fourteen days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(3) Any reference in this section to a British ship shall be construed as including a reference to any machinery, tackle, or furniture of a British ship, and to any goods on board of a British ship, not being cargo carried thereon; and in this section the expressions "King's enemy risks" and "war risks" mean, in relation to any agreement, King's enemy risks and war risks respectively as defined for the purposes of that agreement.

(4) This section shall be deemed to have come into operation on the twentieth day of February nineteen hundred and thirty-nine.

Insurance by Board of Trade of ships and cargoes.

2.—(1) The Board of Trade may, with the approval of the Treasury, carry on business for all or any of the following purposes, that is to say:—

(a) the insurance of British ships by the Board against war risks or King's enemy risks, at any time when it appears to the Board that reasonable and adequate facilities for the insurance of British ships against such risks are not available;

(b) the insurance by the Board, during the continuance of any war in which His Majesty may be engaged, of British ships and [the insurance and re-insurance, during the continuance of any such war,] of foreign ships not being ships used in the service of a Power at war with His Majesty [and of any liability to pay compensation in respect of the death of, or personal injury to, masters and members of the crews of such foreign ships];

(c) the insurance by the Board of cargoes carried in ships or aircraft against war risks or King's enemy risks, at any time when it appears to the Board that reasonable and adequate facilities for the insurance of such cargoes against such risks are not available;

(d) the insurance by the Board, during the continuance of any such war, of cargoes carried in ships or aircraft not being ships or aircraft used in the service of a Power at war with His Majesty; and

(e) the insurance by the Board, during the continuance of any such war,—

(i) of goods consigned for carriage by sea or by air from a place outside any one of the countries to which this paragraph applies to a place in that country, while the goods are in transit between the ship or aircraft and their destination; and

(ii) of goods consigned for carriage by sea or by air from a place in any one of the countries to which this paragraph applies to a place outside that country, while the goods are in transit between the premises from which they are consigned and the ship or aircraft.

Archivo Histórico
Ministerio de Relaciones Exteriores
Culto y Comercio
Argentina



The countries to which paragraph (c) of this subsection applies are the United Kingdom, the Isle of Man and any of the Channel Islands.

(4) Any reference in paragraphs (a) and (b) of subsection (1) of this section to British ships or foreign ships shall be construed as including a reference to any machinery, tackle or furniture of such ships, and to any goods on board of such ships, not being cargo carried therein; and in paragraph (c) of that subsection the expression "the ship or aircraft", in relation to goods consigned for carriage by sea or by air to or from a country to which that paragraph applies, does not include any vessel into which the goods are discharged at any port or place in that country for the purpose of being loaded at that port or place, or from which the goods are discharged for the purpose of being carried by sea or by air from that country, as the case may be.

Circumstances in which compensation for loss or damage to goods in transit is payable by Board of Trade in respect of certain risks insured.

3.—(1) Where any person proves with respect to any goods—

(a) that the goods have been lost or damaged in consequence of King's enemy risks; and

(b) that the goods, having been consigned for carriage by sea or by air from a place outside any one of the countries to which this paragraph applies to a place in that country,—

(i) were discharged in that country from the ship or aircraft before the expiration of the period of seven days beginning with such day as the Board of Trade may declare to be the day as from which they will carry on business for the purpose mentioned in paragraph (c) of subsection (1) of the last preceding section, and

(ii) were so lost or damaged as aforesaid within the appropriate period, while in transit between the ship or aircraft and their destination,

or, having been consigned for carriage by sea or by air from a place in any one of the countries to which this paragraph applies to a place outside that country before the expiration of the said period of seven days, were so lost or damaged as aforesaid while in transit between the premises from which they were consigned and the ship or aircraft; and

(c) that he and his agents exercised all due diligence for securing that no delay occurred while the goods were in such transit as aforesaid; and

(d) that at the time when the loss or damage occurred the property in the goods was vested in him;

the Board of Trade shall pay to him, by way of compensation for that loss or damage, an amount equal to the value of the goods ascertained in accordance with such rules as may be made by the Board of Trade, or, as the case may be, the amount by which the value of the goods so aforesaid was diminished by reason of the damage.

(2) Where, at the time when the loss or damage for which compensation in respect of any goods has become payable under this section occurred, the goods were subject to any mortgage, charge or other similar obligation, the amount of the compensation shall be deemed to be comprised in that mortgage, charge or other obligation.

(3) The countries to which paragraph (b) of subsection (1) of this section applies are the United Kingdom, the Isle of Man and any of the Channel Islands.

(4) In this section—

(a) the expression "the ship or aircraft", in relation to goods consigned for carriage by sea or by air to or from a country to which paragraph (b) of subsection (1) of this section applies, does not include any vessel into which the goods are discharged at any port or place in that country for the purpose of being loaded at that port or place, or from which the goods are discharged for the purpose of being carried by sea or by air from that country, as the case may be; and

(b) the expression "the appropriate period" means—

(i) in a case where the destination of the goods is within the port or place at which they were discharged from the ship or aircraft, the period of fifteen days beginning with the day on which they were so discharged, or

(ii) in a case where the destination of the goods is outside the said port or place, the period of thirty days beginning with the day on which they were so discharged.



Limitation of extinguishment of rights of insured person.

4. Where any sum becomes payable to any person (hereafter in this section referred to as "the insured"), in respect of any loss or damage arising from a risk against which the insured has, either originally or by way of re-insurance, insured another person (hereafter in this section referred to as "the assured") and either—

(a) the sum has become payable by the Board of Trade by virtue of an agreement made under section one of this Act, or

(b) the sum has become payable under a contract of insurance by some person other than the Board (hereafter in this section referred to as "the intermediate insurer") and the risk has been re-insured under such an agreement as aforesaid,

then if, before payment of that sum is made by the Board of Trade or the intermediate insurer, the assurer becomes bankrupt or, in a case where the assurer is a company, the company commences to be wound up, or a receiver is appointed on behalf of the holders of any debentures of the company secured by a floating charge or possession is taken by or on behalf of the holders of such debentures of any property comprised in or subject to the charge, that sum shall cease to be payable to the insured and the amount thereof shall be paid to the assured by the Board or the intermediate insurer, as the case may be, and the right of the assured to receive payment in respect of the loss or damage from the insurer shall, to the extent to which the risk has been re-insured by the Board, be extinguished.

Exemption of certain trading companies from section 437 of Companies Act, 1929.

5.—(1) Section three hundred and fifty-seven of the Companies Act, 1929 (which prohibits, subject to certain conditions, the formation of companies, associations or partnerships consisting of more than twenty persons for the purpose of carrying on any business for gain) shall not apply in relation to any body of persons for the time being approved for the purposes of this Part of this Act by the Board of Trade, being a body the objects of which are or include the carrying on of business by way of the re-insurance of risks which may be re-insured under any agreement for the purposes mentioned in paragraph (b) of subsection (1) of section one of this Act.

(2) This section shall be deemed to have come into operation on the twentieth day of February nineteen hundred and thirty-nine.

Interpretation of Part II of Act.

6.—(1) In the provisions of this Part of this Act other than section one of this Act—

(a) the expression "war risks" means such risks arising from any of the following events, that is to say, hostilities (including action taken in repelling an imagined attack), rebellion, revolution and civil war, or from civil strife consequent upon the happening of any of those events, as the Board of Trade may by order define for the purposes of this Part of this Act, having regard to the meaning assigned to that expression by any agreement under section one of this Act, and includes piracy; and

Archivo Histórico
Presidencia de Enfermedades Profesionales
Comisión Médica Nº 1 (CABA)
Argentina



(b) the expression "King's enemy risks" means such risks arising from action taken by an enemy, or from action taken in combatting an enemy or in repelling an imagined attack by an enemy, as the Board may by order define for the purposes of this Part of this Act, having regard to the meaning assigned to that expression by any such agreement as aforesaid.

(c) Any order under the preceding subsection may be varied or revoked by a subsequent order made by the Board of Trade.

(3) In this part of this Act the expression "goods" includes currency and any securities payable to bearer not being either bills of exchange or promissory notes.

## Part II.

### Insurance of Goods in the United Kingdom.

Scheme of insurable interests against risk of war.

7.—(1) [The Board of Trade may operate] a scheme (hereinafter referred to as "the commodity insurance scheme") whereby the Board undertake, in relation to persons carrying on business ..... as sellers [or suppliers] of goods, the liabilities of insuring such persons against King's enemy risks in respect of goods insurable under this Part of this Act which are from time to time owned by such persons in the course of such business.

(2) The commodity insurance scheme shall be such as to secure—

(a) that any liability of the Board of Trade as insurers under the scheme is determined by a policy of insurance issued, in the prescribed form and in respect of [a period not exceeding the period for the time being prescribed] by a person acting on behalf of the Board;

(b) that any premium under a policy so issued is payable at such rate ..... as may be prescribed; and

(c) that the amount of any one premium payable under a policy so issued is not less than such sum as may be prescribed.

(3) Different forms of policies and different periods may be prescribed under the last preceding subsection in relation to different descriptions of goods, [and different amounts of any one premium payable may be so prescribed according to different circumstances].

[(4) Any policy issued in respect of any goods under the commodity insurance scheme may insure a person carrying on the business of banking who is interested in the goods by reason of any pledge, mortgage or charge as well as the person in relation to whom the goods are insurable under subsection (1) of this section.]

[(5) The prescribed form of policy may be such as to incorporate by reference provisions set out in the order prescribing the form.]

Applications of persons which would be accepted on behalf of the Board.

8.—(1) The Board of Trade shall from time to time, by notice published in such manner as they think best adapted for informing persons affected, designate the persons who are authorised by the Board to receive on their behalf applications under this section; and any person carrying on any business in the United Kingdom as a seller of goods shall, on an application in that behalf made in the prescribed form to a person designated by such notice as aforesaid, and on payment of the fee specified in the Schedule to this Act which is appropriate to the application, be entitled to be registered as desiring to be insured under the commodity insurance scheme, in the event of its being put into operation, for such sum as may be specified in the application in respect of goods of any description so specified which may be from time to time owned by him in the course of that business, being goods which, at the date of the application, are goods insurable under this Part of this Act.

(2) Where a person has been registered under the preceding subsection as desiring to be insured for any sum in respect of goods of any description, then, on an application in that behalf made in the prescribed form to a person for the time being designated under the preceding subsection, and on payment of the fee specified in the Schedule to this Act which is appropriate to the application, he shall be entitled either to have his registration cancelled in respect of goods of that description or to be registered as desiring to be insured in respect of goods of that description for such greater or less sum as may be specified in the application; and upon the receipt of any application so made by a person for the cancellation of his registration in respect of goods of any description, and on payment of the fee specified in the Schedule to this Act which is appropriate to the application, he shall, without prejudice to the effect of any subsequent application which may be made by him, cease to be entitled to be registered under this section as desiring to be insured in respect of goods of that description:

Provided that a person shall not, by virtue of any application under this subsection, be entitled to be registered as desiring to be insured, in respect of goods of any description, for a sum greater than that in respect of which he is already registered under this section in relation to goods of that description, if, by virtue of the following provisions of this Act, goods of that description are not, at the date on which the application is made, goods insurable under this Part of this Act.

(3) If the commodity insurance scheme is put into operation, the preceding provisions of this section shall thereupon cease to have effect except as respects applications (hereunder which have been received before such date as the Board of Trade may declare to be the date of the outbreak of war; but, in the case of any person who, immediately before that date, was a person entitled to be registered under this section as desiring to be insured for any sum in respect of goods of any description,—

(a) a policy, in the form prescribed for the purposes of the said scheme in relation to goods of that description, insuring him for that sum, during the appropriate prescribed period, in respect of all goods of that description from time to time owned by him in the course of any business carried on by him in the United Kingdom as a seller of goods, shall be deemed to have been issued to him on the said date on behalf of the Board of Trade, and

(b) the amount of the first premium which would have become payable under such a policy as issued shall be deemed to have on that date accrued due from him to the Board.

(4) Any sum due under the last preceding subsection from any person to the Board of Trade may, without prejudice to any other mode of recovery, be recovered summarily as a civil debt.

(5) The register of persons entitled to be registered under this section shall be kept in accordance with such directions as may be given by the Board of Trade.

(6) The Board of Trade may by order modify the Schedule to this Act by increasing or reducing the amount of any of the fees specified in that Schedule.

Power to make insurance compulsory in case of war.

9.—(1) [While the commodity insurance scheme is in operation] the Board of Trade may make an order (hereinafter referred to as "a compulsory insurance order") for securing that no person shall, after such date as may be specified in the order, carry on any business in the United Kingdom as a seller [or supplier] of goods, unless in respect of any goods insurable under this Part of this Act which are for the time being owned by him in the course of that business there is in force a policy of insurance issued in accordance with that scheme, whereby he is insured, in respect of all such goods for a sum not less than the value thereof for the time being:

Provided that [subject to the provisions of subsection (4) of this section)] an order under this section shall not restrict the carrying on of business as aforesaid by any person, if and so long as the value of all

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



goods insurable under this Part of this Act which are for the time being owned by him in the course of that business does not exceed such amount as may be specified in the order.

[(10) A compulsory insurance order may contain provisions relating to goods of any class specified in those provisions for securing that no person shall, after such date as may be so specified, carry on any business in the United Kingdom as a seller or supplier of goods, unless in respect of any goods of that class which are insurable under this Part of this Act and are for the time being owned by him in the course of that business there is in force a policy of insurance issued in accordance with the commodity insurance scheme whereby he is insured in respect of all such goods for a sum not less than the value thereof for the time being.

Provided that no such provisions as aforesaid relating to goods of any class shall restrict the carrying on of business as aforesaid by any person, if and so long as the value of all goods of that class which are insurable under this Part of this Act and are for the time being owned by him in the course of that business does not exceed such amount as may be specified in those provisions in relation to goods of that class.]

(11) If any person contravenes this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds and to a further fine not exceeding fifty pounds for every day on which the contravention continues.

(12) For the purposes of a compulsory insurance order, different rates of premium may be prescribed in relation to different descriptions of goods, and according to the place at which, and the circumstances in which, the goods insured are situated.

Restriction on carrying on certain business in form of trust.

18.—(1) [So long as the commodity insurance scheme is in operation] no person shall, except as a person authorised by the Board of Trade to issue policies in pursuance of that scheme, carry on the business of insuring persons carrying on business in the United Kingdom as sellers [or suppliers] of goods, against King's enemy risks in respect of goods insurable under this Part of this Act which are from time to time owned by such persons in the course of such business as is last mentioned.

(2) If any person contravenes this section, he shall be liable—

(a) on conviction on indictment, to a fine not exceeding five hundred pounds and to a further fine not exceeding one hundred pounds for every day on which the contravention continues, or

(b) on summary conviction, to a fine not exceeding one hundred pounds and to a further fine not exceeding twenty pounds for every day on which the contravention continues.

Goods insurable under Part III.

19.—(1) Subject to the provisions of this section,—

(a) the following goods shall, in relation to any person carrying on business as a seller [or supplier] of goods of any description, be deemed to be goods insurable under this Part of this Act, that is to say, all goods situated in the United Kingdom, being either—

(i) goods of that description, or

(ii) goods used as material from which goods of that description are produced or as ingredients or component parts of goods of that description;

(2) In relation to a person carrying on in the United Kingdom the business of selling agricultural products produced by him, all agricultural products and livestock for the time being situated in the United Kingdom shall, subject to the following provisions of this section, be deemed to be goods insurable under this Part of this Act:



Provided that the Board of Trade may by order direct that a compulsory insurance order shall not operate so as to require a person to be insured in respect of any goods which, in relation to that person, would not, apart from the provisions of this subsection, be goods insurable under this Part of this Act.

(3) Goods shall be deemed not to be goods insurable under this Part of this Act if and so long as they are insured by the Board of Trade under Part I of this Act.

(4) Without prejudice to the last preceding subsection, the Board of Trade may by order direct that goods of any description specified in the order shall be deemed not to be goods insurable under this Part of this Act; but an order made under this subsection in relation to goods of any description shall not affect—

(a) the operation of section eight of this Act in relation to any person who, immediately before the date on which the order takes effect, was a person entitled to be registered under that section as desiring to be insured in respect of goods of that description, or

(b) the institution or prosecution of any proceedings for an offence committed under this Part of this Act.

(5) Things which, in relation to a person carrying on any business as a seller of goods, are at any time goods insurable under this Part of this Act shall not cease to be goods so insurable by reason only that they are subsequently placed in or affixed to land under a contract of sale entered into by that person in the course of that business.

Power of Board of Trade to obtain information.

[19A.—(1) Any person authorised in that behalf by the Board of Trade may at all reasonable times, on producing sufficient documentary evidence of his authority, enter any premises occupied by any person carrying on in the United Kingdom the business of a seller or supplier of goods for the purposes of that business and may inspect the premises and request any person found therein who is for the time being in charge thereof, or in control of the business carried on therein, to produce to him and allow him to examine such accounts, books or other documents and to furnish to him such information as he may reasonably require for the purpose of ascertaining whether or not, and, if so, to what extent, the person carrying on the business is insured under the commodity insurance scheme in respect of goods owned by him in the course of that business, and of ascertaining the value of any goods insurable under the scheme which are or were at any relevant time, owned by him in the course of that business.

(2) If any person wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with a request made thereunder, he shall, in respect of each occasion on which any such obstruction or failure takes place, be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(3) If any person, in purporting to comply with his obligations under this section, knowingly or recklessly makes a statement false in a material particular, he shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(4) Where in any proceedings in respect of a contravention of section nine of this Act in relation to any business, it is proved, in relation to that business—

(a) that a demand for the production of a policy of insurance issued in accordance with the commodity insurance scheme insuring the person carrying on the business was duly made under this section and was not complied with; and

(b) that the person making the demand was not satisfied that there was such a policy in existence;

Archivo Histórico
Ministerio de Asuntos Exteriores, Comercio Internacional y Culto
Argentina



it shall be presumed, except in so far as the contrary is proved, that the said section was being contravened in relation to that business at the time when the demand was made and continued to be contravened in relation to that business at all times thereafter.]

Legal proceedings

13. Proceedings for an offence under this Part of this Act shall not, in England or Northern Ireland, be instituted except by or with the consent of the Board of Trade.

Employment of agents by Board of Trade.

14.—(1) The Board of Trade may employ or authorise the employment of persons to act as their agents for any of the purposes of this Part of this Act, and may pay to persons so employed such remuneration (if any) as they may with the approval of the Treasury determine; and such expenses incurred by the said persons as the Board and the Treasury may approve shall be defrayed by the Board.

53 & 54 Vict. c. xxxv.

(2) The objects of the body incorporated by Lloyd's Act, 1871, by the name of Lloyd's, shall include the carrying on of business as agents of the Board of Trade for any of the purposes of this Part of this Act.

Orders of Board of Trade.

15.—(1) The Board of Trade may by order prescribe anything which by this Part of this Act is required or authorised to be prescribed; and in this Part of this Act the expression "prescribed" means prescribed by order of the Board.

(2) Any order under this Part of this Act may be varied or revoked by a subsequent order made in the like manner, and subject to the like conditions (if any), as the original order.

(3) Every order under this Part of this Act, being an order which prescribes a rate of premium or the minimum amount of any one premium or modifies the Schedule to this Act, or directs that any goods shall be deemed not to be goods insurable under this Part of this Act, or being a compulsory insurance order, shall, as soon as may be after the making of the order, be laid before Parliament; and if either House of Parliament, within the period of fourteen days beginning with the day on which such an order is laid before it, resolves that the order be annulled, the order shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of a new order.

In reckoning any such period of fourteen days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

[(4) In any order made by the Board of Trade under this Part of this Act for specifying any description of goods, or for prescribing anything in relation to any description of goods, the goods may be described by reference to any circumstances whatsoever.]

Power to recover or reject premiums.

[15a.—The Board of Trade shall have power, with the consent of the Treasury, in any case where it appears to the Board just and equitable so to do, to refund the whole or any part of any sum paid to them by any person by way of premium under the commodity insurance scheme, or to remit payment of any part of any sum so payable by any person.]

Interpretation and general of Part II.

15.—(1) In this Part of this Act—

(a) the expression "King's enemy ruler" means such risks arising from action taken by an enemy, or from action taken in combating an enemy or in repelling an imagined attack by an enemy, as the Board of Trade may by order define for the purposes of this Part of this Act;

(b) the expression "seller of goods" includes a seller of goods acting as an agent;

[(bb) the expression "persons carrying on business as suppliers of goods" means persons carrying on a business in the course of which they supply goods for the purposes of or in pursuance of contracts made by them for work, labour and materials;]



(c) the expression "agricultural products" means products of agriculture, horticulture or silviculture, and includes growing crops, plants and trees;

(d) the expression "livestock" includes animals of any description; and

(e) the expression "goods" means goods as defined by section sixty-two of the Sale of Goods Act, 1893, and includes agricultural products. 56 & 57 Vict. c. 71.

[(2) Subject to the provisions of this and the next two following subsections, any goods shall be deemed for the purposes of this Part of this Act to be owned—

(a) if the property in the goods is for the time being vested in a person in relation to whose trade they are insurable under this Part of this Act, by that person;

(b) if the property in the goods is not so vested, by any person in relation to whose trade the goods are insurable as aforesaid and who is for the time being entitled, either unconditionally or conditionally, to have the property in the goods vested in him:

Provided that where—

(i) any goods would, under the foregoing provisions of this subsection, be deemed to be owned by a person in whom the property therein is vested otherwise than in the course of a business carried on by him in the United Kingdom, or who is entitled to have the property therein vested in him otherwise than in the course of such a business; and

(ii) any person carrying on business in the United Kingdom is for the time being entitled to sell the goods as agent;

the goods shall be deemed to be owned by the last mentioned person.

(3) Subject to the provisions of the next following subsection, a person carrying on business as a supplier of goods shall be deemed for the purpose of this Part of this Act to have ceased to own any goods supplied by him for the purpose of or in pursuance of a contract made by him with any other person (in this subsection referred to as "the party to be supplied") for work, labour and materials at whichever is the earliest of the following times, namely—

(a) the time when, under the terms of the contract, he would have ceased to own the goods if this subsection had not been in force;

(b) the time when in pursuance of the contract the goods are fixed to or otherwise made part of goods belonging to the party to be supplied;

(c) the time when in pursuance of the contract the goods are delivered at premises belonging to or in the occupation of the party to be supplied;

and the goods shall, for the purposes of this subsection, be deemed to have been fixed to or made part of goods belonging to the party to be supplied, or to have been delivered at premises belonging to or in the occupation of the party to be supplied, when in pursuance of the contract the goods are fixed to or made part of goods belonging to, or, as the case may be, are delivered at premises belonging to or in the occupation of, some other person with whom the party to be supplied has made a contract for work, labour or materials, or some further person with whom that other person has made such a contract, or some further person with whom that further person has made such a contract, and so on.

(4) Where a business is being carried on in the course of which ships or parts of ships are constructed under contract, any ship or part of a ship

Archivo Histórico
Argentina



as constructed and any goods appropriated for its construction, being a ship, part or goods of which under the contract the person carrying on the business is not the owner, shall be deemed for the purposes of this Part of this Act at all times before delivery under the contract to be owned in the course of that business by the person from time to time carrying on the business:

Provided that any money received by that person under a policy issued in pursuance of the commodity insurance scheme in respect of damage to any such ship or part of a ship or goods shall be held by him on trust for the owner of the ship, part or goods, subject however to any lien or charge which would otherwise be enforceable against the ship, part or goods.

(5) For the purposes of this Part of this Act, where any goods are consigned from a port in the United Kingdom to any other such port in a vessel which in the transit between those ports is not due to call at any port outside the United Kingdom, the goods shall at all times during the transit be deemed to be situated in the United Kingdom.]

## PART III.

### GENERAL AND SUPPLEMENTARY PROVISIONS.

[Extent of Part III.]

16.—(1) There shall be established under the control of the Board of Trade—

(a) a fund for the purposes of Part I of this Act, to be called the "war risks (marine) insurance fund", into which shall be paid all sums received by the Board by virtue of that Part of this Act, and out of which shall be paid all sums required for the fulfilment by the Board of any of their obligations under that Part of this Act; and

(b) a fund for the purposes of Part II of this Act, to be called the "war risks (commodities) insurance fund", into which shall be paid all sums received by the Board by virtue of that Part of this Act, and out of which shall be paid all sums required for the fulfilment by the Board of any of their obligations [or for the repayment of any premiums] under that Part of this Act or for the payment by the Board of the remuneration and expenses of agents employed for any of the purposes of that Part of this Act.

(2) If, at any time when a payment falls to be made out of either of the said funds, the sum standing to the credit of that fund is less than the sum required for the making of that payment, an amount equal to the deficiency shall be paid into that fund out of moneys provided by Parliament, but, if and so far as that amount is not paid out of such moneys, it shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof (hereinafter referred to as "the Consolidated Fund").

(3) If, at any time, the amount standing to the credit of either of the said funds exceeds the sum which, in the opinion of the Board of Trade and the Treasury is likely to be required for the making of payments out of that fund, the excess shall be paid into the Exchequer and the amount of any sum so paid into the Exchequer shall, at such times as the Treasury may direct, be issued out of the Consolidated Fund and applied in redeeming or paying off debt of such description as the Treasury think fit.

(4) In relation to each of the said funds, the Board of Trade shall prepare, in such form and manner as the Treasury may direct, an account of the sums received into and paid out of that fund in each financial year, and shall, on or before the thirtieth day of November in such year, transmit



the said account to the Comptroller and Auditor General, who shall examine and certify the account and lay copies thereof, together with copies of his report thereon, before both Houses of Parliament.

[Provisions as to raising of money for purposes of Part II and application of receipts.]

(5) For the purpose of providing for the issue of sums out of the Consolidated Fund under subsection (3) of the last preceding section or any part of such sums, or for the replacement of all or any part of sums so issued, the Treasury may from time to time raise money in any manner in which they are authorised to raise money under and for the purposes of subsection (3) of section one of the War Loan Act, 1915, and any securities created and issued to raise money under this section shall be deemed for all purposes to have been created and issued under subsection (1) of section one of that Act.

[Exemption of certain agreements, policies and certificates from provisions of Stamp Act, 1891, and Marine Insurance Act, 1906.]

17.—(1) No agreement to which this section applies shall be invalid by reason only that it does not comply with the requirements of the Stamp Act, 1891, with respect to contracts for or policies of sea insurance, or be inadmissible in evidence by reason only that it is not embodied in a marine policy in accordance with the Marine Insurance Act, 1906.

(2) Stamp duty shall not be chargeable in respect of any such agreement.

(3) No person shall be liable to a fine under section ninety-seven of the Stamp Act, 1891, by reason of having, contrary to the said section, entered into or done or omitted to do anything in relation to, or for the purposes of, any such agreement, or be liable under the said section to any disability in relation to any such agreement.

(4) This section applies to—

(a) any agreement for re-insurance made, in pursuance of Part I of this Act, between the Board of Trade and any other person, and any policy of re-insurance issued by the Board in pursuance of such an agreement;

(b) any agreement entered into by any body in which this paragraph applies, being an agreement for the re-insurance of any risk insured by another person which may be again re-insured by the Board, and any policy issued in pursuance of such an agreement, being a policy for the re-insurance only of such a risk as aforesaid; and

(c) every policy of insurance issued in pursuance of the commodity insurance scheme.

Paragraph (b) of this subsection applies to any body of persons for the time being approved for the purposes of Part I of this Act by the Board of Trade, being a body the objects of which are or include the carrying on of business by way of the re-insurance of risks which may be re-insured under any agreement for the purpose mentioned in paragraph (b) of subsection (4) of section one of this Act.

[Provisions supplementary to those of section 4 of Marine Ins. Act, 1906, and Marine Insurance Act, 1908.]

[18A.—(1) No contract entered into by the Board of Trade in the exercise of the powers conferred upon the Board by subsection (1) of section two of this Act to carry on any such business as is mentioned in paragraph (b), (d) or (e) of that subsection, and no policy of insurance or certificate of insurance issued by the Board in connection with any such contract, shall be invalid by reason only that it does not comply with the requirements of the Stamp Act, 1891, with respect to contracts for or policies of sea insurance, or be inadmissible in evidence by reason only that it is not embodied in a marine policy in accordance with the Marine Insurance Act, 1906.

(2) Stamp duty shall not be chargeable in respect of any certificate of insurance issued by the Board in connection with any such contract as aforesaid.

Archivo Histórico
Universidad de Buenos Aires
Colección Documentos y Libros
Argentina



(3) No person shall be liable to a fine under section ninety-seven of the Stamp Act, 1891, by reason of having, contrary to the said section, entered into or done or omitted to do anything in relation to, or for the purposes of, any such contract as aforesaid, or be liable under the said section to any disability in relation to any such contract.]

Expenses of Board of Trade.

15. The expenses incurred for the purposes of this Act by the Board of Trade shall, except in so far as they are required to be defrayed out of a fund established under this Act, be defrayed out of moneys provided by Parliament.

Execution of powers of Board of Trade.

16. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade, may be done by, to or before the President of the Board of Trade, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

Application to Scotland and Northern Ireland.

17.—(1) This Act shall apply to Scotland subject to the following modification, that is to say, subsection (4) of section eight shall have effect as if the word "summarily" were omitted.

(2) This Act shall apply to Northern Ireland subject to the following modification, that is to say, the expression "summary conviction" means conviction subject to, and in accordance with, the Petty Sessions (Ireland) Act, 1851, and any Act (including any Act of the Parliament of Northern Ireland) amending that Act.

14 & 15 Vict. c. 93.

Short title.

18. This Act may be cited as the War Risks Insurance Act, 1939.

Section 6.

## SCHEDULE.

Fees Payable on Applications under Section Eight of this Act.

1. The fee payable on an original application shall be the fee specified in the second column of the following Table in relation to the category of sums specified in the first column of the said Table within which falls the sum stated in the application as the total sum for which the applicant desires to be insured:—

Table.

| Category of sums | Amount of fee |
|---|---|
| | £ s. d. |
| Not exceeding £10,000 | 1 0 0 |
| Exceeding £10,000 but not exceeding £50,000 | 2 10 0 |
| Exceeding £50,000 but not exceeding £250,000 | 5 0 0 |
| Exceeding £250,000 | 10 0 0 |

2. The fee payable on an application stating, as the total sum for which the applicant desires to be insured, a sum greater than the total sum in respect of which he is for the time being entitled to be registered shall be ten shillings; and, if the sum so stated in the application falls within a category specified in the first column of the preceding Table other than the category as specified within which the last-mentioned total sum falls, there shall be payable on the application an additional fee equal to the difference between the two fees specified in the second column of the said Table in relation to those two categories respectively.

3. The fee payable on an application stating, as the total sum for which the applicant desires to be insured, a sum less than the total sum in respect of which he is for the time being entitled to be registered, shall be ten shillings.

4. The fee payable on an application for cancellation of registration shall be five shillings.



STATUTORY RULES AND ORDERS

**1940 No. 705**

# THE DEFENCE (WHITSUN BANK HOLIDAY) REGULATIONS, 1940

**1.** These Regulations may be cited as the Defence (Whitsun Bank Holiday) Regulations, 1940.

**2.** Monday the thirteenth day of May, nineteen hundred and forty (being the Monday in Whitsun week) shall not be a bank holiday under the Bank Holidays Act, 1871, or a public holiday under the Holidays Extension Act, 1875, or section eight of the Customs Consolidation Act, 1876:

34 & 35 Vict. c. 17. 38 & 39 Vict. c. 13. 39 & 40 Vict. c. 36.

Provided that the said day shall be deemed to be a bank holiday in England and Northern Ireland for the purposes of—

(a) sections one to three of the Bank Holidays Act, 1871, in so far as they relate to any bill of exchange or promissory note or the making of any payment, not being a bill or note payable at sight or on demand or a payment in respect of any such bill or note;

(b) paragraph (1) of section fourteen of the Bills of Exchange Act, 1882; and 45 & 46 Vict. c. 61.

(c) any provision of any other enactment, or of any instrument, providing that, in computing a period of time, a bank holiday shall be disregarded, or that, where the date on which anything is to be done falls on a bank holiday, it shall be done on some other day.

**3.** For the purposes of the Shops Acts, 1912 to 1938, nothing done or omitted to be done in relation to the employment of any person about the business of a shop, or to the closing of any shop, during the week ending with the eleventh day of May, nineteen hundred and forty, shall be deemed to be a contravention of those Acts if it would not have been such a contravention if the said thirteenth day of May had been a bank holiday and the shop assistant had not been employed or the shop had been closed, as the case may be, on that day.

Archivo Histórico
Ministerio de Relaciones Exteriores Comercio Internacional y Culto
Argentina



STATUTORY RULES AND ORDERS

**1940 No. 1836**

# THE DEFENCE REGULATIONS (RECIPROCAL ENFORCEMENT) ORDER, 1940

Reciprocal enforcement of Defence Regulations.

**1.** Any person committing an offence against any Defence Regulation in force in any country to which this Order applies, being a Regulation—

(*a*) imposing or providing for the imposition of prohibitions, restrictions or obligations in relation to ships or vessels; or

(*b*) authorising the doing of anything in relation to ships or vessels; or

(*c*) imposing or providing for the imposition of prohibitions, restrictions or obligations on the owner, charterer, master or person having the possession or management of a ship or vessel, or on a person on board or lawfully engaged to serve on board a ship or vessel;

may be apprehended, tried and punished for that offence in any other country to which this Order applies as if he had committed an offence against the corresponding Defence Regulation in force in that other country, or if there is no corresponding Regulation in force in that other country, as if he had committed an offence against a Defence Regulation in force in that other country which contains no special provisions as respects the trial and punishment thereof.

Countries to which Order applies.

**2.** This Order applies to the United Kingdom and every other country in which Defence Regulations are for the time being in force by virtue of subsection (1) of section four of the Emergency Powers (Defence) Act, 1939.

Short title and interpretation.

**3.**—(1) This Order may be cited as the Defence Regulations (Reciprocal Enforcement) Order, 1940.

(2) In this Order the expression "country" includes a territory, and the expression "ship or vessel" includes a ship or vessel under construction.

52 & 53 Vict. c. 63.

(3) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.



TABLE OF ORDERS IN COUNCIL

| Year and Number. | Date. | Year and Number. | Date. |
|---|---|---|---|
| 1939. No. 957 | 23. 8.39 | 1940. No. 33 | 8. 1.40 |
| 1939. No. 978 | 1. 9.39 | 1940. No. 50 | 12. 1.40 |
| 1939. No. 1049 | 8. 9.39 | 1940. No. 169 | 8. 2.40 |
| 1939. No. 1113 | 4. 9.39 | 1940. No. 170 | 8. 2.40 |
| 1939. No. 1141 | 4. 9.39 | 1940. No. 171 | 8. 2.40 |
| 1939. No. 1154 | 4. 9.39 | 1940. No. 172 | 8. 2.40 |
| 1939. No. 1163 | 8. 9.39 | 1940. No. 244 | 22. 2.40 |
| 1939. No. 1234 | 11. 9.39 | 1940. No. 245 | 22. 2.40 |
| 1939. No. 1236 | 11. 9.39 | 1940. No. 290 | 7. 3.40 |
| 1939. No. 1303 | 18. 9.39 | 1940. No. 291 | 7. 3.40 |
| 1939. No. 1304 | 18. 9.39 | 1940. No. 382 | 11. 3.40 |
| 1939. No. 1378 | 3.10.39 | 1940. No. 383 | 11. 3.40 |
| 1939. No. 1379 | 3.10.39 | 1940. No. 384 | 11. 3.40 |
| 1939. No. 1380 | 3.10.39 | 1940. No. 464 | 3. 4.40 |
| 1939. No. 1381 | 3.10.39 | 1940. No. 563 | 17. 4.40 |
| 1939. No. 1410 | 11.10.39 | 1940. No. 607 | 30. 4.40 |
| 1939. No. 1461 | 19.10.39 | 1940. No. 608 | 30. 4.40 |
| 1939. No. 1463 | 19.10.39 | 1940. No. 636 | 30. 4.40 |
| 1939. No. 1464 | 19.10.39 | 1940. No. 660 | 9. 5.40 |
| 1939. No. 1465 | 19.10.39 | 1940. No. 681 | 9. 5.40 |
| 1939. No. 1467 | 30.10.39 | 1940. No. 682 | 9. 5.40 |
| 1939. No. 1500 | 27.10.39 | 1940. No. 688 | 9. 5.40 |
| 1939. No. 1501 | 27.10.39 | 1940. No. 696 | 9. 5.40 |
| 1939. No. 1600 | 15.11.39 | 1940. No. 697 | 9. 5.40 |
| 1939. No. 1648 | 17.11.39 | 1940. No. 698 | 9. 5.40 |
| 1939. No. 1649 | 17.11.39 | 1940. No. 699 | 9. 5.40 |
| 1939. No. 1650 | 17.11.39 | 1940. No. 705 | 11. 5.40 |
| 1939. No. 1651 | 17.11.39 | 1940. No. 758 | 15. 5.40 |
| 1939. No. 1681 | 23.11.39 | 1940. No. 759 | 17. 5.40 |
| 1939. No. 1682 | 23.11.39 | 1940. No. 761 | 20. 5.40 |
| 1939. No. 1693 | 23.11.39 | 1940. No. 767 | 20. 5.40 |
| 1939. No. 1701 | 11.12.39 | 1940. No. 770 | 22. 5.40 |
| 1939. No. 1786 | 11.12.39 | 1940. No. 772 | 22. 5.40 |
| 1939. No. 1832 | 20.12.39 | 1940. No. 776 | 22. 5.40 |
| 1939. No. 1833 | 20.12.39 | 1940. No. 785 | 22. 5.40 |
| 1939. No. 1834 | 20.12.39 | 1940. No. 808 | 28. 5.40 |
| 1939. No. 1837 | 20.12.39 | 1940. No. 840 | 31. 5.40 |
| 1939. No. 1838 | 20.12.39 | 1940. No. 841 | 31. 5.40 |
| | | 1940. No. 842 | 31. 5.40 |
| | | 1940. No. 843 | 31. 5.40 |
| | | 1940. No. 844 | 31. 5.40 |
| | | 1940. No. 845 | 31. 5.40 |
| | | 1940. No. 846 | 31. 5.40 |
| | | 1940. No. 881 | 4. 6.40 |
| | | 1940. No. 882 | 4. 6.40 |
| | | 1940. No. 903 | 4. 6.40 |
| | | 1940. No. 906 | 4. 6.40 |
| | | 1940. No. 907 | 5. 6.40 |
| | | 1940. No. 908 | 11. 6.40 |
| | | 1940. No. 909 | 11. 6.40 |
| | | 1940. No. 938 | 11. 6.40 |
| | | 1940. No. 940 | 11. 6.40 |
| | | 1940. No. 941 | 11. 6.40 |
| | | 1940. No. 942 | 11. 6.40 |

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio e Inmigración y Culto
Argentina



TABLE OF ORDERS IN COUNCIL.—*Continued.*

| *Year and Number.* | *Ends.* |
|---|---|
| 1945, No. 1015 | 19. 6.40 |
| 1945, No. 1018 | 19. 6.40 |
| 1945, No. 1019 | 19. 6.40 |
| 1945, No. 1031 | 19. 6.40 |
| 1945, No. 1036 | 19. 6.40 |
| 1945, No. 1078 | 26. 6.40 |
| 1945, No. 1079 | 26. 6.40 |
| 1945, No. 1080 | 26. 6.40 |
| 1945, No. 1081 | 26. 6.40 |
| 1945, No. 1082 | 26. 6.40 |
| 1945, No. 1097 | 26. 6.40 |
| 1940, No. 1134 | 5. 7.40 |
| 1940, No. 1135 | 5. 7.40 |
| 1940, No. 1136 | 4. 7.40 |
| 1940, No. 1137 | 5. 7.40 |
| 1940, No. 1140 | 8. 7.40 |
| 1940, No. 1149 | 8. 7.40 |
| 1940, No. 1150 | 8. 7.40 |
| 1940, No. 1161 | 2. 7.40 |
| 1940, No. 1174 | 5. 7.40 |
| 1940, No. 1191 | 5. 7.40 |
| 1940, No. 1209 | 10. 7.40 |
| 1940, No. 1210 | 10. 7.40 |
| 1940, No. 1212 | 10. 7.40 |
| 1940, No. 1213 | 10. 7.40 |
| 1940, No. 1214 | 10. 7.40 |
| 1940, No. 1215 | 10. 7.40 |
| 1940, No. 1216 | 10. 7.40 |
| 1940, No. 1217 | 10. 7.40 |
| 1940, No. 1234 | 17. 7.40 |
| 1940, No. 1261 | 17. 7.40 |
| 1940, No. 1268 | 17. 7.40 |
| 1940, No. 1280 | 17. 7.40 |
| 1940, No. 1299 | 17. 7.40 |
| 1940, No. 1300 | 17. 7.40 |
| 1940, No. 1307 | 24. 7.40 |
| 1940, No. 1320 | 24. 7.40 |
| 1940, No. 1330 | 24. 7.40 |



# INDEX TO DEFENCE REGULATIONS.

References are to pages.


Administration of justice (orders for E. and S.) ... ... 172, 193
Advisory committees (detention orders) ... ... ... 39
Agreement. *See* Animals.
Agriculture (*see also* Land):
  agricultural land:
    all-purpose gardens ... ... 120
    cultivation (control, &c.) 124–130
    dues and crops (S.) ... ... 131
    defined ... ... 189, 190
    heather burning (S.) ... 131
    marketing (Northern Ireland) ... ... ... 201
    Minister and delegation of functions ... ... ... 133
    preservation ... 141, 194
    rabbits and game ... 129–131
    returns (use, poultry, &c.) 133
    taxation ... ... ... 194–196
    trespass ... ... ... 134
    wages ... ... 196–199
Aircraft, vessels, &c. (*see also* Ships):
  agents employed abroad ... 92
  British, employment in ... 91
  entering hostile ... ... 33
  information as to ... ... 93
  navigation:
    general control ... ... 88
    aircraft ... ... ... 90
  place of departure ... ... 39
  requisitioning 101, 102, 104, 106
  sabotage ... ... ... 80
  space or accommodation in, right to ... ... 103–105
  stopping departure ... ... 42
  trespassing on ... ... 36, 37
  wireless telegraphy ... 88, 92
Air Navigation Act amended ... 97
Air raid precautions:
  gas contamination, &c. *See* Entry on premises.
  schools and shelters ... 51
  shelters, erection of ... ... 51
  sirens ... ... ... ... 53
  streets, shelters in ... ... 52
  wardens' continued employment ... ... ... ... 62
Alien (*see also* Enemy Ships):
  change of name ... ... 44, 45
  civil employment ... ... 123
  commission and service in armed forces ... ... ... 107
  detention ... ... 17–36, 46
  ex-alien (repealed) ... ... 46
Ambulances ... ... ... 60
Ammunition (*see also* Explosives):
  prohibition orders ... 73, 164
  shipping and handling in ports ... ... ... ... 142
Animals (*see also* Hostile attack):
  agistment ... ... ... 128
  bulls, licensing of ... ... 195
  deer and rabbits. *See* Agriculture.
  evacuation of ... ... 33, 46, 47
  Livestock Industry Act 1937, 200
  pig and rabbit keeping ... 127
  pig marketing (N.I.) ... ... 202
  stray dogs ... ... ... 57
Appeals (*see also* Advisory committees):
  billeting complaints ... ... 49
  undesirable premises, against order relating to 87
Armed forces:
  aliens in ... ... ... 107
  desertion, &c. ... ... 204
Arrest without warrant... ... 132
Assemblies:
  control during hostile attack 30
  processions and meetings ... 80
Attorney General:
  consent to proceedings 12, 78, 146, 173
  exercise of functions ... 169
Beam industry 189–192, 200, 210–216
Balloons and kites ... ... 89
Bank holidays (1940):
  August ... ... ... 205
  Whit Monday ... ... 177
  wages ... ... 205, 177
Billeting ... ... ... 48–50
Birds:
  nuisance (destruction) 63, 64
  bird-keeping (covenants) ... 197
  pheasants (close season) ... 210
  pigeons ... ... ... 22–24
  poultry returns ... ... 133
Burial discharges ... ... 84, 85
Building societies (withdrawals) 206
Burials (*see also* Cremation) 62–66
Bureau ... ... ... ... 169
Byelaws:
  protected place, &c. ... 29, 30
  Regional Commr. ... 156, 158
  use of land by forces ... 108
Camouflage (vehicles) ... ... 54
Camping restrictions ... ... 55
Capital issues ... ... ... 198
Channel Islands savings banks 147, 148

Archivo Histórico
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Argentina



Children:
  billeted ... ... ... 40
  employment ... ... 120
Cinemas, opening on Sunday ... 83
Cinematograph sports ... 207–209
Circulars, transmission by post 113
Civil defence (local authorities) (and see Air raid precautions) 60–70
Close season (pheasants) ... 210
Codes and ciphers ... 84, 85
Colonial practitioners, temporary registration of ... ... 72, 73
Commercial, government undertakings ... ... ... 140–141
Companies (liquidation, returns, &c.) ... ... ... 221–223
Constables, and constabulary. See Police: Special constables.
Controlled undertakings, regulations of ... ... 130–133, 135
Corporations. See Offences: Penalties.
Courts (Emergency Powers) Acts extended (evacuation areas) ... 219
Covenants. See Lease.
Cremation ... ... ... 84–86
Criminal procedure:
  assizes, sessions, &c. (E.) 173–177
  justices, sittings, warrants, &c. (E.) ... ... 177–180
  place of trial (E.) ... ... ... 178
  prosecution of offence against Defence (General) Regs.... 197
  Scottish procedure ... 183, 188
  See also Evidence: Justice: Offences: &c.
Cultivation. See Agriculture.
Curfew ... ... ... ... 72
Currency, export of ... 223–227
Dangerous articles (see also Explosives; Munitions):
  manufacture and transport 73, 74
  shipping, handling, &c., in ports ... ... ... 142
Deaths (burial, &c.) ... 84–86
Death sentence:
  execution (prisons, &c.) ... 82
  for having safeguard ... 9
  for looting, &c. ... ... 73
  See also 3 & 4 Geo. 6 c. 21 (treachery).
Defence areas ... ... ... 33
Defence Regulations:
  notes. See p. 1 for list
  ministerial information ... 278
Definitions ... ... 165–166
Deportation orders (aliens) ... 96
Derelict articles ... ... ... 142
Desertion. See Armed forces: Ships.
Detention:
  aliens ... ... 57–96, 98
  orders by—
    Regional Comrs. 40, 134
    Secretary of State 57–96, 98
    transfer to U.K. ... ... 59
    without warrant ... 41, 42
Direction signs. See Roads.
Director of Public Prosecutions:
  consent to proceedings 77, 79, 80, 146, 147, 152, 159
  institution of proceedings by ... ... 77, 79, 147, 152
Disaffection:
  causing ... ... 72, 78
  flags likely to promote ... 80
Drainage of land ... ... 128
Drilling, unlawful ... ... 80
Electricity:
  apparatus (shielding) ... 40
  cutting off ... ... ... 38
Employment (see also Strife):
  control of ... ... 116–118
  departmental powers 118–120
Enemy (see also Alien; Hostile attack; &c.):
  agents:
    communicating with 13, 14
    use of ships and aircraft) 94
  aircraft, vessels or territory of (entering) ... ... ... 33
  assisting ... ... ... 16
  custody of enemy persons ... ... ... 253
  defined ... ... ... 164
  information to ... ... 16
  organizations (dissolution) 36, 37
  trading with the enemy 231–235
Entry on premises, &c.:
  affixing notices ... ... 147
  cutting off electricity, gas or water ... ... ... 38
  dangerous articles (search) 73, 74
  demolition, &c. ... ... 35, 36
  extinguishing lighting control 54
  fire, outbreak of ... ... 88
  gas contamination, &c. 35, 36
  general power of entry on land ... ... ... 131
  hospitals ... ... ... 60
  search for evidence of offence ... ... 152–154
  use of force ... ... ... 150
  See also Obstruction: Prohibited place; Protected place or area.
Essential commodities reserves 113
Essential works:
  access controlled ... ... 51
  restrictions suspended ... 106



Evacuation of areas:
  arrangements, routes, &c. 46, 47
  declaration of evacuation area ... ... 215, 216
  food, lodging and medical treatment for transferees 47
  hospital treatment ... 61, 62
  miscellaneous arrangements ... ... ... 216–218
Evidence:
  depositions at trial ... ... 182
  entry and search for ... 152–154
  statutory declarations before justices ... ... ... 181
Expenses, recovery of ... ... 101
Explosives (see also Dangerous articles):
  licensing of factories ... 210
  prohibition orders ... ... 72
  shipping and handling in ports ... ... ... 142
Factories (see also Explosives; Industry):
  departmental powers 120–122
  exemption from requirements ... ... 120, 121
  safety and welfare ... 121, 122
False statement ... ... ... 149
  See also Information: Prevarication: Property.
Finance:
  acquisition by Treasury of—
    foreign currency ... 232–234, 239
    gold coin and bullion ... 242, 250
    securities ... ... 222–224
  borrowing by local authority (B.) ... ... ... ... 242
  control of capital issues ... 230
  definitions (in Defence (Finance) Regulations ... 230
  exports, payment for 231, 236
  information, power to obtain ... ... ... 237, 238
  offences, legal proceedings, &c., as under Part V of Defence (General) Regulations ... ... ... ... 238
  restriction on—
    export of currency, gold and securities ... ... 223–227
    payments to persons overseas ... ... 228, 230
    purchase, sale and loans of foreign currency and gold 224
    transfer of securities 227–229
  Road Fund advances ... ... 240
  stamp duty exemption ... 237, 250
  Treasury special accounts 230, 231
Fire (see also Entry on premises):
  auxiliary forces ... 7, 8, 30
  clearing of premises ... ... 38
  fire brigade co-ordination ... 30
Firearms (prohibition orders) 72, 160
Fisheries:
  control ... ... ... 232
  fishing rights suspension ... 233
  Herring Industry Acts 103, 240
  Minister and delegation of functions ... ... ... 232
  See Fish Industry Acts, 1938 and 1944
Flags ... ... ... ... 80
Foreign influence (organizations) 36, 37
Foreign practitioners, temporary registration of ... ... 72, 73
Forestry Commissioners ... 134
Forgery ... ... ... ... 149
Game, killing. See Agriculture.
Gas, cutting off ... ... ... 38
Geneva Conventions Acts ... 146
Harbours (see also Ports; Public Utility Undertakings):
  evacuation ... ... ... 47
  gas contamination, &c. ... 36
Highway (see also Road Vehicles; Roads):
  control, diversion, &c. ... ... 32, 100, 101
  driving (instruments recalibrated) ... ... 137–141
  maintenance ... ... 136
  traffic regulation, routes, &c. 136
Holidays:
  bank holidays ... 205, 277
  holidays, with pay ... 119
Home Security, Minister of 13, 68
Hospitals ... ... ... 58, 60
Hostile attack:
  animals:
    control ... ... ... 36
    slaughter ... ... ... 143
  householders' duties ... ... 53
  lights and sounds, control 53–55
  looting, theft, assault, &c., during ... ... ... 73
  precautions in event of ... 50, 51
  And see Air raid precautions; Evacuation of areas, &c.
Housing (war workers) ... 134, 135
India ... ... ... ... 166
Industry, general control of 110–113
Information:
  article affecting (in enemy) 16
  false documents, &c. ... ... 149
  false statements ... ... 149
  rights conveying (and see Signals) ... ... ... 58, 59
  Ministry of ... ... ... 83
  misleading ... ... ... 3, 8
  non-disclosure ... ... 149
  obtaining and publishing ... 83
  power to obtain ... ... 147

Archive Editions
Argentina



Inquiries (by competent authorities) ... ... ... ... 143
Insurance contracts, information as to ... ... ... ... 14, 15
Inventions and designs ... ... 17, 18
Juries:
challenge (exited (E.) ... 180
death of juror (E.) ... ... 182
shortage (E.) ... ... ... 180
Scottish provisions ... 199, 188
Justices. Sittings, warrants, &c. 177-180
Labour (and Nat. Service), Min. of:
Factories Act, &c. powers 120-122
strikes and lockouts (consideration) ... ... ... ... 118
Land (see also Agriculture):
Entry on premises):
drainage ... ... ... 226, 229
entry and inspection ... 232
school shelters ... ... ... 32
taking possession 91, 100, 104
use for H.M. forces, &c. 109, 110
work on ... ... ... 98, 99
Lease. Covenants relaxed (pigs, bees, &c.) ... ... ... ... 125
Licences, permits, &c.:
fee for ... ... ... ... 159
production and injection 152
Lighterages ... ... ... ... 89
Lighting, control of ... ... 53-55
Liquids, storage of ... ... 74, 75
Livestock Industry Act, 1937. 198, 204, 206
Local authorities:
borrowing restricted (E.) ... 196
co-ordination of civil defence functions ... ... ... 60-63
directions to ... ... ... 108
direct shelters ... ... ... 62
war workers' housing 132, 133
Local Defence Volunteers ... 241
London Traffic Area (road works) 137
Lunacy patients (evacuation) 70, 71
Margarine wrappers, &c., marking of ... ... ... ... 122
Meetings. See Assemblies.
Mental defectives (evacuation) 70, 71
Metropolitan police. See Police.
Mine(s) Acts relaxed ... 72, 73
Milk marketing ... ... ... 199
Mines (exemption from evacuation) ... ... ... 120, 122
Ministry of the Crown (under-Secretaries) ... ... 143, 144
Minefields (evacuated areas) 210-218
Motor vehicles. See Road vehicles.
Munitions (see also Ammunition; Explosives):
information as to ... ... 13
Name, change of ... ... 44, 45
Navigation. See Aircraft, vessels, &c.; Lighthouses; Ships.
Newspapers, control of ... ... 10
Northern Ireland, application of Regulations ... ... 168, 169
Notices:
affixing ... ... ... 147
service of ... ... ... 163
Nuisances, power to permit 105, 106
Oath (at inquiry) ... ... ... 143
Obstruction ... ... ... ... 149
Offences and legal proceedings:
assisting offenders ... ... 136
attempted offence ... ... 136
corporations ... ... ... 136
disposal of articles ... 158-161
evidence, search for ... 152-158
and see Finance; and cross-references under Prosecutions.
Offices, removal of ... ... 255, 256
Official Secrets Acts:
amendments 48, 170, 171
arrest ... ... ... ... 155
photography, &c. ... ... 16, 17
protected place as prohibited place ... ... 48
Orders:
publication restricted 58, 110
revocation, &c. ... ... ... 163
Overseas Trade Guarantees Act, 1939 ... ... ... ... 18
Parliament, secret session. See Information.
Parliamentary under-secretaries 143, 144
Patents ... ... ... ... 17, 18
Penalties:
corporations ... ... 137, 138
general provisions ... 136, 137
special provisions:
General Regulations 6, 10, 11, 14, 23, 30, 76, 77, 79, 80, 94, 124, 168, 192
Finance Regulations 235, 238
Persuasion (constables, firearms, &c.) ... ... ... ... 7
Petrol. See Liquids.
Petroleum, Secretary for ... 144
Photography:
identification of person in custody ... ... ... 152
restrictions ... ... ... 16, 17
transmitting photograph by post ... ... ... 25-27
Pigeons ... ... ... ... 22-24
Pilotage (control) ... ... ... 88
Pilotage Board ... ... ... 130
Police (and see Special constables):
causing dissatisfaction among 77, 78
control of ... ... ... 70
disposal of articles ... 158-161



Police (and see Special constables)—contd.
inspection of permit, licence, &c. ... ... ... 132
inspectors of constabulary (additional) ... ... 82
legal proceedings by 72, 137
metropolitan police commissioner's declaration ... 82
mutual help of police forces 76, 77
promotion of ... ... ... 9
powers of chief officer 163
restricted release ... ... 147
summary trials, &c., regulations ... ... ... 83
transferred constables ... 76
Ports (see also Navigation):
congestion of traffic ... 141
control of traffic ... ... 141
handling of explosives at 148, 169
Postal communications ... 27-27
Postal services (obstruction. See Circulars.
Poultry. See Birds.
Premises, undesirable, closing of 56-60
Printing presses, liability of prints ... ... ... 161, 163
Prisons:
death sentences ... 82, 83
discharges from ... ... 82
inquiries (E.) ... ... ... 83
visiting committees ... ... 83
Prisoners of war:
assisting escape, &c. ... 40
information as to ... ... 13
Processions (and see Assemblies) 80
Prohibited place (Official Secrets Acts) ... ... ... ... 48
Propaganda (see also Information; Public morale) ... 78, 79
Property (see also Requisitioning):
Crown (misleading act, &c.) 7, 8
use on hostile attack ... 50, 51
Prosecutions. See Offences and legal proceedings. And see Attorney General; Director of Public Prosecutions; Evidence; Venue.
Protected place or area:
restrictions on access ... 68, 69
stopping up highway near ... 32
Public morale, corruption of ... 10-12
Public utility undertakings 114, 115, 156
Publication of—
disturbing reports ... 78, 80
matter opposing the war 10-12, 180
orders restricted. See Orders.
prejudicial matters ... 78, 79
Regional Commrs.' bylaws 131

Punishment. See Death sentence; Penalties; Prisons.
Quarries (exemption from requirements) ... ... ... 120, 122
Quarter sessions:
holding, &c. ... ... 178-179
jurisdiction excluded ... 32
Rabbits. See Agriculture; Animals.
Ransomware (cultivation) ... 124
Railways:
control ... ... ... ... 131
post on (forcing safeguard) 9
traffic congestion ... ... 140
Reciprocal enforcement of Defence Regs. ... ... ... 239
Red Cross ... ... ... 148
Regional Commissioners:
bylaws by ... ... ... 130
defence area, powers in ... 32
defined ... ... ... 33, 138
detention orders by 48, 158
evacuation areas (property), &c.) ... ... ... ... 218
reports to ... ... 32, 134
Registration of births, deaths, &c.:
Acts modified (duties) 62-66
additional registrars, &c. ... 66
Requisitioning:
land. See Land.
property other than land 108-109
Right of way. See Highway; Land.
Road Fund advances ... ... 140
Road vehicles:
agricultural tractors ... 138
camouflage ... ... ... 34
control of ... ... ... 47
driving ... ... ... 137-143
fuel, &c., for, control of ... 42
hours of employment 130, 140
lights and sounds ... 53-55
mechanically-propelled vehicles duty ... 139, 141
public service vehicles and road service licensing 138-140
stopping and searching 134, 135
traffic areas ... ... ... 139
wireless apparatus ... ... 37
Roads (and see Road Vehicles):
direction signs (removal) ... 13
diversion, stopping up. See Highway.
post on (forcing safeguard) 9
traffic control ... 34, 136
Sabotage ... ... ... ... 10
Safeguard, forcing ... ... 9
Salvage, control of ... 88, 89
See also Ships.

Savings banks :
withdrawals ... ... 243–247
interpretation and extent of regulations ... ... ... 243
Jersey, Guernsey, &c. 247, 248
regulations need not be laid before Parliament in draft... 243
Scilly, Isles of ... ... ... 189
Scotland, application of Regulations ... ... ... 167, 168
Sea Fish Industry Act, 1938, 194, 200
Search :
evidence of offence... 132–133
goods consigned by post 27, 220
persons entering or in protected area, &c. ... ... 30
travellers ... 25, 26, 215, 216
vehicles ... ... ... 154
vessels ... ... ... 154
warrant ... 48, 50, 133, 163
Secret communications ... 24, 25
Securities, export of ... 223–227
Sheriff courts, vacation, attendance of ... ... ... ... 144
Sheriffs ... ... ... 81, 83, 85
Ships (see also Aircraft, &c.) :
War risks insurance :
alien as master, &c., of ... 97
certificated engineers ... 98
deserters from ... 93, 96
exclusion from areas ... 90
immobilisation ... ... 43, 44
measures for safety 90, 91
officers ... ... ... 97
registration ... ... ... 94
salvage ... ... 88, 89
trade control ... 92–94
transfer and registry of British ... ... ... 95
Signals and signalling :
misleading interpretation signals 9
obstructions generally 14, 20
Swatch, control of ... 53–55
Southern Rhodesia ... ... 161
Special constables ... ... 81
Spirits Acts (works) ... ... 116
Statement, false. See False statement. See also Information
Statutory functions, continuance of ... ... ... ... 162
Street works (London) ... ... 137
Strike :
avoidance of ... ... ... 118
saving for ... ... ... 9, 10
Summary Jurisdiction Acts proceedings ... ... 131, 158
Summer time ... ... ... 230
Suspected persons :
movements restricted 33, 36
power to detain ... 41, 42
photography and measurement ... ... ... 135
Telegraphs and telephones :
interference with ... ... 9
period of control by warrant 21
wireless services on ships ... 20
wireless transmission, &c. 21–22
See also Secret Communications.
Theft. See Hostile attack.
Trade, Board of, powers how exercised ... ... ... 163
Trade by sea. See Aircraft, vessels, &c. ; Ships.
Trade disputes :
strikes and lockouts ... 118
official ... ... ... 118
Trade marks, acceptance ... 118
Trading with the Enemy Act amended ... ... ... 230–238
Travelling :
taking out currency. See Finance.
to or from U.K. ... ... 34, 35
transmitting illegal communication, &c. ... ... 25, 26
Treasury. See Finance ; Savings Banks.
Trees (felling and sale) ... 133, 134
Trespassing :
agricultural land ... ... 114
military premises, ships, &c. 30, 31
See also Protected place ; Protected place or area.
Uniforms :
supply of unauthorised ... 8
women's services ... ... 103
Vehicles. See Road vehicles.
Venue :
air navigation offences ... 98
offences generally ... ... 158
Vessels. See Ships.
Wages. See Agriculture ; Bank holidays.
War risks insurance ... ... 156–170
Warrants (see also Search) :
arrest without ... ... 135
emergency provisions ... 179
Water supply, cutting off ... 98
Wild birds. See Birds.
Wireless telegraphy, &c. See Telegraphs and telephones. And see Road vehicles ; Signals and signalling.