

WESTERN PACIFIC HIGH COMMISSION.

No. 3 of 1922



[L.S.]

T. E. FELL,

Acting High Commissioner.

26th January, 1922.

KING'S REGULATION

FOR THE BETTER GIVING EFFECT TO THE TREATY OF PEACE (AUSTRIA) (No. 2) AMENDMENT ORDER 1921.

Made by His Britannic Majesty's Acting High Commissioner for the Western Pacific under the provisions of the Pacific Order in Council 1893.

In the name of His Majesty, GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the the Seas King, Defender of the Faith, Emperor of India.

[26th January, 1922.]

WHEREAS by Article 3 of an Order of His Majesty in Council bearing date the thirteenth day of August one thousand nine hundred and twenty for giving effect to certain provisions of the Treaty of Peace with Austria provision is made *inter alia* for the application of the Order to the Colonies not possessing responsible Government and to British Protectorates:

And whereas the said Order has been amended by the Treaty of Peace (Austria) (No. 2) Amendment Order 1921:

And whereas it is expedient that local legislation should be passed for the purposes of the said last-mentioned Order. Now therefore it is hereby enacted as follows:—

1. This Regulation may be cited for all purposes as the Treaty of Peace Order (Austria) (No. 2) Regulation 1922. SHORT TITLE.

2. The references and expressions in the Treaty of Peace (Austria) (No. 2) Amendment Order 1921 and the Schedule thereto which are set out in the Schedule to this Regulation shall for the purposes of the local application of the Order where occasion requires be read *mutatis mutandis*. ORDER TO BE READ MUTATIS MUTANDIS.

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this twenty-sixth day of January one thousand nine hundred and twenty-two.

By Command,
ROGER GREENE,
Secretary to His Britannic Majesty's High
Commissioner for the Western Pacific.

THE SCHEDULE.

THE TREATY OF PEACE (AUSTRIA) (No. 2) AMENDMENT ORDER IN COUNCIL, 1921.

At the Court at Buckingham Palace, the 27th day of May, 1921.

Present :

The King's Most Excellent Majesty in Council.

WHEREAS in pursuance of the powers conferred on Him by the Treaty of Peace (Austria and Bulgaria) Act, 1920, His Majesty in Council was pleased to make the Treaty of Peace (Austria) Order, 1920, and it is expedient that the said Order should be amended in manner hereinafter appearing:

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

1. The provisions of the Treaty of Peace (Austria) Order, 1920, set out in the first column of the Schedule to this Order shall be amended in the manner shown in the second column of that Schedule.

2. This Order may be cited as the Treaty of Peace (Austria) (No. 2) Amendment Order, 1921, and this Order shall be included amongst the Orders which may be cited together as the Treaty of Peace (Austria) Orders, 1920 to 1921.

Almeric FitzRoy.

SCHEDULE.

Article.	Nature of Amendment.
1. (ix) ..	<p>At the end of paragraph (ix) the following proviso shall be inserted:—</p> <p>“ Provided further that where it is alleged that any property, right or interest is not subject to the said charge by reason of its belonging to a person who is not a national of the former Austrian Empire within the meaning of this Order, the Administrator shall be entitled to make such charges as, subject to the consent of the Treasury, he may consider necessary to cover the costs incurred by him in investigating the allegation and in tracing and identifying the said property, right or interest.”</p>
1. (x) ...	<p>At the end of sub-paragraph (d) there shall be inserted the words “ and to require any person having in his possession any documents of title to any such stock, shares or other securities to deliver the same to him, and an acknowledgment of such delivery signed by him shall be a sufficient discharge to the person delivering the same.”</p> <p>After sub-paragraph (e) the following sub-paragraphs shall be inserted:—</p> <p>“ (ee) Where the property, right or interest subject to the charge consists of any sum of money due to an Austrian national (not being an enemy debt within the meaning of Article 248 of the Treaty) it shall be payable to the administrator, and shall be paid to him on demand, and the administrator shall have power to enforce the payment thereof, and for that purpose shall have all such rights and powers as if he were the creditor.</p> <p>(eee) A certificate by the administrator that any property, right or interest is subject to the charge shall be sufficient evidence of the facts stated in the certificate, and where any such application, requirement or demand of the Administrator as aforesaid is accompanied by such a certificate, the company, municipal authority or other body by whom the securities were issued or are managed, the person in possession of the property transferable by delivery, or the person by whom a sum of money is due, shall comply with the application requirement or demand,</p>

Article.	Nature of Amendment.
	<p>and shall not be liable to any action or other legal proceeding in respect of such compliance, but if it is subsequently proved that the property, right or interest was not subject to the charge, the owner thereof shall be entitled to recover the same from the Administrator, or, if it has been sold, the proceeds of sale, but not to any other remedy.”</p> <p>In sub-paragraph (g), after the words “ a national of the former Austrian Empire ” there shall be inserted the words “ or any person who claims that any property, right or interest belonging to him is not subject to the charge by reason of his not being a national of the former Austrian Empire.”</p>
1. (xxiv)	<p>For the words “ ten months ” there shall be substituted the words “ eighteen months.”</p>
2.....	<p>After the words “ foregoing provisions of this Order ” there shall be inserted the words “ but not including the Schedule therein referred to.”</p>

Suva, Fiji: Printed by S. BACH,

Printer to the Government of His Britannic Majesty's High Commission for the Western Pacific.

[Price 1s.]

1922.

16:22-500