

At the Court at *Buckingham Palace*, the 31st day of *July*, 1940.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS by Orders in Council dated the 27th day of November, 1939, and the 11th day of June, 1940, His Majesty was pleased to direct certain measures to be taken against the commerce of the enemy:

And whereas the illegal acts on the part of the German Government referred to in the said Orders have continued in an aggravated form and have, in equal violation of the laws of war, the rights of neutrals and the obligations of humanity, been accompanied by air attacks on merchant and other non-combatant shipping, resulting in grave loss of civilian life:

And whereas neutral countries have been subjected to unprovoked attack and to invasion and occupation by Germany, in gross violation of their neutrality and for the sole purpose of prosecuting the War against His Majesty and His Majesty's Allies:

And whereas Italy, by entering the war as Germany's ally, has associated herself with Germany's actions, sharing in any advantages derived therefrom and employing her commerce in the common cause of the enemies of His Majesty:

And whereas these proceedings on the part of the enemy give to His Majesty an unquestionable right to adopt such measures as may be deemed expedient for restricting further the enemy's commerce and for maintaining the efficiency of those previously taken:

And whereas, for the convenience of traders and for the avoidance of the risks and delays inseparable from the diversion of ships into port in the exercise of belligerent rights against commerce at sea, a system has been instituted whereby passes can be obtained for approved cargoes and for ships which carry none but approved cargoes:

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

1. For the purposes of this Order:—

(i) the term "enemy territory" includes territory under enemy occupation or control, and the term "enemy port" includes a port in the occupation of the enemy or situated in territory under enemy occupation or control;

(ii) the term "goods of enemy origin" includes goods having their origin in territory under enemy occupation or control, and the term "goods of enemy.....ownership" includes goods belonging to a person in such territory;

(iii) the term "Cargo Navicert" means a pass issuable by the appropriate British or Allied authority in the neutral country of shipment in respect of goods consigned to any port or place from which they might reach the enemy, to the effect that, so far as is known at the date of issue, there is no objection to the consignment;

(iv) the term "Certificate of origin and Interest" means a pass issuable by the appropriate British or Allied authority in neutral territory (and, where necessary, endorsed at the port of shipment), certifying that a declaration of the non-enemy origin and ownership of the goods concerned has been made, supported by satisfactory documentary evidence;

(v) the term "Ship Navicert" means a pass issuable to a vessel in respect of a given voyage by the appropriate British or Allied authority at all principal British, Allied or neutral ports, if that authority is satisfied that the vessel is duly qualified to receive it.

2. Any vessel on her way to or from a port through which goods might reach or come from enemy territory or the enemy armed forces, not being provided with a Ship Navicert valid for the voyage on which she is engaged, shall, until the contrary is established, be deemed to be carrying contraband or goods of enemy origin or ownership, and shall be liable to seizure as Prize; provided that a vessel, other than a vessel which sailed from or has called at an enemy port, shall not be liable to seizure under the provisions of this Article unless she sailed from or could have called at a port at which she would, if duly qualified, have obtained a Ship Navicert.

3.—(1) Goods consigned to any port or place from which they might reach enemy territory or the enemy armed forces, and not covered by a valid Cargo Navicert or, in the case of goods shipped from a British or Allied port, by a valid Export or Transshipment Licence, where such Licence is required, shall, until the contrary is established, be deemed to have an enemy destination.

(2) Goods shipped from any port from which goods of enemy origin or ownership might have been shipped, and not covered by a valid Certificate of Origin and Interest, shall, until the contrary is established, be deemed to be of enemy origin or ownership.

4. Goods of enemy origin or ownership shall be liable to condemnation.

5. Any vessel seized under Article 2 hereof and carrying contraband or goods of enemy origin or ownership shall be liable to condemnation in respect of such carriage.

6.—(1) A Ship or Cargo Navicert, Export or Transshipment Licence ceases to be valid if any condition or direction to which it is subject is not observed.

(2) A Ship Navicert ceases to be valid if, after obtaining it, the vessel calls at an enemy port or (unless otherwise indicated in the Navicert) at any port other than a declared port of destination.

7. The provisions of this Order shall not apply to any vessel which left her last port of departure before the 1st day of August, 1940, on her way to or from a port through which goods might reach or come from enemy territory or the enemy armed forces, or to any goods carried in such a vessel.

8. Nothing in this Order shall be deemed to confer any immunity from detention, seizure or condemnation on any vessel or goods by reason of being provided with or covered by any form of pass or permit.

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

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

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

E. C. E. Leadbitter.