

No. 5.] *Trading with the Enemy Ordinance, 1914.* [1914.

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I assent.
DOUGLAS YOUNG,
Acting Governor.
5th November, 1914.

SAINT LUCIA.

No. 5 of 1914.

AN ORDINANCE relating to Trading with the Enemy.

[7th November, 1914.]

BE it enacted by the Governor, with the advice and consent of the Legislative Council of Saint Lucia, as follows :—



Short title.

1. This Ordinance may be cited as the Trading with the Enemy Ordinance, 1914.

Interpretation.

2. In this Ordinance—

“Company” means an incorporated company.

“Trading with the enemy,” and cognate expressions, mean any act or transaction which is prohibited by or under any proclamation issued by His Majesty dealing with trading with the enemy, or which at Common Law or by any Ordinance or Act of Parliament in operation in the Colony constitutes an offence of trading with the enemy.

Penalty for trading with the enemy.

3. (1) Any person who—

(a) during the state of war now in existence between His Majesty and the German Empire and between His Majesty and the Dual Monarchy of Austria-Hungary trades with the enemy, or

(b) has since the fourth day of August, 1914, traded with the enemy,

shall be guilty of an offence and shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding twelve months, or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine, or, on conviction on indictment, to imprisonment, with or without hard labour, for a term not exceeding seven years, or to a fine at the discretion of the Court, or to both such imprisonment and fine.

(2) In the case of a conviction either summary or on indictment the goods or money in respect of which the offence has been committed shall be ordered by the Court to be forfeited to His Majesty.

(3) Where a company has entered into a transaction or has done any act which is an offence under this section, every director, manager, secretary or other officer of the company who is knowingly a party to the transaction or act shall also be deemed guilty of the offence.

(4) A prosecution for an offence under this section shall not be instituted without the consent in writing of the Attorney-General.

Provided that the person charged with such an offence may be arrested and a warrant for his arrest may be issued and executed, and such person may be remanded in custody or on bail notwithstanding that the consent of the Attorney-General

to the institution of the prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

4. (1) If a Magistrate is satisfied, on information on oath laid on behalf of the Treasurer, that there is reasonable ground for suspecting that an offence under this Ordinance has been or is about to be committed by any person, firm or company, he may issue a warrant authorising any person named in the warrant—

Power to inspect books and documents.

- (a) to inspect all books or documents belonging to or under the control of that person, firm or company, and
- (b) to require any person able to give any information with respect to the business or trade of that person, firm or company to give that information, and
- (c) if accompanied by a Police Constable to enter and search any premises used in connection with the business or trade, and to seize any such books or documents as aforesaid.

(2) When it appears to the Treasurer that the case is one of urgency and that immediate action is necessary, he may, by written order, give to a person appointed by him the like authority as may be given by a warrant of a Magistrate under the preceding subsection; and the person acting under such an order shall have the like powers and protection as a person acting under a warrant of a Magistrate under the said subsection.

(3) If any person having the custody of any book or document which a person is authorised to inspect under this section refuses or wilfully neglects to produce it for inspection, or if any person who is able to give any information which may be required to be given under this section refuses or wilfully neglects to give that information when required to do so, the person so refusing or neglecting shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

5. (1) Where it appears to the Treasurer in reference to any firm or company—

Power of Treasurer to apply for a Controller in certain cases

- (a) that an offence under this Act has been or is likely to be committed in connection with the trade or business thereof, or

(b) that the control or management thereof has been or is likely to be so affected by the state of war as to prejudice the effective continuance of its trade or business and that it is in the public interest that the trade or business should continue to be carried on,

the Treasurer may apply to the Royal Court for the appointment of a Controller of the firm or company, and the Royal Court shall have power to appoint such a Controller, for such time and subject to such conditions and with such powers as the Court thinks fit, and the powers so conferred shall be either those of a receiver and manager or those powers subject to such modifications, restrictions or extensions as the Court thinks fit, including, if the Court considers it necessary or expedient for enabling the Controller to borrow money, power, after a special application to the Court for that purpose, to create charges on the property of the firm or company in priority to existing charges.

(2) The Court shall have power to direct how and by whom the costs of any proceedings under this section, and the remuneration, charges and expenses of the Controller, shall be borne, and shall have power, if it thinks fit, to charge such costs, charges and expenses on the property, in relation to any existing charges thereon, as it thinks fit.

Limitation of
prosecution.

6. Every prosecution in order to a conviction for a summary offence under this Ordinance shall be commenced within eighteen months from the commission thereof.

Proof of proclama-
tion.

7. Production of the *Saint Lucia Gazette* containing a copy of a proclamation purporting to have been issued by His Majesty, or containing a proclamation by the Governor or an official notification purporting to make known the provisions of a proclamation issued by His Majesty, shall be sufficient evidence in all Courts and for all purposes of the due issue and the contents of the Royal proclamation.

Passed the Legislative Council this 2nd day of November, 1914.

B. P. E. BULSTRODE,
Clerk of Councils.

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