



Aliens Restriction (Amendment) Act 1919

1919 CHAPTER 92

An Act to continue and extend the provisions of the Aliens Restriction Act, 1914. [23rd December 1919,]

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 :

CONTINUANCE AND EXTENSION OF EMERGENCY POWERS

1 Continuance of emergency powers

- (1) The powers which under subsection (1) of section one of the Aliens Restriction Act, 1914 (which Act, as amended by this Act, is hereinafter in this Act referred to as the principal Act), are exerciseable with respect to aliens at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, shall, for a period of one year after the passing of this Act, be exerciseable, not only in those circumstances, but at any time; and accordingly that subsection shall, for such period as aforesaid, have effect as though the words "at any time when a state of war exists " between His Majesty and any foreign power, or when it " appears that an occasion of imminent national danger or " great emergency has arisen " were omitted.
- (2) Any order made under the principal Act during the currency of this section shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat after any such order is laid before it praying that the order may be annulled, His Majesty in Council may annul the order, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder :

Provided that this provision shall not apply in the case of an order the operation of which is limited to a time when a state of war exists between His Majesty and any

foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen.

2 Extension of powers

- (1) Subsection (1) of section one of the principal Act shall be amended by the addition at the end thereof of the following paragraph:—

“(1) for determining what nationality is to be ascribed to aliens in doubtful circumstances, and for disregarding, in the case of any person against whom a deportation or expulsion order has been made, any subsequent change of nationality.”

- (2) For the purpose of enforcing the provisions of any Treaty of Peace concluded or to be concluded between His Majesty and any Power with which His Majesty was at war in the year nineteen hundred and eighteen, His Majesty may by Order in Council under the principal Act make regulations requiring information to be given as to the property, liabilities, and interests of former enemy aliens; and for preventing (without notice or authority) the transfer of or other dealings with the property of such aliens.

FURTHER RESTRICTIONS OF ALIENS

3 Incitement to sedition, &c

- (1) If any alien attempts or does any act calculated or likely to cause sedition or disaffection amongst any of His Majesty's Forces or the forces of His Majesty's allies, or amongst the civilian population, he shall be liable on conviction on indictment to penal servitude for a term not exceeding ten years, or on summary conviction to imprisonment for a term not exceeding three months.
- (2) If any alien promotes or attempts to promote industrial unrest in any industry in which he has not been bona fide engaged for at least two years immediately preceding in the United Kingdom, he shall be liable on summary conviction to imprisonment for a term not exceeding three months.

4 Pilotage certificates

No alien shall hold a pilotage certificate for any pilotage district in the United Kingdom ; except that the provisions of section twenty-four of the Pilotage Act, 1913, shall continue to apply to the renewal and issue of certificates entitling a master or mate of French nationality to navigate his ship into the ports of Newhaven or Grimsby.

5 Employment of aliens in ships of the mercantile marine

- (1) No alien shall act as master, chief officer, or chief engineer of a British merchant ship registered in the United Kingdom, or as skipper or second hand of a fishing boat registered in the United Kingdom, except in the case of a ship or boat employed habitually in voyages between ports outside the United Kingdom :

Provided that this prohibition shall not apply to any alien who has acted as a master, chief officer, or chief engineer of a British ship, or as skipper or second hand of a British fishing boat, at any time during the war, and is certified by the Admiralty to have performed good and faithful service in that capacity.

- (2) No alien shall be employed in any capacity on board a British ship registered in the United Kingdom at a rate of pay less than the standard rate of pay for the time being current on British ships for his rating :

Provided that, where the Board of Trade are satisfied that aliens of any particular race (other than former enemy aliens) are habitually employed afloat in any capacity, or in any climate, for which they are specially fitted, nothing in this section shall prejudice the right of aliens of such race to be employed upon British ships at rates of pay which are not below those for the time being fixed as standard rates for British subjects of that race.

- (3) No alien shall be employed in any capacity on board a British ship registered in the United Kingdom unless he has produced to the officer before whom he is engaged satisfactory proof of his nationality.
- (4) Any person who engages an alien for employment on a British ship in contravention of the provisions of this section shall be guilty of an offence under this Act.

6 Appointment of aliens to the Civil Service

After the passing of this Act no alien shall be appointed to any office or place in the Civil Service of the State.

7 Restriction of change of name by aliens

- (1) An alien shall not for any purpose assume or use or purport to assume or use or continue after the commencement of this Act the assumption or use of any name other than that by which he was ordinarily known on the fourth day of August nineteen hundred and fourteen.
- (2) Where any alien carries on or purports or continues to carry on, or is a member of a partnership or firm which carries on, or which purports or continues to carry on any trade or business in any name other than that under which the trade or business was carried on on the fourth of August nineteen hundred and fourteen, he shall, for the purpose of this section, be deemed to be using or purporting or continuing to use a name other than that by which he was ordinarily known on the said date.
- (3) A Secretary of State may, if it appears desirable on special grounds in any particular case, grant an exemption from the provisions of this section, but shall not do so unless he is satisfied that the name proposed to be assumed, used, or continued is in the circumstances of the case a suitable name.
- (4) Nothing in this section shall—
- (a) affect the assumption or use or continued assumption or use of any name in pursuance of a royal licence ; or
 - (b) affect the continuance of the use by any person of a name which he has assumed before the commencement of this Act if he has been granted an exemption under the Defence of the Realm regulations or the Aliens Restriction Order in force on the first day of January nineteen hundred and nineteen ; or
 - (c) prevent the assumption or use by a married woman of her husband's name.

- (5) A fee of ten guineas shall be paid by any alien on obtaining an exemption under this section ; but the Secretary of State may remit the whole or any part of such fee in special cases.
- (6) A list of the persons to whom the Secretary of State has granted an exemption under this section shall be published in the Gazette as soon as may be after the granting of the exemption.
- (7) Any person to whom any such exemption is granted shall, unless the Secretary of State shall expressly dispense with such publication, within one calendar month thereafter publish at his own expense, in some paper circulating in the district in which he resides, an advertisement stating the fact that the exemption has been granted.

8 Provisions as to aliens on juries

No alien shall sit upon a jury in any judicial or other proceedings if challenged by any party to such proceedings.

SPECIAL PROVISIONS AS TO FORMER ENEMY ALIENS.

9 Deportation of former enemy aliens

- (1) Every former enemy alien who is now in the United Kingdom and to whom this section applies shall be deported forthwith unless the Secretary of State on the recommendation of the advisory committee, to be constituted under this section, shall grant him a licence to remain.
- (2) The Secretary of State may, if he is satisfied on the recommendation of the said advisory committee that there is no reason to the contrary, grant such licence, subject to such terms and conditions (if any) as he shall think fit.
- (3) This section shall apply to any former enemy alien now in the United Kingdom (not being a former enemy alien exempted from internment or repatriation on the recommendation of any advisory committee appointed after the 1st day of January nineteen hundred and eighteen and before the passing of this Act) as to whom there shall be delivered to the Secretary of State, within two months after the passing of this Act, a statement in writing signed by any credible person to the effect that the continued residence in the United Kingdom of that alien is, for reasons relating to the alien, undesirable in the public interest, and giving particulars of the allegations upon which such reasons are based.
- (4) The Secretary of State shall refer all such statements to the advisory committee to be constituted under this section, and the committee shall thereupon require each alien affected to make to the committee within one month, in a form prescribed by the committee, an application to be allowed to remain in the United Kingdom, stating the general grounds on which the application is based, and the answer of the alien to the allegations made in relation to him, and the committee shall examine into such allegations and in the result may—
 - (a) recommend that the alien be immediately deported ; or
 - (b) if satisfied that the allegations are groundless or insufficient, and that the alien affected holds an exemption recommended by any advisory committee appointed in the year nineteen hundred and fifteen, recommend that such exemption be not disturbed ; or

- (c) in any case in which it seems to them right and proper so to do, recommend that the alien be granted a licence to remain, subject to such terms and conditions (if any) as may appear to them to be fitting in the circumstances.
- (5) In granting a licence under this section, the Secretary of State may include in the licence the wife of the applicant and any child or children of his, and such inclusion shall, notwithstanding anything in this section, have the same effect as the grant of a licence.
- (6) A list of the persons to whom such licence is granted shall, as soon as may be, after the granting of the licence, be published in the Gazette.
- (7) Any licence so granted may be at any time revoked by the Secretary of State.
- (8) If such licence is not granted, or if, having been granted, it is revoked, the Secretary of State shall make an order (in this Act referred to as a deportation order) requiring the alien to leave the United Kingdom and thereafter to remain out of the United Kingdom so long as the order remains in force. The Secretary of State may, by a deportation order, require the alien to return to the country of which he is a subject or citizen.
- (9) The provisions of this section shall be in addition to and not in derogation of any other provisions of the principal Act or this Act or any Order in Council made thereunder.
- (10) The Secretary of State shall appoint an advisory committee for the purpose of this section, consisting of a chairman and such other persons including members of both Houses of Parliament, as the Secretary of State may think fit.
- (11) This section shall not apply to any subject of the Ottoman Empire who holds a certificate issued by a police authority, or by or under the direction of the Secretary of State, granting exemption from any provisions of Part II. of the Aliens Restriction Order in force on the first day of January nineteen hundred and nineteen, applicable to alien enemies.

10 Admission of former enemy aliens

- (1) No former enemy alien shall, for a period of three-years after the passing of this Act, be permitted to land in the United Kingdom either from the sea or from the air, or, if he should land without permission, to remain in the United Kingdom, without the permission of the Secretary of State, to be granted only on special grounds, and such permission shall, save as hereinafter provided, be limited in duration to a period of three-months, and may, upon special grounds, be renewed from time to time for a like period.
- (2) A list of the persons to whom permissions are so granted during each month shall be published in the London Gazette as soon as practicable after the end of each such month.
- (3) The requirement of this section that permission to remain in the United Kingdom shall be limited to a period of three months shall not apply to a former enemy alien who was resident in the United Kingdom at the date of the passing of this Act, and after a temporary absence abroad returns to the United Kingdom.
- (4) Where any former enemy alien, formerly resident in the United Kingdom, and having a British-born wife or a British-born child under the age of sixteen still resident in the United Kingdom, applies, within three months from the passing of this Act, to the Secretary of State for permission to land in the United Kingdom, the Secretary of State shall refer the application to the advisory committee constituted under the last

foregoing section of this Act, and, if that committee recommends that he be permitted to land, he shall be so permitted, and the requirement of this section that permission to remain in the United Kingdom shall be limited to a period of three months shall not apply.

11 Temporary restriction on acquisition by former enemy aliens of certain kinds of property

(1) During a period of three years from the passing of this Act it shall not be lawful for a former enemy alien, either in his own name or in the name of a trustee or trustees, to acquire property of any of the following descriptions ; that is to say :—

- (a) any land, or any interest in any land, in the United Kingdom ; or
- (b) any interest in a key industry, or any share or interest in a share in a company registered in the United Kingdom which carries on any such industry; or
- (c) any share or interest in a share in a company owning a British ship registered in the United Kingdom.

(2) If any such property as aforesaid is acquired in contravention of this section, the Board of Trade may, on an application made to them for the purpose, by order vest the property in the Public Trustee.

Any such order may contain provisions applying for the purposes of the order, with such modifications as the Board think necessary, any of the provisions of section four of the Trading with the Enemy Amendment Act, 1916, or any enactment referred to in that section.

(3) For the purpose of this section—

The expression " key industry " means any industry included in a list declared by the Board of Trade to be a list of key industries for the purposes of this section ;

The expression " share " includes any stock forming part of the capital of a company and securities of any description issued by a company ;

The expression " interest in land " does not include a tenancy for a period not exceeding three years at a rackrent.

(4) Any list of key industries prepared by the Board of Trade under this section shall, be published as soon as it is made in the London Gazette, and may be varied or amended by the Board from time to time.

12 Employment of former enemy aliens in British ships

No former enemy alien shall be employed or shall act as master, officer, or member of the crew of a British ship registered in the United Kingdom.

GENERAL

13 Offences and penalties

(1) If any person acts in contravention of or fails to comply with the provisions of this Act or any order or rules made or conditions imposed thereunder, he shall be guilty of an offence against this Act.

- (2) If any person aids or abets any person in any contravention of this Act or knowingly harbours any person whom he knows or has reasonable ground for believing to have acted in contravention of this Act, he shall be guilty of an offence against this Act.
- (3) Where a person lands in the United Kingdom in contravention of this Act, the master of the ship or the pilot or commander of the aircraft from which he lands shall, unless he proves to the contrary, be deemed to have aided and abetted the offence.
- (4) A person who is guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding six months, or, on a second or subsequent conviction, twelve months, or, in either case, to both such fine and imprisonment.

14 Saving for diplomatic persons, &c

- (1) Nothing in this Act contained shall be construed as imposing any restriction or disability on any duly accredited head of a foreign diplomatic mission or any member of his official staff or household.
- (2) The Secretary of State may exempt from any of the special provisions of this Act as to former enemy aliens any consul or vice-consul to whom His Majesty is pleased to grant an exequatur and the wife and child of any such consul or vice-consul.

15 Definitions

The expression "former enemy alien" means an alien who is a subject or citizen of the German Empire or any component state thereof, or of Austria, Hungary, Bulgaria, or Turkey, or who, having at any time been such subject or citizen, has not changed his allegiance as a result of the recognition of new states or territorial re-arrangements, or been naturalised in any other foreign state or in any British Possession in accordance with the laws thereof and when actually resident therein, and does not retain according to the law of his state of origin the nationality of that state :

Provided that the special provisions of this Act as to former enemy aliens, except the provisions of subsection (2) of section two of this Act, shall not apply to any woman who was at the time of her marriage a British subject.

16 Short title and repeal

- (1) This Act may be cited as the Aliens Restriction (Amendment) Act, 1919, and the principal Act and this Act may be cited together as the Aliens Restriction Acts, 1914 and 1919.
- (2) The Aliens Act, 1905, is hereby repealed as from such date or dates as may be specified by Order in Council made under the principal Act, and any such order may fix different dates for the repeal of different provisions of the said Act, but an order under the principal Act may incorporate (with or without modifications) any of the provisions of the said Act :

Provided that any order or appointment made or action taken under the said Act shall, notwithstanding any such repeal as aforesaid, continue in force as though it had been made or taken under an Order in Council under the principal Act, subject, however, to any provisions of any such order.