

Laws 1 to 7 of the Allied High Commission for Germany (Bonn, 21 September 1949)

Caption: On 21 September 1949, the Allied High Commission for Germany promulgates Laws 1 to 7, published the same day as the Declaration concerning the entry into force of the Occupation Statute of Germany.

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Laws 1 to 7 of the Allied High Commission for Germany (Bonn, 21 September 1949)

LAW No 1

Official Gazette of the Allied High Commission

THE COUNCIL OF THE ALLIED HIGH COMMISSION ENACTS AS FOLLOWS:

Article 1

All legislation enacted by or under the authority of the Allied High Commission shall be published in the Official Gazette of the Allied High Commission.

Article 2

All persons in the federal territory shall be deemed to have notice of the texts published in the Official Gazette of the Allied High Commission.

Article 3

The English and French languages shall be the official languages of the Allied High Commission. The English and French texts of the legislation of the Allied High Commission shall be the official texts unless otherwise provided.

Article 4

It shall not be a defense to any prosecution or proceeding arising out of the failure to obey or fulfil such legislation that the official text was not understood or that the German translation thereof was inaccurate or incomplete.

Article 5

A copy of the Official Gazette of the Allied High Commission shall, when produced, be evidence in all Courts and for all purposes of the due enactment and tenor of any legislation published therein.

Article 6

Unless otherwise provided, texts published in the Official Gazette of the Allied High Commission are effective five full days after the date of their publication as shown in each issue of the Gazette. Texts which have been brought to public notice by posting or otherwise before publication in the Gazette become effective on the date stated in the notice irrespective of the date of publication in the Gazette.

Article 7

1. All German governmental, municipal and other administrative authorities (alle deutschen staatlichen, kommunalen und sonstigen Verwaltungsbehörden) shall take the Official Gazette and make it available to their staff and to the public.

2. The Allied High Commission may issue regulations concerning the distribution of the Gazette.

Article 8

Nothing herein contained shall affect the application of Article III of Control Council Law No. 38.

Article 9

This law shall become effective on the 21st September 1949.

Done at

BONN, Petersberg, on 21 September 1949

A. FRANÇOIS-PONCET

French High Commissioner for Germany

John J. McCLOY

U. S. High Commissioner for Germany

B. H. ROBERTSON
U. K. High Commissioner for Germany.

LAW No 2

Definitions

THE COUNCIL OF THE ALLIED HIGH COMMISSION ENACTS AS FOLLOWS:

Article 1

In the absence of any indication to the contrary, in legislation of the Allied High Commission:

1. The expression "Occupation Authorities" shall include the Council of the Allied High Commission, the High Commissioners, and Allied Organizations and persons exercising power on their behalf.
2. The expression "Occupation Forces" shall include the armed Forces of the Occupying Powers and auxiliary contingents of other Powers serving with them.
3. The expression "Allied Forces" shall include:
 - (a) the Occupation Authorities
 - (b) the Occupation Forces and their members
 - (c) non-German nationals, civilian or military, who are serving with the Occupation Authorities
 - (d) members of the families and non-German persons in the service of the persons referred to in subparagraphs (a) (b) and (c) of this paragraph
 - (e) non-German persons whose presence in the occupied territory is certified by a High Commissioner or Commander of any of the Occupation Forces to be necessary for the purposes of the occupation.
- 4 The expressions "the territory of the Federal Republic" and "the Federal Territory" shall include the territories of the Laender of Baden, Bavaria, Bremen, Hamburg, Hesse, Lower Saxony, North Rhine/Westphalia, Rhineland Palatinate, Schleswig-Holstein, Wuerttemberg-Baden and Wuerttemberg-Hohenzollern, as constituted on the effective date of this Law.

Article 2

This Law shall become effective on the 21st September 1949

Done at
BONN, Petersberg, on 21 September 1949

A. FRANÇOIS-PONCET
French High Commissioner for Germany
John J. McCLOY
U. S. High Commissioner for Germany
B. H. ROBERTSON
U. K. High Commissioner for Germany.

LAW No 3

Transitional Provisions

THE COUNCIL OF THE ALLIED HIGH COMMISSION ENACTS AS FOLLOWS:

Article 1

Where any legislation repealed by the Occupation Authorities contained any provision repealing other legislation, such other legislation shall not be deemed to be revived in the absence of an express provision to

that effect.

Article 2

Where any legislation has been revised or replaced by the Occupation Authorities, references in other legislation to articles, sections or paragraphs of the former text shall be deemed to be references to the corresponding provisions of the new text, notwithstanding any difference in the numbering or lettering.

Article 3

Any implementing regulations issued in pursuance of any legislation which has been revised or replaced by the Occupation Authorities shall remain in force, unless repealed under or inconsistent with, the new legislation.

Article 4

No person may be prosecuted for an offence under legislation repealed by the Occupation Authorities unless such offence also constitutes a violation of legislation in force or proceedings are instituted within three months of the repeal.

Article 5

References in any legislation enacted before the entry into force of the Occupation Statute to the Control Council, the Supreme Commander Allied Expeditionary Force, the Commanding General the Armed Forces, Military Government, the Military Governor and to other authorities shall, where the context so requires or admits, be deemed to refer to the appropriate authorities exercising the particular functions mentioned in such legislation.

Article 6

This Law shall become effective on the 21st September 1949.

Done at

BONN, Petersberg, on 21 September 1949

A. FRANÇOIS-PONCET

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LAW No 4

Repeals

THE COUNCIL OF THE ALLIED HIGH COMMISSION ENACTS AS FOLLOWS

Article 1

The Occupation Statute having entered into force the following legislation is hereby repealed:

1. SHAEF Law No 6 Dispensation by Act of Military Government with Necessity of Compliance with German Law

2. Articles 2, 3 and 4 of U S Military Government Proclamation No 2 - US Military Government Proclamation No 4

3. Paras 8, 9, 10 of British Military Government Ordinance No 41 Establishment of a Central Legal Office for the British Zone

4. British Military Government Ordinance Nos 57, 81, 162, 177 and 185 Powers of the Laender within the British Zone
5. British Military Government Ordinance No 139 (amended 1) Enforcement of Land Legislation
6. Articles 1 and 2 of French Military Government Ordinance No 5 Control of the German Economy
French Military Government Ordinance No 215 Powers of German Authorities in Economic Matters
7. French Military Government Ordinance No 95 Powers of Laender of French Occupation Zone
8. Decree No 218 of the Administrator General for the Trench Zone of Occupation as amended by decrees Nos 95 and 124 of the French Commander in Chief in Germany Powers reserved to the French Commander in Chief in Germany under the Provisions of Article 3 of Ordinance No 95
9. French Military Government Ordinance No 169 as amended by Ordinance No 182 Freedom of Movement between the French, British and US Zones

Article 2

This Law shall become effective on the 21st September 1949

Done at

BONN, Petersberg, on 21 September 1949

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LAW No 5

Press, Radio, Information and Entertainment

THE COUNCIL OF THE ALLIED HIGH COMMISSION ENACTS AS FOLLOWS:

Article 1

1. The German press, radio and other information media shall be free as is provided by the Basic Law. The Allied High Commission reserves the right to cancel or annul any measure, governmental, political, administrative or financial, which threatens such freedom.

Article 2

1. An enterprise or a person engaged therein or utilising the facilities thereof shall not act in a manner affecting or likely to affect prejudicially the prestige or security of the Allied Forces.

2. Where in the opinion of the Allied High Commission an enterprise or a person has violated the provisions of paragraph I of this Article, the Allied High Commission may prohibit the enterprise from continuing its activities or the person from engaging in any enterprise or utilising the facilities thereof, for a definite or an indefinite period of time. The Allied High Commission may impose a like prohibition on an enterprise or person where in its opinion there is sufficient evidence that such person or enterprise is about to violate the provisions of this Law.

3 Where any enterprise is so prohibited for more than three months, or any person for more than one month, the enterprise or person affected shall have the right to appeal to an agency to be established for the purpose.

Such agency shall, after hearing the appellant or his representative and any witnesses whom the appellant or the agency desires to call, either confirm, extend, reduce or modify the terms of the order appealed from.

Article 3

1. No new radio broadcasting, television or wired radio transmission installation shall be set up and there shall be no transfer of control of any installation of this nature without the authorisation of the Allied High Commission. German radio operations shall be conducted in accordance with frequency and power allocations made by the Allied High Commission.

2. International relays, foreign language broadcasting and negotiations with foreign countries on matters of broadcasting shall be subject to prior authorisation by the Allied High Commission.

Article 4

Any radio broadcasting stations and any publications shall, when required by the Allied High Commission, Broadcast or publish any information deemed necessary by the Commission to further the purposes of the Occupation Statute.

Article 5

A copy of every publication or production of any enterprise shall, on publication or production in the federal territory, be filed as the Allied High Commission may direct.

Article 6

The Allied High Commission may prohibit the distribution, display or possession in the federal territory of any publication or production of any enterprise which in its opinion is likely to prejudice the prestige or security of the Allied Forces, it may also prohibit the bringing into the federal territory of such publications or productions.

Article 7

The Allied High Commission may confiscate any publication or production distributed or produced contrary to the provisions of this Law.

Article 8

Administrative action taken in accordance with the provisions of this Law shall not be a bar to criminal proceedings.

Article 9

Any person who violates any provision of this Law or of any regulation or order made thereunder shall, upon conviction, be liable to a term of imprisonment not exceeding five years or to a fine not exceeding DM 10,000 or both. If the offense has been committed by an enterprise the fine may be increased to a maximum of DM 100,000. The Court may also order the forfeiture of any property of which the possession or use was an essential element of the offense for which the person is convicted.

Article 10

The Allied High Commission may issue regulations implementing this Law.

Article 11

For the purpose of this Law, the expression "Enterprise" shall mean any undertaking, private or public, individual or collective, engaged in:

a) the printing, production, publication, distribution, sale or commercial lending of any printed or any mechanically reproduced matter;

b) the making or dissemination of sound recordings or motion picture films;

c) the operation of news, feature or photographic services;

d) transmission by Hellschreiber, radio transmission and broadcasting, television transmission and broadcasting wired radio transmission and broadcasting and audio-frequency distribution,

e) the operation of any place of entertainment, of film laboratories, film exchanges film studios, as well as the production or presentation of films and all forms of entertainment.

Article 12

The following legislation is hereby repealed:

United States Military Government Law No 76 (Amended) Posts, Telephone, Telegraphs and Radio and the censorship regulations issued thereunder

United States Military Government Law No 191 (Amended 11 Control of Publications Radio Broadcasting News Services, Films, Theatres and Music and Prohibition of Activities of the Reichsministerium fuer Volksaufklaerung und Propaganda, and Information Control Regulations No 2 and 3 issued thereunder

British Military Government Law No 76 (Amended 1) Posts, Telephones, Telegraphs and Radio, except paragraphs 8 and 10 thereof SHAEF Censorship for the civilian population of Germany under the jurisdiction of Military Government

British Military Government Law No 191 (Amended 1) Control of Publications, Radio Broadcasting News Services, Films, Theatres, and Music and Prohibition of Activities of Reichsministerium fur Volksaufklaerung und Propaganda

British Military Government Ordinance No 22 Postal Censorship (Prevention of Evasion),

British Military Government Information Control Regulations No 1 and 2,

British Military Government Ordinance No 113, Import of Literature and Regulation No 1 issued pursuant thereto,

British Military Government Instructions for Printers,

SHAEF Law No 191 dealing with the suspension of press radio, the closing of theatres and places of entertainment, the prohibition of the activities of the Reichsministerium fuer Volksaufklaerung und Propaganda,

French Military Government Ordinance No 34 regarding the registration of all cine-cameras, cine sound apparatus or cine projectors,

French Military Government Ordinance No 35 regarding the possession and the surrendering to the French Authorities of positive films or unused or printed negative films and of all copies of films of ail types

Article 13

This Law shall become effective on the 21st September 1949

Done at

BONN, Petersberg, on 21 September 1949

A. FRANÇOIS-PONCET

French High Commissioner for Germany

John J. McCLOY

U. S. High Commissioner for Germany

B. H. ROBERTSON

U. K. High Commissioner for Germany.

LAW No 6
Occupation scrip

THE COUNCIL OF THE ALLIED HIGH COMMISSION ENACTS AS FOLLOWS:

Article 1

Except as provided in Article 2 the acquisition possession or disposal of occupation scrip is prohibited.

Article 2

The provisions of Article 1 shall not apply to

- a) the Allied Forces
- b) persons and organizations authorized by any of the Occupation Authorities whether before or after the effective date of this Law, subject to any restriction contained in such authorization.

Article 3

The term “occupation scrip” as used in this Law shall mean “United States Military Payment Certificates”, “British Armed Forces Special Vouchers”, “French Occupation Francs” and any similar instruments of payment issued by or with the consent of any Occupation Authority for the use of the Allied Forces

Article 4

Any person who violates any provision of this Law or of any authorization issued thereunder shall be liable upon conviction to a term of imprisonment not exceeding one year or to a fine not exceeding DM 5000 or to both.

Article 5

The following legislation is hereby repealed:

United States Military Government Ordinance No 10,
(Illegal Possession of United States Military Payment Certificates);
United States Military Government Ordinance No 12,
(Illegal Possession of British Armed Forces Special Vouchers (BAFSV));
United States Military Government Ordinance No. 15,
(amending Military Government Ordinance No 10);
United States Military Government Ordinance No. 22,
(amending Military Government Ordinance No 12);
British Military Government Ordinance No. 94
(Occupation Vouchers).

Done at

BONN, Petersberg, on 21 September 1949

A. FRANÇOIS-PONCET

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LAW No. 7
Uniforms and Insignia

THE COUNCIL OF THE ALLIED HIGH COMMISSION ENACTS AS FOLLOWS:

Article 1

1. Unless expressly authorized by the Allied High Commission, German nationals are forbidden to wear:
 - a) any uniform of regulation colour and pattern of any formation of the former German armed forces;
 - b) any uniform of the NSDAP, of any affiliated or subordinate organization or of any paramilitary organization;
 - c) any uniform resembling any of the uniforms specified in subparas a) and b);
 - d) any decoration, medal, insignia or badge of rank, or any miniature thereof, of the former German armed forces, the NSDAP or affiliated or subordinate organization.
2. The provisions of this Article shall not apply to uniforms which, on the effective date of this Law, are lawfully worn by members of any government departments, or of any services or organizations, unless otherwise determined by the Allied High Commission.

Article 2

The Allied High Commission may, by order issued pursuant to this Law, from time to time prohibit the wearing by German nationals of any distinctive dress, badge or insignia which it deems objectionable as tending to foster the resurgence of militarism or Nazism or for reasons of security.

Article 3

The manufacture, sale or purchase of any article, the wearing of which is forbidden under the terms of Article 1 above, is prohibited, except as authorized by the Allied High Commission.

Article 4

Any person who violates any provision of this Law or of any authorisation or order made thereunder shall, upon conviction, be liable to a term of imprisonment not exceeding 5 years, or to a fine not exceeding DM 25.000 or both.

Article 5

1. The provisions of Article IV of Control Council Law No. 8 (Elimination and Prohibition of Military Training) and the provisions of Control Council Order No. 1 (Prohibiting the Wearing of Uniform by Former Members of the German Armed Forces) are hereby deprived of effect in the territory of the Federal Republic.

2. The following legislation is hereby repealed:

Ordinance No. 10 of the French Commander-in-Chief in Germany (Wearing and Possession of German Uniforms)

Paragraph 1 c) of United States Military Government Law No. 154 (Elimination and Prohibition of Military Training)

United States Military Government Ordinance No. 4 (Prohibition of Wearing of German Military Uniforms)

British Military Government Ordinance Nr. 13 (Amended 1) (Uniforms and Insignia)

Done at
BONN, Petersberg, on 21 September 1949

A. FRANÇOIS-PONCET
French High Commissioner for Germany
John J. McCLOY
U. S. High Commissioner for Germany
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