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Act No. 19 of 29 June 1951 relating to military requisitions

§ 1. When the realm is at war, the military authorities may requisition anything that is necessary for the fighting forces and associated institutions. For instance, the following may be requisitioned:

1. All kinds of goods and movables, including vessels, motor vehicles and aircraft;
2. Accommodation, buildings, fixed installations and land;
3. The right to dispose of all kinds of means of transport and communication with or without any personnel and equipment appertaining thereto;
4. The right to dispose of factories, workshops, electric and other power stations, gasworks, and other enterprises with or without personnel, equipment and stores;
5. The labour output and products of such enterprises, firms etc. as are mentioned in items 3 and 4;
6. Labour and other services for the fighting forces and associated institutions, including supervisory and subordinate personnel of installations which have been requisitioned or ordered to perform services pursuant to items 1-5.

The King may decide that the provisions of this section shall also wholly or partly apply other than in time of war when the fighting forces or any part thereof have been ordered to be placed on a war footing for the purpose of preparedness, or when it is necessary for executing preparedness measures, including large-scale exercises.

The provisions of the Public Administration Act apply to the procedure to be followed in cases pursuant to the second paragraph, but not when the fighting forces or any part thereof have been ordered to be placed on a war footing for the purpose of preparedness. Advance notification to the parties to a case may, however, be omitted if there are a large number of such parties or a large number of cases are being dealt with collectively, or if advance notification would entail a delay that may have unfortunate consequences. The same applies if advance notification is deemed unnecessary in the interests of any party. The King may decide that grounds may not be required

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to be given in respect of any decision made pursuant to this Act and that any such decision may not be appealed.

§ 2. A requisition may be made for the purpose of ownership, use or any other special right of disposal. However, no demand that the title to real property be relinquished may be made pursuant to this Act.

Requisition for use includes the right to make any alterations to the object or property deemed necessary by the competent authority.

§ 3. When a requisition is made in terms of section 1, items 3 and 4, an order may be issued to the effect that an enterprise, firm, etc. shall be placed wholly or partly at the disposal of the fighting forces under the supervision of the requisitioning authority, that the enterprise or firm shall be expanded or reorganized, or that any alterations deemed necessary shall be made or carried out.

If an order in terms of the first paragraph is not obeyed or complied with in a satisfactory manner, a new requisition may be made ordering that the firm or enterprise and appurtenant lands, buildings, equipment and personnel be wholly or partly turned over to the State, which in such cases shall take over operations insofar as this is deemed necessary with regard to the purposes for which the requisition was made. After the State has taken over a firm or enterprise, the State may make any alterations it deems necessary. When the State ceases to run the firm or enterprise, it shall be returned, as far as possible in no worse condition than when it was requisitioned.

§ 4. When it is deemed necessary in the interests of national defence, the military authorities may require that civilians, objects such as are mentioned in section 1, item 1, and enterprises and firms etc. such as are mentioned in section 1, items 3 and 4, with or without personnel, equipment and stores, shall be moved from one area to another. The provisions concerning requisitioning shall apply correspondingly insofar as they are appropriate. The military authorities may requisition objects, real property and such other goods and services as are

mentioned in section 1 in order to effect such moves.

The military authorities may order the municipality concerned to assist in any such move as is mentioned in the first paragraph and may accordingly authorize it to exercise such a right to requisition as is mentioned in the third sentence of the said paragraph.

§ 5. Such authorities as are determined by the King may select real property and movables that are to be requisitioned in accordance with section 1 and may, in specific cases, order the owner and user of movables to make such movables available at a designated place. Such selection may be made and orders may be issued even in peacetime when this is deemed necessary in order to prepare for relinquishment in accordance with the said provision with a view to effecting it in such situations as are specified therein. Any expenses incurred in complying with such orders shall be refunded in accordance with the provisions concerning requisitions, cf. sections 12-17.

Owners and users of real property or movables are under an obligation, when so requested by the authorities, to acknowledge receipt of notification of a measure or order as mentioned, and to furnish information and allow access for the purpose of inspection. If necessary, owners/users may be ordered to bring movables to a specific place for inspection. Such orders shall be complied with without compensation unless it is otherwise prescribed by the King.

Real property and movables may, even in peacetime, be improved or otherwise altered in order to make them fit for the intended purpose in accordance with a decision made by such authorities as are determined by the King. The provisions of section 6, fifth and sixth paragraphs, apply correspondingly.

The Police and the Motor Vehicle and Driving Licence Inspectorate shall assist in selecting motor vehicles.

The King or any person so authorized by him may decide that other public authorities shall also assist in selecting objects, goods, enterprises, etc. in accordance with the first paragraph.

§ 6. Such authorities as are determined by the King may, even in peacetime, order such enterprises and firms etc. as are mentioned

in section 1, items 3 and 4, to carry out the following:

1. Start trial production of objects and goods which are necessary for the fighting forces; and
2. in time of war, make preparations for the production of objects and goods needed by the fighting forces, and accordingly procure, store and maintain equipment and raw material necessary for such production;
3. make preparations for such evacuation as is referred to in section 4;
4. initiate or accept preparatory measures designed to facilitate or secure the defence of an enterprise or firm against damage from hostile acts of war or sabotage, such as preparations for mounting artillery on buildings, vessels and aircraft, and keeping, storing and maintaining special equipment for this purpose.

The same applies to preparatory measures designed to enable an enterprise, firm etc. to be put out of operation for a brief or lengthy period of time. Such orders as are mentioned above may also be issued to any person who owns or has in his possession any means of transport or communication.

The King or any person so authorized by him will issue further regulations concerning the implementation of measures in accordance with this section.

The provisions relating to requisitioning apply correspondingly insofar as they are appropriate.

Expenses incurred in connection with measures under items 3 and 4 of the first paragraph shall be paid by the enterprise, firm etc. concerned insofar as it is a matter of measures designed to prevent damage to property, persons or goods of the said enterprise.

If such measures involve considerable losses or drawbacks which are disproportionately great in relation to the size of the enterprise or firm and the security and other benefits achieved, the question whether compensation shall be paid, and if so the amount thereof, shall be decided by assessment in accordance with sections 13-16.

Expenses incurred in connection with measures pursuant to the second paragraph shall be refunded in the same way, provided that the expenses are not to be regarded as negligible.

§ 7. The King will decide which military authorities are to have the right to make requisitions in accordance with this Act and the area in which such right may be exercised.

The right may extend to requisitioning for the benefit of the fighting forces as a whole or for the benefit of specific divisions or units.

§ 8. The King or any person so authorized by him may issue regulations concerning which central or local government authorities, specially appointed bodies or associations the requisition shall be addressed to in a region, county or municipality, and how they shall distribute the burden of complying with the requisition within the respective areas.

Unless it is otherwise provided, or unless it is deemed appropriate owing to the nature of the requisition, the requisition shall be addressed to the municipal authority concerned, which will determine how the burden of complying with the requisition shall be distributed within the municipality.

If the requisition concerns specific goods/services, it may also be addressed to the sheriff or the chief of police at the place in question.

If the requisition concerns something which is at the disposal of the State or a county, it shall be addressed to the appropriate institution.

When the military situation requires that the requisition be complied with rapidly, or it is deemed expedient for other reasons, the requisition may be addressed direct to the management of the relevant enterprise or to the person who shall provide the goods/services in question. In such cases, the military authority which submits the requisition shall as soon as possible inform the county governor concerned of the requisition and to whom it is addressed.

The person to whom a requisition is addressed is obliged to see to it that it is complied with.

When so requested, the central and municipal government authorities, specially appointed bodies, associations, companies and individual persons are obliged to assist in every way in making preparations for and complying with military requisitions.

§ 9. Requisitions shall be in writing and shall state precisely what is to be provided as well as the time and place at which this is to be done. The time and place of delivery is to be fixed in such a way that sufficient time is allowed for complying with the requisition.

A requisition must never include anything which is not in the possession of the person who is to comply with it or which the said person is not in a position to provide or which is not to be found in the municipality to which the requisition is addressed. Nor must a requisition include anything which is indispensable to the possessor and essential to his needs.

As a general rule, the rooms and beds needed by the possessor and his household should not be requisitioned.

§ 10. It may be demanded that a requisition be complied with even if compensation has not been determined or paid.

When necessary, the police may take possession of requisitioned goods/property from the person who is obliged to comply with the requisition. If the civil police authorities are not present and a delay might entail considerable inconvenience, the requisitioning authorities themselves may take possession of the requisitioned goods/property.

§ 11. When the requisition is carried out, the requisition document shall contain as full a description as possible of the nature, amount and quality of the requisitioned goods/property. In such cases, such a description shall also be provided when the requisition ceases to apply.

The King may issue further regulations providing that such description as is mentioned in the first paragraph shall be drawn up by two surveyors appointed and called in by the municipal authorities. If the municipal authorities are unable to appoint and call in the surveyors in time, such description shall be drawn up by the requisitioning authorities. The person appointed to do so is obliged to perform the service.

The surveyors are entitled to the same remuneration for transport and meals as that prescribed for public servants.

One copy of the requisition document shall contain a receipt

for the goods/property and shall be given to the person to whom the requisition is addressed.

§ 12. Compensation shall be paid from public funds for any contributions made or losses suffered as a consequence of requisitioning.

No compensation other than compensation for evidently inflicted damage, losses or expenses shall be given in connection with the requisitioning of accommodation for a consecutive period not exceeding 48 hours. The same applies to the use of accommodation that is otherwise not in use and idle vessels without regard to the duration of the use. However, if the same possessor relinquishes accommodation that is otherwise in use several times during the same calendar year for a period which each time does not exceed 48 hours, compensation shall be paid if the total period exceeds 72 hours.

The King may prescribe that compensation shall be paid for certain contributions in accordance with rates determined by him or by any person so authorized by him. Such rates may be determined for the entire realm or parts thereof.

Compensation for all other contributions and losses shall be determined by assessment in accordance with sections 13-16.

§ 13. Local assessment boards shall be appointed to deal with cases concerning compensation for contributions made and losses suffered as a consequence of requisitioning; i.e. one or more general assessment boards and motor vehicle assessment boards in each county and vessel assessment boards in such districts as are prescribed by the King. The King may decide that other special local assessment boards shall also be appointed in the counties or in other districts. In addition, if it is deemed appropriate, an assessment board for the entire realm, the Central Board for Requisition Cases, may be appointed.

The King may decide the number of local assessment boards and issue further regulations concerning the areas in which such boards shall operate. He may decide that the local assessment board appointed for a specific county or other district shall deal with compensation cases from other parts of the country as well.

The King may issue further regulations to the effect that compensation relating to minor amounts shall be determined by sheriff's assessment pursuant to the provisions of the Valuation Act of 1 June 1917.

§ 14. The Central Board for Requisition Cases shall consist of five members with their deputies who shall be appointed by the King. One of the members shall be appointed as chairman. The chairman and his deputy shall previously have served in the capacity of official judges. The other members and their deputies shall satisfy the conditions imposed by section 53 of the Courts of Justice Act of 13 August 1915.

A local assessment board shall consist of three members with their deputies, two of whom shall be appointed by the county governor. One of these members shall be appointed as chairman. If the district covered by a vessel assessment board or other special board extends over several counties, the King will determine which county governor shall make the appointment. The third member with his deputy shall be appointed by such military authority as the King prescribes. The members and deputy members shall satisfy the conditions imposed by section 53 of the Courts of Justice Act of 13 August 1915.

The appointment shall endure for as long as the King so prescribes, but not for more than four years. The persons appointed are bound to accept the office.

The King will issue regulations concerning the remuneration of members of assessment boards. The State will cover any expenses incurred by the boards in their work.

§ 15. The local assessment boards will determine any compensation for contributions made and losses suffered which is not to be decided in accordance with fixed rates, by sheriff's assessment or by the Central Board for Requisition Cases.

Current general prices shall provide the basis for making any assessment.

An assessment board is empowered to inspect the article to be provided and to obtain and use any information it finds necessary. Otherwise the requisition document shall provide the basis for making the assessment.

If the members of the board do not agree on the amount of compensation payable, the amount voted for by the majority shall apply. If there is no majority of votes for any amount, the next highest amount shall apply.

Decisions of an assessment board are final, subject to the exceptions arising from section 16, item 2, or section 16, third paragraph.

The King may issue further regulations concerning the procedure to be followed in making an assessment in terms of this section.

§ 16. In accordance with further regulations to be issued by the King, the Central Board for Requisition Cases shall be assigned the following tasks:

1. Determining compensation relating to large amounts or special values.
2. Reviewing assessments made by local assessment boards.
3. Determining fixed rates as specified in section 12, third paragraph.

The provisions of section 15, second to fourth paragraphs, shall apply correspondingly, but in such a way that the provisions of section 142, second paragraph, of the Civil Disputes Act shall be applicable when there is no majority in favour of any amount.

If no such board as is mentioned in the first paragraph has been appointed, appeal lies to the Ministry.

§ 17. The King may issue further regulations concerning the payment of remuneration and compensation pursuant to this Act.

Such regulations may also be made applicable to requisitions that have already been made.

§ 18. Any person who by reason of a requisition is rendered incapable of fulfilling any other public or private obligation shall be exempted from any penalty or compensation for which he would otherwise have been liable on account of his failure to fulfil any such obligation.

§ 19. (Repealed by Act No. 21 of 16 May 1986, which entered into

force on 1 October 1986.)

§ 20. Any person who wilfully or negligently and without lawful excuse fails to comply with a requisition in terms of sections 1-3 or an order in terms of sections 4-6 or opposes or attempts to obstruct its implementation shall be liable to fines or imprisonment for a term not exceeding three years or both if more severe penal provisions are not applicable under the circumstances. Accessories are liable to similar penalties.

Any person who otherwise contravenes any provision made pursuant to this Act or is accessory to any such contravention shall be liable to fines or imprisonment for a term not exceeding three months unless more severe penal provisions are applicable under the circumstances.

Any person who attempts to commit any such offence shall be liable to the same penalties.

If the offence is committed by any person who has acted on behalf of a company, a foundation or an association, a penalty in the form of a fine or loss of the right to operate a business may also be imposed on the body on whose behalf the said person acted.

§ 21. (Repealed by Act No. 2 of 26 January 1973.)

§ 22. (Repealed by Act No. 14 of 8 April 1983.)

§ 23. If the State incurs expenses by reason of any defective or late compliance with a requisition, compensation may be claimed from the person liable. If the requisition is addressed to a municipality, the State may recover from the municipality, which then has a right of recourse against the person liable.

§ 24. The King may issue further regulations for the implementation of this Act.

§ 25. This Act shall enter into force on the date prescribed by the King.

Requisitions that have been made pursuant to the two Acts mentioned shall remain valid after the entry into force of this

Act without any submission of a new demand until a special remission is granted.

Regulations relating to compensation pursuant to the Act of 28 March 1947 shall continue to apply to relinquishments still subsisting pursuant to the said Act until they are repealed or replaced by new regulations, as the case may be.