GOVERNMENT OF PALESTINE.

ORDINANCES, REGULATIONS, RULES, ORDERS AND NOTICES.

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INDEX OF TITLES

Title	Page
A.	
Administrator General Ordinance, No. 37 of 1944	151
Animal Tax Ordinance, No. 38 of 1944	164
*Appropriation (1943-1944) Ordinance, No. 8 of 1944	27
*Appropriation (1944-1945) Ordinance, No. 35 of 1944	126
B.	
Banking (Amendment) Ordinance, No. 29 of 1944	89
C.	
*Citrus Crop Loans (Government Guarantee) Ordinance, No. 26 of 1944	73
Civil Procedure (Amendment) Ordinance, No. 44 of 1944	186
Civil Wrongs Ordinance, No. 36 of 1944	129
Collective Punishments (Amendment) Ordinance, No. 6 of 1944	24
*Compensation (Defence) (Amendment) Ordinance, No. 16 of 1944	42
Cooperative Societies (Amendment) Ordinance, No. 40 of 1944	171
Courts (Amendment) Ordinance, No. 20 of 1944	46
Criminal Code (Amendment) Ordinance, No. 21 of 1944	46
Criminal Code (Amendment) Ordinance (No. 2), No. 41 of 1944	172
Criminal Procedure (Evidence) (Amendment) Ordinance, No. 32 of 1944	102
Criminal Procedure (Trial Upon Information) (Amendment) Ordinance, No. 31 of 1944	97
F.	
Fisheries (Amendment) Ordinance, No. 7 of 1944	25
I.	
*Income Tax (Amendment) Ordinance, No. 12 of 1944	34
J.	
Jewish Community (Rabbinical Council of Palestine) (Validation) Ordinance, No. 17 of 1944	43
L.	
Land Courts (Amendment) Ordinance, No. 39 of 1944	170
*Land Registers Ordinance, No. 30 of 1944	90
*Land (Settlement of Title) (Amendment) Ordinance, No. 18 of 1944	43
Local Authorities (Business Tax) Ordinance, No. 5 of 1944	23
Local Councils (Amendment) Ordinance, No. 2 of 1944	21
M.	
Municipal Corporation of Petah Tiqva (Authorisation of Payments) Ordinance, No. 43 of 1944	185
P.	
Palestine Treasury Bills Ordinance, No. 25 of 1944	72
Pensions Ordinance, No. 1 of 1944	1
Pensions (Amendment) Ordinance, No. 34 of 1944	125
*Portland Cement Ordinance, No. 15 of 1944	39
Probation of Offenders Ordinance, No. 42 of 1944	174

* Immediate enactment.

Title	Page
R.	
Release on Bail Ordinance, No. 28 of 1944	83
*Road Transport (Amendment) Ordinance, No. 14 of 1944	38
*Rural Property Tax (Amendment) Ordinance, No. 11 of 1944	32
S.	
*Stamp Duty (Amendment) Ordinance, No. 9 of 1944	29
Steam Boilers (Amendment) Ordinance, No. 22 of 1944	47
Succession (Amendment) Ordinance, No. 19 of 1944	45
Supplementary Appropriation (1942-43) Ordinance, No. 4 of 1944	21
*Supplementary Appropriation (1943-1944) Ordinance, No. 45 of 1944	186
T.	
*Tobacco (Amendment) Ordinance, No. 13 of 1944	38
U.	
*Urban Property Tax (Amendment) Ordinance, No. 10 of 1944	30
V.	
Village Administration Ordinance, No. 23 of 1944	49
W.	
War Loan (Bearer Bonds) Ordinance, No. 27 of 1944	77
War Revenue (Rural Property Tax) (Amendment) Ordinance, No. 3 of 1944	21
Weights and Measures Ordinance, No. 24 of 1944	61
Widows' and Orphans' Pensions Ordinance, No. 33 of 1944	104

* Immediate enactment.

TABLE

Showing the Effect of the Year's Legislation on Previous Legislation.

Number and Year of Ordinance affected	*Subject Matter or Short title*	*How affected*	*Ordinance of 1944 by which affected*
Cap. 107	Pensions Ordinance	Repealed.	No. 1 of 1944
No. 36 of 1941	Local Councils Ordinance, 1941	New Section 8A inserted.	No. 2 of 1944
No. 5 of 1942	Rural Property Tax Ordinance, 1942	Section 37 amended by addition of a proviso at the end thereof.	No. 3 of 1944

Number and Year of Ordinance affected	*Subject Matter or Short title*	*How affected*	*Ordinance of 1944 by which affected*
Cap. 20	Collective Punishments Ordinance	Section 3 replaced. Section 5 amended by the repeal of subsection (2) thereof. Schedule to the Ordinance repealed.	No. 6 of 1944
No. 6 of 1937	Fisheries Ordinance, 1937	Section 7 replaced. Section 9 amended by insertion of the words "and suspension" after the word "cancellation" appearing in paragraph (*e*) thereof.	No. 7 of 1944
Cap. 133	Stamp Duty Ordinance	Schedule to the Ordinance amended as follows:— (i) First paragraph of item 1 thereof replaced, (ii) Second and third paragraphs of item 6 thereof replaced, (iii) Paragraph (1) of item 32 thereof replaced.	No. 9 of 1044
No. 42 of 1940	Urban Property Tax Ordinance, 1940	Section 3(2) replaced. New Sections 7A, 21A and 27A inserted.	No. 10 of 1944
No. 5 of 1942	Rural Property Tax Ordinance, 1942	Section 2 amended by the insertion of definition of "Fish pond", by replacement of the definition of "Land" and by substitution of the expression "section 42" for the expression "section 41" occurring in the definition of the expression "Prescribed". New Sections 5A and 30A inserted. The words and figures "section 5 or section 31" contained in section 36 substituted by the words and figures "section 5, 5A or 31". New Section 39A inserted. Schedule amended by the replacement of categories 14, 15 and 16 and the insertion of a new category 17.	No. 11 of 1944
No. 23 of 1941	Income Tax Ordinance, 1941	Section 11(1) amended by the replacement of paragraph (*i*) thereof. Section 16(1) amended by the addition of a proviso at the end thereof.	No. 12 of 1944

Number and Year of Ordinance affected	*Subject Matter or Short title*	*How affected*	*Ordinance of 1944 by which affected*
No. 23 of 1941 *(Contd.)*	Income Tax Ordinance, 1941	Section 18 amended by the insertion of the words "or the income of the company from investments in Palestine, whichever is the greater," after the words "bore to the total premiums," appearing in the proviso to paragraph (*b*) threof. Section 22(4) replaced. Section 22(4) renumbered as Section 22(5). Section 35 replaced. Section 41 replaced. Section 48(2) amended by the insertion of the words "refuse to accept the return and, to the best of his judgment," after the expression "section 38," appearing in paragraph (*b*) thereof. Section 49 amended by the substitution of the words "within four years" for the words "within two years". Section 53 amended by the insertion of a new subsection (2A). Section 58 renumbered as Section 58(1), amended by the insertion of a proviso at the end thereof and by the insertion of a new subsection (2). Section 59(2) amended by the insertion of a proviso at the end of paragraph (*b*) thereof. Section 62(1) amended by the insertion of a proviso at the end thereof. Section 62(2) amended by insertion of the words "or the net United Kingdom tax" after the words "United Kingdom tax" appearing in the last line thereof. Section 62(3) amended by the substitution of the word "any" for the word "the" appearing in the fourth line thereof. Section 70 amended by the insertion of the words "or in respect of any other income chargeable under section 5(1)(*b*) or 5(1)(*e*)" in paragraph (*b*) after the word "Palestine".	No. 12 of 1944

Number and Year of Ordinance affected	*Subject Matter or Short title*	*How affected*	*Ordinance of 1944 by which affected*
Cap. 141	Tobacco Ordinance	Section 3(2) amended by the substitution of the expression "800 mils per kilogramme" for the expression "600 mils per kilogramme" and by the substitution of the expression "400 mils per kilogramme" for the expression "350 mils per kilogramme".	No. 13 of 1944
Cap. 128	Road Transport Ordinance	Section 23 amended by the replacement of paragraph (*l*) thereof. Section 25 amended by the substitution of the words "one pound" for the words "two hundred and fifty mils" appearing in the proviso to subsection (1) (*d*) thereof.	No. 14 of 1944
No. 18 of 1940	Compensation (Defence) Ordinance, 1940	Section 10 amended by the insertion of a proviso at the end of subsection (3) thereof.	No. 16 of 1944
Cap. 80	Land (Settlement of Title) Ordinance	Section 69(1) amended by the addition at the end thereof of the words ", and also in regard to any other matter necessary to give effect to the provisions of this Ordinance".	No. 18 of 1944
Cap. 135	Succession Ordinance	New Sections 15A and 15B inserted.	No. 19 of 1944
No. 31 of 1940	Courts Ordinance, 1940	Section 15(2) amended by the insertion of the words "or Law Reporter or Assistant Legal Draftsman" after the words "or registrars of courts" appearing in paragraph (*b*) thereof.	No. 20 of 1944
No. 74 of 1936	Criminal Code Ordinance, 1936	New Section 66A inserted. Section 315 amended by the insertion of the word "such" before the word "book" appearing at the end of the first line of paragraph (*b*) thereof.	No. 21 of 1944
Cap. 134	Steam Boilers Ordinance	Section 5(1) amended by the substitution of the expression "Director, Department of Labour" for the expression "Director of Public Works".	No. 22 of 1944

Number and Year of Ordinance affected	*Subject Matter or Short title*	*How affected*	*Ordinance of 1944 by which affected*
Cap. 134 (*Contd.*).	Steam Boilers Ordinance	Section 8 amended by the substitution of the expression "Director, Department of Labour" for the expression "Director of Public Works".	No. 22 of 1944
Cap. 150	Weights and Measures Ordinance	Repealed.	No. 24 of 1944
Cap. 35	Criminal Procedure (Release on Bail) Ordinance	Repealed.	No. 28 of 1944
Cap. 36	Criminal Procedure (Trial Upon Information) Ordinance	Section 69 repealed.	
No. 26 of 1941	Banking Ordinance, 1941	Section 3 amended by the insertion of a new subsection (4A). Section 12 amended by the addition of a new subsection (3) at the end thereof.	No. 29 of 1944
Cap. 36	Criminal Procedure (Trial Upon Information) Ordinance	Sections 16, 28, 38, 56(2), 59 and 67 replaced.	No. 31 of 1944
Cap. 34	Criminal Procedure (Evidence Ordinance	Sections 2, 3 and 4 replaced.	No. 32 of 1944
No. 1 of 1944	Pensions Ordinance, 1944	Section 20 replaced. First Schedule amended by the substitution of the figure "1944" for the figure "1943" appearing in Rule 1 of the Rules set out therein.	No. 34 of 1944
Cap. 18	Civil and Religious Courts (Jurisdiction) Ordinance	Section 6 repealed.	No. 36 of 1944
Cap. 4	Animal Tax Ordinance	Repealed.	No. 38 of 1944
Cap. 75	Land Courts Ordinance	New Section 12 inserted.	No. 39 of 1944

Number and Year of Ordinance affected	*Subject Matter or Short title*	*How affected*	*Ordinance of 1944 by which affected*
Cap. 24	Cooperative Societies Ordinance	New Section 48A inserted. Section 51 amended by the substitution of the words "sections 9, 12, 48A and 49" for the words "sections 9, 12 and 49" appearing in the third line thereof.	No. 40 of 1944
No. 74 of 1936	Criminal Code Ordinance, 1936	Section 5 amended by the substitution of the words " "Person employed in the public service" or "public servant" means any person" for the words " "Person employed in the public service" means any person", appearing therein. Sections 106, 107, 108 and 109 replaced. New Sections 109A and 109B inserted. Section 113 amended by the deletion of the word "prejudicially" appearing therein. Section 195 replaced. Section 258 amended by the addition of the words "to unlawful sexual intercourse or to a life of prostitution" after the words "to grievous harm" appearing therein. Section 385 replaced.	No. 41 of 1944
No. 74 of 1936	Criminal Code Ordinance, 1936	The words "or to come up for judgment" appearing in paragraph (*e*) of section 37 repealed and a new paragraph (*f*) inserted. Section 46 repealed.	
No. 2 of 1937	Juvenile Offenders Ordinance, 1937	Definition of expression "probation officer" replaced. Section 9 repealed. Paragraphs (*c*) and (*d*) of section 18 replaced.	No. 42 of 1944
No. 14 of 1938	Civil Procedure Ordinance, 1938	Section 2(1) amended by the insertion of the words "or a Moslem Religious Court" between the word "Court" and the full stop appearing at the end thereof.	No. 44 of 1944

Supplement No. 1
to the
Palestine Gazette Extraordinary No. 1321 of 3rd March, 1944.

PENSIONS ORDINANCE,
No. 1 of 1944.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW REGULATING PENSIONS, GRATUITIES AND OTHER ALLOWANCES TO BE GRANTED IN RESPECT OF PUBLIC SERVICE IN PALESTINE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Pensions Ordinance, 1944. — Short title.

2. In this Ordinance, unless the context otherwise requires — — Interpretation.

"expatriation allowance" and "stenography allowance" mean special additions to salary which are granted in accordance with the general regulations of the Palestine Government governing such allowance respectively;

"other public service" means public service not under the Palestine Government;

"pensionable emoluments" —

(*a*) in respect of service in Palestine includes —

(i) salary;

(ii) expatriation allowance;

(iii) personal allowance;

(iv) stenography allowance;

but does not include duty allowance, entertainment allowance or any other emoluments whatever;

(*b*) in respect of other public service means emoluments which count for pension in accordance with the law or regulation in force in such service;

"pensionable office" means an office which has been declared by the High Commissioner in Council, with the sanction of the Secretary of State, by an order published in the *Gazette*, to be pensionable:

Provided that any office declared to be pensionable under this section may be declared at any time by the High Commissioner in Council, with the sanction of the Secretary of State, by an order published in the *Gazette*, to be no longer pensionable, due regard being had to existing rights:

Provided further that where any office which has been declared to be a pensionable office is included in the Schedule to the Provident Fund Ordinance, 1943 the holder of such office shall be deemed, for the purposes of this Ordinance, to be an officer not holding a pensionable office, notwithstanding the fact that such office has been declared to be a pensionable office under this section, if such officer— — No. 15 of 1943.

No. 15 of 1943.

(*a*) became the holder of such office on or after the commencement of the Provident Fund Ordinance, 1943; or

No. 15 of 1943.

(*b*) was the holder of such office at the commencement of the Provident Fund Ordinance 1943, and elected under section 6 of that Ordinance to become a depositor;

"personal allowance" means a special addition to salary granted personally to the holder for the time being of the office;

"public service" means service in a civil capacity under the Palestine Government or the Imperial Government or the Government of India or of a British colony or protectorate or a territory under British Mandate, service which is pensionable under the Teachers (Superannuation) Act, 1925 (Imperial), service under the Anglo-Egyptian Sudan Government, and any such other service as the Secretary of State may determine to be "public service" for the purpose of any provision of this Ordinance: service as a Governor or High Commissioner of a British dominion, colony or protectorate or a territory under British Mandate, or as a Governor in India shall be deemed to be "public service", except for the purpose of computation of pension or gratuity and of section 12;

"salary" means the salary attached to an office;

"year" means a period of three hundred and sixty five days or, if one of the days included is the 29th of February, a period of three hundred and sixty six days.

Rules.

3.—(1) It shall be lawful for the High Commissioner in Council, with the sanction of the Secretary of State, to make rules for the granting of pensions, gratuities and other allowances to officers who have been in the service of Palestine.

(2) Every such rule when made shall be laid before the Advisory Council and shall be published in the *Gazette*:

Provided that, until varied or revoked by any such rules, the rules contained in the First Schedule to this Ordinance shall be in force.

(3) The said rules, and any rules varying or revoking the rules aforesaid, shall have the same force and effect for all purposes as if they were contained in this Ordinance and the term "this Ordinance" shall, in the following sections, be read and construed accordingly.

Pensions, etc., to be charged on revenues of Palestine.

4. There shall be charged on, and paid out of, the revenues of Palestine all such sums of money as may from time to time be granted by the High Commissioner by way of pension, gratuity or other allowance in accordance with this Ordinance.

Pensions, etc., not of right.

5.—(1) No officer shall have an absolute right to compensation for past services or to pension gratuity or other allowance; nor shall anything in this Ordinance contained limit the right of the Crown to dismiss any officer without compensation.

(2) Where in accordance with the provisions of this Ordinance, a pension, gratuity or other allowance may be granted to two or more persons, the manner of distribution thereof among the said persons shall, unless otherwise expressly provided in this Ordinance, be determined by the High Commissioner, whose decision shall be final and shall not be the subject of proceedings in any Court.

(3) Where it is established to the satisfaction of the High Commissioner in Council that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or altogether withheld.

Service not qualifying for pension, etc.

6. No pension, gratuity or other allowance shall be granted to any officer in respect of any service—

(*a*) while on probation or under agreement unless, without break of service, he is confirmed in a pensionable office,

(*b*) while under the age of twenty years, or

(*c*) in Palestine prior to the 1st July, 1920. Provided that the High Commissioner may direct that any period of service under the Occupied Enemy Territory Administration under a contract which provided that such service should count for the purpose of pension, shall count as service qualifying for pension, gratuity or other allowance under the provisions of this Ordinance.

Age at which pension, etc. may be granted.

7. No pension, gratuity or other allowance shall be granted to any officer except on his retirement from the public service in one of the following cases:—

(*a*) on or after attaining the age of fifty five years, or, in the case of transfer to other public service, on or after attaining the age at which an officer is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity;

(*b*) on the abolition of his office;

(*c*) on compulsory retirement for the purpose of facilitating improvement in the organisation of the department to which he belongs, by which greater efficiency or economy can be effected;

(*d*) on medical evidence to the satisfaction of the High Commissioner or the Secretary of State that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;

(*e*) in the case of removal on the ground of inefficiency as provided in section 8:

Provided that where an officer being a woman and having held pensionable office for not less than five years and having been confirmed in a pensionable office resigns on, or with a view to, marriage, or is required to retire on account of her marriage she may be granted, on production within six months after her resignation or retirement, or such longer period as the High Commissioner may in any particular case allow, of satisfactory evidence of her marriage, a gratuity not exceeding half a month's pensionable emoluments at the date of her retirement for each completed six months' pensionable service prior to such date, but not exceeding twelve months' pensionable emoluments.

Nothing in this proviso shall be deemed to affect the rights of any officer being a woman who was confirmed in a pensionable office prior to the second day of July, 1936:

Provided also that in the case of an officer who is required to retire under subsection (2) of section 10 of this Ordinance or in the case of any officer described in subsection (1) of section 10 where the prior approval of the Secretary of State is obtained, the provisions of this section shall have effect as if the expression "fifty years" were substituted for the expression "fifty-five years" in paragraph (*a*).

Retirement for inefficiency.

8. Where an officer is removed from his office on the ground of his inability to discharge efficiently the duties thereof, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of this Ordinance, the High Commissioner may, if he considers it justifiable having regard to all the circumstances of the case, grant such a pension, gratuity or other allowance as he thinks just and proper, but in no case exceeding in amount that for which the officer would be eligible if he were suffering from some infirmity of mind or body likely to be permanent.

Age of compulsory retirement in case of officers not in receipt of expatriation allowance, etc.

9. It shall be lawful for the High Commissioner to require any officer to whom the provisions of section 10 of this Ordinance do not apply to retire from the service of Palestine at any time after he attains the age of fifty-five years, and retirement shall be compulsory for every such officer on attaining the age of sixty years except that, in special cases where the High Commissioner is satisfied that the retirement of any such officer at the age of sixty would be detrimental to the interests of the public service, his employment may be extended for a further period in no case exceeding five years.

Age of retirement in case of officers in receipt of expatriation allowance, etc.

10.—(1) The provisions of this section shall apply to the following officers:—

(*a*) officers in receipt of expatriation allowance;

(*b*) officers holding any of the offices set out in the Second Schedule to this Ordinance, which Schedule may be amended by order of the High Commissioner in Council with the sanction of the Secretary of State subject to the preservation of the existing rights of any person thereunder.

(2) It shall be lawful for the High Commissioner in special circumstances with the approval of the Secretary of State, to require an officer to retire from the service of Palestine at any time after he attains the age of fifty years.

(3) Retirement shall be compulsory for every officer on attaining the age of fifty-five years, except that in special cases the employment of any officer may be extended by the High Commissioner, with the approval of the Secretary of State, for a further period.

Option of officers to whom section 10 applies to continue serving under pre-existing conditions.

11.—(1) Any officer in the service of the Government of Palestine upon the first day of January, 1937, to whom the provisions of section 10 of this Ordinance apply, may at his option, exerciseable as hereinafter provided, elect to continue to serve upon the conditions relating to pensions and to the age of retirement upon which he was serving immediately before the first day of January, 1937.

(2) The option referred to in subsection (1) hereof shall be exerciseable not later than one year from the eighth day of May, 1937.

Maximum pension grantable.

12.—(1) Except in cases provided for by subsection (2) of this section, a pension granted to an officer under this Ordinance shall not exceed two thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in Palestine.

(2) Where the officer has been or is granted a pension or pensions in respect of other public service, he may be granted the full pension for which he is eligible in respect of his service in Palestine, but no person may at any time draw from the funds of Palestine an amount of pension which, when added to the amount of any pension or pensions drawn in respect of other public service, exceeds two thirds of the highest pensionable emoluments drawn by such person at any time in the course of his services in Palestine or in other public service:

Provided that, where such a person receives in respect of some period of public service, both a gratuity and a pension, the amount of such pension shall be deemed, for the purpose of this subsection, to be four thirds of its actual amount.

(3) In a case falling under the limitation laid down by subsection (2), the amount of the pension to be drawn from the funds of Palestine shall be subject to the approval of the Secretary of State in order that it may be determined with due regard to the amount of any pension or pensions similarly to be drawn in respect of other public service.

(4) For the purpose of the preceding subsections, an additional pension granted in respect of injury shall not be taken into account; but, where the officer is granted such an additional pension, the amount of such additional pension which he may draw shall not exceed one sixth of his highest pensionable emoluments at any time in the course of his public service by more than the sum by which the amount of his pension or pensions, apart from such additional pension, falls short of two thirds of such highest emoluments.

(5) In no case shall a pension, including any additional pension granted to an officer under this Ordinance, exceed one thousand pounds.

Liability of pensioners to be called upon to take further employment.

13. Every pension granted to an officer shall be subject to the following condition:—

Unless or until he has attained the age of fifty five years, he may, if physically fit for service, be called upon by the Secretary of State to accept, in lieu of his pension, an office, whether in Palestine or in another public service, not less in value, due regard being had to circumstances of climate, than the office which he had at the date of the grant of his pension; and, if a pensioner so called upon declines to accept the office for which he may have been selected, the payment of his pension may be suspended until he has attained the age of fifty five years.

Pensions affected by re-employment.

14. If an officer to whom a pension has been granted under this Ordinance is appointed to another office in the public service the payment of his pension may if the High Commissioner thinks fit, be suspended during the period of his re-employment.

Break in service to be disregarded in certain cases.

15. In the case of an officer—

(*a*) whose pension has been suspended under section 14 of this Ordinance or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service; or

(*b*) who has retired from the public service without pension on account of ill health, abolition of office, or re-organisation designed to effect greater efficiency or economy and has subsequently been re-employed in the public service; or

(*c*) who has left service pensionable under the Teachers (Superannuation) Act, 1925, with a view to entering public service not

being service pensionable under the said Act, and has, not later than three months after leaving such first-mentioned service, received any salary in respect of employment in public service not so pensionable;

the break in his service immediately prior to such suspension, re-employment or employment, shall be disregarded for the purposes of section 6 of this Ordinance and in determining for the purpose of section 20 of this Ordinance whether his service has been continuous.

Pensions, etc., not to be assignable.

16. No pension, gratuity or other allowance granted under this Ordinance shall be assignable or transferable, or liable to be attached, seized, sequestered or levied upon for or in respect of any debt or claim whatsoever.

Pensions, etc., to cease on bankruptcy.

17. If any officer to whom a pension or other allowance has been granted under this Ordinance is adjudicated a bankrupt or is declared insolvent by judgment of the court, then such pension or allowance shall forthwith cease:

Provided always that, in any case where a pension or allowance ceases by reason of the bankruptcy or insolvency of the pensioner, it shall be lawful for the High Commissioner if the pensioner was adjudged bankrupt or declared insolvent in Palestine, or if elsewhere for the Secretary of State from time to time during the remainder of such pensioner's life, or during such shorter period or periods, either continuous or discontinuous, as he shall think fit, to cause all, or any part of, the moneys to which such pensioner would have been entitled by way of pension or allowance, had he not become a bankrupt or insolvent, to be paid to or applied for the maintenance and personal support or benefit of all or any, to the exclusion of the other or others, of the following persons, namely, such pensioner and any wife, child or children of his, in such proportions and manner as the High Commissioner or the Secretary of State, as the case may be, thinks proper, and such moneys shall be paid or applied accordingly.

Pension, etc., to cease on conviction.

18. If any officer to whom a pension or other allowance has been granted under this Ordinance is sentenced to a term of imprisonment by any competent court, whether within or without Palestine, for any crime or offence then, in every such case, it shall be lawful for the High Commissioner if the pensioner is imprisoned in Palestine, or if elsewhere for the Secretary of State, to direct that such pension or allowance shall forthwith cease:

Provided always that the pension or allowance shall be restored with retrospective effect in the case of a person who, after conviction, at any time receives a full pardon; and

Provided further that, where a pension or allowance ceases for the reason aforesaid, it shall be lawful for the High Commissioner or the Secretary of State, as the case may be, to cause all, or any part of, the moneys to which the pensioner would have been entitled by way of pension or allowance to be paid to, or applied for the benefit of, any wife, child or children of the pensioner, or, after the expiration of his sentence, also for the benefit of the pensioner himself, in the same manner precisely and subject to the same qualifications and restrictions as in the case of bankruptcy hereinbefore provided.

Pensions, etc., to cease on accepting certain appointments.

19. If any officer to whom a pension or other allowance has been granted under this Ordinance becomes either a director of any company the principal part of whose business is in any way directly concerned with Palestine, or an officer or a servant employed in Palestine by any such company, without, in every such case, the permission of the High Commissioner in writing first had and obtained, then, in every such case, it shall be lawful for the High Commissioner, with the approval of the Secretary of State, to direct that such pension or allowance shall forthwith cease:

Provided always that it shall be lawful for the High Commissioner, with the approval of the Secretary of State, on being satisfied that the person in respect of whose pension or allowance any such direction shall have been given has ceased to be a director of such company or to be employed as an officer or servant of such company in Palestine, as the case may be, to give directions for the restoration of such pension or allowance, with retrospective effect, if he shall see fit, to such a date as he shall specify.

Gratuity to estate where officer dies in the service.

20. Where an officer holding a pensionable office dies while in the service of Palestine, and during the five years preceding his death has continuously held pensionable office whether in Palestine or elsewhere, it shall be lawful for the High Commissioner to grant his legal personal representative a gratuity of an amount not exceeding one year's pensionable emoluments.

Pensions to dependants when an officer is killed on duty, etc.

21.—(1) Where an officer dies as a result of injuries received —

(*a*) in the actual discharge of his duty, and

(*b*) without his own default, and

(*c*) on account of circumstances specifically attributable to the nature of his duty,

while in the service of the Government of Palestine, it shall be lawful for the High Commissioner to grant, in addition to the grant, if any, made to his legal personal representative under section 20 of this Ordinance —

(i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten sixtieths of his annual pensionable emoluments at the date of the injury or fifteen pounds a year, whichever is the greater;

(ii) if the deceased officer leaves a widow to whom a pension is granted under the preceding paragraph and a child or children, a pension in respect of each child, until such child attains the age of eighteen years, of an amount not exceeding one eighth of the pension prescribed under the preceding paragraph;

(iii) if the deceased officer leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of eighteen years, of double the amount prescribed by the preceding paragraph;

(iv) if the deceased officer leaves a child or children and a widow to whom a pension is granted under paragraph (i) of this subsection, and the widow subsequently dies, a pension in respect of each child as from the date of the death of the widow until such child attains the age of eighteen years, of double the amount prescribed in paragraph (ii) of this subsection;

(v) if the deceased officer does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow:

Provided that —

(A) pension shall not be payable under this subsection at any time in respect of more than six children; and

(B) in the case of a pension granted under paragraph (v) of this subsection, if the mother is a widow at the time of the grant of the pension and subsequently remarries such pension shall cease as from the date of remarriage; and if it appears to the High Commissioner at any time that the mother is adequately provided with other means of support, such pension shall cease as from such date as the High Commissioner may determine;

(C) a pension granted to a female child under this section shall cease upon the marriage of such child under the age of eighteen years.

(2) In the case of an officer not holding a pensionable office, the expression "pensionable emoluments" in subsection (1) of this section shall mean the emoluments enjoyed by him which would have been pensionable emoluments if the office held by him had been a pensionable office.

(3) Where an officer proceeding by a route approved by the High Commissioner to or from Palestine at the commencement or termination of his service therein, or of a period of leave therefrom, dies as a result of damage to the aircraft, vessel or vehicle in which he is travelling, or of any act of violence directed against such aircraft, vessel or vehicle, and the High Commissioner is satisfied that such damage or act is attributable to circumstances arising out of war in which His Majesty may be engaged, such officer shall be deemed, for the purposes of this section, to have died in the circumstances described in subsection (1) of this section.

(4) For the purposes of this section the word "child" shall include —

(*a*) a posthumous child;

(*b*) a step-child or illegitimate child born before the date of the injury, damage or act, as the case may be, and wholly or mainly dependent upon the deceased officer for support, and

(*c*) an adopted child, adopted in manner recognised by law, before the date of the injury, damage or act, as the case may be, and dependent as aforesaid.

Pensions to dependants where officer is killed as result of riot, etc.

22.—(1) Where an officer in the service of Palestine dies in consequence of injuries received subsequent to the thirty-first day of October, 1935, which in the opinion of the High Commissioner were directly attributable to serious and widespread disturbance in Palestine, it shall be lawful for the High Commissioner to grant, in lieu of any award under section 21 of this Ordinance and in addition to the grant, if any, made to his legal personal representative under section 20 of this Ordinance —

(i) if the deceased officer leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding one-fourth of his pensionable emoluments;

(ii) if the deceased officer leaves a child or children, a pension in respect of each child until he or she attains the age of eighteen years, at a rate not exceeding one twenty-fourth of his pensionable emoluments:

Provided that —

(*a*) if the deceased officer does not leave a widow to whom a pension is granted, the pension in respect of each child may be at a rate not exceeding one-twelfth of his pensionable emoluments;

(*b*) if the widow of the deceased officer to whom a pension is granted dies during the continuance of a pension in respect of any child, the rate of pension in respect of such child may, as from the date of the death of the widow, be at a rate not exceeding one-twelfth of the officer's pensionable emoluments;

(*c*) if any female child to whom a pension is granted marries before she has attained the age of eighteen years, the pension shall cease to be payable to her as from the date of her marriage;

(*d*) the aggregate of the pensions payable in respect of children shall not at any time exceed one-fourth of the officer's pensionable emoluments; and if such aggregate would, but for the provisions of this paragraph, exceed that amount, the pension payable in respect of each child may be adjusted from time to time, so that the said aggregate shall not exceed that amount;

(iii) if the deceased officer leaves a mother, who was wholly or mainly dependent upon him for her support at the time of his death, a pension to the mother at a rate not exceeding one-fourth of his pensionable emoluments:

Provided that —

(*a*) if the deceased officer leaves a widow to whom a pension is granted, the pension to the mother shall not exceed one twenty-fourth of his pensionable emoluments;

(*b*) if the deceased officer does not leave a widow, but leaves a child or children to whom a pension is granted, the pension to the mother shall not exceed one-twelfth of his pensionable emoluments.

(2) In the foregoing subsection "pensionable emoluments" means the annual pensionable emoluments enjoyed by the officer at the date of the injury; and in the case of an officer not holding a pensionable office, means the emoluments enjoyed by him at that date which would have been pensionable emoluments if the office held by him had been a pensionable office.

Conditions of pension for officer becoming Governor.

23. Notwithstanding anything contained in this Ordinance, where an officer becomes a Governor of a British dominion, colony, or protectorate, or a territory under a British Mandate, he shall be eligible on his retirement in any circumstances rendering him eligible for a pension under the Pensions (Governors of Dominions, etc.) Act, 1911, or any Act replacing or amending such Act, for a pension in respect of his service in Palestine.

Repeal and revocation, and saving provision. Cap. 107.

24.—(1) The Pensions Ordinance and the Schedules thereto, and all Ordinances and Rules amending the same, are hereby respectively repealed and revoked: provided that all orders made under that Ordinance in force at the commencement of this Ordinance shall remain in force until revoked or amended under this Ordinance.

Cap. 107. No. 34 of 1934.

(2) Nothing in the amendments to the Pensions Ordinance effected by the Pensions (Amendment) Ordinance, 1934, and now incorporated in this Ordinance, shall be deemed to affect any pension granted before the ninth day of November, 1934.

THE FIRST SCHEDULE.

(Section 3.)

RULES FOR THE GRANTING OF PENSIONS, GRATUITIES AND OTHER ALLOWANCES.

PART I.

Pensions to whom and at what rates granted.

1. Subject to the provisions of the Pensions Ordinance, 1943 (hereinafter called "the Ordinance") and of these rules, any officer holding a pensionable office in Palestine who has been in the service of Palestine for ten years or upwards may be granted a pension —

(*a*) at the rate of one seven hundred and twentieth of his pensionable emoluments in the case of an officer to whom the provisions of section 10 of the Ordinance do not apply, and

(*b*) at the rate of one six hundredth of his pensionable emoluments in the case of an officer to whom the provisions of section 10 of the Ordinance apply,

for each completed month of pensionable service, subject to the limit prescribed in section 12 of the Ordinance:

Provided that where an officer has been transferred from the service of Palestine to any other public service and the provisions of section 10 of the Ordinance would have applied to such officer if they had been in force at the date of his transfer, those provisions shall for the purpose of this rule be deemed to apply to such officer.

Gratuities where length of service does not qualify for pension.

2. Every officer, otherwise qualified for a pension, who has not completed the minimum period of service qualifying for a pension, may be granted on retirement a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under rule 1:

Provided that an officer appointed on probation or agreement shall not be eligible for any gratuity, unless his appointment shall have been confirmed.

Period of service in Palestine qualifying for pension or gratuity defined.

3. Subject to the provisions of section 6 of the Ordinance and of these rules, service qualifying for pension or gratuity, as the case may be, shall be the inclusive period between the date on which an officer begins to draw salary or half salary from Palestine funds and the date of his leaving the Palestine service, without deduction of any period during which he has been absent on leave.

Service to be unbroken.

4.—(1) Service in respect of which pension or gratuity may be granted must be unbroken except in cases where the service has been interrupted by abolition of office or other temporary suspension of employment, not arising from misconduct or voluntary resignation.

(2) Notwithstanding the provisions of the foregoing sub-rule, an officer —

(*a*) whose pension has been suspended under section 14 of the Ordinance or under a corresponding provision in any law or regulation relating to the grant of pensions in respect of public service; or

(*b*) who has retired from the public service without pension on account of ill health, abolition of office, or re-organisation designed to effect greater efficiency or economy, and has subsequently been re-employed in the public service; or

(*c*) who has left service pensionable under the Teachers (Superannuation) Act, 1925, with a view to entering public service not being service pensionable under the said Act, and has, not later than three months after leaving such first mentioned service, received any salary in respect of employment in public service not so pensionable;

may, if the High Commissioner thinks fit, be granted a pension or gratuity for which he would have been eligible if any break in his public service immediately prior to such suspension, re-employment or employment had not occurred, such pension to be in lieu of —

(i) any pension previously granted to him from the funds of Palestine, and

(ii) any gratuity so granted which is required to be refunded as a condition of the application to the officer of this rule,

but additional to any gratuity so granted which is not required to be refunded as aforesaid:

Provided that in calculating a pension granted in pursuance of this rule no account shall be taken for any purposes of the period during which he was not in public service.

Computation of pensions and gratuities.

5.—(1) For the purpose of computing the amount of an officer's pension or gratuity the following periods shall be taken into account as pensionable service —

Leave of absence.

(*a*) any periods during which he has been on duty;

(*b*) any period during which he received half salary from Palestine funds while proceeding to Palestine on first appointment;

(*c*) any periods during which he has been absent from duty on vacation leave or on leave with full salary;

(*d*) any periods during which he has been absent from duty on leave with half salary but so that the total amount of leave with half salary so taken into account, together with the amount of leave with half salary commuted for half the like amount of leave with full salary, shall not in the aggregate exceed one sixth of his resident service in Palestine;

(*e*) any periods during which he has been absent from duty on leave without salary, granted on grounds of public policy with the approval of the Secretary of State, and during which he has not qualified for pension or gratuity in respect of other public service.

(2) Any periods during which he has been absent on leave, other than those specified above, shall be deducted from the officer's total service in order to arrive at his period of pensionable service.

Computation of pensions and gratuities where service on the active list of His Majesty's forces.

6. Where an officer, during some period of his service in a pensionable office in Palestine, has been an officer, warrant officer, non-commissioned officer or man on the active list of His Majesty's armed forces, the whole or any part of such period during which pension contributions to His Majesty's Treasury have not been paid, or, if any such contributions were paid, they have been refunded, shall be taken into account as pensionable service for the purpose of computing the amount of the officer's pension or gratuity.

Emoluments on which computation of pensions, etc., to be based.

7. For the purpose of computing the amount of an officer's pension or gratuity—

(*a*) in the case of an officer who has held one office for a period of three years immediately preceding the date of his retirement, the full pensionable emoluments payable to him at that date in respect of that office shall be taken;

(*b*) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, the full pensionable emoluments payable to him at the date of his retirement in respect of the office then held by him shall be taken;

(*c*) in other cases, the average of the full pensionable emoluments payable in respect of each of the offices substantively held by the officer during his tenure thereof within such period of three years shall be taken:

Provided that, if such average is less than the full pensionable emoluments which were payable to him at the date of the first transfer within such period of three years, the High Commissioner may, with the approval of the Secretary of State, grant him a pension calculated upon the full pensionable emoluments payable to him at that date.

Non-pensionable service, etc. followed by pensionable service.

8.—(1) Subject to the provisions of sub-rule (2), only service in a pensionable office shall be taken into account as pensionable service:

No. 15 of 1943.

Provided that where a period of service in a civil capacity other than in a pensionable office, not being service in respect of which a bonus is payable under the Provident Fund Ordinance, 1943, is immediately followed by service in a pensionable office, one half of such period may, with the approval of the High Commissioner, be so taken into account:

No. 15 of 1934.

And provided further that where a person's service in a pensionable office has been immediately preceded by a period of service in the Sharia Courts in an office which rendered such person eligible to receive a pension under the provisions of the Sharia Courts Pensions Ordinance, 1934, or any Ordinance amending or substituted for that Ordinance, such period of service may, with the approval of the High Commissioner, be so taken into account:

And provided further that any break in service which may be disregarded under the provisions of sub-rule (2) of rule 4 of these rules may likewise be disregarded in determining for the purposes of the first proviso to this sub-rule whether one period of service immediately follows another period of service.

Cap. 112. Cap. 145.

(2) Where an officer has served in pensionable employment under the Police Ordinance or under the Trans-Jordan Frontier Force Ordinance or under any Ordinance amending or substituted for either of

such Ordinances, and such service has been followed by service in a pensionable office, such first-mentioned service may, if no gratuity or pension has been awarded under such Ordinance in respect thereof, or, if a gratuity only has been so awarded, such gratuity has been refunded in whole, be deemed to have been performed in a pensionable office.

For the purpose of this sub-rule the expression "pensionable employment under the Police Ordinance or under the Trans-Jordan Frontier Force Ordinance or under any Ordinance amending or substituted for either of such Ordinances", includes all service, whatever its duration, in respect of which pension or gratuity might, had the officer continued to serve in the Palestine Police or in the Trans-Jordan Frontier Force, have been granted under the Police Ordinance or the Trans-Jordan Frontier Force Ordinance or under any Ordinance amending or substituted for either of such Ordinances, as the case may be.

Acting service.

9. Where an officer has performed acting service in a pensionable office in Palestine, the period of such service may be taken into account as pensionable service:

Provided that —

(*a*) the period of such acting service was not part of the pensionable service of the previous holder of the office and has not been taken into account as part of the officer's own pensionable service in other public service;

(*b*) this period of service is immediately preceded or followed by service in a pensionable office in Palestine.

Abolition or reorganisation of office.

10. If an officer holding a pensionable office retire or be removed from the service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belongs by which greater efficiency or economy can be effected, he may be granted —

(*a*) if his length of service is such as to qualify him for a pension under rule 1, a pension calculated in accordance with that rule, together with an additional pension at the rate of one sixtieth part of his annual pensionable emoluments for each complete period of three years' pensionable service:

Provided that the additional pension shall in no case exceed ten sixtieths; nor, together with his ordinary pension, exceed the pension for which he would be eligible if he continued to serve until he reached the age at which he may be required to retire, or the maximum prescribed by section 12 of the Ordinance; and

Provided also that the grant of such pension and additional pension shall be subject to the condition that he shall be liable to be recalled to service in Palestine; and

Provided always that, if such an officer is not qualified for other employment in the public service and if there is no reason, in the opinion of the High Commissioner, to expect that he can be shortly re-employed, a pension may be granted to him free from the above-mentioned condition;

(*b*) if his length of service is not such as to qualify him for a pension under rule 1, a special gratuity, in lieu of a gratuity under rule 2, at the rate of three quarters of one month's pensionable emoluments for each complete six months of pensionable service.

Officers retiring on account of injuries.

11.—(1) Where an officer holding a pensionable office in which he has been confirmed is permanently injured —

(*a*) in the actual discharge of his duty, and

(*b*) without his own default, and

(*c*) on account of circumstances specifically attributable to the nature of his duty,

(i) he may, if his retirement is thereby necessitated or materially accelerated and he has been in the public service for less than ten years, be granted, in lieu of any gratuity under rule 2 or rule 22 of these rules, a pension under rule 1, 17, 18 or 19, as the case may be, as if the words "for ten years or upwards" were omitted from the said rule 1;

(ii) he may, if so injured while in the service of Palestine, be granted on retirement an additional pension at the annual rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table:—

When his capacity to contribute to his own support is —
slightly impaired, five sixtieths;
impaired, ten sixtieths;
materially impaired, fifteen sixtieths;
totally destroyed, twenty sixtieths:

Provided that the amount of the additional pension may be reduced to such an extent as the High Commissioner shall think reasonable where the injury is not the cause or the sole cause of retirement.

(2) An officer so injured while in the service of Palestine, not holding a pensionable office, or holding a pensionable office, in which he has not been confirmed, may be granted on retirement a pension of the same amount as the additional pension which might be granted to him under sub-rule (1) of this rule if his office were a pensionable office and he had been confirmed therein. The provisions of rule 14 shall not apply to a pension granted under this sub-rule.

(3) Where an officer proceeding by a route approved by the High Commissioner to or from Palestine at the commencement or termination of his service therein, or of a period of leave therefrom, is permanently injured as the result of damage to the aircraft, vessel or vehicle in which he is travelling, or of any act of violence directed against such aircraft, vessel or vehicle, and the High Commissioner is satisfied that such damage or act is attributable to circumstances arising out of war in which His Majesty may be engaged, such officer shall be deemed, for the purposes of this rule, to have been injured in the circumstances described in sub-rule (1) of this rule.

Gratuities to officers who have served in a non-pensionable office.

12.—(1) In special cases, an officer holding a non-pensionable office—

(*a*) if he has served the Government for not less than seven years and is removed in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belongs by which greater efficiency or economy can be effected, or

(*b*) if he has served for not less than fifteen years and retires in any of the cases set out in section 7(*a*), (*d*) or (*e*) of the Ordinance, or

(*c*) if he has previously served in Palestine under the Ottoman Government and his aggregate service is not less than fifteen years of which at least five years has been in respect of service under the Palestine Government and if he is removed from his office or retires in any of the circumstances stated in paragraph (*a*) or (*b*),

may be granted a gratuity not exceeding one week's pay for each year of his service:

Provided that —

(i) short periods of service, not exceeding six months in the year, shall not be reckoned;

(ii) a break of three years shall have the effect of excluding all previous service;

(iii) if at any time the breaks in service aggregate seven years, all service prior to that date shall be excluded;

(iv) no gratuity may be awarded if discharge has taken place at the officer's own request;

(v) no gratuity shall be awarded to any member of the Palestine police force who is eligible for a gratuity under Part IX of the Police Ordinance; Cap. 112.

(vi) not more than ten years' service under the Ottoman Government as aforesaid shall be taken into account; and

(vii) no gratuity shall be awarded in respect of any service in respect of which a bonus is payable under the Provident Fund Ordinance, 1943. No. 15 of 1943.

(2) Where an officer has been transferred from a pensionable to a non-pensionable office and subsequently retires either from a pensionable or a non-pensionable office in circumstances in which he might have been granted a pension if he had continuously held a pensionable office, he may, with the approval of the High Commissioner, be allowed to count his service in the non-pensionable office as though it were service in the pensionable office which he held immediately prior to such transfer, and at the pensionable emoluments which were payable to him at the date of transfer:

Provided that no pension shall be awarded in respect of any service in respect of which a bonus is payable under the Provident Fund Ordinance, 1943. No. 15 of 1943.

(3) Where service of an officer in a non-pensionable office not being service in respect of which a bonus is payable under the Provident Fund Ordinance, 1943, is immediately followed by the second mentioned service and the second mentioned service is immediately followed by service in a pensionable office, a gratuity may be granted to that officer under sub-rule (1) in respect of the first mentioned service, provided that the aggregate period of the first mentioned service, the second mentioned service and the service in a pensionable office is not less than the appropriate minimum period of service specified in paragraph (*a*), (*b*) or (*c*) of sub-rule (1) as the case may be. No. 15 of 1943.

Gratuities to dependants of deceased non-pensionable officers.

13. Where an officer holding a non-pensionable office who has served the Palestine Government for not less than fifteen years, or where an officer who has previously served in Palestine under the Ottoman Government and whose aggregate service is not less than fifteen years of which at least five years have been in respect of service under the

Palestine Government dies while in the service of the Government, the High Commissioner may grant any such officer's dependants a gratuity of an amount not exceeding the amount of the gratuity which such officer would himself have received if at the time of his death he had been retired in consequence of infirmity of mind or body:

No. 15 of 1943.

Provided that no gratuity shall be awarded in respect of any service in respect of which a bonus is payable under the Provident Fund Ordinance, 1943.

Gratuity and reduced pension.

14.—(1) Any officer to whom a pension is granted under the Ordinance may, at his option exerciseable as hereinafter provided, be paid in lieu of such pension a pension at the rate of three fourths of such pension together with a gratuity equal to ten times the amount of the reduction so made in the pension.

(2) The option referred to in sub-rule (1) shall be exerciseable —

(*a*) in the case of an officer who, if he had been retired on grounds of ill health at the 16th day of August, 1925, might have been granted a pension under the Ordinance; not later than six months after the said date;

(*b*) in the case of any other officer; not later than one month after the earliest date on which, if retired on grounds of ill health, he might be awarded a pension under the Ordinance, or within six months of the 16th day of August, 1925, whichever shall be the later date for exercising the option:

Provided always —

(i) that an officer who has previously had the opportunity of exercising the option but has not done so may apply within one month of his subsequent marriage for permission to exercise the option, which permission may be granted at the High Commissioner's discretion after examination of the officer by a Government medical board;

(ii) that the date of the exercise of the option shall be deemed to be the date of the receipt of his written notification addressed either to the Chief Secretary in Palestine or to the Crown Agents;

(iii) that, if an officer has exercised the option, his decision shall be irrevocable so far as concerns any pension ultimately to be granted to him under the Ordinance;

(iv) that any officer who has not, on or before the 31st December, 1930, exercised the option referred to in sub-rule (1) within the time prescribed by this sub-rule, may, nevertheless, exercise such option not later than the 31st December, 1931; and

(v) that if an officer has failed to exercise the option within the period specified in this rule, the High Commissioner may, if it appears to him in all the circumstances equitable so to do, and subject to the approval of the Secretary of State, allow such officer to exercise the option within some time to be specified.

PART II.

SPECIAL REGULATIONS FOR TRANSFERRED OFFICERS.

Interpretation.

15. For the purpose of this Part of these rules —

"scheduled Government" means any Government included in any Schedule to these rules which may from time to time be published, and also the Colonial Audit Department (Home Establishment), the office of the Crown Agents for the Colonies and the Kenya and Uganda Railways and Harbours Administration;

"service in the group" means service under the Palestine Government and under a scheduled Government or Governments.

Application of rules in Part I.

16. Subject to the succeeding rules, the provisions of rules 12, 13 and 14 shall apply to the case of an officer who has been transferred to or from the service of Palestine from or to other public service and the provisions of rules 3, 4, 5, 6, 7, 8 and 9 shall apply to the case of an officer so transferred as if his whole service had been in Palestine:

Provided that, in the application of rule 14 to cases falling under the limitation of section 12(2) of the Ordinance the words "such pension" in that rule shall be taken to mean the amount of pension which he might have drawn from the funds of Palestine if he had not elected for a gratuity and reduced pension.

Pension for service wholly within the group.

17.—(1) Where the other public service of an officer has been wholly under one or more of the scheduled Governments, and his aggregate service would have qualified him, had he been wholly in Palestine, for a pension under the Ordinance, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted a pension from Palestine of such an amount as shall bear the same proportion to the amount of pension for which he would have been eligible had his service been wholly in Palestine as the aggregate amounts of his pensionable emoluments during his service in Palestine shall bear to the aggregate amount of his pensionable emoluments throughout his service in the group.

(2) In determining for the purpose of this rule the pension for which an officer would have been eligible if his service had been wholly in Palestine —

(*a*) the final pensionable emoluments taken shall be those of his last period of service in the group;

(*b*) no regard shall be had to rule 10 or 11;

(*c*) regard shall be had to the condition that pension may not exceed two-thirds of the highest pensionable emoluments;

(*d*) no period of other public service under any scheduled Government which does not grant a pension or gratuity to the officer shall be taken into account:

Provided that, where an officer entered the public service prior to the first day of January, 1930, his pension in respect of his service in Palestine may be calculated as though any scheduled Government under which he has served had not been included in the schedule to these rules if this should be to his advantage.

(3) For the purpose of this rule the aggregate amount of his pensionable emoluments shall be taken as the total amount of salary which the officer would have drawn and the total amount of the other pensionable emoluments which he would have enjoyed had he been on duty on full pay in his substantive office or offices throughout his period of service in the group subsequent to the attainment of the age of twenty years:

Provided that in calculating the aggregate amount of his pensionable emoluments no account shall be taken of any service under any sched-

uled Government which does not grant the officer a pension or gratuity:

Provided further that where under rule 8(1) one half only of any service in a civil capacity otherwise than in a pensionable office is taken into account as pensionable service, one half only of the officer's aggregate emoluments during that service shall be taken into account in calculating the aggregate amount of his pensionable emoluments.

Pension where other service not within the group.

18. Where the other public service of an officer has not included service under any of the scheduled Governments, and his aggregate service would have qualified him, had it been wholly in Palestine, for a pension under these rules, he may, on his ultimate retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on a pension or gratuity, be granted in respect of his service in Palestine a pension —

(*a*) in the case of an officer to whom the provisions of section 10 of the Ordinance do not apply, at the rate of one seven hundred and twentieth

(*b*) in the case of an officer to whom the provisions of section 10 of the Ordinance apply, at the rate of one six hundredth

of his pensionable emoluments at the date of his transfer or retirement, as the case may be, from the service of Palestine for each calendar month of his service in Palestine.

Pension when other service both within and not within the group.

19. Where a part only of the other public service of an officer has been under one or more of the scheduled Governments, the provisions of rule 17 shall apply; but, in calculating the amount of pension, regard shall be had only to service in the group.

Additional pension on abolition or re-organisation of office.

20. Where an officer who has been transferred from other public service, and whose aggregate service would have qualified him, had it been wholly in Palestine, for a pension under these rules, is compulsorily retired from the public service in the circumstances mentioned in rule 10, he may, if at the time he is in the service of Palestine, be granted, from the funds of Palestine, in addition to the pension granted to him under rule 17, 18 or 19, as the case may be, an additional pension equal to the additional pension which might have been granted to him in accordance with rule 10 if his total pensionable service had been in Palestine.

Additional pension to officers retiring on account of injury.

21. Where an officer who has been transferred from other public service, and whose aggregate service would have qualified him, had it been wholly in Palestine, for a pension under these rules, is compulsorily retired from the public service in the circumstances mentioned in rule 11, he may, if at the time he is in the service of Palestine, be granted from the funds of Palestine the additional pension allowed by that rule, in addition to the pension granted under rule 17, 18 or 19, as the case may be.

Gratuities where length of service does not qualify for pension.

22.—(1) Where an officer who has been transferred to or from the service of Palestine from or to other public service retires from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, but has not completed in the aggregate the minimum period of service qualifying him for a pension, he may be granted from the funds of Palestine a gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under rule 17, 18 or 19, as the case may be.

(2) Where such an officer is compulsorily retired from the public service in the circumstances mentioned in rule 10, he may, if at the time he is in the service of Palestine, be granted a special gratuity equal to one half of the gratuity which might have been granted to him if his total pensionable service had been in Palestine, together with the gratuity, if any, which may be granted to him under sub-rule (1).

(3) Where such an officer is compulsorily retired from the public service in the circumstances mentioned in rule 11, he may, if at the time he is in the service of Palestine, be treated as if he had no other public service, but he shall not be granted, in addition, the gratuity for which he is eligible under sub-rule (1).

Officers transferred to other public service and retiring after less than twelve months' employment in last service.

23. Where an officer who is transferred to other public service is not granted a pension or gratuity in respect of his employment in the service in which he is last employed, solely by reason of the fact that he has not completed twelve months' service therein, he shall not, on that account, be disqualified from receiving a pension or gratuity from the funds of Palestine, if otherwise eligible therefor.

Retirement of transferred officers on account of marriage.

24. A woman officer who has been transferred to or from the service of Palestine and who retires for the reason that she is married, or is about to marry, and in consequence —

(1) would if the whole of her public service had been in Palestine have been eligible for a gratuity under the first proviso to section 7 of the Ordinance, and

(2) if she is at the date of her resignation or retirement in other public service, is eligible for a gratuity under provisions corresponding to that proviso in the law or regulations of the public service in which she is last employed,

may be granted a gratuity which bears to the gratuity for which she would be eligible if the whole of her public service had been in the service in which she is last employed the proportion which her service in Palestine bears to her total public service:

Provided that, for the purpose of computing such an officer's total public service under this rule, no regard shall be had to any service under a Government which does not grant a gratuity to her in consequence of her retirement.

Special provision with regard to previous service in Trans-Jordan.

25. Where an officer has, immediately prior to service under the Government of Palestine, served under the Government of Trans-Jordan, the whole or any part of his service under the last-mentioned Government in respect of which that Government shall have paid pension contributions to the Government of Palestine shall, if the Secretary of State so directs, be regarded as service under the Government of Palestine, and any office held by him during a period so regarded shall be regarded as a pensionable office in Palestine.

Saving provisions.

26.—(1) Notwithstanding anything contained in these rules, where an officer in the service of Palestine or any other public service on the 10th day of February, 1938, shall before that date have served in a civil capacity otherwise than in a pensionable office, then, if it shall be to his advantage, his pension may be calculated on the conditions

Gaz: 10.2.38, *p*. 264.

which would have applied if the Pensions (Amendment) Rules, 1938, had never been made and the amendments effected thereby had accordingly never been incorporated in these rules.

Gaz: 23.2.39, *p*. 135. Cap. 107.

(2) Where, prior to the commencement of the Pensions (Amendment) Rules, 1939, an officer has been granted a pension under the Pensions Ordinance, and has been appointed to another office in the service of Palestine, any pension granted to him on his subsequent retirement may be computed as if rule 12 of the rules set out in Part I of the First Schedule to the Pensions Ordinance (as enacted in the Revised Edition of the Laws) were still in force.

SCHEDULE.

(Rule 15).

Aden
Bahamas
Barbados
Basutoland
Bechuanaland Protectorate
Bermuda
British Guiana
British Honduras
British Solomon Islands Protectorate
Cayman Islands
Ceylon
Cyprus
Dominica
Falkland Islands
Federated Malay States
Fiji
Gambia
Gibraltar
Gilbert and Ellice Islands Colony
Gold Coast
Grenada
Hong Kong
Jamaica
Kenya
Leeward Islands
Malayan Establishment
Malta
Mauritius
New Hebrides
Nigeria
Northern Rhodesia
Nyasaland
St. Helena
St. Lucia
St. Vincent
Seychelles
Sierra Leone
Somaliland
Straits Settlements
Swaziland
Tanganyika Territory
Tonga
Trinidad
Turks and Caicos Islands
Uganda
United Kingdom of Great Britain and Northern Ireland
Zanzibar.

THE SECOND SCHEDULE.

(Section 10.)

Inspector General of Police.
General Manager, Railways.
Legal Draftsman.
Housing and Claims Officer.
Non-regular British Officers and Warrant Officers of the Trans-Jordan Frontier Force.

3rd March, 1944.

HAROLD MACMICHAEL
High Commissioner.

LOCAL COUNCILS (AMENDMENT) ORDINANCE, No. 2 of 1944.

AN ORDINANCE TO AMEND THE LOCAL COUNCILS ORDINANCE, 1941.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. No. 36 of 1941.

1. This Ordinance may be cited as the Local Councils (Amendment) Ordinance, 1944, and shall be read as one with the Local Councils Ordinance, 1941, hereinafter referred to as "the principal Ordinance".

Insertion of new section in the principal Ordinance.

2. The principal Ordinance shall be amended by the insertion therein immediately after section 8 thereof of the following new section:—

"Fines, etc. to be paid to the local council fund.

8A. All fines, fees, dues and penalties recovered under this Ordinance, or any by-laws made thereunder, shall be paid to and shall form part of the local council fund."

HAROLD MACMICHAEL
High Commissioner.

3rd March, 1944.

WAR REVENUE (RURAL PROPERTY TAX) (AMENDMENT) ORDINANCE, No. 3 of 1944.

AN ORDINANCE TO AMEND THE RURAL PROPERTY TAX ORDINANCE, 1942.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the War Revenue (Rural Property Tax) (Amendment) Ordinance, 1944, and shall be read as one with the Rural Property Tax Ordinance, 1942, hereinafter referred to as "the principal Ordinance".

No. 5 of 1942.

Amendment of section 37 of the principal Ordinance.

2. Section 37 of the principal Ordinance shall be amended by the addition of the following proviso at the end thereof:—

"Provided also that during the continuance in force of the War Revenue (Rural Property Tax) (Amendment) Ordinance, 1943, the rent payable, in accordance with the preceding provisions of this section, in respect of such occupation of Government owned land shall be payable at the rates of tax prescribed in the said schedule immediately prior to its variation by the Rural Property Tax (Variation of Schedule) Order, 1943."

No. 7 of 1943.

Gaz: 30.3.43, *p*. 298.

HAROLD MACMICHAEL
High Commissioner.

3rd March, 1944.

SUPPLEMENTARY APPROPRIATION (1942-43) ORDINANCE, No. 4 of 1944.

AN ORDINANCE TO REGULARISE CERTAIN PAYMENTS MADE IN THE YEAR ENDED THE THIRTY-FIRST DAY OF MARCH, 1943, IN EXCESS OF THE EXPENDITURE AUTHORISED BY THE APPROPRIATION (1942-43) ORDINANCE, 1942.

No. 29 of 1942.

WHEREAS the Appropriation (1942-43) Ordinance, 1942, made certain provision for the expenses of the Government of Palestine for the year ended the thirty-first day of March, 1943, and it is necessary to make certain additional provision for the public service for that period:

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Supplementary Appropriation (1942-43) Ordinance, 1944.

Appropriation.

2. A sum of two million, sixty nine thousand and one hundred and twenty-five pounds having been applied and expended in the manner hereinafter described and for the several purposes set forth in Schedules I and II to this Ordinance beyond the amounts granted for the year ended the thirty-first day of March, 1943, by the Appropriation (1942-43) Ordinance, 1942, and set forth in Schedules I and II to that Ordinance, such sum is hereby declared to have been duly laid out and expended for the services of the Government of Palestine for that year and is hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance.

Expenditure authorised out of the revenue and funds of Palestine.

3. The sums of money set forth in Schedule I to this Ordinance, in the whole amounting to one million five hundred and seventy thousand, six hundred and ninety pounds, having been applied and expended by the Accountant-General out of the revenue or the funds of Palestine for the services mentioned therein beyond the amounts granted for those services for the year ended the thirty-first day of March, 1943, by the Appropriation (1942-43) Ordinance, 1942, and set forth in Schedule I to that Ordinance, such sums are hereby declared to have been duly laid out and expended for the services of the Government of Palestine for that year and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance and set forth in Schedule I thereof.

Expenditure authorised out of the revenue of the Palestine Railway and operated lines.

4. The sums of money set forth in Schedule II to this Ordinance, in the whole amounting to four hundred and ninety eight thousand, four hundred and thirty-five pounds, having been applied and expended by the General Manager of Railways out of the revenue of the Palestine Railway and operated lines for the services mentioned therein beyond the amounts granted for those services for the year ended the thirty-first day of March, 1943, by the Appropriation (1942-43) Ordinance, 1942, and set forth in Schedule II to that Ordinance, such sums are hereby declared to have been duly laid out and expended for the services of the Palestine Railway and operated lines for that year and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance and set forth in Schedule II thereof.

SCHEDULE I.

STATEMENT SHOWING EXPENDITURE OF THE PALESTINE GOVERNMENT FOR THE SERVICES STATED HEREUNDER IN EXCESS OF THE AMOUNTS GRANTED FOR THOSE SERVICES FOR THE PERIOD 1ST APRIL, 1942, TO 31ST MARCH, 1943, BY THE APPROPRIATION (1942-43) ORDINANCE, 1942.

		£P.
I.	Public Debt	14,295
II.	Pensions	3,310
V.	Agriculture and Fisheries	3,298
X.	Customs, Excise and Trade	165,097
XI.	Defence	12,955
XVI.	Health	15,170

		£P.
XX.	Legal	840
XXI.	Migration	812
XXII.	Miscellaneous	1,187,287
XXIV.	Posts and Telegraphs	6,165
XXVII.	Secretariat	149,718
XXXV.	Loans from Public Funds	11,743
	Total	£P.1,570,690

SCHEDULE II.

STATEMENT SHOWING THE EXPENDITURE OF THE PALESTINE RAILWAY AND OPERATED LINES FOR THE SERVICES STATED HEREUNDER IN EXCESS OF THE AMOUNTS GRANTED FOR THOSE SERVICES FOR THE PERIOD 1ST APRIL, 1942, TO 31ST MARCH, 1943, BY THE APPROPRIATION (1942-43) ORDINANCE, 1942.

Particulars	*Palestine Railway*	*Kantara-Rafa Railway*	*Hijaz Railway*	*Petah-Tiqva Railway*	*Total*
	£P.	£P.	£P.	£P.	£P.
Abstract "A" Maintenance and Renewal of Ways and Works	3,301	2,638	—	—	5,939
Abstract "B" Maintenance and Renewal of Locomotives and Rolling Stock and Running Expenses	31,106	—	48,148	—	79,254
Abstract "C" Traffic and Commercial Expenses	22,262	8,510	4,369	—	35,141
Abstract "D" General Charges	71,362	123,853	14,112	—	209,327
Abstract "F" Extraordinary Expenditure	38,702	—	—	—	38,702
Abstract "H" Interest Kantara-Rafa Railway	—	130,072	—	—	130,072
Total	166,733	265,073	66,629	—	498,435

HAROLD MACMICHAEL
High Commissioner.

3rd March, 1944.

LOCAL AUTHORITIES (BUSINESS TAX) ORDINANCE, No. 5 of 1944.

AN ORDINANCE TO PROVIDE FOR EMPOWERING LOCAL AUTHORITIES TO LEVY A BUSINESS TAX AND MATTERS CONNECTED THEREWITH.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Local Authorities (Business Tax) Ordinance, 1944.

Interpretation.

2. In this Ordinance, unless the context otherwise requires —

"local authority" means a municipal council within the meaning of the Municipal Corporations Ordinance, 1934, or a local council within the meaning of the Local Councils Ordinance, 1941. No. 1 of 1934. No. 36 of 1941.

Power of local authority to levy business tax.

3.—(1) It shall be lawful for a local authority, by by-laws, to levy annually on all persons carrying on within the area of its jurisdiction any trade or business specified in the by-laws, a tax —

(*a*) in the case of by-laws made by a municipal council, to be known as "municipal business tax", and

(*b*) in the case of by-laws made by a local council, to be known as "local business tax",

of such amount as shall be so specified, not exceeding twelve pounds in respect of each place where such trade or business is carried on within that area.

(2) Any by-laws made under the powers conferred by this section may—

(*a*) subject to the maximum of twelve pounds mentioned in subsection (1), impose different amounts of tax in respect of different trades or businesses specified in the by-laws or in respect of different classes or descriptions of trades or businesses specified;

(*b*) provide that the tax shall be paid in whole upon such date as may be specified in the by-laws, or by such instalments and upon such dates as may be so specified.

Recovery of business tax. No. 1 of 1934.

4. The provisions of the Municipal Corporations Ordinance, 1934, regarding the recovery of rates imposed by a municipal council under that Ordinance shall apply *mutatis mutandis* to the recovery of any tax imposed by a local authority under this Ordinance and, for the purpose of the application of those provisions to the recovery of any tax which has been so imposed by a local council, the powers of the mayor of a municipal corporation under the said provisions shall be deemed to be vested in the president of the local council.

3rd March, 1944.

HAROLD MACMICHAEL
High Commissioner.

COLLECTIVE PUNISHMENTS (AMENDMENT) ORDINANCE, No. 6 of 1944.

AN ORDINANCE TO AMEND THE COLLECTIVE PUNISHMENTS ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. Cap. 20.

1. This Ordinance may be cited as the Collective Punishments (Amendment) Ordinance, 1944, and shall be read as one with the Collective Punishments Ordinance, hereinafter referred to as "the principal Ordinance".

Repeal and replacement of section 3 of the principal Ordinance.

2. Section 3 of the principal Ordinance shall be repealed and the following section substituted therefor:—

"Application of Ordinance.

3. This Ordinance shall apply to all places in Palestine:

Provided that in every case where any of the powers conferred by this Ordinance are exercised in relation to any Municipal area or any place forming a part of a Municipal area the High Commissioner shall forthwith report particulars of such case to the Secretary of State."

Amendment of section 5 of the principal Ordinance.

3. Section 5 of the principal Ordinance shall be amended by the repeal of subsection (2) thereof.

Repeal of Schedule to the principal Ordinance.

4. The Schedule to the principal Ordinance shall be repealed.

3rd March, 1944.

HAROLD MACMICHAEL
High Commissioner.

FISHERIES (AMENDMENT) ORDINANCE, No. 7 of 1944.

AN ORDINANCE TO AMEND THE FISHERIES ORDINANCE, 1937.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. No. 6 of 1937.

1. This Ordinance may be cited as the Fisheries (Amendment) Ordinance, 1944, and shall be read as one with the Fisheries Ordinance, 1937, hereinafter referred to as "the principal Ordinance".

Repeal and replacement of section 7 of the principal Ordinance.

2. Section 7 of the principal Ordinance is hereby repealed and the following section substituted therefor:—

"Cancellation and suspension of licences and permits.

7. Upon the conviction of the holder of any licence or permit granted under this Ordinance of any contravention of such licence or permit or of any breach of this Ordinance or any rules made thereunder, a licensing authority may cancel such licence or permit or suspend the validity thereof for such period as the licensing authority may think fit."

Amendment of section 9 of the principal Ordinance.

3. Paragraph (*e*) of section 9 of the principal Ordinance is hereby amended by the insertion of the words "and suspension" immediately after the word "cancellation" appearing therein.

3rd March, 1944.

HAROLD MACMICHAEL
High Commissioner.

Supplement No. 1
to the
Palestine Gazette Extraordinary No. 1324 of 16th March, 1944.

APPROPRIATION (1943-1944) ORDINANCE,
No. 8 of 1944.

AN ORDINANCE TO APPROPRIATE A SUM NOT EXCEEDING SEVENTEEN MILLION, FORTY SEVEN THOUSAND, EIGHT HUNDRED AND THIRTY EIGHT POUNDS FOR THE TWELVE MONTHS ENDING THE THIRTY-FIRST DAY OF MARCH, 1944.

WHEREAS it is necessary to make provision for the expenses of the Government of Palestine for the year ending the thirty-first day of March, 1944;

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Appropriation (1943-1944) Ordinance, 1944.

Appropriation

2. A sum not exceeding in the whole the sum of seventeen million, forty seven thousand, eight hundred and thirty eight pounds shall be applied and expended in the manner hereinafter described and for the several purposes set forth in Schedules I, II and III to this Ordinance.

Expenditure authorised out of the revenue and funds of Palestine.

3. The Accountant General may, on the warrant of the High Commissioner, pay out of the revenue or the funds of Palestine during the year ending the thirty-first day of March, 1944, any sums not exceeding in the whole the sum of fourteen million, six hundred and ninety thousand and five hundred pounds set forth in Schedule I to this Ordinance.

Expenditure authorised out of the revenue of the Palestine Railway and operated lines and the Palestine Ports.

4. The General Manager of Railways may, on the warrant of the High Commissioner, pay out of the revenue of the Palestine Railway and operated lines and of the Palestine Ports, during the year ending the thirty-first day of March, 1944, any sums not exceeding in the whole the sum of two million, three hundred and fifty seven thousand, three hundred and thirty eight pounds set forth in Schedules II and III to this Ordinance.

Limitation of the sums to be spent.

5. A sum not exceeding the amount set out under each head of the Schedules I, II and III to this Ordinance may be issued and spent in respect of the establishment or service specified and referred to therein.

SCHEDULE I.

STATEMENT SHOWING THE ESTIMATED EXPENDITURE OF THE GOVERNMENT OF PALESTINE, FOR THE PERIOD 1ST APRIL, 1943, TO 31ST MARCH, 1944.

		£P.
I.	Public Debt	206,812
II.	Pensions	82,500
III.	High Commissioner	12,446

IV.	Accountant-General	15,766
V.	Administrator-General	6,998
VI.	Agriculture and Fisheries	226,754
VII.	Antiquities	21,368
VIII.	Audit	19,731
IX.	Commissioner of Income Tax	50,786
X.	Cooperative Societies	8,799
XI.	Custodian of Enemy Property	35,279
XII.	Customs, Excise and Trade	374,422
XIII.	Defence and War Services	4,704,643
XIV.	District Administration	241.609
XV.	Education	469.805
XVI.	Forests	49,357
XVII.	Grants to Local Authorities	132,000
XVIII.	Health	442,275
XIX.	Judicial	143,273
XX.	Labour	16,325
XXI.	Land Registration	36,270
XXII.	Land Settlement	94,712
XXIII.	Legal	22,985
XXIV.	Migration	26,123
XXV.	Miscellaneous	406,757
XXVI.	Police and Prisons	2,923,826
XXVII.	Posts and Telegraphs	664.354
XXVIII.	Public Works Department	160,054
XXIX.	Public Works Recurrent	356,855
XXX.	Secretariat	229.485
XXXI.	Statistics	9,466
XXXII.	Surveys	97.751
XXXIII.	Trans-Jordan Frontier Force	42.797
XXXIV.	Posts and Telegraphs Extraordinary	88.334
XXXV.	Public Works Extraordinary	1,048,198
XXXVI.	Trans-Jordan Frontier Force Extraordinary	552
XXXVII.	Ports	33.259
XXXVIII.	Railways	59,609
XXXIX.	Loans from Public Funds	1,127,975
XL.	Colonial Development Fund	190
	Total Expenditure	£P.14,690,500

SCHEDULE II.

STATEMENT SHOWING THE ESTIMATED EXPENDITURE OF THE PALESTINE RAILWAY AND OPERATED LINES FOR THE PERIOD 1ST APRIL, 1943, TO 31ST MARCH, 1944.

Particulars	*Palestine Railway*	*Kantara-Rafa Railway*	*Hijaz Railway*	*Petah Tiqva Railway*	*Total*
	£P.	£P.	£P.	£P.	£P.
Abstract "A" Maintenance and Renewal of Ways and Works	108,338	41,443	39,962	840	190,583
Abstract "B" Maintenance and Renewal of Locomotives and Rolling Stock and Running Expenses	390,381	227,830	127,116	636	745,963
Abstract "C" Traffic and Commercial Expenses	117,531	38,899	24,936	348	181,714

Particulars	*Palestine Railway*	*Kantara-Rafa Railway*	*Hijaz Railway*	*Petah Tiqva Railway*	*Total*
	£P.	£P.	£P.	£P.	£P.
Abstract "D" General Charges	373,700	235,940	91,829	276	701,745
Abstract "E" Debt Charges	75,685	91,503	31	—	167,219
Abstract "G" Contribution to Renewals Fund	95,000	—	—	—	95,000
Contribution to Kantara-Rafa Railway Special Fund	—	15,385	—	—	15,385
	1,160,635	651,000	283,874	2,100	2,097,609

SCHEDULE III.

STATEMENT SHOWING THE ESTIMATED EXPENDITURE OF THE PALESTINE PORTS FOR THE PERIOD 1ST APRIL, 1943, TO 31ST MARCH, 1944.

Particulars	*Haifa*	*Jaffa*	*Other Ports*	*Total*
	£P.	£P.	£P.	£P.
Abstract "A" Engineering Expenses	23,430	2,830	950	27,210
Abstract "B" Marine Working	36,091	100	—	36,191
Abstract "C" Shore Working	87,756	3.323	—	91,079
Abstract "D" Port Superintendence and General Charges	27,654	8,670	—	36,324
Abstract "E" Debt Charges	45,000	15,000	—	60,000
Abstract "G" Contribution to Renewals Fund	8,200	725	—	8,925
	228,131	30,648	950	259,729

HAROLD MACMICHAEL
High Commissioner.

16th March, 1944.

STAMP DUTY (AMENDMENT) ORDINANCE,
No. 9 OF 1944.

AN ORDINANCE TO AMEND THE STAMP DUTY ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. Cap. 133.

1. This Ordinance may be cited as the Stamp Duty (Amendment) Ordinance, 1944, and shall be read as one with the Stamp Duty Ordinance, hereinafter referred to as "the principal Ordinance".

Amendment of Schedule to principal Ordinance.

2. The Schedule to the principal Ordinance shall be amended—

Item 1.

(*a*) by the deletion of the first paragraph of item 1 thereof ("Agreement, or Memorandum of Agreement"), and the substitution therefor of the following paragraph:—

"1. **Agreement, or Memorandum of Agreement,** not otherwise specifically charged with any duty, whether it be only evidence of a contract, or obligatory upon the parties from its being a written document — *£P.Mils* 100"

Item 6.

(*b*) by the deletion of the second and third paragraphs of item 6 thereof ("Bills of Exchange"), and the substitution therefor of the following paragraphs:—

"Of any other kind whatsoever, except a bank note; and a promissory note of any kind whatsoever, except a bank note, drawn or expressed to be payable or actually paid or endorsed or in any manner negotiated in Palestine:—

Where the amount or value of the money for which the bill or note is drawn or made—	*£P.Mils*
does not exceed £P. 20	20
exceeds £P.20 and does not exceed £P. 40	40
exceeds £P.40 and does not exceed £P. 60	60
exceeds £P. 60 and does not exceed £P. 80	80
exceeds £P.80 and does not exceed £P.100	100
for every £P.100 and also for any fractional part of £P.100 of such amount or value	100"

Item 32.

(*c*) by the deletion of paragraph (1) of item 32 thereof ("Power of Attorney") and the substitution therefor of the following paragraph:—

"(1) Empowering an advocate to appear:—	*£P.Mils*
(*a*) in any proceedings before an arbitrator, magistrate or religious court	250
(*b*) in any proceedings before any other court	500:

Provided that where a power of attorney authorising an advocate to appear in any proceedings includes a power of bringing an appeal in the same proceedings, or of appearing before the execution officer therein and receiving any amount awarded by the court on behalf of his client, no stamp duty shall be required in addition to that payable on the power to appear in the original proceedings."

16th March, 1944.

HAROLD MACMICHAEL
High Commissioner.

URBAN PROPERTY TAX (AMENDMENT) ORDINANCE,

No. 10 OF 1944.

AN ORDINANCE TO AMEND THE URBAN PROPERTY TAX ORDINANCE, 1940.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. No. 42 of 1940.

1. This Ordinance may be cited as the Urban Property Tax (Amendment) Ordinance, 1944, and shall be read as one with the Urban Property Tax Ordinance, 1940, hereinafter referred to as "the principal Ordinance".

Amendment of section 3 of the principal Ordinance.

2. Section 3 of the principal Ordinance shall be amended by the repeal of subsection (2) thereof and the substitution therefor of the following subsection:—

"(2) The High Commissioner may, by order, vary the boundaries of an urban area, or declare that any part of any urban area shall be a separate urban area, and the provisions of this Ordinance shall apply to the area so varied or to such part of an urban area as aforesaid as if it had been described in an order made under subsection (1)."

Insertion of new section, as section 7A, in the principal Ordinance.

3. The principal Ordinance shall be amended by the insertion therein, immediately after section 7 thereof, of the following section, as section 7A:—

"Penalty for non-payment of tax.

7A. If the tax is not paid within six months from the date or dates prescribed a sum equal to twenty per centum of the amount of the tax payable shall be added thereto, and the provisions of this Ordinance relating to the collection and recovery of tax shall apply to the collection and recovery of such sum, provided that the District Commissioner may for any good cause shown direct the recovery of any sum less than the full penalty and may enhance the sum so directed to be recovered from time to time in the case of a continuing default, so however that the total sum so directed to be recovered shall not exceed twenty per centum of the amount of the tax payable."

Insertion of new section, as section 21A, in the principal Ordinance.

4. The principal Ordinance shall be amended by the insertion therein, immediately after section 21 thereof, of the following section, as section 21A:—

"Certified copies and extracts.

21A.—(1) Any person may at any reasonable time require a copy of, or an extract from, any valuation list or other record made or kept for the purposes of this Ordinance to be certified by the District Officer, and there shall be paid for such certified copy or extract such fees as the High Commissioner in Council may, by rules, prescribe.

(2) Any such copy or extract, if duly certified under the hand of the District Officer to be a true copy of, or extract from, such valuation list or other record, shall be admissible in evidence in all legal proceedings as of equal validity with such valuation list or other record, and any document purporting to be a copy of, or an extract from, any valuation list or other record certified as aforesaid, shall be deemed to be such copy or extract unless and until the contrary is proved."

Insertion of new section, as section 27A, in the principal Ordinance.

5. The principal Ordinance shall be amended by the insertion therein, immediately after section 27 thereof, of the following section, as section 27A:—

"Tax record or payment of tax not to affect rights of Government.

27A. Where urban property tax is payable upon any house property or land, the entry in any valuation list or other record made or kept for the purposes of this Ordinance of the name of any person as the reputed owner of such house property or land, or the payment by such person or any other person of any such tax, shall not be deemed to affect the rights of the Government of Palestine, or to be evidence of the rights of any of such persons as against the Government of Palestine, in respect of such house property or land; but such entry or payment may be produced as evidence of possession of such house property or land as against any person

without prejudice to any rights of the Government of Palestine in respect of such house property or land."

HAROLD MACMICHAEL
High Commissioner.

16th March, 1944.

RURAL PROPERTY TAX (AMENDMENT) ORDINANCE,
No. 11 OF 1944.

AN ORDINANCE TO AMEND THE RURAL PROPERTY TAX ORDINANCE, 1942.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. No. 5 of 1942.

1. This Ordinance may be cited as the Rural Property Tax (Amendment) Ordinance, 1944, and shall be read as one with the Rural Property Tax Ordinance, 1942, hereinafter referred to as "the principal Ordinance".

Amendment of section 2 of the principal Ordinance.

2. Section 2 of the principal Ordinance shall be amended —

(*a*) by the insertion therein immediately after the definition of "District Officer" of the following definition:—

" "Fish pond" means any pond utilised for the cultivation of fish therein.";

(*b*) by the deletion of the definition of "Land" appearing therein and the substitution therefor of the following definition:—

" "Land" includes buildings other than industrial buildings, fish ponds and anything fixed in the land.";

(*c*) by the deletion of the expression "section 41" occurring in the definition of "Prescribed" appearing therein and the substitution therefor of the expression "section 42".

Insertion of new section, as section 5A, in the principal Ordinance.

3. The principal Ordinance shall be amended by the insertion therein, immediately after section 5 thereof, of the following section, as section 5A:—

"Fish ponds.

5A.—(1) Where, before the first day of April, 1944, the utilisation of any fish pond on any land situated in any area described in an order made by the High Commissioner under section 3 of this Ordinance has been commenced, the owner of such fish pond shall, within three months from the first day of April, 1944, give notice to the District Officer administering the area in which the land is situated, in a form to be prescribed, and the official valuer shall, on verification to his satisfaction, change the category of the land as in his discretion he shall think proper, with effect from the first day of April, 1944,

and rural property tax shall be payable on such fish pond as from that date.

(2) Where, on or after the first day of April, 1944, the utilisation of any fish pond on any land situated in any area described in an order made by the High Commissioner under section 3 of this Ordinance is commenced, or any such fish pond ceases to be on such land, the owner of such fish pond shall, within three months from the date of such commencement or cessation, as the case may be, give notice of such fact to the District Officer administering the area in which the land is situated, in a form to be prescribed, and the official valuer shall, on verification to his satisfaction, change the category of the land as in his discretion he shall think proper, with effect from the first day of April next following such notification."

Insertion of new section, as section 30A, in the principal Ordinance.

4. The principal Ordinance shall be amended by the insertion therein, immediately after section 30 thereof, of the following section, as section 30A:—

"Penalty for non-payment of tax.

30A. If the rural property tax is not paid within six months from the date or dates on which it is due a sum equal to twenty per centum of the amount of the tax payable shall be added thereto, and the provisions of this Ordinance relating to the collection and recovery of rural property tax shall apply to the collection and recovery of such sum, provided that the District Commissioner may for any good cause shown direct the recovery of any sum less than the full penalty and may enhance the sum so directed to be recovered from time to time in the case of a continuing default, so however that the total sum so directed to be recovered shall not exceed twenty per centum of the amount of the tax payable."

Amendment of section 36 of the principal Ordinance.

5. Section 36 of the principal Ordinance shall be amended by the deletion of the words and figures "section 5 or section 31" appearing in subsection (3) thereof, and the substitution therefor of the following words and figures:—

"section 5, 5A or 31".

Insertion of new section, as section 39A, in the principal Ordinance.

6. The principal Ordinance shall be amended by the insertion therein, immediately after section 39 thereof, of the following section, as section 39A:—

"Certified copies and extracts.

39A.—(1) Any person may at any reasonable time require a copy of, or an extract from, any list, roll or other record made or kept for the purposes of this Ordinance, to be certified by the District Officer, and there shall be paid for such certified copy or extract such fees as may be prescribed.

(2) Any such copy or extract, if duly certified under the hand of the District Officer to be a true copy of, or extract from, such list, roll or other record, shall be admissible in evidence in all legal proceedings as of equal validity with such list, roll or other record, and any document purporting to be a copy of, or an extract from, any list, roll or other record certified as aforesaid, shall be deemed to be such copy or extract unless and until the contrary is proved."

Amendment of Schedule to the principal Ordinance.

7. The Schedule to the principal Ordinance shall be amended by the deletion of categories 14, 15 and 16 and all particulars relating thereto appearing therein and the substitution therefor of the following categories and particulars relating thereto:—

"Category	Description	Rate of Tax Mils
14	7th Grade Ground Crop Land and 10th Grade Irrigated Land	4 per dunum or part thereof.
15	8th Grade Ground Crop Land	2 per dunum or part thereof.
16	Forests planted and indigenous and uncultivable land	nil per dunum or part thereof.
17	Fish ponds	560 per dunum or part thereof. "

Commencement.

8. This Ordinance shall come into force on the 1st day of April, 1944.

16th March, 1944.

HAROLD MACMICHAEL
High Commissioner.

INCOME TAX (AMENDMENT) ORDINANCE,
No. 12 OF 1944.

AN ORDINANCE TO AMEND THE INCOME TAX ORDINANCE, 1941.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. No. 23 of 1941.

1. This Ordinance may be cited as the Income Tax (Amendment) Ordinance, 1944, and shall be read as one with the Income Tax Ordinance, 1941, hereinafter referred to as "the principal Ordinance".

Amendment of section 11 of the principal Ordinance.

2. Section 11 of the principal Ordinance shall be amended by the repeal of paragraph (*i*) of subsection (1) thereof and the substitution therefor of the following paragraph:—

"(*i*) in respect of depreciation of any building which contains and is used wholly or mainly for the purpose of operating machinery, machinery, plant or furniture, owned by the assessee and used for the purpose of business, profession or vocation, a sum equivalent to such percentage on the original cost thereof to the assessee, exclusive in the case of a building of the cost of the land upon which the building is erected, as may in any case or class of cases be prescribed, provided that —

(i) the prescribed particulars have been duly furnished;

(ii) where full effect cannot be given to any such allowance in any year owing to there being no profits or gains chargeable for that year from the source of income in respect of which depreciation is claimed or owing to the profits or gains chargeable from that source being less than the allowance, the allowance or part of the allowance to which effect has not been given, as the case may be, shall be added to the amount of the allowance for depreciation for the following year and deemed to be part of the allowance, or if there is no such allowance for that year be deemed to be the allowance for that year and so on for succeeding years;

(iii) the aggregate of such allowance made under this Ordinance added to the aggregate depreciation which has occurred by reason of wear and tear prior to the date of the commencement of this Ordinance calculated at the prescribed rates shall in no case exceed the original cost to the assessee of the building, machinery, plant or furniture, as the case may be, exclusive in the case of a building of the cost of the land upon which the building is erected."

Amendment of section 16 of the principal Ordinance. No. 10 of 1942.

3. Section 16 of the principal Ordinance, as enacted by section 2(1) of the Income Tax (Amendment) Ordinance, 1942, shall be amended by the substitution of a colon for the full stop at the end of subsection (1) thereof and the addition immediately thereafter of the following proviso:—

"Provided that in the case of an individual who proves to the satisfaction of the Assessing Officer that his chargeable income includes income of his wife in respect of gains or profits from any employment, there shall be allowed a deduction of fifty pounds or the income from such employment of his wife, whichever is the less."

Amendment of section 17A of the principal Ordinance.

4. Section 17A of the principal Ordinance shall be amended by the deletion of the word "rseident" appearing in the first line thereof and the substitution therefor of the word "resident".

Amendment of section 18 of the principal Ordinance.

5. Section 18 of the principal Ordinance shall be amended by the insertion, immediately after the words and comma "bore to the total premiums," appearing in the proviso to paragraph (*b*) thereof, of the following:—

"or the income of the company from investments in Palestine, whichever is the greater."

Amendment of section 22 of the principal Ordinance. No. 10 of 1942. No. 5 of 1943.

6. Section 22 of the principal Ordinance, as enacted by section 2(1) of the Income Tax (Amendment) Ordinance, 1942, and amended by section 9 of the Income Tax (Amendment) Ordinance, 1943, shall be further amended by the renumbering of subsection (4) thereof as subsection (5) and the insertion immediately after subsection (3) thereof of the following subsection, as subsection (4):—

"(4) In determining, for the purposes of this section, whether a company is or is not under the control of more than five persons, persons who are relatives of one another, persons who are nominees of any other person together with that other person, and persons in partnership shall respectively be treated as a single person.

For the purposes of this subsection, the expression "relative" means a husband, wife, ancestor, lineal descendant, brother or sister."

Repeal and replacement of section 35 of the principal Ordinance.

7. Section 35 of the principal Ordinance shall be repealed and the following section shall be substituted therefor:—

"Deduction of and accounting for tax on mortgage interest and other income payable to non-residents.

35.—(1) Where any person pays to a person not resident in Palestine or to a person resident in Palestine on behalf of such non-resident person mortgage interest, or any other income chargeable under the provisions of this Ordinance, not being income from which tax has been deducted under the provisions of section 25 or section 41, he shall upon paying such

interest or other income, unless he is himself liable to pay income tax thereon under section 28, deduct therefrom tax at the rate of two hundred and fifty mils on every pound and shall forthwith render an account to the Assessing Officer of the amount so deducted and inform him of the name and address of the person to whom such mortgage interest or other income is payable, and every such amount shall be a debt due from the first mentioned person to the Government of Palestine payable within one month from the making of the deduction and shall be recoverable as such:

Provided that the Assessing Officer may give notice in writing to any such person requiring that person to deduct and account for tax at a lower rate or to pay such interest or other income without deduction of tax.

(2) The amount of every such deduction shall be set off for the purpose of collection against the tax charged on the chargeable income of the recipient of such mortgage interest or other income.

(3) Any person who fails or neglects to render an account due under this section shall be guilty of an offence against this Ordinance."

Repeal and replacement of section 41 of the principal Ordinance.

8. Section 41 of the principal Ordinance shall be repealed and the following section shall be substituted therefor:—

"Payment by deduction at source from certain income.

41.—(1) Any person responsible for paying any income chargeable under section 5(1)(*b*) or 5(1)(*e*) shall at the time of payment deduct tax from the amount payable in such manner and at such rates as may be prescribed.

(2) Such deduction shall be set off for the purpose of collection against the tax charged on the chargeable income of the recipient for the year of assessment on which the deductions are made or in the following year of assessment as the Assessing Officer may elect on or before making the assessment.

(3) An account of such deductions shall be rendered monthly to the Assessing Officer by the person making them, and the amount of such deductions shall be a debt due from such person to the Government of Palestine and shall be recoverable as such."

Amendment of section 48 of the principal Ordinance.

9. Section 48 of the principal Ordinance shall be amended by the insertion, immediately after the expression and comma "section 38," appearing in paragraph (*b*) of subsection (2) thereof, of the following:—

"refuse to accept the return and, to the best of his judgment,".

Amendment of section 49 of the principal Ordinance.

10.—(1) Section 49 of the principal Ordinance, as amended by section 2(1) of the Income Tax (Amendment) Ordinance, 1942, shall be further amended by the deletion of the words "within two years" and the substitution therefor of the words "within four years".

(2) This section shall be deemed to have come into force on the first day of April, 1942.

Amendment of section 53 of the principal Ordinance.

11. Section 53 of the principal Ordinance shall be amended by the insertion therein, immediately after subsection (2) thereof, of the following subsection, as subsection (2A):—

"(2A) The onus of proving that the assessment complained of is excessive shall be on the appellant."

Amendment of section 58 of the principal Ordinance.

12. Section 58 of the principal Ordinance shall be amended—

(*a*) by the renumbering thereof as section 58(1);

(*b*) by the substitution of a colon for the full stop at the end of subsection (1) thereof and the insertion immediately thereafter of the following proviso:—

"Provided that the Assessing Officer may, if he thinks fit, extend such period.";

(*c*) by the insertion immediately after subsection (1) thereof of the following subsection, as subsection (2):—

"(2) For the purposes of this section, the appeal shall be deemed to be determined notwithstanding that a case has been stated for the opinion of the Supreme Court under the proviso to subsection (5) of section 53:

Provided that if the amount of the assessment is altered by the order or judgment of the Supreme Court then —

(*a*) if too much tax has been paid the amount overpaid shall be refunded with such interest, if any, as the Supreme Court may allow, or

(*b*) if too little tax has been paid the amount unpaid shall be payable in accordance with the provisions of subsection (1) of this section."

Amendment of section 59 of the principal Ordinance.

13. Section 59 of the principal Ordinance shall be amended by the substitution of a colon for the semi-colon appearing at the end of paragraph (*b*) of subsection (2) thereof, and the insertion immediately thereafter of the following proviso:—

"Provided that where an assessment as aforesaid is made before the commencement of the year of assessment tax shall be payable at the rate or rates in force on the date on which the assessment is made, if the rate of tax for the year of assessment has not been fixed at that date;".

Amendment of section 62 of the principal Ordinance.

14. Section 62 of the principal Ordinance shall be amended—

(*a*) by the substitution of a colon for the full stop appearing at the end of subsection (1) thereof and the insertion immediately thereafter of the following proviso:—

"Provided that where in the case of any individual but for this proviso the amount of tax payable under this Ordinance after allowance of any relief as aforesaid, when added to the amount of income tax payable in the United Kingdom in respect of the same part of his income after allowance of such relief as is granted by section 27 of the Finance Act, 1920 (which amount is hereinafter referred to as "the net United Kingdom tax") would exceed the greater of the amounts of tax which, but for the reliefs aforesaid, would be payable under this Ordinance and in the United Kingdom respectively (which amounts are hereinafter referred to respectively as "the gross Palestine tax" and "the gross United Kingdom tax"), the Commissioner may, if he is satisfied that special hardship would otherwise be caused, grant such additional relief from the tax payable under this

Ordinance as he may think fit up to an amount sufficient to reduce the net tax so payable to an amount which when added to the net United Kingdom tax, will be equivalent to the gross Palestine tax or the gross United Kingdom tax, whichever is the greater.";

(*b*) by the insertion of the words "or the net United Kingdom tax" immediately after the words "United Kingdom tax" appearing in the last line of subsection (2) thereof;

(*c*) by the deletion of the word "the" appearing in the fourth line of subsection (3) thereof immediately before the word "year" and the substitution therefor of the word "any".

Amendment of section 70 of the principal Ordinance.

15. Section 70 of the principal Ordinance shall be amended by the insertion in paragraph (*b*) thereof, immediately after the word "Palestine" appearing therein, of the following:—

"or in respect of any other income chargeable under section 5(1)(*b*) or 5(1)(*e*)".

Commencement.

16. This Ordinance shall come into force on the first day of April, 1944.

HAROLD MACMICHAEL
High Commissioner.

16th March, 1944.

TOBACCO (AMENDMENT) ORDINANCE,
No. 13 OF 1944.

AN ORDINANCE TO AMEND THE TOBACCO ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. Cap. 141.

1. This Ordinance may be cited as the Tobacco (Amendment) Ordinance, 1944, and shall be read as one with the Tobacco Ordinance, hereinafter referred to as "the principal Ordinance".

Amendment of section 3 of the principal Ordinance. No. 1 of 1943.

2. Subsection (2) of section 3 of the principal Ordinance (as enacted by the Tobacco (Amendment) Ordinance, 1943) shall be amended:—

(*a*) by the substitution of the expression "800 mils per kilogramme" for the expression "600 mils per kilogramme" appearing therein; and

(*b*) by the substitution of the expression "400 mils per kilogramme" for the expression "350 mils per kilogramme" appearing therein.

HAROLD MACMICHAEL
High Commissioner.

16th March, 1944.

ROAD TRANSPORT (AMENDMENT) ORDINANCE,
No. 14 OF 1944.

AN ORDINANCE TO AMEND THE ROAD TRANSPORT ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. Cap. 128.

1. This Ordinance may be cited as the Road Transport (Amendment) Ordinance, 1944, and shall be read as one with the Road Transport Ordinance, hereinafter referred to as "the principal Ordinance".

Amendment of section 23 of the principal Ordinance.

2.—(1) Section 23 of the principal Ordinance shall be amended by the repeal of paragraph (*l*) thereof and the substitution therefor of the following paragraph:—

"(*l*) the examination of applicants for driving licences, the fees to be paid for such examination, and the classes of licences which may be granted;".

(2) This section shall be deemed to have come into force on the 25th day of June, 1935.

Amendment of section 25 of the principal Ordinance.

3. Section 25 of the principal Ordinance shall be amended by the deletion of the words "two hundred and fifty mils" appearing in the proviso to subsection (1)(*d*) thereof and the substitution therefor of the words "one pound".

HAROLD MACMICHAEL
High Commissioner.

16th March, 1944.

PORTLAND CEMENT ORDINANCE,
No. 15 OF 1944.

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE MANUFACTURE AND SALE OF PORTLAND CEMENT AND TO PROVIDE FOR AN EXCISE DUTY ON PORTLAND CEMENT.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Portland Cement Ordinance, 1944.

Interpretation.

2. In this Ordinance, unless the context otherwise requires —

"cement" means Portland cement;

"contraband" in relation to cement means —

(*a*) any cement brought within territorial waters except under a licence to import;

(*b*) any cement imported, or in process of importation, into Palestine except under a licence to import and at a prescribed place of entry;

(*c*) any cement in respect of which the excise or import duty has not been paid;

(*d*) any cement in the possession of any person which has been obtained contrary to the provisions of this Ordinance;

"customs authority" includes any officer of Customs and Excise and any person acting under his authority;

"Director" means the Director of Customs, Excise and Trade;

"means of conveyance" includes any animal, vehicle, vessel, aircraft or other form of transport on or in which cement is conveyed by land, water or air.

Licence for the manufacture of cement.

3.—(1) No person shall manufacture, or attempt to manufacture, cement by any process whatsoever anywhere in Palestine, unless he has obtained from the High Commissioner a licence authorising him to do so.

(2) The licence shall be subject to such conditions as the High Commissioner may think fit in each case.

(3) It shall be unlawful for any person to be in possession of cement which has been manufactured in Palestine otherwise than in accordance with a licence granted in pursuance of this section.

Retailer to obtain cement only from holder of a licence.

4. No retailer of cement shall be in possession of cement, save cement manufactured in Palestine or imported into Palestine by the holder of a licence under this Ordinance.

Excise duty.

5. An excise duty, at such rate as the High Commissioner may, by order, prescribe shall be payable in respect of all cement manufactured in Palestine, other than cement exported direct by the manufacturer.

Licence for importation of cement.

6.—(1) No person shall import cement into Palestine unless he has obtained from the customs authority a licence for such import.

(2) Cement shall be imported only at prescribed places of entry.

No. 24 of 1937.

(3) The import duty payable on import shall be at the rates prescribed by the Customs Tariff and Exemption Ordinance, 1937, or any other Ordinance prescribing import duties.

Power to inspect and search.

7. Any officer of Customs and Excise or any police officer may at any time without a warrant —

(*a*) enter upon, and search, any premises licensed for the manufacture of cement;

(*b*) enter upon, and search, any premises or places, if he has reason to believe that cement is being manufactured, possessed or sold therein contrary to the provisions of this Ordinance;

(*c*) inspect and search any means of conveyance or any load carried by a person or beast of burden which is suspected to contain contraband cement;

(*d*) board and search in a port, or within territorial waters, or in inland waters, any vessel suspected of carrying cement with the intention of smuggling;

(*e*) inspect any licence issued under this Ordinance:

Provided that the right to enter and search under this section shall not be exercised in respect of a dwelling house, unless a warrant for that purpose shall first have been obtained from a magistrate.

Power to seize and detain.

8.—(1) Any cement liable to forfeiture under this Ordinance may be seized by any officer of Customs and Excise or any police officer and shall be placed in the nearest customs house or police station or such other place of security as the Director shall direct.

(2) Any vessel or other means of conveyance liable to forfeiture under this Ordinance may be seized or detained by any officer of Customs and Excise or any police officer and shall be kept in such place as the Director shall direct.

Offences and penalties.

9.—(1) The holder of a licence to manufacture cement who contravenes any of the conditions of the licence or any rules made under this Ordinance is guilty of an offence and is liable to a fine of five hundred pounds.

(2) Any person who manufactures, or attempts to manufacture, cement without a licence, or is in possession of cement so manufactured or knowingly conceals, or assists in concealing, any cement so manufactured, or is concerned in the removal thereof, is guilty of an offence and is liable to a fine of two hundred pounds in respect of each offence, and one pound in respect of each kilogramme of cement or part thereof which is seized, and in default of payment, to imprisonment for two years.

(3) Any person who resists an officer in the execution of his duty under section 7 or 8 is guilty of an offence and is liable to imprisonment for six months or a fine of fifty pounds or both such penalties.

(4) Any person who is found in possession of contraband cement is guilty of an offence and is liable, if the amount of such cement found in his possession be less than fifty kilogrammes, to a fine of one hundred mils for every kilogramme and, if the amount of such cement be fifty kilogrammes or more, to a fine of five hundred mils for every kilogramme: in the case of a second or subsequent offence, he is liable, in addition, to imprisonment for one year.

(5) Where any person is convicted of an offence under this Ordinance any cement in relation to which the offence has been committed shall be forfeited to the Government of Palestine.

(6) The conviction of a person of an offence under this Ordinance shall have effect as a condemnation of the cement in relation to which the offence was committed.

(7) Without prejudice to the preceding provisions of this section, any vessel, not exceeding two hundred and fifty tons registered tonnage, or any other means of conveyance, made use of in the importation, removal or transport of contraband cement shall, by order of the court, be forfeited to the Government of Palestine.

(8) Without prejudice to the preceding provisions of this section, the owner of a vessel exceeding two hundred and fifty tons registered tonnage which would be liable to forfeiture if the vessel were two hundred and fifty tons registered tonnage or less is liable to a fine of one thousand pounds, and the vessel may be detained by a customs authority until the fine is paid or security is given for the payment.

(9) Any cement, or any vessel or other means of conveyance, forfeited to the Government of Palestine under this Ordinance may be sold or otherwise disposed of as the Director may direct.

Burden of proof.

10. If in any prosecution in respect of any cement seized for non-payment of excise duty or for contravention of this Ordinance, a dispute shall arise as to whether the duty has been paid or the cement has been lawfully manufactured or possessed, the burden of proof thereof shall be upon the defendant.

Grant of reward.

11. The High Commissioner may order to be paid in respect of any seizure of cement made under this Ordinance such reward as he may think fit to the person or persons making the seizure or giving such information as has led to the conviction of the offender, or to the composition of an offence under section 12:

Provided that in no case shall a reward exceeding the sum of two hundred pounds be paid to any one person except by the direction of a Secretary of State.

Power to compound offences.

12.—(1) The Director, and any other officer authorised in that behalf by the High Commissioner by order, may compound any offence or act committed, or reasonably suspected of having been committed, by any person in contravention of this Ordinance, by accepting from such person a payment in money, not exceeding the maximum pecuniary penalty incurred under this Ordinance for such offence or act.

(2) On payment of such sum of money to the Director or other officer authorised as aforesaid, no further proceedings in regard to that particular offence or act shall be taken against the person who has compounded, and, if he is in custody, he shall be discharged.

(3) The Director or other officer authorised as aforesaid shall not release or restore any cement seized on account of an offence or suspected offence under this Ordinance either as a condition of the composition of the offence or suspected offence or otherwise.

(4) Any cement seized on account of an offence or suspected offence under this Ordinance which has been compounded under this section shall be forfeited to the Government of Palestine and may be sold or otherwise disposed of as the Director may direct.

(5) Every composition shall be recorded in writing and shall state clearly the offence or suspected offence in respect of which it is made.

(6) All moneys received under this section shall be paid into the general revenues of Palestine.

Rules.

13. The High Commissioner may make rules regarding —

(*a*) the manner of application for, and the issue, form and conditions of, licences under this Ordinance;

(*b*) the books and registers to be kept and the returns to be rendered by holders of licences;

(*c*) the regulation, control and management of premises licensed for the manufacture of cement;

(*d*) the method of collection of excise duty;

(*e*) the sale of cement manufactured in Palestine;

(*f*) the places at which cement may be imported into Palestine;

(*g*) any other matter requiring regulation under this Ordinance.

Commencement.

14. This Ordinance shall come into operation upon a day to be fixed by the High Commissioner by notice in the *Gazette*.

HAROLD MACMICHAEL
High Commissioner.

16th March, 1944.

COMPENSATION (DEFENCE) (AMENDMENT) ORDINANCE,

No. 16 OF 1944.

AN ORDINANCE TO AMEND THE COMPENSATION (DEFENCE) ORDINANCE, 1940.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. No. 18 of 1940.

1. This Ordinance may be cited as the Compensation (Defence) (Amendment) Ordinance, 1944, and shall be read as one with the Compensation (Defence) Ordinance, 1940, hereinafter referred to as "the principal Ordinance".

Amendment of section 10 of the principal Ordinance.

2. Section 10 of the principal Ordinance shall be amended by the insertion, at the end of subsection (3) thereof, of the following proviso:—

"Provided that where before the hearing of any dispute which has been referred to the General Tribunal, the parties to such dispute, by notice in writing delivered to the Registrar of the Tribunal, signify their consent thereto, the General Tribunal may, for the purpose of the determination of that dispute, consist of only one member of the Tribunal".

HAROLD MACMICHAEL
High Commissioner.

16th March, 1944.

JEWISH COMMUNITY (RABBINICAL COUNCIL OF PALESTINE) (VALIDATION) ORDINANCE,

No. 17 OF 1944.

AN ORDINANCE TO VALIDATE CERTAIN MATTERS IN CONNECTION WITH THE RABBINICAL COUNCIL OF PALESTINE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Jewish Community (Rabbinical Council of Palestine) (Validation) Ordinance, 1944.

Interpretation. *Gaz*: 9.4.36, *p.* 230. *Laws of Pal.*, *p.* 2132.

2. In this Ordinance, unless the context otherwise requires—

"The Election Rules, 1936" means the Rules prescribing the system of election or appointment of the Rabbinical Council and the Rabbinical Offices and Rabbis of local communities made under Rule 9(1) of the Jewish Community Rules.

Validation. *Laws of Pal.*, *p.* 2132.

3.—(1) Notwithstanding anything contained in the Jewish Community Rules or the Election Rules, 1936, the Rabbinical Council which was elected under and in accordance with the Election Rules, 1936, on the first day of December, 1936, and in which vacancies caused by the death of a member have since been filled from time to time in accordance with Rule 21 of the Election Rules, 1936, shall be deemed to have remained lawfully in office after the first day of December, 1941, and shall continue to remain in office until the first day of December, 1944, and the Election Rules, 1936, shall be deemed to have applied and shall continue to apply, to the said Rabbinical Council.

(2) For the removal of doubts, it is hereby declared that every act done by the said Rabbinical Council or any member thereof since the first day of December, 1941, shall be deemed to have been validly done if it would have been validly done had this Ordinance been in force at the time it was done.

HAROLD MACMICHAEL
High Commissioner.

16th March, 1944.

LAND (SETTLEMENT OF TITLE) (AMENDMENT) ORDINANCE,

No. 18 OF 1944.

AN ORDINANCE TO AMEND THE LAND (SETTLEMENT OF TITLE) ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Land (Settlement of Title) (Amendment) Ordinance, 1944, and shall be read as one with the Land (Settlement of Title) Ordinance, hereinafter referred to as "the principal Ordinance".

Cap. 80.

Amendment of section 69 of the principal Ordinance.

2. Subsection (1) of section 69 of the principal Ordinance shall be amended by the addition of the following words at the end thereof:—

", and also in regard to any other matter necessary to give effect to the provisions of this Ordinance."

HAROLD MACMICHAEL
High Commissioner.

16th March, 1944.

Supplement No. 1
to
The Palestine Gazette No. 1344 of 29th June, 1944.

SUCCESSION (AMENDMENT) ORDINANCE,
No. 19 of 1944.

AN ORDINANCE TO AMEND THE SUCCESSION ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. Cap. 135.

1. This Ordinance may be cited as the Succession (Amendment) Ordinance, 1944, and shall be read as one with the Succession Ordinance, hereinafter referred to as "the principal Ordinance".

Insertion of new sections in the principal Ordinance.

2. The principal Ordinance shall be amended by the insertion therein immediately after section 15 thereof of the following new sections:—

Approved companies.

"15A.—(1) The High Commissioner may, by notice in the *Gazette*, at his discretion and subject to such conditions as he may either generally or in respect of any specific company impose, approve any company for the purposes of section 15B if he is satisfied that such company is a company which is empowered, by its charter, statutes or memorandum and articles of association or other instrument constituting it or defining its constitution, to act as an executor or administrator, and is either

(*a*) lawfully incorporated or registered in Palestine (whether with or without limited liability), and has a capital (in stock or shares) for the time being issued of not less than fifty thousand pounds, of which not less than twenty five thousand pounds has been paid up in cash, or

(*b*) lawfully incorporated or registered in Palestine without limited liability and has as one of its members a company fulfilling the requirements of paragraph (*a*) hereof.

(2) The High Commissioner may, without reason assigned, refuse such approval or revoke any such approval so given.

Appointment of approved companies as executor or administrator.

15B.—(1) The District Court, or any judge thereof, may—

(*a*) where a company approved by the High Commissioner under section 15A (hereinafter referred to as an "approved company") is named in a will as executor, whether alone or jointly with another person, grant probate to the company either solely or jointly with another person, as the case may require; and

(*b*) grant administration to an approved company, either solely or jointly with another person,

and the company may act accordingly as executor or administrator, as the case may be.

(2) Probate or administration shall not be granted to a syndic, or nominee on behalf of an approved company.

(3) Any officer authorised for the purpose by an approved company or the directors or governing body thereof may, on behalf of the company, swear affidavits, give security and do any other act or thing which may be required with a view to the grant to the company of probate or administration, and the acts of an officer so authorised shall be binding on the company."

HAROLD MACMICHAEL
High Commissioner.

23rd June, 1944.

COURTS (AMENDMENT) ORDINANCE,
No. 20 of 1944.

AN ORDINANCE TO AMEND THE COURTS ORDINANCE, 1940.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. No. 31 of 1940.

1. This Ordinance may be cited as the Courts (Amendment) Ordinance, 1944, and shall be read as one with the Courts Ordinance, 1940, hereinafter referred to as "the principal Ordinance".

Amendment of section 15 of the principal Ordinance.

2. Subsection (2) of section 15 of the principal Ordinance shall be amended by the insertion of the words "or Law Reporter or Assistant Legal Draftsman" immediately after the words "or registrars of courts" appearing in paragraph (*b*) of the said subsection.

HAROLD MACMICHAEL
High Commissioner.

23rd June, 1944.

CRIMINAL CODE (AMENDMENT) ORDINANCE,
No. 21 of 1944.

AN ORDINANCE TO AMEND THE CRIMINAL CODE ORDINANCE, 1936.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. No. 74 of 1936.

1. This Ordinance may be cited as the Criminal Code (Amendment) Ordinance, 1944, and shall be read as one with the Criminal Code Ordinance, 1936, hereinafter referred to as "the principal Ordinance".

Amendment of section 3 of the principal Ordinance.

2. Section 3 of the principal Ordinance shall be amended by the deletion of the word "Statues" appearing in the first line of paragraph (*f*) thereof and the substitution therefor of the word "Statutes".

Insertion of new section, as section 66A, in the principal Ordinance.

3. The principal Ordinance shall be amended by the insertion therein, immediately after section 66 thereof, of the following section, as section 66A:—

"Unlawful carriage or possession of firearm, ammunition or explosive article, etc.

66A. Any person who, without lawful authority or lawful occasion, the proof of which lies on him—

(*a*) carries or has in his possession any firearm, or any part of a firearm, or any ammunition; or

(*b*) carries or has in his possession any bomb, grenade or other explosive article, or any part of any bomb, grenade or other explosive article,

is guilty of a felony and is liable to imprisonment for ten years."

Amendment of section 315 of the principal Ordinance.

4. Section 315 of the principal Ordinance shall be amended by the insertion of the word "such" immediately before the word "book" appearing at the end of the first line of paragraph (*b*) thereof.

HAROLD MACMICHAEL
High Commissioner.

23rd June, 1944.

STEAM BOILERS (AMENDMENT) ORDINANCE,
No. 22 of 1944.

AN ORDINANCE TO AMEND THE STEAM BOILERS ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. Cap. 134.

1. This Ordinance may be cited as the Steam Boilers (Amendment) Ordinance, 1944, and shall be read as one with the Steam Boilers Ordinance, hereinafter referred to as "the principal Ordinance".

Amendment of section 5 of the principal Ordinance.

2. Subsection (1) of section 5 of the principal Ordinance shall be amended by the substitution of the expression "Director, Department of Labour" for the expression "Director of Public Works" appearing therein.

Amendment of section 8 of the principal Ordinance.

3. Section 8 of the principal Ordinance shall be amended by the substitution of the expression "Director, Department of Labour" for the expression "Director of Public Works" appearing therein.

HAROLD MACMICHAEL
High Commissioner.

23rd June, 1944.

Supplement No. 1
to
The Palestine Gazette No. 1552 of 17th August, 1944.

VILLAGE ADMINISTRATION ORDINANCE,
No. 23 of 1944.

AN ORDINANCE TO PROVIDE FOR THE ADMINISTRATION OF VILLAGES.

PART I—PRELIMINARY.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Village Administration Ordinance, 1944. — Short title.

2. In this Ordinance, unless the context otherwise requires — — Interpretation.

"Administrative Officer" means the District Commissioner or the officer of the District Administration appointed by the District Commissioner to be in charge of the sub-district or administrative sub-division in which the village is situated.

"District Commissioner" means the District Commissioner (as defined in the Interpretation Ordinance) of the district in which the village or village area in question is situated. — Cap. 69.

"Mukhtar", except in subsection (1) of section 36 of this Ordinance, means a Mukhtar or Assistant Mukhtar holding office as such in accordance with the provisions of Part V of this Ordinance.

"President of the District Court" means the President or Relieving President of the District Court having jurisdiction in the area in question.

"Village" means an area which has been or which may hereafter be declared to be a village or tribal unit under Article 11 of the Palestine Orders in Council, 1922 to 1940:

Provided that any such area which is within the jurisdiction of a Municipal or Local Council shall not be a village for the purposes of this Ordinance:

Provided further that, where a part of any such area is within the jurisdiction of a Municipal or Local Council, that part of the area shall not form part of the village for the purposes of this Ordinance.

"Village Area" means an area in respect of which an order under section 3 of this Ordinance is in force.

"Village Council" means a Council established in accordance with the provisions of section 4 of this Ordinance.

"Village Court" means a court established in accordance with the provisions of section 17 of this Ordinance.

PART II—VILLAGE COUNCILS.

Application of Part II of Ordinance to villages.

3. It shall be lawful for the High Commissioner by order to declare from time to time that any village or part thereof shall be brought within the operation of this Part of this Ordinance. Upon such order being made this Part of this Ordinance shall extend accordingly to any such village or part thereof.

Establishment of Village Council.

4. In every village area there shall be established a Village Council.

Constitution of Village Council.

5.—(1) A Village Council shall consist of —

(*a*) the mukhtar or mukhtars of the village ex officio;

(*b*) not less than three and not more than twelve persons (the number to be determined from time to time by the District Commissioner) chosen by such categories of persons ordinarily resident in the village area and in such manner as may from time to time be approved by the District Commissioner:

Provided that a person shall not be a member of a Village Council by virtue of the preceding provisions of this paragraph unless he is a Palestinian citizen of not less than twenty one years of age who is ordinarily resident in the village area and unless his appointment has been approved by the District Commissioner:

Provided further that the membership of any such person may be terminated by the District Commissioner if, in the opinion of the District Commissioner, such person is no longer a Palestinian citizen, or is no longer ordinarily resident in the village area, or is no longer a fit and proper person to hold office or has become incapable of carrying out the duties of his office.

In approving the manner of choosing members of a Village Council under this paragraph the District Commissioner may give directions, inter alia, as to the number of persons to be chosen as representatives of any particular quarter or community.

(2) If any member of a Village Council, other than a Mukhtar of the village, shall die or resign or otherwise cease to hold office, the vacancy shall be filled in accordance with the provisions of paragraph (*b*) of subsection (1) unless the District Commissioner otherwise directs:

Provided that no proceeding or action of the Village Council shall be invalidated by any vacancy in the membership thereof.

(3) A person shall not preside over a Village Council or act as a member thereof when any matter is under consideration in which he is interested otherwise than as a member of the Council, and an Administrative Officer may give general or special directions for the enforcement of this provision.

(4) The District Commissioner shall appoint one of the members of the Village Council to be Chairman and one to be Deputy Chairman thereof. If the Chairman is absent or is precluded from interest from presiding, the Deputy Chairman shall preside unless he is absent or is so precluded. If both the Chairman and Deputy Chairman are absent or are so precluded, the Administrative Officer shall appoint a member to act temporarily as Chairman.

(5) A Village Council may, as to the chairmanship or deputy-chairmanship or as to the membership thereof, be reconstituted from time to time by the District Commissioner whenever in his opinion such reconstitution is desirable, and subsections (1) and (4) of this section, as the case may be, shall apply in relation to such reconstitution.

(6) The quorum of a Village Council for the purpose of meetings shall be such as is determined from time to time by the District Commissioner.

A Village Council to have juristic personality.

6.—(1) A Village Council shall be vested with juristic personality and shall have a corporate seal and shall be entitled to make contracts and may sue and be sued in its own name.

(2) A Village Council shall be entitled to acquire, hold and dispose of property, moveable and immoveable:

Provided that, except in the cases provided for by subsection (4) of this section and by section 7 of this Ordinance, a Village Council shall not acquire, sell, mortgage, lease, exchange or otherwise dispose of immoveable property or any interest therein without the approval of the District Commissioner.

(3) The Corporate seal shall be in the custody of the Chairman of the Village Council and shall not be affixed to any document save in the presence of the Chairman and not less than two other members of the Village Council who shall respectively sign their names to such document in token of their presence.

(4) Upon the establishment of a Village Council, the High Commissioner may give directions for vesting in the Village Council all or any lands in the village area which are then owned by the Government of Palestine or are the property of the village or are held in trust for the village and thereupon the lands to which the directions relate shall vest in the Village Council and shall be registered accordingly in the Land Registry free of charge.

Variation and revocation of orders under section 3.

7.—(1) An order under section 3 of this Ordinance may at any time be varied or revoked by further order of the High Commissioner.

(2) Where an order is varied by the addition of a new area, subsection (4) of section 6 shall apply in relation to lands in the new area as it does to lands included in an original order.

(3) Where an order is revoked, or varied by excluding an area, the High Commissioner may give such directions as he may deem appropriate as to the disposal or vesting and as to the registration of the lands of the Village Council in the area or the excluded area, as the case may be, and thereupon such lands shall be disposed of or shall vest and shall be registered in accordance with the directions. The High Commissioner may also give any other directions which he may deem appropriate consequential on the revocation or variation of the order, including directions as to the disposal or vesting of property other than land or otherwise as to the liquidation or partial liquidation, as the case may be, of the affairs of the Village Council, and all such directions shall have effect according to the tenor thereof.

Jurisdiction of Village Council.

8. The jurisdiction of a Village Council shall extend over the whole of the lands in the village area:

Provided that, as regards lands owned by the Government of Palestine, this section shall have effect subject to such general or special restrictions or exclusions as are provided for by order of the High Commissioner.

Power of Village Council to carry out works, etc.

9. It shall be lawful for every Village Council:—

(1) to establish schools and school gardens;

(2) to establish dispensaries;

(3) to provide and regulate public markets and places of public auction;

(4) to provide slaughter-houses, and to regulate the slaughter of animals;

(5) to undertake the construction, paving, lighting or improving of any street or public place;

(6) to undertake the provision and regulation of public water supplies;

(7) to undertake works of afforestation and terracing;

(8) to require the execution of works in accordance with the provisions of the Village Roads and Works Ordinance; Cap. 149.

(9) to appoint or dismiss clerks and other officials and employees of the Council;

(10) generally to perform any public work which may tend to promote the sanitation and cleanliness of the village area and the health, security or well-being of the inhabitants thereof.

Village Council to comply with directions of District Commissioner.

10. Every Village Council shall, with regard to any of the matters enumerated in the preceding section and such powers as may be exercised by them under section 11 of this Ordinance, comply with such directions as the District Commissioner may deem it necessary or expedient to give in the interests of the health, security or well-being of the inhabitants of the village area.

Power of Village Council to make by-laws.

11.—(1) Every Village Council shall have power to make by-laws for the carrying out of all or any of the objects hereinbefore mentioned and also for:—

(*a*) requiring the streets and other public places to be kept clear of refuse or obstructions;

(*b*) prohibiting the accumulation on private property of filth or refuse dangerous to the public health and requiring the abatement of any nuisance arising from private cesspits, or drains or otherwise;

(*c*) requiring the cleaning, maintenance and protection from contamination of fountains, drains, aqueducts, tanks, reservoirs, and other water supplies;

(*d*) controlling the width of streets and building operations;

(*e*) preventing the spread of infectious or contagious diseases;

(*f*) requiring the reporting of births and deaths to such authorities as may be designated;

(*g*) regulating the burial of the dead;

(*h*) prohibiting or regulating the cutting and destruction of trees, shrubs, grass or other forest produce;

(*i*) requiring measures for the destruction of weeds and control of agricultural diseases and pests;

(*j*) requiring measures for the preservation of soil from erosion;

(*k*) fixing the date and time of harvests;

(*l*) regulating the grazing and watering of livestock;

(*m*) prohibiting or regulating the movement of livestock;

(*n*) providing for the control of dogs and for other anti-rabic measures;

(*o*) preventing the spread of diseases of livestock including poultry and bees;

(*p*) regulating the procedure for the distribution and the cultivation of village masha'a lands;

(*q*) protecting Government, village or other public property lying within the village lands;

(*r*) regulating and maintaining property boundary marks;

(*s*) any other purpose which may be approved by the District Commissioner as being conducive to the health, security or well-being of the inhabitants of the village area.

(2) All such by-laws shall be subject to the approval of the District Commissioner and shall not come into force until they have been so approved.

(3) Any such by-laws may provide for the payment of fees and charges in connection with matters with which a Village Council is required or empowered to deal under this or any other Ordinance.

(4) All by-laws made and approved under this section shall be published by posting them in some conspicuous place in the village and shall thereupon come into force. A certificate as to such publication by a District Commissioner or an Administrative Officer shall be conclusive proof of the due enactment and publication of the by-laws specified in such certificate:

Provided that such publication may, in addition to posting as aforesaid, be made by village crier.

(5) Every person who, by any act or omission, shall contravene any by-law made under this section shall be guilty of an offence and shall be liable for such offence to such penalty, not exceeding a fine of five pounds or fifteen days imprisonment, as shall be specified in the by-law. Any such fine shall be paid to the Village Fund established in accordance with section 14 of this Ordinance.

(6) Any such by-law may provide that, in addition to any penalty imposed by a by-law, any expenses incurred by a Village Council in consequence of the breach of such by-law, or in the execution of any work directed by any by-law to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work, and the amount of any such expenses shall be recoverable as a debt due from such person to the Village Council.

(7) It shall be the duty of the Chairman of the Village Council to ensure that proceedings in respect of offences against by-laws are instituted.

Power of High Commissioner to prescribe rates and taxes.

12. The High Commissioner may by order prescribe the categories of rates and taxes, including a poll-tax, and the maximum amounts of such rates and taxes which may be imposed by a Village Council.

Power of Village Council to levy rates and taxes.

13.—(1) Subject to the provisions of section 12 of this Ordinance, a Village Council may from time to time impose, take and receive such rates and taxes, including a poll-tax, as may be authorised by the District Commissioner.

(2) All rates and taxes so authorised, with the date or dates on which they become payable, shall be published by posting them in some conspicuous place in the village, and may also be notified by village crier.

(3) A certificate as to such publication by the District Commissioner or an Administrative Officer shall be conclusive proof of the due imposing and publication of any such rates or taxes.

Establishment, etc. of Village Fund.

14.—(1) The money raised under the provisions of section 13, together with all moneys otherwise received by the Village Council, shall be called the Village Fund.

(2) The Village Fund shall be in the custody and control of the Village Council.

(3) All moneys received by a Village Council in respect of the Village Fund shall be lodged for safe custody in such place as the District Commissioner may direct:

Provided that the Council may retain for the daily expenses of the Council such maximum sum as the Administrative Officer may authorise.

(4) All expenses to be paid on behalf of the Village Council shall be discharged out of the Village Fund.

(5) (i) The District Commissioner may require a Village Council to submit from time to time for approval estimates of its revenue and expenditure and where such estimates have been submitted no payment out of the Fund shall be made otherwise than as approved in such estimates save with the approval of the District Commissioner or of the Administrative Officer authorised by the District Commissioner to grant such approval.

(ii) Where no such estimates have been submitted and approved, no payment out of the Fund shall be made save with the approval of the District Commissioner or of the Administrative Officer authorised by the District Commissioner to grant such approval.

Audit of Village Fund.

15.—(1) The accounts of a Village Fund shall be audited annually by such person or persons as the District Commissioner shall appoint. The person or persons so appointed shall make a report to the District Commissioner. If, after the receipt of the report, it appears to the District Commissioner that any sum forming part of the Village Fund has been improperly expended, the District Commissioner shall order the person or persons who are in his opinion responsible for the improper expenditure to refund the sum to the Village Fund, and the sum shall be recoverable as a debt due from such person or persons to the Village Council.

(2) An auditor may receive from the Village Fund such remuneration as the District Commissioner may approve.

Power of Village Council to raise loans.

16. A Village Council shall with the approval of the District Commissioner, but not otherwise, and subject to any terms and conditions which may be imposed by the District Commissioner, be entitled:—

(*a*) to borrow money from any person for any purpose approved by the District Commissioner and, in order to secure the payment of the principal and interest of any such loan, to mortgage any property or revenues of the Council to the lender;

(*b*) to borrow temporarily from a bank any sum or sums.

PART III—VILLAGE COURTS.

Establishment of Village Court.

17. The High Commissioner may, in his discretion, by order establish a Village Court in any village area for which a Village Council has been established and the area of jurisdiction of the Court shall be the village area including any lands of the Government of Palestine within the area.

Constitution of Village Court.

18.—(1) A Village Court shall consist of the Village Council: Provided that the Court shall not be properly constituted unless not less than three members of the Village Council are present.

(2) Unless the Administrative Officer shall otherwise direct, the Chairman of the Village Council or, in the absence of such Chairman, a member of the Court selected by the members present shall act as President of the Village Court.

Jurisdiction.

19.—(1) A Village Court constituted in manner provided by section 18 of this Ordinance shall have power and jurisdiction to try offences against by-laws made under Part II of this Ordinance and such cases or classes of cases, civil and criminal, as are from time to time assigned to such Court by order of the High Commissioner:

Provided, however, that it shall be lawful for the President of a Village Court before which any case shall be brought, or by which it shall be partially tried, to refer the case to a Court of a Magistrate having jurisdiction in the area in which the village is situated, if it shall appear to such President that the case is one which from its circumstances may more properly be tried by such Magistrate's Court, and the President shall refer any such case as aforesaid if so directed by the President of the District Court or by the District Commissioner or the Administrative Officer.

(2) An order of the High Commissioner made under subsection (1) of this section may impose such restrictions or limitations upon the exercise by the Village Court of jurisdiction in such cases or classes of cases, civil and criminal, as the High Commissioner thinks fit.

Criminal jurisdiction of Village Court.

20. The criminal jurisdiction of a Village Court shall extend, subject to the provisions of section 19 of this Ordinance, to the hearing, trial and determination of all criminal charges and matters in which any person is accused of having committed or been accessory to the committing of an offence wholly or in part within the area of the jurisdiction of the court:

Provided that the accused, if he is not ordinarily resident within the area, may, before the trial begins, declare his unwillingness to be tried before the Village Court and thereupon the Village Court shall not deal with the case but shall remit it to a Court of a Magistrate having jurisdiction in the area.

Civil jurisdiction of Village Court.

21. The civil jurisdiction of a Village Court shall extend, subject to the provisions of section 19 of this Ordinance, to the hearing, trial and determination of all civil suits and matters in which the defendant is ordinarily resident within the area of the jurisdiction of the court or in which the cause of action shall have arisen within the said area.

Recovery of fines.

22. A Village Court may order that any fine which it may impose shall be paid at such time or times and by such instalments or otherwise as it shall think just, and in default of the payment of any fine or of any instalment of the same when due, the court may order that

the amount of the fine or of the instalment, as the case may be, shall be levied by the sale of any movable property belonging to the offender and situate within the area of the jurisdiction of the court.

Provisions as to imprisonment, fines and fees. No. 2 of 1940.

23.—(1) Subject to the provisions of any Ordinance other than this Ordinance, every person sentenced by a Village Court to imprisonment shall be detained in a prison established under the Prisons Ordinance, 1940.

(2) Any fine imposed by a Village Court in exercise of its jurisdiction under this Ordinance and any court fees payable to a Village Court shall be paid into the Village Fund established under section 14 of this Ordinance.

Compensation to aggrieved persons.

24. A Village Court may direct any fine, or such part thereof as it shall deem fit, to be paid to the person injured or aggrieved by the act or omission in respect of which such fine has been imposed, on condition that such person, if he shall accept the same, shall not have or maintain any suit for the recovery of damage for the loss or injury sustained by him by reason of such act or omission.

Application of the Criminal Code Ordinance. No. 74 of 1936.

25. The provisions of section 22 of this Ordinance in relation to the levying of fines and the provisions of section 24 of this Ordinance relating to compensation shall be in lieu of the corresponding provisions of Chapter VII of the Criminal Code Ordinance, 1936.

Access to Village Court and records thereof.

26. The President of the District Court, the District Commissioner and the Administrative Officer shall each have access at all times to a Village Court and to the records thereof.

Review.

27—(1) The President of the District Court may at any time in his discretion either on the petition of a person concerned or of his own motion, do any of the following things, that is to say—

(*a*) call for the record of any case in a Village Court;

(*b*) refer any case pending before a Village Court to a Court of a Magistrate having jurisdiction in the area;

(*c*) review any order or decision of a Village Court by cancelling or varying the same;

(*d*) with or without cancelling or varying a previous order or decision of the Village Court, make any order or decision or give any direction in relation to the case which he may think just;

(*e*) pending the exercise of any powers conferred by paragraphs (*b*), (*c*) or (*d*) of this subsection, make any interim order or decision or give any interim directions in relation to the case which he may think just.

(2) No order or decision shall be made under paragraph (*c*) or (*d*) of subsection (1)—

(*a*) to the prejudice of an accused or convicted person in a criminal case unless that person has been given the opportunity of being heard;

(*b*) to the prejudice of a party in a civil case unless that party has been given the opportunity of being heard.

(3) Save as provided in subsection (2), no person shall have the right to be heard by the President of the District Court but the President may in his discretion hear any person when exercising any power conferred by this section.

Orders to be final.

28.—(1) Save as otherwise provided in this Part an order or decision of a Village Court shall be final and shall not be called in question in any court.

(2) An order, direction or decision of the President of the District Court under section 27 of this Ordinance shall be final and shall not be called in question in any court.

Parties to appear in person

29. No advocate may appear or act for any party before a Village Court; but a Village Court may permit the husband, or wife, or guardian of a party to appear and to act for such party.

Procedure of Village Courts.

30. Subject to the provisions of any rules made under section 46 of this Ordinance, the proceedings of Village Courts shall be free from the formalities of judicial proceedings, but it shall be the duty of any such courts to do substantial justice in respect of all questions coming before them without regard to matters of form.

PART IV—ARBITRATION.

Arbitration by Village Council.

31.—(1) A Village Council shall have power to appoint a committee of not less than three of its members for settlement by arbitration of any matter in dispute, or class of matters in dispute between parties ordinarily resident within the village area.

(2) The award of the committee upon any such arbitration shall be in writing. The award shall not have any force or effect unless confirmed in writing by the Administrative Officer but, upon such confirmation, shall be final and binding on all parties to the dispute and may be enforced and exercised as though it was a judgment of the Court of a Magistrate having jurisdiction in the area not subject to appeal.

General powers of arbitration.

32.—(1) An Administrative Officer shall have power to authorise a committee consisting of any number of persons to settle by arbitration any matter in dispute, or class of matters in dispute, between villages or parts of villages or between persons ordinarily resident in the same village or ordinarily resident in different villages.

(2) The powers conferred by this section may be exercised whether or not a Village Council has been established in any village concerned or in any part of any such village.

(3) In this section the powers conferred upon an Administrative Officer may, in the case of a dispute between different villages or parts of villages or between persons ordinarily resident in different villages, be exercised by the Administrative Officer of the sub-district or administrative sub-division in which any of the villages or parts of villages concerned are situated.

(4) The award of the committee upon any such arbitration shall be in writing. The award shall not have any force or effect unless confirmed in writing by the District Commissioner but, upon such confirmation, shall be final and binding on all parties to the dispute and may be enforced and executed as though it was a judgement of a Court of a Magistrate having jurisdiction in any of the villages or parts of villages or in the village (as the case may be), being a judgement not subject to appeal.

General provisions as to arbitration.

33. Notwithstanding the provisions of sections 31 and 32, a matter shall not be arbitrated under those sections unless—

(*a*) it has been approved by the District Commissioner as suitable for arbitration, or belongs to a class of matters approved by the

District Commissioner as suitable for arbitration, on the ground in either such case that matters of that class have customarily been submitted to arbitration; and

(*b*) a statement of the issues involved has been drawn up in writing and signed by all the parties to the dispute and by the Administrative Officer.

Parties to appear in person.

34. No advocate may appear or act for any party before an arbitration committee appointed under this Part of this Ordinance; but such a committee may permit the husband, or wife, or guardian of a party to appear and to act for such party.

Indemnity for acts lawfully done under order.

35. If any action or prosecution is brought, or any proceedings held against any person for any act done by him in lawful execution of an order for enforcement of an award made under section 31 or section 32 of this Ordinance, it shall be lawful for such person to plead that such act was done by him under the authority of such order and on the production of the order purporting to be signed by the District Commissioner, or the Administrative Officer, such person shall be entitled to a decision in his favour. No proof of the signature upon the order shall be necessary unless the Court before which such action, prosecution or proceedings are brought shall see reason to doubt its genuineness.

PART V—MUKHTARS.

Appointment of Mukhtars.

36.—(1) The District Commissioner shall appoint a Mukhtar or Mukhtars for every village and such other persons as Assistant Mukhtars as the size of the village or other circumstances may require.

(2) Any such appointment of a Mukhtar shall be notified in the *Gazette*.

No. 21 of 1942.

(3) Notwithstanding anything contained in the Mukhtars (Appointment) Ordinance, 1942, the appointment and dismissal of Mukhtars appointed under this Ordinance, and their duties, powers and conditions of service shall be subject to the provisions of this Ordinance.

First appointment of Mukhtars.

37. Upon the appointment under this Ordinance of a Mukhtar for any village, the Mukhtar of that village holding office at the time of such appointment shall cease to hold office.

Persons eligible for appointment as Mukhtars.

38. Any person ordinarily resident in a village who has attained the age of twenty one years shall be qualified to be Mukhtar in respect of such village.

Dismissal of Mukhtars and filling of vacancies, etc.

39.—(1) A Mukhtar shall be liable to be dismissed by the District Commissioner for misconduct or neglect of duty or any other sufficient reason, and, in case any Mukhtar shall die or become disqualified to act or incapable of acting or shall resign or shall be dismissed, the District Commissioner may forthwith appoint another person in the manner hereinbefore provided.

(2) In the temporary absence of the Mukhtar from his village his duties shall be performed by such person as may be nominated by such Mukhtar, unless the Administrative Officer otherwise directs.

(3) The death or termination of appointment of a Mukhtar shall be notified in the *Gazette*.

Duties of Mukhtars.

40. It shall be the duty of every Mukhtar:—

(1) to keep the peace within the village of which he is the appointed Mukhtar and to give information to the police of any criminals or bad characters, strangers or suspicious persons found in such village or of any design to commit an offence which may come to his knowledge;

(2) to send information as soon as possible to the nearest Police Station of every serious offence or accident or death due to unnatural causes occurring in the village;

(3) to assist the officers of Government in the execution of their duty, including the collection of revenue;

(4) to publish within the village all such notices, proclamations and other official documents as may be sent to him for publication by the District Commissioner or by the Administrative Officer;

(5) to keep a seal as Mukhtar and to affix the same to all certificates and documents requiring the seal;

(6) to report to the Administrative Officer the death without heirs of any person possessed of or beneficially interested in immovable properties, together with a list of such properties;

(7) to report to the proper authority every case which shall come to his knowledge of the use of false or unjust weights or measures;

(8) to safeguard, to the best of his ability, and to report to the Administrative Officer or nearest Police Station damage to railways, telephone and telegraph communications, public highways, forests and other property of the Government;

(9) to report the discovery of antiquities and to conserve them and to safeguard scheduled historical monuments and sites;

(10) to maintain and safeguard or to safeguard such registers, records and statistics as the District Commissioner may direct;

(11) to report the outbreak or existence of pests or diseases affecting animals or crops;

(12) generally to carry into effect all the duties imposed upon or confided to him by law or custom.

Mukhtar a public officer. Cap. 69. P.48 of 1945

41. A Mukhtar shall be deemed to be a public officer as defined in section 3 of the Interpretation Ordinance.

Mukhtars as police officers.

42. Every Mukhtar shall exercise all such powers, and have such privileges and immunities as belong to a police officer: Provided that he shall not act as a police officer beyond the village of which he is Mukhtar.

All persons to assist the Mukhtar in keeping the peace.

43. Every person who shall without good and sufficient cause refuse or neglect when called upon to aid and assist a Mukhtar in the execution of his duty in keeping the peace or in the lawful arrest of any criminal or suspected person shall be guilty of an offence and shall be liable for each such offence to a fine not exceeding five pounds.

Payment of Mukhtars.

44. Mukhtars appointed under this Ordinance shall be entitled to receive such fees or remuneration as the High Commissioner may by rule prescribe, in addition to such fees as they may be entitled to receive under any other law, and no Mukhtar shall be entitled to demand any fee that is not so prescribed or provided by any other law, and any

Mukhtar receiving or so demanding such a fee or knowingly furnishing a false certificate shall be guilty of an offence and shall be liable for each such offence to a fine not exceeding ten pounds, without prejudice to any other penalty which he may have incurred.

PART VI—GENERAL.

Application to the Ordinance of the terms Mukhtar, etc., appearing in other Ordinances.

45. Upon the coming into operation of this Ordinance the terms:—

(*a*) Mukhtar;

(*b*) Notable, or elder;

(*c*) Mukhtar and elders, or mukhtar and notables;

(*d*) Village council, or village authority, or council of elders, or council of ancients, or local authority, or elders, or notables;

occurring in any other Ordinance or other law shall, unless the context otherwise requires, mean respectively:—

(*a*) Mukhtar;

and where a Village Council has been established,

(*b*) Member of a Village Council;

(*c*) Chairman and members of a Village Council;

(*d*) a Village Council established under this Ordinance.

Rules.

46. The High Commissioner may make rules for the purpose of carrying into effect this Ordinance and, in particular, and without prejudice to the generality of this power, such rules may be made—

(*a*) concerning the form and manner of proceeding to be observed by Village Councils and in cases before Village Courts;

(*b*) prescribing generally or specially that decisions of Village Councils or Village Courts shall be unanimous, or that they shall be by majority;

(*c*) conferring a casting vote generally or specially on the Chairman or Deputy Chairman of a Village Council or on the President of a Village Court;

(*d*) concerning the keeping of records by Village Councils and Village Courts;

(*e*) concerning the process to be issued by Village Courts and the mode of enforcing the same;

(*f*) prescribing the fees to be charged in Village Courts;

(*g*) providing for the execution of judgments of Village Courts by the seizure and delivery or sale of moveable property;

(*h*) providing, or delegating to District Commissioners power to provide, for the manner of collecting, recovering and accounting for rates and taxes imposed by virtue of this Ordinance.

Saving.

47. The provisions of this Ordinance and the powers conferred thereunder shall be in addition to and not in derogation of the provisions of and powers conferred under any other Ordinance or law regulating any of the matters regulated under this Ordinance.

12th August, 1944.

HAROLD MACMICHAEL
High Commissioner

WEIGHTS AND MEASURES ORDINANCE,

No. 24 OF 1944.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO WEIGHTS AND MEASURES.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Weights and Measures Ordinance, 1944.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"inspection" means any examination and testing other than a verification, of any weight, measure or weighing machine;

"inspector" means an inspector of weights and measures under this Ordinance;

"metric weights and measures" means weights and measures specified in section 3 with their decimal multiples and divisions;

"prescribed" means prescribed by the rules contained in the Second Schedule or by rules made under section 17;

"verification" means the examination and testing of any weight, measure or weighing machine which—

(*a*) has not been stamped with a verification stamp in the prescribed manner, or

(*b*) is produced to the Keeper of the Standards under and in accordance with section 8(4);

"weighing machine" includes any balance, scale, beam, steelyard, and every other machine for determining weight.

Standards of weight and measure.

3. The standards of weight and measure shall be—

(*a*) the kilogramme as the standard of weight: the weight of the kilogramme is the weight of the standard international kilogramme;

(*b*) the litre as the standard of capacity: the capacity of the litre is the capacity of the standard international litre;

(*c*) the metre as the measure of length: the length of the metre is the length of the standard international metre;

(*d*) the square metre and the standard dunum, consisting of one thousand square metres, as the standard measures of surface.

Standards to be procured and kept.

4.—(1) The High Commissioner shall, as occasion may require, procure standard metric weights and measures which shall be verified at the Standards Department of the Board of Trade in England before being brought into use.

(2) The weights and measures so procured shall be the Palestine standards of weights and measures and shall, for all purposes, be conclusively deemed to be true and accurate.

(3) The standards shall be kept under the care of an officer to be appointed by the High Commissioner to be the Keeper of the Standards, and shall be re-verified at the Standards Department of the Board of Trade in England, from time to time, as the High Commissioner may direct.

Secondary standards to be kept.

5.—(1) The High Commissioner shall procure such copies of the standards, or any of them, as he may think fit, and shall provide for the verification and re-verification of such copies by the Keeper of the Standards or an inspector authorised in that behalf by the Keeper

of the Standards, and shall cause such copies to be authenticated as secondary standards in such manner as he may think fit.

(2) Judicial notice shall be taken of every secondary standard so authenticated.

(3) The High Commissioner may, at any time, cancel any secondary standard, and direct that it be no longer used as such.

(4) The secondary standards shall be kept in such place and used for such purposes as the Keeper of the Standards may, from time to time, determine.

Production of secondary standards.

6. The Keeper of the Standards shall, upon reasonable notice being given, and upon payment of the prescribed fees, produce the secondary standards to any person who makes written application for their production for the purpose of having any weight, measure or weighing machine compared or tested by the Keeper of the Standards, at the place where the secondary standards are kept, or, upon payment of any additional expense involved, at any other place which the Keeper of the Standards may deem suitable for that purpose.

Deputy Keeper of the Standards and inspectors of weights and measures.

7.—(1) The High Commissioner shall appoint a Deputy Keeper of the Standards, who may be authorised in writing by the Keeper of the Standards to exercise all or any of the powers, other than the power to make rules under section 17, and to perform all or any of the duties conferred or imposed upon the Keeper of the Standards under this Ordinance.

(2) The Keeper of the Standards and the Deputy Keeper of the Standards and any police officer authorised in writing by the Inspector General of Police and Prisons and any person appointed by the Keeper of the Standards with the approval of the Director of Medical Services shall have the powers of an inspector of weights and measures.

(3) An inspector may, at all reasonable times, inspect all weights, measures and weighing machines which are used by any person for trade, or are on any premises for use in trade, and may compare them with the secondary standards, and may seize and detain any such weight, measure or weighing machine which he deems to be used contrary to any of the provisions of this Ordinance.

(4) An inspector may, for the purpose of inspection, enter any place where he has reasonable cause to believe that any such weight, measure or weighing machine is kept for trade.

Verification of weights, measures and weighing machines.

8.—(1) An inspector shall examine every metric weight or measure and every weighing machine which is brought to him for the purpose of verification, and, subject to any instructions which the Keeper of the Standards may issue either generally, or in any particular case, he shall compare or test such weight, measure or weighing machine with the secondary standards, and, if he finds that it complies with the rules contained in the Second Schedule or any rules made under section 17 and is not already stamped, he shall stamp it in the prescribed manner.

(2) An inspector shall deliver to the person producing to him such weight, measure or weighing machine, a certificate of verification in the prescribed form. Such certificate shall be exhibited in a conspicuous place on the premises whereon such weight, measure or weighing machine is used, and the inspector shall keep a copy thereof for the purpose of control.

(3) The certificate of verification shall be signed and dated by the inspector and shall serve as a register of all weights, measures and weighing machines in the possession of any person for use in trade, and the inspector shall enter in such certificate the results of all verifications and inspections and all changes which may occur in the inventory of all weights, measures and weighing machines of a trader.

(4) Any person having in his possession for use in trade any weight, measure or weighing machine, shall produce it to the Keeper of the Standards for periodical verification at such intervals of time, being not less than one year each, and at such place and on such date as shall be notified by the Keeper of the Standards by notice in the *Gazette* or in such other manner as the Keeper of the Standards may deem fit.

(5) Any person having in his possession for use in trade, any weight, measure or weighing machine, shall immediately notify the Keeper of the Standards of any change in the inventory of all weights, measures and weighing machines in his posssession, and of any damage to any of such weights, measures or weighing machines.

(6) Such fees as may be prescribed shall be payable for verification and stamping of any weight, measure or weighing machine, whether on verification it is found to be correct or incorrect or defective.

(7) The inspector shall enter the payment of all fees in the certificate of verification.

Exclusive use of metric weights, etc.

9. Metric weights and measures shall be used for the purpose of all transactions entered into by any department of the Government or any municipal or local council, or other local authority.

Application to land transactions.

10. The area of any land concerning which any right, disposition, or contract shall be recorded in any register of the Government or any municipal or local council, or other local authority, shall be expressed therein in terms of the standard measure of surface:

Provided that nothing in this section shall affect the validity of any right, disposition or contract in or concerning land which was, at the date of the commencement of the Weights and Measures Ordinance, defined according to dunums other than standard dunums or according to any other measure of surface existing at the said date.

Cap. 150.

Comparison between customary and metric weights and measures.

11. The customary weights and measures in use at the date of the commencement of this Ordinance shall be deemed to be equivalent to the metric weights and measures according to the table contained in the First Schedule.

Power of High Commissioner in Council to make use of metric system compulsory.

12.—(1) If, at any time, the High Commissioner in Council is of the opinion that it is desirable to prohibit the use of any weights or measures other than metric weights or measures, he may, by order, declare that, from a date to be specified in such order and with such reservations from, and exceptions to, the application of the metric system of weights or measures as may be specified in such order, the use of any weight or measure other than a metric weight or measure shall be unlawful, and thereupon any contract or dealing in any work or goods, disposition of land or other thing which is to be carried out, done or made by weight or measure and to which such order applies shall be deemed to be carried out, done or made according to metric weights or measures, as the case may be, and otherwise shall be void.

(2) If, at any time, the High Commissioner in Council is of the opinion that it is desirable to prohibit the use of any weight, measure

or weighing machine which has not been verified and stamped in accordance with the rules contained in the Second Schedule or any rules made under section 17 he may, by order, declare that, from a date to be specified in such order, and with such reservations or exceptions as may be specified in such order, the use of any weight, measure or weighing machine which has not been verified and stamped as aforesaid shall be unlawful.

(3) Any order made under subsection (1) or (2) may be applied only to all or any weights, or only to all or any measures, or only to all or any weighing machines, and either to the whole of Palestine or any part thereof.

Offences.

13.—(1) Any person who neglects or refuses to produce for inspection any weight, measure or weighing machine in his possession or on his premises, or refuses to admit an inspector to examine any such weight, measure or weighing machine, or otherwise obstructs or hinders the inspector, is guilty of an offence, and is liable to a fine of fifty pounds or to imprisonment for three months or both such penalties.

(2) Any person who uses for the purpose of any sale, contract or dealing, or has in his possession for use in trade, any weight, measure or weighing machine which is false or unjust is guilty of an offence and is liable to a fine of one hundred pounds or to imprisonment for six months or both such penalties.

(3) Any person who knowingly makes, or sells, or causes to be made or sold, any false or unjust weight, measure or weighing machine is guilty of an offence, and is liable to a fine of two hundred pounds or imprisonment for one year or both such penalties.

(4) Any person who forges, or counterfeits, or causes to be forged or counterfeited, or knowingly assists in forging or counterfeiting, any stamp or mark used for stamping or marking any weight, measure or weighing machine under this Ordinance is guilty of an offence and is liable to a fine of two hundred pounds or imprisonment for two years or both such penalties.

(5) Any person who knowingly uses, sells or disposes of any weight, measure or weighing machine with any forged or counterfeited stamp or mark thereon is guilty of an offence and is liable to a fine of two hundred pounds or imprisonment for two years or both such penalties.

(6) Any person who, on or after the date from which, by an order made under subsection (1) of section 12, the use, in any part of Palestine, of any weight or measure other than a metric weight or measure is declared to be unlawful, uses, in that part of Palestine, contrary to such order, any weight or measure other than a metric weight or measure, or any weighing machine fitted with any dial, indicator or graduation of any system other than the metric system, is guilty of an offence and is liable to a fine of fifty pounds.

(7) Any person who, on or after the date from which, by an order made under subsection (1) of section 12, the use, in any part of Palestine, of any weight or measure other than a metric weight or measure is declared to be unlawful, carries out, does or makes, in that part of Palestine, by any denomination of weight or measure other than metric, any contract or dealing in any work or goods, disposition of land or other thing which is to be carried out, done or made by weight or measure and to which such order applies is guilty of an offence and is liable to a fine of fifty pounds.

(8) Any person who, on or after the date from which, by an order made under subsection (2) of section 12, the use, in any part of Palestine, of any weight, measure or weighing machine which has not been verified and stamped in accordance with the rules contained in the Second Schedule or any rules made under section 17, is declared unlawful, uses, in that part of Palestine, contrary to such order, any such weight, measure or weighing machine which is not of the prescribed specification, composition, pattern or denomination, or has not been verified and stamped in the prescribed manner is guilty of an offence and is liable to a fine of fifty pounds or imprisonment for three months or both such penalties.

(9) Any person who, on or after the date from which, by an order made under subsection (2) of section 12, the use, in any part of Palestine, of any weight, measure or weighing machine, which has not been verified and stamped in accordance with the rules contained in the Second Schedule or any rules made under section 17, is declared unlawful, sells or otherwise disposes of, anywhere in Palestine, any such weight, measure or weighing machine which is not of the prescribed specification, composition, pattern or denomination, or has not been verified and stamped in the prescribed manner is guilty of an offence and is liable to a fine of fifty pounds or imprisonment for three months or both such penalties.

(10) Any person who knowingly commits or causes to be committed a fraud in using any weight, measure or weighing machine is guilty of an offence and is liable to a fine of two hundred pounds or imprisonment for two years or both such penalties.

(11) Any person who, without lawful authority, changes or causes to be changed any stamped weight, measure or weighing machine, thus making it false or unjust, and any person who knowingly uses, sells, or otherwise disposes of, such a changed weight, measure or weighing machine, which has been made false or unjust, is guilty of an offence and is liable to a fine of two hundred pounds or imprisonment for two years or both such penalties.

(12) Any person who neglects or refuses to produce any weight, measure or weighing machine in his possession for use in trade to the Keeper of the Standards at the date and place notified by the Keeper of the Standards is guilty of an offence and is liable to a fine of fifty pounds.

(13) Any person who neglects immediately to notify the Keeper of the Standards of any change in the inventory of all the weights, measures and weighing machines in his possession for use in trade, or of any damage to any of such weights, measures or weighing machines is guilty of an offence and is liable to a fine of twenty pounds.

Presumption as to possession of weights, etc.

14. Where any weight, measure or weighing machine is found in the possession of any person carrying on trade, or in or upon the premises of any person which are in use for trade, such person shall be deemed, until the contrary is proved, to have such weight, measure or weighing machine in his possession for use in trade.

Forfeiture of weights, etc.

15. Every weight, measure or weighing machine which has thereon any forged or counterfeited stamp or mark shall be forfeited and may at any time be seized by any inspector.

Seizure of weights, etc. and forfeiture.

16. Where an inspector has reasonable cause to believe that an offence against this Ordinance has been committed in respect of any weight, measure or weighing machine, he may seize such weight, measure or weighing machine and, upon conviction of any person of an offence in relation thereto, such weight, measure or weighing machine may be forfeited.

Rules.

17. The Keeper of the Standards may, with the approval of the High Commissioner, make rules for all or any of the following purposes:—

(*a*) prescribing the specification, composition, pattern and denomination of weights, measures and weighing machines;

(*b*) prescribing the procedure for verification, testing and inspection of weights, measures and weighing machines, and the adjustment and stamping thereof, including the design of the verification stamp;

(*c*) prescribing the circumstances in which a verification stamp shall be obliterated and the manner of obliteration;

(*d*) prescribing the limits of error to be allowed on verification or inspection, either generally or in respect of any trade;

(*e*) restricting the use of marks on any weight, measure or weighing machine;

(*f*) prescribing the fees to be paid for the verification, adjustment and stamping of weights, measures and weighing machines, and for the production of the secondary standards;

(*g*) prescribing the form of a certificate of verification;

(*h*) generally, for carrying the Ordinance into effect:

Provided that, until varied or revoked by any such rules, the rules contained in the Second Schedule shall be in force.

By-laws relating to weights or measures.

18. Notwithstanding anything contained in any other Ordinance or law, it shall not be lawful for any municipal or local council or other local authority to make any by-laws relating to weights or measures, and any such by-laws made by any municipal or local council or other local authority in force at the date of commencement of this Ordinance shall cease to have effect.

Repeal. Cap. 150.

19. The Weights and Measures Ordinance is hereby repealed.

FIRST SCHEDULE.

(Section 11).

CUSTOMARY WEIGHTS AND MEASURES WITH THEIR METRIC EQUIVALENTS.

(*a*) Weights.

(i) *Used throughout Palestine.*

1 dram (dirhem) = 3.205 grammes.
1 oqqa = 400 dirhems = 1.282 kilogrammes.
1 kantar = 100 rotls.

(ii) *Used in northern Palestine.*

1 oqia (northern) = 66.667 dirhems = 213.659 grammes.
1 rotl (northern) = 12 oqias = 2 oqqas = 800 dirhems = 2.564 kilogrammes.
1 kantar (northern) = 100 rotls = 200 oqqas = 256.400 kilogrammes.

(iii) *Used in southern Palestine, excluding Hebron.*

1 oqia (southern) = 75 dirhems = 240.637 grammes.
1 rotl (southern) = 12 oqias = 2.250 oqqas = 900 dirhems = 2.884 kilogrammes.
1 kantar (southern) = 100 rotls = 225 oqqas = 288.450 kilogrammes.

(iv) *Used in Hebron.*

1 oqia (Hebron) = 83.333 dirhems = 267.073 grammes.
1 rotl (Hebron) = 12 oqias = 2.500 oqqas = 1000 dirhems = 3.205 kilogrammes.
1 kantar (Hebron) = 100 rotls = 250 oqqas = 320.489 kilogrammes.

(*b*) Measures of Length and Surface.

1 dra' = 24 qirats.
1 dra' or pic = 67.75 cm. (Cloth measure).
1 dra' or pic = 75.80 cm. (Building and land measure).
1 dunum (Turkish) = 1,600 sq. pics = 919.3 sq. metres.
1 dunum (Metric) = 1,000 sq. metres.

SECOND SCHEDULE.

(Section 17).

Citation.

1. These Rules may be cited as the Weights and Measures (Metric Weights) Rules, 1944.

Specification.

2. Every metric weight shall be smooth on all its surfaces and free from flaws, and shall be made of such metal or metals and be of such pattern and denomination as is specified in these Rules.

Composition.

3. Every metric weight shall be made entirely of some metal other than lead, not being a soft metal or soft alloy, except where lead is inserted for the purpose of adjustment:

Provided that a weight of a denomination of less than 100 grammes shall not be made of iron.

Pattern.

4.—(1) Every metric weight made of iron shall be hexagonal in form and shall have an adjusting hole, and every metric weight made of brass, or of any other metal other than iron, shall be cylindrical in form and may have an adjusting hole:

Provided that —

(i) no metric weight of a denomination of less than 50 grammes shall have an adjusting hole; and

(ii) a metric weight of a denomination of less than 1 gramme may be flat.

(2) (*a*) The adjusting hole in a metric weight shall be in the under-surface of the weight and shall be circular and undercut. The diameter of the hole shall, on the under-surface, be not less than 10 millimetres, and shall, in weights of a denomination not exceeding 200 grammes, not exceed one half of the maximum diameter of the under-surface, and in all other weights not exceed one third of the maximum diameter of the under-surface.

(*b*) The lead inserted in an adjusting hole shall cover the bottom of the hole and shall be not less than 5 millimetres thick. It shall be fixed quite immovable, and the distance of the lead from the under-surface shall, in weights of a denomination not exceeding 1 kilogramme, be not less than 4 millimetres, and in all other weights be not less than 8 millimetres.

Denomination.

5.—(1) The denomination of every metric weight other than a metric carat weight shall be a denomination set out in the first column of Appendix A to these Rules, and the denomination of every metric carat weight shall be a denomination set out in the first column of Appendix B to these Rules.

(2) The number and unit of the weight shall be indicated in a clear and unmistakeable manner, the letter "g" being used to indicate grammes, the letters "mg" to indicate milligrammes, the letters "kg" to indicate kilogrammes, and the letter "c" to indicate metric carats.

The number and unit shall be raised cast on the upper surface of a cast weight, and stamped on the upper surface of any other weight.

Verification of non-conforming weights.

6.—(1) Any metric weight which does not comply with the provisions of rules 4 and 5 may, with the prior written approval of the Keeper of the Standards, be verified and stamped, if —

(*a*) a clear and uninterrupted impression of the verification stamp can be made on the weight, and

(*b*) the denomination of the weight is a denomination set out in the first column of Appendix A to these Rules or in the first column of Appendix B to these Rules, and is indicated on the weight in a clear and unmistakeable manner.

(2) The Keeper of the Standards may, without assigning any reason for so doing, refuse the approval mentioned in sub-rule (1) or, having granted such approval, revoke it.

Testing in clean condition.

7. Every metric weight shall be tested in a clean condition, and, if necessary, the inspector shall call upon the owner or user of the weight to clean it, and such owner or user shall do so.

Verification.

8.—(1) No metric weight shall be stamped with a verification stamp unless and until the inspector is satisfied that such weight—

(*a*) complies with the provisions of these Rules, and

(*b*) is sufficiently strong to withstand the wear and tear of ordinary use in trade.

(2) The design of the verification stamp shall be the official design issued by the Government of Palestine, showing a crown between the letters "P" and "G" (representing Palestine Government) with the addition of an identification number.

(3) The verification stamp shall be stamped on the lead in the adjusting hole of the weight or, if the weight has no adjusting hole, on the under-surface of the weight:

Provided that flat weights of a denomination of less than 1 gramme may be stamped on the upper surface.

(4) The inspector shall, after verification, complete a certificate of verification in the form set out in Appendix C to these Rules.

Obliteration of verification stamp.

9.—(1) The inspector shall obliterate the verification stamp on any metric weight which —

(*a*) does not comply with the provisions of these Rules; or

(*b*) is broken, much indented, or otherwise damaged to an extent that does not allow of proper adjustment; or

(*c*) since the last stamping has been repaired or readjusted without authorisation by an inspector; or

(*d*) has an error other than an error allowed by rule 10: Provided that where such error is not in the inspector's judgment such as to require the immediate obliteration of the verification stamp, the inspector shall leave with the owner or user of the weight a notice calling upon him to have the weight corrected within such period, not exceeding one month, as is stated in such notice, and shall obliterate the stamp if the correction has not been made within such period.

(2) For obliterating stamps punches of suitable sizes showing a six-pointed star design, as shown in the illustration below, shall be used.

*

Limits of errors.

10.—(1) The errors in excess to be allowed on verification or inspection of metric weights of the denominations set out in the first column of Appendix A to these Rules are those set out opposite each such denomination in the second or third column of Appendix A to these Rules, whichever is appropriate, and the errors to be allowed on verification or inspection of metric carat weights of the denominations set out in the first column of Appendix B to these Rules are those set out opposite each such denomination in the third column of Appendix B to these Rules.

(2) The errors in deficiency to be allowed on inspection of metric weights of the denominations set out in the first column of Appendix A to these Rules are those set out opposite each such denomination in the fourth or fifth column of Appendix A to these Rules, whichever is appropriate, and the errors in deficiency to be allowed on inspection of metric carat weights of the denominations set out in the first column of Appendix B to these Rules are those set out opposite each such denomination in the fourth column of Appendix B to these Rules.

(3) No errors in deficiency are allowed on verification of any metric weight.

Fees.

11. The fee payable for the production of a secondary standard in accordance with section 6 of the Ordinance shall be two hundred mils, and the fee payable for verification and stamping of a metric weight in accordance with section 8 of the Ordinance shall be twenty mils:

Provided that the fee payable for verification and stamping shall be fifteen mils if the verification and stamping are carried out on the premises of a manufacturer of weights and such manufacturer renders such assistance in the verification and stamping as the Keeper of the Standards may require.

Restriction on marking.

12. No person shall mark, or permit any other person to mark, any metric weight with any mark, including any trade mark or manufacturer's name or initials, except in accordance with the provisions of these Rules.

Penalties.

13. Any person who either himself or by his servant, employee, or agent contravenes, or fails to comply with, any of the provisions of these Rules shall be guilty of an offence, and, upon conviction, shall, if no other penalty is provided for such offence, be liable to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding six months, or to both such penalties.

APPENDIX A.

Denomination	*Error allowed in excess on verification or inspection*		*Error allowed in deficiency on inspection*	
	Precision Weights (*Weights used by druggists, pharmacists, dealers in jewellery or dealers in precious metals, or as counterpoises*)	*Other Weights*	*Precision Weights* (*Weights used by druggists, pharmacists, dealers in jewellery or dealers in precious metals, or as counterpoises*)	*Other Weights*
1 mg	0.1 mg	—	0.1 mg	—
2 mg	0.1 mg	—	0.1 mg	—
5 mg	0.1 mg	—	0.1 mg	—
10 mg	0.2 mg	—	0.1 mg	—
20 mg	0.2 mg	—	0.1 mg	—
50 mg	0.5 mg	—	0.2 mg	—
100 mg	1 mg	—	0.5 mg	—
200 mg	1 mg	—	0.5 mg	—
500 mg	2 mg	—	1 mg	—
1 g	3 mg	10 mg	1.5 mg	5 mg
2 g	4 mg	15 mg	2 mg	7 mg
5 g	6 mg	20 mg	3 mg	10 mg
10 g	8 mg	30 mg	4 mg	15 mg
20 g	10 mg	40 mg	5 mg	20 mg
50 g	15 mg	60 mg	7 mg	30 mg
100 g	30 mg	120 mg	15 mg	60 mg
200 g	50 mg	200 mg	25 mg	100 mg
500 g	120 mg	500 mg	60 mg	250 mg
1 kg	200 mg	800 mg	100 mg	400 mg
2 kg	350 mg	1.5 g	170 mg	750 mg
5 kg	600 mg	2.5 g	300 mg	1.2 g
10 kg	1 g	4 g	500 mg	2 g
20 kg	2 g	8 g	1 g	4 g
50 kg	5 g	20 g	2.5 g	10 g
100 kg	10 g	40 g	5 g	20 g

APPENDIX B.

Denomination (in metric carats)	*Weight (in grammes)*	*Error allowed in excess on verification or inspection*	*Error allowed in deficiency on inspection*
0.01	0.002	0.1 mg	0.1 mg
0.02	0.004	0.1 mg	0.1 mg
0.05	0.01	0.2 mg	0.1 mg
0.1	0.02	0.2 mg	0.1 mg
0.2	0.04	0.4 mg	0.2 mg
0.5	0.1	1 mg	0.5 mg
1	0.2	1 mg	0.5 mg
2	0.4	2 mg	1 mg
5	1	3 mg	1.5 mg
10	2	4 mg	2 mg
20	4	5 mg	2.5 mg
50	10	8 mg	4 mg
100	20	10 mg	5 mg

APPENDIX C.

WEIGHTS AND MEASURES ORDINANCE, 1944.

Number: District:

CERTIFICATE OF VERIFICATION.

Name of holder:

Kind of trade:

Address:

A. WEIGHTS.

Denomination, material, pattern:

1. *Verification.*

Date	*Year*	*Number of weights*	*Fee (in mils)*	*Receipt of payment*	
				Official stamp	*Signature of inspector*

Remarks of inspector. (Results of verification, defective weights, repairs).

2. *Inspection.*

Remarks of inspector. (Results of inspection, defective weights, repairs).

B. WEIGHING MACHINES.

Capacity, pattern, manufacturer, number of machine:

1. *Verification.*

Date	*Year*	*Capacity and Number*	*Fee £P. mils*	*Receipt of payment*	
				Official Stamp	*Signature of inspector*

Remarks of inspector. (Results of verification, defective machines, repairs).

2. *Inspection.*

Remarks of inspector. (Results of inspection, defective machines, repairs).

C. MEASURES OF LENGTH AND MEASURES OF CAPACITY.

Denomination, pattern (dry or liquid measure), material:

1. *Verification.*

Date	*Year*	*Denomination*	*Fee (in mils)*	*Receipt of payment*	
				Official Stamp	*Signature of inspector*

Remarks of inspector. (Results of verification, defective measures, repairs).

2. *Inspection.*

Remarks of inspector. (Results of inspection, defective measures, repairs).

HAROLD MACMICHAEL
High Commissioner.

12th August, 1944.

PALESTINE TREASURY BILLS ORDINANCE,
No. 25 OF 1944.

AN ORDINANCE TO MAKE PROVISION FOR THE ISSUE OF PALESTINE TREASURY BILLS.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Palestine Treasury Bills Ordinance, 1944.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"Financial Secretary" means the officer appointed as such by the High Commissioner.

"Treasury Bill" means a Palestine Government Treasury Bill issued under the provisions of section 3.

Power to borrow by the issue of Treasury Bills.

3.—(1) The High Commissioner may, whenever it appears to him to be expedient so to do, direct the Financial Secretary to borrow, by the issue in Palestine of Palestine Government Treasury Bills, sums not exceeding the amount specified in such direction; and the Financial Secretary may, whenever he has complied with such direction, with the approval of the High Commissioner, borrow from time to time by the issue in Palestine of such Treasury Bills such sums as may be required to pay off at maturity Treasury Bills already lawfully issued by him and outstanding.

(2) Any Treasury Bill issued under the provisions of subsection (1) shall be denominated in Palestine currency and shall not be held outside Palestine.

Principal moneys of Treasury Bills.

4. The principal moneys represented by any Treasury Bill are hereby charged upon and shall be payable out of the general revenues and assets of Palestine.

Proceeds of Treasury Bills.

5. The proceeds of the issue of any Treasury Bill shall be paid into the general revenues of Palestine.

Amounts and period of currency of Treasury Bills.

6. Every Treasury Bill shall be for the sum of fifty thousand pounds or a multiple of fifty thousand pounds, and shall be payable at par at such time or times as the High Commissioner shall, before the issue thereof, fix and determine, but not later than one year from the date of issue.

Repayment of Treasury Bills.

7. The High Commissioner shall appropriate out of the general revenues of Palestine the necessary sum to pay the principal moneys represented by the Treasury Bills when they fall due.

Cancellation of repaid Treasury Bills.

8. Upon repayment of the principal moneys represented by any Treasury Bill, the Treasury Bill shall be delivered up to the Financial Secretary to be cancelled by him.

HAROLD MACMICHAEL
High Commissioner.

12th August, 1944.

CITRUS CROP LOANS (GOVERNMENT GUARANTEE) ORDINANCE,
No. 26 OF 1944.

AN ORDINANCE TO PROVIDE SECURITY FOR LOANS ON CITRUS CROP GUARANTEED AND/OR REPAID BY THE GOVERNMENT.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Citrus Crop Loans (Government Guarantee) Ordinance, 1944.

Interpretation.

2. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"approved company" has the same meaning as in the Short Term Crop Loans (Security) Ordinance, 1935; No. 27 of 1935.

"the 1935 Ordinance" means the Short Term Crop Loans (Security) Ordinance, 1935;

"the 1940 Ordinance" means the Citrus Crop Loans (Government Guarantee) Ordinance, 1940; No. 19 of 1940.

"the 1941 Ordinance" means the Citrus Crop Loans (Government Guarantee) Ordinance, 1941; No. 16 of 1941.

"the 1942 Ordinance" means the Citrus Crop Loans (Government Guarantee) Ordinance, 1942; No. 25 of 1942.

"the 1943 Ordinance" means the Citrus Crop Loans (Government Guarantee) Ordinance, 1943. No. 12 of 1943.

Loans guaranteed by Government on security of 1940-1941 citrus crop to be first charge on 1944-1945 citrus crop.

3. Where any approved company has made a loan to a citrus grower on the security (whether as sole security or along with any collateral security) of a charge on any citrus crop of the year 1940-1941, under and in accordance with the provisions of the 1935 Ordinance, and such loan has in whole or in part been guaranteed by the Government and has by reason of such guarantee or otherwise been repaid by the Government to an approved company, the amount of such loan and any interest due or which may become due thereon shall, notwithstanding anything contained in the 1935 Ordinance or in the 1940 Ordinance or in section 3 of the 1941 Ordinance or in section 3 of the 1942 Ordinance or in section 3 of the 1943 Ordinance or in any document creating such charge as aforesaid, be a first charge on the citrus crop of the year 1944-1945, in favour of the Government, having priority over any other charge on such last mentioned crop (whether such other charge was created before or after the date of the commencement of this Ordinance), and the District Officer shall accordingly make an appropriate entry in the Register Book of Crop Charges opposite the entry relating to the said charge on the citrus crop of the year 1940-1941.

Loans guaranteed by Government on security of 1941-1942 citrus crop to be first charge on 1944-1945 citrus crop.

4. Where any approved company has made a loan to a citrus grower on the security (whether as sole security or along with any collateral security) of a charge on any citrus crop of the year 1941-1942, under and in accordance with the provisions of the 1935 Ordinance, and such loan has in whole or in part been guaranteed by the Government and has by reason of such guarantee or otherwise been repaid by the Government to an approved company, the amount of such loan and any interest due or which may become due thereon shall, notwithstanding anything contained in the 1935 Ordinance or in section 4 of the 1941 Ordinance or in section 4 of the 1942 Ordinance or in section 4 of the 1943 Ordinance or in any document creating such charge as aforesaid, be a first charge on the citrus crop of the year 1944-1945, in favour of the Government, having priority over any other charge on such last mentioned crop (whether such other charge was created before or after the date of the commencement of this Ordinance) subject only to, and next after, any first charge on that crop conferred by section 3 of this Ordinance, and the District Officer shall accordingly make an appropriate entry in the Register Book of Crop Charges opposite the entry relating to the said charge on the citrus crop of the year 1941-1942.

Loans guaranteed by Government on security of 1942-1943 citrus crop to be first charge on 1944-1945 citrus crop.

5. Where any approved company has made a loan to a citrus grower on the security (whether as sole security or along with any collateral security) of a charge on any citrus crop of the year 1942-1943, under and in accordance with the provisions of the 1935 Ordinance, and such loan has in whole or in part been guaranteed by the Government and has by reason of such guarantee or otherwise been repaid by the Government to an approved company, the amount of such loan and any interest due or which may become due thereon shall, notwithstanding anything contained in the 1935 Ordinance or in section 5 of the 1942 Ordinance or in section 5 of the 1943 Ordinance or in any document creating such charge as aforesaid, be a first charge on the citrus crop of the year 1944-1945, in favour of the Government, having priority over any other charge on such last mentioned crop (whether such other charge was created before or after the date of the commencement of this Ordinance) subject only to, and next after, any first charge on that crop conferred by section 3 or section 4 of this Ordinance, and the District Officer shall accordingly make an appropriate entry in the Register Book of Crop Charges opposite the entry relating to the said charge on the citrus crop of the year 1942-1943.

Loans guaranteed by Government on security of 1943-1944 citrus crop to be first charge on 1944-1945 citrus crop.

6. Where any approved company has made a loan to a citrus grower on the security (whether as sole security or along with any collateral security) of a charge on any citrus crop of the year 1943-1944, under and in accordance with the provisions of the 1935 Ordinance, and such loan has in whole or in part been guaranteed by the Government and has by reason of such guarantee or otherwise been repaid by the Government to an approved company, the amount of such loan and any interest due or which may become due thereon shall, notwithstanding anything contained in the 1935 Ordinance or in section 6 of the 1943 Ordinance or in any document creating such charge as aforesaid, be a first charge on the citrus crop of the year 1944-1945, in favour of the Government, having priority over any other charge on such last mentioned crop (whether such other charge was created before or after the date of the commencement of this Ordinance) subject only to, and next after, any first charge on that crop conferred by section 3 or section 4 or section 5 of this Ordinance, and the District Officer shall accordingly make an appropriate entry in the Register Book of Crop Charges opposite the entry relating to the said charge on the citrus crop of the year 1943-1944.

Provision regarding loans guaranteed by Government on security of 1944-1945 citrus crop.

7. Where any approved company has made or has agreed to make a loan to a citrus grower on the security (whether as sole security or along with any collateral security) of a charge on any citrus crop of the year 1944-1945, under and in accordance with the provisions of the 1935 Ordinance, and such loan has in whole or in part been guaranteed by the Government, such charge shall, subject to registration in accordance with the provisions of the said Ordinance, be a first charge in respect of the sum lent on the security thereof and any interest which may become due thereon and shall, notwithstanding anything contained in section 5 of the 1935 Ordinance, have priority over any other charge on that crop (whether such other charge was created before or after the date of the commencement of this Ordinance) subject only to, and next after, any first charge on that crop conferred by section 3 or section 4 or section 5 or section 6 of this Ordinance.

Penalty for making false statements.

8. Any person who, in any document creating any such charge as in the preceding section first mentioned, makes any statement with respect to any liens, charges, sales or dispositions, or any attachments, affecting such crop as in that section mentioned, which statement is to his knowledge false in any material particular, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year.

HAROLD MACMICHAEL
High Commissioner.

12th August, 1944.

Supplement No. 1
to
The Palestine Gazette No. 1559 of 14th September, 1944.

WAR LOAN (BEARER BONDS) ORDINANCE,
No. 27 of 1944.

AN ORDINANCE TO MAKE PROVISION FOR THE RAISING OF A LOAN BY THE GOVERNMENT OF PALESTINE.

BE IT ENACTED by the High Commissioner for Palestine with the advice of the Advisory Council thereof:

Short title.

1. This Ordinance may be cited as the War Loan (Bearer Bonds) Ordinance, 1944.

Interpretation.

2. In this Ordinance, unless the context otherwise requires —

"bond" means a bond issued under the provisions of this Ordinance, payable to bearer;

"Financial Secretary" means the officer appointed as such by the High Commissioner.

Power to High Commissioner to borrow by issue of bonds.

3. The High Commissioner may, with the permission of the Secretary of State, borrow a sum not exceeding one million pounds by the issue at par of not more than one hundred thousand bonds of ten pounds each.

Power to Financial Secretary to provide and issue bonds and incur expenditure in connection therewith.

4. It shall be lawful for the Financial Secretary —

(*a*) to provide and issue bonds in accordance with the provisions of this Ordinance;

(*b*) to incur any expenditure incidental to the carrying out of the provisions of this Ordinance and any rules made thereunder, and such expenditure shall be defrayed out of the general revenues of the Government of Palestine.

Interest coupons to be attached to bonds.

5. There shall be attached to every bond coupons (hereinafter referred to as "interest coupons") for the payment of the interest due in each year upon the principal represented by such bond.

Form of bonds and interest coupons.

6.—(1) The bonds and interest coupons shall be in such form as the High Commissioner may approve.

(2) The bonds shall be numbered consecutively commencing with the number one, and each interest coupon shall bear the same number as the bond to which it is attached.

Rate of interest on bonds.

7. The interest upon the principal represented by each bond shall be at the rate of one per centum per annum for each completed year and shall run from the day named in the bond and shall be payable, in each year on such day or days and at such place or places as may be prescribed, to the person presenting the interest coupon who shall surrender the same for cancellation.

Transfer of bonds and interest coupons to be by delivery.

8. Bonds and interest coupons shall be transferable by delivery.

Exemption from stamp duty. Cap. 133.

9. Notwithstanding the provisions of the Stamp Duty Ordinance, no stamp duty shall be payable on the issue of any bond or interest coupon.

Drawings by lot of bonds for redemption before maturity. *Laws of Pal.*, p. 1656.

10.—(1) In this section—

"public holiday" has the same meaning as in the Bills of Exchange (Legal Holidays) Order; and

"the whole issue" means all the one hundred thousand bonds to be issued under the authority of this Ordinance.

(2) During each year of the currency of the bonds there shall be drawings by lot (hereinafter called "drawings") of tickets corresponding to one hundred and fifty-nine bonds at each drawing, in the manner prescribed, and the bonds corresponding to the tickets so drawn shall be redeemed for the sums respectively specified hereunder, that is to say:—

	Pounds
(*a*) the bond corresponding to the ticket first drawn shall be redeemed for the sum of	1,000
(*b*) the bond corresponding to the ticket next drawn shall be redeemed for the sum of	500
(*c*) the two bonds corresponding respectively to the two tickets next drawn shall be redeemed for the sum of	250 each
(*d*) the ten bonds corresponding respectively to the ten tickets next drawn shall be redeemed for the sum of	100 each
(*e*) the twenty bonds corresponding respectively to the twenty tickets next drawn shall be redeemed for the sum of	50 each
(*f*) the one hundred and twenty-five bonds corresponding respectively to the one hundred and twenty-five tickets next drawn shall be redeemed for the sum of	20 each:

Provided that if at the time of any drawing the whole issue has not been sold, the sums to be paid for the redemption of the several bonds hereinbefore specified shall be the aggregate of the following sums, that is to say:—

(i) a sum which bears to the sum specified in paragraph (*a*), (*b*), (*c*), (*d*), (*e*) or (*f*) of this subsection (whichever paragraph is applicable) less ten pounds, the same proportion as the number of bonds sold at the time of such drawing bears to one hundred thousand; and

(ii) the sum of ten pounds.

(3) Drawings shall take place in public on the first Wednesday in the months of March, June, September and December in each year, commencing with the first Wednesday in the month of December, 1944, and ending with the first Wednesday in the month of September, 1964:

Provided that if any of the said days fixed for any drawing falls on a public holiday, such drawing shall be held on such other day as the High Commissioner shall, by notice in the *Gazette*, appoint.

Sums payable on redemption before maturity to be printed on bonds.

11. The sums payable for the redemption of bonds drawn by lot shall be printed on each bond.

Sums payable on redemption of bonds before maturity to be free of income tax. No. 23 of 1941.

12. Any sum paid for the redemption of a bond drawn by lot shall be deemed not to be income for the purposes of the Income Tax Ordinance, 1941, and shall not be taken into account in calculating the chargeable income of any person under that Ordinance.

Bonds not drawn by lot redeemable at par.

13. Bonds not drawn under the provisions of section 10 shall mature for redemption at par on the 20th day of September, 1964. Such bonds shall be redeemed at such place or places as may be prescribed.

Payment of redemption moneys.

14. The sum payable for the redemption of any bond shall not be paid except upon the surrender of such bond for cancellation.

Interest coupons in respect of bonds drawn by lot to be null and void after date for redemption of bond.

15.—(1) From and after the date prescribed for the redemption of any bond drawn by lot all interest coupons in respect of such bond which are expressed to be payable on a day subsequent to such date shall be null and void and no interest shall thereafter be payable in respect of such bond whether payment of the sum due on redemption shall have been demanded or paid or not.

(2) All interest coupons expressed to be payable on a day subsequent to the redemption date of a bond drawn by lot shall remain attached to such bond at the time of its surrender for cancellation in accordance with section 14 and the value of any interest coupons as are not so attached shall be deducted from the sum payable on the redemption of such bond.

Moneys payable under the Ordinance or rules to be a charge on the general revenues and assets of Government of Palestine.

16. The moneys represented by the bonds and interest coupons issued under the provisions of this Ordinance and all other moneys payable under the provisions of this Ordinance or any rules made thereunder shall be a charge on the general revenues and assets of the Government of Palestine.

Utilization and investment of money borrowed.

17. The money borrowed under the authority of this Ordinance shall be utilized as may from time to time be required—

(*a*) to cover such expenditure of the Government of Palestine in the financial year 1944-1945 as has been or may be incurred in that year as a consequence of the present war, for which expenditure the revenue of the Government of Palestine is inadequate;

(*b*) to grant loans to municipal and local councils for purposes approved by the High Commissioner;

(*c*) to lend to His Majesty's Government in the United Kingdom at three per centum per annum repayable at par.

Appropriation to general revenues of Government of Palestine of loans repaid by municipal and local councils.

18. Where any sum is paid to the Government of Palestine in respect of any loan granted to a municipal or local council out of the money borrowed under the authority of this Ordinance, such sum shall be appropriated to the general revenues of the Government of Palestine.

Sinking fund.

19.—(1) The High Commissioner shall on the 1st day of July, 1945, and thereafter in each half-year remit to the Crown Agents such sum as he may deem sufficient for the formation of a sinking fund for the redemption of bonds for an amount equal to the aggregate of the sums

utilized for the purposes specified in paragraphs (*a*) and (*b*) of section 17, and the Crown Agents shall hold such sinking fund in trust for the Government of Palestine.

(2) The Crown Agents shall invest in the purchase of such securities as may be approved by the Secretary of State any moneys remitted to them under subsection (1), and the Crown Agents shall also invest the dividends, interest or produce of such investments in the purchase of like securities and may, from time to time with the approval of the Secretary of State, change any such investments.

Offences.

20. Any person who forges or alters any bond or interest coupon or any word, figure, mark, sign, signature or facsimile upon or attached to any bond or interest coupon, or who offers, utters or disposes of any bond or interest coupon knowing the same to be forged or altered, shall be guilty of an offence and shall on conviction be liable to imprisonment for a period not exceeding fifteen years.

Rules.

21.—(1) The High Commissioner in Council may from time to time make rules for the better carrying of this Ordinance into effect, and, in particular, but without prejudice to the generality of the foregoing power, the High Commissioner in Council may make rules for or in respect of all or any of the following matters:—

(*a*) all matters stated or required in this Ordinance to be prescribed;

(*b*) the manner of effecting drawings;

(*c*) the manner of notifying the number of each bond drawn by lot;

(*d*) the place or places for the payment of any moneys due in respect of bonds drawn by lot:

Provided that, until varied or revoked by any such rules, the rules contained in the Schedule shall be in force.

THE SCHEDULE.

(Section 21).

Citation.

1. These Rules may be cited as the War Loan (Bearer Bonds) Rules, 1944.

Interpretation.

2. In these Rules, unless the context otherwise requires—

"Accountant General" means the officer appointed as such by the High Commissioner;

"approved institution" means any person approved by the Financial Secretary for the purpose of selling bonds;

"Board" means the Board appointed by the High Commissioner under rule 3 of these Rules;

"drawing" means a drawing of bonds by lot in the manner provided by these Rules;

"drum" means the receptacle into which tickets are placed;

"the Ordinance" means the War Loan (Bearer Bonds) Ordinance, 1944;

"vault" means the strong room approved by the Financial Secretary for the purposes of these Rules.

Appointment of Board.

3.—(1) For the purposes of these Rules, there shall be a Board consisting of a Chairman and such other members, not exceeding eleven in number, as may be appointed by the High Commissioner.

(2) The Financial Secretary shall be *ex-officio* Chairman of the Board, and the other members of the Board shall hold office for a

period of two years from the date of their appointment but shall be eligible for re-appointment on the expiration of the term of their appointment.

(3) The High Commissioner may remove from office any member of the Board who in his opinion by continued absence or other cause ceases to be an effective member of the Board.

(4) On the death, resignation or removal from office of any member of the Board, the High Commissioner may appoint some other person to be a member of the Board for the residue of the term for which such first mentioned member was appointed, but such other person so appointed shall be eligible for re-appointment on the expiration of the term of his appointment.

Duties of Board and procedure thereof.

4.—(1) The Board shall attend the drawings and shall generally perform such other duties as may be necessary for the purposes of these Rules.

(2) Meetings of the Board shall be held at such times and places as the Chairman of the Board shall from time to time appoint.

(3) Reasonable notice of the time and place of meeting shall be given to all members.

(4) For the purpose of performing any duties or discharging any functions, and at any meeting of the Board, five members of the Board, of whom one shall be the Chairman of the Board, shall constitute a quorum.

(5) A record of every action taken by the Board at any meeting thereof shall be entered in a Minute Book which shall be signed by the members of the Board present at such meeting. The Minute Book shall be deposited in the vault.

Tickets.

5.—(1) There shall be a number of tickets (hereinafter called "the tickets") equal to the number of bonds issued under the authority of the Ordinance and each ticket shall be numbered consecutively commencing with the number one.

(2) The tickets shall be made of such material as the Financial Secretary may decide.

Drum.

6.—(1) The drum shall be made of metal and shall be capable of being revolved and shall have one door fastened by three locks. The keys of such locks shall be held by three members of the Board (hereinafter called "drum keyholders") to be nominated by the High Commissioner and each drum keyholder shall hold the key of one only of the said locks.

(2) In the event of a drum keyholder being unable to attend to his duties as such the High Commissioner may nominate another member of the Board to act temporarily as drum keyholder.

(3) No person who is nominated to be a vault keyholder under rule 7 of these Rules shall be nominated to be a drum keyholder.

(4) Whenever the drum is not required by the Board for the purpose of performing their duties under these Rules, it shall be kept in the vault.

Vault.

7.—(1) The vault shall have one door fastened by not less than two locks and the keys of such locks shall be held by as many persons (hereinafter called "vault keyholders") to be nominated by the High Commissioner, as there are locks, and each vault keyholder shall hold the key of one only of the said locks.

(2) In the event of a vault keyholder being unable to attend to his duties as such the High Commissioner may nominate another person to act temporarily as vault keyholder.

(3) No person who is a drum keyholder shall be nominated to be a vault keyholder.

Duplicate keys of drum and vault.

8. Duplicate keys of the locks of the drum and the vault shall be deposited in such places, and in the custody of such persons, as may be appointed by the Financial Secretary. Such keys shall not be surrendered to any person by the person in whose custody they are, except on a written instruction signed by two members of the Board and countersigned by the Financial Secretary.

Tickets to be placed into drum.

9. The Board shall place into the drum tickets bearing the same numbers respectively as the bonds sold prior to the drawing, but excluding tickets which have been drawn at any previous drawing.

Conveyance of drum and drawing of tickets.

10.—(1) On the date fixed for a drawing, the drum shall be taken into possession by the Board in the presence of the three drum keyholders. The drum shall be conveyed by the Board to the place where the drawing is to take place and there, at the time fixed by the Board for the drawing, the drum shall be opened by the three drum keyholders in the presence of the Board, and a person or persons selected by the Board shall draw by hand out of the drum one ticket at a time until the requisite number of tickets, as provided in section 10 of the Ordinance, have been drawn.

(2) Every ticket drawn out of the drum at a drawing in accordance with paragraph (1) of this rule shall be cancelled by the Board in such manner as the Board may decide.

(3) Any tickets which are not drawn out of the drum at a drawing in accordance with paragraph (1) of this rule shall remain in the drum until the twentieth day of September, 1964.

Drum to be replaced in vault.

11. After each drawing the drum shall be locked by the three keyholders and shall be replaced in the vault in the presence of the Board.

Publication of results of drawings.

12. The number of each bond drawn at a drawing in accordance with these Rules and the sum for which each bond so drawn will be redeemed shall be published by the Board by notice in the *Gazette* as soon as may be.

Payment for redemption of bonds drawn by lot.

13. Any person claiming any moneys in respect of any bond drawn by lot in accordance with these Rules shall present such bond to the Accountant General on or after the fourteenth day following the date of publication in the *Gazette* of the notice referred to in rule 12 of these Rules. Payment of any money due in respect of such bond shall be effected in cash at the office of the Accountant General, on demand on or after the said day and shall be made to the person who surrenders the bond to the Accountant General for cancellation.

Payment of interest.

14. The interest at the rate of one hundred mils for each bond shall be paid, on demand, on or after the twentieth day of September in each year, commencing with the year 1945, upon presentation of the relative interest coupon to any post office or approved institution and upon the surrender of such coupon for cancellation.

Payment for redemption of bonds not drawn by lot.

15. Any bonds not drawn by lot in accordance with these Rules shall be redeemed at par, on demand, on or after the twentieth day of September, 1964, at the office of the Accountant General, upon the surrender of such bond for cancellation.

J. V. W. SHAW
Officer Administering the Government.

13th September, 1944.

RELEASE ON BAIL ORDINANCE,
No. 28 of 1944.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE RELEASE OF PERSONS ON BAIL.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title and repeal.

1.—(1) This Ordinance may be cited as the Release on Bail Ordinance, 1944.

Cap. 35. Cap. 36.

(2) On the coming into force of this Ordinance the Criminal Procedure (Release on Bail) Ordinance, and section 69 of the Criminal Procedure (Trial Upon Information) Ordinance shall be deemed to have been repealed.

Interpretation.

2. In this Ordinance —

(*a*) the expression "president" in relation to the Supreme Court or the Court of Criminal Assize means the Chief Justice or a British puisne judge, and in relation to a district court means the president or relieving president of the court;

(*b*) the expression "presiding judge" and "presiding magistrate" in relation to proceedings means —

(i) the judge or magistrate before whom the proceeding was or is being held, in the case of a proceeding before a single judge or magistrate;

(ii) the judge or magistrate who presided or is presiding over the court, in the case of a proceeding before two or more judges or magistrates;

(*c*) references in this Ordinance to any judge, president of a district court, or magistrate (howsoever described) shall include the officer from time to time executing the duties of the office of the judge, president of the district court or magistrate in question, or any part of such duties;

(*d*) any power conferred by this Ordinance to review a previous order as to bail shall include power —

(i) to vary the previous order in any particular;

(ii) to grant bail where bail was refused by the previous order;

(iii) to cancel bail granted by the previous order.

Bail prohibited in the case of offences punishable with death.

3. A person charged with or convicted of an offence punishable with death shall not be released on bail. If a person charged with an offence not punishable with death is later charged with an offence punishable with death or is committed for trial for such an offence or is charged with such an offence on an information of the Attorney General, then, if an order for the release of that person on bail has been made, it shall be deemed to have been rescinded and, if that per-

son has been released on bail, the magistrate by whom the order was made shall, if that person is not before him, issue a warrant for his arrest and shall in any event commit him to custody.

Restrictions as to bail in certain cases.

4.—(1) A magistrate shall not grant bail in the case of any person charged with an offence of violence which is punishable with imprisonment for ten years or more. In any such case an application for bail may be made, at any time before the accused is brought before the trial court, to the president of the court before which the trial is to be held or would ordinarily be held if the accused was committed for trial on the charge in question. After the accused is brought before the trial court, an application for bail may be made as hereinafter provided in this Ordinance.

(2) An application for bail pending appeal, in the case of a person convicted of an offence or offences and sentenced therefor to a term of imprisonment, or an aggregate term of imprisonment, of three years or more may be made to the Chief Justice or a British puisne judge and not otherwise.

General provisions as to applications for bail.

5. Subject to the provisions of sections 3 and 4 of this Ordinance, an application for bail may be made —

(*a*) before the accused is brought before the trial court, to the magistrate who is holding or who held the preliminary enquiry or who remitted the case for trial or who last remanded the accused in custody; or

(*b*) after the accused has been brought before the trial court and before the trial is concluded, to the presiding judge or magistrate of the trial court; or

(*c*) after conviction —

(i) if an appeal has been lodged, to the presiding judge or magistrate of the court which gave the decision from which the appeal has been lodged;

(ii) if an application has been made for leave to appeal from a court of a magistrate or municipal court to the district court, to the president of the district court;

(iii) if an application has been made for leave to appeal from a district court to the Supreme Court, to the presiding judge of the district court.

Applications to review orders as to bail.

6. Subject to the provisions of sections 3 and 4, an application to review an order as to bail may be made —

(*a*) where fresh facts are disclosed or the circumstances have changed, to any judge or magistrate to whom an application for bail could have been made if there had been no previous order;

(*b*) in the case referred to in paragraph (*a*) of section 5, to the president of the court before whom the trial is to be held or would ordinarily be held if the accused was committed on the charge in question;

(*c*) in the case referred to in paragraph (*b*) of section 5, to the president of the court to which an appeal would ordinarily lie (with or without leave) against the decision of the trial court;

(*d*) in the cases referred to in paragraph (*c*) of section 5, to the president of the court to which the appeal has been lodged, or would lie if leave to appeal was given.

Applications to the Chief Justice.

7. An application to the Chief Justice may be made to review any order made on an application under the preceding sections:

Provided that an application shall not be so made where the previous order was itself made by the Chief Justice, except by leave of the Chief Justice.

By whom applications for review may be made.

8. An application to review an order as to bail may be made either by the person accused or convicted or by the prosecuting authority.

General provisions as to applications.

9.—(1) An application as to bail shall not be dealt with unless —

(*a*) both the person accused or convicted and the prosecuting authority are present or are represented at the hearing; or

(*b*) twenty-four hours previous notice of the application has been served on —

(i) the prosecuting authority, if the application is by a person accused or convicted;

(ii) the person accused or convicted, if the application is by the prosecuting authority.

(2) The Chief Justice may make rules as to the practice and procedure to be followed in relation to applications as to bail. Subject to the provisions of any such rules, the practice and procedure shall be at the discretion of the judge or magistrate to whom the application is made.

Orders on applications as to bail.

10.—(1) A judge or magistrate to whom an application as to bail is made may, in his discretion but subject to the provisions of sections 3 and 4, grant or refuse bail or review the previous order, as the case may be.

(2) Before any person is released on bail, a bond for such sum of money as the judge or magistrate shall think sufficient shall be executed by such person and, if the judge or magistrate requires sureties, by such sureties also, the bond being conditioned for the due appearance of the person released in accordance with the bond.

(3) A judge or magistrate, in lieu of requiring sureties to a bond may permit a deposit to be made in cash of the amount of the bond; and every such deposit shall be security for the due performance of the conditions of the bond.

(4) The forms of bail bonds, notice to surrender to bail, and notice to the surety to produce the accused, in the schedule to this Ordinance, with such changes therein as may be necessary, shall be used where any order is made for the release of any person on his personal recognizance or with one or more sureties. Such bonds shall in the case where release on bail is ordered by a magistrate be executed before such magistrate, and where release on bail is ordered by a judge, either before a judge, registrar or magistrate. The notice to surrender to bail and notice to the surety shall be signed by a judge or registrar or by the magistrate.

Arrest, etc., of person on bail.

11.—(1) Where a person has been released on bail under this Ordinance, a judge or magistrate entitled to review the order may —

(*a*) if he considers that there may be grounds on which the order should be reviewed by cancelling the same or by varying the same, whether by increasing the amount of the bail or by requiring further or other sureties or otherwise, issue a warrant for the arrest of that person;

(*b*) if he reviews the order in any manner indicated in paragraph (*a*) of this subsection, issue a warrant for the arrest of that person (unless a warrant has already been issued) and in any case commit that person to custody if the order is cancelled or if he does not comply with the order as varied.

(2) Whenever a person has been released on bail, it shall be lawful for any judge or magistrate, upon information in writing and upon oath that there is reason to believe that such person is about to abscond for the purpose of evading justice, or is attempting by intimidation, threats, bribes or any other means to tamper with any witnesses in the case, or is in any way interfering with the course of justice, to issue a warrant for the arrest of such person and to commit him to custody.

(3) Any police officer or surety of a bail bond may arrest without a warrant a person released on bail if he has reasonable grounds for believing that such person is about to abscond for the purpose of evading justice. A surety effecting an arrest under this section shall hand over the person arrested as soon as possible to a police officer at a convenient police station where a police officer may re-arrest such person. The person arrested shall be brought as soon as possible before a judge or magistrate entitled to review the order for bail.

Discharge of sureties.

12.—(1) A person who has given a bond for the attendance and appearance of a person released on bail or who is a surety therefor may, at any time, apply to the judge or magistrate who caused the bond to be taken to discharge the bond either wholly or so far as relates to the applicant.

(2) On such application, the judge or magistrate shall issue a warrant of arrest directing that the person so released be brought before him.

(3) On the appearance of the person pursuant to the warrant, or on his voluntary surrender, the bond shall be discharged, either wholly or so far as relates to the applicant, and the person shall be required to find other sufficient surety or sureties or to deposit cash in accordance with subsection (3) of section 10 and, if he fails to do so, shall be committed to custody.

Forfeiture of bond and thereon. procedure

13.—(1) If the condition of any bond be not complied with, the court in or before which such condition ought to be performed may endorse thereon a certificate setting forth that such condition has not been performed, and thereupon, the court may declare the whole or any part of any deposit made under subsection (3) of section 10 to be forfeited to the Government or, if no such deposit has been made and the amount of the bond is not paid within six days after an order and notice to do so, it shall be recoverable by attachment and sale of the movable and immovable property in Palestine of the person or persons who gave the bond or were sureties therefor.

(2) In default of the amount being recovered by such attachment and sale, the person or persons who gave the bond or were sureties therefor may be imprisoned for three months.

(3) The court in or before which the condition of a bond ought to be performed may remit any part of the amount thereof and enforce payment of the amount remaining only.

(4) If a surety of a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond, but the judge or magistrate by whose order the bond was given shall in any

such case issue a warrant of arrest directing that the person released be brought before him; and, on the appearance of the person pursuant to the warrant, or his voluntary surrender, shall require him to find other sufficient surety or sureties or to deposit cash in accordance with subsection (3) of section 10 and, if he fails to do so, shall commit him to custody.

Surety not to be discharged, except as provided.

14. Save as otherwise expressly provided in this Ordinance, a surety on a bail bond shall not be discharged by any circumstances until all the conditions of the bond have been fulfilled.

THE SCHEDULE.

(Section 10).

BAIL BOND BEFORE CONVICTION.

In the.....Court.....

In..... Case / Appeal No.....of.....

I, ...of..... being charged with the offence of..... and after enquiry required to appear before the..... Court at..... and after enquiry called upon to enter into my own recognizance, to appear when required, hereby bind myself to appear at the ..... Court at.....on the.....day of.....19..... (or on such day as I may hereafter be required to attend) to answer further to the said charge, and in case of my making default herein, I bind myself to forfeit to the Treasury of the Government of Palestine the sum of.....

Dated this.....day of.....19.....

.....

Signature of Accused.

Executed before me:

.....

Judge/Registrar/Magistrate.

I/We, ... hereby declare myself/ourselves security for the above-mentioned..... that he shall attend at the .....Court at.....on the.....day of.....19..... (or on such day as he may hereafter be required to attend) further to answer to the charge pending against him, and in case of his making default therein, I/We hereby bind myself/ourselves (jointly and severally) to forfeit to the Treasury of the Government of Palestine the sum of .....

Dated this.....day of.....19.....

.....

Signature(s) of Surety or Sureties.

Executed before me:

.....

Judge/Registrar/Magistrate.

BOND AND BAIL BOND AFTER CONVICTION.

In the.....Court.....

In..... Case / Appeal No.....of.....

I,.....of..... being convicted before the Court at..... on the charge of ..... and sentenced to.....

and having been admitted to bail, do hereby bind myself to attend the..... Court at ..... on the date fixed for the hearing of my appeal or whenever required and to continue so to attend until otherwise directed by the Court; and in case of my making default therein, I bind myself to forfeit to the Treasury of the Government of Palestine the sum of .....

Dated this.....day of.....19.....

.....
Signature of the person admitted to bail.

Executed before me:

.....
Judge/Registrar/Magistrate.

I/We, ... do hereby declare myself/ourselves security for the above named .....that he shall attend at the..... Court at ..... on the date fixed for the hearing of the above appeal or whenever required and shall continue so to attend until otherwise directed by the Court and in case of his making default therein, I/we hereby bind myself/ourselves (jointly and severally) to forfeit to the Treasury of the Government of Palestine the sum of..... .....

Dated this.....day of.....19.....

.....
Signature(s) of Surety or Sureties.

Executed before me:

.....
Judge/Registrar/Magistrate.

NOTICE TO PERSON ON BAIL TO SURRENDER.

In the.....Court.....

In..... Case/Appeal No.....of.....

The Attorney General — *Prosecutor/Respondent*

v. — *Accused/Appellant*

.....

To.....

Take notice that you are hereby required to surrender to your bail on the..... day of.....19....., at the..... court at..... (the above date having been fixed for the trial/hearing of the Case/Appeal) and to receive the further orders of the Court as to your attendance.

Given under my hand and the seal of the Court this .....day of .....19.....

.....
Judge/Registrar/Magistrate.

NOTICE TO SURETY TO PRODUCE AN ACCUSED PERSON FOR TRIAL.

In the.....Court.....

In..... Case/Appeal No.....of.....

To.....

Take notice that whereas by virtue of the bond executed by you on.....

and filed in Court, you are bound unto the Treasury of the Government of Palestine in the sum of £P.....as surety of .....who was convicted of/is charged with the offence of ..... to produce him the said ..... at the hearing of his appeal/to stand his trial or to appear before any authority in connection with the said charge;

And whereas the Appeal/Trial of the said accused will be heard/take place on the ..... day of.....19....., at.....

You are now hereby required to produce the said,....., for whom you stand surety, before the.....Court at..... on the date and at the time above specified, and in default the Court will order the amount of the bond, which is £P..... to be forfeited.

Dated this.....day of.....19.....

.....
Judge/Registrar/Magistrate.

J. V. W. SHAW
Officer Administering the Government.

13th September, 1944.

BANKING (AMENDMENT) ORDINANCE,
No. 29 of 1944.

AN ORDINANCE TO AMEND THE BANKING ORDINANCE, 1941.

BE IT ENACTED by the High Commissioner for Palestine with the advice of the Advisory Council thereof:—

Short title. No. 26 of 1941.

1. This Ordinance may be cited as the Banking (Amendment) Ordinance, 1944, and shall be read as one with the Banking Ordinance, 1941, hereinafter referred to as "the principal Ordinance".

Amendment of section 3 of the principal Ordinance.

2. Section 3 of the principal Ordinance shall be amended by the insertion of the following new subsection immediately after subsection (4) thereof:

"(4A). Notwithstanding the provisions of subsection (4) of this section a foreign company which has as its object or one of its objects the carrying on of banking business but does not intend to carry on banking business in Palestine may be registered upon the filing by the directors of such company with the Registrar of Companies of a declaration to the effect that the company if and when registered will not carry on banking business in Palestine."

Amendment of section 12 of the principal Ordinance.

3. Section 12 of the principal Ordinance shall be amended by the addition of the following new subsection at the end thereof:—

"(3) The Examiner of Banks shall publish annually in the *Gazette* the name of every bank which has paid the annual fee prescribed in this section."

J. V. W. SHAW
Officer Administering the Government.

13th September, 1944.

LAND REGISTERS ORDINANCE,

No. 30 of 1944.

AN ORDINANCE TO PROVIDE FOR CASES IN WHICH LAND REGISTERS HAVE BECOME UNSERVICEABLE OR IN WHICH ENTRIES IN LAND REGISTERS HAVE BEEN DESTROYED OR RENDERED ILLEGIBLE AND FOR CERTAIN OTHER MATTERS.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :—

Short title.

1. This Ordinance may be cited as the Land Registers Ordinance, 1944.

Interpretation.

2. In this Ordinance, unless the context otherwise requires —

"authorised officer" means the Director of Land Registration or the Assistant Director of Land Registration or the Chief Inspector of Land Registration;

"Director" means the Director of Land Registration;

"entry" means an entry in a land register;

"land court" means a land court consisting of a president or relieving president of a district court;

"new entry" means an entry subsisting in a land register, which has been made in pursuance of powers conferred by this Ordinance.

Power to hold enquiry.

3. Whenever an authorised officer is satisfied that any entries in a land register have been destroyed or rendered illegible in whole or in part and that such entries relate to subsisting interests, rights or obligations in respect of the land in question he may, in his absolute discretion, hold an enquiry as hereinafter provided.

Procedure for holding enquiry

4.—(1) Before holding such enquiry, an authorised officer shall, by a notice (hereinafter called "the preliminary notice") published in the *Gazette* or published in such newspaper circulating in Palestine as he may think fit, give notice of his intention to hold the enquiry. The preliminary notice shall describe the land in question and shall give such information as the authorised officer may deem appropriate as to the entries believed to be concerned and shall require any person who claims that he is interested in the reconstruction (as hereinafter provided) of any entries which have been destroyed or rendered illegible in whole or in part and that such entries relate to subsisting interests, rights or obligations in respect of the land to submit in writing to the authorised officer, within such period as is specified in the notice, a statement of his claim.

(2) After the expiry of the period specified in the preliminary notice, an authorised officer shall fix the time, date and place for the holding of the enquiry and shall cause a notice (hereinafter called "the notice of hearing") to be served on every person (hereinafter referred to as "an interested person") who has submitted a statement of his claim in accordance with the preliminary notice, and requiring such person to appear before an authorised officer at the time, date and place fixed for the holding of the enquiry.

(3) An interested person may appear at the enquiry either in person or by an agent authorised in writing or appointed before the authorised officer: where an agent so appointed is a member of the family of the person appointing him and is not an advocate, stamp duty shall not be payable on the document authorising him to appear before the authorised officer.

(4) If any interested person upon whom a notice of hearing has been served fails to appear either in person or by an authorised agent, the enquiry may proceed in his absence.

Reconstruction of entries etc.

5.—(1) Upon the conclusion of the enquiry, the authorised officer may —

(*a*) if he is satisfied that there is sufficient material before him to enable him so to do, prepare new entries which are, as best he can ascertain, reconstructions of the entries to which the enquiry has related; or

(*b*) if he is not so satisfied, decline to prepare any such new entries.

(2) For the avoidance of doubt it is hereby declared that any new entry shall, as best the authorised officer can ascertain, be a reconstruction of the whole of the former entry, notwithstanding that a part only of the former entry has been destroyed or rendered illegible.

(3) When the authorised officer has prepared new entries as aforesaid, he shall endorse at the end of each entry a certificate substantially in form A in the Schedule to this Ordinance and shall sign and date such certificate.

(4) The authorised officer shall cause a notice to be served on every interested person giving the substance of his decision and, where the decision is to prepare any new entries, notify the interested person that he may inspect the new entries during office hours at such place as may be specified in the notice.

Further enquiries.

6.—(1) Where an enquiry has been held under the preceding sections or under this section and an authorised officer is satisfied—

(*a*) that a person who was entitled to submit a statement of claim in connection with the last enquiry failed so to do for any reason other than his own neglect or default, or

(*b*) that evidence is available which was not before the authorised officer who held the last enquiry and could not reasonably have been given, produced or made available at that enquiry, but which, had it been before the authorised officer who held that enquiry, might have led him to give a different decision in whole or in part,

he may decide to hold a further enquiry.

(2) The provisions of section 4 shall apply in relation to any such further enquiry as they apply in relation to enquiries held in pursuance of section 3: Provided that, in lieu of the matters required by subsection (1) of section 4 to be stated in a preliminary notice under that subsection, the preliminary notice of a further enquiry to be held under this section shall describe the land in question and shall give such information as the authorised officer may deem appropriate as to the new matters to be considered at the enquiry and shall require any person who claims that he is interested in the result of the enquiry to submit in writing to the authorised officer, within such period as is specified in the notice, a statement of his claim.

(3) Upon the conclusion of a further enquiry, an authorised officer may—

(*a*) if he is satisfied that there is sufficient material before him to enable him to do so, prepare new entries which are, as best he can

ascertain, reconstructions of entries to which the enquiry has related, and, if necessary, cancel any previous new entry, or

(*b*) if he is not so satisfied, decline to do any of such things.

(4) Subsection (2) of section 5 shall apply in relation to any new entry prepared under this section.

(5) When a new entry is cancelled under this section, the authorised officer shall endorse at the end thereof a certificate of cancellation substantially in the form B in the Schedule to this Ordinance. When a new entry is prepared under this section, the authorised officer shall endorse at the end thereof a certificate substantially in the form C or D (whichever is appropriate) in the Schedule to this Ordinance. The authorised officer shall sign and date any such certificate.

(6) The authorised officer who has held an enquiry under this section shall cause a notice to be served on every interested person and, where the decision is to prepare a new entry, notify the interested person that he may inspect the same during office hours at such place as may be specified in the notice.

Appeal.

7.—(1) Any interested person who is aggrieved by a decision of an authorised officer under section 5 or 6 may, within thirty days after service of the notice of such decision upon him, appeal against the decision to the land court in whose jurisdiction the land affected is situated.

(2) The land court shall determine the appeal and shall make such order thereon as may appear to the court to be just.

(3) The authorised officer shall give effect to any decision on appeal and, without prejudice to the generality of this direction, may prepare any new entry or cancel any new entry or do both such things, as may be appropriate, and the provisions of subsection (3) of section 5 and subsection (5) of section 6 shall apply *mutatis mutandis* in relation to any such new entry or cancellation: Provided that any certificate of the Director shall quote the reference to the appeal case.

(4) The Chief Justice may, with the concurrence of the High Commissioner, make rules of court for regulating the practice and procedure in appeals under this section and, without prejudice to the generality of this power, any such rules may provide for the forms to be used and the fees to be payable.

Effect of certificate of authorised officer.

8. A new entry prepared under the provisions of this Ordinance shall, as from the date of the certificate of the authorised officer thereon, have the same force and effect as the entry of which it is a reconstruction.

Service of notices.

9. A notice under this Ordinance may be served on an interested person by—

(*a*) serving it upon him personally; or

(*b*) leaving it for him at his last known address; or

(*c*) sending it by registered post addressed to him at his last known address.

Preparation of copies of land registers.

10.—(1) Whenever, in the opinion of the Director, the whole or any part of any land register is, or is likely to become, unserviceable, by reason of its age or of damage or otherwise, the Director may cause a copy of such land register or part thereof to be prepared.

(2) Copies prepared under this section shall be checked by such persons and in such manner as the Director may deem appropriate.

(3) The Director may cause any copy prepared in accordance with this section to be bound as a separate land register, or to be substituted in an existing land register for any part of which it is a copy.

(4) Whenever, in accordance with the provisions of this section, a copy of a land register or any part thereof has been prepared and checked, an authorised officer shall endorse against the last entry on each folio a certificate substantially in form E in the Schedule to this Ordinance.

(5) An authorised officer shall sign and date every certificate endorsed under this section.

(6) With effect from the date of any certificate endorsed in accordance with the provisions of this section the copy to which it relates shall have the same force and effect for all purposes as the register or part thereof of which it is a copy and such register or part thereof shall cease to have any force or effect and may be destroyed by the Director.

(7) When a certificate of an authorised officer has been endorsed in accordance with this section it shall be presumed, unless the contrary is proved, that all things required by this section were duly done prior to the endorsement of the certificate.

Power of Director to hold enquiry regarding certain documents. Cap. 81. Cap. 135.

11. Where the Director is satisfied that—

(*a*) (i) any person has applied to the Director for the grant, under section 4 of the Land Transfer Ordinance, of his consent to the disposition of any immovable property; or

(ii) any person claiming to be entitled to any share in any immovable property forming part of a succession has applied to the Director, under section 25 of the Succession Ordinance, for the registration of his name upon a land register in respect of his interest in such immovable property; and

(*b*) such application, and all or any of the documents or any part thereof submitted with such application, have been destroyed or rendered illegible in whole or in part whilst in the custody of the Director; and

(*c*) similar documents, or documents having the same force and effect, cannot be obtained by such person for production to the Director,

the Director may appoint an authorised officer to hold an enquiry for the purpose of ascertaining any facts which he may desire to ascertain before giving his decision.

Power of Director to postpone certain transactions. Cap. 81. Cap. 135.

12. In the following cases, namely—

(*a*) where any person applies or has applied to the Director for the grant, under section 4 of the Land Transfer Ordinance, of his consent to the disposition of any immovable property; or

(*b*) where any person claiming to be entitled to any share in any immovable property forming part of a succession, applies or has applied to the Director, under section 25 of the Succession Ordinance, for the registration of his name upon a land register in respect of his interest in such immovable property,

and the Director is satisfied that it is desirable to postpone his decision until any enquiry under this Ordinance has been held, he may postpone his decision accordingly.

Powers of officer when holding enquiry.

13. An officer holding an enquiry under this Ordinance shall have the following powers:—

(*a*) to procure all such evidence, written or oral, and to examine all such persons as witnesses as he may think it necessary or desirable to procure or examine;

(*b*) to require the evidence (whether written or oral) of any witness to be given on oath or otherwise, such oath to be that which could be required of the witness if he were giving evidence in a court of law;

(*c*) to summon any person residing in Palestine to attend before him to give evidence or produce any document in the possession of such person and to examine such person as a witness or require him to produce any document in his possession, subject to all just exceptions;

(*d*) to issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails to do so, and does not excuse such failure to the satisfaction of the officer, and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and also to fine such person a sum not exceeding five pounds;

(*e*) to fine in a sum not exceeding five pounds any person who, being required by the officer to give evidence on oath or otherwise or to produce a document, refuses to do so and does not excuse such refusal to the satisfaction of the officer:

Provided always that, if any witness objects to answer any question on the ground that it will tend to incriminate him, he shall not be required to answer the question nor be liable to any penalties for refusing so to answer;

(*f*) to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings;

(*g*) to take account of any documents in the custody of the Director;

(*h*) to order any person who, in the opinion of the officer—

(i) has made a false representation in consequence of which an enquiry has been held under this Ordinance; or

(ii) in connection with an enquiry held under this Ordinance, has made a frivolous claim,

to pay such sum as in the opinion of the officer represents the cost to Government of holding such enquiry, or the cost of holding such part of such enquiry as was due to such frivolous claim, as the case may be.

Recovery of fines and other moneys.

14.—(1) Any fine imposed under section 13 shall be recoverable in the same manner as a fine imposed by a court of law.

(2) Where any person is ordered to pay any amount under section 13, such amount shall be a debt due from such person to the Government of Palestine and shall be recoverable accordingly.

Rules.

15. The Director may, with the approval of the High Commissioner, make rules for the better carrying into effect of the provisions of this Ordinance. Without prejudice to the generality of the power conferred by this section, any such rules may, subject to the provisions of section 7, provide for the forms to be used under this Ordinance, the fees to be payable in relation to things done thereunder and the granting of exemptions from the payment of any such fees.

Saving.

16. Nothing in this Ordinance shall prejudice or affect any right which would exist if this Ordinance had not been enacted.

SCHEDULE.

FORM A.

Prepared under section 5(1)(*a*) of the Land Registers Ordinance, 1944.
Dated this day of .

Authorised Officer.

FORM B.

Cancelled under section 6(3)(*a*) of the Land Registers Ordinance, 1944.
Dated this day of .

Authorised Officer.

FORM C.

Prepared under section 6(3)(*a*) of the Land Registers Ordinance, 1944.
Dated this day of .

Authorised Officer.

FORM D.

Prepared under section 6(3)(*a*) of the Land Registers Ordinance, 1944, in substitution for new entry at .
Dated this day of .

Authorised Officer.

FORM E.

Copy prepared under section 9(1) of the Land Registers Ordinance, 1944.
Dated this day of .

Authorised Officer.

J. V. W. SHAW
Officer Administering the Government.

13th September, 1944.

Supplement No. 1
to the
Palestine Gazette Extraordinary No. 1568 of 27th October, 1944.

CRIMINAL PROCEDURE (TRIAL UPON INFORMATION) (AMENDMENT) ORDINANCE,
No. 31 of 1944.

AN ORDINANCE TO AMEND THE CRIMINAL PROCEDURE (TRIAL UPON INFORMATION) ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Criminal Procedure (Trial Upon Information) (Amendment) Ordinance, 1944, and shall be read as one with the Criminal Procedure (Trial Upon Information) Ordinance, hereinafter referred to as "the principal Ordinance". Cap. 36.

Repeal and replacement of section 16 of the principal Ordinance.

2. Section 16 of the principal Ordinance is hereby repealed and replaced by the following section:—

"Taking of evidence.

16.—(1) Every witness shall be examined on oath, except where the magistrate is satisfied that the taking of an oath is contrary to the religious belief of the witness or that he has no religious belief, in either of which cases he may be examined on his affirmation only:

Provided that where any child of tender years called as a witness does not in the opinion of the magistrate understand the nature of an oath, his evidence may be received although not given upon oath or affirmation if, in the opinion of the magistrate, such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth; and his evidence, although not given on oath or affirmation, shall, if otherwise taken and reduced into writing in accordance with the provisions of this Ordinance, be deemed to be a deposition within the meaning of this Ordinance.

(2) If any child of tender years whose evidence, although not given on oath or affirmation, is received in accordance with the proviso to subsection (1) wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath or affirmation, have been guilty of perjury, he shall be liable on conviction to be dealt with as if he had been convicted of an offence punishable in the case of an adult with imprisonment.

(3) An accused person or his advocate may cross-examine each witness (including the complainant if he is called as a witness) called in support of the charge and the prosecution may re-examine such witness on matters arising out of such cross-examination. Similarly the prosecution may cross-examine the witnesses called by the defence (including the accused if he is so called) and the defence may re-examine such witnesses on matters arising out of such cross-examination.

(4) The evidence of each witness shall be taken down in writing by the magistrate or by some other person in the presence of the magistrate as the Chief Justice may direct either generally or in any particular class of case, and shall afterwards be read to the witness and signed by him. If he is unable to sign his name, he shall affix his mark or thumbprint, which shall be witnessed by the magistrate or the clerk of the court. If a witness refuses to sign or attach his mark or thumbprint, the magistrate shall make a note of such refusal on the deposition and shall sign the deposition."

Repeal and replacement of section 28 of the principal Ordinance.

3. Section 28 of the principal Ordinance is hereby repealed and replaced by the following section:—

"Information of Attorney General, committal by Attorney General etc.

28.—(1) No person shall be put upon his trial upon information before the Court of Criminal Assize or a District Court, notwithstanding that he may have been committed for trial by a magistrate, except upon an information filed by or on behalf of the Attorney General in the court in which he is to be tried.

(2) Every information shall be drawn up in accordance with the rules in the Schedule to this Ordinance:

Provided that the Chief Justice may, with the concurrence of the High Commissioner, add to, vary or revoke such rules.

(3) Every information shall contain, and shall be sufficient if it contains, a statement of the specific offence or offences with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

(4) Notwithstanding any rule of law or practice, an information shall, subject to the provisions of this Ordinance, not be open to objection in respect of its form or contents if it is framed in accordance with the rules under this Ordinance.

(5) Where a magistrate has refused to commit an accused for trial for the offence with which he has been charged or for any other offence, the Attorney General may, notwithstanding such refusal —

(*a*) make an order committing the accused person for trial upon information before the Court of Criminal Assize or the District Court, as the case may be, or directing that he be tried summarily before a District Court, on any charge or charges arising out of the evidence taken at the proceedings for committal;

(*b*) at any time within the period of prescription for the offence, make an order that further evidence shall be taken before the magistrate with a view to committal.

(6) Where a magistrate has committed an accused person for trial for the offence with which he has been charged or for any other offence —

(*a*) the Attorney General may, notwithstanding such committal, make an order directing that the accused person be tried summarily before a District Court on any charge or charges arising out of the evidence taken at the proceedings for committal; or

(*b*) if the accused person has been committed for trial before the Court of Criminal Assize, the Attorney General may, unless an information has already been filed in that Court, file an information against the accused person in the District Court and may include in the information any charge or charges arising out of the evidence taken at the proceedings for committal; or

(*c*) subject to the provisions of paragraphs (*a*) and (*b*) above, the Attorney General or his representative may file an information against the accused person in the Court of Criminal Assize or the District Court, as the case may be, and may include in the information any charge or charges arising out of the evidence taken at the proceedings for committal.

(7) Where a magistrate has committed a person for trial and the Attorney General is of opinion that further investigation is required before the trial, it shall be lawful for the Attorney General to direct that the original depositions be remitted to the magistrate who has committed the accused for trial, and the magistrate may thereupon re-open the case and deal with it in all respects as if such commitment had not been made.

(8) Where a magistrate has committed a person for trial and the Attorney General is of opinion that the case should be tried by the magistrate, the case may, if the Attorney General so directs, be tried and determined accordingly and thereupon the provisions of section 20 of this Ordinance shall apply as though the magistrate had himself elected to act under that section and to try the accused summarily on the charge or charges directed by the Attorney General.

(9) The Attorney General or his representative may, at any time before the trial of an accused person, amend or replace an information previously filed so long as any charge or charges included in the information arise out of the evidence taken at the proceedings for trial.

(10) Any charge or charges preferred by information or directed to be made in accordance with the provisions of this section may include a charge or charges in substitution for, or in addition to, any charge or charges on which the accused person was committed or may exclude any such charge or charges; and any charge or charges may be so preferred or directed whether they involve, either separately or collectively, the same penalty as, or a more or less severe penalty than, any charge or charges on which the accused was committed.

(11) If an information filed otherwise than in accordance with the provisions of the foregoing subsections has been signed by the Attorney General or his representative, the information shall be liable to be quashed:

Provided that —

(*a*) if the information contains several charges, and the said provisions have been complied with as respects one or more of them, those charges only that were wrongly included shall be quashed under this subsection; and

(*b*) where a person who has been committed for trial is convicted on any information or any charge in an information, that information or charge shall not be quashed under this subsection on appeal, unless application was made at the trial that it should be so quashed."

Repeal and replacement of section 38 of the principal Ordinance.

4. Section 38 of the principal Ordinance is hereby repealed and replaced by the following section:—

"Evidence of witness not called at preliminary enquiry.

38. A person who has not given evidence at the preliminary enquiry shall not be called by the prosecution to give evidence at the trial unless the accused person or his advocate has been previously served with a notice in writing containing the name of the witness intended to be called and a note of the substance of the evidence intended to be produced:

Provided, however, that when the witness intended to be called is—

(*a*) a co-accused who has already been acquitted or convicted, or

(*b*) a person called only to prove that a witness who has given evidence at the preliminary enquiry cannot be produced at the trial because of his death, infirmity or sickness or absence from Palestine, or

(*c*) a witness whose evidence is of a formal nature no such notice as aforesaid shall be required."

Amendment of section 56 of the principal Ordinance.

5. Subsection (2) of section 56 of the principal Ordinance is hereby repealed and replaced by the following subsection:—

"(2) On proof of his having made such contradictory statements as aforesaid, and on the court being satisfied that there was an intention to deceive either the court of inquiry or the court of trial, such person shall be guilty of the offence of giving false evidence and on conviction shall be liable to imprisonment for two years or to a fine of five hundred pounds or to both such penalties."

Repeal and replacement of section 59 of the principal Ordinance.

6. Section 59 of the principal Ordinance is hereby repealed and replaced by the following section:—

"Stay of proceedings.

59.—(1) At any time during any criminal proceedings and before judgment, the Attorney General may stay such proceedings by order in writing filed in the court before which they are pending.

(2) At any time within the period of prescription for the offence, the Attorney General may, by order in writing filed in the court before which the proceedings were pending, revoke any order staying the proceedings made in accordance with subsection (1), and thereupon the proceedings shall be continued from the stage at which they were stayed: Provided that, in any case in which the order staying the proceedings was filed after the trial had commenced, the trial shall be recommenced de novo.

(3) When an order has been made by the Attorney General under subsection (2), a magistrate shall, on application in writing made by or on behalf of the Attorney General, issue in his discretion either a summons or a warrant compelling the attendance of the accused person before him and sections 6, 7, 8, 9, 10, 11 and 12 of this Ordinance shall apply as they do in the case of process issued under section 6 of this Ordinance. On the appearance of the accused person before the magistrate, the magistrate may remit the case to any court in which the proceedings were pending at the time that they were stayed and may remand the accused in custody or may admit him to bail according to law. Save as above provided, this Ordinance shall apply, *mutatis mutandis*, to any further proceedings held in pursuance of an order of the Attorney General made under subsection (2).

(4) When an accused person has been committed for trial the case shall be deemed to be pending in the court for trial before which he has been committed."

Repeal and replacement of section 67 of the principal Ordinance.

7. Section 67 of the principal Ordinance is hereby repealed and replaced by the following section:—

"Appeal by the Attorney General.

67.—(1) The Attorney General may appeal from a judgment on any of the following grounds —

(*a*) that there was not evidence on which the court could lawfully find a fact or facts necessary to support the judgment, or

(*b*) that evidence was wrongly admitted or excluded, or

(*c*) that the law was wrongly applied to the facts, or

(*d*) that there has been some irregularity of procedure, or

(*e*) that the punishment was insufficient.

(2) Notice of appeal by the Attorney General shall, in the case of an appeal from a judgment of the Court of Criminal Assize, be filed in the registry of the Supreme Court and, in the case of an appeal from a judgment of a District Court, be filed in the registry of such District Court, within two months from the date of the judgment.

(3) Where notice of appeal has been filed in the registry of the District Court, the District Court shall forward to the Chief Registrar of the Supreme Court the notice of appeal together with the information, the record of proceedings and the evidence taken in such District Court and any document or other exhibit produced at the trial."

J. V. W. SHAW
Officer Administering the Government.

27th October, 1944.

CRIMINAL PROCEDURE (EVIDENCE) (AMENDMENT) ORDINANCE, No. 32 of 1944.

AN ORDINANCE TO AMEND THE CRIMINAL PROCEDURE (EVIDENCE) ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

Cap. 34.

1. This Ordinance may be cited as the Criminal Procedure (Evidence) (Amendment) Ordinance, 1944, and shall be read as one with the Criminal Procedure (Evidence) Ordinance, hereinafter referred to as "the principal Ordinance".

Repeal and substitution of sections 2, 3 and 4 of the principal Ordinance.

2. Sections 2, 3 and 4 of the principal Ordinance shall be repealed and the following sections shall be substituted therefor:—

"Examination of witnesses by police officer, etc.

2.—(1) An officer of police of or above the rank of inspector, or any other officer or class of officers generally or specially authorised in writing by the Chief Secretary to the Government, to hold enquiries into the commission of offences, may examine orally any person supposed to be acquainted with the facts and circumstances of any offence in respect whereof such officer of police or other authorised officer as aforesaid is enquiring, and may reduce into writing any statement by a person so examined.

(2) The person so examined shall be bound to answer truly all questions put to him by such officer of police or other authorised officer as aforesaid at the examination, other than questions the answer to which would have a tendency to expose him to a criminal charge.

Statement of witnesses to be reduced into writing.

3.—(1) Any such statement when reduced into writing shall be read over to the person examined, who shall be requested to sign it or, if he is illiterate, to affix his mark to it.

(2) If he refuses to sign the statement or affix his mark to it, the officer of police or other authorised officer as aforesaid shall note in writing at the foot of the written statement that the person making the statement has refused to sign it or affix his mark to it and the reason, if ascertained, of the refusal.

(3) The written statement shall then be signed by the officer of police or other authorised officer as aforesaid, and, in any proceedings against the person making it for not truly answering any question put to him, the written statement shall be evidence of the statements made by him unless it is proved that he did not make the statements or any of them.

False evidence.

4.—(1) If it shall appear during criminal proceedings before a court that a witness has given evidence on oath of some fact relevant to the case contradicting in some material detail a statement made by him in accordance with the last preceding section, it shall be competent for the court at the conclusion of the proceedings to commit such witness to be tried summarily by the district court.

(2) On proof of his having made such contradictory statements as aforesaid, and on the court being satisfied that there was an intention to deceive either the officer of police or other authorised officer as aforesaid to whom the statement was made or the court before which the evidence was given, such person shall be guilty of the offence of giving false evidence and, on conviction, shall be liable to imprisonment for two years or to a fine of five hundred pounds or to both such penalties.

(3) At the trial of a person accused of giving false evidence, the production of the statement taken in accordance with the last preceding section and of the record of the court shall be prima facie evidence of the statements purporting therein to have been made."

J. V. W. SHAW
Officer Administering the Government.

27th October, 1944.

WIDOWS' AND ORPHANS' PENSIONS ORDINANCE,

No. 33 of 1944.

AN ORDINANCE TO ESTABLISH A PENSION FUND FOR WIDOWS AND ORPHANS OF PENSIONABLE OFFICERS OF THE GOVERNMENT.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

PART I.—PRELIMINARY.

Short title.

1. This Ordinance may be cited as the Widows' and Orphans' Pensions Ordinance, 1944.

Interpretation.

2.—(1) In this Ordinance, unless the context otherwise requires —

"Accountant General" means the Accountant General of Palestine;

"actuary" means a Fellow of the Institute of Actuaries in England or of the Faculty of Actuaries in Scotland, or any other institute, faculty or society of actuaries approved by the High Commissioner by notice in the *Gazette;*

"approved scheme" means a scheme or fund for the granting of pensions to the widows and children of officers in the public service, which has been declared by the Secretary of State to be an approved scheme for the purposes of this Ordinance;

"beneficiary" means —

(*a*) the widow of a contributor;

(*b*) the child of pensionable age of a contributor, by his marriage with any wife who has died or is not entitled to pension under this Ordinance: Provided that when there are two or more such children of one marriage, such children shall constitute one beneficiary;

"Board" means the Board of Management of the Fund, appointed under the provisions of this Ordinance;

"contributor" means a person who is contributing to the Fund and, save as otherwise provided in this Ordinance, includes a person who has ceased to contribute or who is exempted from contributing under subsection (2) of section 9;

"expatriation allowance" means a special addition to salary which is granted in accordance with the general regulations of the Government governing such allowance;

"Fund" means the Fund established under this Ordinance;

"Government" means the Government of Palestine;

"other public service" means public service not under the Government;

"pension" means any pension granted to a beneficiary under this Ordinance except when the context implies that a pension granted to the contributor himself is meant;

No. 1 of 1944.

"pensionable office" means an office which is, as respects the holder thereof, a pensionable office under the Pensions Ordinance, 1944.

"public service" means service in a civil capacity under the Government or the Government of any part of His Majesty's dominions, or of any British Protected State or Protectorate, or of any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, or of the Anglo-Egyptian Sudan, or under the High Commissioner for Transport in Kenya and Uganda, or any other service which the Secretary of State may determine to be public service for the purposes of this Ordinance;

"salary" means the gross salary attached to the office of which the officer is substantive holder and includes expatriation allowance but does not include any allowance or other emolument or the value of any other advantage which the officer may receive or enjoy.

Pensionable age of child.

(2) A child shall be of pensionable age for the purposes of this Ordinance, in the case of a male, if he is under the age of twenty-one years, and, in the case of a female, if she is under the age of twenty-one years and has not married.

Presumption of death of widow in certain cases.

(3) When the marriage of any contributor has been annulled or dissolved by the decree of any competent court, or otherwise in accordance with the personal law applicable, the female party to such marriage shall, for the purposes of this Ordinance, be deemed to have died, and the contributor shall be deemed to have become a widower, at the date of such annulment or dissolution.

Application of Ordinance in case of polygynous marriage.

(4) Where in accordance with the personal law applicable a contributor is or becomes lawfully married to more than one woman at one and the same time, the words "wife" and "child" in relation to such contributor shall mean for the purposes of this Ordinance the wife whose marriage was the earliest of such contributor and the child of such contributor by such wife:

Provided that in the event of any wife eligible for a pension under this Ordinance ceasing to be so eligible and at the time of such cessation the contributor was lawfully married as aforesaid to another wife or other wives the contributor shall be deemed for the purposes of this Ordinance to have become a widower at the time of such cessation as aforesaid and simultaneously to have married the woman who at such time was his wife and whom he married earliest after his marriage to the wife who has ceased to be eligible as aforesaid.

Legitimation.

(5) A child who shall have been legitimated by marriage according to the law of the country of the father's domicile at the date of the marriage shall, for the purposes of this Ordinance, be deemed to be a child of that marriage.

PART II.—ESTABLISHMENT OF FUND AND MANAGEMENT.

The Fund.

3.—(1) A Fund, to be known as the Palestine Widows' and Orphans' Pension Fund, shall be established for providing pensions for the widows and orphans of contributors to the Fund.

(2) The Fund shall be under the control of a Board of Management. The Accountant General shall be Chairman of the Board, and the remaining members of the Board shall be appointed from time to time by the High Commissioner and shall include a representative or representatives of the contributors.

(3) All pensions and repayments of contributions (including interest, if any) authorised by this Ordinance and all expenses incurred in the

administration of the Fund (including the obtaining of actuarial advice) shall be paid out of the Fund.

(4) All contributions made by contributors and by the Government under this Ordinance, all interest on investments of the Fund, and all sums paid under subsection (1) of section 6 shall be paid into the Fund.

(5) All moneys belonging to the Fund shall be deposited with the Accountant General and, except as regards such part thereof as the Board shall consider it expedient to retain for making payments out of the Fund under this Ordinance, shall, so far as practicable, be invested on behalf of the Fund in such securities, or employed at interest in such manner, as may be approved by the High Commissioner. Any such investment may be at any time changed into securities so approved, and any sums required for making payments out of the Fund under this Ordinance may be raised by the sale or realisation of any investments of the Fund:

Provided that no part of the moneys belonging to the Fund shall at any time be expended in the purchase of securities of the Government or employed at interest for the purposes of the Government if such purchase or such employment would cause the total current market value of the securities of the Government held on behalf of the Fund together with the outstanding sums employed at interest for the purposes of the Government to exceed three-eighths of the total assets of the Fund at the date.

(6) Annual accounts of the transactions of the Fund during the year ended the preceding thirty-first day of March, and a statement of the assets of the Fund at that date shall be prepared by the Accountant General and shall be audited and certified every year by the Government Auditor and shall thereafter be laid before the High Commissioner, together with a report by the Board on the working of the Fund, not later than the ensuing thirty-first day of August.

Registers of contributors to be kept.

4. Registers shall be kept in which shall be entered the date of the birth of every contributor, and of every wife and child who may become, or shall be, entitled to pension under this Ordinance, and particulars of all contributions paid into the Fund by or on behalf of each contributor, and the pension or pensions for the time being payable in respect of each contributor in the event of his death, and all other dates and particulars respecting contributors and their families material to be recorded for the purposes of this Ordinance.

Information to be furnished by contributors and widows.

5.—(1) Every contributor shall within three months of his first becoming a contributor notify to the Board in writing the date of his birth and, if he is then married or a widower with children of pensionable age, the dates of his marriage and of the births of his wife and children (if any).

(2) Every contributor who marries while a contributor shall within three months after his marriage notify to the Board in writing the fact and the date of his marriage and the date of the birth of his wife.

(3) Every contributor shall notify to the Board in writing within three months from the date of the event —

(*a*) the birth of any child born to him and the date thereof;

(*b*) the marriage of any female child of his under the age of twenty-one years;

(*c*) the death of his wife or of any of his children of pensionable age occurring while he is a contributor;

(*d*) the annulment or dissolution of his marriage and the date thereof.

(4) After the death of any married contributor the widow of such contributor shall notify to the Board or the Crown Agents in writing, within three months from the date of the event —

(*a*) the date of the death of such contributor, if he was not at the time in the service of Government;

(*b*) the birth of any posthumous child of such contributor and herself and the date thereof;

(*c*) the marriage of any female child of such contributor under the age of twenty-one years;

(*d*) the death of any child of such contributor while of pensionable age;

(*e*) her own re-marriage or bankruptcy.

(5) Any such statement or notice shall, if the Board or the Crown Agents so require, be verified by the production of birth, death, or marriage certificate or by affidavit or otherwise, to the satisfaction of the Board or the Crown Agents, as the case may be.

(6) This section shall not apply to any marriage to which subsection (1) of section 29 applies or to the wife, widow or child of any such marriage.

Penalties.

6.—(1) A contributor or widow who fails or neglects to comply with any of the requirements of section 5 shall, for each default, be liable, at the discretion of the High Commissioner, to pay to the Board a sum not exceeding two pounds, which may be deducted from his or her salary or pension, as the case may be.

(2) If a contributor or widow of a contributor at any time wilfully has made or makes any false statement respecting any of the particulars required by this Ordinance to be furnished, all or any part of the rights under the Fund of the contributor or the widow or any child of the contributor shall be liable to be forfeited at the discretion of the Secretary of State, and the Secretary of State may give directions for increasing the pension payable to any child of the contributor in consequence of forfeiture under this section of the rights of any other child or the widow of the contributor and such pension shall be increased accordingly.

(3) Nothing in this section shall prejudice any right of the Board to recover any sum paid out of the Fund which would not have been paid but for such failure, neglect or false statement as aforesaid.

Valuation of Fund.

7. The Fund shall be valued at intervals of not less than five years by an actuary approved by the High Commissioner, who shall make a report to the High Commissioner in which shall be set out the methods by which in his opinion any surplus in the Fund may appropriately be dealt with or any deficit may appropriately be made good, whether by way of adjustment of contributions or benefits or otherwise, and if the High Commissioner in Council approves of any such method which would not necessitate amendments of this Ordinance, rules under this Ordinance may be made for giving effect thereto.

PART III—CONTRIBUTORS AND CONTRIBUTIONS.

Who shall become contributors.

8. Subject to the provisions of this Ordinance —

(1) every officer appointed to a pensionable office in the service of Government in pursuance of his selection for appointment to such an office made after the first day of November, 1944, shall become a contributor under the provisions of this Ordinance from the date in respect of which he first draws any of the salary of the office or, if at that date he is by virtue of section 9 not eligible to be or become a contributor, from the date upon which he becomes so eligible;

(2) any officer holding such an office on the said date or appointed to such an office after, in pursuance of his selection therefor made before, that date, may apply not later than the first day of November, 1945, or such later date as the High Commissioner may in any special case allow, for permission to become a contributor, and if, after satisfactory medical report on the officer for this purpose, the High Commissioner in his discretion grants such permission, the officer shall become a contributor as from the first day of the month next after that in which the High Commissioner's decision is notified to him;

(3) if any officer referred to in subsection (2) who has not become a contributor is appointed to the service of Government subsequently to the first day of November, 1945, upon such terms as constitute a re-appointment to or re-engagement in the service of Government the provisions of subsection (1) shall apply to him by virtue of such appointment.

Exemptions.

9.—(1) The following persons shall not be eligible to become contributors:—

(*a*) persons not required or entitled to become contributors by virtue of section 8;

(*b*) persons employed temporarily in the service of Government on special missions;

(*c*) persons seconded to the service of Government from other public service;

(*d*) persons serving under written agreements expressed to continue for a period of less than three years;

No. 15 of 1943.

(*e*) contributors to the Fund established under the Provident Fund Ordinance, 1943;

(*f*) persons whose salary for the time being is less than three hundred pounds per annum;

(*g*) persons who have attained the age of fifty-four years before the 1st November, 1939; and

(*h*) females.

(2)—(*a*) Subject to the provisions of this subsection, if the Board are satisfied that an officer who is required by this Ordinance to become a contributor is a contributor under an approved scheme, the Board may, on the application of such officer, direct that he shall, so long as he continues to be a contributor under such approved scheme, be exempt from contributing unless at any time the contributions which, in the absence of this subsection, he would from time to time be required to pay under this Ordinance exceed his contributions under such approved scheme; and

so long as the exemption remains in force and the officer continues to be a contributor under such scheme, he shall not contribute to the Fund more than the amount (if any) of such excess.

(*b*) The Board may require any contributor who has been granted an exemption under this subsection, from time to time to produce the receipts for his contributions or other evidence of his continuing to be a contributor under such approved scheme, and if he shall fail to do so the Board may cancel the exemption.

(*c*) No application for exemption under this subsection shall be valid unless it is made in writing and reaches the Board not later than three months after the date from which the officer commences to draw salary from Government funds or such later date as the High Commissioner may in any special case determine.

(*d*) Where an officer is, by virtue of an exemption under this subsection, making no contributions to the Fund, he shall nevertheless be deemed, for the purposes of this Ordinance, to cease or continue to contribute, as the case may be, in any circumstances in which he would so cease or continue if such exemption had not been granted, and all rights of election under Part V of this Ordinance may be exercised by him accordingly.

Contributions of contributors.

10.—(1) Save as otherwise provided in this Ordinance, every contributor shall contribute to the Fund at the rate of five per centum per annum of his annual salary or pension for the time being:

Provided that no officer shall be required to contribute at a higher rate than sixty pounds a year.

(2) If a contributor is on leave on part salary or without salary, or is under interdiction from duty, he shall contribute at the rate specified in subsection (1).

(3) Contributions under this section shall accrue daily and shall be deducted monthly in arrear from the salary or pension, as the case may be, of each contributor, and if during a period of leave without salary a contributor does not pay his contributions, the amount of his contributions in arrear shall be deducted from the salary payable to him subsequent to such leave in such instalments as the Board may in each case determine.

Government contributions.

11.—(1) Subject to the provisions of subsection (4), so long as an officer is in the service of Government and is making contributions to the Fund or is exempted from contributing under the provisions of subsection (2) of section 9, a contribution on behalf of the officer at the rate of four per centum per annum of his annual salary shall be paid to the Fund from the general revenues of Palestine.

(2) If a contributor is on leave on part salary or without salary, or is under interdiction from duty, contributions under this section shall be continued at the rate specified in subsection (1) of section 10.

(3) Subject to the provisions of subsection (4), where an officer having left the service of Government is contributing to the Fund and is in receipt of a pension from the general revenues of Palestine, a contribution on his behalf at the rate of four per centum per annum of the annual amount of such pension shall be paid to the Fund from the said revenues.

(4) Where an officer has elected or been compelled to receive a reduced pension and gratuity, in lieu of a pension which he might have received but for such election or compulsion, his pension shall, for the purpose of calculating contributions to be made on his behalf under this subsection, be deemed to be the amount of the unreduced pension which he might have so received.

(5) No contribution under this section shall exceed the rate of sixty pounds per annum.

(6) Contributions under this section shall accrue daily and shall be paid monthly in arrear.

Lump sum contributions.

12.—(1) An officer who becomes a contributor under subsection (2) of section 8 may, if he so desires, pay into the Fund a lump sum contribution not exceeding the aggregate amount which he would have contributed during the period for which he would have been eligible to be a contributor if this Ordinance had come into operation on first day of November, 1939, and his salary had, during that period, been equal to his salary at the commencement of this Ordinance.

(2) Where an officer elects to make a lump sum contribution under subsection (1), payment thereof shall be made not later than three months after the date upon which the High Commissioner's decision under subsection (2) of section 8 is notified to him, or such later date as the High Commissioner may in any special case allow, and no corresponding contribution shall be paid from the general revenues of Palestine.

Cessation of contributions.

13. The contributions to the Fund of any contributor shall cease on the happening of any of the following events but not otherwise:—

(*a*) if he attains the age of fifty-five years, or

(*b*) if he dies, or

(*c*) save as otherwise provided in section 20, if he leaves the public service, or

(*d*) save as otherwise provided in Part V, if he is transferred from the service of Government to other public service.

Contributions may continue in full if salary reduced.

14. If the salary of a contributor be reduced —

(*a*) he may, upon giving notice in writing to the Board of his desire to do so, continue to make contributions computed by reference to his salary immediately before the reduction; but

(*b*) the rate of contribution payable by the Government shall, whether he so continues or not, be determined only by the actual salary of the contributor.

Re-appointment of contributors.

15. Where a contributor having left the service of Government is re-appointed thereto, and immediately before the date of his re-appointment is making contributions to the Fund under Part V he shall, as from the date of such re-appointment, contribute at the rate at which he would have contributed if he had not been a contributor before that date:

Provided that if and so long as that rate is less than the rate at which he was contributing before the said date, he may, if he so elects by notice in writing addressed to the Board, continue to contribute at the last mentioned rate; and he may at any time revoke such election.

PART IV.—REPAYMENT OF CONTRIBUTIONS.

Contributions not normally to be repaid.

16. Save as otherwise expressly provided in this Ordinance, no contributions thereunder shall be repaid.

Repayment to bachelor or widower without pensionable children.

17.—(1) Subject to the provisions of Part V, if a contributor, being a bachelor or a widower without children who are of pensionable age, ceases to contribute to the Fund, he shall thereupon cease to be a contributor for the purposes of this Ordinance, and there shall be paid out of the Fund to him, or to his legal personal representative, if any or, in the event of there being no such legal personal representative to the person entitled thereto by law, the following amount, less any debt due to the Government, that is to say:—

(*a*) in the case of a bachelor, the amount of the contributions paid by him with compound interest thereon, and

(*b*) in the case of a widower, the amount of the contributions paid by him during the period from the date of death of his last wife or the date upon which his last child ceased to be of pensionable age, whichever date is the later, with compound interest thereon:

Provided that where such a contributor is dismissed from the public service for misconduct, the contributions shall be repaid as aforesaid without interest.

(2) For the purposes of this section, interest shall be calculated at two and a half per centum per annum, with annual rests at the thirty-first day of March in each year, the interest beginning to accrue in respect of each contribution on the first day of the month following the day upon which the contribution is paid and ceasing on the last day of the month preceding the day upon which payment under this section is made.

PART V.—PROVISION FOR OFFICERS LEAVING THE SERVICE.

Transfer of a contributor to other public service which has provision for widows' and orphans' pensions.

18. If a contributor is transferred from the service of Government to other public service for which there is established an approved scheme, the following provisions shall have effect:—

(1) If the contributor is a bachelor or a widower without children who are of pensionable age —

(*a*) he shall, if he so elect by notice in writing addressed to the Board not later than three months after the date of transfer, remain a contributor for the purposes of this Ordinance without making further contributions;

(*b*) section 17 shall not apply before the expiration of the said three months or his earlier death, but shall then apply as from the date of transfer if he has not elected as provided in sub-paragraph (*a*) but not otherwise;

(*c*) if, having elected as aforesaid, he subsequently leaves the public service or dies without having married or remarried, as the case may be, the provisions of section 17 shall apply;

(*d*) if, having elected as aforesaid, he subsequently marries without having left the public service, the last mentioned provisions shall cease to apply in his case.

(2) If the contributor is married or a widower with children who are of pensionable age —

(*a*) he shall, if he so elect by notice in writing addressed to the Board not later than three months after the date of transfer, continue to contribute to the Fund at the rate at which he was contributing at that date;

(*b*) if he does not so elect he shall cease to contribute as from the date of transfer.

Transfer of a contributor to other public service which has no provision for widows' and orphans' pensions.

19. If a contributor is transferred from the service of Government to other public service for which there is not established an approved scheme, the following provisions shall have effect:—

(1) If the contributor is a bachelor or widower without children who are of pensionable age —

(*a*) he may, if he so elect by notice in writing addressed to the Board not later than three months after the date of transfer, continue to contribute to the Fund at the rate at which he was contributing at that date;

(*b*) section 17 shall not apply before the expiration of the said three months or his earlier death, but shall then apply as from the date of transfer if he has not elected as provided in sub-paragraph (*a*) but not otherwise;

(*c*) if, having elected as aforesaid, he further elects, by notice in writing addressed to the Board at any time, to cease to contribute, he shall cease accordingly as from the first day of the month in which such notice is so addressed; and, subject to the provisions of this Ordinance, if, being at the time a bachelor or widower without children who are of pensionable age, he so ceases while in the public service or leaves the public service or dies, the provisions of section 17 shall apply.

(2) If the contributor is married or a widower with children who are of pensionable age —

(*a*) he may, at his election, continue to contribute, and thereafter cease to contribute, in the manner prescribed by subsection (1);

(*b*) if he does not so elect to continue to contribute he shall cease to contribute as from the date of transfer.

Continuance of contributions of married contributor or widower with pensionable children after retirement on pension.

20.—(1) If a contributor who is married or is a widower with children who are of pensionable age retires from the public service before attaining the age of fifty five and is granted a pension from the general revenues of Palestine, he shall continue to contribute at the rate at which he was contributing immediately prior to his retirement, unless and until, by notice in writing addressed to the Board, he elects —

(*a*) to contribute at a rate appropriate to the amount of such pension, or

(*b*) to cease to contribute as from the first day of the month in which such notice is so addressed.

If he so elects, his contributions shall be reduced or shall cease accordingly. A contributor may elect under this subsection to cease to contribute notwithstanding that he has previously elected to contribute as provided in paragraph (*a*).

(2) Notwithstanding the provisions of section 24, if such a contributor retires on the ground of ill-health and his death occurs —

(i) not later than three years after the date of his retirement, if at the date of his death he was contributing as provided in paragraph (*a*) of subsection (1),

(ii) not later than two years after the date of his retirement, if at the date of his death he had ceased to contribute.

any pension payable in respect of him shall be computed as if he had died on the day preceding the date of his retirement.

(3) If such a contributor continues to contribute under subsection (1) and subsequently his wife dies and his children, if any, cease to be of pensionable age or die, he shall cease to contribute.

(4) Where an officer has elected or been compelled to receive a reduced pension and gratuity, in lieu of a pension which he might have received but for such election or compulsion, his pension shall, for the purpose of calculating his contributions under paragraph (*a*) of subsection (1), be deemed to be the amount of the unreduced pension which he might have so received.

Provisions regarding elections.

21.—(1) Except as otherwise expressly provided in this Ordinance, any election under section 18, 19 or 20 shall be irrevocable.

(2) If the whole or any part of a monthly contribution of a contributor who may elect to cease to contribute remains unpaid for a period of three months, he shall be deemed to have so elected on the first day of the month in respect of which such contribution was payable:

Provided that if in any special case the High Commissioner so directs, this subsection shall have effect as if for the reference to three months there were substituted a reference to such longer period as the High Commissioner may determine.

Retirement for ill-health without pension.

22. If a contributor who is married or a widower with children who are of pensionable age retires from the public service on the ground of ill-health and is not granted a pension from the general revenues of Palestine, any pension payable on his death shall, if such death occurs not later than two years after the date of his retirement, be computed as if he had died on the day preceding that date.

PART VI.—CALCULATION AND PAYMENT OF PENSIONS.

Calculation and payment of pensions.

23.—(1) All pensions shall be calculated in accordance with the Pension Tables and Instructions set forth in Schedules A and B to this Ordinance and the Accountant General shall pay the pensions, or cause them to be paid by the Crown Agents, as they become due.

(2) All pensions shall, subject to the provisions of this Ordinance, commence upon the day after the death of the contributor in respect of whom they are payable, shall accrue daily, and shall be payable monthly in arrear:

Provided that a pension may be paid quarterly instead of monthly if the person to whom it is payable so desires.

Effect of increases and reductions in contributions.

24.—(1) If the total monthly contributions payable by and on behalf of a contributor who is married or a widower with children who are of pensionable age are increased, any pension payable in respect of that contributor shall be increased by an amount corresponding to the

pension which would become payable by virtue of a contribution equivalent to the increase if the contributor were to commence to contribute to the Fund at the date of the increase.

(2) If such contributions are reduced, any pension payable in respect of him shall be reduced by the amount by which it would have been increased had such contributions been increased instead of reduced.

(3) When contributions cease to be payable otherwise than in the cases mentioned in paragraphs (*a*) and (*b*) of section 13 the cessation thereof shall be deemed to be a reduction for the purposes of subsection (2).

Rights of individual beneficiaries.

25. Subject to the provisions of this Ordinance:—

(1) On the death of a contributor leaving one or more beneficiaries, the beneficiary, or each of such beneficiaries, as the case may be, shall receive a pension in accordance with the provisions of this Ordinance.

(2) If pensions are payable to more than one beneficiary each beneficiary shall receive such a proportion of the pension which such beneficiary would have received if sole beneficiary, as unity bears to the total number of beneficiaries.

(3) Where there are two or more beneficiaries receiving pensions in respect of the same contributor and the pension payable to one of such beneficiaries lapses under the provisions of this Ordinance, the other beneficiary or beneficiaries shall, as from the date of such lapse, receive the pension or pensions which he or they would have received if such first-mentioned beneficiary had not been in existence at the death of such contributor.

Pensions of orphan children.

26.—(1) Where there is only one child of a contributor by any marriage entitled to pension, the pension shall be at the same rate as the pension which his or her mother received or would have received if it had been payable to her, and shall lapse when such child ceases to be of pensionable age or dies.

(2) Where there are two or more children of a contributor by any marriage entitled to pension, the pension shall be at the same rate as the pension which their mother received or would have received if it had become payable to her, and shall be paid to such children in equal shares. When any of such children ceases to be of pensionable age or dies his or her share of such pension shall be paid to the remaining child of the same marriage of pensionable age, or, if there are two or more such children, to those children in equal shares.

Death or re-marriage of widow.

27.—(1) Where a beneficiary is the widow of a contributor, the pension shall cease to be payable to her on her re-marriage.

(2) When such pension ceases as aforesaid or by reason of the death of the widow or is forfeited under subsection (2) of section 6, if there are no children of the marriage of the widow with the contributor living and of pensionable age, the pension shall lapse; and if there are such children the pension shall be paid to such children in accordance with the provisions of this Ordinance.

Bankruptcy of widow.

28. Where a beneficiary, being a widow of a contributor, is adjudged bankrupt or declared insolvent by any competent court, the pension shall thereupon cease to be payable to her, and, if the High Commissioner so direct shall lapse:

Provided that, if and so long as the High Commissioner does not direct that the pension shall lapse, the Board may, with the approval of the High Commissioner during the remainder of her life, or during such shorter period or periods, either continuous or discontinuous, as they shall think fit, from time to time pay an allowance at a rate not exceeding the rate of such pension to such widow or to any child or children of her marriage with the contributor, or in part to the widow and in part to any such child or children; and where the amount of the allowance so paid is less than the amount of the pension the Secretary of State may give directions for increasing, in consequence of the reduction under this section of the amount payable out of the Fund, the pension payable to any child of any other marriage of the contributor, and such pension shall be increased accordingly.

Certain persons not entitled to pension.

29.—(1) No widow of a contributor whose marriage with him is contracted after he has either attained the age of fifty-five years or left the public service and no child of such marriage shall constitute a beneficiary for the purposes of this Ordinance or become entitled to pension.

(2) Where a contributor dies within twelve months of his marriage and there is no child of such marriage, his widow shall not constitute a beneficiary for the purposes of, or become entitled to any pension under this Ordinance:

Provided that the Board may, with the approval of the High Commissioner, direct that all or any part of the pension to which such widow would have been entitled but for the provisions of this subsection (in this section called "the hypothetical pension") shall be paid to her; and where the Board so direct the widow shall be entitled to payment accordingly and shall constitute a beneficiary for the purposes of this Ordinance; and if by virtue of the direction of the Board part only of the hypothetical pension becomes payable to such widow, the pension payable to any other beneficiary shall be increased by an amount which shall bear to the difference between the pension which would have been payable to that beneficiary if the Board had directed payment of the whole of the hypothetical pension to the said widow and the pension which would have been payable to that beneficiary if the Board had not given any direction under this subsection, the same proportion as the part of the hypothetical pension not directed to be paid bears to the whole thereof.

Failure to maintain child.

30. If the Board are satisfied that the widow of a contributor while in receipt of a pension has deserted or abandoned or has failed or is failing to maintain or assist so far as her means allow, a child of her marriage with the contributor whom she is bound by law to maintain and who is of pensionable age, the Board may, in their uncontrolled discertion, while such child remains of pensionable age, pay or cause to be paid to such child such portion of the pension as they may think fit and the widow shall have no further claim in respect of any portion of the pension so paid.

Payment of pensions to children of pensionable age and widows' allowances.

31.—(1) Any pension or part of a pension or any allowance payable under or by virtue of this Ordinance to a child of pensionable age, and any allowance payable by virtue of this Ordinance to a widow, may, as the Board in their uncontrolled discretion from time to time determine, be paid either —

(*a*) to such child or widow, or

(*b*) to such person or persons as the Board may think fit, for, or to be applied for, the maintenance, support or benefit of such child or widow.

(2) Where a pension is payable by the Crown Agents, subsection (1) shall have effect as if for references therein to the Board there were substituted references to the Crown Agents.

Proof of claim to pension.

32. The Board may require such proof as they consider desirable that any person who claims to be entitled to pension, or on behalf of whom such a claim is made, is alive and entitled to pension, and the payment of any pension may be refused until such proof is furnished to the reasonable satisfaction of the Board.

PART VII.—MISCELLANEOUS.

Pension not to be assigned or levied upon.

33. Except as expressly provided in this Ordinance, no pension payable, and no rights of any contributor, under this Ordinance shall be assignable or transferable or liable to be attached, seized, sequestered or levied upon for, or in respect of, any debt or claim whatsoever:

Provided that any contribution or other sum due to the Fund from a contributor or deceased contributor may be deducted from any amount payable out of the Fund to or in respect of such contributor; and any sum due to the Fund from a widow or child of a contributor may be deducted from any pension or allowance payable to or on behalf of such widow or child by virtue of this Ordinance.

Rates of exchange.

34. For the payment of contributions, pensions and all other sums under this Ordinance the rate or rates of exchange, in all cases where conversion is necessary, shall be such as may be determined from time to time by the High Commissioner for the purpose.

Questions and disputes to be decided by the High Commissioner.

35. All questions and disputes as to who is entitled to be regarded as a contributor, or as to the right of a widow or child to a pension, or as to the amount of such pension, or as to the rights or liabilities of any person under this Ordinance, shall be referred by the Board to the High Commissioner, and the High Commissioner's decision shall be binding and conclusive on all parties, shall be final to all intents and purposes, and shall not be subject to appeal or be called in question by or before any Court.

Rules.

36. The High Commissioner in Council may, with the prior approval of the Secretary of State, make rules for the carrying out of the provisions of this Ordinance.

SCHEDULE A.

TABLE A.

The yearly pension, payable by monthly instalments, which a single payment of 1, will secure.

Age of husband last birthday	*Age of wife last birthday*									
	20	25	30	35	40	45	50	55	60	65
20	.637	.666	.700	.742	.797	.873	.972	1.12	1.29	1.51
21	.622	.650	.683	.725	.779	.853	.950	1.09	1.25	1.47
22	.605	.634	.666	.708	.761	.833	.928	1.06	1.22	1.44
23	.590	.618	.650	.691	.743	.814	.907	1.04	1.20	1.41
24	.575	.602	.634	.674	.725	.795	.887	1.02	1.18	1.38
25	.560	.586	.618	.657	.707	.776	.867	.996	1.15	1.35
26	.545	.570	.602	.640	.689	.756	.846	.972	1.13	1.32
27	.531	.555	.586	.624	.671	.736	.825	.946	1.10	1.29
28	.517	.540	.570	.608	.653	.717	.805	.920	1.07	1.26
29	.504	.525	.554	.592	.636	.699	.785	.896	1.04	1.24
30	.491	.509	.538	.576	.620	.681	.766	.876	1.02	1.22
31	.472	.490	.518	.554	.597	.656	.739	.846	.988	1.18
32	.453	.472	.498	.533	.575	.632	.712	.816	.950	1.14
33	.435	.454	.479	.512	.554	.608	.685	.787	.914	1.10
34	.418	.436	.460	.492	.533	.585	.659	.760	.882	1.06
35	.402	.419	.442	.472	.512	.563	.634	.732	.850	1.02
36	.387	.402	.424	.453	.492	.541	.610	.705	.823	.983
37	.372	.386	.407	.434	.472	.520	.587	.679	.796	.949
38	.357	.371	.390	.416	.453	.500	.565	.654	.769	.918
39	.342	.356	.374	.399	.434	.481	.544	.629	.743	.887
40	.328	.342	.359	.382	.415	.462	.523	.606	.716	.856
41	.314	.328	.344	.366	.397	.443	.502	.582	.689	.830
42	.300	.314	.329	.350	.380	.424	.481	.558	.662	.803
43	.287	.300	.314	.335	.363	.405	.461	.535	.636	.776
44	.274	.287	.301	.320	.346	.386	.442	.514	.611	.749
45	.263	.275	.288	.306	.331	.368	.424	.493	.588	.724
46	.252	.263	.276	.292	.317	.352	.407	.474	.567	.701
47	.241	.252	.264	.280	.304	.337	.390	.458	.548	.678
48	.231	.241	.253	.269	.291	.323	.374	.442	.530	.660
49	.222	.231	.243	.259	.279	.310	.359	.427	.513	.644
50	.213	.222	.233	.249	.268	.298	.344	.414	.499	.630
51	.204	.213	.224	.239	.258	.286	.330	.401	.487	.617
52	.195	.204	.215	.229	.248	.275	.317	.388	.476	.604
53	.187	.195	.206	.220	.239	.265	.304	.374	.465	.591
54	.180	.187	.198	.211	.230	.256	.293	.360	.455	.579

TABLE B.

The yearly pension, payable by monthly instalments, which a yearly contribution of 1, payable by monthly instalments, will secure.

Age of husband last birthday	*Age of wife last birthday*									
	20	25	30	35	40	45	50	55	60	65
20	6.94	7.26	7.63	8.08	8.69	9.51	10.59	12.17	14.03	16.48
21	6.72	7.03	7.38	7.84	8.43	9.22	10.29	11.81	13.54	15.97
22	6.50	6.80	7.14	7.59	8.17	8.94	9.99	11.45	13.12	15.49
23	6.28	6.57	6.91	7.34	7.91	8.66	9.69	11.09	12.76	15.01
24	6.07	6.35	6.68	7.10	7.65	8.38	9.38	10.73	12.38	14.53
25	5.86	6.13	6.45	6.86	7.39	8.11	9.07	10.38	12.04	14.06
26	5.65	5.91	6.22	6.62	7.13	7.83	8.77	10.03	11.64	13.62
27	5.45	5.69	5.99	6.39	6.88	7.55	8.46	9.69	11.23	13.19
28	5.25	5.48	5.77	6.16	6.63	7.27	8.16	9.35	10.84	12.78
29	5.05	5.26	5.55	5.93	6.38	7.00	7.87	9.01	10.46	12.38
30	4.85	5.04	5.33	5.70	6.14	6.74	7.58	8.67	10.08	11.99
31	4.60	4.79	5.06	5.41	5.83	6.40	7.21	8.25	9.60	11.43
32	4.36	4.54	4.79	5.12	5.53	6.07	6.84	7.84	9.12	10.87
33	4.12	4.29	4.53	4.84	5.23	5.74	6.47	7.44	8.65	10.31
34	3.89	4.05	4.27	4.56	4.94	5.42	6.11	7.05	8.19	9.78
35	3.67	3.82	4.02	4.28	4.66	5.11	5.76	6.66	7.75	9.26
36	3.45	3.59	3.78	4.02	4.38	4.81	5.43	6.28	7.32	8.76
37	3.24	3.37	3.54	3.77	4.10	4.53	5.11	5.91	6.92	8.28
38	3.03	3.16	3.31	3.53	3.83	4.26	4.80	5.55	6.52	7.81
39	2.82	2.95	3.09	3.29	3.57	3.98	4.49	5.20	6.13	7.34
40	2.62	2.74	2.88	3.06	3.32	3.70	4.18	4.85	5.73	6.88
41	2.42	2.53	2.66	2.83	3.07	3.42	3.88	4.50	5.32	6.41
42	2.22	2.32	2.44	2.60	2.82	3.14	3.57	4.14	4.91	5.95
43	2.03	2.12	2.23	2.37	2.57	2.86	3.26	3.79	4.50	5.49
44	1.84	1.92	2.02	2.14	2.32	2.59	2.96	3.45	4.10	5.02
45	1.65	1.73	1.81	1.92	2.08	2.32	2.67	3.11	3.71	4.56
46	1.47	1.54	1.61	1.71	1.85	2.06	2.38	2.78	3.32	4.10
47	1.29	1.35	1.41	1.50	1.63	1.81	2.10	2.45	2.94	3.64
48	1.12	1.17	1.22	1.30	1.41	1.56	1.81	2.13	2.56	3.19
49	.944	.987	1.03	1.10	1.19	1.32	1.53	1.82	2.19	2.74
50	.770	.805	.847	.903	.973	1.08	1.25	1.51	1.82	2.29
51	.601	.627	.660	.704	.759	.842	.973	1.19	1.44	1.82
52	.430	.449	.473	.505	.547	.605	.700	.857	1.05	1.33
53	.258	.270	.285	.304	.330	.366	.420	.516	.643	.817
54	.085	.088	.094	.100	.110	.121	.139	.171	.216	.275

TABLE C.

The single payment which will secure a yearly pension of 1, payable by monthly instalments.

Age of husband last birthday	*Age of wife last birthday*									
	20	25	30	35	40	45	50	55	60	65
20	1.57	1.50	1.43	1.34	1.26	1.14	1.03	.895	.777	.661
21	1.61	1.54	1.46	1.38	1.28	1.17	1.05	.918	.799	.678
22	1.65	1.58	1.50	1.41	1.31	1.20	1.07	.940	.817	.694
23	1.69	1.62	1.54	1.44	1.34	1.23	1.10	.962	.833	.709
24	1.73	1.67	1.58	1.48	1.38	1.26	1.12	.984	.851	.726
25	1.78	1.71	1.62	1.52	1.41	1.29	1.15	1.01	.869	.744
26	1.83	1.76	1.67	1.56	1.45	1.32	1.18	1.03	.891	.761
27	1.88	1.81	1.71	1.60	1.49	1.36	1.21	1.06	.914	.778
28	1.93	1.86	1.76	1.64	1.53	1.40	1.24	1.09	.937	.794
29	1.99	1.91	1.81	1.69	1.57	1.43	1.27	1.11	.959	.810
30	2.05	1.97	1.86	1.73	1.61	1.47	1.30	1.14	.981	.826
31	2.12	2.04	1.93	1.80	1.67	1.53	1.35	1.18	1.02	.854
32	2.20	2.12	2.01	1.87	1.73	1.59	1.40	1.22	1.05	.884
33	2.29	2.20	2.09	1.95	1.80	1.65	1.46	1.26	1.09	.916
34	2.38	2.29	2.17	2.03	1.87	1.71	1.52	1.31	1.13	.948
35	2.48	2.39	2.26	2.12	1.95	1.78	1.58	1.36	1.17	.981
36	2.59	2.49	2.36	2.21	2.03	1.85	1.64	1.42	1.21	1.02
37	2.69	2.59	2.46	2.30	2.12	1.92	1.70	1.47	1.25	1.05
38	2.80	2.70	2.56	2.40	2.21	2.00	1.77	1.53	1.30	1.09
39	2.92	2.81	2.67	2.50	2.30	2.08	1.84	1.59	1.35	1.13
40	3.05	2.93	2.79	2.61	2.40	2.16	1.92	1.65	1.40	1.17
41	3.19	3.05	2.91	2.73	2.52	2.25	2.00	1.72	1.45	1.21
42	3.33	3.19	3.04	2.86	2.64	2.36	2.08	1.79	1.51	1.25
43	3.48	3.34	3.18	2.99	2.76	2.47	2.17	1.87	1.57	1.29
44	3.64	3.50	3.33	3.13	2.89	2.59	2.26	1.95	1.63	1.34
45	3.80	3.66	3.48	3.27	3.02	2.71	2.36	2.03	1.70	1.39
46	3.97	3.82	3.64	3.42	3.16	2.84	2.46	2.11	1.77	1.43
47	4.15	3.99	3.80	3.57	3.30	2.97	2.56	2.19	1.83	1.47
48	4.33	4.16	3.96	3.72	3.44	3.11	2.67	2.26	1.89	1.51
49	4.52	4.34	4.13	3.87	3.58	3.24	2.79	2.34	1.94	1.55
50	4.71	4.52	4.30	4.03	3.73	3.37	2.91	2.41	2.00	1.59
51	4.91	4.70	4.48	4.20	3.88	3.50	3.03	2.49	2.05	1.62
52	5.12	4.90	4.66	4.37	4.03	3.63	3.15	2.58	2.10	1.66
53	5.34	5.12	4.85	4.55	4.18	3.77	3.28	2.67	2.15	1.69
54	5.58	5.36	5.05	4.74	4.33	3.91	3.41	2.77	2.20	1.73

SCHEDULE B.

Instructions for the use of the tables.

For the purposes of this schedule the words "Contribution" and "Contributions" mean Contribution and Contributions by the Officer.

A. CONTRIBUTOR WHO COMMENCED TO CONTRIBUTE WHILE A BACHELOR.

The registered pension to be recorded on marriage is found by adding together the two amounts calculated in accordance with rule I(*a*) and rule I(*b*) —

(*a*) Pension in consideration of the contribution paid during bachelorhood:—

Rule I(*a*) Accumulate the contribution at 6% compound interest with yearly rests at each 31st December, and multiply the result by the quantity found from table A corresponding to the respective ages last birthday of the husband and wife at the date of marriage. The product gives the registered pension on account of the contribution paid during bachelorhood.

(*b*) Pension in consideration of the annual contribution current at the date of marriage —

Rule I(*b*) Multiply the amount of the current annual contribution by the quantity found from table B corresponding to the respective ages last birthday of the husband and wife at the date of marriage. The product gives the registered pension on account of the contribution current at the date of marriage.

Examples: (1)

Officer born on 31st July, 1915.
Officer commenced to contribute 1st January, 1944.
Officer married on 30th June, 1947.
Wife born on 12th August, 1921.
Officer's age last birthday at date of marriage: 31.
Wife's age last birthday at date of marriage: 25.

Annual contribution 1st January, 1944, to 31st December, 1946	£P.24
Annual contribution 1st January, 1947, to date of marriage	£P.30

Accumulation of contributions paid during bachelorhood:—

RULE I(*a*).

Contributions from 1st January, 1944, to 31st December, 1944	24.000
Contributions during 1945	24.000
One year's interest at 6 per cent. on £P.24	1.440
	49.440
Contributions during 1946	24.000
One year's interest at 6 per cent. on £P.49.440	2.966
	76.406
Contributions from 1st January, 1947, to 30th June, 1947	15.000
Half year's interest at 6 per cent. on £P.76.406	2.292
Total accumulation	93.698

Quantity found from table A:

Husband 31
Wife ... ... 25 } .490.

£P.93.698 mils × .490 = £P.45.912 mils = registered pension in consideration of contribution paid during bachelorhood.

RULE I(*b*).

Annual contribution current at date of marriage	£P.30

Quantity found from table B:

Husband 31
Wife ... ... 25 } 4.79.

£P.30 × 4.79 = £P.143.700 mils = registered pension in consideration of annual contribution current at marriage.

Total registered pension recorded on the bachelor contributor marrying:—

By rule I(*a*)	£P.45.912 mils
By rule I(*b*)	£P.143.700 mils
Total	£P.189.612 mils

(*c*) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his first wife.

RULE I(*c*).

Multiply the amount of the increment to, or the decrement from, the current annual contribution by the quantity found from table B corresponding to the respective ages last birthday of the husband and wife at the date of the variation of the contribution. The product gives the amount to be added to the registered pension consequent on the increment to the current annual contribution, or, as the case may be, the amount to be deducted from the registered pension consequent on the decrement from the current annual contribution.

The cessation of the contribution from any cause before the completion of the full period of contribution must be regarded as a decrement from the current annual contribution equal to the amount of such current annual contribution.

Example of the application of rule I(*c*):—

Assume particulars as in the example subjoined to rule I(*a*) and I(*b*).
Annual contribution increased on 31st May, 1957 from £P.30 to £P.36.
Annual contribution increased on 30th April, 1962 from £P.36 to £P.42.
Annual contribution ceased on 31st March, 1964.

1957, May 31st — Increment to current annual contribution, £P.6. Quantity found from table B.

Husband 41
Wife ... ... 35 } 2.83.

£P. 6×2.83=£P.16.980=amount to be added to registered pension.

	£P.Mils
Registered pension at marriage (see example subjoined to Rules I(*a*) and I(*b*)	189.612
Add	16.980
Registered pension at 31st May, 1957	206.592

1962, April 30th — Increment to current annual contribution, £P.6
Quantity found from table B.

Husband 46
Wife ... ... 40 } 1.85.

£P.6×1.85=£P.11.100=amount to be added to registered pension

	£P. mils
Registered pension at 31st May, 1957, as above	206.592
Add	11.100
Registered pension at 30th April, 1962	217.692

1964, March 31st — Cessation of contribution regarded as a decrement from current annual contribution, £P.42.

Quantity found from table B.

Husband	48	1.47.
Wife	42	

£P.42 × 1.47 = £P.61.740 = amount to be deducted from the registered pension.

	£P.Mils
Registered pension at 30th April, 1962, as above	217.692
Deduct	61.740
Registered pension at 31st March, 1964	155.952

II. SECOND AND SUBSEQUENT WIFE'S PROSPECTIVE PENSION.

(*a*) Variations of pension consequent on increments to, and decreases from, the current annual contribution while the contributor is a widower.

Rule II(*a*) — Assume that the contributor is married to a wife of the age that his last preceding wife would have been had she survived to the date of the variation of the contribution, and proceed in accordance with rule I(*c*).

Example of the application of rule II(*a*):—

If the particulars be as in the example subjoined to Rule I(*c*) except that the first wife who was born on the 12th August, 1921 died on 30th November, 1955, it would be assumed that the contributor was, at the date of each of the three variations of the contribution, married to a wife who was born on the 12th August, 1921. The calculation will then be identical with those given in the example subjoined to rule I(*c*).

(*b*) Variations of pension consequent on the remarriage of the contributor.

If the second or subsequent wife was, at the date of remarriage, of the same age last birthday as the last preceding wife would have been had she survived to that date, the registered pension remains the same.

Rule II(*b*) — If the second or subsequent wife was, at the date of the remarriage, of a less or greater age next birthday than the last preceding wife would have been had she survived to that date, multiply the amount of the registered pension by the quantity found from table C corresponding to the age last birthday of the husband at the date of remarriage, and the age last birthday which the last preceding wife would have attained had she survived to that date; multiply the product so obtained by the quantity found from table A corresponding to the respective ages of the husband and of the second or subsequent wife at the date of remarriage.

The result gives the registered pension to be recorded on the remarriage of the contributor.

Example of the application of rule II(*b*).

Assume particulars as in the example subjoined to rule I(*c*)

First wife died on.....30th November, 1955.

Contributor remarried on.....31st January, 1959.

Contributor's age last birthday at date of remarriage	43
Second wife's age last birthday at date of the remarriage	35
Age last birthday which the first wife would have attained had she survived to the date of remarriage	37

1959, January 31st — The second wife being of a less age next birthday at the date of the remarriage than the first wife would have been had she survived, the registered pension £P.206.592 mils (see example subjoined to Rule I(*c*)) is to be recalculated.

Quantity found from table C:—

Husband	43	2.898.
Wife	37	

Quantity found from table A:—

Husband	43	.335.
Wife	35	

£P.206.592 × 2.898 × .335 = £P.200.566 mils = registered pension at 31st January, 1959.

(*c*) Variations of pension consequent on increments to, and decrements from, the current annual contributions while the contributor is married to his second or subsequent wife.

Rule II(*c*) — Proceed as in rule I(*c*).

B.—CONTRIBUTOR WHO COMMENCED TO CONTRIBUTE WHILE MARRIED.

III. FIRST WIFE'S PROSPECTIVE PENSION.

In every case of a public officer who commenced to contribute while married, the wife at the date of commencement of contributions is to be considered as the officer's first wife, and no particulars are to be recorded respecting any former wife to whom he may have been married, unless there is issue of such former wife of a pensionable age (see C.V.).

(*a*) Pension in consideration of the annual contribution current at the date of commencement of the contribution.

Rule III(*a*) — Multiply the amount of the current annual contribution by the quantity found from table B corresponding to the respective ages last birthday of the husband and wife at the date of commencement of the contributions.

The product gives the regisetred pension on account of the annual contribution current at the date of commencement of the contribution.

Example of the application of rule III(*a*):—

Officer born on the 31st July, 1913
Officer married on the 30th June, 1940
Officer commenced to contribute on 1st January, 1944.

	£P.
Annual contribution current on 1st January, 1944.	18
Wife born on 12th August, 1918.	
Officer's age last birthday on 1st January, 1944	30
Wife's age last birthday on 1st January, 1944	25

Quantity found from table B:—

Husband	30	5.04.
Wife	25	

£P.18 × 5.04 = £P.90.720 mils = registered pension in consideration of annual contribution current at commencement of contribution.

(*b*) Variations of pensions consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his first wife.

Rule III(*b*) — Proceed as in rule I(*c*).

IV. SECOND AND SUBSEQUENT WIFE'S PROSPECTIVE PENSION.

(*a*) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is a widower.

Rule IV(*a*) — Proceed as in rule II(*a*).

(*b*) Variations of pension consequent on remarriage of the pensioner.

Rule IV(*b*) — Proceed as in rule II(*b*).

(*c*) Variation of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his second or subsequent wife.

Rule IV(*c*) -- Proceed as in rule I(*c*).

C. CONTRIBUTOR WHO COMMENCED TO CONTRIBUTE WHILE A WIDOWER.

V. PROSPECTIVE PENSION TO CHILDREN BY HIS FIRST MARRIAGE.

So long as a contributor's children by his first marriage are eligible for pension, a pension must be registered on their behalf. If there are no such children, the widower should be treated as if he were a bachelor.

Rule V — For the purpose of calculating the registered pension of the children, assume that the deceased wife lived until the date of commencement of contribution and died immediately afterwards and proceed in accordance with rules II1(*a*) and (*b*).

VI. SECOND AND SUBSEQUENT WIFE'S PROSPECTIVE PENSION.

Rule VI — For the purpose of calculating the registered pension of the wife assume that the deceased wife survived to the date of commencement of contribution and died immediately afterwards; then proceed in accordance with the rules applicable to the case of officers who commenced to contribute while married (see B).

D. CONTRIBUTOR WITH TWO OR MORE BENEFICIARIES.

Rule VII — Where there are children eligible for pension by two or more deceased wives, or where there is a wife and also children eligible for pension by one or more previous marriages, the pension of each beneficiary as found by the above rules must be divided by the total number of beneficiaries then existing in order to find the registered pension of that beneficiary.

E. TREATMENT OF VOLUNTARY LUMP SUM CONTRIBUTIONS.

Rule VIII(*a*) — If the contributor is a bachelor or a widower without children of a pensionable age, the lump sum contribution should be accumulated as from the date of payment and treated in accordance with rule I(*a*).

Rule VIII(*b*) — If the contributor is married or a widower with children of a pensionable age, the amount of the lump sum contribution should be multiplied by the quantity found from table A corresponding to the respective ages last birthday of the husband and wife at the date of payment of the contribution. If the contributor is a widower, assume that the deceased wife lived until the date of payment of the lump sum contribution and died immediately afterwards.

F. CALCULATION OF QUANTITIES (OR TABULAR RESULTS) FOR AGES NOT GIVEN IN THE TABLES.

The wife's age in the tables is given at quinquennial intervals only. Ages of husbands and wives younger than the youngest or older than the oldest given are to be dealt with as if identical with the youngest and oldest respectively.

For the intermediate ages of wives, interpolate by exact fifths.

Examples:—

To find the quantity in table A corresponding to the ages of a husband and wife aged respectively 35 and 27 last birthday.

The quantity for ages 35 and 25 given in table A is	.419
The quantity for ages 35 and 30 given in table A is	.442

So that the addition of five years to the age of the wife results in an addition of .023 to the quantity given in the table for ages 35 and 25.

Two-fifths of .023=.009 which added to .419 gives .428, which is the required quantity corresponding to ages 35 and 27.

Similarly the quantity found from table B corresponding to the ages of a husband and wife aged respectively 48 and 42 last birthday is two-fifths of .15=.06 added to 1.41 which gives 1.47.

In the case of table C, it must be noted that an addition to the age of the wife results in a *deduction* from the quantity given in the table.

To find the quantity in table C corresponding to the ages of a husband and wife aged respectively 43 and 37 last birthday.

The quantity for ages 43 and 35 given in the table is	2.99.
The quantity for ages 43 and 40 given in the table is	2.76.

so that the addition of five years to the age of the wife results in a deduction of .23 from the quantity given in the table for ages 43 and 35.

An addition of two years to the age of the wife accordingly results, by proportion, in a deduction of two-fifths of .23 from the quantity given in the table for ages 43 and 35.

Two-fifths of .23=.092 which deducted from 2.99 leaves 2.898 which is the required quantity corresponding to the ages 43 and 37.

J. V. W. SHAW
Officer Administering the Government.

27th October, 1944.

PENSIONS (AMENDMENT) ORDINANCE,

No. 34 of 1944.

AN ORDINANCE TO AMEND THE PENSIONS ORDINANCE, 1944.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. No. 1 of 1944.

1. This Ordinance may be cited as the Pensions (Amendment) Ordinance, 1944, and shall be read as one with the Pensions Ordinance, 1944, hereinafter referred to as "the principal Ordinance".

Repeal and replacement of section 20 of the principal Ordinance.

2. Section 20 of the principal Ordinance is hereby repealed and the following section substituted therefor:—

"Gratuity to estate where officer dies in the service.

20.—(1) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while in the service of Palestine, it shall be lawful for the High Commissioner to grant to his legal personal representative a gratuity of an amount not exceeding his annual pensionable emoluments.

(2) For the purpose of this section—

"annual pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer if he had retired at the date of his death in the circumstances described in paragraph (*d*) of section 7 of this Ordinance; and

"non-pensionable office" means an office which is not a pensionable office.

(3) Nothing in this section shall preclude the grant of a gratuity in respect of the service of any holder of a pensionable office who—

(*a*) at the date of commencement of the Pensions (Amendment) Ordinance, 1944, is in the service of Palestine on probation or agreement; and

(*b*) dies whilst in the service of Palestine on probation or agreement,

and a gratuity may be granted in respect of the service of such holder of a pensionable office if it could have been granted under the provisions of this Ordinance in force immediately prior to the said date."

Amendment of rule 1 in the First Schedule to the principal Ordinance.

3.—(1) Rule 1 of the Rules set out in the First Schedule to the principal Ordinance is hereby amended by the substitution of the figure "1944" for the figure "1943" occurring in the first line thereof.

(2) This section shall be deemed to have come into force on the date of commencement of the principal Ordinance.

J. V. W. SHAW
Officer Administering the Government.

27th October, 1944.

APPROPRIATION (1944-1945) ORDINANCE,
No. 35 of 1944.

AN ORDINANCE TO APPROPRIATE A SUM NOT EXCEEDING TWENTY MILLION, FIVE HUNDRED AND SIXTY FOUR THOUSAND, NINE HUNDRED AND FIVE POUNDS FOR THE TWELVE MONTHS ENDING THE THIRTY-FIRST DAY OF MARCH, 1945.

WHEREAS it is necessary to make provision for the expenses of the Government of Palestine for the year ending the thirty-first day of March, 1945;

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Appropriation (1944-1945) Ordinance, 1944.

Appropriation

2. A sum not exceeding in the whole the sum of twenty million, five hundred and sixty four thousand, nine hundred and five pounds shall be applied and expended in the manner hereinafter described and for the several purposes set forth in Schedules I, II and III to this Ordinance.

Expenditure authorised out of the revenue and funds of Palestine.

3. The Accountant General may, on the warrant of the High Commissioner, pay, during the year ending the thirty-first day of March, 1945, out of the revenue or the funds of Palestine, any sums not exceeding in the whole the sum of seventeen million, seven hundred and ninety-one thousand, one hundred and twenty seven pounds set forth in Schedule I to this Ordinance.

Expenditure authorised out of the revenue of the Palestine Railway and operated lines and the Palestine Ports.

4. The General Manager of Railways may, on the warrant of the High Commissioner, pay, during the year ending the thirty-first day of March, 1945, out of the revenue of the Palestine Railway and operated lines, any sums not exceeding in the whole the sum of two million four hundred and two thousand, eight hundred and eighty two pounds set forth in Schedule II to this Ordinance, and, out of the revenue of the Palestine Ports, any sums not exceeding in the whole the sum of three hundred and seventy thousand, eight hundred and ninety six pounds set forth in Schedule III to this Ordinance.

Limitation of the sums to be spent.

5. A sum not exceeding the amount set out under each head of the Schedules I, II and III to this Ordinance may be issued and spent in respect of the establishment or service specified and referred to therein.

SCHEDULE I.

STATEMENT SHOWING THE ESTIMATED EXPENDITURE OF THE GOVERNMENT OF PALESTINE, FOR THE PERIOD 1ST APRIL, 1944 TO 31ST MARCH, 1945.

		£P.
I.	Public Debt	207,237
II.	Pensions	98,250
III.	High Commissioner	12,640
IV.	Accountant-General	17,884
V.	Administrator-General	7,100
VI.	Agriculture and Fisheries	244,743
VII.	Antiquities	20,312
VIII.	Audit	23,543
IX.	Commissioner of Income Tax	134,470
X.	Cooperative Societies	9,576
XI.	Custodian of Enemy Property	35,574
XII.	Customs, Excise and Trade	387,273
XIII.	Defence and War Services	7,783,898
XIV.	District Administration	244,836
XV.	Education	536,007
XVI.	Forests	51,916
XVII.	Grants to Local Authorities	295,500
XVIII.	Health	480,710
XIX.	Judicial	152,889
XX.	Labour	19,751
XXI.	Land Registration	35,475
XXII.	Land Settlement	95,249
XXIII.	Legal	27,570
XXIV.	Migration	29,511
XXV.	Miscellaneous	264,082
XXVI.	Police and Prisons	2,712,884
XXVII.	Posts and Telegraphs	733,379
XXVIII.	Public Works Department	184,806
XXIX.	Public Works Recurrent	568,550
XXX.	Secretariat	250,143
XXXI.	Social Welfare	220,603
XXXII.	Statistics	14,009
XXXIII.	Surveys	101,612
XXXIV.	Trans-Jordan Frontier Force	42,797
XXXV.	Posts and Telegraphs Extraordinary	73,826
XXXVI.	Public Works Extraordinary	672,520
XXXVII.	Loans from Public Funds	1,000,000
	Total Expenditure	£P. 17,791,127

SCHEDULE II.

STATEMENT SHOWING THE ESTIMATED EXPENDITURE OF THE PALESTINE RAILWAY AND OPERATED LINES FOR THE PERIOD 1ST APRIL, 1944, TO 31ST MARCH, 1945.

Particulars	*Total Estimate*	*Palestine Railway*	*Kantara-Rafa Railway*	*Hijaz Railway*	*Petah Tiqva Railway*
	£P.	£P.	£P.	£P.	£P.
Abstract 'A' Engineering Expenses	219,769	126,186	53,624	39,119	840
Abstract 'B' Locomotive Running Expenses and Maintenance of Engines and Rolling Stock	665,423	370,623	184,214	109,950	636
Abstract 'C' Traffic Expenses	226,492	130,564	55,264	40,316	348
Abstract 'D' General Charges	937,633	501,932	290,422	145,003	276
Abstract 'G' Renewals Contributions	137,300	137,300	—	—	—
Contributions to Kantara-Rafa Railway Special Fund	15,385	—	15,385	—	—
Abstract 'E' Debt Charges	200,880	86,577	106,984	7,319	—
Total Expenditure	2,402,882	1,353,182	705,893	341,707	2,100

SCHEDULE III.

STATEMENT SHOWING THE ESTIMATED EXPENDITURE OF THE PALESTINE PORTS FOR THE PERIOD 1ST APRIL, 1944, TO 31ST MARCH, 1945.

Particulars	*Total*	*Haifa*	*Jaffa and Other Ports*
	£P.	£P.	£P.
Abstract 'A' Engineering Expenses	35,120	29,024	6,096
Abstract 'B' Maintenance of Mechanical Plant	10,820	10,420	400
Abstract 'CI' Marine Working	24,580	24,480	100
Abstract 'CII' Shore Working	154,143	149,350	4,793
Abstract 'D' General Charges	77,308	63,570	13,738
Abstract 'E' Debt Charges	60,000	45,000	15,000
Abstract 'G' Renewals Contributions	8,925	8,200	725
Total Expenditure	370,896	330,044	40,852

J. V. W. SHAW
Officer Administering the Government.

27th October, 1944.

Supplement No. 1
to
The Palestine Gazette No. 1580 of 28th December, 1944.

CIVIL WRONGS ORDINANCE,
No. 36 OF 1944.

AN ORDINANCE TO DEFINE AND AMEND THE LAW OF CIVIL WRONGS.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title and commencement.

1. This Ordinance may be cited as the Civil Wrongs Ordinance, 1944, and shall come into force on a date to be fixed by the High Commissioner by notice in the *Gazette*.

PART I.
PRELIMINARY.

Interpretation. Cap. 69.

2.—(1) The Interpretation Ordinance shall apply to this Ordinance, and, subject thereto, it shall be interpreted in accordance with the principles of legal interpretation obtaining in England, and expressions used in it shall be presumed, so far as is consistent with their context, and except as may be otherwise expressly provided, to be used with the meaning attaching to them in English law and shall be construed in accordance therewith.

(2) In this Ordinance, unless the context otherwise requires —

"action" means any proceeding of a civil nature before any Court and includes a set off or a counterclaim;

"animal" includes birds, fish, insects and reptiles;

"child" includes grand-child, step-child and a child *en ventre sa mère*, and any illegitimate or adopted child, and in deducing any relationship which under the provisions of this Ordinance is included within the meaning of the expressions "parent" and "child" any illegitimate person and any adopted person shall be treated as being, or as having been, the legitimate offspring of his mother and reputed father or, as the case may be, of his adopter;

"damage" means loss of, or detriment to, any property, comfort, bodily welfare, reputation or other similar loss or detriment;

"defendant" includes a defendant to a counterclaim or cross-claim;

"immovable property" means land, trees, houses, buildings, and walls or other constructions;

"injury" means any unlawful interference with a legal right;

"master" means a person who, in relation to another, has complete control of the way in which such other performs his work for such person and is not himself subject to any similar authority in respect of the same work, and "servant" means any person whose work is so controlled:

Provided that no person in the service of His Majesty or of the Government of Palestine or of any municipal corporation, local council or other local authority or of any person shall be deemed to be a master or servant of any other person in such service;

"movable property" means any inanimate thing or any animal, and includes money, the produce of trees and vines, cereals, vegetable and other crops and water, whether severed from the land or not;

"occupier" means any person lawfully occupying, or entitled against the owner thereof to occupy or use, any immovable property, and if there is no such person then the owner of such property;

"parent" includes grand-parent and step-parent;

"pecuniary damage" means any actual loss or expense which is capable of estimation in money and of which particulars can be given;

"plaintiff" includes a counterclaimant or cross-claimant;

"property" means immovable or movable property;

"public office" means any office of a public nature whether under the immediate control of the High Commissioner or not;

"wild animal" means any animal not usually kept in captivity or under the control of man in Palestine.

Right to remedy in respect of civil wrongs.

3. The matters in this Ordinance hereinafter enumerated shall be civil wrongs, and, subject to the provisions of this Ordinance, any person who suffers any injury or damage by reason of any civil wrong committed in Palestine shall be entitled as against the person committing or liable for such civil wrong to the remedies hereinafter specified:

Provided that an act which if repeated would not tend to establish an adverse claim and which is an act of which in the circumstances a person of ordinary sense and temper would not complain shall not be deemed to be a civil wrong.

PART II.

RIGHTS AND LIABILITIES OF CERTAIN PERSONS.

Prohibition of actions against certain persons in respect of civil wrongs.

4.—(1) Save where otherwise expressly provided, no action in respect of any civil wrong shall be brought against His Majesty or the Government of Palestine.

(2) A servant of His Majesty and a public officer shall be responsible for any civil wrong committed by him, and, if sued therefor, he shall be sued in his personal capacity:

Provided that subject to the provisions of subsections (4) and (5) and without prejudice to the operation of the provisions of section 57, it shall be a defence to any action brought against any such servant or public officer other than an action for negligence that the act complained of was within the scope of his lawful authority or that it was done in good faith in purported exercise of his lawful authority.

(3) No servant of His Majesty or public officer shall be responsible for any civil wrong committed by any other servant of His Majesty or public officer unless he has expressly authorised or ratified such civil wrong.

(4) No action shall be brought against any Judge of the Supreme Court or a District Court, or against any member of any Court or tribunal of which any such Judge is a member, or against any person lawfully performing the duties of any such Judge or member, in respect of any civil wrong committed by him in his judicial capacity.

(5) No action shall be brought against any person constituting, or being a member of, any Court or tribunal other than the Supreme Court or a District Court or any Court or tribunal of which a Judge of the Supreme Court or a District Court is a member, or against any person lawfully performing the duties of any such person, or against any other person performing judicial functions, including an arbitrator, in respect of any civil wrong committed by him in his judicial capacity, if the act causing the civil wrong was within his jurisdiction.

Bankrupts. No. 3 of 1936

5. Notwithstanding anything contained in the Bankruptcy Ordinance, 1936, a bankrupt may sue and be sued in respect of a civil wrong, and no action in respect thereof shall be brought on behalf of, or against the estate of, any bankrupt:

Provided that —

(*a*) the right of action in respect of any such wrong which caused or causes pecuniary damage to the estate of a bankrupt shall pass to or be exercised by his trustee;

(*b*) a judgment obtained against a bankrupt before the date of the receiving order, in respect of a civil wrong, shall be provable in the bankruptcy; and

(*c*) this section shall be subject to the provisions of section 15 of this Ordinance.

Corporate bodies.

6. A corporate body shall not recover any compensation in respect of any civil wrong unless it has suffered damage thereby.

Persons under the age of eighteen years.

7. A person under the age of eighteen years may sue and, subject to the provisions of section 8 of this Ordinance, be sued in respect of a civil wrong:

Provided that no action shall be brought against any such person in respect of any civil wrong when such wrong arises directly or indirectly out of any contract entered into by such person.

Persons under the age of twelve years.

8. No action shall be brought against any person in respect of any civil wrong committed by such person when such person was under the age of twelve years.

Husband and wife.

9.—(1) No action in respect of any civil wrong committed before or during the subsistence of a marriage shall be brought by either party thereto or any person representing his or her estate against the other party thereto or any person representing his or her estate.

(2) No party to a marriage shall be liable for any civil wrong committed at any time by the other party thereto save under the provisions of section 10, 11 or 12 of this Ordinance.

Joint civil wrong doers.

10. When each of two or more persons is liable under the provisions of this Ordinance for any act and such act constitutes a civil wrong, such persons shall be jointly liable as joint civil wrong doers for such act and may be sued therefor jointly or severally.

Liability for acts committed by other persons not being servants.

11.—(1) For the purposes of this Ordinance —

(*a*) any person who joins or aids in, authorises, counsels, commands, procures or ratifies any act done or to be done, or any omission made or to be made, by any other person shall be liable for such act or omission;

(*b*) any person who employs an agent, not being his servant, to do any act or class of acts on his behalf shall be liable for anything done by such agent in the performance of, and for the manner in which such agent does, such act or class of acts;

(*c*) any person who enters into any contract with any other person, not being his servant or agent, to do any act on his behalf shall not be liable for any civil wrong arising during the doing of such act:

Provided that the provisions of this paragraph of this subsection shall not apply if —

(i) such person was negligent in the selection of such contractor, or

(ii) such person interfered with the work of the contractor in such a way as to cause the injury or damage, or

(iii) such person authorised or ratified the act causing injury or damage, or

(iv) the thing for the doing of which the contract was entered into was unlawful, or

(v) such person was under the provisions of any enactment responsible for the doing of an act, the performance of which was delegated by him to an independent contractor.

(2) Nothing in this section shall affect the liability of any person for any act committed by such person.

Master's liability for acts of his servant.

12.—(1) For the purposes of this Ordinance a master shall be liable for any act committed by his servant which —

(*a*) he has authorised or ratified, or

(*b*) was committed by his servant in the course of his employment:

Provided that —

(i) a master shall not be liable for any act committed by any person not being another of his servants, to whom his servant has without his authority, express or implied, delegated his duty; and

(ii) a person who is compelled by law to use the services of another person, in the choice of whom he has no discretion, is not liable for any act committed by that other in the course of such employment.

(2) An act shall be deemed to have been done in the course of a servant's employment if it was done by him in his capacity as a servant and whilst he was performing the usual duties of and incidental to his employment, notwithstanding that the act was an improper mode of performing an act authorised by the master; but an act shall not be deemed to have been so done if it was done by a servant for his own ends and not on behalf of the master.

(3) For the purposes of this section act includes omission.

(4) Nothing in this section shall affect the liability of any servant for any act committed by such servant.

When knowledge of agent or servant is knowledge of master.

13. Whenever under the provisions of this Ordinance it is necessary to allege or prove knowledge, the knowledge of an agent or of a servant shall be deemed to be the knowledge of his principal or master if such knowledge was acquired —

(*a*) by the agent whilst acting for and on behalf of his principal, or

(*b*) by the servant in the course of his employment, in connection with the matter or thing in respect of which the knowledge is so necessary.

Effect of death on certain causes of action.

14.—(1) Subject to the provisions of this section, on the death of any person after the commencement of this Ordinance all causes of action in respect of any civil wrong subsisting against or vested in him shall survive against, or, as the case may be, for the benefit of, his estate:

Provided that this subsection shall not apply to causes of action for defamation.

(2) Where a cause of action survives as aforesaid for the benefit of the estate of a deceased person, the compensation recoverable for the benefit of the estate of that person shall, where the death of that person has been caused by the act or omission which gives rise to the cause of action, be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

(3) No proceedings shall be maintainable in respect of a cause of action in respect of a civil wrong which by virtue of this section has survived against the estate of a deceased person, unless either —

(*a*) proceedings against him in respect of that cause of action were pending at the date of his death; or

(*b*) the cause of action arose not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after the issue of a certificate or declaration of succession by virtue of which the estate of the deceased can be distributed or after the legal personal representative of the deceased took out representation, whichever is the earlier.

(4) Where damage has been suffered by reason of any act or omission in respect of which a cause of action for a civil wrong would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this Ordinance, to have been subsisting against him before his death such cause of action in respect of that act or omission as would have subsisted if he had died after the damage was suffered.

(5) The rights conferred by this Ordinance for the benefit of the estates of deceased persons shall be in addition to, and not in derogation of, any rights conferred on the dependants of deceased persons by this or any other Ordinance.

(6) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability in respect of the cause of action in respect of which the proceedings are maintainable shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by a contract, promise or breach of trust.

Liability or right in respect of civil wrong not assignable.

15. The right to any remedy for, and any liability in respect of, any civil wrong shall not be assignable otherwise than by operation of law.

PART III.

CIVIL WRONGS AND DEFENCES TO CERTAIN ACTIONS THEREFOR.

Defamation.

16.—(1) Defamation consists of the publication by any person by means of print, writing, painting, effigy, gestures, spoken words or other sounds, or by any other means whatsoever, of any matter which—

(*a*) imputes to any other person a crime, or

(*b*) imputes to any other person misconduct in any public office, or

(*c*) is likely to injure any other person in his occupation, calling or office, or

(*d*) is likely to expose any other person to general hatred, contempt or ridicule, or

(*e*) is likely to cause any other person to be shunned or avoided by other persons.

For the purposes of this subsection, "crime" means any offence or other act punishable under any enactment in force in Palestine and any act wheresoever committed, which, if committed in Palestine, would be punishable therein.

(2) A person is not less answerable for a defamatory statement by reason only that he —

(*a*) makes it by way of repetition or hearsay, or

(*b*) gives at the time or afterwards the authority on which he makes the statement, or

(*c*) subject to the provisions of sections 19 and 20, believes the statement to be true, or

(*d*) did not intend in fact to make or publish it of and concerning the plaintiff, or

(*e*) was unaware of the existence of the plaintiff:

Provided that the Court may take such or like circumstances into account in awarding compensation.

(3) It is not necessary for defamation that a defamatory meaning should be directly or completely expressed; and it suffices if such meaning, and its application to the person alleged to be defamed, can be collected either from the alleged defamatory statement itself or from any extrinsic circumstances, or partly by the one and partly by the other means.

Publication of defamatory matter.

17. A person publishes defamatory matter if he causes the print, writing, painting, effigy, gestures, spoken words, or other sounds or other means by which the defamatory matter is conveyed to be dealt with, either by exhibition, reading, recitation, description, delivery, communication, distribution, demonstration, expression or utterance, or otherwise, so that the defamatory meaning thereof becomes known or is likely to become known to any person other than —

(*a*) the person defamed thereby, or

(*b*) the husband or wife of the person publishing the defamatory statement so long as the marriage is subsisting.

For the purposes of this section, communication by open letter or postcard, whether sent to the person defamed or to any other person, constitutes publication.

Special defences to action for defamation.

18. In any action brought in respect of the publication of any defamatory matter it shall be a defence —

(*a*) that the matter of which complaint is made was true, or

(*b*) that the publication thereof was privileged in accordance with the provisions of this Ordinance.

When publication of defamatory matter absolutely privileged.

19.—(1) The publication of defamatory matter is absolutely privileged in any of the following cases, that is to say:—

(*a*) if the matter is published by the High Commissioner, or by the Executive Council or Advisory Council, or by any legislative body which may hereafter be established, in any official document or proceedings; or

(*b*) if the matter is published in the Executive Council or Advisory Council or any legislative body which may hereafter be established, and is so published by the High Commissioner or by any member of such Council or body; or

(*c*) if the matter is published by order of the High Commissioner; or

(*d*) if the matter is published concerning a person subject to military, naval or police discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct and to some person having authority over him in respect of such conduct; or

(*e*) if the matter is published in the course of any judicial proceedings by a person taking part therein as a Judge or Magistrate or advocate or witness or party thereto; or

(*f*) if the matter published is in fact a fair report of anything said, done or published in the Executive Council or Advisory Council or any legislative body which may hereafter be established; or

(*g*) if the matter published is in fact a fair report of anything said, done or shown in any judicial proceedings before any Court or tribunal and the Court or tribunal has not prohibited such publication:

Provided that nothing in this section shall authorise the publication of any seditious, blasphemous or indecent matter; or

(*h*) if the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under the provisions of this section; or

(*i*) if the person publishing the matter is legally bound to publish it; or

(*j*) if the publication is made in any military, naval or police report made for the purposes of the defence or security of Palestine.

(2) Where any publication of defamatory matter is absolutely privileged under the provisions of subsection (1) hereof it is immaterial whether the matter was true or false, and whether it was or was not known by the defendant to be false and whether it was or was not published in good faith.

When publication of defamatory matter conditionally privileged.

20.—(1) The publication of defamatory matter is privileged in any of the following cases, that is to say:—

(*a*) if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in so publishing it and it was so published in good faith and without malice:

Provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion; or

(*b*) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official or other public capacity, or as to his personal character so far as it appears in such conduct; or

(*c*) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct; or

(*d*) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness, or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this paragraph mentioned:

Provided that publication shall not be privileged within the meaning of this paragraph, if it is made while the proceedings, with regard to which the opinion was expressed, are pending in any Court, and such publication does, or is intended or calculated to, prejudice such proceedings to the detriment of any party thereto; or

(*e*) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech or other work, performance or act published or publicly done or made, or submitted by a person to the judgment of the public, or as to the character of the person so far as it appears therein; or

(*f*) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the other person, or on the character of the other person so far as it appears in such conduct; or

(*g*) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or

(*h*) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person in whom the person to whom it is published is interested.

(2) The publication of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of subsection (1) hereof, if it is made to appear either —

(*a*) that the matter was untrue, and that he did not believe it to be true; or

(*b*) that the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or

(*c*) that, in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the protection of the private right or interest in respect of which he claims to be privileged.

(3) In any action brought in respect of the publication of any defamatory matter if such publication might be privileged under the provisions of subsection (1) hereof, and the defence of privilege is raised, the onus of proving that such publication was not made in good faith shall be upon the plaintiff.

Mitigation of compensation for defamation.

21. The defendant in any action for defamation may, after reasonable notice to the plaintiff of his intention so to do, prove in mitigation of any compensation that may be awarded —

(*a*) that he made or offered an apology to the plaintiff before the commencement of the action or as soon afterwards as he had an opportunity, if the action was commenced before he had an opportunity of so doing;

(*b*) that the defamatory matter was contained in a newspaper, a subsisting permit to publish which has been issued under the provisions of the Press Ordinance, and that the plaintiff has already recovered, or brought an action for, compensation, or received or agreed to receive some recompense in respect of defamatory matter to the same purpose or effect as the defamatory matter in respect of the publication of which such action has been brought; Cap. 116.

(*c*) that prior to the publication of the defamatory matter the plaintiff was of general bad reputation in connection with the particular trait of his character which is assailed by the defamation;

(*d*) that the defendant received provocation from the plaintiff;

and the Court may, having regard to the circumstances of the case, take all or any of such matters into consideration in assessing compensation.

Special defence in case of defamatory matter published in newspaper. Cap. 116.

22. In any action brought against the proprietor of any newspaper, a subsisting permit to publish which has been issued to him under the provisions of the Press Ordinance, in respect of any defamatory matter contained in such newspaper, the proprietor of such newspaper may, if he pays into Court a sum of money which in the opinion of the Court is sufficient amends, and pleads no other defence, prove by way of defence —

(*a*) that the defamatory matter was inserted without actual malice, and

(*b*) that there was no gross lack of reasonable care for which he was liable in connection with the insertion of such defamatory matter, and

(*c*) that before the commencement of the action or so soon afterwards as he had an opportunity, if the action was begun before he had an opportunity of so doing, he inserted in such newspaper a full apology, or if the newspaper is published at intervals exceeding one week, that he offered to publish the apology in any newspaper selected by the plaintiff.

Injurious falsehood.

23. Injurious falsehood consists of the publication maliciously by any person of a false statement, whether oral or otherwise, concerning —

(*a*) the trade, occupation or profession, or

(*b*) the goods, or

(*c*) the title to property

of any other person:

Provided that no person shall recover compensation in respect thereof unless he has suffered pecuniary damage thereby.

For the purposes of this section, "publication" has the same meaning as it has in section 17 in relation to defamatory matter.

Assault.

24. Assault consists of intentionally applying force of any kind, whether by way of striking, touching, moving, or otherwise, to the person of another, either directly or indirectly, without his consent, or with his consent if the consent is obtained by fraud, or attempting or threatening by any act or gesture to apply such force to the person of another if the person making the attempt or threat causes the other to believe upon reasonable grounds that he has the present intention and ability to effect his purpose.

For the purposes of this section, the expression "applying force" includes applying heat, light, electrical force, gas, odour or any other substance or thing whatever if applied in such a degree as to cause damage.

Special defences to action for assault.

25. In any action brought in respect of any assault it shall be a defence —

(*a*) that the defendant acted for the protection of himself or another person against an unlawful use of force by the plaintiff, and that in so acting he did no more than was reasonably necessary for that purpose and the damage caused to the plaintiff by the assault was not disproportionate to the damage sought to be avoided;

(*b*) that the defendant, being the occupier of any immovable property, or acting under the authority of such occupier, used a reasonable degree of force in order to prevent the plaintiff from unlawfully entering upon such immovable property or to eject the plaintiff therefrom after he had unlawfully entered or remained thereupon:

Provided that, if the plaintiff did not enter, or attempt to enter, upon such immovable property by force, the defendant shall have requested the plaintiff to refrain from entering upon, or having entered upon, to depart from, such immovable property, and shall have given the plaintiff a reasonable opportunity of peaceably complying with his request;

(*c*) the defendant, being entitled to the possession of any movable property, used a reasonable degree of force in order to defend his possession thereof, or if the plaintiff has wrongfully taken or detained such movable property from him, the defendant used a reasonable degree of force to retake possession thereof from the plaintiff:

Provided that, if the plaintiff did not take or attempt to take such movable property by force, the defendant shall have requested the plaintiff to refrain from taking, or having taken, to restore to the defendant, such movable property, and shall have given the plaintiff a reasonable opportunity of peaceably complying with his request;

(*d*) that the defendant was acting in the execution of or lawfully assisting in the execution of any warrant, committal, order of commitment or writ of attachment issued by any Court or other lawful authority having jurisdiction thereto, provided that the act complained of was authorised by such warrant, committal, order of commitment or writ of attachment and notwithstanding any defect in or in the issue of such warrant, committal, order of commitment or writ of attachment;

(*e*) that the plaintiff was of unsound mind or was suffering from infirmity of mind or body and that the force used was, or appeared to be, reasonably necessary for his own protection or for that of other persons and was exercised in good faith and without malice;

(*f*) that the plaintiff and defendant were both members of His Majesty's armed forces and that the defendant acted under the authority of and in accordance with any Imperial Act or other law or enactment applicable to such forces;

(*g*) that the defendant was the parent, guardian or schoolmaster of the plaintiff or other person whose relationship to the plaintiff was similar to that of his parent, guardian or schoolmaster, and administered to the plaintiff only such chastisement as was reasonably necessary for the purpose of correction;

(*h*) that the defendant acted in good faith for what he had reason to believe to be the benefit of the plaintiff but was unable before doing such act to obtain the consent of the plaintiff thereto, as the circumstances were such that it was impossible for the plaintiff to signify his consent or for some person in lawful charge of the plaintiff to consent on behalf of the plaintiff and the defendant had reason to believe that it was for the benefit of the plaintiff that he should not delay in doing such act.

Liability for assault of agent or servant.

26. Notwithstanding anything contained in this Ordinance, no principal or master shall be liable for any assault committed by his agent or servant against any other person unless he has expressly authorised or ratified such assault.

False imprisonment.

27. False imprisonment consists of unlawfully totally depriving any person of his liberty for any period of time by physical means or by a show of authority.

Special defences to action for false imprisonment.

28. In any action brought in respect of any false imprisonment it shall be a defence —

(*a*) that the defendant was acting in the execution of or lawfully assisting in the execution of any warrant, committal, order of commitment or writ of attachment issued by any Court or other lawful authority having jurisdiction thereto provided that the act complained of was authorised by such warrant, committal, order of commitment or writ of attachment and notwithstanding any defect in or in the issue of such warrant, committal, order of commitment or writ of attachment;

(*b*) that the plaintiff was detained in lawful custody in accordance with the provisions of any enactment;

(*c*) that the plaintiff was of unsound mind or was suffering from some infirmity of mind or body and that the restraint was, or appeared to be, reasonably necessary for his own protection or for that of other persons and was exercised in good faith and without malice;

(*d*) that the act of which the plaintiff complains was an act for the non-performance of which the person performing such act would be liable to a penalty under the provisions of any enactment;

(*e*) that the plaintiff and defendant were both members of His Majesty's armed forces and that the defendant acted under the authority of and in accordance with any Imperial Act or other law or enactment applicable to such forces;

(*f*) that the defendant was the parent, guardian or schoolmaster of the plaintiff or other person whose relationship to the plaintiff was similar to that of his parent, guardian or schoolmaster, and only temporarily deprived the plaintiff of his liberty for such time as was reasonably necessary for the purpose of correction.

Liability for false imprisonment by agent or servant.

29. Notwithstanding anything contained in this Ordinance, no principal or master shall be liable for the false imprisonment by his agent or servant of any other person unless he expressly authorised or ratified such imprisonment.

Malicious prosecution.

30. Malicious prosecution consists of actually, maliciously and without reasonable and probable cause, instituting or carrying on against any person unsuccessful criminal, bankruptcy or winding-up proceedings, where such proceedings —

(*a*) caused scandal to the credit or reputation of, or possible loss of liberty by, such person, and

(*b*) terminated, if in fact they were capable of so terminating, in favour of such person:

Provided that no action for malicious prosecution shall be brought against any person by reason only that he furnished information to some competent authority by whom any proceedings were instituted.

Liability for malicious prosecution by agent or servant.

31. Notwithstanding anything contained in this Ordinance, no principal or master shall be liable for any malicious prosecution instituted by his agent or servant unless he has expressly authorised or ratified such prosecution.

Unlawfully causing breach of contract.

32. Any person who, otherwise than in furtherance of a strike or lockout in respect of a trade dispute within the trade or industry in which the strikers or persons locking out are engaged, knowingly and without sufficient justification, causes any other person to break a legally binding contract with a third person commits a civil wrong against such third person:

Provided that such third person shall not recover compensation in respect thereof unless he has suffered pecuniary damage thereby.

For the purposes of this section, the relationship created by marriage shall not be deemed to be a contract.

Passing off.

33. Any person who by imitating the name, description, sign, label, or otherwise causes or attempts to cause any goods to be mistaken for the goods of another person, so as to be likely to lead an ordinary purchaser to believe that he is purchasing the goods of such other person, commits a civil wrong against such other person:

Provided that no person commits a civil wrong by reason only that he uses his own name in connection with the sale of any goods.

Fraud.

34. Fraud consists of a false representation of fact, made with the knowledge that it is false or without belief in its truth or recklessly, careless whether it be true or false, with intent that it shall be acted upon by the person deceived:

Provided that no action shall be brought in respect of any such representation unless —

(*a*) it was intended to and did deceive the plaintiff and he has acted upon it and has thereby suffered pecuniary damage; and

(*b*) if it is a representation as to the character, conduct, credit, ability, trade or dealings, of any person in order to obtain for him credit, money or goods, it is in writing and signed by the defendant himself.

Unlawful detention of property.

35.—(1) Unlawful detention consists of the unlawful withholding of any movable property from any person entitled to the immediate possession thereof.

(2) In any action brought in respect of any unlawful detention the onus of proving that the withholding was lawful shall be upon the defendant.

Power of Court in action for unlawful detention.

36. In any action brought in respect of any unlawful detention the Court may, having regard to the circumstances of the case, order the return of the property detained in addition to, or in substitution for, any other remedy by this Ordinance provided.

Conversion.

37. Conversion consists in the defendant's wrongfully converting to his own use movable property to the possession of which the plaintiff is entitled, by taking it away, detaining it, destroying it, delivering it to a third person or otherwise depriving the plaintiff of it.

Special defences to action for conversion.

38. In any action brought in respect of the conversion of any movable property it shall be a defence that the defendant purchased such property in good faith —

(*a*) in any open market, from some person usually dealing in that market in the kind of property of which the property alleged to have been converted consists, or

(*b*) in any shop where the kind of property of which the property alleged to have been converted consists is usually sold, from the proprietor thereof or his agent.

Jus tertii to be no defence to action for conversion.

39. In any action brought in respect of the conversion of any movable property the defendant shall not by way of defence set up against the person entitled to the immediate possession of such property the right of any third person.

Power of Court in action for conversion.

40. In any action brought in respect of the conversion of any movable property the Court may, having regard to the circumstances of the case, order the return of the property converted, in addition to, or in substitution for, any other remedy by this Ordinance provided.

Trespass to immovable property.

41.—(1) Trespass to immovable property consists of —

(*a*) any unlawful entry upon, or

(*b*) any unlawful damage to, or interference with, any such property by any person:

Provided that no plaintiff shall recover compensation in respect of trespass to immovable property unless he has suffered pecuniary damage thereby.

(2) In any action brought in respect of any trespass to immovable property the onus of showing that the act of which complaint is made was not unlawful shall be upon the defendant.

Trespass to movable property.

42.—(1) Trespass to movable property consists of unlawfully taking goods out of the possession of another or forcibly interfering with them whilst they are in his possession:

Provided that no plaintiff shall recover compensation in respect of any trespass to movable property unless he has suffered pecuniary damage thereby.

(2) Interference with the property of another is not excused by mistake, even in good faith, as to the ownership or the right of possession, or by an intention to act for the true owner's benefit:

Provided that —

(*a*) a carrier or other person undertaking the carriage or custody of goods as a public employment does not commit a trespass by dealing with goods in the ordinary way of that employment and solely by the direction and on behalf of a person who delivers those goods to him for that purpose and whom he in good faith believes to be entitled to deal with those goods; and

(*b*) a workman or servant does not commit a trespass by dealing with any property in the ordinary way of his employment and in a manner authorised as between himself and his employer and which he in good faith believes his employer to be entitled to authorise.

(3) In any action brought in respect of any trespass to movable property the onus of showing that the act of which complaint is made was not unlawful shall be upon the defendant.

Mere claim of right not trespass.

43. The mere assertion of a right to deal with property or to prevent another from dealing with it is not a trespass.

Public nuisance.

44.—(1) A public nuisance consists of some unlawful act, or omission to discharge a legal duty, where such act or omission endangers the life, safety, health, property or comfort of the public or obstructs the public in the exercise of some common right.

(2) No action shall be brought in respect of a public nuisance save —

(*a*) by the Attorney General or his representative for injunction, or

(*b*) by any person who has suffered pecuniary damage thereby.

No. 21 of 1934.

For the purposes of this subsection, "Attorney General's representative" has the same meaning as in the Law of Procedure (Amendment) Ordinance, 1934.

Private nuisance.

45.—(1) A private nuisance consists of any person so conducting himself or his business or so using any immovable property of which he is the occupier as materially to interfere with the reasonable use and enjoyment, having regard to the situation and nature thereof, of the immovable property of any other person:

Provided that no plaintiff shall recover compensation in respect of any private nuisance unless he shall have suffered damage thereby.

(2) The provisions of this section shall not apply to any interference with daylight.

Special defences to action for private nuisance.

46. It shall be a defence to any action brought in respect of any private nuisance that the act complained of was done under the terms of any covenant or contract binding upon the plaintiff which inures for the benefit of the defendant.

Nuisance existing before plaintiff's occupation.

47. It shall not be a defence to any action brought in respect of a private nuisance merely that the nuisance existed before the plaintiff's occupation or ownership of the immovable property affected thereby.

Saving.

48. The provisions of sections 44 to 47 inclusive of this Ordinance shall be in addition to, and not in derogation of, any provisions as to nuisance in the Municipal Corporations Ordinance, 1934, or any by-laws made thereunder, or in any order or by-laws made under the Local Councils Ordinance, 1941, or in the Public Health Ordinance, 1940, or in any other Ordinance, or in any order, rules or by-laws made under such Ordinance.

No. 1 of 1934.
No. 36 of 1941.
No. 40 of 1940.

Interference with daylight.

49. Any person who, by any obstruction or otherwise, prevents the enjoyment by the owner or occupier of any immovable property of a reasonable amount of daylight, having regard to the situation and nature of such immovable property, when such light has been continuously enjoyed by such owner or occupier or his or their predecessors in title, otherwise than under the terms of any covenant or contract, for a period of not less than fifteen years immediately preceding such obstruction or prevention commits a civil wrong.

Negligence.

50.—(1) Any person who by his negligence causes damage to another person to whom he owes a duty, in the circumstances, not to be negligent commits a civil wrong; and a person shall owe such a duty to all persons whom, and the owner of any property which, a reasonable person ought to have contemplated as likely in the usual course of things to be affected by the negligence:

Provided that the owner or occupier of any immovable property shall owe no such duty in respect of the condition of, or the maintenance or repair of, such immovable property to any bare licensee who is, or the property of whom is, in or upon such immovable property, save only to warn such bare licensee of any concealed danger or hidden peril in or upon such immovable property of which such owner or occupier knew or must be presumed to have known.

(2) When, in any action for negligence, it is proved that the damage suffered by the plaintiff was caused —

(*a*) solely by the negligence of the defendant, the plaintiff shall be entitled to recover compensation in full from the defendant;

(*b*) by the negligence of —

(i) both the defendant and the plaintiff; or

(ii) both the defendant and a person other than the plaintiff; or

(iii) the defendant, the plaintiff, and some other person,

the plaintiff shall be entitled to recover from the defendant, or, in the event of there being more than one defendant, from each of the defendants, only such proportion of the compensation which would have been payable to him if the damage had been caused solely by the negligence of the defendant or defendants, as the Court, having regard to the degree in which each of the persons whose negligence caused the damage suffered by the plaintiff was negligent, considers should be paid by the defendant or by each of the defendants, as the case may be:

Provided that —

(*a*) where a defendant has caused the damage by his negligence, but his negligence was brought about by the conduct of the plaintiff, the Court may exempt him from liability to pay com-

pensation to the plaintiff, or may reduce the amount of compensation payable, as the Court may think just;

(*b*) where a plaintiff and a defendant have both caused the damage by their negligence but the negligence of the plaintiff was brought about by the conduct of the defendant, the Court may increase the compensation which would have been payable by the defendant if this proviso had not been enacted to any amount not exceeding the amount which would have been payable by the defendant if the plaintiff had not caused the damage by his negligence.

(3) For the purposes of this section —

(*a*) negligence consists of —

(i) doing some act which in the circumstances a reasonable prudent person would not do or failing to do some act which in the circumstances such a person would do, or

(ii) failing to use such skill or to take such care in the exercise of a profession, trade or occupation as a reasonable prudent person qualified to exercise such profession, trade or occupation would in the circumstances use or take;

(*b*) references to the negligence of any person include negligence (if any) of any other person for which the person first referred to in this paragraph is liable;

(*c*) a person shall be deemed to cause damage by his negligence when his negligence is the cause, or one of the causes, of the damage; but a person shall not be deemed to cause damage by his negligence if—

(i) although he was negligent, the damage was due to the happening of some extraordinary natural occurrence which a reasonable person would not have anticipated and the consequences of which could not have been avoided by the exercise of reasonable care; or

(ii) although he was negligent, it was the negligence of some other person which was the decisive cause of the damage; or

(iii) he is a child under the age of twelve years and is the person to whom the damage was caused, and he was invited or permitted by some other person who caused the damage by his negligence to be in, on or upon any property upon, or in connection with which, the damage occurred, or to be so near to such property as in the usual course of things to be affected by the negligence of the person by whom he was invited or permitted as aforesaid;

(*d*) the expression "bare licensee" means any person who lawfully comes upon any immovable property otherwise than —

(i) in connection with any business in which the occupier of the property is interested, or

(ii) in the lawful performance of any public duty under the provisions of any enactment or otherwise,

and includes the guests, not being guests for reward, and the servant of the occupier of any immovable property.

Onus of proof of negligence when damage caused by dangerous things.

51. In any action brought in respect of any damage in which it is proved —

(*a*) that such damage was caused by any dangerous thing, other than fire or an animal, or by the escape of anything which if it escapes is liable to cause damage, and

(*b*) that the defendant was the owner of, or the person in charge of, such thing or the occupier of the property from which such thing escaped,

the onus shall be upon the defendant to show that there was no negligence for which he is liable in connection with such dangerous thing or the escape of such thing.

Onus of proof of negligence when damage caused by fire.

52. In any action brought in respect of any damage in which it is proved —

(*a*) that such damage was caused by, or in consequence of, any fire, and

(*b*) that the defendant kindled such fire or was liable for the kindling of such fire or was the occupier of the immovable property or the owner of the movable property on which such fire originated,

the onus shall be upon the defendant to show that there was no negligence for which he is liable in connection with the origin or spread of such fire.

Onus of proof of negligence when damage caused by an animal.

53. In any action brought in respect of any damage in which it is proved —

(*a*) that such damage was caused by a wild animal, or by an animal, other than a wild animal, which the defendant knew, or must be presumed to have known, had a propensity to do the act which caused damage, and

(*b*) that the defendant was the owner of, or the person in charge of, such animal,

the onus shall be upon the defendant to show that there was no negligence for which he is liable in connection with such animal.

Onus of proof of negligence in certain cases.

54. In any action brought in respect of any damage in which it is proved —

(*a*) that the plaintiff had no knowledge or means of knowledge of the actual circumstances which caused the occurrence which led to the damage, and

(*b*) that the damage was caused by some property of which the defendant had full control,

and it appears to the Court that the happening of the occurrence causing the damage is more consistent with the defendant having failed to exercise reasonable care than with his having exercised such care, the onus shall be upon the defendant to show that there was no negligence for which he is liable in connection with the occurrence which led to the damage.

Right of action of certain persons in respect of act causing death of another.

55.—(1) Where the death of any person is caused by any civil wrong and such person would, if death had not ensued, have been entitled at the time of his death under the provisions of this Ordinance to have recovered compensation in respect of bodily injury caused to him by such civil wrong, the husband, wife, parent and child of such deceased person may recover compensation from the person responsible for such civil wrong, in accordance with the following provisions, that is to say :—

(*a*) the action shall be brought by and in the name of the executor, administrator or heirs of the deceased person for the benefit of the husband, wife, parent and child, or such of them as may be in existence, of the deceased person:

Provided that if no action is brought by such executor, administrator or heirs within six months of the death of the deceased person the action may be brought on behalf of all the persons for whose benefit the action could have been brought by the executor, administrator or heirs in the name or names of all or any of such persons;

(*b*) the compensation to be recovered in any such action shall be awarded in respect of the pecuniary damage actual or prospective suffered by the persons on whose behalf the action is brought by the death of the deceased person (including the funeral expenses of the deceased person if such expenses have been incurred by the persons on whose behalf the action is brought), and shall be apportioned, after the deduction of any costs not recovered from the defendant, by the Court at the trial among such persons:

Provided that, in assessing such compensation —

(i) any sum paid or payable on the death of the deceased under any contract of assurance or insurance, and

(ii) any sum paid or payable in respect of mourning for him,

shall not be taken into account;

(*c*) in any such action particulars shall be given of the persons on whose behalf such action is brought, and of the pecuniary damage suffered by such persons respectively owing to the death of the deceased person;

(*d*) any such action shall be brought within twelve months of the death of the deceased person.

Special defence that plaintiff voluntarily exposed himself to state of affairs causing civil wrong.

56. It shall be a defence to any action brought in respect of a civil wrong that the plaintiff knew and appreciated or must be taken to have known and appreciated the state of affairs causing the damage and voluntarily exposed himself or his property thereto:

Provided that —

(*a*) the provisions of this section shall not apply to any action brought in respect of any civil wrong when such wrong was due to the non-performance of a duty imposed upon the defendant by any enactment; and

(*b*) no child under the age of twelve years shall be deemed to be capable of knowing or appreciating such state of affairs or of voluntarily exposing himself thereto or of himself exposing his property thereto.

Special defence that act was done under an enactment.

57. It shall be a defence to any action brought in respect of a civil wrong other than negligence that the act or omission complained of was done or made under and in accordance with the provisions of any enactment.

PART IV.

REMEDIES FOR CIVIL WRONGS.

Power of Court to grant remedies.

58.—(1) All civil Courts established in Palestine shall within the limits of their jurisdiction have power to grant remedies for civil wrongs in accordance with this Ordinance, subject to the provisions of any Order in Council or Ordinance or other enactment for the time being applying to such Courts:

Provided that a Court may grant an injunction in respect of any civil wrong, notwithstanding that no compensation or other relief is claimed or granted together therewith.

(2) If in any action for a civil wrong a question of title to immovable property is raised in the District Court or Magistrate's Court such Court shall have jurisdiction to decide such question of title and it shall not be necessary to refer such question to a Land Court.

Injunctions.

59.—(1) An injunction may be interlocutory, perpetual or mandatory:

Provided that —

(*a*) an interlocutory injunction shall not be granted unless the Court is satisfied, by affidavit or otherwise, that —

(i) there is a serious question to be tried at the hearing, and

(ii) there is a probability that the plaintiff is entitled to relief and that unless an interlocutory injunction is granted it will be difficult or impossible to do complete justice at a later stage; and

(*b*) no injunction shall be granted when in the opinion of the Court—

(i) the injury or damage to the plaintiff is small and is capable of being estimated in money and can be adequately compensated by a money payment, and

(ii) it would be oppressive to the defendant to grant an injunction.

(2) The provisions of this subsection shall be in addition to, and not in derogation of, any of the powers exercisable by the Courts as to injunctions under the provisions of any Order in Council, or Ordinance.

(3) In any case where the Court refuses to grant an injunction under the provisions of proviso (*b*) to subsection (1) hereof the Court may grant compensation.

Compensation.

60. Compensation may be awarded either alone, or in addition to or in substitution for, an injunction:

Provided that —

(*a*) where the plaintiff has suffered damage, compensation shall only be awarded in respect of such damage as would naturally arise in the usual course of things and which directly arose from the defendant's civil wrong; and

(*b*) if the plaintiff has suffered pecuniary damage, no compensation in respect thereof shall be awarded unless the plaintiff has given particulars of such damage in or together with his statement of claim.

PART V.

MISCELLANEOUS PROVISIONS AS TO THE RECOVERY OF REMEDIES.

Compensation only to be recovered once.

61.—(1) Subject to the provisions of section 64, no person who has recovered compensation or other relief in respect of any civil wrong, nor any person claiming through such person, shall recover any further compensation in respect of such civil wrong.

(2) No person shall recover any compensation or other relief in respect of any civil wrong, if such civil wrong also constituted a breach of any contract, or of an obligation resembling those created by contract, and compensation for such breach of contract or obligation has been awarded by any Court, tribunal or arbitrator to such person or to any person through whom such person claims.

(3) No person shall recover any compensation in respect of any civil wrong if such civil wrong also constitutes a criminal offence or a breach

of any obligation imposed by any enactment and compensation in respect thereof has been awarded in accordance with the provisions of any enactment to such person or to any person through whom such person claims.

Compensation not to be recoverable from employer under both this Ordinance and Workmen's Compensation Ordinance. Cap. 154.

62. Notwithstanding anything contained in the Workmen's Compensation Ordinance or any enactment as to workmen's compensation in force in Palestine for the time being, no workman (which term, for the purpose of this section, shall be deemed to include his dependants) shall, by reason of the happening of any event, recover from his employer both compensation under the provisions of this Ordinance and compensation under the provisions of the Workmen's Compensation Ordinance or such other enactment for any injury or damage caused by such event.

For the purposes of this section, the expression "dependants" has the same meaning as it has in section 2(1) of the Workmen's Compensation Ordinance.

No action to be brought on contract if compensation awarded for civil wrong.

63. No person shall recover any compensation in respect of any breach of contract, or of an obligation resembling those created by contract, if such breach also constitutes a civil wrong and compensation or other relief has been awarded for such civil wrong by any Court to such person or to any person through whom such person claims.

Proceedings against, and contribution between, joint and several civil wrong doers.

64. Where damage is suffered by any person as a result of a civil wrong (whether a criminal offence or not) —

(*a*) judgment recovered against any civil wrong doer liable in respect of that damage shall not be a bar to an action against any other person who would, if sued, have been liable as a joint civil wrong doer in respect of the same damage;

(*b*) if more than one action is brought in respect of that damage by or on behalf of the person by whom it was suffered, or for the benefit of the estate, or of the wife, husband, parent or child of that person, against civil wrong doers liable in respect of the damage (whether as joint civil wrong doers or otherwise) the sums recoverable under the judgments given in those actions by way of compensation shall not in the aggregate exceed the amount of the compensation awarded by the judgment first given; and in any of those actions, other than that in which judgment is first given, the plaintiff shall not be entitled to costs unless the Court is of opinion that there was reasonable ground for bringing the action;

(*c*) any civil wrong doer liable in respect of that damage may recover contribution from any other civil wrong doer who is, or would if sued have been, liable in respect of the same damage, whether as a joint civil wrong doer or otherwise, so, however, that no person shall be entitled to recover contribution under this section from any person entitled to be indemnified by him in respect of the liability in respect of which the contribution is sought.

(2) In any proceedings for contribution under this section the amount of the contribution recoverable from any person shall be such as may be found by the Court to be just and equitable having regard to the extent of that person's responsibility for the damage; and the Court shall have power to exempt any person from liability to make contribution, or to direct that the contribution to be recovered from any person shall amount to a complete indemnity.

(3) For the purposes of this section, the expression "the judgment first given" means, in a case where that judgment is reversed on appeal, the judgment first given which is not so reversed and, in a case where a judgment is varied on appeal, that judgment as so varied.

(4) Nothing in this section shall —

(*a*) apply with respect to any civil wrong committed before the commencement of this Ordinance; or

(*b*) affect any criminal proceedings against any person in respect of any wrongful act; or

(*c*) render enforceable any agreement for indemnity which would not have been enforceable if this section had not been passed.

Insurance not to be taken into account in assessing compensation.

65. In assessing any compensation payable by reason of any civil wrong any sum paid or payable under any contract of assurance or insurance in connection with such civil wrong shall not be taken into account.

Recovery of compensation for defamation published in a newspaper.

66.—(1) If a successful plaintiff in an action brought against the proprietor of a newspaper in respect of the publication in such newspaper of defamatory matter makes it appear to the Court before which the action was heard that he is not able to procure satisfaction of the judgment of the Court in respect of the publication of such defamatory matter by way of execution against the immovable or movable property of the defendant, it shall be lawful for the Court to order that the judgment be enforced against the signatories of any bond given by or on behalf of the defendant under section 5(1)(*d*) of the Press Ordinance or under the corresponding section of any Ordinance amending or substituted for that Ordinance, and to order execution to be levied against the security, if any, given by the signatories of any such bond:

Cap. 116.

Provided that the liability of the signatories shall in no case exceed their liabilities under such bond.

(2) Such successful plaintiff shall serve on the Chief Secretary a copy of any order of the Court made under this section.

(3) The Chief Justice may, with the approval of the High Commissioner, make rules for regulating the practice and procedure and prescribing the fees to be charged or taken in respect of any proceedings under this section.

Civil wrong which is also a criminal offence.

67. It shall be no bar to any action in respect of a civil wrong that the facts upon which such action is based constitute a criminal offence; but when, at any stage of any action in respect of a civil wrong, it appears to the Court before which the action is pending that the facts upon which the action is based constitute, or may constitute, a felony, the Court shall stay further proceedings in the action until it is satisfied that either those facts have been reported to a police officer or a police officer is aware of those facts.

Limitation of actions for civil wrongs.

68. No action shall be brought in respect of any civil wrong unless such action be commenced —

(*a*) within two years next after the act, neglect or default of which complaint is made, or

(*b*) where the civil wrong causes fresh damage continuing from day to day, within two years next after the ceasing thereof, or

(*c*) where the cause of action does not arise from the doing of any act or failure to do any act but from the damage resulting from such act or failure, within two years next after the plaintiff sustained such damage, or

(*d*) if the civil wrong has been fraudulently concealed by the defendant, within two years of the discovery thereof by the plaintiff, or of the time when the plaintiff would have discovered such civil wrong if he had exercised reasonable care and diligence:

Provided that —

(*a*) if at the time when the cause of action first arises, the plaintiff is under the age of eighteen years or is of unsound mind or the defendant is not in Palestine, such periods of two years shall not begin to run until the plaintiff attains the age of eighteen years or ceases to be of unsound mind or the defendant is again within Palestine; and

(*b*) nothing in this section shall be deemed to affect the provisions of sections 14 and 55 of this Ordinance.

PART VI.

MISCELLANEOUS.

Saving.

69. Nothing in this Ordinance shall be deemed to affect —

(*a*) any jurisdiction in Admiralty vested in any Court in Palestine, or

Cap. 38.

(*b*) the provisions of the Crown Actions Ordinance.

Provisions as to diyet.

70.—(1) No Court other than a Tribal Court shall award diyet, and no Court shall award compensation in lieu of diyet, in respect of any act done on or after the commencement of this Ordinance and no Tribal Court shall award diyet in respect of any such act if an award of compensation under this Ordinance has been made in respect of that act.

(2) Where an award of diyet has been made by a Tribal Court in respect of any act done on or after the commencement of this Ordinance, compensation shall not be awarded under this Ordinance in respect of that act.

Repeal and saving.

71. The enactment set forth in the first column of the Schedule shall be repealed, or cease to have effect in Palestine, to the extent stated in the second column of the Schedule:

Provided that nothing contained in this Ordinance (including this section) shall —

(*a*) give any right to any remedy in respect of any civil wrong committed before the commencement of this Ordinance, or

(*b*) affect any right of action or the remedy in respect thereof accruing before the commencement of this Ordinance, or affect the jurisdiction of any Court to entertain any such action or to grant any such remedy.

SCHEDULE.

(Section 71).

First Column	*Second Column*
Cap. 18. Civil and Religious Courts (Jurisdiction) Ordinance.	Section 6.
The Mejelle	The following Articles in so far as they are repugnant to, or inconsistent with, the provisions of this Ordinance:—
	Articles 1 to 100, inclusive. Article 482. Articles 545 to 548, inclusive. Articles 550 to 551, inclusive. Article 556. Articles 741 to 742, inclusive. Articles 768 to 769, inclusive. Article 771. Articles 777 to 783, inclusive. Articles 787 to 790, inclusive. Article 792. Article 803. Articles 813 to 814, inclusive. Articles 827 to 828, inclusive. Article 865. Articles 881 to 940, inclusive. Article 1071. Article 1087. Articles 1192 to 1223, inclusive. Articles 1660 to 1675, inclusive.
Ottoman Code of Criminal Procedure.	The following Articles in so far as they are repugnant to, or inconsistent with, the provisions of this Ordinance:— Articles 1 to 3, inclusive. Article 59. Articles 61 to 63, inclusive. Articles 481 to 487, inclusive.

GORT
High Commissioner.

20th December, 1944.

ADMINISTRATOR GENERAL ORDINANCE,
No. 37 OF 1944.

AN ORDINANCE TO PROVIDE FOR THE ADMINISTRATION OF CERTAIN ESTATES BY THE ADMINISTRATOR GENERAL AND MATTERS CONNECTED THEREWITH.

BE IT ENACTED by the High Commissioner for Palestine with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Administrator General Ordinance, 1944.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"administration order" means an order appointing the Administrator General or some other person administrator of an estate

of a deceased person, whether such order be general or with a copy of the will annexed or limited in time or otherwise, and includes probate in favour of the Administrator General;

"Administrator General" means the Administrator General, the Deputy Administrator General, or an Assistant Administrator General appointed under section 4;

"agent" means an agent of the Administrator General appointed under section 5;

"assets" means all property, movable and immovable, of a deceased person, which is chargeable with, and applicable to the payment of, his debts and legacies or available for distribution, and includes books, papers and documents;

"Court" means the District Court of the district within which the deceased resided or had his place of business at the date of his death; or, if the deceased had no residence or place of business in Palestine, the District Court of the district within which any property forming part of the deceased's estate is situated; or, in default of any such property, the District Court of Jerusalem;

"estate" includes money, goods, claims, land, houses, buildings and every description of property, whether movable or immovable, and whether situate in Palestine or elsewhere; also obligations, easements and every description of right, interest or profit, present or future, vested or contingent, arising out of, or incident to, property;

"immovable property" includes land of any tenure, benefits to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth;

"movable property" means property of every description except immovable property;

"person beneficially interested" means —

(*a*) any person who, upon the distribution of the estate by the Court, would be entitled to any share therein;

(*b*) a beneficiary under a will made by the deceased;

(*c*) a creditor of any beneficiary who has renounced his share in the succession;

"private administrator" means an administrator of an estate appointed by the Court other than the Administrator General;

"Religious Community" has the same meaning as it has in the Palestine Orders-in-Council, 1922 to 1939, or in any amendment thereof in force from time to time.

Application of Ordinance.

3. Save as is otherwise provided in this Ordinance, the provisions of this Ordinance shall apply only to the administration of the estate of a deceased Palestinian citizen who was not at the time of his death a Moslem or a member of a Religious Community, or of a deceased stateless person who was not at the time of his death a member of a Religious Community.

Appointment of Administrator General.

4.—(1) The High Commissioner may appoint an Administrator General, a Deputy Administrator General, and as many Assistant Administrators General as may from time to time be required.

(2) The Administrator General shall be a corporation sole by the name of the Administrator General of Palestine with perpetual succession and an official seal. In all proceedings under this Ordinance and in all other legal proceedings the Administrator General shall sue and be sued by such name, and it shall be necessary to state and to prove his authority and title in the specific estate to which the proceedings may relate, but not his general authority or appointment.

Power of Administrator General to appoint agents.

5.—(1) The Administrator General may from time to time appoint such person or persons as he shall think fit to act as his agent or agents in any particular estate or in any matter arising out of any estate, and may, at his discretion, delegate to any such agent all or any of the powers or duties conferred or imposed upon him by this Ordinance.

(2) An agent shall, in all respects, act under the direction of the Administrator General, who shall not be answerable for any act or omission on the part of such agent which is not in conformity with the powers or duties delegated by the Administrator General or which has not happened by the Administrator General's own fault or neglect.

(3) An agent shall find security to the satisfaction of the Administrator General for the performance of his duties and shall be remunerated either by salary or such fees as may from time to time be prescribed.

Appearance in Court proceedings.

6. The Administrator General or an agent shall be entitled to appear before any Court, either in person or by a representative appointed by him in writing, in any proceedings to which the Administrator General is a party.

Administrator General and his agents not personally liable for acts done in performance of their duties.

7. Neither the Administrator General nor any of his agents shall be personally liable to any person in respect of any property in the possession at the time of his death of any person whose estate is administered by the Administrator General or any of his agents, which is sold by the Administrator General or such agent, unless before the sale the Administrator General or such agent knew or had actual notice that such property was not in fact the property of the person whose estate is being administered by him, and generally, neither the Administrator General nor any agent shall be liable for any act done by him bona fide in the supposed and the intended performance of his duties unless it is shown that such act was done not only illegally, but wilfully or with gross negligence:

Provided that in the case of any sale by the Administrator General or any agent of any property belonging to any third person, the amount realised by such sale shall be paid over to the owner upon proof by him of such ownership, unless such amount has already been applied in payment of the debts of the deceased or has been distributed in the ordinary course of administration, whilst the Administrator General or agent was in ignorance and without actual notice of the claim of such person to the property sold.

Liability of Government of Palestine.

8. The Government of Palestine shall be liable to make good all sums required to discharge any liability which the Administrator General, if he were a private administrator, would be personally liable to discharge, except when the liability is one which neither the Administrator General nor any agent could, by the exercise of reasonable diligence, have averted, and in neither of those cases shall the Administrator General, or the Government of Palestine, be subject to any liability.

Notice of certain deaths to be furnished to Administrator General.

9.—(1) Where a Palestinian citizen who is not at the time of his death a Moslem or a member of a Religious Community, or a stateless person who is not at the time of his death a member of a Religious Community, dies in Palestine, the Senior Medical Officer of the district in which the death occurs shall forthwith report the death to the Administrator General.

(2) Where a Palestinian citizen who is not at the time of his death a Moslem or a member of a Religious Community, or a stateless person who is not at the time of his death a member of a Religious Community, dies elsewhere than in Palestine leaving property within Palestine, any public officer to whom knowledge of the death comes in his capacity as such shall forthwith report the death to the Administrator General and furnish the Administrator General with such particulars of the said property as he may be able to furnish.

Grant of administration order to Administrator General.

10.—(1) Upon receipt of a report of the death of a Palestinian citizen who was not at the time of his death a Moslem or a member of a Religious Community, or of a stateless person who was not at the time of his death a member of a Religious Community, sent to him in accordance with the provisions of section 9, or upon such death coming otherwise to his knowledge, the Administrator General shall cause enquiries to be made in order to ascertain whether the provisions of this Ordinance are applicable to the estate of the deceased, and where, as a result of his enquiries, the Administrator General is satisfied that the provisions of this Ordinance are applicable to the estate of the deceased and that —

(*a*) the deceased left a will whereby—

(i) the Administrator General was appointed an executor; or

(ii) no executor was appointed; or

(iii) an executor was appointed, but such executor predeceased the deceased, renounced probate of the will or is otherwise unable or unwilling to act; or

(*b*) the deceased left a will, but no application has been made for probate thereof; or

(*c*) the deceased died intestate, but no application has been made for an administration order, or for a certificate or declaration of succession by virtue of which the estate of the deceased could be distributed,

the Administrator General may apply to the Court for an administration order in respect of the estate of such deceased:

Provided that the Administrator General shall not, in any of the events specified in paragraph (*b*) or (*c*) hereof, apply for the grant to him of an administration order before the expiration of six months from the date of the death of the deceased unless he is satisfied that it is necessary or expedient in the interests of the estate so to do.

(2) Where the Court, on application being made by the Administrator General under subsection (1), is satisfied as to the matters in respect of which the Administrator General is required by that subsection to be satisfied, the Court shall grant the application except for good cause, and upon such grant being made the estate of the deceased shall vest in the Administrator General, and shall be administered by him in accordance with the provisions of this Ordinance.

(3) Nothing contained in this section shall be deemed to prohibit—

(*a*) any person, other than a Moslem the administration of whose estate is within the jurisdiction of a Moslem Religious Court, from appointing the Administrator General as an executor of his will, and in the event of his so doing the provisions of this Ordinance shall apply to the administration of his estate; or

(*b*) the Court from appointing the Administrator General as administrator, either alone or together with any other person or persons, of any estate the administration of which is within the jurisdiction of the Court.

No administration order or probate to be granted without notice of application to Administrator General.

11.—(1) No administration order or probate shall be granted to any person in respect of any estate in respect of which the Administrator General may, under subsection (1) of section 10, apply to the Court for the grant to him of an administration order, unless and until the applicant for the grant thereof has produced to the Court proof that the Administrator General has declined to administer the said estate or proof of having given to the Administrator General at least fourteen days' notice in writing of his intention to apply for such grant.

(2) No person shall apply to the Court for the grant to the Administrator General of an administration order in respect of the estate of a deceased person unless and until he has produced to the Court proof of his having given to the Administrator General at least fourteen days' notice in writing of his intention to apply for such grant.

(3) Upon receipt of any notice given in accordance with subsection (1) or subsection (2), the Administrator General may call upon the applicant to furnish him, within such time and in such manner as may be prescribed, with such particulars as he may reasonably require in order to determine whether to oppose or consent to such grant being made.

Notice of intended application by Administrator General.

12. Whenever the Administrator General intends to apply for the grant to him of an administration order in respect of the estate of a deceased person he shall cause notice of his intention so to do to be published in the *Gazette* and in a local newspaper at least fourteen days before making the application, and the cost of such publication shall in every case be deemed to be a testamentary expense and be payable out of the estate of the deceased, whether such estate be administered by the Administrator General or any other person:

Provided that in any case where the Court is satisfied that the estate or any part thereof might otherwise be pilfered, lost, destroyed or damaged or that great expense would be incurred by delay in the matter such notice may be dispensed with.

Revocation of grant of administration order to Administrator General and grant to another person.

13.—(1) At any time after the grant of an administration order to the Administrator General under this Ordinance any person beneficially interested in the estate in respect of which such administration order was granted may apply to the Court for revocation of such order and for the grant to himself or to any other person of an administration order:

Provided that no such application shall be made unless and until the applicant has produced to the Court proof of his having given to the Administrator General at least fourteen days' notice in writing of his intention to make such application.

(2) Upon such application the Court, after hearing the Administrator General, if he appears, may revoke the administration order granted to the Administrator General and grant an administration order to the applicant or any other person subject to such limitations and conditions as it may think fit:

Provided that an administration order granted to the Administrator General shall not be revoked as aforesaid unless —

(*a*) the Court is satisfied that there has been no unreasonable delay by the applicant in making such application; and

(*b*) if the application is made by a person who was resident in Palestine at the date of the grant of such order, it is made within one year after such date.

(3) Upon the revocation of an administration order granted to the Administrator General and the grant of an administration order to some other person, under the provisions of subsection (1), all the interest, powers, rights and duties of the Administrator General in regard to the estate in respect of which such administration order was granted, and all liabilities of the Administrator General as such under any contract or agreement entered into by him in relation to such estate or any part thereof, shall cease; and such part of the estate as shall be left unadministered by the Administrator General shall vest in the person to whom such administration order is granted, subject nevertheless to all lawful contracts and agreements theretofore made relating to such estate and to the allowance and payment of all outlays, disbursements, costs, fees, charges and expenses reasonably incurred in the administration thereof.

Disputes to be decided by the Court on application.

14.—(1) Notwithstanding anything contained in any other Ordinance or law, where an administration order has been granted to the Administrator General under this Ordinance, it shall be lawful, except as hereinafter provided, for the Court on the application of the Administrator General or any creditor of, or any person beneficially interested in, the estate in respect of which the administration order was made to decide all disputes, claims and demands in respect thereof and to make such orders and give such directions, whether general or special, as it shall think fit, touching the collection, sale, investment, disposal or administration of such estate:

Provided that in any case in which it appears to the Court not to be desirable that the matter in question should be so decided, the Court may direct that such proceedings as appear to it to be proper for the due decision thereof shall be instituted.

(2) An appeal shall lie as of right to the Supreme Court sitting as a Court of Civil Appeal from any decision, order or direction of the Court under subsection (1), but no appeal shall lie from any direction of the Court under the proviso to subsection (1).

Actions against Administrator General.

15.—(1) If any proceedings be instituted by a creditor or any other claimant against the Administrator General, such creditor or claimant shall be liable to pay the costs of the proceedings unless he proves that not less than one month before the institution of the proceedings he had applied in writing to the Administrator General for payment of his claim, stating the amount and other particulars thereof, and had given such evidence in support thereof as, in the circumstances of the case, the Administrator General had reasonably required him to produce.

(2) Save in accordance with the provisions of any Ordinance or law, no creditor or claimant shall by reason only of having obtained any judgment in his favour in any such proceedings be entitled to payment out of the assets of the deceased otherwise than equally and rateably with the other creditors and claimants.

Where deceased member of firm surviving partner to furnish sworn statement.

16.—(1) When a person, being a member of a partnership carrying on business in Palestine, dies leaving an estate in respect of which the Administrator General may, under subsection (1) of section 10, apply for the grant to him of an administration order, the surviving partner or partners shall, as soon as possible, but in no case later than two months after the death of such person, furnish the Administrator General with a full and true statement of the affairs of the partnership at the time of such death:

Provided that where no surviving partner is in Palestine at the time of the death, such statement shall be furnished by the surviving partner who first arrives in Palestine after such death within two months after his arrival.

(2) The statement to be furnished to the Administrator General under subsection (1) shall be verified by affidavit and shall contain —

(*a*) particulars, including values, of the immovable property of the partnership;

(*b*) particulars of cash of the partnership in hand or in bank;

(*c*) particulars of the book and other debts of the partnership showing the names and addresses of the debtors;

(*d*) particulars of the stock-in-trade, plant, machinery, fittings and all other movable property whatsoever of the partnership not included under the foregoing headings;

(*e*) particulars of the liabilities of the partnership, including the names and addresses of the creditors; and

(*f*) such other particulars as the Administrator General may upon reasonable notice require.

(3) Any surviving partner, if called upon to do so by the Administrator General, shall produce at the office of the Administrator General for inspection all books, papers and documents of whatever kind belonging to the partnership and allow the Administrator General, or his representative authorised in writing in that behalf, to make a full and unhindered inspection of any of the partnership premises or property.

(4) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence and on conviction shall be liable to imprisonment for six months or to a fine of one hundred pounds, or to both such penalties.

Power to call for sworn statement as to salary, etc., due to deceased.

17.—(1) If the Administrator General has reason to believe or to suspect that there is due and owing by any person to the deceased whose estate he is administering, any salary, wages, remuneration or commission, he may call upon such person, by notice in writing, to furnish him, within a period of not less than fourteen days to be stated in such notice, with a statement, verified by affidavit, showing the amount so due and giving full details as to how it is arrived at or that no amount whatever is due to the deceased, as the case may be.

(2) Any person who fails to comply with the terms of any such notice shall be guilty of an offence and on conviction shall be liable to im-

prisonment for three months or to a fine of fifty pounds, or to both such penalties.

Administrator General to make inventory and keep accounts.

18. The Administrator General shall, in respect of every estate which he is administering,—

(i) make a complete inventory thereof and keep an account of all receipts, payments and dealings therewith;

(ii) retain all letters received and copies of all letters written by him and all documents, writings and papers thereof or relating thereto;

(iii) on application in writing by any person beneficially interested therein, and upon payment by such person of the prescribed fee, allow the inspection of any document specified in the application, excluding minutes and private notes, relating thereto, and issue a copy of any such document:

Provided that the Administrator General may, in his discretion, destroy any books, private papers, bills, receipts, memoranda and other similar documents which he has received along with the estate, if he has reasonable cause to believe that they are of no value and they are not claimed by the persons entitled thereto within two years after he has obtained his discharge under the provisions of section 30.

Notice to creditors and claimants.

19.—(1) Whenever the administration of an estate is committed to him by the Court, the Administrator General shall cause a notice to be published in the *Gazette* and in a local newspaper calling upon creditors and others having claims against the estate to file and prove their claims against the estate, in such manner as may be prescribed, on or before the date mentioned in such notice, which shall not be less than one month after the date of the publication of such notice in the *Gazette*.

(2) The Administrator General may require any claimant to satisfy him, within the period aforesaid or within such further period as he may stipulate, by affidavit or otherwise, of the validity of his claim or to institute proceedings to establish his claim.

(3) The Administrator General shall, at the expiration of such period, be at liberty to distribute the assets or any part thereof in discharge of such lawful claims as have been proved before him, having regard to any claim in respect of which proceedings may have been instituted as provided in subsection (2), and, if the whole thereof cannot be paid, he shall pay a dividend thereon; if he collects any further assets after making such payment, he shall, in case any part of the debts proved remain unpaid, pay the same and any claim subsequently proved before him or a dividend thereon; but he shall first pay on such debts as are subsequently proved a dividend in proportion to the amount thereof equal to the dividend paid to the creditors having previously proved their debts.

(4) After payment of all debts, fees and expenses incidental to the collection, management and administration of such estate, the Administrator General shall pay over the residue to the persons beneficially entitled thereto, and where any such person is resident outside Palestine payment may be made to his agent or representative duly authorised to receive the same or by remittance made by registered letter and such remittance shall be deemed to be equivalent to payment.

(5) Nothing contained in this section shall prejudice any right of any creditor or other claimant to follow the assets or any part thereof in the hands of any person who may have received the same respectively.

Unclaimed balance.

20.—(1) If, after the payment to all such claimants as can be traced of all claims which have been made and admitted or established against the estate being administered by the Administrator General, there remains an amount due to a claimant who cannot be traced or a balance to which no person has established a claim or to which no person is beneficially entitled, the Administrator General shall publish a notice in the *Gazette* and in a local newspaper notifying the fact and calling upon all persons having any claim thereto to send in such claim to him.

(2) After the expiration of five years from the publication of any such notice in the *Gazette* the Administrator General shall pay into the general revenue of Palestine all such amounts as still remain unpaid in his hands and to which no claim has been established, and thereafter the High Commissioner may dispose of and distribute such amounts, or any part thereof, to or among any kindred of the deceased or other person having or seeming likely to have a claim thereto, in such shares or manner as he may in his absolute discretion think fit:

Provided that nothing contained in this subsection shall prejudice any right of any creditor or other claimant to follow the assets, or any part thereof, in the hands of the Government of Palestine, or of any person who may have received the same from the High Commissioner under this subsection respectively.

Fees and expenses.

21.—(1) There shall be payable to the Administrator General out of every estate administered by him fees in accordance with the scale set out in the Schedule or at such rates as may from time to time be prescribed.

(2) The Administrator General shall be entitled to reimburse himself for any payment made by him or his agent in respect of any estate being administered by him.

(3) Where the Administrator General considers it necessary, in the interests of an estate which he is administering, to employ clerical or other assistance he may do so, and the costs thereof shall be a charge upon the estate.

(4) The fees, charges and reimbursements authorised by subsections (1), (2) and (3) and section 22 shall be a first charge on the balance of the estate remaining after payment of the funeral and testamentary expenses, and may be deducted from any moneys received by the Administrator General in the course of the administration. All such fees shall be paid by the Administrator General into the general revenue of Palestine.

Power to incur expenditure for care, management and improvements.

22. The Administrator General shall have, in addition to, and not in derogation of, any other powers of expenditure lawfully exercisable by him, the power to incur expenditure —

(*a*) on such acts as may be necessary for the proper care and management of any property belonging to any estate being administered by him; and

(*b*) with the sanction of the Court, on such improvements as may be reasonable and proper in the case of such property.

Power to dispose of property.

23. The Administrator General may, subject to any wishes which may be expressed by any person beneficially interested in the estate of the deceased, dispose of the property of an estate under his administration, either wholly or in part, and either by public auction or private treaty, as he may in his discretion deem to be in the best interest of the estate, after having caused a notice of his intention so to do to be published in a local newspaper and by such notice called for offers for such property.

Assets received from outside Palestine.

24. Where the Administrator General receives assets belonging to an estate which he is administering but which, at the time of the death of the deceased, were situate outside Palestine, such assets shall be treated in the same manner as assets within Palestine at the time of death.

Appointment of person to receive minor's share.

25. Where any minor is the beneficiary of any estate which is being administered by the Administrator General, the Court may, upon the application of the Administrator General, appoint the father or mother of such minor or some other suitable person to receive the share of such minor on his behalf, and upon such appointment being made the Administrator General may pay the share of such minor to such person on behalf of such minor and the receipt of such person shall be a full and complete discharge to the Administrator General in respect of such share.

For the purposes of this section, the term "minor" means any person under the age of eighteen years.

Partition of immovable property.

26. Any person beneficially interested in any immovable property vested in the Administrator General may apply to a competent Court for a partition thereof; and such Court, if satisfied that such partition would be beneficial to all persons interested, may order the partition of the immovable property and the order of such Court shall be effectual to vest in each allottee the immovable property so allotted; and if such allotment be made subject to the charge of any money payable to any other party interested for equalising the partition, such charge shall take effect according to such terms and conditions in regard to time and mode of payment or otherwise as may be expressed in such order.

No security or oath or immediate payment of Court fees required from Administrator General.

27.—(1) Notwithstanding anything contained in any other Ordinance or law, the Administrator General shall not be required —

(*a*) to verify, otherwise than by signature, any application or other document presented by him under the provisions of this Ordinance, and, if the facts stated in any such application or document are not within the Administrator General's own personal knowledge, the application or document may be subscribed and verified by any person competent to make the verification;

(*b*) to enter into any administration bond, or give other security on the grant to him in his capacity as Administrator General of an administration order;

(*c*) to pay any Court fees on lodging any application to the Court for his appointment in his capacity as Administrator General as the administrator of any estate or property:

Provided that, if, pursuant to such application, the Administrator General is appointed administrator of any estate or property he shall, if and when funds become available from such estate or property, pay the Court fees payable on such application out of such funds.

(2) For the purposes of this section, the facts stated in the report of a Senior Medical Officer or any other public officer or any agent of the Administrator General or any person whose duty it is by law or otherwise to make such report to the Administrator General, shall be deemed to be within the personal knowledge of the Administrator General.

Power to examine upon oath.

28. Whenever for the purposes of this Ordinance the Administrator General desires to satisfy himself regarding any question of fact, he may examine upon oath (which he is hereby authorised to administer) any person who is willing to be so examined by him regarding such question.

False evidence.

29. Any person who, during any examination authorised by this Ordinance, makes upon oath a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a judicial proceeding and shall be liable to the penalties provided for perjury.

Filing of accounts in Court and discharge of Administrator General.

30.—(1) On the completion of the administration of an estate being administered by him the Administrator General shall file in Court his accounts relating to such estate duly audited in the prescribed manner together with an application for his discharge, and, after at least fourteen days' notice has been given by the Administrator General to all persons beneficially interested, by inserting a notice in the *Gazette* and in a local newspaper, setting forth a day and hour to be appointed by the Court for the hearing of the application, the application shall be heard by the Court in the presence of any person who may attend thereat.

(2) A certificate by the Court or a judge thereof to the effect that the application has been granted shall be a valid and effectual discharge in favour of the Administrator General as against all persons whatsoever.

Books of Administrator General prima facie evidence.

31. All entries made in the ordinary course of business in the books kept in the office of the Administrator General with respect to any estate being administered by him shall be in all legal proceedings prima facie evidence of the facts therein stated.

Authenticated copies.

32. Copies, authenticated by the signature of the Administrator General, of any entries in the books kept in the office of the Administrator General or of any document in his possession with respect to any estate administered by him under this Ordinance shall be admissible in evidence and shall have the same effect in evidence in all respects as the originals from which such copies were made.

Production of books in evidence.

33. The Administrator General shall not, except by order of a Court, be required to produce in evidence in any legal proceedings any books relating to any estate administered by him and kept in his office.

Intermeddling with property of deceased.

34.—(1) Where a person dies, whether within or without Palestine, leaving property within Palestine to which the provisions of this Ordinance apply, any person who, without being duly authorised by law or without the authority of the Administrator General, takes possession of, causes to be moved or otherwise intermeddles with any such property, save in so far as may be urgently necessary for the preservation thereof, or unlawfully refuses or neglects to deliver any such property to the Administrator General or his agent when called upon so to do,

shall be guilty of an offence; and any person doing any act in relation to any such property for the preservation thereof shall forthwith report to the Administrator General particulars of the property and of the steps taken by him, and if he fails so to report he shall be guilty of an offence.

(2) Any person guilty of an offence under this section shall on conviction be liable to imprisonment for three months or to a fine of fifty pounds, or to both such penalties, but without prejudice to any civil liability which he may have incurred.

Administrator General to take charge of property in certain cases.

35.—(1) Where any estate in Palestine belonging to —

(*a*) any individual, other than a Moslem the administration of whose estate is within the jurisdiction of a Moslem Religious Court, not residing in Palestine, or

(*b*) any association, company, society, or other body of persons not incorporated or registered in Palestine,

is without any responsible person in charge thereof, the Court may, upon the application of the Administrator General, or any person beneficially interested in such estate or in the due administration thereof, by order, direct the Administrator General to collect and take possession of such estate and to hold, possess, realise and dispose of it according to the directions of the Court:

Provided that the Court shall not direct the realisation or disposal of such estate or any part thereof unless it is satisfied that such realisation or disposal is necessary or expedient in the interests of the estate.

(2) Where an order is made by the Court under the provisions of this section the Administrator General may —

(*a*) maintain any suit or proceedings for the recovery of such estate; and

(*b*) retain out of such estate any fees chargeable under this Ordinance, and reimburse himself for all payments made by him in respect of such estate.

(3) At any time after the making of an order under subsection (1) the Administrator General or any person beneficially interested in the estate or in the due administration thereof may apply to the Court for revocation of such order and for an order directing some person other than the Administrator General to administer the estate:

Provided that no such application shall be made by any person other than the Administrator General unless and until the applicant has produced to the Court proof of his having given to the Administrator General at least fourteen days' notice in writing of his intention to make such application.

(4) Upon such application the Court, after hearing the Administrator General, if he appears, may, if it is satisfied that it would not be detrimental to the interests of the estate so to do, revoke the order made by it under subsection (1) and, by order, direct some person other than the Administrator General to administer the estate.

Administration of estates of certain deceased Government officers.

36.—(1) The Administrator General may apply for an order to administer the estate in Palestine of any officer of the Government of Palestine, not being a permanent resident of Palestine, who dies leaving estate in Palestine.

(2) Upon such application being made the Court shall, except for good cause shown, make an order authorising the Administrator General to get in and realise the assets of the deceased within Palestine, pay the liabilities and remit the balance to the legal personal representative of the deceased:

Provided that the Administrator General shall, if the estate prove solvent, cause any watch, jewellery, letters or other property of such deceased, which in his opinion ought not to be sold by him, to be forwarded to the legal personal representative of the deceased, and if the estate shall prove insolvent, such watch, jewellery, letters or other property of the deceased shall only be forwarded by the Administrator General to the legal personal representative of the deceased on his being satisfied that the value of such property will be remitted to him by the legal personal representative of the deceased within such reasonable time as the Administrator General may fix.

Appointment by Religious Court of Administrator General as administrator.

37. The Court of a Religious Community may, of its own motion or upon being requested so to do by any person beneficially interested in any estate, and with the consent of the Administrator General and of all the parties to the action, by order, appoint the Administrator General to administer the estate of any deceased person of which the administration is within the jurisdiction of such Court, and upon such order being made any proceedings which may be pending before the Court making the order shall be forthwith transferred to the Court, and thenceforth the administration and distribution of the estate shall be within the exclusive jurisdiction of the Court.

Appointment by consul of Administrator General as administrator.

38. Where the consul of any foreign state is empowered to appoint an administrator of an estate of a deceased person who was at the time of his death one of the consul's nationals, he may, with the consent of the Administrator General, appoint him as such administrator, and upon such appointment being made the provisions of this Ordinance shall apply to such estate as though the appointment had been made by the Court under this Ordinance.

For the purposes of this section, the term "consul" includes consul-general, consul, vice-consul and any other competent consular authority, and the term "consul's national" means any person having the nationality, or entitled to the protection, of the state appointing the consul.

Application of Succession Ordinance. Cap. 135.

39. The provisions of the Succession Ordinance in so far as they are inconsistent with, or repugnant to, the provisions of this Ordinance shall not apply to the administration of an estate to which the provisions of this Ordinance apply.

Power to make rules.

40.—(1) The High Commissioner may make rules for the better carrying out of the purposes and provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe —

(*a*) the accounts to be kept by the Administrator General;

(*b*) forms, scales of fees, charges, or agents' remuneration;

(*c*) any matter in this Ordinance directed to be prescribed.

SCHEDULE.

SCALE OF FEES.

1. For the administration of an estate — a fee calculated on the gross amount realised or value of assets brought to credit —

on the first £P. 1,000 or fraction thereof	4 %
on the next £P. 1,500 or fraction thereof	2 %
on the next £P. 2,500 or fraction thereof	1½%
on the next £P. 5,000 or fraction thereof	1 %
on all further sums	½%

2. Travelling, taking and keeping possession, law costs and other reasonable expenses of the Administrator General — ... ... The amount disbursed.

3. On inspection of any document allowed under section 18, per document 50 mils

4. On the issue of any extract or copy of any document under section 18, for each 100 words, or part thereof ... ... 20 mils:
Provided that the minimum fee in respect of each document shall be 50 mils.

5. On certifying each copy or extract as a true copy — 50 mils

6. On every payment to a claimant under section 19 on each amount paid out 2%.

GORT
High Commissioner.

20th December, 1944.

ANIMAL TAX ORDINANCE,
No. 38 of 1944.

AN ORDINANCE TO PROVIDE FOR THE ASSESSMENT, LEVYING AND COLLECTION OF A TAX ON CERTAIN ANIMALS.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Animal Tax Ordinance, 1944.

Interpretation.

2. In this Ordinance, unless the context otherwise requires —

"Administrative Officer" means any officer of the District Administration appointed by the District Commissioner to be an Administrative Officer for the purposes of this Ordinance;

"appointed day" means a day appointed by the High Commissioner under section 5 for the commencement of enumeration of all or any scheduled animals under this Ordinance;

"control bill" means a bill issued under section 12;

"enumeration bill" means a bill issued under section 9;

"enumerator" means any person appointed by a District Commissioner to carry out enumeration or recounting of scheduled animals under this Ordinance;

"owner", in relation to any scheduled animal, includes any person claiming ownership in whole or in part of such animal;

"period of control" means a period immediately succeeding the period of enumeration, during which the recounting of scheduled animals is to be carried out under this Ordinance;

"period of enumeration" means a period commencing on the appointed day, during which the enumeration of scheduled animals is to be carried out under this Ordinance;

"prescribed" means prescribed by rules made by the High Commissioner under section 20;

"scheduled animal" means an animal specified in the First Schedule;

"village" means an area which has been, or which may hereafter be, declared to be a village or tribal unit under Article 11 of the Palestine Orders-in-Council, 1922 to 1939. *Laws of Pal., p. 2569.*

Animal tax.

3. A tax (to be known, and hereinafter referred to, as "animal tax") shall be assessed, levied, collected and paid annually in accordance with the provisions of this Ordinance on all scheduled animals which are in Palestine within the period of enumeration or the period of control, and shall be payable by the owners of such animals:

Provided that —

(*a*) the provisions of this Ordinance shall not apply in any year to any scheduled animal which —

(i) in the case of cattle, is not more than one year old, and in the case of any other scheduled animal is a suckling, on the appointed day in that year; or

(ii) enters Palestine from any contiguous country subsequent to the appointed day in that year and in respect of which customs duty has been paid; or

(iii) is the property of a religious or charitable institution which provides gratuitous accommodation for persons belonging to a religious order, sick persons, pilgrims, children or orphans, and, in the opinion of the District Commissioner, is used in that year solely for the purposes of the said institution and not for profit;

(*b*) the provisions of this Ordinance shall apply to scheduled animals entering Palestine from any contiguous country subject to the provisions of any treaty or agreement relating to such animals entered into between the Government of Palestine and the Government of such country.

Rate of tax.

4. The rates, or graduated scales of rates, of animal tax payable in respect of scheduled animals shall be such as are prescribed annually by order of the High Commissioner.

Appointed day.

5. The High Commissioner shall, in each year, by notice in the *Gazette*, appoint the day upon which the enumeration of all or any scheduled animals shall commence, and such day shall be not less than fifteen days after the publication of the notice in the *Gazette*.

Submission of lists of scheduled animals.

6. After the publication in the *Gazette* of a notice under section 5, but not less than eight days before the appointed day, the local authority, or, if there is no local authority, the mukhtar, of every village shall submit to the Administrative Officer a list in the form set out in the Second Schedule showing details of all scheduled animals in the village.

Assembly of scheduled animals for enumeration.

7. On a day during the period of enumeration to be notified in the village by the enumerator in such manner as the enumerator thinks fit, after consultation with the local authority, or, if there is no local authority, with the mukhtar, of the village, every owner of scheduled animals in the village shall assemble such animals at such place or places and at such time or times as may be specified by the enumerator and shall keep them there until they have been enumerated:

Provided that —

(*a*) where any owner of scheduled animals gives to the enumerator, not less than three days before the day notified for enumeration as aforesaid, notice in writing in the prescribed form that, by reason of animal disease or for any other cause over which he has no control, he is unable to produce such animals at the place or places and at the time or times specified by the enumerator as aforesaid, and in such notice states where such animals have been assembled for enumeration, the enumerator shall, if satisfied that the notification has been given bona fide, enumerate such animals at such place;

(*b*) where any owner of scheduled animals desires to move, before the day notified for enumeration as aforesaid, any of such animals from the village where they are to be found, such owner may, not less than three days before the said day, apply in writing in the prescribed form to the Administrative Officer to have his animals enumerated before the said day, stating his reason for desiring to move such animals, and, upon such application being made, the Administrative Officer shall, if satisfied that the application is a bona fide application, instruct the enumerator to carry out the enumeration of the scheduled animals to which the application refers before the enumeration of all other scheduled animals in the sub-district in which the village is situated.

Enumeration of scheduled animals.

8.—(1) On the appointed day and on subsequent days during the period of enumeration enumerators shall proceed to enumerate and record the number of scheduled animals found in the district.

(2) The period of enumeration shall be a period of fifteen days beginning on the appointed day in all sub-districts other than the sub-district of Beersheba, and shall be a period of sixty-one days beginning on the appointed day in the sub-district of Beersheba.

Enumeration bill.

9. The enumerator shall, during the period of enumeration, issue to every owner of scheduled animals which he has enumerated, or his representative, a statement in the form set out in the Third Schedule, hereinafter referred to as an "enumeration bill", giving details of the scheduled animals enumerated as belonging to that owner and the amount of animal tax due in respect of such animals:

Provided that the enumerator may, on the application of the owner of any scheduled animals, issue separate enumeration bills to such owner, or his representative, in respect of such of the said animals as may be specified in the application.

Recounting of scheduled animals.

10.—(1) During the period of control the enumerators shall proceed in accordance with instructions issued by a District Commissioner or Administrative Officer to recount all scheduled animals found in the district.

(2) The period of control shall be a period of fifteen days immediately succeeding the period of enumeration in all sub-districts other than the sub-district of Beersheba, and shall be a period of sixty-one days immediately succeeding the period of enumeration in the sub-district of Beersheba.

Assessment to double tax.

11. Any scheduled animal found by an enumerator during the period of control in any year which was not enumerated and recorded by an enumerator during the period of enumeration in that year shall be assessed to double animal tax:

Provided that if such scheduled animal entered Palestine from any contiguous country subsequent to the appointed day in that year, it shall be assessed to only single animal tax.

Control bills.

12. The enumerator shall, during the period of control, issue to every owner of scheduled animals whose scheduled animals he has recounted, or his representative, in exchange for the enumeration bill issued to that owner, or his representative, a statement in the form set out in the Fourth Schedule, hereinafter referred to as a "control bill", giving details of the scheduled animals recounted as belonging to that owner and showing the scheduled animals not included in the said enumeration bill and the amount of animal tax due in respect of the scheduled animals so recounted.

Right of entry.

13. An enumerator may, for the purposes of enumeration or recounting under this Ordinance, enter any land or building whereon or wherein he has reasonable ground for believing that any scheduled animal is to be found.

Payment of tax.

14. Animal tax due in accordance with an enumeration bill shall be paid, at the time of issue of the enumeration bill, to the enumerator, or subsequently, at any time before the termination of the period of enumeration, to the enumerator or a Sub-Accountant, and animal tax due in accordance with a control bill, but not due in accordance with an enumeration bill, shall be paid at the time of issue of the control bill to the enumerator, or subsequently, at any time before the termination of the period of control, to the enumerator or a Sub-Accountant:

Provided that where scheduled animals are enumerated or recounted in a village of which the owner of such animals is not a habitual resident, the owner of such animals shall pay the animal tax to the enumerator at the time of issue of the enumeration bill or control bill, as the case may be.

Restriction of movement of scheduled animals.

15.—(1) No person shall, during the period of enumeration, move any scheduled animal from the lands of one village to the lands of another village unless and until the owner of such scheduled animal, or his representative, has obtained from an enumerator an enumeration bill in respect thereof, and no person shall, during the period of control, move any scheduled animal from the lands of one village to the lands of another village unless and until the owner of such scheduled animal or his representative has obtained from an enumerator a control bill in respect thereof.

(2) Where the owner of any scheduled animals in respect of which an enumeration bill or control bill has been issued to him, or his representative, desires to move, during the period of enumeration or the period of control, as the case may be, any of such animals from the

lands of one village to the lands of another village, the enumerator shall, if such owner applies therefor, issue to such owner, or his representative, in exchange for the said enumeration bill or control bill, separate enumeration bills or control bills, as the case may be, in respect of those scheduled animals which such owner desires to move as aforesaid and in respect of his other scheduled animals respectively.

Retention and production of enumeration and control bills.

16. Subject to the provisions of section 12 and subsection (2) of section 15, enumeration bills and control bills shall be retained by the person actually in charge of the scheduled animals in respect of which the bills were issued and shall be produced on demand to any enumerator, or any police officer, or to any person authorised by the District Commissioner or Administrative Officer to demand production thereof.

Right to sell or otherwise dispose of any scheduled animals.

17. Notwithstanding anything contained in any other Ordinance or law, it shall be lawful for the owner of any scheduled animals which have been assessed to animal tax under this Ordinance to sell, or otherwise dispose of, any of such animals in order to provide funds for the payment of the animal tax assessed upon such animals if he is otherwise unable to provide such funds.

Offences.

18. Any person who —

(*a*) by concealing any scheduled animals, or otherwise, prevents or hinders their being enumerated or recounted under this Ordinance, or

(*b*) moves any scheduled animals contrary to the provisions of this Ordinance,

shall be guilty of an offence and shall on conviction be liable to a fine of one hundred pounds or imprisonment for three months or to both such penalties, without prejudice to any liability to pay double tax in respect of all or any of such animals under section 11.

Rewards.

19. Any person who gives any information regarding any scheduled animals which are not produced for enumeration or control in accordance with the provisions of this Ordinance shall be eligible to receive as a reward from the Government of Palestine a sum of money not exceeding half the amount of any fine imposed for non-production of such animals or half the amount of the single animal tax collected in respect of such animals, whichever is the greater.

Rules.

20. The High Commissioner may make rules generally for carrying into effect the provisions of this Ordinance.

Repeal.

21.—(1) The Ottoman Regulations dated 20th Jamad el Awal, 1305 and the 8th Zil Qi'da, 1322 respectively and all other Ottoman Regulations, instructions and laws concerning a tax on animals shall cease to have effect in Palestine.

Cap. 4.

(2) The Animal Tax (Amendment) Ordinance is hereby repealed.

FIRST SCHEDULE.

Buffaloes
Camels
Cattle
Goats
Sheep
Swine.

SECOND SCHEDULE.

ANIMAL TAX ORDINANCE, 1944.

(Section 6).

LIST OF SCHEDULED ANIMALS.

District.....
Sub-District.....
Village.....

Name of Owner	*Number of Animals*					
	Buffaloes	*Camels*	*Cattle*	*Goats*	*Sheep*	*Swine*
Total						

I/We hereby certify that the above details of all scheduled animals in the village of.....in the.....Sub-District of the ..... District are, to the best of my/our knowledge, information and belief, true and correct.

.....
Local Authority/Mukhtar

Date.....

THIRD SCHEDULE.

ANIMAL TAX ORDINANCE, 1944.

(Section 9)

ENUMERATION BILL. Bill No.....

District.....
Sub-District.....
Village.....

Book No.....
Date of enumeration.....

Kind of Animals	*Number of heads*	*Tax per head*	*Total of tax*	
		Mils	*£P.*	*Mils*
Buffaloes				
Camels				
Cattle				
Goats				
Sheep				
Swine				
Total				

I hereby certify that the animals enumerated by me on the.....day of.....in the village of.....in the.....

Sub-District of the.....District as belonging to..... are as stated above, and that the amount of the tax due in respect of them is £P..... .....mils.

Date..... .....
Enumerator.

FOURTH SCHEDULE.

ANIMAL TAX ORDINANCE, 1944.

(Section 12)

CONTROL BILL. Bill No.....

District.....Book No.....Book No.....

Sub-District .....Enumeration Bill No.....Date of recounting.....

Village.....Date of enumeration.....

	Buffaloes	*Camels*	*Cattle*	*Goats*	*Sheep*	*Swine*	*Total of Tax*	
							£P.	*Mils*
Recorded in Enumeration Bill								
Surplus on re-counting								
Total								

I hereby certify that, on recounting on the .....day of..... the number of animals recorded in Enumeration Bill No.....as belonging to .....from.....Village in the..... Sub-District of the.....District was found to be correct/incorrect, there being a surplus as shown above.

Enumeration Bill No.....has been withdrawn from the owner in exchange for this control bill.

Date..... .....
Enumerator.

20th December, 1944.

GORT
High Commissioner.

LAND COURTS (AMENDMENT) ORDINANCE,
No. 39 of 1944.

AN ORDINANCE TO AMEND THE LAND COURTS ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. Cap. 75.

1. This Ordinance may be cited as the Land Courts (Amendment) Ordinance, 1944, and shall be read as one with the Land Courts Ordinance, hereinafter referred to as "the principal Ordinance".

Insertion of new heading and section in the principal Ordinance.

2. The following heading and section shall be added at the end of the principal Ordinance:—

"Vesting Orders.

"Land Court may not make vesting orders in certain cases.

12. Where by any Ordinance there is conferred upon any court, other than a Land Court, jurisdiction to make a vesting order in respect of land, the Land Court shall not have jurisdiction to make such a vesting order."

Validation.

3. Where before the commencement of this Ordinance a vesting order in respect of land has been made by any court, other than a Land Court, in exercise of the powers so to do purported to be conferred upon such Court by any Ordinance, such vesting order shall be deemed to have been validly made if it would have been validly made had this Ordinance been in force at the time such vesting order was made.

GORT
High Commissioner.

20th December, 1944.

COOPERATIVE SOCIETIES (AMENDMENT) ORDINANCE,
No. 40 of 1944.

AN ORDINANCE TO AMEND THE COOPERATIVE SOCIETIES ORDINANCE.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Cooperative Societies (Amendment) Ordinance, 1944, and shall be read as one with the Cooperative Societies Ordinance, hereinafter referred to as "the principal Ordinance".

Cap. 24

Insertion of new section, as section 48A, in the principal Ordinance.

2.—(1) The principal Ordinance shall be amended by the insertion therein, immediately after section 48 thereof, of the following section, as section 48A:—

"Power of Registrar to stay proceedings in relation to winding-up.

48A. The Registrar may, at any time after he has made an order for winding up a society and before he has cancelled the registration of the society under section 50, on the application of any creditor or member, or of the liquidator, and on proof to his satisfaction that all proceedings in relation to the winding-up ought to be stayed, make an order staying the proceedings, either altogether, or for a limited time, on such terms and conditions as he thinks fit."

(2) The provisions of section 48A of the principal Ordinance, as enacted by subsection (1) of this section, shall have effect in relation to the winding-up of a society whether the order for such winding-up was made before the date of commencement of this Ordinance or is made on or after such date.

Amendment of section 51 of the principal Ordinance.

3. Section 51 of the principal Ordinance shall be amended by the deletion of the words and figures "sections 9, 12 and 49" appearing in the third line thereof, and the substitution therefor of the following words and figures:—

"sections 9, 12, 48A and 49".

GORT
High Commissioner.

20th December, 1944.

CRIMINAL CODE (AMENDMENT) ORDINANCE (No. 2), No. 41 of 1944.

AN ORDINANCE TO AMEND THE CRIMINAL CODE ORDINANCE, 1936.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title. No. 74 of 1936.

1. This Ordinance may be cited as the Criminal Code (Amendment) Ordinance (No. 2), 1944, and shall be read as one with the Criminal Code Ordinance, 1936, hereinafter referred to as "the principal Ordinance".

Amendment of section 5 of the principal Ordinance.

2. Section 5 of the principal Ordinance is hereby amended by deleting therein —

" "Person employed in the public service" means any person"

and substituting therefor —

" "Person employed in the public service" or "public servant" means any person".

Repeal and replacement or reenactment of sections 106 to 109 of the principal Ordinance.

3. Sections 106, 107, 108 and 109 of the principal Ordinance are hereby repealed and the following sections substituted therefor:—

"Public servant taking a gratification other than legal remuneration, in respect of an official act.

106. Any person who, being or expecting to be a public servant, accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Government, or with any public servant, as such, shall be guilty of a misdemeanour, and shall be liable to imprisonment for three years or to a fine of five hundred pounds or to both such penalties.

Taking a gratification in order, by corrupt or illegal means, to influence a public servant.

107. Any person who accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Government, or with any public servant, as such, shall be guilty of a misdemeanour, and shall be liable to imprisonment for three years or to a fine of five hundred pounds or to both such penalties.

Taking a gratification, for the exercise of personal influence with a public servant.

108. Any person who accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Government, or with any public servant, as such, shall be guilty of a misdemeanour, and shall be liable to imprisonment for one year or to a fine of two hundred pounds or to both such penalties.

Interpretation of sections 106, 107 and 108.

109. For the avoidance of doubt it is hereby declared that a person who accepts or obtains, or agrees to accept or attempts to obtain, a gratification as a motive or reward for doing an act or making an omission, or for having done an act or made an omission, as the case may be, contemplated by section 106, 107 or 108, is guilty of an offence under section 106, 107 or 108, as the case may be, notwithstanding that he does not intend to do the act or make the omission, or has not done the act or made the omission, in respect of which the gratification is accepted or obtained or agreed to be accepted or attempted to be obtained.

Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.

109A. Any person who, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing, without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or likely to be concerned in any proceeding or business transacted, or about to be transacted, by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate or superior, or from any person whom he knows to be interested in or related to the persons so concerned, shall be guilty of a misdemeanour, and shall be liable to imprisonment for one year or to a fine of two hundred pounds or to both such penalties. In any prosecution for an offence against this section, the absence of consideration shall be assumed unless it be proved that there was consideration and what the consideration was.

Oppression by public servant.

109B. Any public servant who —

(*a*) subjects or orders the subjection of any person to force or violence for the purpose of extorting from him, or from anyone in whom he is interested, a confession of an offence or any information relating to an offence, or

(*b*) threatens any person, or orders any person to be threatened, with injury to his person or property or to the person or property of anyone in whom that person is interested for the purpose of the extortion from that person of a confession of an offence or of any information relating to an offence,

shall be guilty of a misdemeanour."

Amendment of section 113 of the principal Ordinance.

4. The word "prejudicially" appearing in section 113 of the principal Ordinance shall be deleted.

Replacement of section 195 of the principal Ordinance.

5. Section 195 of the principal Ordinance is hereby repealed and the following section substituted therefor:—

"Negligent act likely to spread infection or disease.

195. Any person who wilfully or negligently does any act which is, and which he knows or has reason to believe to be likely to spread the infection of any disease dangerous to life or of any venereal disease is guilty of a misdemeanour."

Amendment of section 258 of the principal Ordinance.

6. Section 258 of the principal Ordinance shall be amended by the insertion, after the words "to grievous harm" appearing therein, of the following words:—

"to unlawful sexual intercourse or to a life of prostitution."

Section 385 of the principal Ordinance repealed and replaced.

7. Section 385 of the principal Ordinance shall be repealed and replaced by the following section:—

"Trespass on agricultural land or gardens.

385.—(1) Any person who, without lawful authority or excuse (the onus of proving the existence of which shall be upon such person)—

(*a*) enters upon or is on any garden, or any land prepared for sowing or sown or on which a crop is standing; or

(*b*) causes any animal, or suffers any animal of which he is the owner or is for the time being in charge, to enter upon or be on any garden or any such land as is referred to in paragraph (*a*) of this subsection, or any land which has been cultivated during the previous twelve months,

shall be guilty of a misdemeanour and shall be liable to a fine of fifty pounds, or to imprisonment for three months, or to both such fine and imprisonment.

(2) In this section the word "crop" includes a grass crop sown for the purpose of grazing animals and the words "sowing" and "sown" shall be construed accordingly."

GORT
High Commissioner.

20th December, 1944.

PROBATION OF OFFENDERS ORDINANCE,

No. 42 of 1944.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE PROBATION OF OFFENDERS AND FOR PURPOSES CONNECTED THEREWITH.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title and commencement.

1. This Ordinance may be cited as the Probation of Offenders Ordinance, 1944, and shall come into force on a date to be fixed by the High Commissioner by notice in the *Gazette*.

Interpretation. No. 2 of 1937.

2. In this Ordinance, unless the context otherwise requires—

"child" has the same meaning as it has in the Juvenile Offenders Ordinance, 1937;

"court" means a court of competent jurisdiction;

"judge" means a judge of a district court;

"principal probation officer" means a person appointed to be a principal probation officer under this Ordinance;

"probationer" means a person placed under supervision by a probation order;

"probation committee" means a committee appointed to be a probation committee under this Ordinance;

"probation officer" means a person appointed to be a probation officer under this Ordinance;

"probation order" means an order made under this Ordinance placing a person under the supervision of a probation officer;

"young person" has the same meaning as it has in the Juvenile Offenders Ordinance, 1937. No. 2 of 1937.

Power of court to permit conditional release of offenders.

3.—(1) Where any person is charged with an offence in a summary trial, and the court thinks that the charge is proved but is of opinion that, having regard to the circumstances, including the character, antecedents, age, home surroundings, health or mental condition of the offender, the nature of the offence and any extenuating circumstances in which the offence was committed, it is expedient to release the offender on probation, the court may—

(*a*) convict the offender and make a probation order; or

(b) without proceeding to conviction, make a probation order:

Provided that, before making a probation order, the court shall explain to the offender in ordinary language the effect of the order and that, if he fails in any respect to comply therewith or commits another offence, he will be liable to be sentenced or to be convicted and sentenced for the original offence, and the court shall not make a probation order unless the offender expresses his willingness to comply with the provisions of the order.

(2) Where any person is convicted at a trial upon information of an offence punishable with imprisonment or fine, and the court is of opinion that, having regard to the circumstances, including the character, antecedents, age, home surroundings, health or mental condition of the offender, the nature of the offence and any extenuating circumstances in which the offence was committed, it is expedient to release the offender on probation, the court may, in lieu of sentencing him, make a probation order:

Provided that, before making a probation order, the court shall explain to the offender in ordinary language the effect of the order and that, if he fails in any respect to comply therewith or commits another offence, he will be liable to be sentenced for the original offence, and the court shall not make a probation order unless the offender expresses his willingness to comply with the provisions of the Order.

Probation order.

4.—(1) A probation order shall have effect for such period not less than one year and not more than three years from the date of the order as may be specified therein, and shall require the probationer to submit during that period to the supervision of a probation officer appointed for or assigned to the district or area in which the pro-

bationer will reside after the making of the order, and shall contain such provisions as the court considers necessary for securing the supervision of the offender, and such additional conditions as to residence and other matters (including submission by the probationer to medical treatment) as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition of the same offence or the commission of other offences.

(2) Where a probation order contains a provision as to residence, the place at which and the period for which the probationer is to reside shall be specified in the order, and where any such provision requires the probationer to reside in an institution, the period for which the probationer is required so to reside shall not extend beyond twelve months from the date of the order, and the court shall forthwith give notice of the terms of the order to the Chief Secretary:

Provided that a provision as to residence contained in a probation order shall not require a child or young person to reside in any institution which is not subject to inspection by Government unless it requires him, while residing in such institution, to be employed, or to seek employment, outside it.

(3) The court by which a probation order is made shall furnish two copies of the order, one copy to be given to the probationer and the other to the probation officer under whose supervision he is placed.

Restitution of stolen property.

5. Where a probation order is made by a court the order shall, for the purpose of revesting or restoring stolen property and of enabling the court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connection with such restitution or delivery, have the like effect as a conviction.

Further provisions where court makes probation order.

6.—(1) Where a person is placed by a probation order under the supervision of a probation officer then, without prejudice to the power of the court under subsection (3) of awarding costs against the offender, the court, if it thinks fit, may (whether or not the offender has been convicted by the court of the offence in connection with which the probation order is made), immediately after making the probation order, order the offender to pay any sum of money not exceeding one hundred pounds by way of satisfaction or compensation for any loss caused by such offence, to a person injured by the offence whether such person has or has not constituted himself a civil party.

The amount so awarded shall be a judgment debt due from the offender to the person to whom it is awarded and shall be recoverable accordingly.

(2) Nothing in subsection (1) shall affect rights to *diyet* or to compensation in lieu of *diyet*, or the power of the court to award damages exceeding one hundred pounds to a person who has constituted himself a civil party.

(3) Where a person is placed by a probation order under the supervision of a probation officer, the court may order the offender to pay the whole or any part of the costs of and incidental to the prosecution including the expenses of the witnesses and by such instalments as the court may direct.

Such costs or any instalment thereof shall be a judgment debt due from the offender and shall be recoverable accordingly.

(4) Where a court, in addition to making any order for the payment of compensation under subsection (1) to any person, orders the offender to pay to that person costs under subsection (3), the orders for the payment of compensation and for the payment of costs may be enforced as if they constituted a single order.

Commission of further offences by probationers.

7.—(1) If it appears to a judge or any magistrate that a probationer has been convicted of an offence committed while the probation order was in force, he may issue a summons requiring the probationer to appear at the place and time specified therein or may issue a warrant for his arrest:

Provided that a magistrate shall not issue such a summons or such a warrant, except on information in writing and on oath.

(2) A summons or warrant issued under this section shall direct the probationer to appear or to be brought before the court by which the probation order was made.

(3) Where a probationer is convicted by a magistrate of an offence committed while the probation order was in force, the magistrate may commit the probationer to custody or release him on bail, with or without sureties, until he can be brought or appear before the court by which the probation order was made.

(4) Where it is proved to the satisfaction of the court by which the probation order was made that the probationer has been convicted of an offence while the probation order was in force, then—

(*a*) if the probationer was not convicted of the original offence in respect of which the probation order was made, the court may convict him of that offence and pass any sentence which it could pass if the probationer had just been convicted before that court of that offence; or

(*b*) if the probationer was convicted of the original offence in respect of which the probation order was made, the court may pass any sentence which it could pass if the probationer had just been convicted before that court of that offence.

(5) Where a probationer in respect of whom a probation order has been made by a magistrate is convicted before a district court or the Court of Criminal Assize of an offence committed while the probation order was in force, then—

(*a*) if the probationer was not convicted of the original offence in respect of which the probation order was made, the district court or Court of Criminal Assize (as the case may be) may convict him of that offence and may pass any sentence which the court which made the probation order could pass if the probationer had just been convicted before that court of that offence; or

(*b*) if the probationer was convicted of the original offence in respect of which the probation order was made, the district court or Court of Criminal Assize (as the case may be) may pass any sentence which the court which made the probation order could pass if the probationer had just been convicted before that court of that offence.

Failure by probationer to comply with probation order.

8.—(1) If it appears to a judge or any magistrate that a probationer has failed to comply with any of the provisions of the probation order, he may issue a summons to the probationer requiring him to appear at the place and time specified therein or may issue a warrant for his arrest:

Provided that a magistrate shall not issue such a summons or such a warrant, except on information in writing and on oath.

(2) (*a*) A summons or warrant under this section shall direct the probationer to appear or to be brought before the court by which the probation order was made.

(*b*) A judge or magistrate, on issuing a warrant under this section, may, if he thinks fit, by endorsement on the warrant, direct that the probationer named in the warrant be on arrest released on his entering into such a bond, with or without sureties, for his appearance as may be specified in the endorsement, and the endorsement shall fix the amounts in which the principal and sureties (if any) are to be bound.

(*c*) Where such an endorsement is made, the officer in charge of any police station to which on arrest the probationer named in the warrant is brought shall discharge him upon his entering into a bond, with or without sureties approved by that officer, in accordance with the endorsement, conditioned for his appearance before the court and at the time and place named in the bond.

(3) If it is proved to the satisfaction of the court by which the probation order was made that the probationer has failed to comply with any of the provisions of the probation order, then—

(*a*) without prejudice to the continuance in force of the probation order, the court may impose on the probationer a fine not exceeding ten pounds; or

(*b*) (i) if the probationer was not convicted of the original offence in respect of which the probation order was made, the court may convict him and pass any sentence which it could pass if the probationer had just been convicted before that court of that offence; or

(ii) if the probationer was convicted of the original offence in respect of which the probation order was made, the court may pass any sentence which it could pass if the probationer had just been convicted before that court of that offence:

Provided that where a court has under the provisions of sub-paragraph (*a*) of this subsection imposed a fine on the probationer, then, on any subsequent sentence being passed upon the probationer under the provisions of the preceding section or of this section, the imposition of the said fine shall be taken into account in fixing the amount of the said sentence.

Probation order: disqualification or disability.

9.—(1) Where a person is convicted of an offence and is released under a probation order, his conviction for that offence shall be disregarded for the purposes of any enactment by or under which any disqualification or disability is imposed upon convicted persons or by or under which provision is made for a different penalty in respect of a second or subsequent offence or in respect of an offence committed after previous conviction:

Provided that if the probationer is subsequently sentenced for the original offence, this section shall cease to apply in respect of that offence, and he shall be deemed, for the purposes of any such enactment imposing a disqualification or disability, to have been convicted on the date of sentence.

(2) Where a person is released on probation, without the court having proceeded to conviction and he is subsequently convicted and sentenced for the original offence, then he shall be deemed, for the purposes of any enactment by or under which any disqualification or disability is imposed upon convicted persons or by or under which provision is made for a different penalty in respect of a second or subsequent offence or in respect of an offence committed after a previous conviction, to have been convicted on the date of such conviction and sentence.

Transmission of documents when case is remitted to another court.

10. Where a probationer is committed to custody or released on bail by a magistrate until he can be brought or appear before the court which made the probation order, the magistrate shall transmit to the said court such particulars of the case as he thinks desirable, and where the probationer has been convicted of a subsequent offence by a magistrate, the magistrate shall transmit to the said court a certificate to that effect, signed by him, and for the purposes of proceedings in the court to which it is transmitted any such certificate, if purporting to be so signed, shall be admissible as evidence of the conviction.

Amendment of probation orders

11.—(1) Subject to the provisions of this section, where, on the application of a probationer or of the probation officer responsible for his supervision, the court which made the probation order is satisfied that the provisions of the probation order should be varied, or that any provision should be inserted or cancelled, the court may by order amend the probation order accordingly:

Provided that no order shall be made under this section reducing the period of duration of the probation order, or extending that period beyond a period of three years from the date of the probation order.

(2) An order under the foregoing subsection may require a probationer to reside in an institution for any period not extending beyond twelve months from the date of that order, if the total period or the aggregate of the periods for which he is required to reside in any institution or institutions under the probation order does not exceed twelve months:

Provided that an order under the said subsection shall not require a child or young person to reside in any institution which is not subject to inspection by Government unless it requires him, while residing in such institution, to be employed, or to seek employment, outside it.

(3) The court shall, if it is satisfied, on the application of the probation officer responsible for the supervision of the probationer, that the probationer has changed, or is about to change, his residence from the district or area named in the order to another district or area, by order vary the probation order by substituting for the reference to the district or area named therein a reference to the district or area where the probationer is residing or is about to reside, and shall transmit to the court for the new district or area all documents and information relating to the case, and thereupon the last-mentioned court shall be deemed for all the purposes of this Ordinance to be the court by which the probation order was made.

(4) An order under this section cancelling a provision of a probation order or substituting a new district or area for the district or area named therein may be made without summoning the probationer, but no other order under this section shall be made except on the application or in the presence of the probationer.

(5) Where an order is made under this section for the variation, insertion, or cancellation of a provision requiring a probationer to

reside in an institution, the court shall forthwith give notice of the terms of the order to the Chief Secretary.

Discharge of probation orders.

12.—(1) The court by which a probation order was made may, on the application of the probationer or of the probation officer responsible for his supervision, discharge the probation order, and, where the application is made by the probation officer, the court may deal with it without summoning the probationer.

(2) Where an offender in respect of whom a probation order has been made is subsequently sentenced for the offence in respect of which the probation order was made, the probation order shall cease to have effect.

Transmission of copies of orders for amendment or discharge of probation orders.

13. Where an order is made for the amendment or discharge of a probation order, the clerk in charge of the registry of the court by which the order is made shall furnish two copies of the order to the probation officer responsible for the supervision of the probationer, or in the case of an order for the discharge of a probation order, to the probation officer who was so responsible before the making of the order, one copy to be given by him to the probationer.

Selection of probation officers.

14.—(1) The probation officer who is to be responsible for the supervision of any probationer shall be selected by the court which makes the probation order, and if the probation officer so selected dies or is unable for any reason to carry out his duties, or if the probation committee dealing with the case consider it desirable that another officer shall take his place, another probation officer shall be selected by the court.

(2) Where a woman or girl is placed under the supervision of a probation officer, the probation officer shall be a woman.

Contributions towards homes and hostels.

15. Such contributions may be made towards the establishment or maintenance of homes or hostels for the reception of persons placed under the supervision of probation officers as the High Commissioner may approve.

Appointments.

16. The High Commissioner shall appoint—

(*a*) a principal probation officer who shall organize and supervise the probation service in Palestine in accordance with rules made under this Ordinance;

(*b*) a sufficient number of probation officers, qualified by character and experience to be probation officers, who shall perform such duties as may be prescribed by rules made under this Ordinance;

(*c*) a probation committee or probation committees, consisting of such persons as the High Commissioner shall think fit, who shall review the work of probation officers in individual cases and perform such duties in connection with probation as may be prescribed by rules made under this Ordinance.

Rules.

17. The High Commissioner in Council may make rules prescribing—

(*a*) the duties of a principal probation officer;

(*b*) the duties of probation officers;

(*c*) the constitution and duties of a probation committee or probation committees;

(*d*) the form of records to be kept under this Ordinance;

(*e*) the remuneration of any person appointed to carry out any duties under this Ordinance and the fees and charges to be made for any act, matter, or thing under this Ordinance to be done or observed;

(*f*) generally for carrying the purposes or provisions of this Ordinance into effect:

Provided that, until varied or revoked by any such rules, the rules contained in the First Schedule shall be in force.

Amendment of certain enactments.

18. The Ordinances and Rules described in the first column of the Second Schedule are hereby amended to the extent stated in the second column of that Schedule.

THE FIRST SCHEDULE.

(Section 17).

CITATION.

1. These Rules may be cited as the Probation of Offenders Rules, 1944.

INTERPRETATION.

2. In these Rules, unless the context otherwise requires—

"Director" means the Director of the Department of Social Welfare;

"juvenile" means either a child, young person or juvenile adult as defined in the Juvenile Offenders Ordinance, 1937; No. 2 of 1937.

"outside case" means one in respect of which a probation officer is appointed to act under a probation order, or required to undertake the supervision of the probationer, by a court other than a court sitting within the district or area to which the probation officer is assigned or other than a district court or the Court of Criminal Assize to which the probationer was committed for trial by an examining magistrate sitting within that district or area;

"the Ordinance" means the Probation of Offenders Ordinance, 1944;

APPOINTMENT OF PROBATION OFFICERS.

3.—(1) Notice of any appointment or determination of any appointment of a probation officer shall be published by the Chief Secretary in the *Gazette*.

(2) Every probation officer shall, on appointment, be furnished with a certificate of appointment signed by the Chief Secretary.

4. Every probation officer when acting under a probation order shall be subject to the control of the courts sitting within the district or area to which he is assigned.

DUTIES OF PRINCIPAL PROBATION OFFICER.

5.—(1) The Principal Probation Officer shall supervise the work of probation officers and shall assign every probation officer to a district or area within which he is to perform his duties. The Principal Probation Officer shall keep in close touch with presidents of district courts, magistrates and probation committees in order to ensure that the probation service is being properly administered.

(2) He shall be the executive head of the probation section of the Department of Social Welfare and shall be responsible to the Director for the proper administration of the probation service.

(3) He shall submit to the Director at least once annually, and whenever the Director may require, a report on the probation service which shall contain a return, in a form approved by the Director, of the persons dealt with under the Ordinance.

DUTIES OF PROBATION OFFICERS.

6.—(1) A probation officer shall make preliminary inquiries into the home surroundings of any juvenile offender under section 8(7) of the Juvenile Offenders Ordinance, 1937.

No. 2 of 1937.

(2) A probation officer shall also make such preliminary inquiries as the court may direct in respect of any offender in whose case the question of the making of a probation order may arise.

7. A probation officer shall, when required by a probation order, undertake the supervision of any offender dealt with under the Ordinance by a court sitting in the district or area to which he is assigned, or by a district court or the Court of Criminal Assize to which the offender had been committed for trial by an examining magistrate sitting within that district or area; and also of any outside case.

8. A probation officer shall, subject to any directions given by the court (whether in the probation order or otherwise) or the Principal Probation Officer or the appropriate probation committee, visit the home of the probationer and make inquiries as to his behaviour, mode of life and employment. The probation officer shall keep in close touch with the probationer.

9. A probation officer shall ascertain that the probationer understands the conditions of the probation order, and shall by warning and persuasion endeavour to ensure his observance of them. If the probationer fails to obey any of the conditions, the probation officer shall report as hereinafter directed.

10.—(1) A probation officer shall advise, assist and befriend the probationer, and when necessary endeavour to find him employment. For these purposes he shall secure as far as possible the co-operation and assistance of social workers or agencies.

(2) In the case of a juvenile offender the probation officer shall endeavour to secure his connection with some organization for the care and protection of the young.

11. A probation officer shall make himself conversant with the provisions of the Criminal Code Ordinance, 1936, the Juvenile Offenders Ordinance, 1937, and any rules made thereunder, the Probation of Offenders Ordinance, 1944, and with these Rules; and for this purpose a copy of the said Ordinances and Rules shall be given to him on appointment.

No. 74 of 1936.
No. 2 of 1937.

REPORTS BY PROBATION OFFICERS.

12.—(1) The probation officer shall report to the court in accordance with any directions given by the court in the probation order or otherwise.

(2) The probation officer shall report as to the conduct and mode of life of the probationer and generally as to his progress to the Principal Probation Officer and to the appropriate probation committee.

(3) If a probationer fails to observe any of the conditions of the probation order the probation officer shall report the matter to the court, to the Principal Probation Officer and to the appropriate probation committee.

13. Reports shall be made at such intervals and in such manner as may be directed, and they shall not be made in open court or published.

14. The Principal Probation Officer may call for such periodical reports and returns from probation officers as he may by his departmental instructions direct.

RECORDS.

15. The probation officer shall keep a record of each case placed under his supervision in the form and manner directed by or under these Rules.

16. The particulars forming the record of each case shall be entered by the probation officer on the form approved by the Principal Probation Officer and the record shall be kept in a case file bearing on the outside the probationer's full name and the date of the expiry of the probation order.

17. When the supervision of a case is transferred from a probation officer to a probation officer attached to another court or area the first-mentioned probation officer shall transmit the record together with all documents and information relating to the case to the Principal Probation Officer for transmission by him to the probation officer to whose supervision the case was transferred.

18. The entries in each case shall be made from time to time without delay by the probation officer or other person concerned. It shall be the duty of the person having custody of the records, subject to the general supervision of the Principal Probation Officer, to see that the entries are duly and promptly made.

19. Records shall be preserved for not less than ten years from expiry of the probation orders to which they relate.

20. When a period of probation has determined, the Principal Probation Officer shall forward to the court which made the probation order, a precis of the record maintained, and the same shall be filed in the appropriate case file in the court.

PROBATION COMMITTEE.

21. There shall be a probation committee for each area served by a district court.

22. A probation committee shall consist of not less than four and not more than nine members. At least one of the members shall be a magistrate and he shall act as chairman of the committee.

23. Members of the probation committee shall be appointed for a period of two years but each member shall be eligible for re-appointment on the expiration of the term of his appointment.

24. Any member of a probation committee who is absent from meetings of the committee for more than six months consecutively (unless in case of illness) shall cease to be such member and his office as such shall thereupon become vacant.

25. Any member of a probation committee may resign from his membership thereof by giving notice in writing to the High Commissioner at least three months prior to the date upon which the resignation is to take effect.

26. Any appointment to fill a vacancy caused by death, disqualification or resignation of any member of a probation committee shall be made by the High Commissioner so soon after the occurrence of such vacancy as may be practicable, and the person appointed to fill the vacancy shall hold office for the residue of the term for which the person he replaces was appointed.

27. If the chairman of a probation committee be absent from any meeting thereof at the time appointed for the holding of such meeting, the members present shall elect one of their number to act as chairman at that meeting.

28. A probation committee shall meet at such times and places and shall make such arrangements as to the transaction and management of its business as, subject to the provisions of these Rules, it may deem proper.

29. No business shall be transacted at any such meeting unless three or more members are present.

30. Every question at a meeting of a probation committee shall be determined by a majority of the votes of the members present and voting on that question.

31. In case of an equal division of votes the chairman shall have a second or casting vote.

32. The proceedings of a probation committee shall not be invalidated by any vacancy amongst its members or any defect in the mode of appointment of the committee or of any of its members.

33. A probation committee shall receive and consider the written or oral reports of the probation officer and shall make, or direct the making, to the court, of any communication which the committee may find necessary.

34. A probation committee shall discuss from time to time with the probation officer the progress of each of the cases under his supervision and afford him such help and advice as it can in carrying out his duties.

35. A probation committee shall satisfy itself as to the manner in which the probation officer performs his duties and shall consider and investigate any complaint against the officer in the execution of such duties or otherwise and make such recommendations in the matter to the Principal Probation Officer as they may think fit.

THE SECOND SCHEDULE.

(Section 18).

First Column Short Title		*Second Column* Amendment
No. 74 of 1936.	Criminal Code Ordinance, 1936	In paragraph (*e*) of section 37 the words "or to come up for judgment" shall be repealed and at the end of that paragraph there shall be inserted the following paragraph:— "(*f*) being placed, by a probation order, under the supervision of a probation officer." Section 46 shall be repealed.
No. 2 of 1937.	Juvenile Offenders Ordinance, 1937	In section 2, for the definition of "probation officer" there shall be substituted the following definition:— " "probation officer" means a person appointed to be a probation officer under the Probation of Offenders Ordinance, 1944." Section 9 shall be repealed. In section 18, for paragraphs (*c*) and (*d*) there shall be substituted the following paragraphs:— "(*c*) by so discharging the offender and placing him under the care of a relative or other fit person; or (*d*) by placing the offender under the supervision of a probation officer by a probation order; or". In section 23, the words from "and in particular" to the end of the section shall be repealed.
Gaz: 22.9.38, *p.* 1241.	Juvenile Offenders Rules, 1938	In rule 2, the definitions of "Probation Officer" and "Probationer" shall be repealed. In rule 8, for the expression "under rule 12 of these rules" there shall be substituted the following expression:— "under rule 6 of the Probation of Offenders Rules, 1944,". Part II shall be repealed.

GORT
High Commissioner.

20th December, 1944.

MUNICIPAL CORPORATION OF PETAH TIQVA (AUTHORISATION OF PAYMENTS) ORDINANCE,

No. 43 of 1944.

AN ORDINANCE TO AUTHORISE THE MUNICIPAL CORPORATION OF PETAH TIQVA TO MAKE CERTAIN PAYMENTS.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

1. This Ordinance may be cited as the Municipal Corporation of Petah Tiqva (Authorisation of Payments) Ordinance, 1944. Short title.

2. Notwithstanding anything contained in the Municipal Corporations Ordinance, 1934, or the Petah Tiqva Municipal Corporation Proclamation, 1937, or in any other Ordinance, Proclamation or law, it shall be lawful for the Municipal Corporation of Petah Tiqva, with the approval of the High Commissioner, and on such terms as the High Commissioner may deem fit, to discharge the debts set out in the Schedule, being debts due from the Committee of the Settlement of Petah Tiqva which existed before the Local Council of Petah Tiqva was constituted. Authorisation of payments. No. 1 of 1934. *Gaz*: 25.3.37, *p.* 276.

SCHEDULE

(i) Debt of five thousand and eight hundred pounds due to the Anglo-Palestine Bank Limited.

(ii) Debt of six thousand pounds due to the Palestine Jewish Colonisation Association (Edmond de Rothschild Foundation).

GORT
High Commissioner.

20th December, 1944.

CIVIL PROCEDURE (AMENDMENT) ORDINANCE,
No. 44 of 1944.

AN ORDINANCE TO AMEND THE CIVIL PROCEDURE ORDINANCE, 1938.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Civil Procedure (Amendment) Ordinance, 1944, and shall be read as one with the Civil Procedure Ordinance, 1938, hereinafter referred to as "the principal Ordinance".

No. 14 of 1938.

Amendment of section 2 of the principal Ordinance.

2. Subsection (1) of section 2 of the principal Ordinance shall be amended by the insertion therein, between the word "Court" and the full stop at the end thereof, of the following words:—

"or a Moslem Religious Court".

Commencement.

3. This Ordinance shall be deemed to have come into force on the date of the commencement of the principal Ordinance.

GORT
High Commissioner.

20th December, 1944.

SUPPLEMENTARY APPROPRIATION (1943-1944) ORDINANCE,
No. 45 of 1944.

AN ORDINANCE TO REGULARISE CERTAIN PAYMENTS MADE IN THE YEAR ENDED THE THIRTY-FIRST DAY OF MARCH, 1944, IN EXCESS OF THE EXPENDITURE AUTHORISED BY THE APPROPRIATION (1943-1944) ORDINANCE, 1944.

No. 8 of 1944.

WHEREAS the Appropriation (1943-1944) Ordinance, 1944, made certain provision for the expenses of the Government of Palestine for the year ended the thirty-first day of March, 1944, and it is necessary to make certain additional provision for the public service for that period:

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:—

Short title.

1. This Ordinance may be cited as the Supplementary Appropriation (1943-1944) Ordinance, 1944.

Appropriation.

2. A sum of two million, four hundred and forty-seven thousand and eight hundred and fifty-seven pounds, having been applied and expended in the manner hereinafter described and for the several purposes set forth in Schedules I, II and III to this Ordinance beyond the amounts granted for the year ended the thirty-first day of March, 1944, by the Appropriation (1943-1944) Ordinance, 1944, and set forth in Schedules I, II and III to that Ordinance, such sum is hereby declared to have been duly laid out and expended for the services of the Government of Palestine for that year and is hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance.

No. 8 of 1944.

Expenditure authorised out of the revenue and funds of Palestine.

3. The sums of money set forth in Schedule I to this Ordinance, in the whole amounting to one million five hundred and ninety-seven thousand and one hundred and forty-nine pounds, having been applied and expended by the Accountant-General out of the revenue or the funds of Palestine for the services mentioned therein beyond the amounts granted for those services for the year ended the thirty-first day of March, 1944, by the Appropriation (1943-1944) Ordinance, 1944, and set forth in Schedule I to that Ordinance, such sums are hereby declared to have been duly laid out and expended for the services of

No. 8 of 1944.

the Government of Palestine for that year and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance and set forth in Schedule I thereof.

Expenditure authorised out of the revenue of the Palestine Railway and operated lines.

4. The sums of money set forth in Schedule II to this Ordinance, in the whole amounting to seven hundred and fifty-one thousand and nine hundred and sixty-five pounds, having been applied and expended by the General Manager of Railways out of the revenue of the Palestine Railway and operated lines for the services mentioned therein beyond the amounts granted for those services for the year ended the thirty-first day of March, 1944, by the Appropriation (1943-1944) Ordinance, 1944, and set forth in Schedule II to that Ordinance, such sums are hereby declared to have been duly laid out and expended for the services of the Palestine Railway and operated lines for that year and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance and set forth in Schedule II thereof.

No. 8 of 1944.

Expenditure authorised out of the revenue of the Palestine Ports.

5. The sums of money set forth in Schedule III to this Ordinance, in the whole amounting to ninety-eight thousand and seven hundred and forty three pounds, having been applied and expended by the General Manager of Railways out of the revenue of the Palestine Ports for the services mentioned therein beyond the amounts granted for those services for the year ended the thirty-first day of March, 1944, by the Appropriation (1943-1944) Ordinance, 1944, and set forth in Schedule III to that Ordinance, such sums are hereby declared to have been duly laid out and expended for the services of the Palestine Ports for that year and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance and set forth in Schedule III thereof.

No. 8 of 1944.

SCHEDULE I.

STATEMENT SHOWING EXPENDITURE OF THE PALESTINE GOVERNMENT FOR THE SERVICES STATED HEREUNDER IN EXCESS OF THE AMOUNTS GRANTED FOR THOSE SERVICES FOR THE PERIOD 1ST APRIL, 1943, TO 31ST MARCH, 1944, BY THE APPROPRIATION (1943-1944) ORDINANCE, 1944.

		£P.
I.	Public Debt	865
II.	Pensions	2,923
VIII.	Audit	1,854
IX.	Commissioner of Income Tax	19,205
X.	Cooperative Societies	585
XII.	Customs, Excise and Trade	44,060
XIII.	Defence and War Services	1,352,401
XV.	Education	20,202
XVII.	Grants to Local Authorities	853
XX.	Labour	181
XXI.	Land Registration	940
XXIII.	Legal	393
XXIV.	Migration	1,342
XXVII.	Posts and Telegraphs	27,020
XXIX.	Public Works Recurrent	105,610
XXX.	Secretariat	16,823
XXXI.	Statistics	1,892
	Total	£P.1,597,149

SCHEDULE II.

STATEMENT SHOWING THE EXPENDITURE OF THE PALESTINE RAILWAY AND OPERATED LINES FOR THE SERVICES STATED HEREUNDER IN EXCESS OF THE AMOUNTS GRANTED FOR THOSE SERVICES FOR THE PERIOD 1ST APRIL, 1943, TO 31ST MARCH, 1944, BY THE APPROPRIATION (1943-1944) ORDINANCE, 1944.

Particulars	*Palestine Railway*	*Kantara-Rafa Railway*	*Hijaz Railway*	*Petah-Tiqva Railway*	*Total*
	£P.	£P.	£P.	£P.	£P.
Abstract "A" Maintenance and Renewal of Ways and Works	—	273	—	—	273
Abstract "B" Maintenance and Renewal of Locomotives and Rolling Stock and Running Expenses	108,114	—	46,374	—	154,488
Abstract "C" Traffic and Commercial Expenses	32,834	2,847	2,337	—	38,018
Abstract "D" General Charges	71,993	60,231	8,138	—	140,362
Abstract "E" Debt Charges	8,717	348,327	7,296	—	364,340
Abstract "F" Extraordinary Expenditure	46,550	—	7,934	—	54,484
Total	268,208	411,678	72,079	—	751,965

SCHEDULE III.

STATEMENT SHOWING THE EXPENDITURE OF THE PALESTINE PORTS FOR THE SERVICES STATED HEREUNDER IN EXCESS OF THE AMOUNTS GRANTED FOR THOSE SERVICES FOR THE PERIOD 1ST APRIL, 1943, TO 31ST MARCH, 1944, BY THE APPROPRIATION (1943-1944) ORDINANCE, 1944.

Particulars	*Haifa*	*Jaffa*	*Other Ports*	*Total*
	£P.	£P.	£P.	£P.
Abstract "A" Engineering Expenses	8,119	1,221	—	9,340
Abstract "B" 1 Maintenance of Mechanical Plant	11,244	246	—	11,490
Abstract "C" Shore Working	46,285			46,285
Abstract "D" Port Superintendence and General Charges	25,921	5,685	22	31,628
Total	91,569	7,152	22	98,743

20th December, 1944.

GORT
High Commissioner.

SCHEDULE II.

STATEMENT SHOWING THE EXPENDITURE OF THE PALESTINE RAILWAY AND OPERATED LINES FOR THE SERVICES STATED HEREUNDER IN EXCESS OF THE AMOUNTS GRANTED FOR THOSE SERVICES FOR THE PERIOD 1ST APRIL, 1943, TO 31ST MARCH, 1944, BY THE APPROPRIATION (1943-1944) ORDINANCE, 1944.

Particulars	*Palestine Railway*	*Kantara-Rafa Railway*	*Hijaz Railway*	*Petah-Tiqva Railway*	*Total*
	£P.	£P.	£P.	£P.	£P.
Abstract "A" Maintenance and Renewal of Ways and Works	—	273	—	—	273
Abstract "B" Maintenance and Renewal of Locomotives and Rolling Stock and Running Expenses	108,114	—	46,374	—	154,488
Abstract "C" Traffic and Commercial Expenses	32,834	2,847	2,337	—	38,018
Abstract "D" General Charges	71,993	60,231	8,138	—	140,362
Abstract "E" Debt Charges	8,717	348,327	7,296	—	364,340
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Total	268,208	411,678	72,079	—	751,965

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20th December, 1944.

GORT
High Commissioner.