

# ANNOTATED LAWS OF PALESTINE

A STATEMENT OF THE STATUTE LAW  
OF PALESTINE IN ALPHABETICAL ORDER  
WITH CROSS-REFERENCES, ANNOTATIONS  
TO DECIDED CASES, NOTES ON PRACTICE, ETC.

BY

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Vol. I

ANIMAL TAX/REVISION

S. BURSI, LAW PUBLISHER  
20, AHAD HA'AM STREET, TEL-AVIV

1945

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this Bill is to minimise the deleterious effects by vesting the ownership of manure dropped on land in the owner of that land. It is further provided that no manure shall be removed from forest reserves."

See also Agricultural Fertilizers.

ENACTMENTS:

Animal Manure Ord., No. 32 of 1937.

AN ORDINANCE TO PROVIDE FOR THE OWNERSHIP OF ANIMAL MANURE AND TO MAKE FURTHER PROVISIONS RELATING THERETO.

No. 32 of 1937.

1. This Ordinance may be cited as the Animal Manure Ordinance, 1937.

Short title.

ENACTMENT:

En. 4.11.37, P. G. 735 of 4.11.37, (notice p. 1075. Ord, sup. 1, p. 283). Draft of 30.8.37, P. G. 713 of 30.8.37, p. 823. Notice of confirmation 12.1.38, P. G. 750 of 20.1.38, p. 53.

2. In this Ordinance, the term "forest reserve" shall have the meaning assigned to it in the Forests Ordinance.

Interpretation, Cap. 61.

I. c., land bearing trees, whether naturally or under cultivation, not being private property, brought under the control and management of the Government by proclamation of the High Commissioner.

(See FORESTS, post).

3. Notwithstanding any law in force or any custom obtaining in any part of Palestine, the ownership of all animal manure dropped upon any land (not being a forest reserve) shall vest in the owner of the land.

Ownership of animal manure.

4. No person shall be entitled to remove from any forest reserve the droppings of any animals thereon.

Provision as to forest reserves.

5. Any person removing or attempting to remove from any land any animal manure which he is not entitled to remove under the provisions of this Ordinance, shall be guilty of an offence and shall be liable upon conviction to a fine of twenty five pounds or to a term of imprisonment of six months, or to both such penalties.

Penalty.

ANIMALS (PREVENTION OF CRUELTY).

Repealed by sec. 390 of the Criminal Code Ordinance, 1936, see secs. 152, 243, 264, 272, 282, 325, 328, 380, 385, 386 of that Ordinance.

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## ANIMAL TAX.

### INTRODUCTORY NOTE

The Ottoman Animal Tax Regulations of 20 Jamad el Awwal, 1305<sup>(1)</sup>, were applicable in Palestine under Art. 46 of the Palestine Order in Council. The Regulations imposed a tax on sheep and although the tax was subsequently applied to horses, mules, buffaloes, cows, oxen, pigs and asses, it continued to be known as "agham" (sheep)<sup>(2)</sup>.

Provisions were made in 1920 for a census of animals, but horses, mules, donkeys and oxen were not included. An Ordinance enacted in 1925 excluded buffaloes used solely for ploughing from the operation of the law. Camels used exclusively for ploughing were also exempted from the tax since 1920, but without specific statutory authority<sup>(3)</sup>.

In 1924 the Animal Tax Amendment Ordinance provided penalties for the concealment or removal of animals to evade the tax. This Ordinance together with the 1925 Ordinance was enacted as Chapter 4 of Drayton's Revised Edition of the Laws.

The Animal Tax Ordinance, 1944, reenacts with alterations the former law.

*On animals see former titles.*

*On agricultural taxation see*

**CROPS CONCEALMENT, RURAL PROPERTY TAX,  
TAXATION.**

#### ENACTMENTS:

*Animal Tax Ordinance No. 38 of 1944.*

*Orders under the Ordinance.*

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(1) 3rd February, 1888.

(2) Cf. "Reflections" in Palestine Post of 30.1.45: "It did not extend to bovines".

(3) See Granowsky The Fiscal System of Palestine (1935) p. 206, note 9. See also pp. 204 ff. for historical notes and criticisms of the tax. Granowsky states that the aghnam derived from a verse in the Qu'ran, which enjoins a tax on animals. But Young (Corps de Droit Ottoman, Vol. V, p. 292) points out that only the products of animals were taxable under the Qu'ran, and that the aghnam was contrary to the Sharia law.

## 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: —

1. This Ordinance may be cited as the Animal Tax Ordinance, Short title.  
1944.

## PROMULGATION:

En. 20.12.44. Pro. P.G. 1380 of 28.12.44 (notice, p. 1351; ord. sup. 1,  
p. 164). Draft dated 18.10.44, P.G. 1365 of 19.10.44, p. 985.

## PREVIOUS LEGISLATION:

Animal Tax Ordinance, Cap. 4.

## OTTOMAN LEGISLATION:

See notes to sec. 21.

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

“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;

There were verbal differences in the draft,

“appointed day” means a day appointed by the High Com-  
missioner under section 5 for the commencement of enu-  
meration of all or any scheduled animals under this Ordi-  
nance;

“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 Or-  
dinance;

“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.

This includes towns: See H.C. 70/44<sup>(1)</sup> and annotations to that case in A.L.R.

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 sche-

<sup>(1)</sup> 11, P.L.R. 372; 1944, A.L.R. 707.

duled 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.

The draft did not provide for cattle in clause (1) of paragraph (a).

For clause (iii) of paragraph (a) see notes to Rates and Taxes (Exemption) Ord., in title *TAXATION*.

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. Rate of tax.

The wording of this section differed in the draft.  
See *post* for an order under this section.

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*. Appointed day.

See *post* for an order under this section.

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. Submission of lists of scheduled animals.

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: Assembly of scheduled animals for enumeration.

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.

The draft provided for a period of forty-five (instead of sixty-one) days.

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.

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.

Recounting of  
scheduled  
animals.

(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.

The draft provided for a period of forty-five (instead of sixty-one) days.

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:

Assessment to  
double 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.

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.

Control bills.

13. An enumerator may, for the purposes of enumeration or recounting under this Ordinance, enter any land or building whereon

Right of  
entry.

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 re-counted 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.

Compare sec. 3 of the repealed Animal Tax Ordinance (Cap. 4).

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.

Retention and production of enumeration and control bills.

The wording of the draft differed.

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.

Right to sell or otherwise dispose of any scheduled animals.

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,

Offences.

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.

Compare sec. 3 of the repealed Animal Tax Ordinance (Cap. 4).

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.

Rewards.

Compare sec. 23 of the Animal Diseases Ordinance, *ante*, p. 430.

Rules.

20. The High Commissioner may make rules generally for carrying into effect the provisions of this Ordinance.

No rules have yet been made under the 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.

(2) The Animal Tax (Amendment) Ordinance is hereby repealed.

*Turkish Laws:* 1) Regulations dated 20th *Jamad el Awal* 1305 (3rd February, 1888). The text of the Regulations appears in *Young Corps de Droit Ottoman*, Vol. V, pp. 292 sqq. Most of the provisions of the Ordinance are taken from these Regulations.

2) *Ma'lumat* dated 8th *Zil Qi'da*, 1322 1st October, 1903. *Op. cit.* 292.

There is no authorised English translation of these texts (*Objects and Reasons* annexed to the draft of the Ordinance).

3) The tax was also applied to the Turkish Capital (which had been exempted under the Regulations) by *Irade* dated 26th *Sefer* 1293 (*Destour* IV. 409).

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FIRST SCHEDULE.

Buffaloes	Cattle	Sheep
Camels	Goats	Swine.

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SECOND SCHEDULE.

ANIMAL TAX ORDINANCE, 1944.

(Section 6).

LIST OF SCHEDULED ANIMALS.

District.....		Village.....				
Sub-District.....						
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.

Date.....

Local Authority/Mukhtar

THIRD SCHEDULE.  
ANIMAL TAX ORDINANCE, 1944.  
(Section 9)

ENUMERATION BILL

Bill No.....

District.....		Book No. ....		
Sub-District.....		Date of enumeration.....		
Village .....				
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 recounting								
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.*

GORT

*High Commissioner.*

20th December, 1944.

#### ORDERS IN FORCE:

1. Order under sec. 4, dated 16.1.45, P.G. 1387 of 25.1.45, sup. 2, p. 54.
2. Notice under sec. 5, dated 30.1.45, P.G. Ex. 1388 of 30.1.45, sup. 2, p. 71.

#### ORDER BY THE HIGH COMMISSIONER UNDER SECTION 4.

IN EXERCISE of the powers vested in him by section 4 of the Animal Tax Ordinance, 1944, the High Commissioner has ordered, and it is hereby ordered, as follows:—

Citation.

1. This Order may be cited as the Animal Tax (Rates of Tax) Order, 1945.

Rates of animal tax prescribed.

2. Animal tax shall be payable by owners of scheduled animals which are in Palestine within the period of enumeration or the period of control, in the year 1945, at the rates set out in the Schedule to this Order.

#### THE SCHEDULE.

Description of Scheduled Animals	Rate of Animal Tax
	Mils per head
1. Buffaloes	600
2. Camels	600
3. Cattle	600
4. Goats	

Where the number of goats owned by the same owner—

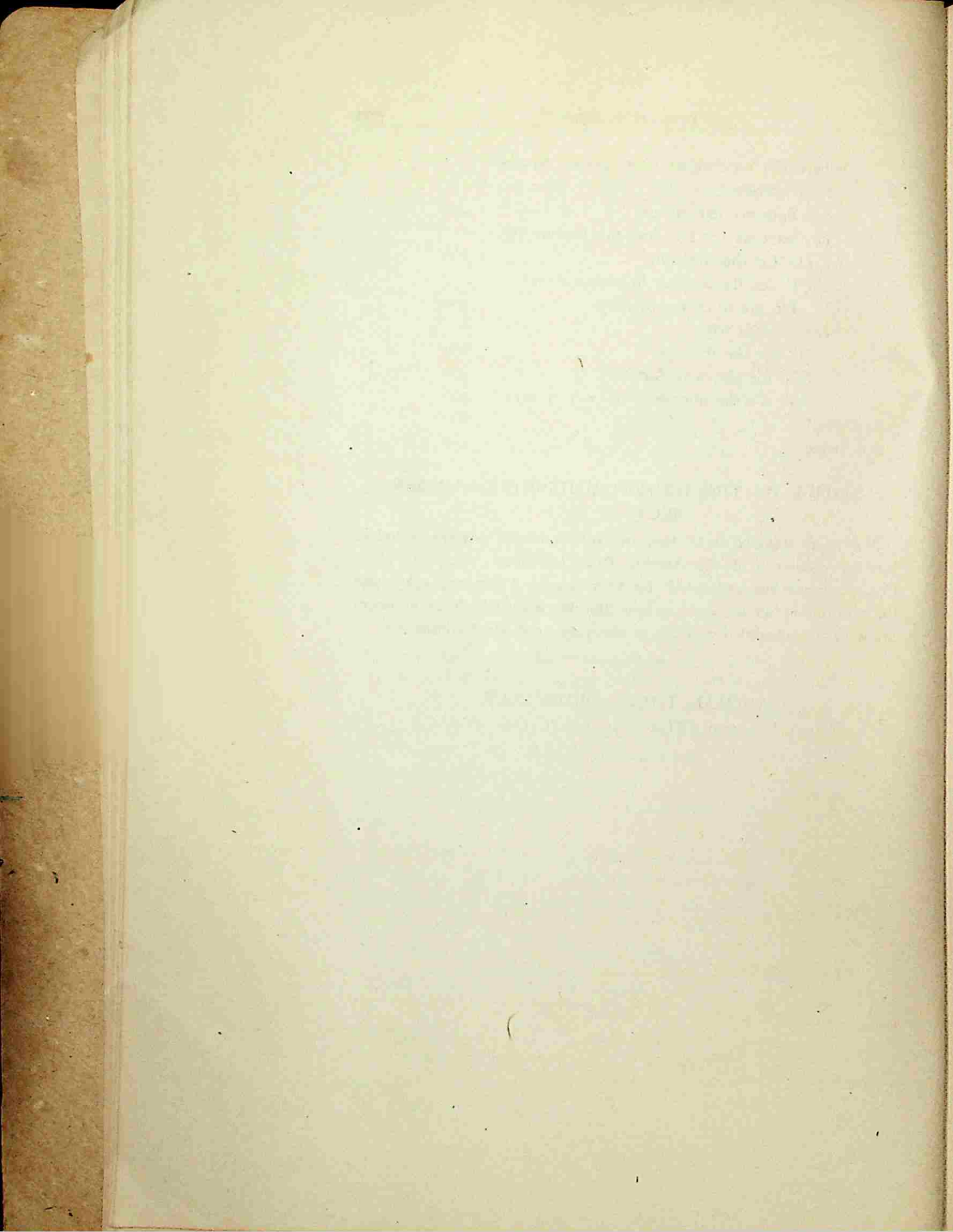
(a) does not exceed ten	200
(b) exceeds ten but does not exceed fifty—	
(i) for the first ten	200
(ii) for the number in excess of ten but not in excess of fifty	300
(c) exceeds fifty—	
(i) for the first ten	200
(ii) for the next forty	300
(iii) for the number in excess of fifty	400
5. Sheep	200
6. Swine	400

NOTICE BY THE HIGH COMMISSIONER UNDER  
SECTION 5.

NOTICE IS HEREBY GIVEN that, in exercise of the powers vested in him by section 5 of the Animal Tax Ordinance, 1944, the High Commissioner has appointed the 15th day of February, 1945, and the said day is hereby appointed, as the day upon which the enumeration of all scheduled animals in the year 1945 shall commence.

ANIMAL THEFT ORDINANCE.

Repealed — See *CRIMINAL CODE ORDINANCE*.





## REVISION.

*Substitute:* Legal Draftsman for legal draftsman

P. VIII, § 2 l. 4.

*Add on top of the page:*

after p. VIII.

### Accidents and Occupational Diseases.

See LABOUR.

*Add after the last line:* See SUCCESSION.

Before p. 1.

*Add after the 2nd line:*

P. 1 PRIZE.

*See also the following titles:*

*CARRIAGE OF GOODS BY SEA,  
DAMAGE BY VESSELS UNDER PILOTAGE,  
WRECKS AND SALVAGE.*

P. 7, Notice.

The appointment of Donald Alastair Finlayson as Marshal was terminated with effect from 23.7.45 by a notice of the Chief Justice of 17.7.45 (approved 23.7.45) appointing John Leslie Fletcher, Assistant Director, Department of Customs, Excise and Taxes with effect from the same date. (P.G. 1426 of 26.7.45, sup. 2, p. 820).

*Add:* of *between* contravention and the

P. 157, sec. 6.

*Substitute:* conviction for committing.

*Add:* as amended, after 1938.

P. 159. ENACTMENTS:

*Substitute:* 1945 for 1944.

*Add:* 3) Ord. No. 4 of 1945; en. 8.3.45; pro. P.G. 1395 (Notice p. 273, Ord. sup. 1, p. 21). Draft of 17.11.44; P.G. 1376 of 30.11.44, pp. 1158 *sqq.*

P. 160 AMENDMENTS after last line.

*Add after "such as":* The Beduin Control Ord., sec. 6.

P. 166 Right of Audience: l. 4.

*Add before the full stop:* and the Village Administration Ordinance, 1944, secs. 29 and 34.

l. 6.

*Substitute:* 8, Ct.L.R. for 7, Ct.L.R.

f. n. (1).

*Substitute by:* (5) See also sec. 13 of the Defence (Trade Disputes)

f. n. (5).

Order, 1942.

*Add:* And see notice in *Palestine Post* of 26.4.45 of the Controller of Heavy Industries and Director of War Production.

P. 167, f. n. (15).

*Cross out:* (own).

P. 168, §1, l. 4.

1. 7.

*Add after "and passim"*: But a consent judgment in the Magistrates' Court should be signed by the parties (C.A.D.C., T.A. 48/44) (16a).

In C.A. 367/44(16b) judgment was given in presence of the advocate's clerk. The Court held that the judgment was deemed to have been given in presence of the advocate as the Court was satisfied that the clerk had been authorised and the decision was given "in accordance with the usual courtesy extended by the District Court Bench to a busy lawyer". But it is insufficient compliance with rule 314(a) C.P.R., to give the name and address of an advocate instead of giving the address and occupation of the party. The name and address of the Advocate is, however, sufficient for the purpose of rule 314(d) (C.A.451/44) (16c).

§ 3, l. 4.

*Add: PROBATE (BRITISH AND COLONIAL) RULES.*

f. n. (16).

*Add: Cf. C.R.A.D.C., T.A. 97/43 and see, H.C. 57/44, C.A. 16/44 and C.A. 307/43, all in the revision notes to sec. 21. O.R.A. 146/44 (11, P.L.R. 611; 1945, A.L.R. 80): (irregularities of procedure) "would be cured by his plea of guilty, particularly since the accused was represented by an experienced advocate."*

f. n. (16)-(17).

*Add: (16a) 1944, S.C.D.C. 203*

*(16b) 12, P.L.R. 67; 1945, A.L.R. 189.*

*(16c) 1945, A.L.R. 194.*

p. 169, before  
sec. 5.

*Add: A party cannot appear in an appeal on behalf of other parties from whom he does not hold a power of attorney (C.A. 221/44 (23a).*

Sec. 5(2), l. 4.

*Add before "if"*: and the production by him to the Law Council of the declaration set forth in the third schedule hereto.

1. 7.

*Cross out: or after Registrar and add: Assistant Registrar of the Supreme Court, Law Reporter, Crown Counsel, Legal Draftsman, Assistant Legal Draftsman,*

Source after 1, 2.

*Add: The 1945 amending Ordinance added the words from "and the production" to "schedule hereto" and "Assistant Registrar" to "Assistant Legal Draftsman" in sub-sec. (2).*

f. n. (23).

*Add: (23a) 11, P.L.R. 608; 1945, A.L.R. 220.*

P. 170, after  
l. 11.

*Add: Sub-sec. (2) was amended in 1945 to include these offices.*

P. 174,  
sec. 15(4).

*Substitute the sub-section by:*

(4) In this section-

"advocate" includes a person permitted to practise before the Moslem Religious Courts; and

"roll of advocates" includes the roll of persons permitted to practise before the Moslem Religious Courts.

*Add:* The sub-section was reenacted by the 1945 - Amendment Ordinance, together with the reenactment of sec. 20 (*q.v.*).

After sub-sec. (4).

*Add after C.A. 95/43:* C.A. 291/44.

P. 176, l. 14

*Cross out:* and, and

f. n. (3).

*Add after 262:* and 11, P.L.R. 506; 1944, A.L.R. 794.

*Add before "See also":* In C.A. 152/44 (16a) a case was remitted to the Land Settlement Officer who had refused to adjourn on the receipt of a telegram by the advocate applying for an adjournment on the ground of illness, a medical certificate having been received after the case had opened.

P. 177, l. 8.

*Add:* (16a) 11, P.L.R. 617; 1945, A.L.R. 209.

f. n. (16)-(17).

*Add:* "Comments in a decision (of the L.S.O.) upon the conduct of advocates are highly undesirable, and are both unfair and out of place." (C.A. 175/44) (44a).

P. 178, l. 7.

*Add:* (44a) 1945, A.L.R. 20.

f. n. (44)-(45).

*Add at the end thereof:*

In May, 1945, the Law Council gave a ruling that the words "has acted" were given too narrow a construction in the 1930 ruling and that they should, as they now appear in sec. 16(3), include cases where the advocate, without receiving a power of attorney, is in possession of confidential information received from a client. Mere consultation does not appear to suffice. Each case will be dealt with on the merits.

P. 180 f. n. (63).

*Substitute the sub-sec. by:*

18. — (1) No person holding a practising licence shall, except with the permission of the Law Council, employ in any capacity in connection with his practice any person whose practising licence has been cancelled, or who has been suspended from practice, under sub-section (1) of section 20 of this Ordinance, at any time during which such cancellation or suspension is in force.

P. 181, sec. 18(1.)

Prohibition of employment of person whose licence has been cancelled or who has been suspended from practice.

*Add a new line:* Sub-sec. (1) was re-enacted by the 1945 Amendment Ordinance as a consequence of the re-enactment of sec. 20. See notes to that section.

P. 182, l. 3.

*Add the following section:*

19A. Subject to such exemptions as may be provided for by directions given by the Chief Justice, it shall be the duty of the Registrar of the Court, or, if there be no Registrar, of the Magistrate of the Court, by which any advocate, or person permitted to practise before the Moslem Religious Courts, is convicted of any offence,

Sec. 19, l. 4.

Report of conviction of advocate or person permitted to practise before Moslem Religious Courts.

forthwith to report to the Law Council the fact of such conviction and to forward to the Law Council :-

- (a) a copy of the written statement of charge or a copy of the information (as the case may be) filed in the proceedings which resulted in such conviction; and
- (b) a copy of the judgment and sentence delivered against such advocate or person upon his conviction by such Court, and such copies shall be certified as correct by such Registrar or Magistrate, as the case may be.

This section was added by sec. 5 of the 1945 Amendment Ordinance and is consequential upon the re-enactment of sec. 20. See notes thereto.

Sec. 20

Enquiry into  
conduct of  
advocates.

*Substitute the section by:*

20. — (1) Where any advocate is alleged to be guilty of disgraceful, fraudulent or unprofessional conduct or of conduct derogatory to the profession of an advocate (whether as contravening or failing to comply with any rule or order made or issued under subsection (1) of section 29 of this Ordinance or otherwise), the Law Council shall enquire into such allegation, and where any advocate is convicted by any Court of any offence the Law Council may, if they see fit, consider such conviction, and if, after such enquiry or after considering such conviction, the Law Council deem it expedient for the protection of the public or the good name of the profession of advocacy so to do, the Law Council may—

- (a) warn or reprimand such advocate; or
- (b) suspend such advocate from practising the profession of an advocate for such period as may be specified by the Law Council; or
- (c) direct that the name of such advocate be struck off the roll of advocates.

(2) Where, in exercise of the powers vested in them by subsection (1), the Law Council—

- (a) suspend an advocate from practice for a specified period, his practising licence, if any, shall be deemed to be suspended for that period and no practising licence shall be issued to him until the expiration of that period;

- (b) direct that the name of an advocate be struck off the roll of advocates, his name shall be struck off accordingly and his practising licence, if any, shall be deemed to be cancelled and no practising licence shall be issued to him;
- (c) suspend an advocate from practice for a specified period or direct that an advocate's name be struck off the roll of advocates, the advocate shall forthwith surrender his existing practising licence, if any, to the Chief Registrar for appropriate endorsement or cancellation, as the case may be.

(3) Where the Law Council have decided to take against any advocate any of the steps they are empowered to take under the provisions of subsection (1), such advocate may, within a period of thirty days from the date of the decision of the Law Council, appeal against such decision to an appellate tribunal consisting of three Judges of the Supreme Court appointed by the Chief Justice, and such appellate tribunal shall determine the appeal and shall make such order thereon as may appear to it to be just.

(4) In this section—

“advocate” includes a person permitted to practise before the Moslem Religious Courts; and

“roll of advocates” includes the roll of persons permitted to practise before the Moslem Religious Courts.

Sec. 20 was reenacted by sec. 6 of the 1945 Amendment Ordinance “to extend and set out more clearly the disciplinary jurisdiction of the Law Council over advocates and persons permitted to practise before the Moslem Religious Courts. The following are the main alterations made in the existing section:—

“(a) Conduct derogatory to the profession of an advocate is made a subject of enquiry by the Law Council;

“(b) The Council is given to consider any conviction of an advocate, or person permitted to practise before the Moslem Religious Courts, and not only convictions for offences involving moral turpitude;

“(c) The effect and consequences of a decision of the Council to suspend a person from practice, or to strike a person's name off the Roll are specified”.

The quotation is from the *Objects and Reasons* annexed to the draft of the Ordinance. Consequential amendments were made in secs. 15, 18 and 28

of the Ordinance and in the Law Council Ordinance.

*Transitory Provisions:* Proceedings of the Law Council in connection with disgraceful, fraudulent or unprofessional conduct, are conducted under the amended Ordinance. The amendment does not, however, affect completed proceedings or disciplinary cases coming neither the porview of the Law Council by reason of the amendment. (Sec. 9 of the amending Ord.).

The Palestine Jewish Bar Association submitted to the Attorney General the following objections to the amendments, before the enactment of the amending Ordinance:

1. The new section makes "conduct derogatory to the profession of an advocate" a separate offence which has never been judicially defined or interpreted and which might lead the Council into confusion when called upon to define it.

2. It was suggested that the disciplinary jurisdiction of the Council which, under the new section, extends to any offence, might be excluded in the case of mere contraventions.

3. It was suggested that the new section, by empowering the Council to "consider" any conviction without calling upon it to enquire into the circumstances thereof, excluded the opportunity of the advocate being heard in defence and was therefore *pro tanto* contrary to natural justice.

4. It was pointed out that no provision was made as to who should lay a complaint ("where any advocate is *alleged* to be guilty...", and sec. 4(1) (b) of the Law Council Ordinance and r. 16(1) thereof). Comparison was made with the corresponding provisions of the Solicitors Act, 1932, in England, and it was suggested that proceedings should be initiated by an application supported by affidavit.

5. It was submitted that the terms of sec. 18(1), as re-enacted as a consequence of the re-enactment of sec. 20, were too wide and that, following the corresponding provision in the Solicitors Act, the exclusion should apply to persons "knowingly employing, etc." and that persons whose licence has been cancelled at their own request (sec. 15(1)) should not be covered by the subsection.

6. It was pointed out that no provision was made against an advocate lending his name to an unqualified person. The terms of sec. 51(1) of the Solicitors Act were compared and it was suggested that suitable provisions be inserted in or after sec. 18(2) to meet this form of abuse.

7. It was suggested that a member of the profession might, with advantage, sit on the appellate tribunal.

8. It was suggested that provision be made for notification of the decision by the Council before the time for the appeal would commence to run. Reference was made to English Rules made in connection with the Solicitors Act,

A number of other points raised in the memorandum are considered in the notes to the sections (and to the sections of the Law Council Ordinance) discussed. Although effect was not given to the suggestions and recommendations set out in the memorandum, this was due to practical considerations which made it undesirable that the enactment of the amendments should be postponed (reply of the Attorney General dated 28.2.45). A promise was held out that some of the suggestions would be considered at a later date. A comprehensive overhaul of both Ordinances was also stated to be contemplated (*ibid.*).

*Add:* That section was amended in 1945 to bring the wording of para (h) (now (h) and (i)) in conformity with sec. 20(1) of the Advocates Ordinance, as re-enacted.

*Add at the end thereof:* The section, as re-enacted in 1945, makes conduct derogatory to the profession a new and distinct offence. See *addendum* following the new section, *supra*.

*Add before the colon:* (Now sub-sec. (3)).

*Add new para:* But an advocate cannot, by his conduct in a criminal case (any more than can the accused himself), confer upon the Court jurisdiction which the Court does not possess (*vide* C.R.A.D.C., T.A. 97/43) (23a).

*Add after "r. 4":* repealed by Road Transport (Amendment) Rules (No. 2) (Appendix) P.G. 1944 sup. 2, p. 377.

*Add:* (23a) 1944. S.C.D.C. 34.

*Add at the end thereof:* See C.A. 221/44 mentioned at p. 169.

*Add:* Followed in C.A.D.C., T.A. 134/43 (1943, S.C.D.C. 58).

*Add at the end thereof:* When a compromise is made in the Magistrate's Court the compromise should be signed by the parties (C.A.D.C., T.A. 48/44) (47a).

*Substitute by: Corporations:* If no special power is reserved by the articles of association that advocates should be appointed only by the company, the directors may make the appointment without a resolution by the company (C.D.C., Ha. 108/43) (47b). In criminal cases the plea may be entered by an advocate on behalf of the company (C.R.D.C., T.A. 118/44) (50a). See also note *Municipal Corporations, infra*, most of which applies to corporations generally.

*Add at the end thereof:* When a corporation is charged with a criminal offence, the plea may be entered through an advocate (C.R.D.C., T.A. 118/44) (50a).

*Cross out. And cross out "By" in line 1.*

*Add:* (47a) 1944, S.C.D.C. 203.

(47b) *Ibid.* 313 at pp. 317-8.

*Add:* (50a) 1944, S.C.D.C. 462, In other cases see C.R.A.D.C., T.A. 160/44 (1945 S.C.D.C. 256).

P. 183, l. 4.

*Conduct derogatory, etc.*

*Sub-sec. (2).*

P. 186, § 1.

§2, l. 3.

f. n. (23)-(24).

P. 187, § 1.

f. n. (35).

P. 188, *compromise*.

*Corporations:*

*Criminal Cases:*

f. n. (46), l. 2,3.

f. n. (47)-(48).

f. n. (50)-(51).

- P. 189, f.n. (57). *Add*: and *cf.* C.D.C., T.A. 328/42 (1945, S.C.D.C. 4 at p. 5).  
*Evidence*, l. 4. *Cross out*: of  
*Execution*: *Add a new para at the end thereof*:  
 "Failure of an advocate to appear to defend the interests of his client at the time appointed would not be a ground for setting aside an order made in his absence unless I were satisfied that the time and place fixed were unreasonable" (*Per* Chief Justice in H.C. 57/44 (68a)). And see *passim* in the notes to this section.
- P. 189, f.n. (63). *Add*: Or when contested and not mentioned in the affidavits: Mo. D.C., Jm. 354/43 (in C.D.C.Jm. 93/43) (1943, S.C.D.C. 41).  
 f. n. (66). *Add at the end thereof*: *Vide* C.A. 59/44 (11, P.L.R. 347; 1944, A.L.R. 594). The advocates may, by consent, waive the necessity for evidence and argue the case on the pleadings (*vide* C.A.D.C., Jm. 78/43 - 1944, S.C.D.C. 259).  
 f. n. (68)-(69). *Add*: (68a) 11, P.L.R. 260; 1944, A.L.R. 301.
- P. 190, *Non Enemy Declaration*: *Add*: These may now be made before an advocate or a person permitted to practise before a Moslem Religious Court: P.G. 1422 of 5.7.45, sup. 2, p. 728.  
*Presence*: *Add at the end thereof*: See also C.A. 16/44 (80a) and C.A. 307/43 (80b).  
 f. n. (80)-(81). *Add*: (80a) 11, P.L.R. 262; 1944, A.L.R. 401.  
 (80b) 11, P.L.R. 151; 1944, A.L.R. 411.
- P. 191, f.n. (83). *Add*: See also Mo.D.C., Jm. 159/44 (1944, S.C.D.C. 429) confirmed on appeal in C.A. 470/44 (1945, A.L.R. 100).  
 f. n. (86). *Add*: See also H.C. 57/44 (11, P.L.R. 260; 1944, A.L.R. 301).  
 P. 192, f.n. (93). *Add*: And see Mo.D.C., Jm. 159/44 (1944, S.C.D.C. 429, confirmed on appeal in C.A. 470/44 (1945, A.L.R. 100).  
 P. 193, l. 4. *Add before "On the"*: In a preliminary point taken in H.C. 18/35 (102a) it was argued that the power of attorney was general as it referred to proceedings in all instances against the respondents and against other persons. The Court overruled the objection on the ground that the power had been given to act in four specific suits within the meaning of sec. 18 of the 1922 Ordinance.
- l. 7. *Add at the end thereof*: Mo.D.C. Jm. 159/44 (104a).  
*And add*: See also on the construction of powers of attorney, Mo. in E.C.D.C., Ja. 55/35(104b).  
 f.n. (102)-(103). *Add*: (102a) *Not reported*.  
 f.n. (104)-(105). *Add*: (104a) 1944, S.C.D.C. 429, following C.A. 401/43 *supra*, confirmed on appeal in C.A. 470/44 (1945, A.L.R. 100).  
 (104b) 1945, S.C.D.C. 75.
- P. 194, *Source*: *Add at the end thereof*: A clerical error in the original text of the Ordinance (which was corrected in this edition) was remedied by the 1945 amendment.



*Add:* In C.A. 146/44 (12a) action had been brought on an agreement made in 1931. The Court held that the mere suing on the agreement did not constitute an application under sec. 21 of the former Ordinance for an order of enforcement. Such application had to be made to the Court before which the litigation took place, in the particular file of that litigation, at or shortly after the commencement of that litigation. Judgment on a *quantum meruit* was, however, confirmed. (See that heading *infra*).

*Add at the end thereof:* The judge may, under r. 7, exercise his discretion to assign an advocate or to change an advocate so assigned, at any time up to the time of hearing the appeal by the Court of Appeal (CR. A. 135/44) (13b).

*Add:* (12a) 12, P.L.R. 42; 1945, A.L.R. 43.

*Add:* (13b) 1944, A.L.R. 693. (*Preliminary ruling.*)

*Add new para:* It was pointed out by the Palestine Jewish Bar Association, in a memorandum addressed to the Attorney General (see notes following sec. 20 as re-enacted in 1945) that no scale of fees having been enacted under sec. 25, in cases where no written agreement is made under sec. 22 the advocates are left to their remedy under a *quantum meruit* and doubts were expressed as to the validity of that remedy. In order to remedy this defect and, in any event, in order to relieve the Court from the necessity of assessing a *quantum meruit* in every particular case it was suggested that the Law Council be empowered from time to time to provide a scale of fees applicable in the absence of an agreement under sec. 22.

But in C.A. 146/44 (12a) the doctrine of *quantum meruit* was held to apply in Palestine by the combined effect of Arts. 563-4 of the *Mejelle* and Art. 46 of the Palestine Order-in-Council. The Court before which an action for a *quantum meruit* may be brought need not be the Court which heard the proceedings in respect of which the fee is claimed (*ibid.*) A *quantum meruit* may be claimed although there is an agreement for fees on which no order or leave to sue has been obtained under sec. 21 of the former Ordinance or sec. 24 of the present Ordinance. But if the agreement is illegal no *quantum meruit* may be claimed (*vide ibidem*).

*Add:* For the construction of an agreement in writing *vide* C.A. 146/44 (12a). An agreement made before the date of the enactment of the Ordinance falls under the former Ordinance (*ibid.*). See note to sec. 22, *Enforcing the agreement*.

*Add:* See also notes to sec. 22 *passim*.

*Add:* See note *Quantum Meruit* to sec. 22.

*Add:* The former section applied also to advocates and sec. 25 of the former Ordinance made provision for taxation. These provisions are now set out in the Civil Procedure Rules. In H.C. 2/37 and H.C. 14/37 (o),

P. 195,  
after 1st §.

*Poor Prisoners:*

f. n. (12)-(13).

f. n. (13)-(14).

p. 196, l. 4.

*Agreement in writing.*

p. 197, after  
1st §.

Sec. 25 Note.

Sec. 27, *Source:*

decided before the enactment of the present Civil Procedure Rules; English rules were applied in assessing and taxing advocates' fees in High Court proceedings.

f. n. (3), sec. 26.

*Add: Cf. C.A.D.C., Ja. 21/44 (1944, S.C.D.C. 230).*

End of page.

*Add two lines: (sec. 27)*

*(o) 1937, S.C.J. (N.S.) 415; P.P. 27.4.38 (Proceedings before the Chief Registrar.)*

P. 199, before  
sec. 28.

*Add: See also H.C. 2, 14/37(23).*

Sec. 28(1), l. 7.

*Add after the comma:* or within any period for which he has been suspended from practice under sub-section (1) of section 20 of this Ordinance.

f. n. (22).

*Add: (23) 1937, S.C.J. (N.S.) 415; P.P. 27.4.38.*

B. 200, *Source:*  
l. 3.

*Add: The words "or within" to "this Ordinance" in sub-sec. (1), were inserted by the 1945 Ordinance in connection with the re-enactment of sec. 20.*

*See notes to that section.*

P. 202 (d) in  
margin.

*Add: One-half of the fees chargeable upon the original admission.*

P. 203' (b) in  
margin.

*Add: One-half of the fees chargeable upon the original admission.*

P. 205  
REPEALED  
RULES § 2, l. 1.

*Substitute for "(Fees to Examinees)": (Fees to Examiners).*

*Add new paras AMENDMENTS:*

P. 208  
Previous  
Legislation.

*Ord. No. 3 of 1945; en. 1.3.45, pro. P.G. 1395 (Notice p. 273, Ord. sup. I, p. 18). Draft dated 17.11.44, P.G. 1376 of 30.11.44, pp. 1155 *sqq.**

P. 209, sec. 3(4).

*Substitute by:*

(4) The members of the Council shall hold office during the pleasure of the High Commissioner:

Provided that—

(a) any member of the Council may at any time resign his office by giving written notice to the Chairman of the Council;

(b) every member of the Council shall automatically vacate his office after he has held it for three years but shall be eligible for re-appointment.

(5) The powers of the Council shall not be affected by any vacancy in the membership thereof.

*And add:* Sub-sec. (4) was re-enacted by the 1945 amending Ordinance and now provides that the members of the Council hold their office at the pleasure of the High Commissioner instead of for a period of three years. The same amendment also introduced a new sub-section (sub-sec. (5)).

*Add at the end thereof:* Sec. 7 of the amending Ordinance validated the appointment and further provided (in sub-sec. (2) thereof):

*Law Council:*

“(2) On the coming into force of this Ordinance, section 3 of the principal Ordinance, as amended by section 2 of this Ordinance, shall apply in relation to the person referred to in sub-section (1) of this section as though the appointments of these persons had been made under the said section 3 as so amended:

“Provided that for the purpose of such application as aforesaid paragraph (b) of sub-section (4) of the last-mentioned section shall have effect in relation to the said persons, as though they had been appointed to be members of the Council with effect from the seventh day of June, 1942.”

Sec. 8 of the 1945 Amendment Ordinance, which was not included in the draft of the Ordinance, read as follows:

“ 8. — (1) The provisions of the principal Ordinance as amended by this Ordinance, and of any rules made under the provisions of the principal Ordinance as amended by this Ordinance, relating to proceedings by the Law Council against any advocate, or person permitted to practice before the Moslem Religious Courts, alleged to be guilty of disgraceful, fraudulent or unprofessional conduct or of conduct derogatory to the profession of an advocate (whether as contravening or failing to comply with any rule or order made or issued under sub-section (1) of section 29 of the Advocates Ordinance, 1938, or otherwise), shall apply whether the act or omission, in question, occurred before the commencement of this Ordinance or occurs thereafter.

*Application.*

(2) The provisions of the principal Ordinance, as amended by this Ordinance, relating to proceedings by the Law Council against any advocate, or person permitted to practise before the Moslem Religious Courts, convicted of any offence, shall apply whether the conviction in question occurred before the commencement of this Ordinance or occurs thereafter.

(3) Sub-sections (1) and (2) shall not affect any proceedings by the Law Council against any advocate, or person permitted to practise before the Moslem Religious Courts, which have been completed before the commencement of this Ordinance.”

*Substitute by:*

*Sec. 4(1), 1, 1, 2.*

4. — (1) The Council shall have the following powers and duties:—

As re-enacted by the 1945 amending Ordinance.

*Substitute by:*

*P. 210 (h).*

(h) Such powers and such duties as are conferred or imposed upon the Council by sub-section (1) of section 20 of the Advocates Ordinance, 1938.

(i) Such other powers and such other duties as are from time to time conferred or imposed upon the Council by law.

*And Add:* Paragraphs (h) and (i) were enacted by the amending ordinance, in replacement of the former paragraph (h), in order, in the words of the comments to the draft Ordinance, "to overcome the difficulties experienced in the past in taking disciplinary proceedings against advocates, due to the difference in the wording used in section 4(1)(h) of the principal Ordinance and that used in section 20(1) of the Advocates Ordinance". See sec. 20 of the latter Ordinance, as re-enacted in 1945.

P. 211, sec. 6.

Composition of Council when enquiring into conduct of advocates and persons permitted to practise before the Moslem Religious Courts.

*Substitute by:*

6. — (1) Notwithstanding anything contained in this Ordinance, the Council shall -

(a) whenever enquiring into the conduct of any advocate who is alleged to be guilty of disgraceful, fraudulent, or unprofessional conduct or of conduct derogatory to the profession of an advocate (whether as contravening or failing to comply with any rule or order made or issued under sub-section (1) of section 29 of the Advocates Ordinance, 1938, or otherwise), or

(b) whenever considering the conviction of any advocate, consist only of such members of the Council as are members of the legal profession.

(2) In this section "advocate" includes a person permitted to practise before the Moslem Religious Courts.

Note to sec. 6.

4. *Add:* It was re-enacted by the 1945 amending Ordinance, following replacement of sec. 4(1)(h) by the new paragraphs (h) and (i).

*And add:*

Procedure and practice of Council or any committee thereof.

6A. — (1) Decisions of the Council or of any committee thereof, other than the committee referred to in sub-section (9), may be taken at meetings or, in cases in which the Chairman of the Council shall so direct, by the recording of the opinions of members on papers circulated among them:

Provided that where papers are circulated, the Chairman of the Council may direct that the papers shall not be circulated to any member who through interest, illness, absence from Palestine or

otherwise is, in the opinion of the Chairman of the Council, incapacitated from voting on such papers.

(2) The quorum of the Council at any meeting or for the purpose of voting on papers circulated shall be five members, of whom one shall be the Chairman of the Council.

(3) The quorum of any committee of the Council, other than the committee referred to in sub-section (9), at any meeting or for the purpose of voting on papers circulated shall be such number of members, of whom one shall be the Chairman of the Council, as the Council may from time to time by resolution determine.

(4) The decisions of the Council or, subject to the provisions of sub-section (9), of any committee of the Council, shall be by the majority of votes: Provided that, in any case in which the voting shall be equal, the Chairman of the Council shall have a second or casting vote.

(5) Any decision of the Council or, subject to the provisions of sub-section (9), of any committee of the Council may be signified under the hand of the Chairman of the Council.

(6) Meetings of the Council, or of any committee thereof of which the Chairman of the Council is the chairman, shall be held at such times and places as the Chairman of the Council shall from time to time appoint.

(7) At any meeting of the Council or, subject to the provisions of sub-section (9), of any committee of the Council, the Chairman of the Council shall be the chairman of the meeting.

(8) Subject to the provisions of this section the procedure and practice of the Council or of any committee thereof shall be as determined from time to time by the Council or such committee respectively.

(9) This section shall not apply to any committee of the Council which is appointed by the Council to enquire into the conduct of any advocate, or person permitted to practise before the Moslem Religious Courts, and the composition of such committee and the procedure and practice thereof shall be such as may from time to time be prescribed by or under rules made under section 7 of this Ordinance.

*And add:*

This section was enacted by the 1945 Amendment Ordinance. The proceedings of the Council before the enactment of the amendment were validated by sec. 5(2) of the amendment which provided that sec. 6A should be deemed to have come into force on the date of the commencement of the principal Ordinance.

Sec. 7, l. 1.

*Insert after "7":* (1).

l. 2.

*Add a new line:* The 1945 amending Ordinance made the former section the first sub-section and added sub-sec. (2).

P. 213, (1), l. 4.

*Add before the comma:*

and the composition of any such committee and any matter incidental to any of the matters herebefore in this paragraph mentioned.

l. 7.

*Add a new line:* The words "and the composition" to "mentioned" were inserted by the amending Ordinance 1945. See the re-enacted sec. 5.

Note to (n).

*Add a new clause:*

(2) Any rules under this section may be made with retroactive effect; and any approval, permission, dispensation, exemption, or direction, provision for which is made in any rules made under this section, may be granted or given with retroactive effect.

*And add:* Sub-sec. (2) was enacted by the 1945 amending Ordinance. (See sec. 5 as re-enacted). The *Objects and Reasons* annexed to the draft stated that the sub-section was designed mainly to enable the making with retroactive effect of dispensations or exemptions to students of the Jerusalem Law Classes who have joined His Majesty's Forces during the present war.

r. No. 2.

*Add between "sup. 2" and "rr. dated":* p. 1554.

P. 214, l. 6.

*Substitute* (No. 2) for (No. 3).

l. 7.

*Add new lines:* 11. 1944 (Amend.) (No. 3), P.G. 1364 of 12.10.44, sup. 2, p. 1053, rr. dated 9.10.44.

12.1944 (Amend.) (No. 4), P.G. 1377 of 7.12.44, sup. 2, p. 1358, rr. dated 1.12.44.

13.1945 (Amend.) P.G. 1397 of 22.3.45, sup. 2, p. 231, rr. dated 15.3.45.

14.1945 (Amend.) (No. 2) P.G. 1440 of 20.9.45, sup. 2, p. 1025.

15.1945 (Amend.) (No. 3) P.G. 1452 of 10.11.45, sup. 2, p. 1297, rr. dated 6.11.45.

R. 3(1)(a), l. 2.

*Substitute:* three for five.

P. 215 (e).

*Add new lines:* In paragraph (a) "twenty three" was substituted for "twenty five" by the 1944 (No. 3) Amend. Rules.

P. 216, l. 8.

*Add at the end of the line:* "save on the recommendation of the Attorney General.

*Judicial Department.*

*Add new para. at the end thereof:* "Save on the recommendation of the Attorney General": These words were added by r. 2 of the 1944 (No. 4) Amendment Rules.

*Add:* For the syllabus now in force, see P.G. 1319 of 24.2.44, as amended in P.G. 139 of 15.3.45 (p. 299).

P. 219  
Syllabus; 1. 3.

*Add:* Sub-rule (4): "Secretary" was substituted for "Chairman" by the 1939 (Amend.) (No. 2) Rules.

before IV

*Substitute:* Classes after the first day of May, 1935, and before the year 1945 (1) he is

P. 220,  
r. 12 (2) (b)  
l. 2

*Add new clause:*

(ii) he has completed at least two sessional years of study as an internal student of the Law Classes and the Law Council, for good cause, see fit to allow his registration as a clerk notwithstanding that he has failed to pass the intermediate examination of the Law classes, or

at the end.

*And add:*

"(bb) if he was inscribed as a student of the Jerusalem Law Classes in the year 1945 or be inscribed in any year thereafter —

(i) he is certified by the Secretary of the Law Council to have completed three sessional years of study and to have passed the intermediate examination of the Law Classes, or to have completed one year of study as an internal student of the Law Classes after having followed a course of legal study in the faculty of law of a university approved by the Law Council for a period of at least one year; or

(ii) he has completed at least three sessional years of study as an internal student of the Law Classes and the Law Council, for good cause, see fit to allow his registration as a clerk notwithstanding that he has failed to pass the intermediate examination of the Law Classes, or

*Substitute:* replaced for repealed.

P. 222 § before  
V, l. 5.  
Source.  
l. 7.

*Add:* Para. (b) of sub-rule (2) was replaced by r. 3. of the 1944 (Amend.) (No. 4) Rules, and amended again in 1945 (No. 3) Rules.

Clause (bb) was added by the 1945 (No. 3) Rules.

*Add:* Rule 16 was re-enacted in 1945. See notes thereto.

\* P. 223, before  
r. 15.  
P. 223-4, r. 16.

*Substitute by:*

16. — (1) Where any advocate is alleged to have been guilty of disgraceful, fraudulent or unprofessional conduct or of conduct derogatory to the profession of an advocate (whether as contravening or failing to comply with any rule or order made or issued under subsection (1) of section 29 of the Advocates Ordinance, 1938, or other

Enquiry into  
conduct of  
advocate.

wise), such advocate shall be informed in writing by the Law Council of the allegations made against him and shall be called upon to state in writing before a day to be specified (which day must allow a reasonable interval for the purpose) any grounds upon which he relies to exculpate himself.

(2) If the advocate does not furnish such statement within the time fixed by the Law Council or if he fails to exculpate himself to the satisfaction of the Law Council, the Council shall appoint a committee of not less than three members of the Council (one of whom the Council shall designate as chairman of the committee) to enquire into the matter. Such committee shall consist only of such members of the Council as are members of the legal profession.

(3) The advocate shall be informed that on a specified day the allegations made against him will be investigated by the committee and that he will be allowed to appear before the committee and defend himself.

(4) The committee shall have power to hear the evidence of witnesses and the advocate shall be given an opportunity of being present and of putting questions to the witnesses on his own behalf, and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.

(5) The committee may in its discretion permit an advocate to be represented by an advocate (hereafter in this rule referred to as a "representative") and when such permission is given the advocate's case may be conducted by such representative. The committee may at any time withdraw the permission to the advocate to be so represented and refuse to hear his representative, in which case it shall allow the advocate such adjournment as is reasonably necessary to enable him to present his case in person.

(6) If during the course of the enquiry further allegations are made, the committee may proceed to enquire into those allegations, but prior to so doing it shall furnish the advocate with a written statement of those further allegations and shall take in respect thereof the same steps as are hereinbefore prescribed in respect of the original allegations.

(7) A decision of a majority of the members of the committee shall be the decision of the committee and may be signified under the hand of the chairman of the committee.

(8) The committee having enquired into such allegations shall submit its findings to the Law Council.



(9) If the committee is of opinion that all or any of the allegations against the advocate have been proved, it shall inform the advocate that he may make representations to the Law Council in connection with the findings of the committee.

(10) If the Law Council, after considering the findings of the committee and any representations which may have been made to the Law Council by the advocate concerned, confirm the findings of the committee, the Law Council shall take against the advocate such of the steps they are empowered to take under the provisions of sub-section (1) of section 20 of the Advocates Ordinance, 1938, as they may think fit, and the Chairman of the Law Council shall submit to the Chief Justice a report upon the conduct of the advocate.

(11) Save in such circumstances as are in the opinion of the Law Council exceptional, the Law Council shall not itself hear either the advocate, his representative or any witness.

*Add before "(9)":* (10), formerly

*Add new paragraph at the end thereof:* The rule was re-enacted in 1945 following upon the amendment of sec. 20 of the Advocates Ordinance and the consequential amendments there and in the Law Council Ordinance.

*Add:* See notes to r. 38 for a case on the former Regulations.

*Add after "or":*

holds the Palestine Secondary School Certificate having obtained credits in two official languages, mathematics and two other subjects of which one is in group 5, or holds

*For* and the States included under the French Mandate for Syria *substitute* Syria, Lebanon.

*Add:*

or, on the recommendation of the head of any other Department, of any officer of that Department.

*Delete:*

*Add:* Paragraph (a) of sub-rule (4) has been replaced by the 1944 (Amend.) (No 4.) Rules which also added to para. (a) of sub-rule (6) the beginning with "or, on the recommendation" and revoked para. (b) of that sub-rule.

*Add a line:* Syria and Lebanon were substituted by the 1945 (No. 3) Amendment for the States included under the French mandate for Syria.

*Substitute by:*

(a) the Attorney General may grant a dispensation from attendance to any officer of the Government or member of His Majesty's Forces, wheresoever stationed, who by reason of his service is prevented from attending lectures;

No. 32 of 1938.

P. 225,  
sub-r. (9).  
*Appeals:*

P. 226  
before r. 18.  
P. 227, sub-r.  
4(a), l. 1.

R. 21(4).  
last 2 lines.

P. 228, 6(a), l. 8.

(b).  
P. 229, l. 5.

before R. 22.

(2)(a) and (b).

(b) the director may grant a like dispensation to any student who has been admitted to the Law Classes before the year 1945 and who has attended lectures for two years, for the purpose of enabling him to serve a period of service, qualifying for admission as an advocate in Palestine, with an advocate practising in any place in Palestine other than Jerusalem;

(c) the director may grant a like dispensation to any student who has been admitted to the Law Classes in the year 1945 and in any year thereafter who has attended lectures for three years, for the purpose of enabling him to serve a period of service, qualifying for admission as an advocate in Palestine, with an advocate practising in any place in Palestine other than Jerusalem.

2 lines further

*Add:* (a) and (b), the provisos to sub-rule (2) were substituted by the 1945 (No. 3) Amendment Rules.

P. 230.  
R. 25(1).

*Substitute:*

(1) Lectures in any subject shall be given in Arabic and Hebrew or in English as the Law Council may from time to time decide and examination papers shall be set and the answers shall be given in the language in which the lectures in any such subject have been given:

Provided that, in any special case, the director upon application made in writing not later than 14 days before any examination is held in any such subject may grant permission to any candidate to answer such examination in a language other than that in which the lectures were given.

Before R. 26.

*Add:* Sub-rule (1) was substituted by the 1945 (No. 3) Amendment Rules.

P. 231.  
(5)

*Substitute:* Introduction to the study of Law for jurisprudence and Legal History for Political Science.

(c) l. 4.

*Delete the words:* on one occasion only.

(d) (i) l. 5.

*Delete the words:* on one occasion only.

(ii) l. 3.

*Substitute rule for regulation.*

P. 232.

*Add:* Minor amendments were made by the 1945 (No. 3) Amendment Rules.

after (7).

*Substitute:* Equity for Legal History.

P. 233, l. 3.

*Delete:* allow on one occasion only.

(6) l. 6.

*Add:* (7A).

l. (7)-(8).

(7A) A candidate at the certificate examination shall not be deemed to have passed in the subject Commercial Law, unless —

(i) the aggregate of the marks obtained by him in respect of the paper on Companies and Partnerships and in respect of that on Bills of Exchange and in respect of that on Bankruptcy and Winding-Up of Companies, when divided by three, is not less than the pass mark; and

(ii) he has obtained at least 40% in respect of each of the said papers.

*And add:* The above sub-rule was enacted by the 1944 (Amend.) (No. 4) Rules.

*Add a line:* Minor amendments were made by the 1945 (No. 3) Amendment Rules.

*Substitute:*

(5) Candidates shall be examined in the following subjects, particulars of which are set out in the tenth schedule hereto:—

- Civil Procedure
- Criminal Procedure
- Interpretation
- Ordinances (Miscellaneous)
- Bookkeeping.

(6) (i) A candidate at the Diploma Examination must take and pass all the prescribed subjects on one and the same occasion, but a candidate who fails to reach the pass mark in one subject only may be permitted at the discretion of the Law Council to present himself in that subject at the next Diploma Examination.

(ii) A candidate who does not pass in the subject in which he has been permitted to be re-examined at the next Diploma Examination will be required to offer all the prescribed subjects again.

(iii) A candidate who has completed the Diploma Examination after having passed the examination in the subject in which he was permitted to be re-examined will be deemed for all purposes to have passed the whole Diploma Examination and will be entitled to all the rights and privileges as if he had passed in all the subjects on one and the same occasion.

*Add:* Sub-rules (5) and (6) were replaced by the 1945 (No. 3) Amendment Rules. An extra sub-rule, No. 6A, enacted by the 1944 (No. 4) Rules was also repealed by those rules which are deemed to have come into force on the 5.11.45, and cross out the first paragraph of the notes following sub-rule (7).

For transitory provisions see rr. 15-6 of the 1945 (No. 3) (Amend.), following r. 41.

Before R. 30.

P. 234 (5), (6).

Before R. 31.

r. 31(1), 1. 6.  
(2), 1. 3.

*Add:* And his name shall be struck off the register of students.

*Replace by:* his inscription as a student under the Council. The name of any person who fails to qualify for the Certificate or Diploma within the said eight years shall, unless the Law Council otherwise directs, be struck off the register of students.

*And add:* The 1945 Amendment Rules replaced sub-rule (2) and added to sub-rule (1) the words beginning "and his name". These amendments were enacted with retroactive effect as from the date of the first rules. (See sec. 7(2) of the Ordinance).

P. 235, before  
r. 33  
Power to strike  
student's name  
off register  
of students.

*Add:* 32A.—(1) Where any student has failed to pay the tuition fee payable by him in respect of any sessional year, on the date specified in the eighth schedule hereto, the Director may direct that the name of such student be struck off the register of students, and thereupon he shall cease to be a student of the Law Classes.

(2) Where a student has been guilty of conduct which, in the opinion of the Law Council, renders him unfit to be a student of the Law Classes, the Law Council may direct the exclusion of such student from the Law Classes and that his name be struck off the register of students, and thereupon he shall cease to be a student of the Law Classes.

Power to re-  
admit students  
excluded from  
the Law Classes.

32B. A student of the Law Classes whose name has been struck off the register of students under these Rules may be re-admitted by the Law Council as a student of the Law Classes, on such conditions (whether involving any relaxation or adaptation of any of these Rules or otherwise) as the Law Council think fit.

*And add:*

The above two rules were enacted by the 1945 Rules with retroactive effect from the date of the principal rules (See sec. 7(2) of the Ordinance.)

*Substitute by:*

R. 35.

Exemption  
from Book-  
keeping.

35. The Law Council may at its discretion exempt from attendance at lectures on, and examination in, bookkeeping, a person who has been granted a certificate by the Government of Palestine authorising him to practise as an auditor in Palestine.

*And add:*

This rule was substituted by the 1945 (No. 3) Amendment Rules. See rr. 15-6 following r. 41.

P. 236, after  
r. 38.

*Add:* In H.C. 45/44(1) under the effect of this rule, the High Court refused to interfere with the exercise of discretion by the Law Council which had refused to issue a certificate of the Jerusalem Law Classes.

*Add foot-note:* (1) 11, P.L.R. 257; 1944, A.L.R. 399.

## PART IX.

## GRANT OF PRIVILEGES FOR WAR SERVICES.

41.—(1) The Law Council may, in its discretion and having regard to the circumstances of each particular case, allow exemption from, or relaxation of, the requirements of these Rules in respect of any person who has performed war service.

War service  
privilege.

(2) For the purposes of sub-rule (1) of this rule "war service" means service which in the opinion of the Law Council represented a specific and sufficient contribution in personal service to the war effort of the Allies in the war which commenced in Europe on the 1st September, 1939."

*And add:* Rr. 15-6 of the 1945 (No. 3) Amendment Rules provide the following transitory provisions:

15.—(1) A candidate presenting himself for examination at the Diploma Examination, or the Certificate Examination, in the year 1946, shall at that Examination offer the subject or subjects which he would have had to offer had these Rules not been made.

Transitory  
provisions re-  
garding Diploma  
and  
Certificate  
Examinations.

(2) A candidate who, having offered all the four subjects at the Diploma Examination in the year 1946, failed thereat in one subject only, may be permitted by the Law Council to present himself in that subject at the Diploma Examination in the year 1947 as if these Rules had not been made.

(3) A candidate who, having offered all the seven subjects at the Certificate Examination in the year 1946, failed thereat in not more than three subjects, may be permitted by the Law Council to present himself in those subjects at the Certificate Examination in the year 1947 as if these Rules had not been made.

16.—(1) A candidate who offered four subjects at the Intermediate Examination held in the year 1945, may at the Intermediate Examination in the year 1946, offer the remaining four subjects which he would have had to offer had these Rules not been made.

Transitory  
provisions re-  
garding the  
Intermediate  
Examination.

(2) A candidate who offered eight subjects or four subjects at the Intermediate Examination held in the year 1945 and, having failed in not more than four subjects of the total number of eight subjects prescribed for the Intermediate Examination, is permitted by the Law Council, under paragraph (c) or (d) of sub-rule (6) of rule 28 of the principal Rules to present himself at the Intermediate Examination in the year 1946, in the subject or subjects in which he so failed, shall, at that examination, offer that subject or those subjects as if rules 6, 12 and 13 of these Rules had not been made.

(3)(a) Where any candidate to whom sub-rules (1) and (2) of this rule do not apply presents himself for examination at the Intermediate Examination in the year 1946, such candidate shall, notwithstanding anything contained in sub-rule (6) of rule 28 of the principal Rules or in rules 6, 12 and 13 of these Rules, at that Examination, offer all the eight subjects which were prescribed in sub-rule (5) of rule 28 of the principal Rules immediately before its amendment by rules 6, 12 and 13 of these Rules.

(b) A candidate who offered eight subjects at the Intermediate Examination in the year 1946 in accordance with paragraph (a) of this sub-rule and, having failed at that Examination in not more than four subjects, is permitted by the Law Council, under paragraph (c) or (d) of sub-rule (6) of rule 28 of the principal Rules, to present himself at the Intermediate Examination in the year 1947 in the subject or subjects in which he so failed, shall, at that Examination, offer that subject or those subjects, as if rule 6, 12 and 13 of these Rules had not been made.

*And add:* Part IX was added by the 1945 (No. 3) Amendment Rules.

*Substitute:* replaced for repealed.

P. 238, l. 7.

P. 243

Translation fee.

*Substitute:*

Payable by candidates who under the provisions of Rule 25(1) have answered examinations in any subject in a language other than that in which the lectures on such subject were given ..... £P. 0.600 per subject.

*And add:* The above item was substituted by the 1945 (No. 3) Amendment Rules.

IXth Schedule.

## NINTH SCHEDULE

### PART I.

#### INTERMEDIATE EXAMINATION SUBJECTS.

1. Civil Law (Mejelle).
2. Criminal Law.
3. Introduction to the Study of Law.
4. English Law of Contracts.
5. Constitutional Law.
6. Land Law.
7. Law of Wakf.
8. Legal History.

## CERTIFICATE EXAMINATION SUBJECTS.

9. Commercial Law.
10. Law of Evidence.
11. Private International Law.
12. Public International Law.
13. English Law of Torts.
14. Forensic Medicine.
15. Equity.

## PART II.

## DIPLOMA EXAMINATION SUBJECTS.

16. Civil Procedure.
17. Criminal Procedure.
18. Interpretation.
19. Ordinances (Miscellaneous).
20. Bookkeeping.

## PART III.

## OPTIONAL SUBJECT.

21. Religious Law.

*And add: See r. 3.*

This schedule was re-enacted by the 1945 (No. 3) Amendment Rules.

## TENTH SCHEDULE.

## PROGRAMME OF COURSES OF THE LAW CLASSES.

## (I) THE CIVIL LAW (THE MEJELLE).

*First Year.*

## I. INTRODUCTION.

1. Short history and sources of Moslem Law.

What is the Mejele: The differences between the Mejele and a Civil Code.

2. The 99 legal maxims explained by examples out of the Mejele.

## II. General principles of the Law of Contract; Sale (Arts. 101-403).

## III. Hire, general principles; Rent, Hire of Workmen, Carriers, Damages (Arts. 404-611).

*Second Year.*

1. Suretyship (Arts. 612-672).
2. Transfer (Arts. 673-700).
3. Pledge (Arts. 701-761).
4. Deposit (Arts. 762-832).
5. Gifts (Arts. 833-880).
6. Forcible taking (Ghasb) and Destruction (Arts. 881-940).

P. 244  
Xth Schedule.

7. Restraint, Compulsion and Preemption (Arts. 941-1044).
8. Joint Ownership (Arts. 1045-1328).
9. Mandates (Arts. 1499-1531).
10. Settlement of Disputes (Arts 1532-1571).

The intermediate examination will cover the whole course.

(2) CRIMINAL LAW.

PART I.

I. INTRODUCTION :—

- (a) The nature of Penal Law. — Punishment as a Social Institution. Punishment and the State.
- (b) Development of Criminal Law. — Early Criminal Law. — Blood-Money (Dya)—Mosaic Law.— Sharia Law.
- (c) The Criminal Code Ordinance, 1936, and other Palestine legislation in criminal matters—sources.

II. APPLICATION OF CRIMINAL LAW.

- (a) (1) Criminal Courts, Functions and Method.
- (2) Temporal Application of Criminal Law.
- (3) Territorial and Personal Application of Criminal Law.
- (b) (1) The Nature of an Offence, Classification — Interests protected by Criminal Law. — Penal Law and Morality. — Criminal Offence and Civil Wrong.
- (2) Causality.
- (3) Motive and Intention; Mental Responsibility; Extenuating and Aggravating Circumstances.
- (4) Justification, Self-defence, Necessity, Order of the Law, Consent.
- (5) Attempt.
- (6) Plurality of Offenders.
- (7) Plurality of Offences.

III. PUNISHMENT.

- (1) Methods (Ancient and Modern); Prison Organisation.
- (2) Theory of Punishment.
- (3) Juvenile Offenders — Reformatories — Probation; Borstal Institutions, etc.
- (4) Recidivity and Habitual Offenders.
- (5) Prescription; Pardon.

The course will include an exact study of all relevant Palestine legislation.



## PART II.

The course will include a critical study of the provisions of the law applied in Palestine as to the following offences:—

1. Treason — Sedition.
2. Murder and Manslaughter.
3. Arson.
4. Theft — Obtaining Property by False Pretences.  
Criminal Conversion — Receiving Stolen Goods.
5. Rape, Indecent Assault, Procuration.
6. Forgery.
7. Bigamy and Marriage Offences.
8. Perjury.
9. Defamation.
10. Conspiracy.

## (3) INTRODUCTION TO THE STUDY OF LAW.

*Outline of Course.*

- I. 1. The Nature of Jurisprudence. Jurisprudence is the Formal Science of Positive Law. Examples of the Misuse of the term "Jurisprudence".
2. Historical and Analytical Jurisprudence.
3. Meaning of the term "Law" and Different Kinds of Law. Positive Morality. Law of Nature.
4. Origin of Law: The Evolution of Political Societies.
5. Contents and arrangements of Codes.
6. Definitions of Jurisprudential Terms: Law. Command. Duty. Sanctions. Positive Law. Political Society. Independent Political Society. Sovereign. Subject. State. People. Forms of Sovereignty. Limits of Sovereignty. Whether Sovereign can have Legal Rights against his own Subjects.
7. The State.
  - The origin of the state. Various theories.
  - The theory of sovereignty.
  - The essentials of a state: Population, territory, unity, organisation, sovereignty.
  - The relation of the state to other states; the possibility and advisability of a common life and common organisation between states; the relation of great powers to lesser powers; Imperialism; Mandates; International guarantees; the League of Nations.
  - The functions of the state: legislative, executive, judicial.

8. The sources of Law: Custom. Religion. Adjudication or Judicial Decisions. Scientific Decisions of Treatises. Equity. History of Equity in Roman and English Law; Points of Resemblance. Points of Difference. Legislation.
9. Rights: Definition of Right. Duty. Positive and Negative Duties. Relative and Absolute Duties.
10. Persons: Physical or Natural Persons. Legal or Fictitious Persons.
11. Things: Classes of Things.
12. Facts: Events and Acts. Juristic Acts.
13. Will: States of Mind. Intention. Ignorance or Mistake of Fact. Ignorance or Mistake of Law. Negligence. How far some State of Mind or Mental Attitude is necessary in addition to some Act or Forbearance to occasion some Legal Right or Wrong.
14. Rights as a Central Object in Jurisprudence. Analysis of Right. Classification of Rights: Rights in Rem and in Personam. Antecedent and Remedial Rights. Normal and Abnormal Rights: Public and Private Rights. The Radical or Chief Division: Holland's. Austin Dispositive Facts and their Classification. *Ex Damno Sine Injuria Non Oritur Actio*: Examples.
15. Normal Antecedent Rights in Rem: Rights to Personal Safety and Freedom. Rights to Control over Family and Dependents. Rights to Reputation. The Right not to be impeded in Performing all Lawful Acts. The Right not to be damaged by Fraud. Rights of Ownership. Servitude and Possession. Ownership: Definition. Objects of Ownership. Servitude: Definition. Roman Classification of Servitude. English Classification. *Maxims re Servitudes*. Possession. Elements of Possession. *Corpus and Animus*. Savigny's Theory as to *Animus*. Jherings Theory. The Theory of English Law. Reasons for Protecting Possession. The Consequences of Possession. *Lien*. Pledge. Varieties of Pledge and Mortgage.
16. Normal Antecedent Rights in Personam:
  - (a) *Ex-Lege*: Domestic Privileges. Fiduciary Relations. Meritorious Obligations. Official Obligations.
  - (b) *Ex-Contractu*: Contract. Doctrine of Estoppel. Partnership. Insurance. Circumstances which terminate Rights in Personam. Remedial Rights. Extinction of Remedial Rights.

17. Civil Wrongs. Classification of Civil Wrongs. Distinction between Crimes and Civil Wrongs.
  18. Abnormal Rights. Corporations. Infants. Married Women. Lunatics. Slaves.
  19. Adjective Law of Procedure.
  20. Public Law.
  21. International Law.
  22. The Application of Law.
  23. Judiciary Law and Codification: Advantages and Disadvantages.
- II. The General Structure of the Law of Palestine.

(4) ENGLISH LAW OF CONTRACTS.

The Course will include the English Law of Contracts excluding Bills of Exchange, Bills of Lading and other special contracts except Agency.

*Outline of Course.*

1. Nature of Contract.
2. Agreement. Requisites of Agreement.
3. Obligation. Requisites of Obligation. Its Sources.
4. Elements of a Valid Contract.
5. Unenforceable, Voidable and Void Contracts.
6. Offer and Acceptance.
7. Consideration.
8. Reality of Consent. Mistake. Representation: Conditions and Warranties. Innocent Misrepresentation. Wilful Misrepresentation or Fraud. Effect of Innocent Misrepresentation and Remedies therefor. Effect of fraud and Remedies therefor. Non-disclosure. Contracts *Uberrimae fidei*. Duress. Undue Influence. Law Reform (Married Women and Tortfeasors) Act, 1935.
9. Capacity. Crown. Government servants. Aliens. Alien Enemies. Convicts. Lunatics. Drunkards. Married Women. Married Woman contracting as Agent for her Husband. Infants. Corporations. Partnerships. Clubs. Trade Unions.
10. Forms of Contract. Formal and Simple Contracts. Written and simple Contracts. The Doctrine of Part Performance.
11. Discharge of Contract: By Agreement. Performance, Impossibility, Breach, Operation of Law.
12. Remedies for Breach of Contract. Quantum Meruit. Damages. Specific Performance. Injunction.
13. Legality: Wagering and Gaming Contracts (in brief). Con-

- tracts Illegal at Common Law. Agreements in Restraint of Trade. Effect of Illegality.
14. The Limits of Contractual Obligation.
  15. Assignment of Contract.
  16. Rules relating to Evidence.
  17. Agency.

(5) CONSTITUTIONAL LAW.  
*Outline of Subject.*

PART I.

The Law and Custom of the English Constitution.

The Nature and Purpose of Constitutional Law. Laws and Conventions. Nature of Conventions of Constitution. Sanction by which they are enforced. Flexible and Rigid Constitutions. Federal Constitutions. Characteristics of a Perfect Federal System. Leading Features of the English Constitution. The Sovereignty of Parliament. Theoretical Omnipotence. Position of the Crown. Power to legislate by order in Council. Resolutions of either House of Parliament. Modern Executive. The Constituencies. Courts of Law. Actual Limitations on Sovereign Power. Internal Limits, External Limits. Effects of the Parliament Act, 1911. Provisions of the Act. Non-Sovereign Law-making Bodies. Subordinate Law-making bodies. Independent but Non-Sovereign Legislative Bodies. The Rule of Law. Its Nature and General Applications. Right of Personal Freedom. Habeas Corpus. Freedom of Speech. Freedom of Press. Rights of Public Meeting. Police and Public Meeting. Martial Law. The Armed Forces. The Revenue. Parliament. House of Lords. House of Commons. Privileges of the House of Commons. Functions of Parliament. The Crown. Prerogative of the Crown. Ministers and the Prerogative. Ministerial Responsibility. Legal Remedies for Wrongful Act of the Crown and its Servants.

PART II. The Empire:

Composition of the British Empire. The United Kingdom. The Channel Islands. Isle of Man. The Self-Governing Dominions. The Colonial Laws Validity Act, 1865. The Imperial Conference of 1926. The Statute of Westminster, 1931. Constitutions of Self-Governing Dominions. Canada. Australia. South Africa. Eire. India. Appeals from Dominions and India. Judicial Committee of Privy Council.

Colonies (Crown Colonies, Protectorates, Mandates):

Their Classification (a) according to Circumstances under which they have been acquired, (b) according to their Degrees of Legislative Autonomy. Legislation in Colonies. Colonial Laws Validity

Act, 1865. Constitutional Government in Colonies. Colonial Governor. His Powers. His Civil Liability (*a*) in Contract (*b*) in Tort. His Criminal Liability. Colonies and the Treaty-making Power. Appeals from Colonies. Their Nature. Their Classification. Principles of the Mandate.

PART III. The Mandate for Palestine and the Palestine Orders in Council, 1922-39.

Powers and Obligations of the Mandatory. The Palestine Orders in Council, 1922-39. Government of Palestine. — The Relation between Palestine and Great Britain; the constitution of the Government of Palestine; central and local government; military and civil administration. The Executive. The High Commissioner in Council. Powers of High Commissioner. The Legislature. Constitution of the Legislature. Powers of the Legislature. The *Urtas Springs* Case. The Judiciary. Judicial System of Palestine. General Courts: Magistrates' Courts and their Jurisdiction, District Courts and their Jurisdiction. Court of Criminal Assize. The Supreme Court and its Jurisdiction. The Special Courts: Land Courts. Tribal Courts. The Religious Courts and their Jurisdiction. Suspension of Capitulatory Regime.

Appeals from Supreme Court to Judicial Committee of Privy Council: In Civil Matters. In Criminal Matters. Law to be applied in Palestine. The Palestine (Defence) Order in Council, 1937. Local Autonomy. Freedom of Conscience and Communal Organisation. Educational Autonomy. Official Languages and Holy Days. International Status of Palestine. National Status of the Inhabitants of Palestine. Diplomatic Protection of Palestine Citizens Abroad. Application of Treaties and Conventions to Palestine. Holy Places. Equality of Treatment. Supervision of the Mandate by the League of Nations. Termination of the Mandate.

#### (6) LAND LAW.

1. Early Customary Land Tenures.
2. The preparation of the *Daftar Khakani* 940-960.
3. *Hoojet Sharia* and evidence of title prior to 1274.
4. Character and Origin of Ottoman Land Code.
5. Categories of Land: (*a*) *Mulk* (Different kinds of)  
(*b*) *Miri*.
6. *Mustahaki Tabu* and *Mahlul Land*: *Mahlul Land*.
7. General principles applicable to all classes of *Miri Land*.
8. *Wakf* (Different kinds of, *Wakf Sahih*, *Takhsisat Wakfs*, *Ijara Wahida*, *Ijaratein*, etc. Charitable Trusts).

9. Metroukeh (Different kinds of).
10. Mewat; Land (Mewat) Ordinance, and Articles 1051, 1052, and Chapters 5 and 6 of Title 4 of Book X of the Mejele.
11. The Tabu Law, 1275.
12. The Law of Tabu Sanads, 1276.
13. Miscellaneous Legislation.
14. (a) Leases of immovable property. Law of Leases of 25th Jamad Awal, 1299. Cultivators (Protection) Ordinance.  
(b) Mortgages of immovable property, Law of Mortgage No. 1401 of 16 Rabi Tani, 1331, and Mortgage Law (Amendment) Ordinance.
15. Right of way and rights to water.
16. Inheritance of Miri Land; Law No. 69 of 3 Rabi Awal, 1331.
17. Inheritance of Mulk.
18. Musha'a Land; Law of partition 14 Moharram, 1332.
19. Law of Expropriation; Land (Acquisition for Public Purposes) Ordinance, 1943.
20. Town Planning and Town Planning Ordinance.
21. Legislation affecting land passed since the Occupation. Jurisdiction of Land Courts.
22. Disposition of immovable property; Law of 5 Jamal Awal, 1341, No. 1435, and Land Transfer Ordinance.
23. Land Registry practice.
24. Land Settlement.

#### (7) LAW OF WAKF.

The Rules of Wakf in detail.

#### (8) LEGAL HISTORY.

The historical development of Law with particular reference to the English Common Law and Equity.

#### (9) COMMERCIAL LAW.

- I. Historical sketch on the development of Commercial Law in Palestine.
- II. The law of
  1. Partnerships;
  2. Companies;
  3. Cooperative Societies;
  4. Bankruptcy;
  5. Bills of Exchange.
- III. The principles of the law of
  1. Insurance

2. Carriage of goods by land and by sea (unrepealed articles of the Ottoman Commercial Code 56-69 and Carriage of Goods by Sea Ordinance) and the Government Railways Ordinance, 1936).
3. Copy rights, Trade Marks, Merchandise Marks, Patents and Designs.

## (10) EVIDENCE.

The course will include a study of the English Law of Evidence with special reference to evidence in criminal cases. The Palestine provisions embodying or modifying English rules (e.g. the Evidence Ordinance) will be specially studied.

*Outline of Course.*

1. Nature of Evidence.
2. Hearsay and Direct Evidence. Circumstantial Evidence. Real Evidence. Presumptions.
3. Judicial Notice.
4. Doctrines of Relevancy, Admissibility and weight.
5. Special Rules of Exclusion.
  - (a) Statements made out of Court. Doctrine of the Res Gesta. Statements admissible as evidence of bodily or mental feelings. Complaints. Admissions and Confessions. Evidence against Conspirators. Statements in Public Documents. Declarations made in course of professional duties. Declaration against interest. Dying Declaration. Declarations as to Public or General Rights. Declarations as to pedigree.
  - (b) Similar facts — exceptions to their inadmissibility.
  - (c) Opinion Evidence.
  - (d) Evidence of Character.
6. Written Proof.
 

Nature and Extent of Documentary Proof; the Best Evidence Rule; Evidence to affect Documents; Res Judicata. Evidence in former Trials.
7. Witnesses and their Examination.
 

Oath — Competency and Compellability; Evidence of Accused persons; Examination in Chief; Cross Examination and Re-examination; Leading Questions; Impeaching Credit; Evidence of Contradictory Statements; Refreshing Memory; Privilege.

## (11) PRIVATE INTERNATIONAL LAW.

The course will include:

- (1) The discussion of the nature of nationality and domicile and

a critical study of the provisions of the Palestine Citizenship Orders in Council, 1925 to 1941 Consolidated.

(2) A special study of the jurisdiction of and conflicts between the various Courts of Personal Status, established in Palestine with special reference to the provisions of the Palestine Orders in Council, 1922-1939, the Succession Ordinance, and other relevant legislation.

(3) A summary account of the principal English doctrines relating to the conflict of laws and a study of leading English and Palestinian cases.

*Outline of the Course.*

1. Nature of Private International Law.
2. Nationality and Domicile.
3. Nationality as a basis of Law and Jurisdiction. The Capitulations. Survivals of the Capitulatory Regime in the Near East.
4. Religious Jurisdiction and protection in the Orient considered historically and with special reference to existing conditions in Palestine and Egypt. Conflicts of Law in cases of Personal Status. Courts of Conflicts. Effect of Change of Religion. The Palestine Orders in Council, 1922-1939. The Succession Ordinance. Civil and Religious Courts (Jurisdiction) Ordinance. Charitable Trusts Ordinance, etc. Limits of territorial Jurisdiction.
5. Recognition of Foreign Judgments.
6. Execution of Foreign Judgments in Palestine. Judgments (Reciprocal Enforcement — Egypt) Ordinance. Judgments (Reciprocal Enforcement) Ordinance.
7. Juridical Persons in Private International Law.
8. Winding-Up and Bankruptcy.
9. Transfer of Rights over movables and immovables in Private International Law.
10. Obligations in Private International Law. Contracts. Quasi-Contracts. Torts. Special reference will be made to conflicts arising in connection with Bills and Notes.
11. Application of Laws of Procedure in Private International Law.

(12) PUBLIC INTERNATIONAL LAW.

1. Historical Sketch. Natural Law and International Law. Sources of modern International Law (Custom and Treaty). International Obligation. International Institutions. The Concert of Europe. The Hague Peace Conferences, 1899, and 1907.
2. The League of Nations. Its Constitution and Functions. The Permanent Court of International Justice. The Optional



- Clause. The International Labour Office. Other International Offices. Rights of Minority Nationalities.
3. The Mandate System. Origin and Principles of the Mandates. Differences between A, B and C Mandates. Special provisions of the Palestine Mandate.
  4. International Persons. Sovereign States. Semi-Sovereign States. Protectorates. Recognised Belligerents.
  5. State Territory. Boundary Controversies and Agreements. Territorial Waters. State Succession.
  6. International Rivers. International Canals. Neutralisation of Territories. International Communications. Rights in the open Seas.
  7. Jurisdiction of States. Territorial Jurisdiction. Jurisdiction over Nationals. Immunities from Jurisdiction. Extradition.
  8. Pacific relations between States. Representation. Diplomatic Persons. Consuls.
  9. Treaties. Form and Method of Making. Modification of Treaty — Provisions.
  10. International Arbitration.
  11. Laws and Customs of War. Rights of Belligerents against Enemy Property.
  12. International Conventions.
  13. Law of Neutrality. Belligerent Rights. Contraband and Search. Blockade. Unneutral Service.
  14. The War 1939-1945 and International Law. Modern trends.

(13) THE ENGLISH LAW OF TORTS.

(with special reference to the Civil Wrongs Ordinance, 1944).

*Outline of Course.*

1. Nature of Tort. Relation of (a) Tort and Contract. (b) Tort and Crime.
2. The General Conditions of Liability. *Damnum Sine Injuria*. *Injuria Sine Damno*. *Mens Rea*. Wrongful Intent and Malice.
3. Capacity to sue and to be sued in Torts. Assignment of Rights of Action for Torts. The Death of the Parties.
4. Persons affected by Torts: Infants. Lunatics. Married Women. Crown. Judges. Government Officials. Public Authorities Protection Act, 1893. Foreign Sovereigns. States and Ambassadors. Trade Unions. Corporations.
5. Liability for Torts of others: Joint Wrongdoers. The rule in *Merryweather v. Nixon*. Agency. Partners. Husband and

- Wife. Master and Servant. Common Employment. Employers Liability Act, 1880.
6. Defamation.
  7. Injurious Falsehoods. Slander of Goods. Slander of Title. Deceptive Trade-Names, Marks and Descriptions.
  8. Trespass to Land. Trespass and Case Distinguished. The Nature of Trespass to Land. The title of the Plaintiff. Trespass ab initio. Six Carpenters Case. Defences to an Action for Trespass: Leave and Licence. The Rule in Wood and Lead-bitter. Prevention of Trespass. Re-entry on Land. Defence and Recaption of Chattels. Execution of Legal Process. Distress. Distress Damage Feasant. Abatement of Nuisances. Necessity. Accident. Trespass beneath the Surface. Trespass above the Surface. Remedies: Abatement. Ejectment. The Rule in Asher v. Whitlock. Action for Mesne Profits. Action for Damages.
  9. Nuisance. Public Nuisance. Remedies for Public Nuisance. Nuisance to Highway. Absolute Liability for Danger to Highway. Private Nuisance. Who can sue for a Nuisance. Distinction between Nuisance and Trespass. Disturbance of Easements. Disturbance of: Right of Way, Right of Support, Right to Light, Right to Air, Right to Water. Ineffectual Defences to an Action for Nuisance. The Rule in Rylands v. Fletcher. Exception to the Rule. Remedies for Nuisance. Defences. Liability for Fire. With whom does Liability for Nuisance lie.
  10. Conversion and other Injuries to Chattels.
  11. Injuries to the Person, Death. Fatal Accidents Act, 1846. Assault and Battery. Defences to an Action for Assault. The Right to recover Damages for Nervous Shock. False Imprisonment. Defences. Malicious Prosecution.
  12. Negligence. The Duty of Care. The Standard or Measure of Care. Children and Negligence. Intervening Acts of Negligence. Proof of Negligence. Res Ipsa Loquitur. Defences to Negligence. Inevitable Accident. Volenti Non Fit Injuria. Common Employment. Contributory Negligence. The Rule in Davies v. Mann. British Columbia Electric Railway Co. v. Loach.
  13. Liability of Occupiers for Dangerous State of Premises to those who come on them: Those entering in pursuance of a

- Contract. Invitees. Licensees. Trespassers. Liability of the Owner of the Premises.
14. Liability for Dangerous Chattels: Liability of Possessor to Persons permitted or invited to make use of them. Liability of him who delivers a Dangerous Chattel for Damage suffered by Recipient. Liability for Damage suffered by some Third Person. Liability for Animals. Scienter.
  15. Injuries to Domestic Relations: Parent and Child: Master and Servant: Seduction. Other injuries. Husband and Wife.
  16. Deceit. Rule in *Derry v. Peek*. Exceptions to Rule in *Derry v. Peek*.
  17. Conspiracy; Intimidation; of plaintiff himself; of other Persons to the Injury of the Plaintiff. *Quinn v. Leatham*. Trade Disputes Acts.
  18. Maintenance.
  19. Inducement of Breach of Contract.
  20. The Breach of Statutory Duties.
  21. Classes of Remedies for Torts: (a) Judicial Remedies. Damages: Kinds of Damages. Remoteness of Damage. In *Re Polemis and Furness, Withy and Co.* Actus Interveniens of Plaintiff. Actus Interveniens of Third Person. Successive Actions on same Facts. Injunctions. (b) Extra Judicial Remedies.
  22. The Limitation of Actions.
  23. Felonious Torts.
  24. Foreign Torts.
  25. Law Reform (Miscellaneous Provisions) Act, 1934. Law Reform (Married Women and Tortfeasors) Act, 1935.
  26. Workmen's Compensation.

(14) FORENSIC MEDICINE.

Medical Evidence. Examination of the Dead. Medico-legal Post Mortem Examinations. Dying Declaration — Modes of Death, etc. Wounds. Gunshot injuries. Burns. Scalds. Medico-legal Examination of Wounds. Suicidal, Homicidal, and Accidental Wounds. Examination of Blood Stains. Seminal Stains. Identity of the Living and the Dead. Asphyxia, Suffocation — Strangulation — Hanging — Drowning — Irrispiroth Cases (Carbon Monoxide, etc.). Pregnancy in relation to Legal Medicine — Criminal Abortion. Infanticide. Rape. Insanity in its medico-legal relations.

(15) EQUITY.

The nature, origin and history of Equity.  
The Judicature Acts.

The Maxims of Equity.  
 Equitable interests, Priorities and Assignments.  
 Trusts generally. Cy prés doctrine.  
 Express Private Trusts.  
 Express Public (or Charitable) Trusts.  
 Implied or resulting Trusts.  
 Constructive Trusts.  
 Trustees (their appointment and removal, their duties and powers, breach of trust, etc.).  
 Charitable Trusts Ordinance.  
 Conversion.  
 Reconversion.  
 Election.  
 Performance.  
 Satisfaction.  
 Penalties and Forfeitures (relief from penalties and relief from forfeitures).  
 Specific Performance.  
 Injunction.

#### (16) CIVIL PROCEDURE.

- I. Historical Sketch on the development of Civil Procedure in Palestine.
- II. Jurisdiction of Civil Courts; Crown Actions Ordinance; Registrars Ordinance.
- III. 1. Civil Procedure Ordinance, 1938, and unrepealed Articles of the Ottoman Civil Procedure Code.  
 2. The Civil Procedure Rules, 1938, with amendments; Magistrates' Courts Procedure Rules, 1940; High Court Rules, 1937.
- IV. Principles of the Ottoman Execution Law; Debt (Imprisonment) Ordinance; Contempt of Court Ordinance.
- V. Ottoman Law of Notary Public, Articles 42 to 73, and Notaries Public (Foreign Documents) Ordinance (Cap. 99).
- VI. Arbitration Ordinance and Arbitration Rules.
- VII. Drafting of Pleadings.

#### (17) CRIMINAL PROCEDURE.

Definition and Objects of Criminal Procedure.  
 Organisation, Constitution, Jurisdiction and Procedure of Criminal Courts in Palestine (including Municipal and Coroners' Courts).  
 Powers of Attorney General.  
 Powers of Police.

Contempt of Court.  
 Place of Trial.  
 Change of Venue.  
 Release on Bail.  
 Proceedings in Absence of Accused.  
 Proceedings against Officials.  
 Arraignment and Plea.  
 Procedure on Plea of Insanity.  
 Res Judicata. Prescription.  
 Judgment — Sentence — Execution of Sentence.  
 Costs.  
 The Civil Claimant — Procedure in Respect of Civil Claims.  
 Appeal.  
 Pardon or Remission of Sentence.  
 Procedure for Extradition.

The Course will include a study of all appropriate Palestine legislation, e.g. —

Criminal Procedure (Trial Upon Information) Ordinance, Cap. 36.  
 Magistrates' Courts Jurisdiction Ordinance, 1939.  
 Civil Trial of Members of the Forces Ordinance, Cap. 19.  
 Criminal Procedure (Arrest and Searches) Ordinance, Cap. 33.  
 Contempt of Court Ordinance, Cap. 23.  
 Crime (Prevention.) Ordinance, Cap. 30.  
 Coroners Ordinance, Cap. 26.  
 Release on Bail Ordinance, 1944.  
 Probation of Offenders Ordinance, 1944.  
 Extradition Ordinance, Cap. 56.  
 Poor Prisoners Defence Ordinance, Cap. 113.

#### (18) INTERPRETATION.

##### 1. Introduction.

##### 2. General rules of construction of Enactments:—

- (a) General Rules of Construction where the Meaning is plain;
- (b) Rules of Construction when the Meaning is not plain;
- (c) What may or what may not be implied when the Meaning is not plain;
- (d) What Sources of Information outside an Enactment may be used for throwing light upon its meaning;
- (e) Interpretation of Words;
- (f) Effect of one Part of an Enactment upon the construction of the other parts.

3. Effect and operation of Enactments:— Doctrine of Ultra Vires.
  - (a) Effect of Enactments creating duties;
  - (b) Enabling Enactments;
  - (c) Subordinate Legislation.
  - (d) Effect on earlier Enactments.
  - (e) Commencement and Duration of effect of Enactments.
4. Penal Enactments.
  - (a) Definition and Construction of Penal Enactments.
  - (b) Effect of Penal Enactments.

(19) ORDINANCES. (MISCELLANEOUS).

The Course will extend to an examination of the general principles of the following Ordinances which are not specifically dealt with in other subjects.

Antiquities Ordinance (Cap. 5).

Customs Ordinance (Cap. 42).

Forests Ordinance (Cap. 61).

Press Ordinance (Cap. 116).

Succession Ordinance (Cap. 135).

Taxes (Collection) Ordinance (Cap. 137).

Trades and Industries (Regulation) Ordinance (Cap. 143).

Municipal Corporations Ordinance, 1934.

Usurious Loans Ordinance, 1934.

Dangerous Drugs Ordinance, 1936.

Fisheries Ordinance, 1937.

Advocates Ordinance, 1938.

Law Council Ordinance, 1938.

Rates and Taxes (Exemption) Ordinance, 1938.

Rent Restrictions (Dwelling-Houses) Ordinance, 1940.

Immigration Ordinance, 1941.

Income Tax Ordinance, 1941.

Local Councils Ordinance, 1941.

Rent Restrictions (Business Premises) Ordinance, 1941.

Department of Labour Ordinance, 1943.

Administrator General Ordinance, 1944.

Village Administration Ordinance, 1944.

Weights and Measures Ordinance, 1944.

Accidents and Occupational Diseases (Notification) Ordinance, 1945.

Employment of Children and Young Persons Ordinance, 1945.

Employment of Women Ordinance, 1945.

(20) BOOKKEEPING.

(With particular reference to legal practice in Palestine).

## (21) RELIGIOUS LAW.

- (1) Sharia Law.
- (2) Jewish Religious Law.

Marriage.

Dowry.

Maintenance.

Divorce.

Succession.

Parentage.

Adoption and Affiliation.

Guardianship.

Wills and Legacies.

Procedure before the Sharia Courts or Jewish Religious Courts.

*And add:* This schedule was re-enacted by the 1945 (No. 3) Amendment Rules.

*Cross out from: line No. 1 to the end of the page and substitute:*  
Notice of 23.5.45. P.G. 1413 of 31.5.45, sup. 2, p. 597.

P. 261.  
ORDERS  
IN FORCE.

## N O T I C E

IT IS HEREBY NOTIFIED FOR GENERAL INFORMATION that, in exercise of the powers vested in him by section 3 of the Law Council Ordinance, 1938, and all other powers enabling him in that behalf, the High Commissioner has appointed the following persons to be members of the Law Council, under the Chairmanship of the Attorney General, with effect from the 7th day of June, 1945:—

- The Director of Education.
- The Solicitor General.
- The President of the District Court of Jerusalem.
- Mr. Justice Frumkin, C.B.F.
- Mr. Justice Abdul Hadi.
- Mr. F. Khayat, C.B.E.
- Mr. M. Eliash.
- Dr. M. Sinoira.
- The Chief Magistrate, Jerusalem.
- Mr. Norman De Mattos Bentwich, O.B.E., M.C.
- Mr. Henry Cattan.
- Omar Eff. Barghuthy.
- Mr. H. Kantrovitch.
- Sheikh Husam-Eddin Eff. Jarallah, M.B.E.

*Delete from line 1 up to line 7 and substitute:*  
*Previous Orders:*

P. 262.

1. 23.11.38. P.G. 843 of 24.11.38, sup. 2, p. 1495.
2. P.G. 1199 of 7.6.42, sup. 2, p. 970.
3. P.G. 1365 of 19.10.44, sup. 2, p. 1058.

Order No. 2 substituted a member and reappointed the remaining members with retroactive effect from 21.11.41. Order No. 3 substituted a member. The last two appointments were validated by sec. 7(1) of the Law Council (Amend.) Ord., 1945.

See also notes to sec. 3 of the Principal Ordinance.

#### AIR NAVIGATION.

P. 288.  
Damage or loss:

*Add: Acts between of and Order.*

P. 298, l. 7.

*Substitute: also in force: for omitted in Drayton:*

l. 10.

*Substitute: (No. 3) for (No. 4).*

l. 11.

*Substitute: (No. 4) for (No. 3).*

#### ANIMAL DISEASES.

P. 417, l. 8.

*Add at the end thereof:*

*The legislation is borrowed from various English statutes which are collectively known as the Diseases of Animals Act, 1894 to 1927. Cross out after ENACTMENTS:*

*Animal Diseases Ord., Cap. 3 as amended and substitute:*

*Animal Diseases Ord., No. 43 of 1945.*

*Cross out the three lines following the title and substitute:*

*No. 43 of 1945.*

#### AN ORDINANCE TO REPEAL AND REPLACE THE ANIMAL DISEASES ORDINANCE, CAP. 3.

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

Short title.

*Add after Ordinance;*  
1945.

*And Add: The following particulars relate to the Ordinance as it appeared in Cap. 3. In 1945 the new Ordinance was substituted. (P.G. 1457 of 24.11.45; Ord. dated 20.11.45. Draft in P.G. 1411 of 24.5.45).*

*Cross out and substitute by the following:*

P. 418  
(Interpretation)  
up to p. 430.  
end of sec. 25.

#### PART I. — INTERPRETATION.

Interpretation.

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

“animal” means stock, dogs, cats, monkeys and rabbits;



“carcase” means the carcase of an animal, and includes part of the carcase and the meat, bones, hide, skin, hoofs, horns, wool, offal or other part of an animal;

“cattle” means bulls, buffaloes, cows, oxen, heifers and calves;

“Chief Veterinary Officer”, “Veterinary Officer”, “Assistant Veterinary Officer” and “Stock Inspector” mean the officers appointed to those respective posts by the High Commissioner;

“disease” means—

cattle plague	sarcoptic mange of camels
foot and mouth disease	psoroptic and sarcoptic
contagious bovine pleuro- pneumonia	mange of sheep and goats
anthrax	sheep pox
haemorrhagic septicaemia	goat pox
blackquarter	parasitic gastro-enteritis of
anaplasmosis	sheep and goats
piroplasmosis	brucellosis of goats, sheep
theileriasis	and swine
bovine contagious abortion	swine fever
tuberculosis	swine erysipelas
bovine malignant catarrh	leishmaniasis of dogs
glanders	fowl cholera
epizotic lymphangitis	fowl plague
ulcerative lymphangitis	fowl pox
African horse-sickness	fowl typhoid
equine encephalomyelitis	bacillary white diarrhoea
dourine	of poultry
trypanosomiasis	salmonellosis of poultry
sarcoptic and psoroptic mange	and rabbits
of horses, mules and don- keys	cell inclusion disease of poultry
	Newcastle disease;

“District Officer” means an officer appointed as such by the High Commissioner;

“fodder” means hay, grain or other substance commonly used for the food of animals;

“litter” means straw or other substance commonly used for bedding or otherwise for or about animals;

“owner”, in relation to any animal, carcase, litter, dung or fodder includes, except for the purposes of section 15 of this Ordinance, any person, other than a veterinary officer or stock inspector acting in his official capacity, who is or holds himself out to be the owner or part owner of the animal, carcase, litter, dung or fodder, or the agent of any such person aforesaid, or the person in possession of, or beneficially interested in, or having control or charge of, or power of disposition over, the animal, carcase, litter, dung or fodder, or in, or on, whose premises the animal, litter, dung or fodder is permitted to live, be or remain, as the case may be; and the occupier of any premises in which, and the driver of any vehicle or the master of any vessel or the commander of any aircraft in which, any animal, carcase, litter, dung or fodder is found, shall be presumed to be the owner thereof unless such person proves that some other person in Palestine is the owner thereof;

“owner”, for the purposes of section 15, means the person who, immediately prior to the slaughter of the animal, would have been entitled, but for any restriction imposed by or by virtue of this Ordinance or any rules thereunder, to sell the animal, it being assumed not to be subject to any pledge, lien or other similar obligation;

“poultry” means domestic fowls, ducks, geese, pigeons, guinea fowls and turkeys;

“stock” means cattle, sheep, goats, camels, horses, mules, donkeys, swine and poultry;

“stock inspector” means a person holding the post of Stock

Inspector and any person appointed by the Chief Veterinary Officer, or by any person authorised by him in that behalf in writing, to be a stock inspector for the purposes of this Ordinance;

“veterinary officer” means the Chief Veterinary Officer, Veterinary Officer or Assistant Veterinary Officer, and any other person (being a person licensed under the Veterinary Surgeons Ordinance to practise veterinary surgery in Palestine) holding any office under the Government which the Chief Veterinary Officer may, by notice published in the *Gazette*, declare to be an office the holder of which is included in the term “veterinary officer” for the purposes of this Ordinance.

(2) The High Commissioner may, by order published in the *Gazette*, vary the definitions of “animal”, “disease”, “poultry” or “stock” by the addition thereto, or the deletion therefrom, of any animal, bird or disease, as the case may be.

(3) The Chief Veterinary Officer may, whenever he is of opinion that it is urgently necessary so to do in the public interest, by order published in the *Gazette*, vary the definitions of “animal”, “disease”, “poultry” or “stock” (whether or not any of such definitions has been varied by any order under sub-section (2)), by the addition thereto, or the deletion therefrom, of any animal, bird or disease, as the case may be: Provided that an order under this sub-section shall not remain in force after the expiration of a period of ten days from the date of the publication of such order in the *Gazette*: Provided, further, that the High Commissioner may, before the expiration of the said period, by order published in the *Gazette*, revoke or vary any such order made by the Chief Veterinary Officer.

#### PART II. — MEASURES FOR CHECKING DISEASE.

3. Every person having in his possession or charge any animal affected, or suspected by him of being affected, with disease shall as soon as possible—

(a) give notice thereof to the mukhtar or other head of the village (not being a village having a village council) or

Diseased  
animals to be  
notified and  
separated.

the sheikh of the tribe in or in the lands of which such animal is, or, where such animal is within the area of a municipal corporation, to the veterinary officer, or, if there is none, to the town clerk, of such municipal corporation, or, if the animal is within the area of jurisdiction of a local council, village council or other local authority, to the clerk of such council or authority or other official thereof exercising similar functions, or to the nearest police officer or District Officer;

(b) keep such animal separate from animals not so affected or suspected;

(c) cause such animal to be tied up or to be in an enclosed place:

Provided that, if the person in possession or charge of the animal is travelling by sea, he shall inform the customs authorities on arrival at a port in Palestine, and if he is travelling by land, he shall inform the nearest police officer.

Notification to be forwarded to veterinary officer.

4. Any officer or person mentioned in paragraph (a) of section 3, and any person licensed as a veterinary surgeon, who is notified that an animal is affected or suspected of being affected with disease, or who otherwise becomes aware thereof, or who learns or becomes aware of the prevalence of disease or suspicious mortality among animals, shall forthwith notify the nearest veterinary officer, who may give such directions and take such steps as may be necessary for the purpose of ascertaining the existence and nature of the disease and, on being satisfied that such disease exists, shall make a report to the Chief Veterinary Officer.

Farmers to be notified of outbreak.

5. A District Officer may, on being satisfied as to the existence within his district of a disease affecting animals, take such steps as he may deem practicable to cause mukhtars and occupiers of farms and owners of animals in the neighbourhood to be notified thereof.

Slaughter of animals diseased or suspected of disease.

6. Any veterinary officer may give directions to the owner of any animal which is affected with any disease or is suspected by the veterinary officer of being so affected or to the owner of any animal

which has been in contact with any such animal as aforesaid or has been otherwise exposed to the infection or contagion of any disease, requiring such owner to slaughter the animal, or cause the animal to be slaughtered, either forthwith or within such time as the veterinary officer may specify.

7. — (1) Where an animal dies of disease, or is slaughtered under the provisions of section 6, any District Officer or veterinary officer or stock inspector may give directions with reference to the burial, destruction or disposal of the carcase of such animal, or of any litter, dung or fodder with which such animal has been in contact, or of any litter, dung or fodder which may otherwise have been exposed to infection or contagion of the disease of such animal.

Disposal of  
carcases of  
affected  
animals, etc.

(2) Any directions given under subsection (1) may —

(a) require the animal, carcase, litter, dung or fodder to be buried, destroyed or disposed of either forthwith or within such time as may be specified by the officer or inspector giving the directions;

(b) authorise the burial of the carcase of the animal in any ground in the possession or occupation of the owner of the animal and suitable in that behalf or in any common or in uninclosed land.

8. — (1) Any veterinary officer or stock inspector may, if at any time he considers it necessary or desirable so to do in order to prevent spread of disease, direct the owner of any animal to have the animal examined, inoculated or otherwise treated, branded or otherwise marked, dipped, sprayed, washed or otherwise disinfected, or to quarantine the animal for such period as the officer or inspector may specify.

Powers as to  
examination,  
treatment, etc.

(2) Any veterinary officer may prohibit the slaughter by any person of any animal which is under treatment by virtue of the provisions of subsection (1) or which is under treatment by any person licensed as a veterinary surgeon, or which is otherwise under veterinary treatment, or which is undergoing a period of quarantine, and any veterinary officer may prohibit the use of the produce of such animal including milk, for such period as he may deem fit to

direct, or may permit such slaughter or use subject to such conditions as he may deem fit.

Powers as to  
disinfection, etc.  
of premises  
and things.

9. — (1) Any veterinary officer or stock inspector may direct the owner or occupier of any place or structure in which any animal affected, or suspected by such officer or inspector of being affected, with disease is or was kept or found, or the owner or person having possession or control of anything used for, on or about such animal, or for the conveyance of, or of the produce of, such animal, to cleanse or disinfect or cause to be cleansed or disinfected such place, structure or thing in such manner and within such time as the veterinary officer or stock inspector may specify.

(2) Whenever a veterinary officer is of opinion that the state of any place, structure or thing mentioned in subsection (1) is such that the cleansing or disinfection thereof will be ineffective to prevent the spread of disease, he may give directions to the owner or occupier of such place or structure, or to the owner or person having possession or control of such thing, prohibiting him from keeping in such place or structure, or from permitting any other person to keep in such place or structure, any animals, or from using, or from permitting any other person to use, such thing for, on or about any animals, or for the conveyance of, or of the produce of, any animals for such period as he may deem fit, or for permitting the same subject to such conditions as he may deem fit.

Power to carry  
out tests.

10. Any veterinary officer may, for the purpose of detecting or diagnosing disease, take or cause to be taken from any animal or carcase, blood smears or any other specimen, or apply or cause to be applied thereto any test which he may consider necessary.

Power to pro-  
hibit exhibition  
of animals,  
slaughter, etc.

11. The Chief Veterinary Officer may, for the purpose of preventing the spread of any disease, prohibit the holding of any exhibition of animals in any place, or the sale of animals in open markets or in private sale yards, or the slaughter of animals for food, in any place, or the sale of carcasses in any place, or may permit the holding of such exhibition, sale or slaughter subject to such conditions as he may deem fit.

Power of entry.

12. — (1) Any District Officer or veterinary officer or stock inspector may enter any place, structure, vehicle, vessel or aircraft

containing or suspected to contain any animals, carcasses, litter, dung or fodder, and may examine the same for the purpose of ascertaining whether any animal therein is suffering from any disease, or whether any such animal, carcase, litter, dung or fodder is capable of transmitting disease, or for the purpose of ascertaining whether this Ordinance or any rules thereunder or any orders, directions, prohibitions or conditions made, given or imposed under this Ordinance or any rules thereunder, have been contravened.

(2) Any veterinary surgeon employed by a municipal corporation or local council and any other person authorised generally or specially in writing so to do by a District Commissioner, may enter any place, structure, vehicle, vessel or aircraft containing or suspected of containing any stock or carcasses thereof, and may examine the same for the purpose of ascertaining whether this Ordinance or any rules thereunder or any orders or directions, prohibitions or conditions made or given or imposed under this Ordinance or any rules thereunder in respect of the slaughter of such animals or of the sale of their carcasses have been contravened.

13. The owner of any animal, carcase, litter, dung or fodder shall produce the same for inspection when called upon to do so by any District Officer, veterinary officer or stock inspector at such place and within such time as such officer or inspector may direct.

Power to inspect.

14. — (1) Where any officer or person is empowered by this Ordinance or by any rules thereunder to give any directions for the doing of any act or thing, that officer or person may, in lieu of giving such directions, himself do or cause to be done that act or thing.

General powers.

(2) Where any person is required by this Ordinance or any rule thereunder, or by any order, direction or condition made, given or imposed under this Ordinance or any rule thereunder, to do any act or thing, any District Officer, veterinary officer or stock inspector may, at any time before the requirement is complied with by the person concerned (whether or not the time allowed for fulfilling the requirement has expired), himself do that act or thing or cause the same to be done.

(3) Where any act or thing is done by a District Officer, veterinary officer or stock inspector in pursuance of the powers conferred by this section, it shall be deemed to have been done at the expense of any person or persons to whom the direction might have been given or to whom the requirement was applicable, as the case may be, and section 27 of this Ordinance shall apply accordingly.

(4) A District Officer, veterinary officer or stock inspector shall have all such ancillary powers as may be necessary for the doing of any act or thing in accordance with subsections (1) and (2) or of performing any duty or exercising any power imposed or conferred by this Ordinance or any rule thereunder, including power to enter upon any place, structure, vehicle, vessel or aircraft and power to take possession of and detain any animal, carcass, litter, dung or fodder, and any vehicle, vessel or aircraft, and any power which could have been authorised by any directions given under this Ordinance or any rules thereunder.

#### PART III. — COMPENSATION.

Compensation  
to be paid  
for slaughter.

15. — (1) The High High Commissioner may, by notice published in the *Gazette* prescribe the maximum amount of compensation to be payable under subsection (2) in respect of any kinds or species of animal slaughtered under the provisions of this Ordinance. Any such notice shall come into force as from such date, whether past or future, as may be prescribed therein, or, where no date is so prescribed, on the date of its publication in the *Gazette*.

(2) Subject to the provisions of section 16, compensation for an animal slaughtered under the provisions of this Ordinance shall be paid to the owner thereof by the Government as follows:—

(a) where the animal was affected with disease, one half of its value immediately before it became so affected, but so that the compensation shall not exceed one half of the maximum amount of compensation prescribed by the High Commissioner under subsection (1) in respect of the kind or species to which such animal belongs;

(b) where the animal was not so affected but was suspected of being so affected, the value of such animal immediately



before it was slaughtered, but so that the compensation shall not exceed the maximum amount of compensation prescribed by the High Commissioner under subsection (1) in respect of the kind or species to which such animal belongs:

Provided that where the carcase of any such animal is returned to the owner thereof as fit for use, the value of such carcase shall be deducted from the amount of compensation payable under this subsection.

(3) The value of any animal slaughtered under the provisions of this Ordinance and of any carcase found fit for use shall, for the purposes of this Ordinance, be assessed by a veterinary officer whose decision thereon shall be final.

(4) If the owner of an animal slaughtered under the provisions of section 6 has an insurance on the animals, the amount of the compensation awarded and paid to him under this Ordinance may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect thereof.

16. — (1) No compensation shall be paid in respect of any dog, cat or monkey which is slaughtered under the provisions of this Ordinance.

Cases where compensation may be withheld.

(2) Compensation in respect of any animal slaughtered under this Ordinance may be wholly or partially withheld where the owner of the animal has contravened this Ordinance or any rules thereunder or any order, direction, prohibition or condition made, given or imposed under this Ordinance or any rules thereunder; and no compensation shall be payable in respect of an animal slaughtered if the animal was affected with disease when imported into the country, or became affected before it was passed by the inspecting officer at the port or place of entry into the country, or if it was imported into the country in contravention of this Ordinance or any rule thereunder or of any order, direction, prohibition or condition made, given or imposed under this Ordinance or any rule thereunder.

#### PART IV. — INFECTED AREAS.

17. — (1) Any area, village or place may be declared to be an infected area under the provisions hereinafter contained in this

Declaration of infected areas.

section whenever the officer authorised to make such declaration is satisfied that a disease exists in the area, village or place or any part thereof, or that a disease has recently so existed.

(2) The Chief Veterinary Officer may, by order published in the *Gazette*, declare any area, village or place to be an infected area for the purposes of this Ordinance.

(3) A veterinary officer may declare any village to be an infected area for the purposes of this Ordinance by serving a notice to that effect on the mukhtar of such village, and the mukhtar shall thereupon take forthwith such steps as he may deem practicable to give publicity in the village to the declaration. A veterinary officer, upon serving a notice as aforesaid, shall also notify the Chief Veterinary Officer of the terms of the notice and the Chief Veterinary Officer shall within ten days of the notice and the service of the notice upon the mukhtar (unless the declaration is previously rescinded) cause such notice to be published in the *Gazette*.

(4) A veterinary officer may declare any place to be an infected area for the purpose of this Ordinance by serving a notice on the occupier or, if there be no occupier, on the owner of such place.

(5) A declaration under the preceding subsections shall state the disease in question and shall describe the site and limits of the area or place or state the name of the village, as the case may be.

(6) Without prejudice to the power of the Chief Veterinary Officer to vary or rescind any declaration under subsection (2) and to the power of a veterinary officer to vary or rescind any declaration under subsections (3) and (4), any such declaration of the Chief Veterinary Officer may be varied or rescinded by the High Commissioner and any such declaration of a veterinary officer may be varied or rescinded by the Chief Veterinary Officer in the same manner as the declaration could be varied or rescinded by the officer by whom it was made.

Provisions to  
apply to in-  
fected areas.

18. — (1) Save as provided in subsection (3), the following provisions shall apply in relation to any infected area —

(a) no person shall move any animal into or out of any such area save with the written permission thereto of a

- veterinary officer and in accordance with any conditions which may be contained therein;
- (b) owners of animals in such area shall herd or keep them as far as possible from any public road;
  - (c) a veterinary officer or stock inspector may direct the owner of any animal within such area to isolate the animal from other animals within such area or to remove such animal within a stated period from such area to such other place as he may direct;
  - (d) a veterinary officer or stock inspector may cause any animal in such area to be branded with such mark as he may think fit;
  - (e) no person shall leave such area without having complied with such general or special directions for preventing the spread of disease as may be given by a veterinary officer or a stock inspector;
  - (f) where any animal dies of disease, the owner of such animal shall forthwith burn the carcase thereof or bury the same at a depth of not less than two metres below the surface of the ground;

Provided that with the approval of a veterinary officer and subject to such conditions as he may impose, the carcase may be removed to any place for the purpose of its conversion into animal or poultry feeding stuff or into any other product;

- (g) no thing used for, on or about any animal affected or suspected of being affected with disease within such area, or for the conveyance of, or of the produce of, any such animal within such area shall be moved out of such area, save with the written permission thereto of a veterinary officer and in accordance with any condition which may be contained therein.

(2) Any person negligently allowing an animal to escape from or stray into an infected area shall be deemed to have moved the animal out of or into such area, as the case may be.

(3) The provisions of subsection (1) may be varied (whether by addition or deletion), or may be replaced, in whole or in part, by rules made under this Ordinance, either as regards infected areas generally or as regards any specified infected area.

(4) The powers conferred by or under this section shall be without prejudice to any other powers conferred by or under this Ordinance.

Notification  
of disease.

19. The Chief Veterinary Officer may, by notice published in the *Gazette*, declare any disease to be a disease communicable to human beings. The occurrence of such disease shall be reported with all reasonable speed by the veterinary officer to the nearest medical officer.

#### PART V. — RULES.

Rules.

20. The High Commissioner may make rules for carrying out the purposes and provisions of this Ordinance, and in particular for all or any of the purposes following:—

- (a) the control, examination, detention, inoculation, disinfection, removal, branding, dipping, testing or slaughter of animals affected or suspected of being affected with any disease, or of any animals exposed to infection or especially liable to become infected with any disease;
- (b) prescribing and regulating the destruction, burial, disposal or treatment of carcasses, fodder, litter, utensils, dung or other things being in an infected place or area, or removed therefrom;
- (c) prohibiting or regulating the digging up of carcasses which have been buried;
- (d) prohibiting or regulating the movement of animals, carcasses, litter, dung or fodder within Palestine;
- (e) prescribing quarantine for diseased animals or animals which have been in contact with animals suffering from disease or especially liable to become infected with disease;
- (f) prohibiting or regulating the importation into, or exportation from, Palestine of animals, carcasses, litter, dung or fodder, and prescribing the conditions under which such importation or exportation may take place;

- (g) prescribing the cleansing and disinfection of buildings and places wherein animals have been or are stalled or kept, and of public markets, private sale yards, railway premises or vehicles wherein any animal shall have been placed, kept or carried;
- (h) prescribing the disinfection of persons and their clothing and personal effects coming into contact with or employed with animals suffering or suspected to be suffering with a disease or being in an infected area;
- (i) prescribing fees and charges for the examination, inoculation, testing, dipping, disinfection or slaughter of animals or for any certificate, licence, permit or other document issued or done under any rule under this Ordinance, and for the feeding and stabling of animals detained in quarantine and the examination and disinfection of hides or other animal parts, and providing generally for the payment and recovery of expenses incurred by the Government under this Ordinance;
- (j) prohibiting or regulating the importation into, or use within Palestine of any organism causing disease and the importation into, or manufacture or use within, Palestine of any veterinary vaccine, serum or analogous product used in the prevention, treatment or diagnosis of disease;
- (k) prescribing and regulating the slaughter of animals, including the inspection thereof and of the carcasses thereof, and the use, construction and arrangement of slaughter houses and animal markets;
- (l) prescribing and regulating the issue and direction of licences respecting movement and removal of animals and things;
- (m) prescribing and regulating the seizure, detention and disposal of any animal in relation to which a contravention of this Ordinance or of any rule thereunder, or of any order, direction, prohibition or condition made, given or imposed under this Ordinance or any rule thereunder has been committed;

- (n) prescribing the duties of local authorities under this Ordinance; and
- (o) generally, for the prevention of the spread of disease of animals and for giving effect to the purposes of this Ordinance.

PART VI. — MISCELLANEOUS.

Saving of acts done under the Ordinance.

21. No action shall lie against the Government or any officer thereof for any act done in good faith under the provisions of this Ordinance or any rules thereunder, or of any order, direction, prohibition or condition made, given or imposed under this Ordinance or any rules thereunder, and, save as herein provided, no compensation shall be payable to any person for any act done under this Ordinance, unless the High Commissioner otherwise directs.

In criminal matters the protection afforded by this section can only be extended to acts which are authorized by the Ordinance. Thus, it does not protect a Government officer who shoots a dog in compliance with superior orders which are not authorized by the Ordinance (CR. B. M., Jm. 14/33) (1). In the absence of *mala fides* public officers are protected by the section in claims for damages (*ibid*).

Power of arrest without warrant.

22. — (1) Where a person is seen or found committing, or suspected of being engaged in committing, a contravention of this Ordinance or any rules thereunder, or of any order, direction, prohibition or condition, made, given or imposed under this Ordinance or any rules thereunder, any District Commissioner, District Officer, veterinary officer, stock inspector or police officer, may, without warrant, stop and detain him; and if his name and address are not known to such officer, and such person fails to give them to the satisfaction of the officer, the officer may, without warrant, arrest him: Provided that, where the officer arresting is not a police officer, he shall without unnecessary delay, make over the offender to a police officer or, in the absence of a police officer, take the offender to the nearest police station.

See CR.A.D.C., T.A. 106/44(2).

(2) Any veterinary officer, stock inspector or police officer may seize and examine any animal, carcase, vehicle, vessel or thing

(1) P.P. 6.3.33, decided on the former section. See title *CRIMINAL LAW*.

(2) 1945, S.C.D.C. 131 of 134-5.

with regard to which he suspects that any such offence has been or is being committed and may order the same to be taken back to any area or place wherefrom it may be suspected to have been unlawfully removed or may remove it to any place and detain it there subject to the orders of a magistrate. Any seizure and detention so made shall be reported as soon as practicable and without unnecessary delay by the officer to a magistrate having jurisdiction in the district within which the seizure has been made.

23. — (1) If any person contravenes this Ordinance or any rule thereunder, or any order, direction, prohibition, condition, notice or permit made, given or imposed under this Ordinance or any rules thereunder, or obstructs any person exercising any powers, or performing any duties, conferred or imposed on him by or under this Ordinance or any rules thereunder, or any order, direction, prohibition or condition made, given or imposed under this Ordinance or any rules thereunder, he shall be guilty of an offence against this Ordinance and shall be liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine. Penalties.

(2) Whenever any person shall have been convicted of an offence against this Ordinance, the court convicting such person may, in addition to or in lieu of imposing any other punishment, order that the animals or things or any of them in respect of which such offence has been committed shall be forfeited.

(3) Whenever it shall be reported to a magistrate that any animal or thing has been seized and detained under the preceding section but that the person who is alleged to have committed an offence in respect thereof is unknown or cannot be found, the magistrate may, if satisfied that there is reason to believe that such offence has been committed, order the animal or thing to be forfeited:

Provided, however, that no order shall be made unless the owner (if his name and whereabouts are known) shall have had an opportunity of appearing before the magistrate to show cause why such order should not be made.

It was held in CR.A. 17/43<sup>(3)</sup> as decided under the former law, that the proviso was limited to the sub-section.

<sup>(3)</sup> 10, P.L.R. 119; 1943, A.L.R. 102.

(4) The magistrate may order that the owner of any animal or thing seized and detained under the preceding section shall pay to the veterinary officer such sum as he may consider reasonable to cover the expenses connected with the removal of such animal or thing to the place of detention, and, in the case of an animal, the cost of its maintenance during such detention, and that unless such sum be paid within a time to be specified in the order, the animal or thing shall be forfeited.

"*Animal or thing*": This expression was held to include meat (C.R.A. 17/43)<sup>(3)</sup>.

"*Magistrate*": M.A. 61/27<sup>(4)</sup>, concerning a conviction under the equivalent section in the former law, by a magistrate with a limited warrant, is now obsolete.

Award of part  
of fine to  
informers.

24. Whenever the court convicting a person of an offence against this Ordinance inflicts a fine on such person, the court may award any portion of such fine, not exceeding one half, to the person upon whose information the conviction has been obtained.

Report by  
veterinary  
officer to be  
evidence.

25. In a prosecution for an offence under this Ordinance any report signed by a veterinary officer may be accepted as evidence unless the accused person desires that the officer shall attend as a witness or the court considers his attendance necessary.

Burden of proof.

26. — (1) When the owner of any animal suffering from disease is charged with an offence against this Ordinance, he shall be presumed to have known of or suspected the existence of such disease in the animal unless he satisfied the court that he had no such knowledge or suspicion, and could not, with reasonable diligence, have obtained such knowledge.

(2) Where any person is charged with having imported or exported any animal, carcase, litter, dung or fodder in such circumstances that he was guilty of an offence against this Ordinance, the burden of proving that any such circumstances did not exist shall be upon such person.

Expenses.

27. Where any act or thing is done or caused to be done by a Government officer and such act or thing is, in the terms of this

(4) 1, P.L.R. 220; 2, R. 492.



Ordinance or any rules thereunder, deemed to have been done at the expense of some other person, the amount of any expenses reasonably incurred in connection with the doing of such act or thing shall be a debt due by that other person to the Government, and, without prejudice to any other method of recovery, the amount of such debt may be sued for and recovered in any court of competent jurisdiction by action in the name of the Chief Veterinary Officer :

Provided that this section shall not apply in any case in which a fee is prescribed by rules made under this Ordinance in respect of the doing of that act or thing.

28. Notwithstanding anything in the Interpretation Ordinance, 1945, it shall not be necessary, save where this Ordinance otherwise provides, for any regulations under this Ordinance, not being rules or orders, to be published in the *Gazette*.

Interpretation Ordinance, 1945, not to apply in certain cases. No. 9 of 1945.

29. The Animal Disease Ordinance, as from time to time amended, is hereby repealed :

Repeal and saving. Cap. 3.

Provided that all rules, orders, directions, notices, appointments, authorisations, permits, licences, forms, requests and other instruments given, issued or made under that Ordinance and in force at the date of the coming into force of this Ordinance shall be deemed to have been given, issued or made under the corresponding provisions of this Ordinance, and shall continue in force until varied or revoked by or under this Ordinance.

J. V. W. SHAW.

20th November, 1945.

*Officer Administering the Government.*

*Add immediately before that line:*

(AFRICAN HORSE-SICKNESS)

2.6.45. P.G. 1415 of 7.6.45, sup. 2, p. 658.

*Add new line:*

2.5.45. P.G. 1407 of 10.5.45, sup. 2, p. 542.

*Add:* 16.7.45, P.G. 1425 of 19.7.45, sup. 2, p. 791.

P. 439 before (ANTHRAX)

(GLANDERS)

P. 441, before CYPRIAN STOCK

P. 442, l. 12-3.

P. 443, l. 7.

*Delete:* (Revoked P.G. 1376 of 30.11.44, sup. 2, p. 1351).

*Add:* PROHIBITION OF IMPORTATION OF POULTRY (TRANS-JORDAN) RULES,

1945.

7.3.45. P.G. 1395 of 8.3.45, sup. 2, p. 206.

PROHIBITION OF IMPORTATION OF SWINE (SYRIA AND THE LEBANON) RULES,

1945.

l. 15.

7.3.45. P.G. 1395 of 8.3.45, sup. 2, p. 206.

*Add:* RESTRICTION OF IMPORTATION OF CATTLE, SHEEP, GOATS, SWINE AND CAMELS (EGYPT) RULES, 1945.

2.10.45. P.G. 1445 of 11.10.45 sup. 2, p. 1143.

RESTRICTION OF IMPORTATION OF WINE (TRANS-JORDAN) RULES, 1945.  
10.12.45. P.G. 1460 of 13.12.45, sup. 2, p. 1458.

SLAUGHTER  
HOUSE  
RULES.

*Add after last line:*

18.9.45 P.G. 1442 of 27.9.45, sup. 2 p. 1116.

End of page.

*Add:* SWINE (PROHIBITION OF MOVEMENT) RULES, 1945.

18.5.45. P.G. 1411, of 24.5.45, sup. 2, p. 592.

P. 444, l. 14  
from bottom

*Add:* HORSES, MULES AND DONKEYS (PROHIBITION OF MOVEMENT) RULES.

*Rev'd:* Horses, Mules and Donkeys (Prohibition of Movements) (Re-  
vocation) Rules, 1944, P.G. 1376 of 30.11.44, sup. 2, p. 1351.

P. 449 (AN-  
THRAX)

*Add before that line:*

#### AFRICAN HORSE SICKNESS.

Citation.

1. These rules may be cited as the Animal Diseases (African Horse Sickness) Rules, 1945.

Production of  
horses and  
mules for  
vaccination.

2. The owner or the person in charge of any horse or mule shall produce such horse or mule for vaccination at the place, time and date fixed by notice issued by a district officer.

Nature and  
method of  
publication of  
notice.

3. Any notice issued by a district officer under rule 2 may be either special or general, and may be notified by posting it in a public place or places in the area to which it relates, or by issuing it to the mukhtar or mukhtars of such area, or in such other manner as the district officer in his unfettered discretion thinks adequate for bringing the same to the notice of the person or persons affected thereby.

P. 466, r. 8.

*Add at the end of the rule:*

Provisions to  
apply in area  
declared to be  
glanders.

8. The following provisions shall apply to any area which is declared under section 16 of the Animal Diseases Ordinance to be an area infected with glanders:—

(a) The owner of any horse or mule within such area shall produce it for registration, marking and examination at such place, time and date as may be fixed by a Veterinary Officer and announced in a public notice issued by a District Officer, and, thereafter, at such intervals as may be indicated by a Veterinary Officer.

- (b) A Veterinary Officer or Stock Inspector may cause any horse or mule to be marked by a fire-brand or any other means as he may deem fit.
- (c) Where a Veterinary Officer is satisfied that the state of any shed, stable, building or other place, in which any diseased horse or mule was kept is such that cleansing or disinfection in accordance with rule 5 will be ineffective to prevent the spread of disease, he may give directions to any person having the charge of such shed, stable, building or other place, prohibiting the keeping therein or thereat of horses and/or mules for such period as the Veterinary Officer may think fit.
- (d) No person shall move into or from such area any horse or mule without obtaining beforehand a written permit from a Veterinary Officer and without complying with such directions for preventing the spread of disease as may be prescribed by the Veterinary Officer.

The second rule 8 (which should have been numbered 9) was enacted in P.G. 1407, of 10.5.45, sup. 2, p. 543.

*Add:*

P. 478. r. 3.

Provided that animals intended for breeding, livestock improvement or working purposes, or trial consignments of animals for slaughter, may be imported, notwithstanding anything contained in these rules, under the authority and in accordance with the terms of a permit in writing issued by the Chief Veterinary Officer; and the Chief Veterinary Officer may at any time suspend, revoke, or vary the conditions of, any such permit.

*And add:*

The proviso was added by the 1945 Amendment Rules.

*Add:*

And see Restriction of Importation of Swine (Trans-Jordan) Rules, 1945.

P. 488 last line.

*Add:*

*Note:*—This Schedule should be read, as regards swine, subject to the provisions of the Prohibition of Importation of Swine (Syria and the Lebanon) Rules, 1945, *post*.

P. 489, l. 2.

*Add:* *And see Restriction of Importation of Cattle, Sheep, Goats, Swine and Camels (Egypt) Rules, 1945. post.*

P. 490, l. 1-2.  
after Egypt.

*Add:* (Egypt) *before* Rules, *Cross out:* and

P. 535, NOTE,  
l. 2.

*Add before "post":* and the Prohibition of Importation of Poultry (Trans-Jordan) Rules.

*Delete:*

P. 559,  
HORSES, ETC.

*Add before the line:*

P. 567,

PROHIBITION OF IMPORTATION OF POULTRY (TRANS-JORDAN).

RABIES, ETC.

Citation. 1. These rules may be cited as the Prohibition of Importation of Poultry (Trans-Jordan) Rules, 1945.

Prohibition. 2. Notwithstanding anything contained in the Animal Quarantine (Poultry) Rules, 1935, the importation of fowl from Trans-Jordan shall be prohibited until the revocation of these rules.

These rules were published on 8.3.45.

#### PROHIBITION OF IMPORTATION OF SWINE (SYRIA AND LEBANON).

Citation. 1. These rules may be cited as the Prohibition of Importation of Swine (Syria and Lebanon), Rules, 1945.

Prohibition. 2. Notwithstanding anything contained in Part III of the Schedule to the Animal Quarantine Rules, the Importation of Swine from Syria and the Lebanon shall be prohibited until the revocation of these rules:

Provided that the Chief Veterinary Officer may grant permits authorising the importation of swine from Syria and the Lebanon subject to such conditions as he may deem fit to impose. The Chief Veterinary Officer may refuse to grant such permits and, when granted, may suspend or revoke any permit so granted.

These rules were published on 8.3.45.

*Add at the end thereof:*

P. 568  
Rehovoth, etc.

#### RESTRICTION OF IMPORTATION OF CATTLE, SHEEP, GOATS, SWINE AND CAMELS (EGYPT).

Citation. 1. These Rules may be cited as the Restriction of Importation of Cattle, Sheep, Goats, Swine and Camels (Egypt) Rules, 1945.

Restriction. 2. Notwithstanding anything contained in Part IV of the Schedule to the Animal Quarantine Rules, the importation of cattle, sheep, goats, swine and camels from Egypt shall be prohibited unless it takes place under the authority and in accordance with the terms of a permit in writing obtained by the owner from the Chief Veterinary Officer prior to importation; and the Chief Veterinary Officer may at any time suspend, revoke or vary the conditions of, any such permit.

The rules were published on 11.10.45.

*Add:*

#### RESTRICTION OF IMPORTATION OF SWINE (TRANS-JORDAN) RULES, 1945.

Citation. 1. These Rules may be cited as the Restriction of Importation of Swine (Trans-Jordan) Rules, 1945.

Restriction. 2. Notwithstanding anything contained in Part II of the Schedule to the Animal Quarantine Rules, the importation of swine

from Trans-Jordan shall be prohibited unless it takes place under the authority and in accordance with the terms of a permit in writing obtained by the owner from the Chief Veterinary Officer prior to importation; and the Chief Veterinary Officer may at any time suspend, revoke, or vary the conditions of, any such permit.

The Rules were published on 13.12.45.

*Substitute:*

P. 569 rr. 6, 7.

Licence.  
Rules dated—  
18.9.45.

6. — (1) Except as provided in these Rules, no butcher or other person, other than an officer or servant of the municipal or local council, shall enter a public slaughter house or engage in slaughtering animals or dressing carcasses, unless he is the holder of a valid licence issued therefor by the municipal or local council:

Provided that—

(a) Rabbinical students or duly authorised meat inspectors, who are required to attend at public slaughter houses for the purpose of instruction or inspection, and other persons who require occasionally to visit public slaughter houses, may enter slaughter houses without a licence, but before doing so shall obtain the written permission of the Mayor or President, as the case may be;

(b) No person under the age of sixteen years shall be permitted to enter a slaughter house or be licensed as aforesaid.

(2) Applications for the grant of a licence to enter the slaughter house or to engage in the slaughtering of animals or the dressing of carcasses in the slaughter house, or for the renewal of such licence, shall be made to the municipal or local council. Applications for renewal shall be made not less than one month before the validity of the licence expires.

(3) The licence shall be in the form set out in the Schedule to these Rules or in such other form as the municipal or local council may prescribe.

(4) Licences shall be issued annually, and there shall be payable in respect of each licence an annual fee of one hundred and fifty mils or of such other amount as the municipal or local council may, by By-laws, prescribe.

(5) The municipal or local council may, limit the number of licences to be issued each year.

(6) The municipal or local council may, in its discretion and without reason assigned, refuse any application for the issue or renewal of any licence. An appeal from such refusal shall lie to the District Commissioner of the District within which the area of juris-

diction of such municipal or local council is situated, and the decision of the District Commissioner shall be final.

See note to r. 7, *infra*.

Number-plate.

7. With the exception of Rabbinical slaughterers and Rabbinical inspectors, any holder of a licence issued in accordance with rule 6 of these Rules, shall, when in the slaughter house, wear a number-plate issued by the municipal or local council, for which there shall be made a charge of 150 mils or of such other amount as the municipal or local council may, by By-laws, prescribe:

Provided that the sum paid for the number-plate shall be refunded at any time, if the person to whom such number-plate was issued, or his representative, returns it in good condition.

Rules 6 and 7 were re-enacted by the 1945 Amendment Rules to which the following Explanatory Note was added:

The main effect of the above amendment is that it empowers municipal and local councils to prescribe fees for slaughter house licences and number-plates other than the fees laid down in the principal Rules.

The opportunity has been taken to re-cast rules 6 and 7 of the principal Rules in a more logical order.

P. 570.  
Before r. 9.  
End of page

*Add:* See notes to r. 22.

P. 571.  
After r. 21.  
P. 578, TEL-  
AVIV, ETC.

*Add:* See notes to r. 22.

*Add:* See notes to r. 22.

*Add before that line:*

#### SWINE (PROHIBITION OF MOVEMENT).

Citation.

1. These rules may be cited as the Swine (Prohibition of Movement) Rules, 1945.

Prohibition  
of movement  
of swine.

2.—(1) Save under the authority of and in accordance with the terms of a permit in writing issued by a Veterinary Officer, no person shall move or cause or permit to be moved any swine except within the piggery or other enclosed premises of its owner or of the person in whose charge it is.

(2) Any Veterinary Officer may at any time suspend, revoke, or vary the conditions of, any permit issued in accordance with sub-rule (1).

These rules were published on 24.5.45.

*Add:* In C.R.A.D.C., T.A. 41/45<sup>(1)</sup>, which related to a prosecution under r. 8, it was held that that rule contemplates two separate offences: a) slaughtering outside a slaughter-house, and b) selling meat not stamped with the slaughter-house stamp. The Court pointed out that r. 22(1) and r. 22(2) bore out that interpretation. The stamp referred to in r. 21 is the same as that referred in rr. 8 and 15. Swine slaughtered outside a slaughter-house therefore also require the stamp of the slaughter-house.

(1) 1945, S.C.D.C. 351.

## ABBREVIATIONS TO LAW REPORTS.

- A.L.R. — Annotated Law Reports (from 1943).  
 Ct.L.R. — Current Law Reports.  
 Ct.L.R. (N.S.) — Current Law Reports (1937, Vol. 1 reprint).  
 Ha. — Reports of the District Court, Haifa (1942-3).  
 N.L.R. — Reports of the District Court, Haifa (1938).  
 P.L.R. — Palestine Law Reports.  
 P.P. — Palestine Post Reports.  
 R. — Rotenberg's Collection of Judgments (1919-1936).  
 S.C.J. — Supreme Court Judgments (1937-1942).  
 S.C.J. (N.S.) — Supreme Court Judgments (1937 new series).  
 S.C.D.C. — Selected Cases of the District Courts (from 1943).  
 T.A. — Reports of the District Court, Tel-Aviv (1937-1942).

## ABBREVIATIONS IN CITATION TO LAW REPORTS.

- |                                   |   |
|-----------------------------------|---|
| A. — Assize Case.                 | L.A. — Land Appeal.   |
| A.A. — Assize Appeals.            | L.S. — Land Settlement.   |
| Ad. — Admiralty Cases.            | M. — Magistrate.  |
| B.M. — British Magistrate.        | M.A. — Misdemeanour Appeal.<br>(Miscellaneous Applications; from 1937). |
| C. — Civil Case.                  | Misc.A. — Miscellaneous Application.                                    |
| C.A. — Civil Appeal.              | Misd. — Misdemeanour Case.  |
| C.E.O. — Chief Execution Officer. | Mo. — Motion.   |
| C.L.A. — Civil Leave Application. | Na. — Nablus.   |
| Cr. — Criminal Case.              | P.C. — Privy Council Appeal.  |
| CR.A. — Criminal Appeal.          | P.C.L.A. — Privy Council Leave Application.                             |
| D.C. — District Court.            | Pro. — Probate Case.  |
| E.C. — Estates Case.              | S.T. — Special Tribunal.  |
| Ex. — Execution Case.             | Sum.Tr. — Summary Trial.  |
| Ha. — Haifa.                      | T.A. — Tel-Aviv.  |
| H.C. — High Court Application.    | W.C. — Workmen's Compensation Case.                                     |
| I.T.A. — Income Tax Appeals.      |   |
| Ja. — Jaffa.                      |   |
| Jm. — Jerusalem.                  |   |
| L. — Land Case.                   |   |

## LIST OF TITLES.

- ABOLITION OF EXPORT DUTY — See *Export Duty Abolition*.
- ABOLITION OF TAX (CORPORATE BODIES) — See *Taxation*.
- ACQUISITION OF LAND FOR ARMY AND AIR FORCE — See *Expropriation, Land*.
- ADMINISTRATION OF JUSTICE ACT — See *Civil Procedure*.
- ADMINISTRATION OF RUSSIAN PROPERTIES. — See *Russian Properties Administration*.
- ADMINISTRATIVE DIVISIONS. — See *Palestine Order in Council*.
- ADMINISTRATOR GENERAL — See *Succession*.
- ADMIRALTY — By A. M. Apelbom.
- ADVERTISEMENTS — By A. M. Apelbom.
- ADVISORY COUNCIL (CONSTITUTION) — See *Palestine Order in Council*.
- ADVOCATES — By A. M. Apelbom.
- AGREEMENTS AND CONVENTIONS — See *International Agreements and Conventions*.
- AGRICULTURAL FERTILIZERS — By A. M. Apelbom.
- AIN FARA SPRING — By A. M. Apelbom.
- AIR — By A. M. Apelbom and Dr. H. Kitzinger.
- ALLIED AIR FORCES ACT — *Omitted*.
- ANGLO IRANIAN OIL CONVENTION — See *International Agreements and Conventions*.
- ANIMAL (EXPORT AND IMPORT) — *Repealed*.
- ANIMAL DISEASES — By A. M. Apelbom.
- ANIMAL MANURE — By A. M. Apelbom.
- ANIMALS (PREVENTION OF CRUELTY) — By A. M. Apelbom.
- ANIMAL TAX — By A. M. Apelbom.
- (REVISION) — By A. M. Apelbom and Dr. H. Kitzinger.
- (INDEX) — By B. Rotman.



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(R = Revision)

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As on 20.12.1945

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