



GOVERNMENT OF PALESTINE

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# ORDINANCES

ANNUAL VOLUME FOR  
1935

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advocate

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## CHRONOLOGICAL TABLE OF ORDINANCES

Number in year 1935	Date	Short Title
1	Jan. 15th	Rural Property Tax Ordinance
2	Jan. 17th	Municipal Corporations (Amendment) Ordinance
3	Feb. 6th	Bills of Exchange (Protest) Ordinance
4	Feb. 26th	Sale of Intoxicating Liquor Ordinance
5	Feb. 26th	Public Entertainments Ordinance
6	Feb. 26th	Public Health (Rules as to Food) Ordinance
7	Feb. 26th	Patents and Designs (Amendment) Ordinance
8	Feb. 26th	Trade Marks (Amendment) Ordinance
9	Feb. 26th	Co-operative Societies (Amendment) Ordinance
10	Feb. 28th	Companies (Amendment) Ordinance
11	Mar. 26th	Municipal Corporations (Amendment) Ordinance (No.2)
12	Mar. 30th	Landlords and Tenants (Ejection and Rent Restriction) (Extension) Ordinance
13	April 16th	Customs Tariff (Amendment) Ordinance
14	April 16th	Tobacco (Amendment) Ordinance
15	April 16th	Advertisements (Amendment) Ordinance
16	April 16th	Magistrates' Courts Jurisdiction Ordinance
17	April 16th	Trial upon Information (Amendment) Ordinance
18	April 16th	Courts (Amendment) Ordinance
19	May 24th	Customs Duties (Commercial Agents) Exemption Ordinance
20	May 24th	Customs (Amendment) Ordinance
21	May 24th	Orthodox Patriarch (Election) Ordinance
22	May 24th	Statistics Ordinance
23	May 24th	Registration of Business Names Ordinance
24	May 24th	Summary Offences (Procedure) Ordinance
25	May 24th	Land Settlement (Amendment) Ordinance
26	June 20th	Rural Property Tax (Amendment) Ordinance
27	June 25th	Short Term Crop Loans (Security) Ordinance

<i>Number in year 1935</i>	<i>Date</i>	<i>Short Title</i>
28	July 3rd	Advocates (Amendment) Ordinance
29	July 17th	Orthodox Patriarch (Further Provisions) Ordinance
30	Aug. 8th	Expropriation of Land (Amendment) Ordinance
31	Aug. 8th	Firearms (Amendment) Ordinance
32	Aug. 8th	Ports (Amendment) Ordinance
33	Aug. 8th	Antiquities (Enclosures) Ordinance
34	Aug. 17th	Banking (Amendment) Ordinance
35	Aug. 22nd	Customs Tariff (Amendment) Ordinance (No. 2)
36	Sept. 6th	Customs Tariff (Amendment) Ordinance (No. 3)
37	Oct. 9th	Road Transport (Amendment) Ordinance
38	Oct. 9th	Urban Property Tax (Amendment) Ordinance
39	Oct. 9th	Collective Punishments (Amendment) Ordinance
40	Oct. 9th	Municipal Corporations (Amendment) Ordinance (No.3)
41	Oct. 9th	Width and Alignment of Roads (Amendment) Ordinance
42	Oct. 9th	Tobacco (Amendment) Ordinance
43	Oct. 18th	Customs Tariff (Amendment) Ordinance (No. 4)
44	Oct. 30th	Medical Practitioners (Amendment) Ordinance
45	Nov. 6th	Gaming Ordinance
46	Dec. 18th	Supplementary Appropriation (1934-1935) Ordinance
47	Dec. 18th	Prevention of Crime (Tribes and Factions) Ordinance
48	Dec. 18th	Trade Marks (Special Provisions) Ordinances.

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\* Immediate enactment.



## TABLE

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

<i>Number and year of Ordinance affected</i>	<i>Subject Matter or Short Title</i>	<i>How affected</i>	<i>Ordinance of 1935 by which affected</i>
49 of 1927	Commutation of Tithes Ordinance, 1927  Decree of the 25th September, 1920, re- lating to exemption from tithes of vine- yards planted with American stock	To cease to apply in any area described in any order under No 1 of 1935	} No. 1 of 1935
1 of 1934	Municipal Corpo- rations Ordinance, 1934	Section 51 replaced	No. 2 of 1935
14 of 1922	Intoxicating Liquors and Public Entertainments Ordinance, 1922	} Repealed	} No. 4 of 1935
39 of 1925	Intoxicating Liquors Amend- ment Ordinance, 1925		
1 of 1931	Intoxicating Liquors (Sale on Credit) Ordinance, 1931		
8 of 1933	Intoxicating Liquors and Public Entertainments (Amendment) Ordinance, 1933		



<i>Number and year of Ordinance affected</i>	<i>Subject Matter or Short Title</i>	<i>How affected</i>	<i>Ordinance of 1934 by which affected</i>
17 of 1926	Police Ordinance, 1926	Section 31 deleted	No. 4 of 1935
42 of 1927	Intoxicating Liquors Ordinance, 1927	Section 2 amended by the substitution of a new definition of "arak" Section 16 (2) replaced	
		Section 16 (3) amended	
		Section 16 (4) amended	
52 of 1927	Regulation of Trades and Industries Ordinance, 1927	Section 4 amended by insertion of new subsection (3) Schedule I Class II A amended	
27 of 1927	Cinematograph Films Ordinance, 1927	Section 2 amended by the substitution of a new definition of "Public Entertainment"	No. 5 of 1935
28 of 1927	Public Performances (Censorship) Ordinance, 1927	Section 2 amended by the substitution of a new definition of "Public Entertainment"	
Ottoman Law of 1323 A. H. (1905)	Law governing medical examination in Custom Houses	So far as it is applicable to food as defined in section 2(1) of No. 6 of 1935	No. 6 of 1935
33 of 1924	Patents and Designs Ordinance, 1924	Section 51 (as enacted by section 2 of No. 13 of 1930) replaced	No. 7 of 1935

<i>Number and year of Ordinance affected</i>	<i>Subject Matter or Short Title</i>	<i>How affected</i>	<i>Ordinance of 1935 by which affected</i>
33 of 1924		<p>Insertion of new section 51A after section 51 (as enacted in section 2 of No. 7 of 1935)</p> <p>Section 53 amended by replacing paragraph (b) and adding a new paragraph as paragraph (n)</p>	No. 7 of 1935
45 of 1921	Trade Marks Ordinance, 1921	<p>Section 1 amended</p> <p>Section 25 and sections 24, 25A and 26 as enacted by No. 12 of 1930 replaced</p> <p>Insertion of section 27A after section 27</p>	No. 8 of 1935
50 of 1933	Co-operative Societies Ordinance, 1933	<p>Section 26 amended by replacing of paragraph (b) of sub-section (1)</p> <p>Sections 27 and 28 replaced</p> <p>Paragraph (a) of sub-section 1 of section 59 amended</p>	No. 9 of 1935
18 of 1929	Companies Ordinance, 1929	Insertion of sections: 35A, 35B, 35C, 35D and 35E after section 35	No. 10 of 1935
1 of 1934	Municipal Corporations Ordinance, 1934	Section 98 amended by relettering of paragraph (s) as paragraph (t) and insertion of a new paragraph (s) after paragraph (r)	No. 11 of 1935

<i>Number and year of Ordinance affected</i>	<i>Subject Matter or Short Title</i>	<i>How affected</i>	<i>Ordinance of 1935 by which affected</i>
11 of 1934	Landlords and Tenants (Ejection and Rent Restriction) Ordinance, 1934	<p>Section 3 amended by the substitution of the expression "1936" in place of the expression "1935"</p> <p>Sub-section(1) of section 4 amended by the addition of a new proviso to paragraph (b) and by insertion of the word "substantially" after the words "the landlord of such dwelling house desires" in paragraph (f)</p> <p>Sections 5 and 10 amended by the substitution of the words "thirtieth day of March, 1935" in place of the words "commencement of this Ordinance", respectively</p> <p>Section 19 amended</p>	No. 12 of 1935
40 of 1927 18 of 1933 5 of 1934	<p>Customs Tariff Ordinance, 1927</p> <p>Customs Tariff (Amendment) Ordinance (No. 4), 1933</p> <p>Customs Tariff (Amendment) Ordinance, 1934</p>	<p>Schedule (as enacted in No. 29 of 1928) amended</p> <p>Repealed</p> <p>Repealed</p>	No. 13 of 1935
8 of 1925	Tobacco Ordinance, 1925	Section 3 amended by replacing sub-section (2), as enacted in section 4 of No. 32 of 1933	No. 14 of 1935

<i>Number and year of Ordinance affected</i>	<i>Subject Matter or Short Title</i>	<i>How affected</i>	<i>Ordinance of 1935 by which affected</i>
28 of 1920	Advertisements Ordinance, 1920	Section 4 amended by the insertion of the words "or authorised" between the words "advertisements exhibited" and "by any Department"	No. 15 of 1935
9 of 1924	Magistrates' Courts Jurisdiction Ordinance, 1924	Repealed	} No. 16 of 1935
22 of 1930	Magistrates' Courts Jurisdiction (Amendment) Ordinance, 1930	Repealed	
23 of 1932	Magistrates' Courts Jurisdiction (Amendment) Ordinance, 1932  Ottoman Magistrates' Law and any amendments thereto	Repealed  Provisions inconsistent with the provisions of No. 16 of 1935 repealed	
22 of 1924	Trial Upon Information Ordinance, 1924	Section 1 replaced  Section 2 amended by substitution of a new proviso for the proviso at the end thereof  Section 3 amended by the insertion between the words "triable" and "before" of the words "upon information"	} No. 17 of 1935

<i>Number and year of Ordinance affected</i>	<i>Subject Matter or Short Title</i>	<i>How affected</i>	<i>Ordinance of 1935 by which affected</i>
22 of 1924	Trial Upon Information Ordinance, 1924	<p>Section 11 amended by the insertion between the words "triable" and "by" of the words "upon information", by the substitution of the word "a" for the word "the" appearing between the words "by" and "magistrate", and by addition of a new proviso</p> <p>Section 18 replaced</p> <p>Section 26 (i) amended by insertion between the words "trial" and "before" of the words "upon information"</p> <p>Section 26 (ii) paragraph (a) (as enacted in section 5 of No. 37 of 1929) amended by the insertion between the words "trial" and "on" of the words "summarily or upon information"</p> <p>Section 26 (3) (as enacted in section 5 of No. 37 of 1929) amended</p> <p>Section 35 amended</p> <p>Section 70 amended</p>	No. 17 of 1935
21 of 1924	Courts Ordinance, 1924	<p>Section 3 replaced</p> <p>Section 6 amended by replacing paragraph (3) and inserting paragraph (4)</p> <p>Section 9 replaced</p>	No. 18 of 1935

<i>Number and year of Ordinance affected</i>	<i>Subject Matter or Short Title</i>	<i>How affected</i>	<i>Ordinance of 1935 by which affected</i>
21 of 1924	Courts Ordinance, 1924	<p>Section 11 (1) replaced</p> <p>Section 20 amended</p> <p>Insertion of new section as section 20A</p> <p>Section 21 paragraphs (a) and (b) amended by insertion of the words "and the Court of Criminal Assize" after the words "Supreme Court" respectively, and by addition to paragraph (b) of the sub-paragraphs (xxv) and (xxvi)</p>	No. 18 of 1935
39 of 1932	Courts (Amendment) Ordinance (No. 2), 1932	Repealed	No. 18 of 1935
11 of 1929	Customs Ordinance, 1929	<p>Section 155 amended by replacing the marginal note</p> <p>Sections 157 and 158 amended</p> <p>Insertion of new section as section 158A after section 158</p>	No. 20 of 1935
6 of 1931	Census Ordinance, 1931	Repealed	No. 22 of 1935

<i>Number and year of Ordinance affected</i>	<i>Subject Matter or Short Title</i>	<i>How affected</i>	<i>Ordinance of 1935 by which affected</i>
9 of 1928	Land Settlement, 1928	Section 10 amended by the addition of a new sub-section as sub-section (4)	No. 25 of 1935
1 of 1935	Rural Property Tax Ordinance, 1935	Insertion of a new section as section 43	No. 26 of 1935
13 of 1922	Advocates Ordinance, 1922	Section 1 replaced Section 24 replaced Section 29 amended by the addition of the words "and tribal courts" Insertion of new section as section 29A	} No. 28 of 1935
28 of 1926	Expropriation of Land Ordinance, 1926	Section 22 replaced	
20 of 1922	Firearms Ordinance, 1922	Insertion of new section as section 20A after section 20	No. 31 of 1935
16 of 1926	Ports Ordinance, 1926	Section 8 amended by replacing sub-section (2) Section 13 replaced Insertion of new section as section 16A after section 16	} No. 32 of 1935
35 of 1921	Banking Ordinance, 1921	Section 1 replaced	

<i>Number and year of Ordinance affected</i>	<i>Subject Matter or Short Title</i>	<i>How affected</i>	<i>Ordinance of 1935 by which affected</i>
13 of 1935	Customs Tariff (Amendment) Ordinance, 1935	Section 4 replaced	No. 35 of 1935
40 of 1927	Customs Tariff Ordinance, 1927	Schedule (as enacted in No. 29 of 1928) amended	No. 36 of 1935
23 of 1929	Road Transport Ordinance, 1929	Section 2 amended by the addition of the definition of "Owner"  Section 11 amended by the deletion of the words "constructed and" in sub-section (3), and by the addition of sub-section (5)	No. 37 of 1935
23 of 1928	Urban Property Tax Ordinance, 1928	Section 2 amended by replacing the definitions "House property", "Current year", and by the addition of definitions of "Addition" and "Completion of construction"  Section 8 (as amended by No. 42 of 1929) amended by the addition of proviso to sub-section (1), and replacing of sub-section (3)  Provisions of section 8, sub-section (3) to take effect from the 1st April, 1935  Section 18, sub-section (2), paragraph (d) amended	No. 38 of 1935
22 of 1926	Collective Punishments Ordinance, 1926	Section 5 (as amended by section 2 of No. 32 of 1929) replaced	No. 39 of 1935



<i>Number and year of Ordinance affected</i>	<i>Subject Matter or Short Title</i>	<i>How affected</i>	<i>Ordinance of 1935 by which affected</i>
1 of 1934	Municipal Corporations Ordinance, 1934  Fourteenth schedule amended  Order of the 11th May, 1921, published in the Official Gazette of the 1st June, 1921, regarding the township of Tel Aviv	Section 68, sub-section (3) amended by the deletion of the words "and to the Municipal Auditor"  Section 69 amended by the addition of proviso to sub-section (2)  Repealed	No. 40 of 1935
24 of 1926	Width and Alignment of Roads Ordinance, 1926	Section 4, sub-section (1) amended by the substitution of the word "fifteen" in the place of the figure "10"  Section 5 amended by the substitution of the word "thirty" in the place of the figure "20"	No. 41 of 1935
8 of 1925	Tobacco Ordinance, 1925	Section 24, sub-section (6) amended	No. 42 of 1935
40 of 1927	Customs Tariff Ordinance, 1927	Schedule (as enacted in No. 29 of 1928) amended	No. 43 of 1935
4 of 1928	Medical Practitioners Ordinance, 1928	Section 4 replaced  Insertion of new sections as sections 4A and 4B after section 4  Section 5 amended by insertion of the words "of the Director" after the words "any refusal or failure"	No. 44 of 1935

<i>Number and year of Ordinance affected</i>	<i>Subject Matter or Short Title</i>	<i>How affected</i>	<i>Ordinance of 1935 by which affected</i>
4 of 1928	Medical Practitioners Ordinance, 1928	<p>Section 6 amended by the insertion of the words "under this section" after the words "cancellation or suspension" in the proviso to sub-section (1) and in sub-section (2) respectively</p> <p>Section 8 replaced</p>	No. 44 of 1935
Ottoman Penal Code	Article 242	To cease to have effect.	No. 45 of 1935

## ERRATUM

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Page 177. For "28th December, 1935"  
read "18th December, 1936".







Supplement No. 1.

to the

Palestine Gazette Extraordinary No. 486 of 16th January, 1935.

RURAL PROPERTY TAX ORDINANCE,

No. 1 of 1935.

AN ORDINANCE TO PROVIDE FOR THE TAXATION OF CERTAIN LANDS AND BUILDINGS.

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 Rural Property Tax Ordinance, 1935. Short title.

2. In this Ordinance, unless the context otherwise requires, the following words shall have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

“Completion” of an industrial building shall be deemed to be when such building is occupied in whole or in part or is roofed whichever shall first occur.

“District Officer” includes any person duly authorised to act for a district officer.

“House and land tax” includes the Ottoman house and Janl (werko) tax, werko meqtu', the Ottoman tax on buildings (musaqqafat), the mukata' tax, the badl ushr tax, and the meqtu' Izara Zamin.

“Industrial building” means any building, structure or erection of which the net annual value is in the opinion of an official valuer more than twenty pounds, constructed and used

or intended to be used solely for the purpose of an industrial undertaking in which mechanically driven machinery is used or in connection therewith together with the land on which such building, structure or erection stands and any yard or any land adjacent to such building, structure or erection and used or intended to be used in connection with such building, structure or erection whether such building, structure or erection be inhabited or not or used or not:

Provided that any addition to any industrial building of which the net annual value is in the opinion of an official valuer more than twenty pounds shall itself be deemed to be a separate industrial building.

“Land” includes buildings other than industrial buildings and anything fixed in the land.

“Owner” means the owner of property within an area specified in an Order made by the High Commissioner under section 3 of this Ordinance, and:—

(a) where the property in question has been settled means the registered owner of such property;

(b) where the property in question has not been settled means the person who is in receipt of the rents and profits of the property in such circumstances that he is the reputed owner thereof whether or not he is in possession or is the registered owner:

Provided that in case of a dispute the registered owner shall be deemed to be the owner,

and includes every occupant of Government owned land by virtue of a lease, express or implied.

“Prescribed” means prescribed by rules made by the High Commissioner under section 41 of this Ordinance.

“Settled” used with reference to land means any land included in a schedule of rights or schedule of partition posted in accordance with the provisions of the Land Settlement Ordinance, 1928.

No. 9 of 1928.

“Tithe” includes the tithe payable under the Ottoman law prior to the introduction of the commuted tithe and the commuted tithe payable under the Commutation of Tithes Ordinance, 1927.

No. 49 of 1927.

“Uncultivable land” means land which cannot be cultivated except by recourse to methods other than and additional to the normal methods of sound husbandry and which entail the disbursement of extraordinary expense.



“Urban area” means any area described in an Order made by the High Commissioner under section 3 of the Urban Property Tax Ordinance, 1928. No. 23 of 1928.

“Year” means, notwithstanding anything contained in the Interpretation Ordinance, 1929, the period from the first day of April to the thirty-first day of March following, both days inclusive. No. 34 of 1929.

3.—(1) The High Commissioner may by Order declare that a tax (to be known and hereinafter referred to as the rural property tax), which shall be assessed, levied, collected and paid in accordance with the provisions of this Ordinance, shall be payable annually to the High Commissioner as from the first day of April next following the date of such Order, for the use of the territory of Palestine, on all lands and industrial buildings within such area, not being an urban area, as may be described in such Order. Power of High Commissioner to apply Ordinance.

(2) As from the date upon which the rural property tax becomes payable in any area by reason of an Order made by the High Commissioner under sub-section (1) hereof, the house and land tax and tithe shall cease to be leviable in such area:

Provided that nothing in this sub-section contained shall be deemed to affect the collection of any house and land tax or tithe due in respect of any period prior to the date upon which the rural property tax became payable and proceedings for the recovery of any such tax or tithe so due may be taken as if no Order under sub-section (1) hereof had been made.

4.—(1) The rural property tax shall be payable by the owner:— By whom rural property tax payable.

(a) upon land, at the rate set out in the schedule to this Ordinance in respect of the category to which such land belongs:

Provided that the High Commissioner-in-Council, with the approval of the Secretary of State may, by Order:—

(i) postpone payment of any rural property tax due or about to fall due, in respect of any land until such date as may be set out in such Order or until further Order, or

(ii) reduce, until such date as may be mentioned in such Order, or until further Order, the rates set out in the schedule to this Ordinance, either generally or in any area or in any part of any area to which this Ordinance has been applied and in each of the foregoing cases, either in respect of all lands or any stated category of land, or



(iii) both postpone payment of rural property tax under sub-paragraph (i) hereof and reduce the rates set out in the schedule to this Ordinance under sub-paragraph (ii) hereof,

if the High Commissioner-in-Council is satisfied that it is proper so to do, having regard to any emergency affecting Palestine or any area or any part of an area, which is:—

(I) due to unavoidable natural causes, or

(II) due to such a fall in the value of crops as in the opinion of the High Commissioner-in-Council makes the granting of the relief which may be effected under this proviso expedient;

(b) upon any industrial building, at such rate not exceeding fifteen per centum of the net annual value of such industrial building as computed in accordance with section 9 of this Ordinance, as shall be prescribed annually by Order of the High Commissioner-in-Council.

(2) The High Commissioner-in-Council may on or after the thirty-first day of March, 1938, by Order vary the categories or rates or both set out in the schedule to this Ordinance:

Provided that each time the High Commissioner-in-Council shall vary the schedule under this sub-section the schedule as so varied shall remain unaltered for a period of not less than five years from the date from which any such variation shall take effect.

Development of land and completion of buildings to be notified to District Officers.

5.—(1) The owner of any land which on or after the first day of April next following the date of any Order made by the High Commissioner under section 3 of this Ordinance relating to the area in which such land is situated shall:—

(a) be brought under cultivation, having previously been uncultivable land, or

(b) be planted with bananas or citrus trees or other fruit trees, or

(c) be planted as a forest, or

(d) be brought under irrigation by any system of irrigation other than a system involving for its upkeep and continuity the continuous use of mechanical aid and regular expenditure on the part of such owner,

shall, within three months from the commencement of such cultivation, plantation or bringing of such irrigation, give notice of such fact to the District Officer of the sub-district in which the land is situated, in a form to be prescribed.





(2) Where the completion of any industrial building takes place on or after the first day of April next following the date of any Order made by the High Commissioner under section 3 of this Ordinance relating to the area in which such industrial building is situated, the owner of such industrial building shall, within three months from such completion, give notice of such fact to the District Officer of the sub-district in which such industrial building is situated, in a form to be prescribed.

6.—(1) The owner of any land who is lawfully enjoying exemption from either house and land tax or tithe or both house and land tax and tithe on the thirty-first day of March next following the date of the Order made by the High Commissioner under section 3 of this Ordinance relating to an area in which the land of such owner is situated shall enjoy such exemption from the rural property tax as may be prescribed: Exemption, etc.

Provided that:—

- (a) such owner shall within three months from the first day of April next following the date of the Order made by the High Commissioner under section 3 of this Ordinance relating to the area in which such land is situated give notice to the District Officer of the sub-district in which the land is situated in a form to be prescribed, of particulars of such exemption from house and land tax or tithe, and
- (b) the owner shall satisfy the District Commissioner that he enjoyed such exemption and that such exemption is applicable to the rural property tax, and
- (c) if such owner shall dispose of any land in respect of which he is enjoying such exemption the person in whose favour he has disposed of the land shall not be entitled to such exemption unless such person shall satisfy the District Commissioner that the exemption is applicable to him.

(2) The owner of any land who is enjoying exemption from tithes in accordance with the Decree dated the twenty-fifth day of September, 1920, and published in the Gazette dated the fifteenth day of November, 1920, in respect of vineyards planted with American stock on the thirty-first day of March next following the date of the Order made by the High Commissioner under section 3 of this Ordinance relating to the area in which the vineyards are situated, shall enjoy exemption from the rural property tax for the remainder of the period to which he is entitled under such Decree. No. 31

(3) The owner of any land:—



- (a) which having previously been uncultivable land has been brought under cultivation within six calendar years immediately preceding the first day of April next following the date of the Order made by the High Commissioner under section 3 of this Ordinance relating to the area in which such land is situated, or
- (b) which has been planted with bananas within two calendar years immediately preceding such first day of April, or
- (c) which has been planted with citrus trees within six calendar years immediately preceding such first day of April, or
- (d) which has been planted with any fruit trees other than bananas or citrus trees within ten calendar years immediately preceding such first day of April, or
- (e) which having previously been uncultivable land shall be brought under cultivation or be planted with bananas or citrus trees or any fruit trees other than bananas or citrus trees subsequently to such first day of April,

shall not be liable to any increase of the rural property tax by reason of such cultivation or plantation:—

- (i) in the case of land which having previously been uncultivable land was brought under cultivation prior to such first day of April, for a period equal to six calendar years less a period commencing from the date of the commencement of such cultivation and ending on such first day of April, and
- (ii) in the case of land which was planted with bananas, prior to such first day of April for a period equal to two calendar years less a period commencing on the date of the commencement of such plantation and ending on such first day of April, and
- (iii) in the case of land which was planted with citrus trees prior to such first day of April for a period equal to six calendar years less a period commencing on the date of the commencement of such plantation and ending on such first day of April, and
- (iv) in the case of land which was planted with any fruit trees other than bananas or citrus trees prior to such first day of April for a period equal to ten calendar years less a period commencing on the date of the commencement of such plantation and ending on such first day of April, and

(v) in the case of land which, subsequently to such first day of April, shall be brought under cultivation having previously been uncultivable land or be planted with bananas or citrus trees or any fruit trees other than bananas or citrus trees, for periods of six, two, six and ten years respectively, each such period running from the commencement of the year next following the year during which such cultivation or plantation took place;

provided that:—

(I) in the case of land which having previously been uncultivable land was brought under cultivation or was planted with bananas or citrus trees or any fruit trees other than bananas or citrus trees prior to such first day of April, the owner shall have given notice of such fact to the District Officer of the sub-district within which such land is situated within three months from such first day of April on a form to be prescribed, or

(II) in the case of land which having previously been uncultivable land shall be brought under cultivation or be planted with bananas or citrus trees or any fruit trees other than bananas or citrus trees subsequently to such first day of April, the owner shall have complied with sub-section (1) of section 5 of this Ordinance:

Provided that where any owner in any notice given to the District Officer under paragraph (I) hereof or under sub-section (1) of section 5 of this Ordinance shall state as the area of his land in which cultivation or plantation has taken place, any area other than the true area, then when such true area is ascertained, such owner shall, without prejudice to any penalty which may be incurred by him under sub-section (1) of section 36 of this Ordinance, be liable to pay the rural property tax on such true area at the rate set out in the schedule to this Ordinance in respect of the category within which such area after such cultivation or plantation falls as from the commencement of such cultivation or plantation.

(4) The owner of any industrial building, the completion of which:—

(a) took place within three calendar years immediately preceding the first day of April next following the date of the Order made by the High Commissioner under section 3 of this Ordinance, relating to the area in which such industrial building is situated, or

(b) shall take place subsequently to such first day of April, shall be exempt from the rural property tax:—

(i) in the case of an industrial building the completion of which took place prior to such first day of April, for a period equal to three calendar years less a period com-



mencing on the date of the completion of such industrial building and ending on such first day of April, and

- (ii) in the case of an industrial building the completion of which shall take place subsequently to such first day of April, for a period of three years from the commencement of the year next following the year during which the completion of such industrial building took place,

provided that:—

- (I) in the case of an industrial building the completion of which took place prior to such first day of April, the owner shall have given notice of such fact to the District Officer of the sub-district in which such industrial building is situated within three months of such first day of April on a form to be prescribed, or

- (II) in the case of an industrial building the completion of which takes place subsequently to such first day of April, the owner shall have complied with sub-section (2) of section 5 of this Ordinance :

Provided that the rural property tax shall be payable on the site of any industrial building exempted hereunder.

- (5) The owner of any industrial building who carries out any reconstruction work within such industrial building, whereby the net annual value of such industrial building is in the opinion of the official valuer increased by more than twenty pounds shall not be liable to the rural property tax in respect of the amount by which such net annual value is so increased for a period of three years commencing from the beginning of the year next following the year during which such reconstruction work is completed:

Provided that such owner shall within three months from the commencement of such reconstruction work have given notice of that fact to the District Officer of the sub-district within which such industrial building is situated.

- (6) The High Commissioner may, as in his discretion he shall think fit, on the recommendation of the District Commissioner, remit the rural property tax either wholly or in part on any land being land used as a threshing-floor or cemetery.

- (7) If a plantation or crop on land is totally destroyed either in pursuance of an Order under section 6 of the Plant Protection Ordinance, 1924, or by a Plant Inspector in exercise of the powers in him vested by section 7 of that Ordinance or is

otherwise in the opinion of the District Commissioner totally destroyed the owner shall be exempt from the rural property tax on such land for the year in which such plantation or crop was destroyed :

Provided that:—

- (a) if the rural property tax for such land in respect of such year has already been paid it shall be refunded, and
- (b) the rural property tax shall be payable on such land as from the commencement of the year next following the year in respect of which exemption is granted by this sub-section at the rate set out in the schedule to this Ordinance in respect of the category within which such land, after such destruction, may fall.

(8) When the aggregate amount of the rural property tax payable by any owner is ascertained such amount shall be increased or decreased as the case may be to the nearest five mils.

7. The High Commissioner may, by Order, appoint such persons as he may consider necessary to be official valuers for the purpose of this Ordinance.

Appointment of official valuers.

8.—(1) An official valuer shall, as soon as may be possible after his appointment, from information to be obtained by him, prepare:—

Official valuer to prepare rural property tax rolls and valuation lists.

- (a) rolls in a form to be prescribed (each one of which is in this Ordinance referred to as a rural property tax roll) showing in respect of the area to which each such rural property tax roll refers (such area for the purposes of this Ordinance being deemed to be a village) within which the categories set out in the schedule to this Ordinance the lands in each sub-division (such sub-division for the purposes of this Ordinance being deemed to be a block) of such area fall :

Provided that the site of a building (other than an industrial building) not being a building the site of which falls within category 4 of the schedule to this Ordinance, shall be deemed for the purpose of the preparation of the rural property tax roll to be of the same category as the land surrounding such site, and where such site is surrounded in part by land of one category and in part by land of another category or other categories, the site shall be deemed to be of the category of such land in respect of which the highest rate of tax is in the schedule to this Ordinance set out, and



(b) lists in a form to be prescribed (each one of which is in this Ordinance referred to as a valuation list) showing in respect of each village in which any industrial buildings are situated the net annual value and the names of the owners of all such industrial buildings.

(2) As soon as the rural property tax roll and valuation list (if any) in respect of any village shall have been prepared in accordance with sub-section (1) hereof, such rural property tax roll and valuation list shall be signed by an official valuer who shall forthwith send two copies of each to the District Officer of the sub-district in which such village is situated, together with two copies of a map of such village stamped by the Director of Surveys and the official valuer showing the lands of the village divided into blocks and the District Officer shall thereupon post one copy of such rural property tax roll and valuation list and map at the District Office and the other in some conspicuous position in the village and the date of posting shall be certified on each copy by him.

(3) The posting of the rural property tax roll and of the valuation list and of the map in accordance with sub-section (2) hereof, shall be deemed to be sufficient notice for all purposes of all the particulars contained therein respectively.

Assessment  
of industrial  
buildings.

9.—(1) The net annual value of an industrial building shall for the purposes of this Ordinance be the rent for which such industrial building might be expected to let from year to year after deducting one third on account of cost of repairs and other charges.

(2) If an industrial building is not leased or if in the opinion of the official valuer the rent of an industrial building appears to the official valuer not to represent the true rental value he shall assess the annual value thereof having regard to the following considerations:—

- (a) the size, materials and state of repair of the property and the amenities and value of the site;
- (b) the use to which the property is put;
- (c) the rent paid for or the income produced by similar properties in the same or similar localities:

Provided that no account shall be taken of any plant or machinery in or on the property.

Official valuer's  
power of entry,  
etc.

10. The owners and tenants of land and industrial buildings within any area specified in any Order made by the High Commissioner under section 3 of this Ordinance, shall admit an official valuer to any and every part of such land and industrial buildings and it shall be lawful for an official valuer:—



- (a) at any reasonable time to enter, survey and examine all or any part of the property, and
- (b) to do or cause to be done anything reasonably necessary to draw up the rural property tax roll or valuation list and in particular and without prejudice to the generality of the powers hereby conferred, an official valuer may require any person to produce for inspection any book or account or document of title, contract of lease, plan, specification or building contract and may take any copy of or extract from any such book, account or document, and
- (c) administer oaths for the purpose of any enquiry or proceedings which he is required or empowered to carry out under this Ordinance.

11.—(1) Within fourteen days from the date of posting of the rural property tax roll in the village as certified on such roll by the District Officer any person may submit to an official valuer, through the District Officer, an objection to such rural property tax roll on any one or more of the following grounds, that is to say:—

Objections to rural property tax roll and valuation list.

- (a) that the area of any category of land in any block is wrongly set out:

Provided that nothing in this paragraph contained shall enable any person to object to any area set out in the rural property tax roll as being of category 4 (built-on area) or the position and limits of such area as shown on the map referred to in sub-section (2) of section 8 of this Ordinance;

- (b) that the area of any block has been wrongly set out in the rural property tax roll.

(2) Within fourteen days from the date of posting of the valuation list in the village as certified on such list by the District Officer any person may submit to an official valuer, through the District Officer an objection to such valuation list on any one or more of the following grounds, that is to say:—

- (a) that the objector has been wrongly included in or excluded from the list;
- (b) that some other person has been wrongly included in or excluded from the list; or
- (c) that the net annual value of any industrial building is too high or too low.



(3) Every objection under the provisions of this section shall be in writing and in a form to be prescribed and shall state the ground of the objection and shall give such particulars as may be necessary in support of such grounds.

Power of official valuer to amend roll and/or list.

12.—(1) On receipt of any objection to the rural property tax roll or valuation list duly made in accordance with the provisions of section 11 of this Ordinance the official valuer shall consider each such objection and after making such enquiries as he may deem necessary shall have power to amend the rural property tax roll or the valuation list or both the rural property tax roll and the valuation list:

Provided that:—

(a) if the official valuer shall consider any objection to the rural property tax roll to be without foundation and shall decide to make no amendment thereto in pursuance thereof, he shall give notice of such fact to the objector on a form to be prescribed, and the date appearing upon such form shall be deemed to be the date of the decision of the official valuer in respect of such objection, and

(b) if the official valuer shall consider any objection to the valuation list:—

(i) to be without foundation and decide to make no amendment thereto in pursuance thereof, he shall give notice of such fact to the objector on a form to be prescribed and the date appearing upon such form shall be deemed to be the date of the decision of the official valuer in respect of such objection, or

(ii) to be sufficiently well founded to warrant further consideration, he shall give notice of such fact on a form to be prescribed to the objector and to any other person whom he may think may be affected by such objection and shall in such form state the time and place fixed for the hearing of the objection;

(c) if the objector or any other person informed of the proceedings is not present at the time and place stated in such form for the hearing of the objection, the official valuer may, notwithstanding such absence, make such decision on the objection as he may deem right.

(2) Any amendment to the rural property tax roll or valuation list made by an official valuer in accordance with the provisions of sub-section (1) hereof shall be endorsed by him upon the rural property tax roll or valuation list as the case may be and on any copies thereof which have been posted in accordance





with the provisions of sub-section (2) of section 8 of this Ordinance. Each such endorsement shall be initialled and dated by such official valuer and the date of any such endorsement made on the copy of the rural property tax roll or the valuation list posted at the District Office shall be deemed to be the date of the decision of the official valuer in respect of the objection as a result of which it was made.

13.—(1) The High Commissioner may by Order appoint such number of committees as he may consider necessary, to be appeal committees for the purposes of hearing appeals from the decisions of official valuers and may in any such Order or by a subsequent Order under this sub-section allocate regions to each such appeal committee:

Appointment  
of appeal  
committees.

Provided that each such appeal committee shall consist of three members as under:—

- (a) An Assistant District Commissioner or a District Officer (other than a District Officer who has appeared as a party in any proceedings under section 12 of this Ordinance) who shall be chairman of the appeal committee;
- (b) Another officer of the Government of Palestine;
- (c) A person other than an officer of the Government of Palestine.

(2) An appeal committee and any member thereof shall have the powers of an official valuer as set out in section 10 of this Ordinance.

(3) All acts, orders, matters and things directed to be done or made by an appeal committee shall be lawfully done or made if done or made by or with the consent of a majority of the members of such committee.

14. Any person:—

- (a) whose objection to the rural property tax roll has been rejected by an official valuer under section 12 of this Ordinance, or
- (b) whose objection to the valuation list has been rejected by an official valuer under section 12 of this Ordinance, or
- (c) whose assessment has been altered or who has been included in the valuation list as the result of any objection made by any other person,

Appeals to appeal  
committees from  
the decisions of  
official valuers.



may, within fourteen days of the date of the decision by the official valuer, appeal, in a form to be prescribed, to the chairman of the appeal committee appointed under section 13 of this Ordinance in respect of the region in which the property affected by such decision is situated.

Powers and duties of appeal committee to decide appeals, etc.

15.—(1) The appeal committee shall upon receipt of any appeal duly made in accordance with the provisions of section 14 of this Ordinance, give notice, in a form to be prescribed, to the appellant and to the official valuer (who shall be respondent) of the time and place fixed for the hearing of the appeal.

(2) At the time and place so fixed the appeal committee shall hear and determine the appeal:

Provided that:—

(a) no appeal shall be heard by an appeal committee unless the appellant has paid any deposit prescribed on account of costs, and

(b) if any party to the appeal is not present at the time and place fixed for the hearing of the appeal, the appeal committee may, notwithstanding such absence, make such decision as they may deem right.

(3) Upon the determination of any appeal, the appeal committee may make such order as to costs as they may think proper.

(4) Any amendment to the rural property tax roll or valuation list made by the appeal committee in accordance with the provisions of sub-section (2) hereof shall be endorsed by the chairman of such committee upon the rural property tax roll or valuation list as the case may be and on any copies thereof which have been posted in accordance with the provisions of sub-section (2) of section 8 of this Ordinance and each such endorsement shall be initialled and dated by the chairman of the appeal committee and the date of any such endorsement made on the copy of the rural property tax roll or valuation list posted at the District Office shall be deemed to be the date of the decision of the appeal committee in respect of the appeal as a result of which it was made and shall further be deemed to be notice of the decision to all persons interested.

(5) A decision of an appeal committee so endorsed shall be final and no appeal shall lie therefrom:

Provided that any party to any proceedings before an appeal committee may ask the committee to state a case upon a point of law material to the issue arising out of the proceedings for the opinion of the District Court, and the appeal committee shall thereupon state such case.

16.—(1) The areas of the categories of the lands of any village and such categories as shown on the rural property tax roll as finally amended (if there have been any objections) or if there have been no objections, then as shown on the rural property tax roll as posted in the village under sub-section (2) of section 8 of this Ordinance, shall be the areas and categories of the lands of such village for the purposes of this Ordinance until amended as in this Ordinance provided.

Determination of roll and list.

(2) The net annual value of the industrial buildings within any village as shown on the valuation list as finally amended (if there have been any objections) or, if there have been no objections, then as shown on the valuation list as posted in the village under sub-section (2) of section 8 of this Ordinance, shall be the net annual value of the industrial buildings within such village for the purposes of this Ordinance until amended as in this Ordinance provided.

17. The rural property tax payable in respect of the lands of the area described in an Order made by the High Commissioner under section 3 of this Ordinance shall be distributed amongst the owners of such lands as at the thirty first day of March next following the date of such order in the manner hereinafter provided.

Tax in respect of lands to be distributed amongst owners.

18.—(1) (a) At any time prior to the first day of April next following the date of the Order made by the High Commissioner under section 3 of this Ordinance relating to the area within which any village of which the lands or some of the lands have not been settled is situated, the District Commissioner of the district within which such village is situated shall appoint a tax distribution committee consisting of such number of inhabitants of the village as he may think fit:

Distribution of tax in respect of unsettled land.

Provided that the District Commissioner may appoint any person to be a member of a tax distribution committee notwithstanding that such person is not an inhabitant of the village if such person is an owner of land within the village, or the representative of such person whether such representative be an inhabitant of the village or not.

(b) All acts, orders, matters and things directed to be done or made by a tax distribution committee shall be lawfully done or made if done or made by or with the consent of the majority of the members of such committee. In the case of an equal division of opinion the question shall be referred by the committee or by any member thereof to the District Commissioner whose decision shall be final.

(2) On or as soon as may be possible after the first day of April next following the date of the Order made by the High Commissioner under section 3 of this Ordinance relating to the area in which any village in respect of which a tax distribution



committee has been appointed is situated the District Officer of the sub-district in which such village is situated shall give notice to the tax distribution committee on a form to be prescribed :

(a) if the village for which such committee has been appointed is one of which the lands have not been settled :—

(i) of the amount of the rural property tax payable in respect of the lands of such village, and

(ii) of the date prior to which the list referred to in sub-section (3) hereof shall be prepared, or

(b) if the village for which such committee has been appointed is one of which some of the lands have not been settled :—

(i) of the date prior to which the list referred to in sub-section (3) hereof shall be prepared, and

(ii) of the lands of the village which were not settled on the thirty-first day of March next following the date of the Order made by the High Commissioner under section 3 of this Ordinance, and

(iii) of the amount of the rural property tax payable in respect of such lands.

(3) The tax distribution committee shall thereupon commence to prepare under the general supervision of the District Officer a list hereinafter referred to as a distribution list in a form to be prescribed showing the amount of the rural property tax payable by each owner of lands in the village or in that part of the village referred to in paragraph (b) (ii) of sub-section (2) hereof, having regard to the area and category of land owned by such owner in the village or part of the village as the case may be as at the day mentioned in paragraph (b) (ii) of sub-section (2) hereof :

Provided that :—

(a) the preparation by a tax distribution committee of any distribution list shall be carried out by such committee only at such time and in such place in the village as may be specified in a notice to be posted by the District Officer at the District Office and in some conspicuous place in the village and any person who may desire to be present at such preparation may attend, and



- (b) if a tax distribution committee fails to prepare a distribution list prior to the date specified by the District Officer the District Commissioner may prepare such list and no objection shall be heard to any such list.

19. On the first day of April next following the date of the Order made by the High Commissioner under section 3 of this Ordinance relating to the area in which any village of which the lands or some of the lands have been settled is situated, the District Officer of the sub-district in which such village is situated shall, if the village is one of which the lands have been settled, commence to prepare a distribution list in respect of the lands of such village or if the village is one of which some of the lands have been settled, commence to prepare a distribution list in respect of such lands, showing the amount of the rural property tax payable by each owner of land in such village or such part of the village having regard to the area and category of land owned by such owner in the village or part of the village as the case may be as at the day prior to the day upon which such District Officer commences to prepare any distribution list under this section.

Distribution of tax in respect of settled land.

20. A distribution list prepared in accordance with sections 18 and 19 of this Ordinance shall be in such form and shall be made available for inspection in such manner as may be prescribed.

Distribution list to be open to inspection.

21. Any person whose name appears in a distribution list (other than a distribution list prepared by the District Commissioner) who is aggrieved by reason of the unfairness or incorrectness of the apportionment made by such list or by reason of the insertion or incorrectness of any matter in such list or by reason of the omission of any matter therefrom, may object:—

Objections to distribution lists.

- (a) if the distribution list was prepared by a tax distribution committee to the tax distribution committee through the District Officer of the sub-district within which the village is situated, and
- (b) if the distribution list was prepared by a District Officer, to the District Officer:

Provided that:—

(i) nothing herein contained shall be deemed to enable any person to object to the category of any land as appearing on any rural property tax roll finally determined as provided in sub-section (1) of section 16 of this Ordinance, and

(ii) every such objection shall be made:—

- (1) within fourteen days of the day upon which the distribution list is made available for inspection in accordance with section 20 of this Ordinance, and



(11) in such manner and in such form as may be prescribed.

Power of tax  
distribution  
committee and/or  
District Officer  
to amend  
distribution list.

22.—(1) On receipt of any objection to a distribution list duly made in accordance with the provisions of section 21 of this Ordinance, the tax distribution committee or the District Officer as the case may be, shall consider each such objection and after making such enquiries as they or he may deem necessary shall have power to amend the distribution list:

Provided that:—

- (a) if the tax distribution committee or the District Officer shall consider any objection to the distribution list to be without foundation and shall decide to make no amendment thereto in pursuance thereof they or he shall give notice of such fact to the objector on a form to be prescribed and the date appearing upon such form shall be deemed to be the date of the decision of the tax distribution committee or the District Officer as the case may be in respect of such objection, and
- (b) if the tax distribution committee or the District Officer shall consider any objection to the distribution list to be sufficiently well founded to warrant further consideration, they or he shall give notice of such fact on a form to be prescribed to the objector and to any other person whom they or he may think may be affected by such objection and they or he shall in such form state the time and place fixed for the hearing of the objection, and
- (c) if the objector or any other person informed of the proceedings is not present at the time and place stated in such form for the hearing of the objection, the tax distribution committee or the District Officer as the case may be, may, notwithstanding such absence, make such decision on the objection as they or he may deem right.

(2) Any amendment to a distribution list made by a tax distribution committee or District Officer in accordance with the provisions of sub-section (1) hereof shall be endorsed in the case of an amendment made by a tax distribution committee, by the District Officer at the request of such committee, and in the case of an amendment made by a District Officer, by the District Officer upon the distribution list made available for inspection in accordance with the provisions of section 20 of this Ordinance. Each such endorsement shall be initialled and dated by the District Officer and the date of any such endorsement shall be deemed to be the date of the decision of the tax distribution committee or District Officer as the case may be in respect of the objection as a result of which it was made.



23. Any person whose name appears in the tax distribution list may if he feels aggrieved by any decision made under section 22 of this Ordinance, within fourteen days of the date of such decision appeal in a form to be prescribed to the District Commissioner of the District in which the property affected by such decision is situated.

Appeals to District Commissioner from the decisions of tax distribution committees and/or District Officer.

24.—(1) The District Commissioner shall upon receipt of any appeal duly made in accordance with the provisions of section 23 of this Ordinance, give notice in a form to be prescribed to the appellant and to the tax distribution committee or District Officer as the case may be, (who shall be the respondent or respondents) of the time and place fixed for the hearing of the appeal.

Powers and duties of District Commissioner to decide appeals, etc.

(2) At the time and place so fixed the District Commissioner shall hear and determine the appeal:

Provided that:—

(a) no appeal shall be heard by a District Commissioner unless the appellant has paid any deposit prescribed on account of costs, and

(b) if any party to the appeal is not present at the time and place fixed for the hearing of the appeal the District Commissioner may, notwithstanding such absence, make such decision as he may deem right, and

(c) it shall be lawful, for the purpose of any appeal hereunder, for the District Commissioner to administer oaths.

(3) Upon the determination of any appeal, the District Commissioner may make such order as to costs as he may think proper.

(4) The District Commissioner shall cause any amendment to the distribution list made by him in accordance with the provisions of sub-section (2) hereof to be endorsed upon the distribution list made available for inspection in accordance with the provisions of section 20 of this Ordinance and each such endorsement shall be initialled and dated by the person making it and the date of any such endorsement shall be deemed to be the date of the decision of the District Commissioner in respect of the appeal as a result of which it was made and shall further be deemed to be notice of the decision to all persons interested

(5) A decision of the District Commissioner so endorsed shall be final and no appeal shall lie therefrom:



Provided that any party to any proceedings before a District Commissioner may ask the District Commissioner to state a case upon a point of law material to the issue arising out of the proceedings for the opinion of the District Court and the District Commissioner shall thereupon state such case.

Determination of distribution lists.

25. The amount of the rural property tax payable by each owner of land within any village as shown on the distribution list or lists in respect of such village as finally amended (if there have been any objections) or, if there have been no objections, as shown on the distribution list or lists as made available for inspection in accordance with the provisions of section 20 of this Ordinance shall be the amount of the rural property tax payable by such owner in respect of the lands to which such distribution list or lists refer until amended as in this Ordinance.

Official valuer to prepare annually supplementary rural property tax rolls and supplementary valuation lists.

26.—(1) An official valuer shall on or before a date in each year to be specified by Order of the High Commissioner, the first such year being the year in respect of which the rural property tax is first levied under this Ordinance, prepare:—

(a) a supplementary rural property tax roll in a form to be prescribed in respect of each village in which changes in the categories of land have taken place:—

(i) in the case of the first supplementary rural property tax roll, since the rural property tax roll was determined as provided in sub-section (1) of section 16 of this Ordinance, and

(ii) in the case of any supplementary rural property tax roll subsequent to the first supplementary rural property tax roll, since the previous supplementary rural property tax roll was determined as provided in sub-section (1) of section 27 of this Ordinance,

showing such changes:

Provided that any land which has been brought under irrigation by any system of irrigation involving for its upkeep and continuity the continuous use of mechanical aid and regular expenditure on the part of the owner shall not thereby be deemed to have changed in category;

(b) a supplementary valuation list in a form to be prescribed in respect of each village in which any of the under-mentioned industrial buildings are situated, that is to say:—





(i) any industrial building :—

(I) in the case of the first supplementary valuation list, not included in the valuation list as determined under sub-section (2) of section 16 of this Ordinance, and

(II) in the case of any supplementary valuation list subsequent to the first supplementary valuation list, not included in the previous supplementary valuation list as determined under sub-section (2) of section 27 of this Ordinance,

either because the completion of such industrial building was not effected or it was a building which was not an industrial building within the meaning of this Ordinance or it was omitted, and

(ii) any industrial building of which the net annual value has increased or decreased by twenty per centum or more :—

(I) in the case of the first supplementary valuation list, since the valuation list was determined as provided in sub-section (2) of section 16 of this Ordinance, and

(II) in the case of any supplementary valuation list subsequent to the first supplementary valuation list, since the previous supplementary valuation list was determined as provided in sub-section (2) of section 27 of this Ordinance,

showing the net annual value of such industrial buildings.

(2) For the purpose of enabling the official valuer to prepare a supplementary valuation list, any owner or District Officer may give notice on a form to be prescribed to the official valuer of any industrial building which in the opinion of such owner or District Officer should be included in a supplementary valuation list.

(3) All the provisions of this Ordinance relating to the posting of the rural property tax rolls and valuation lists, objections thereto, amendment thereof as the result of such objections and appeals against the decisions of official valuers in respect of such objections shall apply mutatis mutandis to supplementary rural property tax rolls and supplementary valuation lists respectively prepared in accordance with the provisions of sub-section (1) hereof.

Determination of supplementary rural property tax rolls and supplementary valuation lists.

27.—(1) The areas of the categories of the lands of any village and such categories as shown on the supplementary rural property tax roll as finally amended (if there have been any objections) or if there have been no objections then as shown on the supplementary rural property tax roll as posted in the village shall be the areas and categories of such lands for the purposes of this Ordinance as from the commencement of the year next following the year in which such supplementary rural property tax roll was prepared until amended as in this Ordinance provided.

(2) The net annual value of the industrial buildings within any village as shown on the supplementary valuation list as finally amended (if there have been any objections) or if there have been no objections then as shown on the supplementary valuation list as posted in the village shall be the net annual value of such industrial buildings for the purposes of this Ordinance as from the commencement of the year next following the year in which such supplementary valuation list was prepared until amended as in this Ordinance provided.

Re-distribution of tax.

28. Upon the first day of April next following the determination of any supplementary rural property tax roll as provided in sub-section (1) of section 27 of this Ordinance, the rural property tax payable in respect of the lands to which it refers shall be distributed amongst the owners of such land in the manner provided in sections 18 to 24, both inclusive, of this Ordinance, such sections for this purpose being applied mutatis mutandis:

Provided that the list prepared by the tax distribution committee or by the District Officer or by the District Commissioner shall be called a supplementary distribution list.

Determination of supplementary distribution lists.

29. The amount of the rural property tax payable by each owner of land as shown on the supplementary distribution list or lists as finally amended (if there have been any objections) or if there have been no objections, then as shown on the supplementary distribution list or lists as made available for inspection shall be the amount of the rural property tax payable by such owner in respect of the lands to which such supplementary distribution list or lists refer, as from the commencement of the year in which such supplementary distribution list or lists were prepared until amended as in this Ordinance provided.

When tax shall be due.

30. The rural property tax shall be due:—

(a) in respect of the year commencing on the first day of April next following the date of an Order made by the High Commissioner under section 3 of this Ordinance relating to any area, as under:—

(i) on all industrial buildings within such area, on the first day of April;



- (ii) on any land within such area, on the day the distribution list in respect of such land is made available for inspection in accordance with the provisions of section 20 of this Ordinance, notwithstanding the right to object to such list conferred upon owners by section 21 of this Ordinance, or any objection actually made thereunder:

Provided that upon the determination of such distribution list as provided in section 25 of this Ordinance then if any owner has paid any sum in excess of the sum payable by him as shown on the distribution list so determined such sum shall be refunded to him, or if any owner has paid any sum less than the sum payable by him as shown on the distribution list so determined, such sum shall be payable by such person and may be recovered as an arrear of the rural property tax:

- (b) in respect of any year subsequent to the year commencing on the first day of April next following the date of an Order made by the High Commissioner under section 3 of this Ordinance relating to any area, as under:—

- (i) on all industrial buildings within such area, on the first day of April;
- (ii) on any land within such area other than land appearing on the supplementary rural property tax roll prepared in the preceding year, on the first day of April;
- (iii) on any land appearing on the supplementary rural property tax roll prepared in the preceding year, on the day the supplementary distribution list in respect of such land is posted, notwithstanding the right to object to such supplementary distribution list conferred upon owners by section 28 of this Ordinance or any objections actually made thereunder:

Provided that upon the determination of such supplementary distribution list as provided in section 29 of this Ordinance then if any owner has paid any sum in excess of the sum payable by him as shown on the supplementary distribution list so determined such sum shall be refunded to him or if any owner has paid any sum less than the sum payable by him as shown on the supplementary distribution list so determined such sum shall be payable by such person and may be recovered as an arrear of the rural property tax:



Provided that the District Commissioner may direct that any owner liable for an amount of the rural property tax exceeding two pounds may pay such tax by such instalments and subject to such conditions as the District Commissioner may in such direction set out.

Provisions relating to change of ownership.

31.—(1) Any owner of any land or of any industrial building who on or after the first day of April next following the date of any Order made by the High Commissioner under section 3 of this Ordinance relating to the area in which such land or industrial building is situated shall sell or exchange such land or industrial building or otherwise dispose thereof in any other manner, and any person who on or after such first day of April shall become owner of any land or industrial building within such area by way of succession shall forthwith give notice to the District Officer of the sub-district in which such land or industrial building is situated of such fact in a form to be prescribed.

(2) On receipt of any notice duly made in accordance with the provisions of sub-section (1) hereof, the District Officer shall, after making such enquiries as he may deem necessary, have power to substitute the name of any person in the place of the name of any owner of any property appearing in any distribution list, supplementary distribution list, valuation list or supplementary valuation list which has been posted in accordance with the provisions of this Ordinance.

Each amendment made hereunder shall be initialled and dated by the District Officer and any person whose name is substituted for the name of any owner of any property under this sub-section, shall be deemed to be the owner of such property for the purposes of this Ordinance as from the first day of April next following the date of such amendment.

(3) Nothing in this section shall be deemed to alter, determine or render void any liability of any person whose name is substituted for that of any owner under the provisions of sub-section (2) hereof by contract, agreement or otherwise concerning the liability of such person to pay to such owner any tax due in respect of any property, provided always that such owner shall remain liable to Government for the payment of the rural property tax due in respect of any period prior to the date when such person is deemed to be the owner of such property for the purposes of this Ordinance under sub-section (2) hereof.

Collection of arrears of tax.  
No. 26 of 1929.

32. Any rural property tax which shall be in arrear may be recovered in accordance with the provisions of the Collection of Taxes Ordinance, 1929, and the rural property tax shall be deemed to be a tax to which that Ordinance applies:

Provided that the posting of the distribution list, supplementary distribution list, valuation list and supplementary valuation list shall be deemed to be good and sufficient demand to all owners.



appearing thereon respectively to pay the rural property tax appearing against their names and no demand notes shall be required.

33. Where the name of any person liable to pay the rural property tax is not known, it shall be sufficient for any of the purposes of this Ordinance to designate him as "the owner" without any further description. Owner need not be named.

34. Whenever it is provided in this Ordinance that notice shall be given to any owner or person for any of the purposes of this Ordinance, such notice shall be deemed to have been so given if forwarded by post to the last known address of such owner or person or if such address is not known then by affixing the notice in some conspicuous part of the property of such owner or person: Provisions relating to notices under this Ordinance.

Provided that notice given in accordance with the provisions of this section to any owner being a co-owner of any property held in joint ownership shall be deemed to be notice to all the other co-owners of such property.

35. The District Officer may at any time cause to be corrected any clerical errors in the rural property tax roll or supplementary rural property tax roll or valuation list or supplementary valuation list or distribution list or supplementary distribution list and may introduce clerical amendments or additions thereto respectively provided that all such corrections, amendments or additions are signed by the District Officer and that a separate record is kept by him of such errors, amendments or additions. Power of District Officer to correct errors.

36.—(1) Any person who in any form prescribed wilfully makes any false statement and any person who refuses to answer any question or wilfully makes a false answer to any question put to him by any person in order to obtain information which will enable such person to carry out any duties imposed upon or exercise any powers conferred upon him by this Ordinance, shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred pounds or to both such penalties. Offences and penalties.

(2) Any person who shall in any way obstruct any other person in the carrying out of any duties imposed upon or in the exercise of any powers conferred upon such other person by this Ordinance, shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred pounds or to both such penalties.

(3) Any owner or person who shall fail to comply with the provisions of section 5 or section 31 of this Ordinance, shall be guilty of an offence and shall on conviction be liable to impi-



sonment for a term not exceeding three months or to a fine not exceeding twenty pounds or to both such penalties.

Provisions relating to occupants of Government lands.

37. Every occupant of Government owned land in virtue of an implied lease shall pay an amount equal to the amount of the rural property tax due on such land as rental in respect thereof.

Tax to be first charge on property, etc.

38.—(1) The rural property tax shall be a first charge on the property in respect of which it is payable and no transaction relating to such property shall be entered in any Government register until the rural property tax thereon has been paid.

(2) Without prejudice to the provisions of section 32 of this Ordinance, if the owner of any property in respect of which the rural property tax is payable is absent from Palestine the said tax shall be payable by and may be recovered from the agent, if any, of any such owner to the extent of the amount of any moneys collected by the agent on behalf of such owner provided always the owner shall remain liable to the Government for the payment of the rural property tax.

(3) Where any land or any industrial building is held in joint ownership, the rural property tax may be collected from any one or more of the co-owners and the co-owner or co-owners from whom the rural property tax is collected shall have a right of contribution from the other co-owner or co-owners in the proportion of the respective shares of such other co-owner or co-owners.

(4) Nothing in this Ordinance shall be deemed to alter, determine or render void any liability of a tenant to his landlord by contract, agreement or otherwise, concerning the liability of the tenant to pay to the landlord any tax due in respect of the property provided always that the owner shall remain liable to Government for the payment of the rural property tax.

The Commissioner of Lands to supervise this Ordinance.

39. The Commissioner of Lands shall exercise general supervision and control over the carrying out of this Ordinance.

Power of Chief Justice to make certain rules.

40. The Chief Justice may with the approval of the High Commissioner make rules regulating the practice and procedure in applications to a District Court upon a case stated under the provisions of this Ordinance.

Power of High Commissioner to make rules.

41. The High Commissioner may make rules for the carrying out of this Ordinance.

Revocation.

42. The Commutation of Tithes Ordinance, 1927, and the Decree dated the twenty-fifth day of September and published in the Gazette dated the fifteenth day of November, 1920, relating to the exemption from tithes of vineyards planted with American stock shall cease to have effect in any area described in any Order made by the High Commissioner under section 3 of this Ordinance as from the first day of April next following the date of such Order.



SCHEDULE

<u>Category</u>	<u>Description</u>	<u>Rate of Tax per dunum Mils</u>
1	Citrus (excluding Acre Sub-District)	825
2	Citrus (Acre Sub-District)	410
3	Bananas	560
4	Village built-on area or reserved therefor	160
5	1st Grade Irrigated Land and o 1st Grade Fruit Plantation	} 40
6	2nd Grade Irrigated Land and o 2nd Grade Fruit Plantation	} 35
7	3rd Grade Irrigated Land and o 3rd Grade Fruit Plantation	} 30
8	1st Grade Ground Crop Land 4th Grade Irrigated Land and o 4th Grade Fruit Plantation	} 25
9	2nd Grade Ground Crop Land 5th Grade Irrigated Land and o 5th Grade Fruit Plantation	} 20
10	3rd Grade Ground Crop Land 6th Grade Irrigated Land and o 6th Grade Fruit Plantation	} 18
11	4th Grade Ground Crop Land 7th Grade Irrigated Land and o 7th Grade Fruit Plantation	} 15
12	5th Grade Ground Crop Land 8th Grade Irrigated Land and o 8th Grade Fruit Plantation	} 12
13	6th Grade Ground Crop Land 9th Grade Irrigated Land and o 9th Grade Fruit Plantation	} 8
14	7th Grade Ground Crop Land and 10th Grade Irrigated Land	} nil
15	8th Grade Ground Crop Land	nil
16	Forests planted and indigenous and uncultivable land	nil

o Other than Citrus and Bananas.







Supplement No. 1.  
to the  
Palestine Gazette Extraordinary No. 488 of 18th January, 1935.

MUNICIPAL CORPORATIONS (AMENDMENT) ORDINANCE,  
No. 2 of 1935.

AN ORDINANCE FURTHER TO AMEND THE MUNICIPAL CORPORATIONS  
ORDINANCE, 1934.

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

1. This Ordinance may be cited as the Municipal Corporations (Amendment) Ordinance, 1935. Short title.

2. In this Ordinance, the term "principal Ordinance" shall mean the Municipal Corporations Ordinance, 1934. Interpretation.  
No. 1 of 1934.

3. Section 51 of the principal Ordinance shall be deleted and the following section shall be substituted in the place thereof:— Substitution of  
new section in  
place of section 51  
of the principal  
Ordinance.

"Appointments,  
dismissal and  
duties of deputy  
mayors.

51.—(1) The High Commissioner may from time to time appoint a councillor to be deputy mayor and such councillor shall hold office as deputy mayor for the duration of the council of which he is a member:

Provided that if in the opinion of the High Commissioner it is in the interests of any municipal corporation so to do, he may appoint more than one councillor to be deputy mayor and such councillors shall hold office as deputy mayors for the duration of the council of which they are members.

(2) The High Commissioner may if in his opinion it is in the interests of the municipal corporation so to do dismiss a deputy mayor from the office of deputy mayor.

(3) If for any reason the mayor is unable to act then:—

(a) where the High Commissioner has seen fit to exercise the power in him vested by sub-section (1) hereof, the deputy mayor shall perform the duties assigned to the mayor by this Ordinance or any other Ordinance or law, or

(b) where the High Commissioner has seen fit to exercise the power in him vested by the proviso to sub-section (1) hereof, the High Commissioner shall nominate the deputy mayor who shall perform the duties assigned to the mayor by this Ordinance or by any other Ordinance or law, or

(c) where the High Commissioner has not seen fit to exercise the powers in him vested by sub-section (1) hereof or having exercised such powers, the deputy mayor or deputy mayors are for any reason unable to act, a councillor to be appointed by the High Commissioner shall perform the duties assigned to the mayor by this Ordinance or by any other Ordinance or law until such time as:—

(i) if the High Commissioner has not seen fit to exercise the powers in him vested by sub-section (1) hereof, the mayor is again able to act, or

(ii) if the High Commissioner has seen fit to exercise any of the powers in him vested by sub-section (1) hereof, either the deputy mayor, if one deputy mayor has been appointed, is again able to act, or a deputy mayor, if more than one deputy mayor has been appointed, is nominated by the High Commissioner under paragraph (b) of this sub-section”.

17th January, 1935.

A. G. WAUCHOPE  
*High Commissioner.*





*See Annual Volume 1937*

Supplement No. 1.  
to the

Palestine Gazette Extraordinary No. 492 of 6th February, 1935.

BILLS OF EXCHANGE (PROTEST) ORDINANCE,  
No. 3 of 1935.

AN ORDINANCE TO PROLONG THE PERIOD OF PROTEST OF BILLS OF EXCHANGE WHICH WERE NOT PROTESTED OWING TO THE FLOODS IN NABLUS.

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 Bills of Exchange (Protest) Ordinance, 1935. Short title.

2. In this Ordinance:—

Interpretation.

“Bills of Exchange” includes a promissory note.

“Nablus” means the area of the municipal corporation of Nablus as set out in the first schedule to the Municipal Corporations Ordinance, 1934.

3. Notwithstanding anything to the contrary contained in the Bills of Exchange Ordinance, 1929, or any other law or Ordinance affecting bills of exchange, any bill of exchange which according to the tenor thereof:—

Prolongation of  
time for protest.

(a) should have been presented for acceptance or payment in Nablus, or

(b) should have been presented for acceptance or payment in any other place in Palestine by or on behalf of any person residing in Nablus.



within the period from the fourth day of February, 1935, to the thirteenth day of February, 1935, inclusive, shall be deemed to have been presented for acceptance or payment, as the case may be, in due time if presented on or before the twentieth day of February, 1935, and protest for non-acceptance or non-payment shall be deemed to have been made in due time if made within forty-eight hours after the last mentioned date, and no such bill as aforesaid, shall be protested for non-acceptance or non-payment by reason of its non-acceptance or non-payment during the period from the fourth day of February, 1935, to the thirteenth day of February, 1935, inclusive.

Interest.

4. Notwithstanding anything contained in this Ordinance, interest in accordance with the provisions of section 58 of the Bills of Exchange Ordinance, 1929, shall be payable in respect of bills of exchange to which this Ordinance applies.

Date of coming into operation.

5. This Ordinance shall be deemed to have commenced and come into operation on the fourth day of February, 1935.

A. G. WAUCHOPE  
*High Commissioner.*

6th February, 1935.





Supplement No. 1.

to

The Palestine Gazette No. 496 of 28th February, 1935.

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SALE OF INTOXICATING LIQUOR ORDINANCE,  
No. 4 of 1935.

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AN ORDINANCE TO REGULATE THE SALE OF INTOXICATING LIQUOR, AND TO PROVIDE FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

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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 Sale of Intoxicating Liquor Ordinance, 1935. Short title.

2. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say:— Interpretation.

“Board” means a licensing board constituted under the provisions of section 13 of this Ordinance.

“District Commissioner” means the District Commissioner of the District in which any premises in respect of which a licence or permit has been issued or granted or is desired under the provisions of this Ordinance, are situated.

“Intoxicating liquor” means any fermented or alcoholic liquor ordinarily intended for human consumption (excluding drugs or medicines compounded or sold by a licensed pharmacist), which on analysis of a sample thereof is found to contain more than two *per centum* of alcohol by volume.

"Licence" means any licence issued under the provisions of this Ordinance.

"Sale" includes any transfer otherwise than by way of gift.

Intoxicating liquor not to be sold without a licence.

3.—(1) No person shall sell or expose or keep for sale any intoxicating liquor unless a licence has been issued to him in accordance with the provisions of this Ordinance:

Provided that nothing in this Ordinance shall be deemed to apply to any sale by a manufacturer in accordance with any valid manufacturer's licence which has been issued to him.

(2) No club shall sell or expose or keep for sale any intoxicating liquor unless a licence has been issued to some person duly appointed by the committee of the club.

(3) Notwithstanding anything contained herein, it shall not be necessary for any person to obtain a licence for the sale of intoxicating liquor in any canteen, mess or institute maintained or carried on under lawful authority for the sole use of His Majesty's Forces in Palestine or of the Trans-Jordan Frontier Force or the Palestine Police Force, and no person keeping or serving in any such canteen, mess or institute, shall be liable to any penalty under the provisions of this Ordinance for selling or supplying any intoxicating liquor to any member of such Forces.

Issue of licences.

4. Subject to the provisions of this Ordinance:—

- (a) Licences to sell intoxicating liquor within any municipal area shall be issued by the municipal council thereof;
- (b) Licences to sell intoxicating liquor within the area of a local council shall be issued by the local council thereof;
- (c) Licences to sell intoxicating liquor outside municipal areas and local council areas shall be issued by the District Commissioner.

Classes of licences.

5. Licences shall be of the following classes, that is to say:—

- (a) A "dealer's licence" which shall authorise the holder to sell intoxicating liquor of any one description at any one time to any one person in quantities of more than nine litres or one dozen reputed litre bottles for consumption off the premises in respect of which the licence to sell intoxicating liquor has been issued;
- (b) A "retailer's off licence" which shall authorise the holder to sell intoxicating liquor at any one time to any one person in any quantity not exceeding nine litres or one dozen reputed litre bottles for consumption off the premises in respect of which the licence to sell intoxicating liquor has been issued;



(c) A "retailer's on licence" which shall authorise the holder to sell intoxicating liquor at any one time to any one person in any quantity not exceeding nine litres or one dozen reputed litre bottles for consumption on or off the premises in respect of which the licence to sell intoxicating liquor has been issued.

6.—(1) No licence shall be issued unless the fees set out in the first schedule to this Ordinance have been paid in respect thereof.

Fees for licences.

(2) No fee paid in respect of any licence or any part of such fee shall be refunded on the ground that the holder of such licence has ceased or failed to carry on business or that the licence has been cancelled or that the premises in respect of which the licence to sell intoxicating liquor has been issued, have been closed for any reason or otherwise.

(3) All fees payable under this Ordinance in respect of the issue of licences shall be paid:—

(a) Where the licence is issued in respect of premises situated within any municipal area to the municipal council thereof and shall be credited to the municipal fund;

(b) Where the licence is issued in respect of premises situated within the area of a local council to the local council thereof and shall be credited to the funds of such council;

(c) Where the licence is issued in respect of premises outside a municipal area or local council area to the District Commissioner and shall be credited to the general revenue of Palestine.

7.—(1) Where a certificate has been granted by a board constituted in accordance with section 13 of this Ordinance:—

Licences to be issued upon certificates being granted.

(a) that a person is a fit and proper person to hold a licence of the class specified therein, and

(b) that a licence may be issued to such person in respect of the premises named in the certificate,

the municipal council or local council or District Commissioner in accordance with the provisions of section 4 of this Ordinance shall issue such person such licence in respect of such premises.

(2) No licence shall be issued to any person unless he has obtained a certificate in accordance with sub-section (1) hereof.



(3) Where any condition is endorsed by a board upon any such certificate no licence shall be issued by a municipal council or by a local council or by a District Commissioner except upon such condition which shall be endorsed upon the licence.

(4) A municipal council or a local council or a District Commissioner shall immediately upon the issue of a licence send to the Director of Customs, Excise and Trade and the superior Police officer in charge of the District, particulars of the licence issued.

Duration of  
licence.

8. Licences shall be annual and shall expire upon the thirty-first day of December next following the issue thereof.

Licences not  
transferable.

9. No licence shall be transferable:

Provided that the municipal council or local council or District Commissioner who issued the licence may, with the approval of the board for the area or District, transfer, by endorsement thereon, a licence for the remainder of the term thereof in the following cases, and the person to whom such licence is transferred shall be deemed to be the person to whom the licence was issued:—

(a) If the holder of a licence, not being a person appointed by the committee of a club dies, the licence may be transferred to his heir;

(b) Upon the sale of any business in respect of which a licence has been issued, such licence may be transferred to the purchaser;

(c) If the holder of the licence being a person appointed by the committee of a club, dies or is dismissed or for any other reason is incapable of acting as licensee of the club premises, the licence may be transferred to another person duly appointed by the committee of the club.

In granting approval to the transfer of any licence hereunder, the board shall act in accordance with the provisions of section 15 of this Ordinance and the provisions of sub-section (6) thereof shall apply to any refusal by the board to approve of any transfer:

Provided further that where application has been made in writing to the board for the transfer of any licence to any person mentioned in paragraphs (a) and (c) of the first proviso to this section, such person shall, pending the decision of the board, be deemed to be the person to whom the licence was issued.

Form of licence.

10. Licences shall be in a form to be approved of by the High Commissioner.





11. All licences shall be exhibited in a conspicuous place in the premises in respect of which they are issued at all times when intoxicating liquor is being sold, exposed or kept for sale therein.

Licence to be exhibited.

12.—(1) Any person wishing to be licensed to sell intoxicating liquor shall give notice in writing not less than fifty-six days before the date when he desires the licence to commence. Such notice shall be given, where the premises in respect of which the licence is desired are within any municipal area, to the municipal council thereof or if such premises are within any local council area, to the local council thereof or if such premises are not within any municipal or local council area, to the District Commissioner.

Application for licence.

Such notice shall state :—

- (a) the premises in respect of which the licence is desired, and
- (b) the class of licence desired.

(2) A copy of such notice shall be publicly exhibited by the municipal council or local council or District Commissioner at their offices respectively, for not less than twenty-eight days before the application is considered by the board, and shall during such twenty-eight days be published by and at the expense of the applicant not less than twice in a newspaper to be approved by the municipal council or local council or District Commissioner respectively, circulating in the neighbourhood in which the premises in respect of which the licence is desired are situated.

(3) For the purposes of this section, premises shall include any temporary structure, booth or tent.

13.—(1) There shall be for each municipal area a board to be known as the "Licensing Board for the municipal area of \_\_\_\_\_" which shall consist of:—

Constitution of boards.

- (a) the District Commissioner, who shall be chairman, and
- (b) a representative appointed by the municipal council, and
- (c) a representative appointed by the Director of Medical Services.

The chairman and one member of such board shall constitute a quorum and in the case of an equality of votes, the chairman shall have a second or casting vote.



(2) There shall be for each District, excluding the municipal areas therein, but including the areas of local councils therein, a board known as the "Licensing Board for the \_\_\_\_\_ District" which shall consist of:—

- (a) the District Commissioner, who shall be chairman, and
- (b) not more than two members, not being officers of the Government of Palestine, appointed by the District Commissioner with the approval of the High Commissioner, and
- (c) a representative appointed by the Director of Medical Services:

Provided that the chairman may coopt for the purpose of considering any application in respect of premises within the area of a local council not more than two members of such council.

The chairman and any two members of such board shall constitute a quorum and in the case of an equality of votes, the chairman shall have a second or casting vote.

(3) Any person appointed a member of a board under the provisions of this section shall hold office for a period of three years:

Provided that:—

- (a) if any such person shall retire, die or otherwise become incapable of serving upon the board, the authority appointing him shall appoint another person in his place, and
- (b) when any person appointed as a member of a board under the provisions of this section is for any reason temporarily unable to perform his duties, the authority who appointed him may appoint some other person to perform his duties for the period of such incapacity.

Sittings of boards.

14. Boards shall be summoned to meet by the chairman when any application for the grant of a certificate has been made. Not less than fourteen days notice of the sitting of a board shall be given by posting such notice at the office of the municipal council if the board is for any municipal area or at the office of the District Commissioner if the board is not for any municipal area. Such notice shall state the place and time of sitting of the board.

Boards may grant certificates.

15. —(1) Applications for licences made under the provisions of section 12 of this Ordinance, which have been exhibited and advertised as required by the provisions of that section, shall be considered by the board for the municipal area or District



in which the premises in respect of which the application is made are situated, and if the board is of opinion that the applicant is a fit and proper person to hold a licence of the class which he desires and that a licence may properly be issued to him in respect of the premises for which he desires a licence it may grant a certificate accordingly.

(2) In considering any such application, the board may have regard to all or any of the following matters, that is to say:—

- (a) The character and reputation of the applicant and if he has at any previous time held a licence to sell intoxicating liquor his conduct as a licensee and the conduct and management of the premises in respect of which he held a licence during the period of his licence;
- (b) The structural suitability of the premises for the purpose for which a licence is desired, having regard to the health and convenience of the public and the maintenance of adequate supervision thereof by the Police;
- (c) The locality of the premises in respect of which a licence is desired;
- (d) The needs of the inhabitants of the district in which the premises in respect of which a licence is desired are situated;
- (e) Any representations which may be made by any person or body of persons likely to be affected by the issue of a licence in respect of the premises for which a licence is desired.

(3) In order to assist them in considering the matters set out in this section or otherwise, the board may at their discretion hear the evidence of any person who may, by leave of the board, appear before them and may inspect the premises in respect of which a licence is desired.

(4) No person shall be entitled to be represented by an advocate before any board.

(5) A board may refuse the grant of a certificate without assigning any cause therefor.

(6) Any person aggrieved by the grant or refusal of a certificate by a board or by the inclusion of any condition therein or the omission of any condition therefrom may within fourteen days of the decision of the board appeal to the High Commissioner-in-Council. The decision of the High Commissioner-in-Council shall be final and no appeal shall lie therefrom to any court. The board shall grant, amend or cancel the certificate in accordance with the decision of the High Commissioner-in-Council.



Conditions may be imposed by boards.

16. A board may impose all or any of the following conditions upon the grant of a certificate and any condition so imposed shall be endorsed upon the certificate:—

- (a) That certain intoxicating liquor only may be sold upon the premises in respect of which a licence is desired;
- (b) That females generally or females of stated ages shall not be employed either generally or at stated times or for stated purposes upon the premises in respect of which a licence is desired;
- (c) That females over the age of twenty years completed may be employed after seven o'clock *post meridiem* in connection with the sale of intoxicating liquor upon the premises in respect of which a licence is desired;
- (d) That the premises in respect of which a licence is desired shall be open for the sale of intoxicating liquor for certain hours being less than the hours generally provided for the District in which such premises are situated by regulations made under section 20 of this Ordinance;
- (e) That certain classes of persons shall not be served with intoxicating liquor, upon the premises in respect of which a licence is desired.

Premises in vicinity of mosques, etc., not to be licensed.

17. No certificate shall be granted by a board to any person in respect of any premises situated in the immediate vicinity of a mosque or in a quarter exclusively inhabited by Moslems.

Grant of certificate to manufacturers.

18. No certificate shall be granted by a board to any person who is licensed as a manufacturer whereunder a licence might be issued to him, in respect of premises within five hundred metres of the premises in which he is licensed to carry on manufacture.

Special temporary permit.

19.—(1) The Inspector-General of Police and Prisons or any person appointed by him may grant a permit in a form to be approved of by the High Commissioner to any person to whom a "retailer's on licence" has been issued under the provisions of this Ordinance to sell intoxicating liquor for consumption upon the premises in any premises including any temporary structure, booth or tent other than the premises in respect of which the licence has been issued to him, notwithstanding that such premises are within any municipal or local council area, for a period not exceeding five days subject to such conditions as to the intoxicating liquor which may be sold, the persons who may be employed in connection with the sale thereof and the hours during which such liquor may be sold or otherwise as the Inspector-General of Police and Prisons



or such person appointed by him shall think fit and the person to whom any such permit is granted shall thereby be authorised to sell intoxicating liquor in the place named therein in accordance with the conditions and upon the dates and during hours therein stated.

(2) Any permit granted under the provisions of this section shall be exhibited in a conspicuous place upon the premises in respect of which it is granted during all times when any intoxicating liquor is being sold, exposed or kept for sale therein.

(3) No permit shall be granted unless the fee set out in the first schedule to this Ordinance have been paid in respect thereof.

20. The board for each municipal area and District shall, with the approval of the High Commissioner, make regulations providing for the hours during which intoxicating liquor may be sold in or upon premises licensed for the sale of intoxicating liquor within their areas or District respectively and may, by any such regulations, provide different hours for the sale of intoxicating liquor,

Hours during which intoxicating liquor may be sold.

(a) in or upon different classes of premises, or

(b) in or upon premises situated in specified areas, regard being had to the needs of the inhabitants of such areas.

21.—(1) Notwithstanding the provisions of any regulation made under the preceding section, the Inspector-General of Police and Prisons or any person appointed by him may by writing under his hand permit an extension of the opening of any premises in respect of which a licence has been issued, whether such premises are or are not within any municipal or local council area, beyond the hours specified in any regulation made under such section and such permit shall be deemed to authorise the sale of intoxicating liquor upon the premises named therein upon the day or days and during the times therein stated.

Extension of hours during which intoxicating liquor may be sold and closing of premises in cases of emergency, etc.

(2) In the interest of public order or in the case of emergency, the District Commissioner may, at his discretion, direct, either until a further direction by him, or for some stated period, the closing of all premises in respect of which licences have been issued in his District or in any specified part of his District, notwithstanding that any such premises are within any municipal or local council area and after the giving of any such direction to close, it shall, without prejudice to any penalty to which any person who fails to comply with any such direction to close may be liable under sub-section (3) of section 27 of this Ordinance, be lawful for any Police officer to use such force as may be necessary for the purpose of closing any such premises:

No. 17 of 1926.

Provided that where any unlawful assembly, riot or disturbance of the peace has taken place, or in the opinion of a magistrate or a superior Police officer within the meaning of the Police Ordinance, 1926, may be reasonably apprehended, such magistrate or superior Police officer may, in the absence of any such direction to close by the District Commissioner, direct the closing of such premises in respect of which a licence has been issued as such magistrate or superior Police officer may deem expedient until a further direction by the District Commissioner or a magistrate or a superior Police officer, and after the giving of any such direction to close, it shall, without prejudice to any penalty to which any person who fails to comply with any such direction to close may be liable under sub-section (3) of section 27 of this Ordinance, be lawful for any Police officer to use such force as may be necessary for the purpose of closing any such premises.

(3) (a) The District Commissioner may direct the closing of any premises in respect of which a licence has been issued notwithstanding that such premises are within any municipal or local council area if the person to whom the licence is issued is convicted of any offence under section 27 of this Ordinance.

(b) The direction to close made under paragraph (a) hereof may be made either for a stated period or indefinitely and any such direction shall be subject to any decision of the High Commissioner-in-Council made under paragraph (c) hereof be revocable by the District Commissioner at his discretion.

(c) Any person aggrieved by any direction of the District Commissioner made under paragraph (a) hereof, may, within seven days of the giving of any such direction, appeal to the High Commissioner-in-Council. The decision of the High Commissioner-in-Council shall be final and no appeal shall lie therefrom to any court. The District Commissioner shall amend or cancel any such direction in accordance with the decision of the High Commissioner-in-Council.

Employment of females.

22 —(1) No female under the age of seventeen years completed shall be employed in connection with the sale of intoxicating liquor.

(2) No female between the age of seventeen years and twenty years completed shall be employed in connection with the sale of intoxicating liquor after the hour of seven o'clock *post meridiem*.

(3) No female over the age of twenty years completed shall be employed in connection with the sale of intoxicating liquor after the hour of seven o'clock *post meridiem* unless the em-



ployment of such female upon the premises has been authorised by the board under paragraph (c) of section 16 of this Ordinance:

Provided that:—

(a) nothing in this section shall be deemed to derogate from the powers of a board under the provisions of paragraph (b) of section 16 of this Ordinance, and

(b) notwithstanding anything contained in this Ordinance, a board may authorise the employment of any female during the period of two years from the commencement of this Ordinance upon employment similar to that upon which she was employed prior to the commencement of this Ordinance and may at any time cancel such authorisation.

23. It shall not be lawful for any person to whom a licence has been issued to sell any intoxicating liquor for consumption on the premises in respect of which the licence was issued or for any person to consume any such liquor on the premises in which it is purchased, unless either:—

Sale of intoxicating liquor on credit.

(a) the intoxicating liquor is paid for in ready money before or at the time at which it is sold, or

(b) the intoxicating liquor is ordered and consumed at the same time as a meal is ordered and consumed and is paid for in ready money together with the price of such meal on the completion of such meal:

Provided that nothing herein shall be deemed to restrict the sale or supply of intoxicating liquor to any *bona fide* resident in an hotel, or other premises in respect of which a licence has been issued.

24. No licence issued under the provisions of this Ordinance shall authorise the sale of any intoxicating liquor which contains more than sixty *per centum* of alcohol by volume.

Certain intoxicating liquors not authorised to be sold.

25. Any magistrate, if satisfied that there is reasonable ground to believe that intoxicating liquor is sold or exposed or kept for sale at any place within his jurisdiction which is not licensed for such sale, may grant a warrant to a Police officer to enter the place named in the warrant and every part thereof, and search for intoxicating liquor therein, and seize and remove any liquor found which there is reasonable ground to suppose is there for the purpose of unlawful sale.

Search warrant may be granted.

26. Any Police officer may for the purpose of preventing or detecting the violation of any of the provisions of this Ordinance, or for the purpose of preventing any breach of the public peace, at all times enter any premises in respect of which a licence or permit has been issued or granted and any part of such premises.

Entry on premises by Police officer.



Offences and penalties.

27.— (1) Any person to whom a valid licence has not been issued, who sells or exposes or keeps for sale any intoxicating liquor, shall, on conviction therefor, be liable to a fine of one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalties, and any intoxicating liquor in such person's possession and the vessels containing such liquor shall be forfeited.

(2) Any person to whom a valid licence has been issued or a permit for which provision is made by sections 19 and 21 respectively of this Ordinance has been granted, who,

- (a) sells, exposes or keeps for sale intoxicating liquor contrary to the provisions of this Ordinance or any regulations made thereunder, or
- (b) sells, exposes or keeps for sale intoxicating liquor contrary to the terms or conditions of such licence or permit, or
- (c) permits drunkenness or any violent or riotous conduct to take place on the premises in respect of which the licence or permit was issued or granted, or
- (d) sells or permits the sale of intoxicating liquor to any drunken person, or
- (e) permits the premises in respect of which the licence or permit was issued or granted to be the resort of or place of meeting of prostitutes, or
- (f) knowingly permits any Police officer to remain on the premises in respect of which the licence or permit was issued or granted during any part of time appointed for the officer being on duty, unless for the purpose of keeping or restoring order or in the execution of his duty, or
- (g) supplies any intoxicating liquor, whether by way of gift or sale, to any Police officer on duty unless by the authority of a superior Police officer, or
- (h) suffers any unlawful game to be played or unlawful lottery to be carried on in the premises in respect of which the licence or permit was issued or granted, or
- (i) employs or allows to be employed in the sale of intoxicating liquor any female otherwise than in accordance with the provisions of this Ordinance, or
- (j) supplies either by himself or by a servant or agent any intoxicating liquor in contravention of section 23 of this Ordinance, or





(k) fails to exhibit his licence in accordance with section 11 or fails to exhibit his permit in accordance with section 19 of this Ordinance,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding fifteen days or to both such penalties and in the case of a second or subsequent offence, shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such penalties.

(3) Any person who fails to comply with any direction to close of the District Commissioner or a magistrate or a superior Police officer given under sub-section (2) of section 21 of this Ordinance, shall, on conviction, be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalties.

(4) Any person who fails to comply with any direction of the District Commissioner given under sub-section (3) of section 21 of this Ordinance, shall, on conviction, be liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding fifteen days or to both such penalties.

(5) Any person who shall consume any intoxicating liquor in contravention of section 23 of this Ordinance, shall, on conviction, be liable to a fine not exceeding five pounds.

(6) Any person who, by himself or by any person in his employ or acting by his discretion or with his consent refuses or fails to admit any Police officer in the execution of his duty demanding to enter in pursuance of section 26 of this Ordinance, shall, on conviction, be liable to a fine not exceeding five pounds.

(7) Where any person to whom a licence has been issued for the sale of intoxicating liquor is convicted of an offence under the provisions of this Ordinance, particulars of such offence may be recorded on the licence of such person by the court by which such person is convicted.

28. The Ordinances set out in the second schedule to this Ordinance shall be repealed. Repeal.

29. The Ordinance set out in the third schedule to this Ordinance, shall be amended in the manner set out in the third column of that schedule. Amendment.

30. All licences in respect of the sale of intoxicating liquor validly issued under the provisions of any Ordinance hereby repealed, shall be good and valid for the period for which they were issued as though they had been issued under this Ordinance, and the provisions of this Ordinance shall apply to such licences and the premises in respect of which they were issued and to the holders thereof for the remainder of the terms of such licences. Saving.



FIRST SCHEDULE.

FEES.

	<u>Pounds</u>
I. For every "dealer's licence" - - -	twelve
II. For every "retailer's off licence" - - -	nine
III. For every "retailer's on licence":—	
(i) Where the premises in respect of which the licence to sell intoxicating liquor has been issued are used as an hotel, boarding house or lodging house:—	
(a) in which the daily inclusive charge for accommodation is five hundred mils or less - - -	twelve
(b) in which the daily inclusive charge for accommodation is five hundred mils or less, and if part of the premises in respect of which the licence to sell intoxicating liquor has been issued is used as a public bar	fifteen
(c) in which the daily inclusive charge for accommodation exceeds five hundred mils but is less than eight hundred mils - - - - -	twenty
(d) in which the daily inclusive charge for accommodation is eight hundred mils and upwards - - -	forty
(ii) Where the premises in respect of which the licence to sell intoxicating liquor has been issued are used as a cafe or restaurant only or a <i>bona fide</i> club in which intoxicating liquor is sold to members only and no part of which is used as a public bar, theatre, concert or dance hall or place of public entertainment - - -	nine
(iii) Where the premises in respect of which the licence to sell intoxicating liquor has been issued or part thereof are used as a public bar, concert or dance hall, or place of public entertainment - - - - -	fifteen
IV. For every permit granted under section 19 - - -	five hundred mils for each day or part thereof.



Provided that where, under any licence or permit, the sale of intoxicating liquor is limited to the sale of light wines and beers, the fees payable in respect of such licence shall be half the above mentioned fees.

SECOND SCHEDULE.

REPEALS.

Number and year of Ordinance	Short title
14 of 1922.	Intoxicating Liquors and Public Entertainments Ordinance, 1922.
39 of 1925.	Intoxicating Liquors Amendment Ordinance, 1925.
1 of 1931.	Intoxicating Liquors (Sale on Credit) Ordinance, 1931.
8 of 1933.	Intoxicating Liquors and Public Entertainments (Amendment) Ordinance, 1933.

THIRD SCHEDULE.

Number and year of Ordinance	Short title	Amendment
17 of 1926.	Police Ordinance, 1926.	1. Delete section 31.
42 of 1927.	Intoxicating Liquors Ordinance, 1927.	1. Section 2, substitute the following for the definition of "arak":— "Arak" means spirits made from fruit and the seed of the aniseed plant

Number and year of Ordinance	Short title	Amendment
52 of 1927	Regulation of Trades and Industries Ordinance, 1927.	<p>by distillation which when mixed with an equal volume of water produce a dense milky opalescence”.</p> <p>2. Section 16 (2), substitute the following:—</p> <p>“ (2) Such licence shall be annual and shall be additional to the licence prescribed under the Sale of Intoxicating Liquor Ordinance, 1935, and shall be granted only to a person who has already obtained a licence under that Ordinance:</p> <p>Provided that a person licensed as a pharmacist in respect of premises at which no intoxicating liquor other than medicinal wines are sold shall not be required to obtain a licence under the said Ordinance of 1935, in respect of those premises”.</p> <p>In section 16 (3), substitute the words “five hundred metres” for the words “two kilometres.”</p> <p>In section 16 (4), in the place of the words “certificate prescribed in section 9 of the Intoxicating Liquors and Public Entertainments Ordinance, 1922,” substitute “permit prescribed in section 19 of the Sale of Intoxicating Liquor Ordinance, 1935”.</p> <p>1. Section 4, add as sub-section (3):—</p> <p>“(3) Where any person is the holder of a valid licence granted under the Sale of Intoxicating Liquor Ordinance, 1935, or under the Public Entertainments Ordinance, 1935, it shall not be necessary for such person to obtain a licence under this Ordinance for the premises in respect of which such licence was granted under the Sale of Intoxicating Liquor Ordinance 1935, or the Public Enter-</p>

Number and year of Ordinance	Short title	Amendment
		<p>tainment Ordinance, 1935, but the provisions of this Ordinance shall apply to such person and to such premises as though a licence had been granted under this Ordinance.</p> <p>2. Schedule I Class II. A. delete :—</p> <p>“Hotels, places of public entertainment and all establishments licensed under the Intoxicating Liquors and Public Entertainments Ordinance, 1922.</p> <p>The fees payable under the Intoxicating Liquors and Public Entertainments Ordinance, 1922.</p> <p>and substitute in the place thereof the following :—</p> <p>“Premises licensed under the Sale of Intoxicating Liquor Ordinance, 1935 - - - No fee</p> <p>Places of public entertainment licensed under the Public Entertainments Ordinance, 1935 - No fee</p> <p>3. Delete :—</p> <p>“Cafes and restaurants not licensed under the Intoxicating Liquors and Public Entertainments Ordinance, 1922. 500”</p> <p>and substitute in the place thereof, the following :—</p> <p>“Cafes and restaurants not licensed under the Sale of Intoxicating Liquor Ordinance, 1935, or the Public Entertainments Ordinance, 1935. five hundred mils.”</p>

Number and year of Ordinance	Short title	Amendment
		<p>4. Delete :—</p> <p>“Lodging houses and boarding houses where intoxicating liquors are not sold. 500”</p> <p>and substitute in place thereof the following: -</p> <p>“Hotels, lodging houses and boarding houses not licensed under the Sale of Intoxicating Liquor Ordinance, 1935. five hundred mils.”</p> <p>5. Delete :—</p> <p>“Breweries, winepresses and factories of alcohol, vinegar or any fermented or spirituous liquor. The fees payable under the Intoxicating Liquors Ordinance, 1927.”</p> <p>and substitute in place thereof the following:—</p> <p>“Breweries, wine presses and factories of alcohol, vinegar or any fermented or spirituous liquor. No. fee.”</p>

26th February, 1935.

A. G. WAUCHOPE  
*High Commissioner.*

PUBLIC ENTERTAINMENTS ORDINANCE,  
No. 5 of 1935.

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF PUBLIC ENTERTAINMENTS  
AND CERTAIN MATTERS IN CONNECTION THEREWITH.

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 Public Entertainments Ordinance, 1935. Short title.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings respectively assigned to them, that is to say:— Interpretation.

“District Commissioner” means the District Commissioner of the District in which any premises in respect of which a licence has been issued or is desired under the provisions of this Ordinance, are situated.

“Licence” means any licence issued under the provisions of this Ordinance.

“Public entertainment” means any entertainment to which the public are admitted and includes theatrical and cinematograph entertainments, cabarets, circuses, concerts, dances and skating rinks, but not lectures or debates of which the principal object is instruction even though such lectures or debates be illustrated in any way.

3. No person shall make use of any premises for any public entertainment unless a licence has been issued to him in accordance with the provisions of this Ordinance. Licence required for public entertainment.

4.—(1) Any person wishing to obtain a licence shall apply for such licence at least seven days before the day on which it is proposed to use the premises for any public entertainment. Application for and issue of licences.

(2) The application for a licence shall be made when the premises in respect of which a licence is desired are within any municipal area, to the municipal council thereof, or if the premises are within the area of a local council to the local council thereof, or if the premises are not within any municipal area or local council area, to the District Commissioner stating in such application:—

(a) the premises in respect of which the licence is desired,  
and

(b) the class of licence desired,

and the municipal council or local council or the District Commissioner shall, subject to the provisions of this Ordinance, issue to such person the licence for which he made application.

(3) No licence shall be issued, unless the licensing authority is satisfied that the premises for which a licence is desired are structurally in all respects suitable for the purpose for which they are to be used, having regard to the safety, health and convenience of the public and the maintenance of good order therein by the Police.

**Fees for licences.** 5.—(1) No licence shall be issued unless the fees set out in the first schedule to this Ordinance, have been paid in respect thereof:

Provided that no fee shall be paid for a licence in respect of premises to be used for any public entertainment of which the entire proceeds are devoted to charitable purposes.

(2) No fee paid in respect of any licence or any part of such fee shall be refunded on the ground that the holder of such licence has ceased or failed to make use of the premises in respect of which such licence has been issued for any public entertainment or that such premises have been closed for any reason or otherwise.

(3) All fees payable under this Ordinance in respect of issue of licences shall be paid:—

(a) where the licence is issued by a municipal council, to such council and shall be credited to the municipal fund;

(b) where the licence is issued by a local council to such council and shall be credited to the funds of such council.

(c) where the licence is issued by a District Commissioner, to such District Commissioner and shall be credited to the general revenue of Palestine.

**Classes of licences.**

6. Licences shall be of the following classes, that is to say:—

(a) a class A licence which shall authorise the holder to make use of the premises referred to therein for a public entertainment to be held on a specified date, and

(b) a class B licence which shall authorise the holder to make use of the premises referred to therein for any public entertainment to be held within a specified period not exceeding one week, and

(c) a class C licence which shall authorise the holder to make use of the premises referred to therein for any public entertainment to be held within a specified period exceeding one week but not exceeding one year.





7. No licence shall be transferable:

Licence not to be transferable.

Provided that if the person to whom a licence is issued dies, the municipal council or local council or the District Commissioner who issued the licence may transfer such licence to the heir of the deceased person for the remainder of the term thereof and such heir shall thereupon be deemed to be the person to whom the licence was issued.

8. A licence shall be in a form to be approved of by the High Commissioner.

Form of licence.

9. A licence shall be exhibited in a conspicuous place in the premises in respect of which it is issued at all times when a public entertainment is taking place within or upon such premises.

Licence to be exhibited.

10. In the interest of public order or in the case of emergency, the District Commissioner may, at his discretion, direct, either until a further direction by him or for some stated period, the closing of all premises in respect of which licences have been issued in his District or, in any specified area of his District, notwithstanding that any such premises are within any municipal or local council area and after the giving of any such direction to close, it shall, without prejudice to any penalty to which any person who fails to comply with any such direction to close may be liable under sub-section (3) of section 12 of this Ordinance, be lawful for any Police officer to use such force as may be necessary for the purpose of closing any such premises:

Closing of premises in case of emergency, etc.

Provided that where any unlawful assembly, riot or disturbance of the peace has taken place or, in the opinion of a magistrate or a superior Police officer within the meaning of the Police Ordinance, 1926, may be reasonably apprehended, such magistrate or superior Police officer may, in the absence of such direction to close by the District Commissioner, direct the closing of such premises in respect of which a licence has been issued, as such magistrate or superior Police officer may deem expedient until a further direction by the District Commissioner or a magistrate or a superior Police officer, and after the giving of any such direction to close it shall, without prejudice to any penalty to which any person who fails to comply with any such direction to close may be liable under sub-section (3) of section 12 of this Ordinance, be lawful for any Police officer to use such force as may be necessary for the purpose of closing any such premises.

No. 17 of 1926.

11. Any Police officer may, for the purpose of preventing or detecting the violation of any of the provisions of this Ordinance, or for the purpose of preventing any breach of the public peace, at all times enter any premises in respect of which a licence has been issued or any part of such premises.

Entry on premises by Police officer.



Offences and penalties.

12.—(1) Any person to whom a valid licence has not been issued who makes use of any premises for any public entertainment, shall, on conviction, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such penalties.

(2) Any person who fails to exhibit a licence in accordance with the provisions of section 9 of this Ordinance, shall, on conviction, be liable to a fine not exceeding five pounds.

(3) Any person who fails to comply with any direction to close, given by the District Commissioner, magistrate or superior Police officer, in pursuance of section 10 of this Ordinance, shall, on conviction, be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such penalties.

(4) Any person who, by himself or by any person in his employ or acting by his discretion or with his consent, refuses or fails to admit any Police officer in the execution of his duty demanding to enter in pursuance of section 11 of this Ordinance, shall, on conviction, be liable to a fine not exceeding ten pounds.

Amendment.

13. The Ordinances set out in the second schedule to this Ordinance shall be amended in the manner set out in the third column of that schedule.

Saving.

No. 14 of 1922.

14. All licences to make use of any premises for any public entertainment validly issued under the provisions of the Intoxicating Liquors and Public Entertainments Ordinance, 1922, shall be good and valid for the period for which they were issued as though they had been issued under this Ordinance and the provisions of this Ordinance shall apply to such licences and the premises in respect of which they were issued and to the holders thereof for the remainder of the term of such licences.

### FIRST SCHEDULE.

#### I — ANNUAL LICENCES.

A. FOR A THEATRE OR CINEMA.	<u>Pounds</u>
(a) With seating capacity for one to one hundred persons	- ten
(b) With seating capacity for one hundred and one to two hundred persons	- twenty
(c) With seating capacity for over two hundred persons	- thirty

B. OTHER PREMISES USED FOR PUBLIC ENTERTAINMENTS.

- (a) With seating capacity for one to one hundred persons - five
- (b) With seating capacity for one hundred and one to two hundred persons - ten
- (c) With seating capacity for over two hundred persons - fifteen

C. ENTERTAINMENT PREMISES WITHOUT SEATING - ten

II — OCCASIONAL LICENCES.

All classes - - - five hundred mils per diem

SECOND SCHEDULE.

Number and year of Ordinance	Short title	Amendment
No. 27 of 1927	Cinematograph Films Ordinance, 1927.	Section 2. Substitute the following for the definition of "Public Entertainment":—  " "Public entertainment" has the meaning assigned to the term in the Public Entertainments Ordinance, 1935".
No. 28 of 1927	Public Performances (Censorship) Ordinance, 1927.	Section 2. Substitute the following for the definition of "Public Entertainment":—  " "Public entertainment" has the meaning assigned to the term in the Public Entertainments Ordinance, 1935".

26th February, 1935.

A. G. WAUCHOPE  
*High Commissioner.*



PUBLIC HEALTH (RULES AS TO FOOD) ORDINANCE,  
No. 6 of 1935.

AN ORDINANCE TO ENABLE RULES TO BE MADE FOR THE PREVENTION OF ADULTERATION AND FALSE MARKING OF FOOD AND TO MAKE OTHER PROVISIONS IN CONNECTION THEREWITH.

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

Short title.           1. This Ordinance may be cited as the Public Health (Rules as to Food) Ordinance, 1935.

Interpretation.       2.—(1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

- (a) "Food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes flavouring matters and condiments.
- (b) "Label", when used as a verb, means brand, mark or otherwise designate or describe any article, and when used as a noun, means any brand or mark or any printed, pictorial or other descriptive matter appearing on or attached to or packed with and referring to any food or the package containing the same.
- (c) "Municipal area" includes the area of a local council.
- (d) "Municipal council" includes a Local Council constituted under the Local Councils Ordinance, 1921.
- (e) "Package" includes anything in or by which goods are cased, covered, enclosed, contained or packed.
- (f) "Sell" means sell by wholesale or retail and in addition to its ordinary meaning includes offer, advertise, keep, expose, transmit, consign, import, convey or deliver for sale, or cause a sale, or prepare or possess for purposes of sale; and further means barter or exchange or supply or dispose for any consideration direct or indirect. The words "selling", "sale" and "sold" have a corresponding meaning.



(2) For the purposes of this Ordinance:—

- (a) food shall be deemed to be adulterated if it has been mixed with another substance or any part of such food has been abstracted so as in either case to affect its quality, substance or nature, except as provided in this Ordinance, and
- (b) food shall be deemed to be intended for sale for human consumption unless the contrary is proved.

(3) The provisions of paragraph (24) in part C. General Definitions of section 3 of the Interpretation Ordinance, 1929, shall not apply to the interpretation of this Ordinance.

No. 34 of 1929.

3. It shall be lawful for the Director of Medical Services, with the approval of the High Commissioner, to make rules authorising generally or in respect of any specified area or place measures to be taken for the prevention of danger arising to public health from the importation, preparation, storage, and distribution of food intended for sale for human consumption, and for the prevention of the false marking of food and without prejudice to the generality of the powers hereby conferred, such rules may:—

Power of Director of Medical Services to make rules.

- (a) provide for the proper labelling of any package containing food;
- (b) define where necessary the quality, substance and nature of food and specify the standards required in respect of such food and determine what deficiency in any of the normal constituents of any substance, or what addition of extraneous matter or proportion of water in any substance shall for the purposes of this Ordinance constitute proof that such substance is not genuine or is injurious to health;
- (c) prescribe the procedure for the taking of samples of food and provide for the examination thereof;
- (d) provide for the recovery of any charges authorised to be made by the rules for the purposes of the rules or any services performed thereunder;
- (e) apply as respects any matters to be dealt with by the rules any provision in any Ordinance dealing with like matters, with the necessary modifications and adaptations.

4. The following persons, that is to say:—

Powers of certain officers and inspectors.

- (a) any medical officer of the Department of Health, or
- (b) any sub-inspector of the Department of Health, or

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(c) any other officer of the Department of Health authorised by the Director of Medical Services, or

(d) any inspector of a municipality authorised by the municipal council in respect of premises in the municipal area, or

No. 2 of 1928. (e) any inspector under the Weights and Measures Ordinance, 1928, or

No. 11 of 1929. (f) any officer within the meaning of paragraph (t) of section 2 of the Customs Ordinance, 1929,

may:—

(i) procure in the manner prescribed by rules under this Ordinance, any sample of food, or

(ii) enter any premises in which food is sold for the purpose of procuring samples for analysis or for the purpose of ascertaining whether any breach of this Ordinance or of any rules made thereunder is being committed, or

(iii) procure (but only at the request or with the consent of the purchaser or consignee) at the place of delivery any sample of any food in the course of delivery to the purchaser or consignee of such food.

Duties of certain officers and inspectors.

5. Any officer or inspector referred to in the last preceding section shall:—

(a) submit any sample of any food obtained by him under the power conferred upon him by paragraph (i) of that section if he suspect such sample to have been sold to him contrary to any of the provisions of this Ordinance or of any rules made thereunder to the Medical Officer of the Department of Health for the district or area concerned for transmission to and analysis by the Government Analyst or an authorised assistant of the Government Analyst or such other officer of the Department of Health as may be authorised by the Government Analyst to carry out analyses, or

(b) submit in like manner any sample of any food obtained by him under the power conferred upon him by paragraph (iii) of that section if he suspect such sample to have been sold contrary to any of the provisions of this Ordinance or any rules made thereunder.

Special power and duty of medical officer of the Department of Health.

6. If any medical officer of the Department of Health finds that any food exposed for sale is adversely affected by decomposition, contamination or other cause, he may forthwith seize



such food in order to have it dealt with by a Magistrate who, if he is satisfied that such food is unwholesome or unfit for human consumption, shall order it to be destroyed.

7.—(1) The Government Analyst or his authorised assistant or any other officer of the Department of Health authorised by the Government Analyst to carry out analyses shall, with all convenient speed, analyse any sample of any food submitted to him by any officer or inspector referred to in section 4 of this Ordinance and shall give a certificate to the Medical Officer of the Department of Health for the district or area concerned wherein shall be specified the result of the analysis.

Analyses of  
samples of food.

(2) Any certificate of analysis given under the provisions of sub-section (1) hereof shall be in the form set forth in the schedule to this Ordinance or as near to such form as may be possible.

8.—(1) Any food imported into or consigned to any place in Palestine may, during transit or at any time after arrival at its destination, be inspected and examined by any officer or inspector referred to in section 4 of this Ordinance and samples thereof taken and submitted for examination or analysis provided that any sample so taken in a Customs House shall be taken without payment.

Inspection and  
examination of  
food in transit.

(2) Any such food together with any similar food in the same consignment may, at the discretion either of the Director, Customs, Excise and Trade or of the Director of Medical Services be detained in the custody of the Department of Customs, Excise and Trade, until any necessary examination or analysis has been completed, provided that such examination or analysis shall be carried out with all convenient speed.

(3) If such examination or analysis shows that the food is adulterated or falsely described, or is a prohibited food or is unwholesome for human consumption or use, or is otherwise not in accordance with any provision of this Ordinance or any rule made thereunder, the food and any similar food included in the same consignment by written order signed by the Director of Medical Services, or by a Senior Medical Officer of the Department of Health may by order of a Magistrate be:—

(a) declared to be forfeited and ordered to be destroyed, or

(b) required to be returned to the port of shipment, or

(c) allowed to be imported after being relabelled to the satisfaction of the Director of Medical Services, or

(d) otherwise dealt with or disposed of as the Director of Medical Services may direct.



Duty of  
municipal  
council to take  
samples.

9. It shall be the duty of every municipal council to direct their officers to take samples from time to time, as occasion may arise, as to provide proper securities for the sale of food in a pure and genuine condition.

Offences and  
penalties.

10.—(1) Any person who:—

- (a) shall adulterate or add to any food any preservative, colouring matter or other substance prohibited by rules made under this Ordinance or shall sell any food containing any such substance, or
- (b) shall, save as may be permitted by rules made under this Ordinance, add to any food any preservative substance or colouring matter of any kind whatsoever or shall sell any food to which any such substance or matter has been added, or
- (c) shall sell any food which it required to be labelled by rules made under this Ordinance is not labelled in accordance with such rules or of which the net weight does not correspond to the weight indicated on the label if any, or
- (d) shall sell any food the quality of which is adversely affected by decomposition, contamination or other cause, or
- (e) shall sell to the prejudice of the purchaser any article of food which is not of the weight or of the quality or of the substance or of the nature demanded by the purchaser, or
- (f) shall, with the intent that any food may be sold in its altered state, without notice abstract from such food any part of it so as to affect its weight, quality, substance or nature, or shall sell any such food so altered without making disclosure of the alteration, or
- (g) shall refuse to sell to any officer or inspector referred to in section 4 of this Ordinance, who shall apply to purchase any food exposed for sale or on sale by retail on any premises or in any shop or stores or any street or open place of public resort if any such officer or inspector shall tender the current market price for the quantity which he shall require for the purpose of analysis not being more than shall be reasonably requisite, or
- (h) shall wilfully obstruct or impede any officer or inspector referred to in section 4 of this Ordinance in the course of his duties under this Ordinance, or by any gratuity,





bribe, promise or other inducement prevent or attempt to prevent the due execution by such officer or inspector of his duty under this Ordinance, or

- (i) shall refuse to allow any officer or inspector referred to in section 4 of this Ordinance, to take the quantity of food which such officer or inspector may require under section 4 (iii) of this Ordinance for the purpose of analysis, or
- (j) shall give any written warranty with any article of food sold by him which is false or misleading in any particular, or
- (k) shall wilfully apply to an article of food in any proceedings under this Ordinance a certificate or warranty given in relation to any other article of food, or
- (l) shall wilfully give a label with any food sold by him which shall falsely describe such food,

shall be guilty of an offence under this Ordinance and shall, on conviction thereof, be liable for a first offence to a fine not exceeding twenty pounds and for a second offence to a fine not exceeding fifty pounds and for a third or any subsequent offence to a fine not exceeding one hundred pounds:

Provided that:—

- (a) no person shall be deemed to have committed an offence under paragraph (e) hereof in any of the following cases, that is to say:—
  - (i) Where any matter or ingredient not injurious to health has been added to the food because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food, or conceal the inferior quality thereof.
  - (ii) Where the food is the subject of a patent in force, and is supplied in the state required by the specification of the patent.
  - (iii) Where the food is unavoidably mixed with some extraneous matter in the process of preparation or collection, and
- (b) no person shall be deemed to have committed an offence under paragraph (j) hereof if he proves, to the satisfaction of the court, that when he gave the warranty to which reference is made in that paragraph, he had reason to believe that the statements or description contained therein were true:



Provided that a warranty shall not be available as a defence to any proceedings under this Ordinance when the food in respect of which the proceedings are taken is milk, and

- (e) no person shall be deemed to be guilty of any offence under this Ordinance in respect of the sale of any food mixed with any matter or any ingredient not injurious to health and not intended fraudulently to increase its bulk, weight or measure or conceal its inferior quality if at the time of delivering such food he shall supply to the person receiving it a notice by a label distinctly, prominently and legibly printed in not less than one of the official languages on or with the food to the effect that the food is mixed and such label shall not be deemed to be distinctly, prominently and legibly printed in not less than one of the official languages unless it is so printed that the notice of mixture given by the label is not obscured by any other matter on the label.

(2) Notwithstanding anything contained in any other Ordinance or law, any person who for the purpose of this Ordinance shall forge or shall utter, knowing it to be forged, any certificate or any writing purporting to be a warranty, shall be guilty of an offence under this Ordinance and shall, on conviction thereof, be liable to imprisonment for a term not exceeding two years.

(3) Proceedings under paragraph (j) of this section may be taken either before a court having jurisdiction in the place where the food was sold or sampled, or before a court having jurisdiction in the place where the warranty was given.

Certain defences not to be effective.

11. In any prosecution under this Ordinance it shall be no defence to any such prosecution to allege that the purchaser having bought only for analysis was not prejudiced by such sale.

Certificate of analyst to be prima facie evidence.

12. In any proceedings arising out of this Ordinance, the production of the certificate of the analyst shall be sufficient evidence of the facts therein stated unless the defendant shall require that such analyst shall be called as a witness and that the parts of the food retained by the person who purchased the food shall be produced.

Defence of warranty.

13. If the defendant in any prosecution under this Ordinance prove to the satisfaction of the court that:—

- (a) he had purchased the food in question as the same in weight, quality, substance and nature as that demanded of him by the purchaser and with a written warranty to that effect, and



(b) he had no reason to believe at the time he sold it that the food was otherwise, and

(c) he sold it in the same state as when he purchased it,

he shall be discharged from the prosecution but shall be liable to pay the costs of the prosecutor unless he shall have given due notice to the prosecutor that he will rely on the defence of warranty.

14.—(1) A warranty shall not be available as a defence in any prosecution under this Ordinance unless the defendant has within seven days after service of the summons sent to the prosecutor a copy of such warranty with a written notice stating that he intends to rely on the warranty and specifying the name and address of the person from whom he received such warranty and has also sent a like notice of his intention to such person.

Provisions to use of warranty.

(2) The person by whom such warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(3) A warranty given outside Palestine shall not be available as a defence to any prosecution under this Ordinance unless

the defendant proves that he had taken reasonable steps to ascertain and did in fact believe in the accuracy of the statements or description contained in the warranty.

(4) Where the defendant is a servant of the person who purchased the food under a warranty he shall, subject to the provisions of this section, be entitled to rely on section 13 of this Ordinance in the same way as his employer or master would have been entitled to do if he had been the defendant provided that the servant further proves that he had not reason to believe that the food was otherwise than that demanded by the prosecutor.

15. Where a sample of any food is taken or purchased under this Ordinance, no prosecution in respect of it shall be instituted after the lapse of sixty days, or in the case of food declared by rules made under this Ordinance to be perishable food, after the lapse of twenty-one days, from the date of purchasing or obtaining the sample :

Limitation of actions.

Provided that this section shall not apply to any prosecution against the giver of any warranty.

16.—(1) In any conviction under this Ordinance, any food to which the conviction relates may by order of the court

Forfeiture of food.



become and be forfeited to the Government of Palestine. Such order may apply to the whole of the food and to all packages and vessels containing any similar food belonging to the accused or found on his premises or in his possession at the time the offence was committed.

(2) All articles forfeited under an order of a court made under sub-section (1) hereof shall be destroyed or otherwise dealt with or disposed of as the Director of Medical Services shall direct.

Repeal.

17. The Ottoman Law governing medical examination in Customs Houses of the twenty-ninth day of Rabi Awwal 1323 shall cease to have effect in Palestine in so far as it is applicable to food as defined in sub-section (1) of section 2 of this Ordinance.

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SCHEDULE.

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CERTIFICATE OF ANALYST

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"I, the undersigned, do hereby certify that I have examined the sample (s) described above and declare the result of my examination to be as follows:—

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As witness my hand this \_\_\_\_\_ day of \_\_\_\_\_  
at \_\_\_\_\_

GOVERNMENT ANALYST.

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26th February, 1935.

A. G. WAUCHOPE  
*High Commissioner.*



PATENTS AND DESIGNS (AMENDMENT) ORDINANCE,  
No. 7 of 1935.

AN ORDINANCE TO AMEND THE PATENTS AND DESIGNS ORDINANCE, 1924.

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 Patents and Designs (Amendment) Ordinance, 1935, and the Patents and Designs Ordinance, 1924, (hereinafter called the principal Ordinance) the Patents and Designs (Amendment) Ordinance, 1930, the Patents and Designs (Amendment) Ordinance, 1934, and this Ordinance may together be cited as the Patents and Designs Ordinances, 1924-1935.

Short title.

No. 33 of 1924  
No. 13 of 1930  
No. 23 of 1934

2. Section 51 of the principal Ordinance as enacted by section 2 of the Patents and Designs (Amendment) Ordinance, 1930, shall be repealed and the following section substituted therefor:

Replacement of section 51 of principal Ordinance.

Provided that

- (a) this repeal shall not affect the validity of any orders made by the High Commissioner in Council under section 51 of the principal Ordinance prior to the commencement of this Ordinance, and such orders shall have effect as if made under section 51 of the principal Ordinance as enacted by this Ordinance, and
- (b) any such order made under section 51 of the principal Ordinance prior to the commencement of this Ordinance, and referring to the provisions of section 51 of the principal Ordinance shall be construed to refer to the corresponding provisions of section 51 of the principal Ordinance as enacted by this Ordinance.

“Grant of Patents or registration of designs in pursuance of International Convention.

51.—(1) If His Majesty on behalf of the Administration of Palestine is pleased to make any arrangement with the Government of any foreign state for the mutual protection of inventions or designs, then any person who has applied for protection for any invention or design in that state, or his legal representative or assignee, shall be entitled to a patent for his invention or to registration of his design under this Ordinance in priority to other applicants, and the patent or registration shall have the same date as the date of the application in the foreign state:—

Provided that

(a) the application is dated in the case of a patent within twelve months, and in the case of a design within six months, from the application for protection in the foreign state, and

(b) nothing in this section shall entitle the patentee or proprietor of the design to recover damages for infringements happening prior to the actual date on which his specification is accepted, or his design is registered in Palestine.

(2) The patent granted for the invention or the registration of a design shall not be invalidated:—

(a) in the case of a patent, by reason only of the publication of a description of, or use of, the invention; or

(b) in the case of a design, by reason only of the exhibition or use of, or the publication or a description or representation of, the design,

in Palestine during the period specified in this section as that within which the application may be made.

(3) The application for the grant of a patent or the registration of a design, under this section, must be made in the same manner as an ordinary application under this Ordinance.

(4) The provisions of sub-sections (1), (2) and (3) of this section shall apply only in the case of those foreign states with respect to which the High Commissioner by Order in Council declares them to be applicable, and so long only in the case of each state as the Order continues in force with respect to that state.

Application of sub-sections (1) (2) and (3) to His Majesty's dominions.

(5) Where it is made to appear to the High Commissioner that the legislature of any part of His Majesty's dominions has made satisfactory provision for the protection of inventions and designs patented or registered in Palestine it shall be lawful for the High Commissioner by Order in Council to apply the provisions of sub-sections (1), (2) and (3) of this section to that part of His Majesty's dominions with such variations and additions, if any, as may be stated in the Order".



3. The principal Ordinance shall be amended by the insertion after section 51 thereof (as enacted in section 2 of this Ordinance) of the following section as section 51A thereof:—

Insertion of  
new section in  
principal  
Ordinance.

“Special provisions as to vessels, aircraft and land vehicles.

51A.—(1) Subject to the provisions of this section the rights of a patentee shall not be deemed to be infringed:—

(a) by the use on board a foreign vessel of the patented invention in the body of the vessel or in the machinery, tackle, apparatus or other accessories thereof, if the vessel comes into the territorial jurisdiction waters of Palestine temporarily or accidentally only, and the invention is used exclusively for the actual needs of the vessel:

(b) by the use of the patented invention in the construction or working of a foreign aircraft or land vehicle or of the accessories thereof if the aircraft or vehicle comes into Palestine temporarily or accidentally only.

(2) This section shall apply only to vessels, aircraft and land vehicles of a foreign state with respect to which the High Commissioner by Order in Council declares that the laws thereof confer corresponding rights with respect to the use of inventions in vessels, aircraft and land vehicles of Palestine when coming into the foreign state or the territorial waters thereof.

(3) For the purposes of this section, vessels and aircraft shall be deemed to be vessels and aircraft of the country in which they are registered, and land vehicles shall be deemed to be vehicles of the country within which the owners are ordinarily resident.

(4) The High Commissioner may by Order in Council apply this section to vessels, aircraft and land vehicles of a part of His Majesty's dominions in like manner as to vessels, aircraft and land vehicles of a foreign state”.

4. Section 53 of the principal Ordinance shall be amended:—

Amendment of  
section 53 of  
principal  
Ordinance.

(a) by the substitution of the following paragraph in the place of paragraph (b) thereof:—



“(b) “District Court” shall mean the District Court or District Courts appointed by Order of the High Commissioner to exercise jurisdiction under this Ordinance”,

and

(b) by the addition of the following paragraph as paragraph (n) thereof:—

“(n) “His Majesty’s dominions” shall include the British Protectorates and Protected States and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty”.

A. G. WAUCHOPE

*High Commissioner.*

26th February, 1935.

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TRADE MARKS (AMENDMENT) ORDINANCE,

No. 8 of 1935.

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AN ORDINANCE TO AMEND THE TRADE MARKS ORDINANCE, 1921.

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

Short title.

1. This Ordinance may be cited as the Trade Marks (Amendment) Ordinance, 1935, and shall be read and construed with the Trade Marks Ordinance, 1921, (hereinafter called the principal Ordinance) and any enactments amending that Ordinance.

Amendment of section 1 of the principal Ordinance.

2. Section 1 of the principal Ordinance shall be amended by the addition of the following words:—

“and the term “His Majesty’s dominions” shall include the British Protectorates and Protected States and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty”.

Sections 24, 25, 25A and 26 of principal Ordinance repealed.

3. Section 25 of the principal Ordinance, and sections 24, 25A and 26 of the principal Ordinance, as enacted by the Trade Marks (Amendment) Ordinance, 1930, shall be repealed and the following sections shall be substituted therefor:





Provided that

- (a) this repeal shall not affect the validity of any orders made by the High Commissioner-in-Council under section 26 of the principal Ordinance prior to the commencement of this Ordinance, and such orders shall have effect as if made under section 26 of the principal Ordinance as enacted by this Ordinance, and
- (b) any such order made under section 26 of the principal Ordinance prior to the commencement of this Ordinance, and referring to section 24, 25 or 26 of the principal Ordinance shall be construed to refer to section 24, 25 or 26 of the principal Ordinance as enacted by this Ordinance:—

“Trade Marks registered abroad to be recognised on adhesion of Palestine to International Conventions.

24.—(1) If His Majesty on behalf of the Administration of Palestine is pleased to make any arrangement with the Government of any foreign state for mutual protection of trade marks, then any person who has applied for protection for a trade mark in that state, or his legal representative or assignee, shall be entitled to registration of his trade mark under this Ordinance in priority to other applicants; and the registration shall have the same date as the date of the application in the foreign state:

Provided that

- (a) the application is dated within six months from the application for protection in the foreign state, and
- (b) nothing in this section shall entitle the proprietor of the trade mark to recover damages for infringements happening prior to the actual date on which his trade mark is registered in Palestine.

(2) The registration of a trade mark shall not be invalidated by reason only of the use of the trade mark in Palestine during the period specified in this section as that within which the application may be made.

Procedure for registration of marks.

25. The application for the registration of a trade mark under section 24 of this Ordinance must be made in the same manner as an ordinary application under this Ordinance, provided that any trade mark the registration of which has been duly applied for in the country of origin may be registered under this Ordinance.



Declaration of states adhering to the International Convention.

26. The provisions of sections 24 and 25 of this Ordinance shall apply in the case of those foreign states with respect to which the High Commissioner may by Order-in-Council declare them to be applicable, and so long only in the case of each of such foreign states as the Order continues in force in respect to that state.

Power of High Commissioner to apply provisions of sections 24 and 25 to His Majesty's dominions.

26A. Where it is made to appear to the High Commissioner that the legislature of any part of His Majesty's dominions has made satisfactory provision for the protection of trade marks registered in Palestine it shall be lawful for the High Commissioner by Order-in-Council to apply the provisions of sections 24 and 25 of this Ordinance to that part of His Majesty's dominions with such variations and additions, if any, as may be stated in the Order".

Interpretation.

4. In the principal Ordinance and in any enactments amending that Ordinance the expression "the Court of Appeal" shall be deemed to refer, as from the commencement of this Ordinance, to the Supreme Court sitting as a High Court of Justice.

Insertion of additional section in principal Ordinance.

5. The principal Ordinance shall be amended by the insertion after section 27 thereof of the following section which shall be numbered section 27A:—

"Power of the Chief Justice to make rules of court.

27A. The Chief Justice may with the approval of the High Commissioner make rules of court for regulating the practice and procedure in appeals, oppositions, applications and references under this Ordinance to the Supreme Court sitting as a High Court of Justice".

26th February, 1935.

A. G. WAUCHOPE  
*High Commissioner.*



CO-OPERATIVE SOCIETIES (AMENDMENT) ORDINANCE,  
No. 9 of 1935.

AN ORDINANCE TO AMEND THE CO-OPERATIVE SOCIETIES ORDINANCE, 1933.

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 Co-operative Societies (Amendment) Ordinance, 1935, and the Co-operative Societies Ordinance, 1933, (hereinafter referred to as the principal Ordinance) and this Ordinance, may together be cited as the Co-operative Societies Ordinances, 1933-1935. Short title.  
No. 50 of 1933.
2. Section 26 of the principal Ordinance shall be amended by the deletion of paragraph (b) of sub-section (1) thereof and the following paragraph shall be substituted in the place thereof:— Amendment of  
section 26 of the  
principal  
Ordinance.
- “(b) A registered society may when making a loan or when entering into an agreement to make a loan to a member or when a member is indebted to such a society require the member to create a charge in favour of the society in such form as may be prescribed on all crops or other agricultural produce, marine produce (including fish), felled timber, animals, fodder, agricultural, industrial or fishing implements, machinery, boats, tackle and nets, raw materials, stock-in-trade, and generally all produce of labour and things used in connection with production whether at the date when such charge is made the property comprised in the charge is or is not in existence or is or is not acquired by the person giving the charge”.
3. Section 27 of the principal Ordinance shall be deleted and the following section shall be substituted in the place thereof:— Substitution of  
new section in  
place of section 27  
of the principal  
Ordinance.
- “27.—(1) A registered society may borrow money on the security of any charge which it holds under section 26 (1) hereof if such charge is executed and registered in accordance with the provisions of this Ordinance, and may for this purpose assign any such charge.
- (2) An assignment of a charge under this section shall be registered in accordance with the provisions of section 26 (2) hereof and the provisions of Part V of the Companies Ordinance, 1929, shall in addition apply thereto.



(3) An assignment of a charge under this section when registered as aforesaid shall operate as a first charge in favour of the assignee subject to the provisions of section 26 (4) hereof."

Registration of assignments of charges under the principal Ordinance prior to the commencement of this Ordinance.

4. Any assignment of a charge held by a registered society under section 26 (1) of the principal Ordinance registered with the District Officer of the sub-district in which the property comprised in the charge is situated on or after the seventh day of December, 1933, but before the commencement of this Ordinance shall be deemed to be valid and of full effect notwithstanding that such assignment was not registered with the Registrar.

Substitution of new section in place of section 28 of the principal Ordinance.

5. Section 28 of the principal Ordinance shall be deleted and the following section shall be substituted in the place thereof:—

"28.—(1) A registered society shall be entitled, subject to any limitations or restrictions contained in its rules, to pledge its movable property and to mortgage or charge all or any of its property, movable or immovable, in possession or in action, present or future, including its unpaid share capital if any, and good will by way of security for liabilities present, future or contingent by the issue of debentures whether single or in a series.

(2) The provisions of Part V of the Companies Ordinance, 1929, shall apply to any pledge, mortgage or charge executed under this section."

Amendment of section 59 of the principal Ordinance.

6. Section 59 of the principal Ordinance shall be amended by the deletion of the words "the registration of" appearing in paragraph (a) of sub-section (1) thereof.

Application of Part V of Companies Ordinance, 1929, to certain charges etc.

7. Any debenture, mortgage, charge or pledge created or made by any registered society on or after the twenty-seventh day of December, 1933, but before the commencement of this Ordinance shall be deemed to have been lawfully created or made if lawfully created or made and registered under Part V of the Companies Ordinance, 1929.

26th February, 1935.

A. G. WAUCHOPE  
*High Commissioner.*



COMPANIES (AMENDMENT) ORDINANCE,  
No. 10 of 1935.

AN ORDINANCE FURTHER TO AMEND THE COMPANIES ORDINANCE, 1929.

WHEREAS by an Order of His Majesty in Council dated the twentieth day of December, 1934, it was ordered that sections 103, 104 and 105 of the Act of Parliament of the United Kingdom entitled the Companies Act, 1929, or any enactment for the time being in force amending or substituted for the said sections, shall from the date of this Order extend to Palestine:

AND WHEREAS it is desirable to make reciprocal provisions in Palestine:

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

1. This Ordinance may be cited as the Companies (Amendment) Ordinance, 1935, and the Companies Ordinance, 1929, (hereinafter referred to as the principal Ordinance) and the Companies (Amendment) Ordinance, 1932, and the Companies (Amendment) Ordinance, 1934, and this Ordinance may together be cited as the Companies Ordinances, 1929-1935. Short title.

2. The principal Ordinance shall be amended by the insertion of the following sections after section 35 thereof, which shall be numbered 35A, 35B, 35C, 35D, and 35E, respectively:— Insertion of new sections in the principal Ordinance.

“Power for company to keep branch register.

35A.—(1) A company having a share capital may, if so authorised by its articles, cause to be kept in the United Kingdom of Great Britain and Northern Ireland a branch register of members resident in the United Kingdom of Great Britain and Northern Ireland (in this Ordinance called a “branch register”).

(2) The Company shall give to the Registrar notice of the situation of the office where any branch register is kept and of any change in its situation, and if it is discontinued of its discontinuance, and any such notice shall be given within one month of the opening of the office or of the change or discontinuance, as the case may be.

(3) If a company fails to comply with this section it shall be liable to a fine not exceeding two pounds for every day during which the

default continues, and every director, manager, secretary or other officer of the company who knowingly or wilfully authorises or permits the default shall be liable to the like penalty.

Regulations as  
to branch  
register.

35B.—(1) A branch register shall be deemed to be part of the company's register of members (in this section called "the principal register").

(2) It shall be kept in the same manner in which the principal register is by this Ordinance required to be kept, except that the advertisement before closing the register shall be inserted in some newspaper circulating in the district where the branch register is kept.

(3) The company shall transmit to its registered office in Palestine a copy of every entry in its branch register as soon as may be after the entry is made, and shall cause to be kept at such registered office, duly entered up from time to time, a duplicate of its branch register.

Every such duplicate shall, for all the purposes of this Ordinance, be deemed to be part of the principal register.

(4) Subject to the provisions of this section with respect to the duplicate register, the shares registered in a branch register shall be distinguished from the shares registered in the principal register, and no transaction with respect to any shares registered in a branch register shall, during the continuance of that registration, be registered in any other register.

(5) A company may discontinue to keep a branch register and thereupon all entries in that register shall be transferred to the principal register.

(6) Subject to the provisions of this Ordinance any company may, by its articles, make such provisions as it may think fit respecting the keeping of branch registers.

(7) If a company fails to comply with this section it shall be liable to a fine not exceeding two pounds for every day during which the default continues, and every director, manager, secretary or other officer of the company who knowingly or wilfully authorises or permits the default shall be liable to the like penalty.



Stamp duties in case of shares registered in branch registers.

35c. An instrument of transfer of a share registered in a branch register, shall be deemed to be a transfer of property situate out of Palestine, and unless executed in any part of Palestine shall be exempt from a stamp duty chargeable in Palestine.

Provisions as to branch registers kept in Palestine.

35d. The High Commissioner-in-Council may by order published in the Gazette direct that sub-sections (4), (5), (7), and (8) of section 29 and section 35 of this Ordinance shall, subject to any modifications and adaptations specified in the order, apply to and in relation to any branch registers of members resident in Palestine, of companies incorporated under the law of the United Kingdom of Great Britain and Northern Ireland, kept in Palestine as they apply to and in relation to the registers of companies within the meaning of this Ordinance.

Power of High Commissioner to extend provisions of sections 35A to 35D of this Ordinance to certain countries.

35E. If the High Commissioner is satisfied that by virtue of the law in force in any country other than the United Kingdom of Great Britain and Northern Ireland:—

- (a) companies incorporated under that law have power to keep in Palestine branch registers of their members resident in Palestine, and
- (b) any instrument of transfer of a share registered in any register so kept (unless executed in any part of such country) is exempted from stamp duty chargeable therein, and
- (c) power exists to inspect and rectify any branch register kept in such country by a company incorporated in Palestine,

the High Commissioner may by order published in the Gazette direct that sections 35A to 35D inclusive of this Ordinance shall, subject to the modifications and adaptations specified in the order, be deemed to be extended to such country."

28th February, 1935.

A. G. WAUCHOPE  
*High Commissioner.*









Supplement No. 1.  
to  
The Palestine Gazette No. 500 of 28th March, 1935.

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MUNICIPAL CORPORATIONS (AMENDMENT) ORDINANCE (No. 2),  
No. 11 of 1935.

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AN ORDINANCE FURTHER TO AMEND THE MUNICIPAL CORPORATIONS ORDINANCE, 1934.

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

1. This Ordinance may be cited as the Municipal Corporations (Amendment) Ordinance (No. 2), 1935. Short title.
2. In this Ordinance the term "principal Ordinance" shall mean the Municipal Corporations Ordinance, 1934. Interpretation.
3. Section 98 of the principal Ordinance shall be amended:— Amendment of section 98 of the principal Ordinance.
  - (a) by the relettering of paragraph (s) thereof as paragraph (l), and
  - (b) by the insertion of the following paragraph after paragraph (r) thereof, that is to say:—

"Shops. (s) to regulate and control the opening and closing of shops, and without prejudice to the generality of this power, to prescribe the opening and closing hours on any specified day of any particular class of shops."

26th March, 1935.

A. G. WAUCHOPE  
High Commissioner.





*See O.G. No. 432 of  
5th April 1934*

Supplement No. 1.  
to the  
**Palestine Gazette Extraordinary No. 501 of 1st April, 1935.**

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LANDLORDS AND TENANTS (EJECTION AND RENT RESTRICTION)  
(EXTENSION) ORDINANCE,

No. 12 of 1935.

AN ORDINANCE TO EXTEND THE PROVISIONS AS TO THE RELATIONSHIP OF LANDLORDS AND TENANTS OF DWELLING HOUSES FOR A FURTHER PERIOD OF ONE YEAR AND TO MAKE CERTAIN PROVISIONS AS TO THE RELATIONSHIP OF LANDLORDS AND TENANTS OF PREMISES OTHER THAN DWELLING HOUSES.

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 Landlords and Tenants (Ejection and Rent Restriction) (Extension) Ordinance, 1935. Short title.
2. In this Ordinance, unless the context otherwise requires, the following terms shall have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

“Principal Ordinance” means the Landlords and Tenants (Ejection and Rent Restriction) Ordinance, 1934.

“Premises” means any premises other than dwelling houses as defined in the principal Ordinance.

“Municipal council” means the council of the municipal corporation within the area of which any premises are situated.

“Sub-tenant” means any person who occupies any part of any premises of which some other person is the tenant.

“Tenant” means a tenant of any premises.

## PART I.

### EXTENSION OF THE PRINCIPAL ORDINANCE.

Amendment of section 3 of the principal Ordinance. 3. Section 3 of the principal Ordinance shall be amended by the substitution in the place of the expression “1935” of the expression “1936”.

Amendment of section 4 of the principal Ordinance. 4. Sub-section (1) of section 4 of the principal Ordinance shall be amended:—

(a) by the addition of the following proviso to paragraph (b) thereof, that is to say:—

“Provided that failure to give notice concerning the renewal of any agreement of tenancy in respect of any dwelling house within the time prescribed in such agreement shall not be deemed to be a failure to comply with a term of such agreement for the purposes of this paragraph.”; and

(b) by the insertion of the word “substantially” after the words “the landlord of such dwelling house desires” appearing in paragraph (f) thereof.

Amendment of section 5 of the principal Ordinance. 5. Section 5 of the principal Ordinance shall be amended by the substitution in the place of the words “commencement of this Ordinance” of the words:—

“thirtieth day of March, 1935”.

Amendment of section 10 of the principal Ordinance. 6. Section 10 of the principal Ordinance shall be amended by the substitution in the place of the words “commencement of this Ordinance” of the words:—

“thirtieth day of March, 1935”.

Amendment of section 19 of the principal Ordinance. 7. Section 19 of the principal Ordinance shall be amended by the addition of the following words:—

“and without prejudice to the generality of the power hereby conferred upon him, may prescribe the fees (if any) to be paid by any applicant or appellant under the provisions of sections 14 or 15 of this Ordinance”.

Saving and application of the principal Ordinance as amended by this Ordinance. 8.—(1) Notwithstanding anything contained in section 21 of the principal Ordinance, the principal Ordinance as amended by this part of this Ordinance shall:—



- (a) apply to the tenancy of any dwelling house the construction of which was not completed prior to the commencement of the principal Ordinance but which was completed prior to the commencement of this Ordinance:

Provided that from and after the last day of Zilhidge, 1353, A.H., the rent payable by a tenant for any such dwelling house, notwithstanding any agreement to the contrary, shall

- (I) if such dwelling house was let at the commencement of this Ordinance, not exceed the rent payable in respect of such dwelling house at the commencement of this Ordinance:

Provided that a landlord or tenant may apply to a Rent Commissioner to vary such rent and upon any such application the Rent Commissioner may increase or decrease such rent by not more than twenty per centum thereof, or

- (II) if such dwelling house was not let at the commencement of this Ordinance, a rent to be fixed by a Rent Commissioner having regard to all the circumstances of the case:

Provided also that part III of the principal Ordinance shall not apply to any such dwelling house.

- (b) not apply:—

- (i) to the tenancy of any dwelling house the construction of which was not completed prior to the commencement of this Ordinance, or
- (ii) to any dwelling house or the tenancy of any dwelling house in respect of which an agreement of tenancy for a term of not less than three years was made prior to the commencement of this Ordinance.

- (2) For the purpose of this section, the construction shall be completed when the dwelling house is first occupied.

## PART II.

### PROVISIONS REGARDING PREMISES.

9.—(1) Subject to the provisions of section 18 of this Ordinance, the High Commissioner-in-Council may from time to time by Order-in-Council provide that this part of this Ordinance shall

Application and duration of this part of this Ordinance.



apply to a municipal area and may in like manner vary or revoke such Order. Upon the revocation of such Order, this part of this Ordinance shall no longer apply to the municipal area in respect of which such Order was made. Save as provided herein, this part of this Ordinance shall not apply to any municipal area or otherwise.

(2) This part of this Ordinance shall remain in force until the thirty-first day of March, 1936.

Restriction on  
ejection.

10.—(1) No court or judge or execution officer shall give any judgment or make any Order for the eviction of any tenant from any premises, notwithstanding that such tenant's contract of tenancy has expired, unless:—

(a) such tenant has failed to pay any rent lawfully due in respect of such premises, or

(b) such tenant has failed to comply with any term of any agreement of tenancy in respect of such premises:

Provided that failure to give notice concerning the renewal of any agreement of tenancy in respect of any premises within the time prescribed in such agreement shall not be deemed to be a failure to comply with a term of such agreement for the purposes of this paragraph; or

(c) such tenant has wilfully damaged or allowed to be damaged such premises, or

(d) such tenant has used or allowed to be used such premises for any illegal purpose or in such a way as to constitute a nuisance to the neighbours, or

(e) the landlord of such premises desires to occupy them for his own purposes, and the court, judge or execution officer is satisfied that other premises reasonably suitable for the purpose for which the premises were used are available for the tenant, or

(f) the landlord of such premises desires substantially to alter or reconstruct such premises or the building of which such premises form a part in such a way as to affect such premises, provided that such landlord shall after having obtained the necessary permit for such alteration or reconstruction have given to the tenant not less than six months' notice in writing to vacate the premises.

(2) Where by reason of the provisions of this section any tenant continues in occupation of any premises after the ex-



piration of any contract of tenancy the terms and conditions of such contract of tenancy shall, in so far as they may be applicable, be deemed to apply to such occupation:

Provided that subject to the provisions of section 12 of this Ordinance in so far as they may apply to such premises the rent of such premises may be increased.

11. Where prior to the commencement of this Ordinance any agreement for a tenancy of any premises was made between the landlord of such premises and any person not in occupation of such premises, and by reason of the provisions of section 10 of this Ordinance such person is unable to obtain possession of such premises such agreement shall be deemed to be void and no action for damages or otherwise shall be brought thereon in any court:

Certain agreements to be void.

Provided that any consideration by way of rent, premium or otherwise already paid by such person to the landlord by virtue of such agreement shall be repaid by the landlord to such person and shall be recoverable as a civil debt.

12.—(1) Notwithstanding any agreement to the contrary, no rent payable by a tenant in respect of any premises shall, from and after the last day of Zilhidge, 1353, A. H., exceed the rent paid in respect of such premises for the Hejira year ending on the last day of Zilhidge, 1352, A.H., plus twenty-five per centum of the amount of such rent:

Maximum rent.

Provided that in any Order applying the provisions of this part of this Ordinance to any municipal area, the High Commissioner may provide for the addition of a percentage being less than twenty-five per centum:

Provided further that if after the last day of Zilhidge, 1351, A.H., any premises shall have been rebuilt or substantially altered or if for any reason peculiar to the premises the value thereof shall have been increased or decreased, the landlord or tenant may apply to a Rent Commissioner appointed under the provisions of the principal Ordinance to decide the rent payable in respect of such premises:

Provided further that no rent payable by a tenant in respect of any premises completed subsequently to the last day of Zilhidge, 1352, A.H., but prior to the commencement of this Ordinance, shall from and after the last day of Zilhidge, 1353, A.H., exceed the rent paid, if such premises were occupied by a tenant, by such tenant in respect of such premises for the Hejira year ending on such last day of Zilhidge, 1353, A.H., or if such premises were not occupied, a rent to be fixed by a Rent Commissioner having regard to all the circumstances of the case.



(2) Notwithstanding any agreement to the contrary no rent payable by a sub-tenant in respect of a part of any premises shall, from and after the last day of Zilhidge, 1353, A.H., exceed the rent paid by the sub-tenant (if any) in respect of such part of such premises for the Hejira year ending on the last day of Zilhidge, 1352, A.H., plus twenty-five per centum of the amount of such rent:

Provided that in any Order applying the provisions of this part of this Ordinance to any municipal area, the High Commissioner may provide for the addition of a percentage being less than twenty-five per centum:

Provided further that if after the last day of Zilhidge, 1351, A.H., any premises shall have been rebuilt or substantially altered or if for any reason peculiar to the premises the value thereof shall have increased or decreased the tenant or sub-tenant may apply to a Rent Commissioner appointed under the provisions of the principal Ordinance to decide the rent payable in respect of such part of such premises:

Provided also that where after the last day of Zilhidge, 1353, A.H., municipal rates are payable by a sub-tenant of any part of any premises which prior to such date were not paid by the sub-tenant the rent of such part of such premises shall not exceed the amount provided for herein, less the amount of the municipal rates paid by the sub-tenant:

Provided further that no rent payable by a sub-tenant in respect of any part of any premises completed subsequently to the last day of Zilhidge, 1352, A.H., but prior to the commencement of this Ordinance shall from and after the last day of Zilhidge, 1353, A.H., exceed the rent paid, if such part of such premises was occupied by a sub-tenant, by such sub-tenant in respect of such part of such premises for the Hejira year ending on such last day of Zilhidge, 1353, A.H., or if such part of such premises was not occupied a rent to be fixed by a Rent Commissioner having regard to all the circumstances of the case.

(3) Any agreement whereunder any rent in excess of the rent provided for under the provisions of this part of this Ordinance is payable in respect of any premises or part thereof shall be construed as though it were an agreement to pay such maximum rent provided for under the provisions of this part of this Ordinance.

(4) Where prior to the commencement of this Ordinance any rent or premium or other consideration has been paid in advance in respect of any premises or part thereof to which this part of this Ordinance applies or in respect of any tenancy of such premises or part thereof in respect of any period after the commencement of this Ordinance any amount by which such rent and premium or other consideration so paid exceeds the rent payable under the provisions of this part of this Ordinance shall be repaid by the person to whom it was paid to the person by whom it was paid and shall be recoverable as a civil debt.





13. Where by reason of this part of this Ordinance having been applied to any area any question shall arise as to:— Duties of Rent Commissioners.

- (a) the rent payable in respect of any premises, or
- (b) the rent payable by any sub-tenant in respect of any part of any premises, or
- (c) the terms or conditions of the tenancy of any premises, or
- (d) the variation of any agreement under the provisions of sub-section (3) of section 12 of this Ordinance,

such question shall be referred to a Rent Commissioner appointed under the provisions of the principal Ordinance who shall after hearing the parties interested therein decide such question.

14. Any person aggrieved by the decision of a Rent Commissioner may, within fourteen days of such decision, appeal therefrom to a Rents Tribunal appointed under the provisions of the principal Ordinance, which shall, after hearing the parties interested therein, decide any question referred to it. Appeals from Rent Commissioner.

15. Any person aggrieved by the decision of a Rents Tribunal, may, within fourteen days of such decision, appeal to the District Court by leave of the President thereof. Appeals from Rents Tribunals.

16. The High Commissioner may make rules governing the practice and procedure in applications to Rent Commissioners and any appeals from Rent Commissioners to Rents Tribunals under this part of this Ordinance, and without prejudice to the generality of the power hereby conferred upon him, may prescribe the fees (if any) to be paid by any applicant or appellant under the provisions of sections 13 or 14 of this Ordinance. Power to make rules.

17. The Chief Justice may, with the concurrence of the High Commissioner, make rules of court regulating the practice and procedure in appeals from Rents Tribunals to the District Court under this part of this Ordinance. Power to make rules of court.

18. The provisions of this part of this Ordinance shall not apply:— Saving.

- (a) to the tenancy of any premises the construction of which was not completed prior to the commencement of this Ordinance. For the purpose of this section the construction shall be completed when the premises are first occupied, or
- (b) to any premises or the tenancy of any premises in respect of which an agreement of tenancy for a term of not less than three years was made prior to the commencement of this Ordinance.

30th March, 1935.

A. G. WAUCHOPE  
High Commissioner.







Supplement No. 1.

to the

Palestine Gazette Extraordinary No. 504 of 16th April, 1935.

CUSTOMS TARIFF (AMENDMENT) ORDINANCE,

No. 13 of 1935.

AN ORDINANCE TO AMEND THE CUSTOMS TARIFF AND TO PROVIDE FOR THE RATE OF DUTY ON CERTAIN SPECIFIED COMMODITIES.

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 Customs Tariff (Amendment) Ordinance, 1935, and shall be read as one with the Customs Tariff Ordinance, 1927, hereinafter referred to as the principal Ordinance. Short title.

2. The schedule to the principal Ordinance as enacted in the Customs Tariff (Amendment) Ordinance, 1928, shall be amended as follows:— Amendment of tariff.

- (a) Item 67 (Cigars, including bands and tubes) by the deletion of the expression "1000" and the substitution of the expression "2000" in the place thereof.
- (b) Item 79 (Coffee-raw) by the deletion of the expression "15" and the substitution of the expression "10" in the place thereof.
- (c) Item 106A (Fasteners, sliding metal (similar to the type commonly known as "Zip" fasteners)) as enacted in paragraph (f) of section 2 of the Customs Tariff (Amendment) Ordinance (No. 5), 1933, by the deletion of the expression "15" and the substitution of the expression "30" in the place thereof.



(d) By the insertion after item 172A as enacted in paragraph (a) of section 2 of the Customs Tariff (Amendment) Ordinance (No. 5), 1933, of the following item:—

	Rate of duty	Unit
	mils	
“172B Mezuzoth handwritten -	- 20%	<i>ad-valorem</i> ”

(e) By the deletion of the heading “Monocycles” and items 178 and 179, and the substitution of the following items respectively in the place thereof:—

	Rate of duty	Unit
	mils	
“178 Motor cycles and motor tricycles and parts including side-cars and other component parts and accessories -	25%	<i>ad-valorem</i>
179 Motor vehicles and tractors -		
(i) Motor cars, omnibuses, lorries and vans -	- 40	kilogram
(ii) Omnibus bodies imported separately	60	kilogram
(iii) Chassis and tractors -	- 30	kilogram
(iv) Parts thereof -	- 50	kilogram”

(f) By the insertion after item 202 of the following item:—

	Rate of duty	Unit
	mils	
“202A Olives in pickle -	- 25%	<i>ad-valorem</i> ”

(g) By the insertion after item 214 of the following item:—

	Rate of duty	Unit
	mils	
“214A Phylacteries, handwritten	- 20%	<i>ad-valorem</i> ”

(h) By the insertion after item 218 of the following item:—

	Rate of duty	Unit
	mils	
“218A Pickled cauliflowers and pickled cucumbers	-	25% <i>ad-valorem</i> ”

(i) By the substitution in the place of item 230 as enacted in paragraph (a) of section 2 of the Customs Tariff (Amendment) Ordinance (No. 2), 1934, of the following item:—

	Rate of duty	Unit
	mils	
“230 Potatoes.		
(i) 1st April to 15th July	-	3 kilogram
(ii) 16th July to 31st March	-	1 kilogram”
(j) Item 234 (Rice) by the deletion of the expression “2” and the substitution of the expression “1.5” in the place thereof.		

(k) By the insertion after item 240 of the following item:—

	Rate of duty	Unit
	mils	
“240A Scrolls of the Law, handwritten	-	20% <i>ad-valorem</i> ”

(l) By the insertion after item 269 of the following item:—

	Rate of duty	Unit
	mils	
“269A Tomato juice and other tomato products	-	25% <i>ad-valorem</i> ”

(m) By the insertion after item 271 of the following item:—

	Rate of duty	Unit
	mils	
“271A Toys.		
(i) Soft toys wholly or partly made of plush, velvet, wool, cotton, and other similar material	-	25% <i>ad-valorem</i>
(ii) Other toys	-	12% <i>ad-valorem</i> ”

(n) Item 277 (Tyres (and tubes) including inner containers for mechanically propelled vehicles) by the deletion of the expression "50" and the substitution of the expression "35" in the place thereof.

(o) By the deletion of items 279 and 281, the latter as enacted in paragraph (b) of section 2 of the Customs Tariff (Amendment) Ordinance, 1932.

(p) By the insertion after item 286 of the following item:—

	<u>Rate of duty</u>	<u>Unit</u>
	mils	
"287 Wheat, hard -	3	kilogram"

Rate of duty in respect of certain commodities.

3. The rate of import duty in respect of the commodities specified hereunder shall be as follows:—

(a) Flour of wheat or rye, crushed or ground wheat. Where the value per ton as determined by the Director of Customs, Excise and Trade under the powers vested in him by section 4 of this Ordinance is:—

	<u>Duty per ton</u>
	LP. mils
LP.9.000 mils or over	3.000
LP.8.750 mils or under LP.9.000 mils	3.250
LP.8.500 mils or under LP.8.750 mils	3.500
LP.8.250 mils or under LP.8.500 mils	3.750
LP.8.000 mils or under LP.8.250 mils	4.000
LP.7.750 mils or under LP.8.000 mils	4.250
LP.7.500 mils or under LP.7.750 miis	4.500
LP.7.250 mils or under LP.7.500 mils	4.750
LP.7.000 mils or under LP.7.250 mils	5.000
LP.6.750 mils or under LP.7.000 mils	5.250
LP.6.500 mils or under LP.6.750 mils	5.500
LP.6.250 mils or under LP.6.500 mils	5.750
LP.6.000 mils or under LP.6.250 mils	6.000
LP.5.750 mils or under LP.6.000 mils	6.250
Under LP.5.750 mils	6.500

	<u>Duty per ton</u> LP. mils
<i>(b) Rye.</i>	
LP.8.000 mils or over	1.000
LP.7.750 mils or under LP.8.000 mils	1.250
LP.7.500 mils or under LP.7.750 mils	1.500
LP.7.250 mils or under LP.7.500 mils	1.750
LP.7.000 mils or under LP.7.250 mils	2.000
LP.6.750 mils or under LP.7.000 mils	2.250
LP.6.500 mils or under LP.6.750 mils	2.500
LP.6.250 mils or under LP.6.500 mils	2.750
LP.6.000 mils or under LP.6.250 mils	3.000
LP.5.750 mils or under LP.6.000 mils	3.250
Under LP.5.750 mils	3.500
<i>(c) Semolina</i> (including semoule)	
LP.9.000 mils or over	3.000
LP.8.750 mils or under LP.9.000 mils	3.250
LP.8.500 mils or under LP.8.750 mils	3.500
LP.8.250 mils or under LP.8.500 mils	3.750
LP.8.000 mils or under LP.8.250 mils	4.000
LP.7.750 mils or under LP.8.000 mils	4.250
LP.7.500 mils or under LP.7.750 mils	4.500
LP.7.250 mils or under LP.7.500 mils	4.750
LP.7.000 mils or under LP.7.250 mils	5.000
LP.6.750 mils or under LP.7.000 mils	5.250
LP.6.500 mils or under LP.6.750 mils	5.500
LP.6.250 mils or under LP.6.500 mils	5.750
LP.6.000 mils or under LP.6.250 mils	6.000
LP.5.750 mils or under LP.6.000 mils	6.250
Under LP.5.750 mils	6.500
<i>(d) Wheat, soft.</i>	
LP.8.000 mils or over	1.000
LP.7.750 mils or under LP.8.000 mils	1.250

	<u>Duty per ton</u> LP. mils
Wheat, soft ( <i>Cont.</i> )	
LP.7.500 mils or under LP.7.750 mils	1.500
LP.7.250 mils or under LP.7.500 mils	1.750
LP.7.000 mils or under LP.7.250 mils	2.000
LP.6.750 mils or under LP.7.000 mils	2.250
LP.6.500 mils or under LP.6.750 mils	2.500
LP.6.250 mils or under LP.6.500 mils	2.750
LP.6.000 mils or under LP.6.250 mils	3.000
LP.5.750 mils or under LP.6.000 mils	3.250
Under LP.5.750 mils	3.500

Power of Director  
of Customs,  
Excise and Trade.

4. The Director of Customs, Excise and Trade shall, by notice to be published in the Gazette on or before the first day of January, the first day of April, the first day of July and the first day of October in each year determine in respect of each period of three months next ensuing the value of each commodity, for the purpose of assessment of the duties prescribed in section 3 of this Ordinance and when so determining the value of any commodity, the Director of Customs, Excise and Trade shall have regard to the price which an importer would give for such commodity if the commodity were delivered freight and insurance paid in bond at the port or place of importation :

Provided that the Director of Customs, Excise and Trade shall by notice to be published in the Gazette on or before the eighteenth day of April, 1935, determine in respect of the period commencing at the commencement of this Ordinance and ending on the thirtieth day of June, 1935, the value of each commodity for the purpose of the assessment of the duties prescribed in section 3 of this Ordinance :

Provided further that the Director of Customs, Excise and Trade may fix different values in respect of different grades or qualities of any such commodity.

Repeal.

5. The Customs Tariff (Amendment) Ordinance (No. 4), 1933, and the Customs Tariff (Amendment) Ordinance, 1934, are hereby repealed.

16th April, 1935.

A. G. WAUCHOPE  
*High Commissioner.*





TOBACCO (AMENDMENT) ORDINANCE,  
No. 14 of 1935.

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AN ORDINANCE TO AMEND THE TOBACCO ORDINANCE, 1925.

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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 Tobacco (Amendment) Ordinance, 1935. Short title.

2. In this Ordinance the expression "principal Ordinance" shall mean the Tobacco Ordinance, 1925. Interpretation.

3. Section 3 of the principal Ordinance shall be amended by the substitution in the place of sub-section (2) thereof, as enacted in section 4 of the Tobacco (Amendment) Ordinance, 1933, and amended by section 3 of the Tobacco (Amendment) Ordinance, 1934, of the following sub-section:— Amendment of section 3 of the principal Ordinance.

"(2) An excise duty at the rate of two hundred and fifty mils per kilogram shall be paid in the manner hereinafter prescribed on tobacco, including imported tobacco, manufactured and sold in Palestine:

Provided that an excise duty at the rate of one hundred mils per kilogram shall be paid on heishah when manufactured and sold in Palestine unmixed with any other kind of tobacco.

16th April, 1935.

A. G. WAUCHOPE  
*High Commissioner.*

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ADVERTISEMENTS (AMENDMENT) ORDINANCE,

No. 15 of 1935.

AN ORDINANCE TO AMEND THE ADVERTISEMENTS ORDINANCE, 1920.

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

Short title.

1. This Ordinance may be cited as the Advertisements (Amendment) Ordinance, 1935, and the Advertisements Ordinance published in the Gazette dated the fifteenth day of August, 1920, (hereinafter referred to as the principal Ordinance) the Advertisements (Amendment) Ordinance, 1933, and this Ordinance may together be cited as the Advertisements Ordinances, 1920-1935.

Amendment of section 4 of the principal Ordinance.

2. Section 4 of the principal Ordinance is hereby amended by the insertion therein of the words "or authorised" between the words "advertisements exhibited" and "by any Department."

16th April, 1935.

A. G. WAUCHOPE

*High Commissioner.*

MAGISTRATES' COURTS JURISDICTION ORDINANCE,

No. 16 of 1935.

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW REGARDING THE JURISDICTION OF MAGISTRATES' COURTS.

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

Short title.

1. This Ordinance may be cited as the Magistrates' Courts Jurisdiction Ordinance, 1935.

Jurisdiction.

2.—(1) Magistrates' Courts shall exercise jurisdiction in the following cases:—

(a) Offences for which the maximum penalty does not exceed imprisonment for three years or a fine of three hundred pounds or both such penalties:



Provided that a magistrate, other than a British magistrate, may not for any such offence impose a penalty exceeding imprisonment for one year or a fine of one hundred pounds or both such penalties:

And provided that a British magistrate may not for any such offence impose a penalty exceeding imprisonment for two years or a fine of two hundred pounds or both such penalties;

- (b) Actions for the recovery of the possession of immovable property of any value;
- (c) Actions for the partition of immovable property and for Muhaya;
- (d) Other civil actions:—
  - (i) when tried by a magistrate, other than a British magistrate, in which the value of the subject-matter or the amount of the damage claimed does not exceed one hundred and fifty pounds, and
  - (ii) when tried by a British magistrate, in which the value of the subject-matter or the amount of damage claimed does not exceed two hundred and fifty pounds;
- (e) Counterclaims to the same value or amount as in original actions:

Provided that where the counterclaim arises from the same subject-matter or circumstances as the original action, the magistrate may try such counterclaim whatever may be the amount claimed in it.

(2) No criminal proceeding or civil action or counterclaim which involves a decision as to the ownership of immovable property may be heard by a magistrate.

(3) The High Commissioner may, by warrant of appointment of a magistrate, restrict the jurisdiction of the magistrate to criminal or civil matters, or limit the criminal or civil matters in respect of which the magistrate shall exercise jurisdiction or impose such other restrictions or limitations respecting the matters within the jurisdiction of the magistrate as he thinks fit, and the magistrate shall exercise the jurisdiction possessed by a magistrate under this Ordinance and any other law or Ordinance for the time being in force affecting the jurisdiction of Magistrates' Courts, subject only to such restrictions or limitations.

Accused person may elect to be tried by a British magistrate or a District Court.

3.—(1) Where any person is charged before a magistrate with any offence not triable upon information the maximum penalty for which exceeds imprisonment for fifteen days or a fine of five pounds, such magistrate, if not a British magistrate, shall inform such person that he has a right to be tried by a British magistrate or by the District Court, and such magistrate, if he is a British magistrate, shall inform such person that he has a right to be tried by a District Court, and in either such case such magistrate shall call the attention of such person to the provisos to paragraph (a) of sub-section (1) of section 2 of this Ordinance, and if such person elects to be tried by a British magistrate or by the District Court the magistrate shall not try such case but shall remit it accordingly.

(2) Notwithstanding anything contained in sub-section (1) hereof, any magistrate before whom any person is charged, if such magistrate is of opinion that the penalty which he is empowered to impose might be inadequate for the offence with which such person is charged, may:—

(a) if he is a magistrate, other than a British magistrate, remit the case to a British magistrate or to the District Court, or

(b) if he is a British magistrate, remit such case to the District Court,

and such case shall be remitted accordingly.

(3) Notwithstanding anything contained in sub-sections (1) and (2) hereof, where any person is charged before a magistrate the Attorney General or the Solicitor General may:—

(a) if such person is charged before a magistrate other than a British magistrate, require such case to be remitted to a British magistrate or to the District Court, or

(b) if such person is charged before a British magistrate, require such case to be remitted to the District Court,

and such case shall be remitted accordingly.

(4) Any case which is remitted to a District Court under the provisions hereof shall be tried summarily by such court.

Venue.

4.—(1) The President of a District Court may change the place of trial in a civil action or criminal proceeding from the court of one magistrate to the court of another magistrate in the same District when it may appear to him expedient so to do and may, with the approval of the Chief Justice, by an order to be published in the Gazette direct that all or any class or classes of civil actions or criminal proceedings, which but for the provisions of this section would be triable in a particular



Magistrate's Court in the District, shall be tried in any other Magistrate's Court in the same District, and where such an order has been made, any such civil actions or criminal proceedings which have been entered for trial at the date of the order, or which shall be entered for trial after the date of the order, shall be transferred by the magistrate in whose court they have been entered to the court of the magistrate to which the said order directs that they shall be so transferred, unless in any particular case the President of the District Court shall otherwise direct.

(2) The President of a District Court may order a Magistrate's Court to sit at any place within the District, either generally or for the purpose of a particular action or proceeding.

5.—(1) A convicted person, if the penalty imposed is a fine exceeding ten pounds or imprisonment exceeding seven days, shall have the right to appeal from a judgment of a Magistrate's Court to the District Court consisting of two judges, the presiding judge being the President or a Relieving President: Appeals.

Provided that in any case in which a sentence of imprisonment has been imposed, the convicted person may, with the leave of the President thereof, appeal to the District Court consisting of two judges, the presiding judge being the President or a Relieving President.

(2) The Attorney General or his representative shall have the right to appeal from any judgment of a Magistrate's Court in a criminal case to the District Court consisting of two judges, the presiding judge being the President or a Relieving President.

(3) In actions falling under paragraphs (b) or (c) of subsection (1) of section 2 of this Ordinance, an appeal shall lie as of right to the Land Court whatever be the value of the subject-matter.

(4) In other civil actions any party shall have a right of appeal to the District Court consisting of two judges, the presiding judge being the President or a Relieving President, where the amount or value of the subject-matter claimed by him or for which judgment is given against him is not less than twenty pounds:

Provided that where a claim for a sum of money within the jurisdiction of the court in respect of rent or profits of immovable property or damage thereto is brought with a claim for recovery of possession of the immovable property, an appeal in either such claim shall lie to the Land Court.

(5) Leave to appeal may be granted by the President of the Court in any case in which an appeal does not lie as of right.



Appeal from  
District Court.

6. The decision of the District or Land Court in any appeal from a Magistrate's Court shall be final, but the presiding judge of the court may, if he considers it proper so to do, grant leave to appeal to the Supreme Court on a point of law.

Applications for  
leave to appeal.

7.—(1) Application for leave to appeal against a judgment under sections 5 and 6 of this Ordinance shall be made in writing within ten days of the delivery of the judgment if in presence or of notification to the applicant if delivered in his absence and shall contain a statement of the grounds upon which leave to appeal is requested.

(2) If leave to appeal be granted the ordinary procedure on appeal shall be followed, but no further ground of appeal shall be submitted. Within ten days from the date upon which notification of leave to appeal is made to him the applicant shall comply with the provisions of the law relating to appeals as to payment of fees, furnishing security, and otherwise. If the sentence was one of imprisonment, the President may order the release of the appellant on bail.

Commencement  
of sentence.

8. Notwithstanding anything in the Ottoman Penal Code, every sentence of imprisonment by a Magistrate's Court, unless the court otherwise orders, shall commence to run from the date at which the condemned person is first confined in virtue of the judgment.

Any period during which the condemned person is released on bail pending an appeal shall be deducted.

Proceedings  
against officials.

9. Where a charge is preferred against a Government official in respect of any act relative to his functions the magistrate before whom complaint is made shall, before taking any proceedings with reference thereto other than issuing a warrant of arrest and search in urgent cases, refer the complaint to the Attorney General and shall not proceed further in the matter except upon his instructions.

Complaints by  
private persons.

10. Notwithstanding anything in article 58 of the Ottoman Magistrates' Law or in any other provision of the said law the Police may in any case in which they are satisfied that no public interest will be served by prosecuting a complaint refuse to prosecute, but the complainant may upon such refusal lay the complaint before the magistrate who shall hear and give judgment upon it accordingly.

Attorney General  
may stay  
proceedings.

11.(1) At any time during criminal proceedings before a magistrate and before judgment the Attorney General may stay such proceedings by order in writing filed in the court before which they are pending.



(2) Notwithstanding that the Attorney General has entered a stay of proceedings in a criminal case the civil claimant, if any, shall not be prevented thereby from prosecuting his civil remedy and from producing in a civil court such evidence as may be necessary to establish his claim, even if such facts may tend to prove the commission of a criminal offence.

12. Notwithstanding anything contained in section 4 thereof the provisions of sections 47 to 70, inclusive, of the Trial Upon Information Ordinances, 1924-1935, shall apply to summary trials by District Courts of persons whose trial is referred thereto under the provisions of this Ordinance as though they were trials upon information.

Provisions of Sections 47 to 70 of Trial Upon Information Ordinance to apply to certain summary trials.

13. The Chief Justice may make and when made may amend or revoke rules of Court regulating:—

Power of Chief Justice to make rules regulating practice and prescribing fees.

(a) the practice and procedure to be adopted in Magistrates' Courts and in any appeals from the decisions of such courts, and

(b) prescribing the fees to be paid in respect of proceedings in Magistrates' Courts and in appeals from the decisions of such courts.

14. A Magistrates' Court shall not be bound in passing sentence by any minimum penalty provided in the Ottoman Penal Code or any Ottoman Law, but may in all cases adjudge such punishment not exceeding the maximum prescribed as may be just in the circumstances.

Magistrates' Court not bound by minimum sentence.

15.—(1) The Ordinances set out in the schedule to this Ordinance are hereby repealed.

Repeal and saving.

(2) The provisions of the Ottoman Magistrates' Law and of any amendments thereto concerning the jurisdiction of Magistrates' Courts so far as they are inconsistent with the provisions of this Ordinance are hereby repealed.

(3) Nothing in this Ordinance shall be deemed to affect the jurisdiction of any court to try any civil action or criminal prosecution commenced before the coming into force of this Ordinance, and such action or prosecution shall be tried as though this Ordinance had not come into force.

SCHEDULE

<u>No. and year</u>	<u>Short title</u>
No. 9 of 1924	Magistrates' Courts Jurisdiction Ordinance, 1924.
No. 22 of 1930	Magistrates' Courts Jurisdiction (Amendment) Ordinance, 1930.
No. 23 of 1932	Magistrates' Courts Jurisdiction (Amendment) Ordinance, 1932.

A. G. WAUCHOPE  
High Commissioner.

16th April, 1935.



TRIAL UPON INFORMATION (AMENDMENT) ORDINANCE,

No. 17 of 1935.

AN ORDINANCE FURTHER TO AMEND THE TRIAL UPON INFORMATION ORDINANCE, 1924.

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

Short title. 1. This Ordinance may be cited as the Trial Upon Information (Amendment) Ordinance, 1935, and the Trial Upon Information Ordinance, 1924, (hereinafter called the principal Ordinance) and the Trial Upon Information (Amendment) Ordinance, 1925, and the Trial Upon Information Amendment Ordinance, 1929, and this Ordinance may together be cited as the Trial Upon Information Ordinances, 1924-1935.

Amendment of section 1 of the principal Ordinance.

2. The following section shall be substituted for section 1 of the principal Ordinance:—

“1. The provisions hereinafter contained shall apply to the investigation and trial of offences:—

(a) within the jurisdiction of a Court of Criminal Assize, and

(b) within the jurisdiction of a District Court where the maximum penalty for the offence exceeds imprisonment for three years or a fine of three hundred pounds or both such penalties.

Such offences are hereinafter referred to as offences triable upon information”.

Amendment of section 2 of the principal Ordinance.

3. Section 2 of the principal Ordinance is hereby amended by the substitution of the following proviso for the proviso at the end thereof:—

“Provided that the Chief Justice may change the place of trial of any such case”.

Amendment of section 3 of the principal Ordinance.

4. Section 3 of the principal Ordinance is hereby amended by the insertion between the words “triable” and “before” of the words “upon information”.

Amendment of section 11 of the principal Ordinance.

5. Section 11 of the principal Ordinance is hereby amended:—

(a) by the insertion between the words “triable” and “by” of the words “upon information”, and





- (b) by the substitution of the word "a" for the word "the" appearing between the words "by" and "magistrate", and
- (c) by the addition thereto of the following proviso:—

"Provided that the Attorney General may direct that any such enquiry shall be held by a British Magistrate and when the Attorney General so directs such enquiry shall be so held".

6. The following section shall be substituted for section 18 of the principal Ordinance:—

Substitution of new section for section 18 of the principal Ordinance.

"18. If it shall appear to the magistrate holding a preliminary enquiry that the evidence is not sufficient to support a conviction for an offence triable upon information before the Court of Criminal Assize or a District Court, but that it discloses an offence the maximum penalty for which does not exceed imprisonment for three years or a fine of three hundred pounds, or both such penalties, the magistrate shall make or cause to be made out a written statement of such fresh charge against the accused. The charge shall be read to the accused and the provisions of the Magistrates' Courts Jurisdiction Ordinance, 1935 shall thereupon apply to the trial of the accused:

Provided that if the accused is tried by the magistrate who held the preliminary enquiry the evidence already given in the presence of the accused at such preliminary enquiry may be used without being re-heard, unless the prosecution or the accused shall desire to re-call a witness already examined for the purpose of putting any further question."

7. Section 26 of the principal Ordinance is hereby amended as follows:—

Amendment of section 26 of the principal Ordinance.

- (a) There shall be inserted in sub-section (i) between the words "trial" and "before" the words "upon information";
- (b) There shall be inserted in sub-section (ii), paragraph (a), (as enacted in section 5 of the Trial Upon Information Amendment Ordinance, 1929) between the words "trial" and "on" the words "summarily or upon information";
- (c) The following words shall be added to sub-section (3), (as enacted in section 5 of the Trial Upon Information Amendment Ordinance, 1929):—

"and the provisions of the Magistrates' Courts Jurisdiction Ordinance, 1935, shall apply to any such trial".



Amendment of section 35 of the principal Ordinance.

8. Section 35 of the principal Ordinance is hereby amended by the substitution for the expression "Article 37" of the following words:—

"section 13, sub-section (2) of this Ordinance, (as enacted in section 2 of the Trial Upon Information Amendment Ordinance, 1929) or section 37 of this Ordinance:

Provided that no statement made by an accused person under the provisions of section 13, sub-section (2), shall be used at the trial as evidence against any other accused person unless the Court is satisfied that such other accused person was present when such statement was made and had an opportunity of cross-examining the accused person making such statement".

Amendment of section 70 of the principal Ordinance.

9. Section 70 of the principal Ordinance is hereby amended by the deletion therefrom of the words:—

"and shall be accompanied by deposit in Court of the sum of one pound which shall be forfeited if leave to appeal is refused. If leave to appeal is granted, the deposit shall be applied in payment of the fees of the appeal and any balance not required for this purpose shall be repaid to the applicant".

Saving in respect of actions, etc., already commenced.

10. Nothing in this Ordinance shall be deemed to affect the jurisdiction of any Court to try any civil action or criminal prosecution commenced before the coming into force of this Ordinance, and such action or prosecution shall be tried as though this Ordinance had not come into force.

16th April, 1935.

A. G. WAUCHOPE  
*High Commissioner.*

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## COURTS (AMENDMENT) ORDINANCE,

No. 18 of 1935.

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### AN ORDINANCE FURTHER TO AMEND THE COURTS ORDINANCE, 1924.

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

Short title.

1. This Ordinance may be cited as the Courts (Amendment) Ordinance, 1935, and the Courts Ordinance, 1924, (hereinafter called the principal Ordinance) and the Courts (Amendment) Ordinance, 1925, and the Courts (Amendment) Ordinance, 1932, and this Ordinance may together be cited as the Courts Ordinances, 1924-1935.



2. The following section shall be substituted for section 3 of the principal Ordinance:—

Substitution of new section for section 3 of the principal Ordinance.

“3. The Supreme Court sitting as a Civil Court of Appeal shall consist of two judges, the presiding judge being a British Judge. In the event of there being a disagreement between such judges, the appeal shall be dismissed.

The Supreme Court sitting as a Court of Criminal Appeal shall consist of:—

- (a) the Chief Justice or the Senior Puisne Judge or a British Puisne Judge, and
- (b) the Senior Puisne Judge or a British Puisne Judge or a President of a District Court or a Relieving President of a District Court, and
- (c) a Palestinian judge:

Provided that the Chief Justice may, if in his opinion it is desirable so to do for the hearing of any appeal, constitute a Court consisting of:—

- (a) the Chief Justice or the Senior Puisne Judge or a British Puisne Judge, and
- (b) either any two, or any four, Judges to be selected from the following:—

The Senior Puisne Judge or a British Puisne Judge, the Presidents of District Courts and the Relieving Presidents of District Courts, and the Palestinian Judges of the Supreme Court”.

3. Section 6 of the principal Ordinance is hereby amended:—

Amendment of section 6 of the principal Ordinance.

(a) by the substitution of the following paragraph for paragraph (3) thereof:—

“(3) Questions of change of venue in the trial of civil actions in District Courts and Land Courts”;

(b) by the addition of the following paragraph thereto as paragraph (4):—

“(4) Applications for orders directed to a magistrate in regard to the conduct of any preliminary enquiry held under the provisions of the Trial Upon Information Ordinances, 1924-1935”.



Substitution of new section for section 9 of the principal Ordinance.

4. The following section shall be substituted for section 9 of the principal Ordinance:—

“9. The Court of Criminal Assize shall consist of:—

- (a) the Chief Justice or the Senior Puisne Judge or a British Puisne Judge; and
- (b) a British Puisne Judge or a President of a District Court or a Relieving President of a District Court; and
- (c) a Palestinian judge:

Provided that at or before the commencement of any trial by a Court of Criminal Assize an accused person may apply to be tried by a British Judge of the Supreme Court sitting alone and upon such application being made such person shall be so tried.”

Amendment of section 11 of the principal Ordinance.

5. Section 11 of the principal Ordinance is hereby amended by the substitution of the following sub-section for sub-section (1) thereof:—

“(1) The District Court shall consist of as many judges as the High Commissioner may appoint. The President shall be a British judge.

Subject to the provisions of section 20 of this Ordinance as to commercial cases:—

(a) Civil actions in which the claim does not exceed five hundred pounds shall be tried by two judges:

Provided that if there is a counterclaim arising from the same matter or circumstances as the original action the Court so constituted may try such counterclaim whatever may be the amount claimed in it: and

Provided that any party to any such action may on first appearance or in the first written pleading delivered to the Court, apply that such action shall be tried by a British Judge sitting alone and upon any such application being made such action shall be tried by the President or a Relieving President sitting alone as the President shall determine;

(b) Civil actions in which the claim exceeds five hundred pounds shall be tried by the President and one judge:

(c) Criminal trials upon information shall be tried by three judges, one of whom shall be the President or a Relieving President who shall preside:



Provided that at or before the commencement of any such trial an accused person may apply to be tried by a British Judge sitting alone, and upon any such application being made such person shall be tried by the President or a Relieving President sitting alone as the President shall determine;

(d) Summary criminal trials shall be tried by the President or a Relieving President and one judge:

Provided that at or before the commencement of any such trial an accused person may apply to be tried by a British Judge sitting alone, and upon any such application being made such person shall be tried by the President or a Relieving President sitting alone as the President shall determine;

(e) On the hearing of civil or criminal appeals the Court shall consist of two judges, the presiding judge being the President or a Relieving President. In the event of there being a disagreement between such judges, the appeal shall be dismissed:

Provided that on the hearing of appeals in interlocutory matters the Court shall consist of one judge.

The President or a Relieving President when sitting alone under the provisions of this sub-section shall constitute a District Court for all the purposes of this Ordinance."

6. Section 20 of the principal Ordinance shall be amended by the deletion therefrom of the following words:—

Amendment of section 20 of the principal Ordinance.

"He shall in every such case be assisted by two assessors within the meaning of the last preceding Section".

7. The following section shall be inserted in the principal Ordinance as section 20A:—

Addition of new section to principal Ordinance.

"Change of venue in criminal trials. 20A. The Chief Justice may change the venue of criminal trials in the Court of Criminal Assize or in the District Courts."

8. Section 21 of the principal Ordinance is hereby amended as follows:—

Amendment of section 21 of the principal Ordinance.

(a) by the addition to paragraph (a) thereof after the words "Supreme Court" of the words "and the Court of Criminal Assize";

(b) by the addition to paragraph (b) thereof after the words "Supreme Court" of the words "Court of Criminal Assize";



(c) by the addition to paragraph (b) thereof of the following sub-paragraphs:—

“(xxv) The practice and procedure to be followed in summary criminal trials before District Courts;

(xxvi) Court fees”.

Saving in respect of actions etc., already commenced.

9. Nothing in this Ordinance shall be deemed to affect the jurisdiction of any Court to try any civil action or criminal prosecution commenced before the coming into force of this Ordinance, and such action or prosecution shall be tried as though this Ordinance had not come into force.

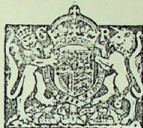
Repeal of No. 39 of 1932.

10. The Courts (Amendment) Ordinance (No. 2), 1932, is hereby repealed.

16th April, 1935.

A. G. WAUCHOPE  
*High Commissioner.*





Supplement No. 1.  
to the

Palestine Gazette Extraordinary No. 514 of 27th May, 1935.

CUSTOMS DUTIES (COMMERCIAL AGENTS) EXEMPTION ORDINANCE,  
No. 19 of 1935.

AN ORDINANCE TO ENABLE THE HIGH COMMISSIONER TO GRANT CERTAIN  
EXEMPTIONS FROM CUSTOMS DUTIES TO COMMERCIAL AGENTS.

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 Customs Duties (Com- Short title.  
mercial Agents) Exemption Ordinance, 1935.

2.—(1) The recognised commercial agent of any State or Territory shall be exempt from payment of the customs duty payable on:— Power of High  
Commissioner  
to grant certain  
exemptions.

- (a) any articles and effects intended for the personal use of such agent, and
- (b) any uniform of such agent including the necessary arms, badges and equipment appertaining thereto, and
- (c) any article for the use of the public service of the agency:

Provided that:

- (a) in every case the articles are consigned to the commercial agent or to the agency, and

(b) if any article exempted from customs duty hereunder is subsequently disposed of in Palestine, the customs duty which would have been due thereon at the time of the disposition if it had not been so exempted shall be immediately payable by the commercial agent.

(2) For the purposes of this Ordinance "recognised commercial agent" means an agent declared by the High Commissioner, by order to be published in the Gazette, to be a recognised commercial agent.

(3) Any grant of exemption hereunder shall take effect from such date as the High Commissioner may, by order, direct.

A. G. WAUCHOPE  
*High Commissioner.*

24th May, 1935.

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CUSTOMS (AMENDMENT) ORDINANCE,  
No. 20 of 1935.

AN ORDINANCE TO AMEND THE CUSTOMS ORDINANCE, 1929.

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

Short title.

No. 11. of 1929.

No. 2 of 1932.

1. This Ordinance may be cited as the Customs (Amendment) Ordinance, 1935, and the Customs Ordinance, 1929, (hereinafter referred to as the principal Ordinance) the Customs (Amendment) Ordinance, 1932, and this Ordinance, may together be cited as the Customs Ordinances, 1929-1935.

Amendment of section 155 of the principal Ordinance.

2. Section 155 of the principal Ordinance shall be amended by the deletion of the marginal note thereto and the insertion of the following marginal note in the place thereof, that is to say:—

"Drawback allowance on goods which have not undergone any process by which their identity has been lost".





3. Section 157 of the principal Ordinance shall be amended by the insertion immediately after the words "For the purpose of claiming drawback" of the following words, that is to say:—

Amendment of section 157 of the principal Ordinance.

"under section 155 and section 156 of this Ordinance".

4. Section 158 of the principal Ordinance shall be amended by the insertion immediately after the words "The person claiming drawback" of the following words, that is to say:—

Amendment of section 158 of the principal Ordinance.

"under section 155 and section 156 of this Ordinance".

5. The principal Ordinance shall be amended by the insertion after section 158 thereof, (as amended by section 4 of this Ordinance) of the following section, that is to say:—

Insertion of new section in the principal Ordinance.

"Provision for drawback of duties under No. 40 of 1927, on goods which have undergone a process by which their identity has been lost.

158A.—(1) Where it appears to the Standing Committee for Commerce and Industry that, in the case of goods of any class or description manufactured in, and exported from Palestine, a drawback as respects duties chargeable under the Customs Tariff Ordinance, 1927, should be allowed in respect of any material of a class or description used in the manufacture of those goods, the Standing Committee for Commerce and Industry may submit to the High Commissioner a recommendation for the allowance of such a drawback and the High Commissioner may, after consultation with the Director, by order approve such recommendation, and thereupon drawback shall be allowed in accordance with and subject to the provisions of the recommendation and of this section:

Provided that the Standing Committee for Commerce and Industry shall not submit, and the High Commissioner shall not approve, any such recommendation, unless satisfied that, having regard to all the circumstances, including the interests of any producers in Palestine of material of the kind specified in the recommendation, it is in the interest of Palestine that drawback should be allowed as provided by the recommendation.

(2) Any such recommendation:—

(a) shall specify the class or description of manufactured goods in the case of which, and the class or description of material in respect of which, the drawback is to be allowed;

(b) may provide for the allowance of drawback in respect of such quantity of material of that class or description as is actually contained in the goods or is specified in the recommendation as being the average quantity of such material (whether wholly duty-paid, or whether partly duty-paid, and partly not duty-paid) used in the manufacture of goods of that class or description, either by manufacturers generally or by any particular manufacturer;

(c) shall specify the rate of drawback to be allowed, being such a rate fixed by reference to weight or some other measure of quantity as the Standing Committee for Commerce and Industry think fit, but not exceeding such amount as appears to the Standing Committee for Commerce and Industry to be equivalent to the average amount of duty paid in respect of material of that class or description;

(d) may provide for the allowance of drawback for any period specified in the recommendation, or without any limit of period.

(3) The Standing Committee for Commerce and Industry may at any time recommend such amendments of any recommendation in force under this section as they think fit, and the High Commissioner may by order approve any amendment so recommended and thereupon the recommendation shall have effect as so amended.

(4) Drawback shall only be allowed under this section in respect of such quantity of material as is shown to the satisfaction of the Director to be duty-paid.

(5) The Director may make rules requiring persons who have been concerned at any stage with goods in the case of which drawback is claimed under any such recommendation to furnish such information as may be reasonably necessary to enable the Director to determine whether duty has been paid on the material in respect of which the claim is made, and to produce any books of account or other documents of whatever nature relating to that material, and in particular such rules may provide that:—



(a) a certificate signed by the proper officer to the effect that duty has been paid on a specified quantity of material, and

(b) a statement, signed by the manufacturer of the goods in the case of which drawback is claimed, that the material to which the certificate relates has been used in the manufacture of those goods,

may be accepted by the Director as sufficient evidence that duty has been paid on such quantity so used as is specified in the certificate.

(6) If any person contravenes or fails to comply with any such rules, he shall in respect of each offence be liable to a penalty not exceeding fifty pounds."

A. G. WAUCHOPE

*High Commissioner.*

24th May, 1935.

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ORTHODOX PATRIARCH (ELECTION) ORDINANCE,

No. 21 of 1935.

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AN ORDINANCE TO MAKE PROVISION FOR THE ELECTION OF THE ORTHODOX PATRIARCH IN JERUSALEM.

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WHEREAS the election of the Orthodox Patriarch in Jerusalem is governed by Ottoman Imperial Regulations of 1875 (generally known and hereinafter referred to as the Fundamental Law):

AND WHEREAS doubts exist as to the interpretation of certain provisions of the Fundamental Law:

AND WHEREAS it is desirable that such doubts should be removed in order that the Orthodox Patriarch in Jerusalem may be elected:

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 Orthodox Patriarch Short title.  
(Election) Ordinance, 1935.



Interpretation of certain terms in the Fundamental Law.

2. In the interpretation of the Fundamental Law,

- (a) any reference to the Sultan of Turkey shall be construed as reference to His Majesty the King;
- (b) any reference to the Grand Vizier or the Grand Vizierate or the Sublime Porte, shall be construed as a reference to the Secretary of State;
- (c) any reference to the Mutessarif shall be construed as a reference to the High Commissioner;
- (d) 'subjects of His Imperial Majesty' shall be construed as meaning persons who in or before 1914, were subjects of His Imperial Majesty the Sultan of Turkey.

Constitution of Spiritual Council.

3. The Spiritual Council charged by Article 6 of the Fundamental Law with the nomination of candidates for the Patriarchate shall consist of the Holy Synod and the Metropolitans and Bishops summoned under Article 5 of the Fundamental Law.

Nominations by Spiritual Council.

4. The nominations by the Spiritual Council made under the provisions of Article 6 of the Fundamental Law shall be made in the presence of the married priests from each Metropolis and Bishopric who under Article 5 of the Fundamental Law are directed to be in Jerusalem within the specified time in order to be present as representative of the people at the Council of election.

Qualification for election as Patriarch.

5. Notwithstanding anything contained in Article 12 of the Fundamental Law it shall not be necessary that the following qualification shall be held by a candidate in order that he may be elected as Patriarch, that is to say, that he has served for ten successive years with ability and without any default in a Metropolis.

24th May, 1935.

A. G. WAUCHOPE  
*High Commissioner.*



STATISTICS ORDINANCE,

No. 22 of 1935.

AN ORDINANCE TO PROVIDE FOR THE CREATION OF AN OFFICE OF STATISTICS.

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 Statistics Ordinance, Short title. 1935.

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

(a) "office" means the Office of Statistics;

(b) "rule" means any rule made under the provisions of this Ordinance and includes any order of the High Commissioner in Council made under this Ordinance.

3.—(1) There shall be an office to be called the Office of Statistics, the duties of which shall be— Palestine Office of Statistics.

(a) to collect, compile, abstract and publish statistical information relative to the commercial, industrial, social, economic and general activities and condition of the people;

(b) to collaborate with all other departments of the Government in the compilation and publication of statistical records of administration according to the rules;

(c) to take any census in Palestine as hereinafter provided.

(2) The head of the office shall be called the Government Statistician.

4. Subject to the provisions of this Ordinance, it shall be lawful for the High Commissioner in Council from time to time to order that a census shall be taken for Palestine or for any part thereof and any order under this section may prescribe— Power to direct taking of census.

(a) the date on which such census is to be taken; and

(b) the persons by whom and with respect to whom the returns for the purpose of such census are to be made; and

(c) the particulars to be stated in the returns.



Duty of Govern-  
ment Statistician  
to carry out  
census.

5. It shall be the duty of the Government Statistician to make such arrangements and do all such things as are necessary for the taking of a census in accordance with the provisions of this Ordinance and of any order or rules made thereunder, and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions and for the collection of the forms when filled up.

Rules with  
respect to proceed-  
ings for taking  
census.

6. For the purpose of enabling any order directing a census to be taken to be carried into effect, the High Commissioner may make rules :

- (a) providing for the division of the country into districts for the purpose of such census and the appointment of persons to act in those districts in connection with such census ;
- (b) requiring all members and officers of local authorities, mukhtars, sheikhs, ghaffirs and such other persons as may be employed for the purpose of such census to perform such duties in connection with the taking of such census as may be prescribed ;
- (c) requiring the chief officers of public or charitable institutions or of any other institutions prescribed by the rules to make returns with respect to the inmates thereof ;
- (d) requiring information to be given to the persons liable to make returns by the persons with respect to whom the returns are to be made ;
- (e) with respect to the forms to be used in the taking of such census ;
- (f) making provision with respect to any other matters with respect to which it is necessary to make provision for the purpose of carrying into effect the provisions of the order.

Powers to affix  
marks, etc

7. The occupier or person in charge of any premises, enclosure, vessel or other place shall allow the Government Statistician or any person duly authorised by him to have access to such premises, enclosure, vessel or other place for the purpose of affixing numbers, letters, or marks in connection with the taking of a census, provided that nothing in this section shall authorise the entry into any dwelling house without the consent of the occupier thereof.

Records not ad-  
missible in  
evidence.

8. No records, returns, or other documents made or obtained in connection with the taking of a census shall be open to inspection by the public and no such records, returns or other documents and no information obtained in connection with the taking of a census shall be admissible or used in evidence in any civil or criminal proceedings whatsoever, except in criminal proceedings for an offence under this Ordinance.



9. All persons employed in connection with the taking of any census shall whilst they are so employed be deemed to be public officers in so far as concerns their duties under this Ordinance or under any rules made thereunder.

Census officials  
to be deemed to  
be public officers.

10.—(1) Subject to the provisions of this Ordinance, and with the approval of the High Commissioner, there shall be collected from time to time, and whether in conjunction with any census or not, statistics relating to all or any of the following matters:—

Other statistics.

- (a) Population and housing thereof,
- (b) Immigration and emigration,
- (c) Vital occurrences and morbidity,
- (d) Social and educational matters,
- (e) Imports and exports,
- (f) Land tenure, occupation and condition of land and the produce thereof,
- (g) Primary and secondary production,
- (h) Wages, hours and conditions of labour.
- (i) Employment and unemployment,
- (j) Industrial disturbances and disputes,
- (k) Wholesale and retail prices,
- (l) Stocks of manufactured and unmanufactured goods,
- (m) Transport and communication by land, water or air,
- (n) Banking and finance,
- (o) Transfers of land, mortgages registered and discharged, registered leases,
- (p) Fire, marine, life, accident or other insurance,
- (q) Incomes and earnings,
- (r) Local government,
- (s) Such other matters as may be prescribed by the High Commissioner in Council.

(2) The duty of collecting any such statistics shall be performed by such officers in the public service as the High Commissioner may direct.

11. The statistics shall be collected by means of a schedule or schedules delivered to the person from whom the particulars are required, or by such other means as the Government Statistician determines.

How statistics to  
be collected.



Enumerators and agents.

12.—(1) For the purpose of taking any census and, if so required, of collecting other statistics, the Government Statistician shall, with the approval of the High Commissioner, appoint enumerators and agents, and assign to them their duties.

(2) The Government Statistician, who is hereby authorised for the purposes of this Ordinance to administer oaths, may require any enumerator or agent or other person employed in the execution of any duty under this Ordinance or any rule made hereunder, before entering in his duties, to take and subscribe before him or before such other person (being a person empowered to administer oaths) and in such manner as the Government Statistician prescribes the following oath:—

I \_\_\_\_\_ solemnly swear that I will faithfully and honestly fulfil my duties as \_\_\_\_\_ in conformity with the requirements of the Statistics Ordinance, 1935, and of all proclamations, orders-in-council, orders, rules and instructions issued in pursuance thereof, and that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as such \_\_\_\_\_

(3) If any enumerator or agent or other person employed in the execution of duty under this Ordinance takes and subscribes an oath under this Ordinance and fails to comply with the terms and conditions of such oath he shall be guilty of an offence against this Ordinance, and shall on conviction be liable to imprisonment for a period not exceeding three years.

(4) If any person accepts the office of enumerator or agent or similar appointment under this Ordinance, and afterwards, without sufficient excuse from sickness or other unavoidable cause, neglects or refuses to perform any duty required by this Ordinance to be done or performed by him or any duty assigned to him by the Government Statistician, or other officer in the relation of superior to subordinate, he shall be guilty of an offence against this Ordinance, and shall on conviction be liable to a fine of fifty pounds.

Government Statistician to prepare schedules etc.

13. Particulars to be collected under this Ordinance, either at a census or at any other time, shall be obtained in such form as is prescribed, and it shall be the duty of the Government Statistician, subject to the directions of the High Commissioner, to prepare the schedules, forms or other documents required for the purpose.

Furnishing of information required in schedules.

14. Every person from whom particulars may lawfully be required pursuant to this Ordinance for the purposes of a census or other statistics shall, to the best of his knowledge, when required to do so by the Government Statistician or other authority for the collection of statistics, fill up and supply, in





accordance with the instructions contained in or accompanying or having reference to any schedule, form or other document, the particulars specified in that schedule, form or other document.

15. Every person shall, to the best of his knowledge and belief, answer all questions asked him by the Government Statistician or enumerator or agent or other person authorised in virtue of rules made hereunder or authorised in writing by the Government Statistician or other authority for the collection of statistics necessary to obtain any information required for the purposes of any statistics authorised by this Ordinance to be collected.

Questions asked by Statistician to be answered.

16.—(1) For the purpose of making any inquiries or observations necessary for obtaining the statistics authorised by this Ordinance to be collected, the Government Statistician, or other authority for the collection of statistics or any person authorised in writing by the Government Statistician or in virtue of rules made hereunder, may at any time during working hours enter any factory, mine, workshop or place where persons are employed, and may inspect any part of it.

Right of entry.

(2) Every person who hinders or obstructs the Government Statistician or any person duly authorised in the execution of any power conferred by this section shall be guilty of an offence against the Ordinance, and shall on conviction be liable to a fine not exceeding ten pounds.

Penalty for obstruction.

17. Every person who has the custody or charge of any municipal or other public records or documents, or of any records or documents of any community recognised in accordance with the provisions of the Palestine Order-in-Council, 1922, from which information sought in respect of the objects of this Ordinance can be obtained, or which would aid in the completion or correction thereof, shall grant to the Government Statistician or to an enumerator or agent or other duly appointed officer deputed for that purpose by the Government Statistician, or other authority for the collection of statistics access thereto for the obtaining of such information therefrom.

Access to public records.

18.—(1) The Government Statistician shall compile and tabulate the statistics and other particulars collected pursuant to this Ordinance and shall publish such statistics and particulars, or abstracts thereof, or extracts therefrom, with or without observations thereon, as the High Commissioner shall direct.

Compilation of statistics.

(2) No report, summary of statistics or other publication under this Ordinance, shall, without the previous consent in writing of the person or of the owner for the time being of the undertaking in relation to which a return or answer was made or given for the purposes of this Ordinance, contain any of the particulars comprised in any individual return so arranged as to enable any person to identify any particulars so published as being particulars relating to any individual person or business.

No report to reveal individual particulars.



Neglect or refusal to supply particulars.

19. Every person who neglects or refuses to fill up and supply the particulars required in any schedule, form or other document lawfully left with or sent to him, or who neglects or refuses to answer any question or inquiry lawfully addressed to him by the Government Statistician or by an enumerator or agent or other person employed in the execution of a duty under this Ordinance, shall be guilty of an offence against this Ordinance, and shall on conviction be liable to a fine not exceeding fifty pounds, and, if such default continues after conviction, to a further fine of one pound for each day during which such default continues.

False statement.

20. Any person who knowingly makes in any schedule, form or other document filled up or supplied pursuant to this Ordinance, or in answer to any question asked him under authority of this Ordinance, any statement which is untrue in any material particular shall be guilty of an offence against this Ordinance, and shall on conviction be liable to a fine not exceeding fifty pounds.

Wrongful disclosure.

By person employed under Ordinance.

21.—(1) Any person, being a person employed for any of the purposes of this Ordinance, who without lawful authority publishes or communicates to any person otherwise than in the ordinary course of such employment any information acquired by him in the course of his employment, shall be guilty of an offence against this Ordinance, and shall on conviction be liable to imprisonment for a period not exceeding two years or to a fine not exceeding two hundred pounds or to both such penalties.

By person in possession of information wrongfully disclosed.

(2) Any person, having possession of any information which to his knowledge has been disclosed in contravention of this Ordinance, who publishes or communicates such information to any person, shall be guilty of an offence against this Ordinance and shall on conviction be liable to imprisonment for a period not exceeding two years or to a fine not exceeding two hundred pounds or to both such penalties.

Mutilation or defacement of schedules.

22. Every person who, without lawful authority, destroys, defaces or mutilates any schedule, form or other document containing particulars collected under this Ordinance, or who writes or makes on any schedule, form or other document issued for purposes of this Ordinance and furnished to the Government Statistician or other authorised person any indecent, obscene, blasphemous or insulting remarks, drawing, or other matter, shall be guilty of an offence against this Ordinance, and shall on conviction be liable to a fine not exceeding fifty pounds.

General penalty.

23. Every person who commits any breach of the provisions of this Ordinance for which no specific penalty is provided shall on conviction be liable to a fine not exceeding twenty pounds.

Rules.

24. The High Commissioner in Council may make rules:



- (a) requiring particulars and information to be furnished by persons in prescribed areas and for prescribed periods;
- (b) requiring particulars and information to be furnished as to the addresses and occupations of persons;
- (c) generally for giving effect to the Ordinance.

(repeal.

25. The Census Ordinance, 1931, is hereby repealed.

24th May, 1935.

A. G. WAUCHOPE  
*High Commissioner.*

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REGISTRATION OF BUSINESS NAMES ORDINANCE,  
No. 23 of 1935.

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AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF FIRMS AND PERSONS CARRYING ON BUSINESS UNDER BUSINESS NAMES AND FOR PURPOSES CONNECTED THEREWITH.

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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 Registration of Short title.  
Business Names Ordinance, 1935.

2. In this Ordinance:—

*Interpretation.*

“Business” includes profession.

“Business name” means the name or style under which any business is carried on, whether in partnership or otherwise.

“Name” includes forename.

“Court” means the President of a District Court.

“Firm” means an unincorporate body of two or more individuals, or one or more individuals and one or more corporations, or two or more corporations, who have entered into partnership with one another with a view to carrying on business for profit.



“Foreign firm” means any firm, individual or corporation whose principal place of business is situate outside Palestine.

“Individual” means a natural person and does not include a corporation.

“Initials” includes any recognised abbreviation of a name.

“Showcards” means cards containing or exhibiting articles dealt with, or samples or representations thereof.

Reference in this Ordinance to a former name shall not include a former name where that name has been changed or disused before the person bearing the name had attained the age of eighteen years, and in the case of a married woman, shall not include the name by which she was known previous to the marriage.

References in this Ordinance to a change of name shall not include a change of name which has taken place before the person whose name has been changed has attained the age of eighteen years.

Firms and  
persons to be  
registered.

3. Subject to the provisions of this Ordinance :—

(a) Every firm having a place of business in Palestine and carrying on business under a business name which does not consist of the true names of all partners who are individuals and the corporate names of all partners who are corporations without any addition other than the true forenames of individual partners or initials of such forenames ;

(b) Every individual having a place of business in Palestine and carrying on business under a business name which does not consist of his true surname without any addition other than his true forenames or the initials thereof ;

(c) Every individual or firm having a place of business in Palestine who, or a member of which, has either before or after the commencement of this Ordinance changed his name, except in the case of a woman in consequence of marriage ;

shall be registered in the manner directed by this Ordinance :

Provided that :—

(i) where the addition merely indicates that the business is carried on in succession to a former owner of the business, that addition shall not of itself render registration necessary ; and



- (ii) where two or more individual partners have the same surname, the addition of an 's' at the end of that surname shall not of itself render registration necessary; and
- (iii) where the business is carried on by a trustee in bankruptcy or the Official Receiver or a receiver or manager appointed by the Court, registration shall not be necessary; and
- (iv) a purchase or acquisition of property by two or more persons as joint tenants or tenants in common is not of itself to be deemed carrying on a business whether or not the owners share any profits arising from the sale thereof.

4. Where a firm, individual or corporation having a place of business within Palestine carries on the business wholly or mainly as nominee or trustee of or for another person, or other persons or another corporation, or acts as general agent for any foreign firm, the first mentioned firm, individual or corporation shall be registered in manner provided by this Ordinance, and in addition to the other particulars required to be furnished and registered, there shall be furnished and registered the particulars mentioned in the schedule to this Ordinance:

Registration by nominee, etc.

Provided that where the business is carried on by a trustee in bankruptcy or the Official Receiver or a receiver or manager appointed by the Court, registration under this section shall not be necessary.

5.—(1) Every firm or person required under this Ordinance to be registered shall furnish to the Registrar a statement in writing in the prescribed form containing the following particulars:—

Manner and particulars of registration.

- (a) The business name;
- (b) The general nature of the business;
- (c) The principal place of the business;
- (d) Where the registration to be effected is that of a firm, the present name, any former name, the nationality and if that nationality is not the nationality of origin, the nationality of origin, the usual residence, the other business occupation, if any, and the age, and, in the case of a woman the status as regards marriage of each of the individuals who are partners, and the corporate name and registered or principal office of every corporation which is a partner;



- (e) Where the registration to be effected is that of an individual, the present name, any former name, the nationality, and if that nationality is not the nationality of origin, the nationality of origin, the usual residence, the other business occupation, if any, and the age, and in the case of a woman the status as regards marriage, of such individual;
- (f) Where the registration to be effected is that of a corporation, its corporate name and registered or principal office;
- (g) If the business is commenced after the commencement of this Ordinance, the date of the commencement of the business.

(2) Where a business is carried on under two or more business names, each of those business names must be stated.

Statement to be signed by persons registering.

6. The statement required for the purpose of registration must in the case of an individual be signed by him, and in the case of a corporation by a director or secretary thereof, and in the case of a firm either by all the individuals who are partners and by a director or secretary of each corporation which is a partner or by some individual who is a partner, or a director or the secretary of some corporation which is a partner, and in either of the last two cases must be verified by a statutory declaration made by the signatory:

Provided that no such statutory declaration stating that any person other than the declarant is a partner, or omitting to state that any person other than as aforesaid is a partner, shall be evidence for or against any such other person in respect of his liability or non-liability as a partner, and that the court may, on application of any person alleged or claiming to be a partner, direct the rectification of the register and decide any question arising under this section.

Time for registration.

7.—(1) The particulars required to be furnished under this Ordinance shall be furnished within fourteen days after the firm or person commences business, or the business in respect of which registration is required, as the case may be:

Provided that if such firm or person has carried on such business before the commencement of this Ordinance or commences such business within two months thereafter, the statement of particulars shall be furnished after the expiration of two months and before the expiration of three months from the commencement of this Ordinance, and that if at the expiration of the said two months the conditions affecting the firm or person have ceased to be such as to require registration under this Ordinance, the firm or person need not be registered as long as such conditions continue.



(2) This section shall apply, in the case where registration is required in consequence of a change of name, as if for reference to the date of the commencement of the business there were substituted references to the date of such change.

Change of name.

8. Whenever a change is made or occurs in any of the particulars registered in respect of any firm or person, such firm or person shall, within fourteen days after such change or such longer period as the Registrar may, on application being made in any particular case, whether before or after the expiration of such fourteen days, allow, furnish to the Registrar a statement in writing in the prescribed form specifying the nature and date of the change signed, and where necessary verified, in like manner as the statement required on registration.

Registration of changes in firm.

9. If any firm or person by this Ordinance required to furnish a statement of particulars or of any change of any particulars shall, without reasonable excuse, make default in so doing in the manner and within the time specified by this Ordinance, every partner in the firm or the person so in default shall, (notwithstanding that such firm or such person has ceased to carry on business under the business name in respect of which default has been made) be liable to a penalty not exceeding five pounds for every day during which default continues or has existed, and the court shall order a statement of the required particulars or change in particulars to be furnished to the Registrar within such time as may be specified in the order:

Penalty for default in registration.

Provided that where any firm or person who has made default as aforesaid has ceased to carry on business under the business name in respect of which default has been made no proceedings under this section shall be entertained by the court if commenced later than twelve months after such firm or such person has ceased to carry on business under such business name.

10.—(1) Where any firm or person by this Ordinance required to furnish a statement of particulars or of any change in particulars shall have made default in so doing, then the rights of that defaulter under or arising out of any contract made or entered into by or on behalf of such defaulter in relation to the business in respect to the carrying on of which particulars were required to be furnished at any time while he is in default shall not be enforceable by action or other legal proceeding either in the business name or otherwise:

Disability of persons in default.

Provided always as follows:—

- (a) The defaulter may apply to the court for relief against the disability imposed by this section, and the court, on being satisfied that the default was accidental, or due to inadvertence or some other sufficient cause, or that on



other grounds it is just and equitable to grant relief may grant such relief either generally or as respects any particular contracts, on condition of the costs of the application being paid by the defaulter, unless the court otherwise orders, and on such other conditions, if any, as the court may impose, but such relief shall not be granted except on such service and such publication of notice of the application as the court may order, nor shall relief be given in respect of any contract if any party to the contract proves to the satisfaction of the court that, if this Ordinance has been complied with, he would not have entered into the contract;

(b) Nothing herein contained shall prejudice the rights of any other parties as against the defaulter in respect of such contract as aforesaid;

(c) If any action or proceeding shall be commenced by any other party against the defaulter to enforce the rights of such party in respect of such contract nothing herein contained shall preclude the defaulter from enforcing in that action or proceeding, by way of counterclaim, set off, or otherwise such rights as he may have against that party in respect of such contract.

(2) Without prejudice to the power of the court to grant such relief as aforesaid, if any proceeding to enforce any contract is commenced by a defaulter in a magistrate's court, such last named court may, as respects that contract, grant such relief as aforesaid.

Penalty for false statements.

11. If any statement required to be furnished under this Ordinance contains any matter which is false in any material particular to the knowledge of any person signing it, that person shall be liable to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding three months, or to both such imprisonment and penalty.

Duty to furnish particulars to Registrar.

12.—(1) The Registrar may require any person to furnish to him such particulars as he thinks necessary for the purpose of ascertaining whether or not such person or the firm of which he is partner should be registered under this Ordinance, or an alteration made in the registered particulars, and may also, in the case of a corporation, require the secretary or any other officer of a corporation performing the duties of secretary, to furnish such particulars, and if any person, when so required, fails to supply such particulars as it is in his power to give, or furnishes particulars which are false in any material particular, he shall be liable to a penalty not exceeding twenty pounds, or





to imprisonment, with or without hard labour, for any term not exceeding three months, or to both such imprisonment and penalty.

(2) If, from any information so furnished, it appears to the Registrar that any firm or person ought to be registered under this Ordinance, or an alteration ought to be made in the registered particulars, the Registrar may require the firm or person to furnish to him the required particulars within such time as may be allowed by the Registrar but where any default under this Ordinance has been discovered from the information acquired under this section, no proceedings under this Ordinance shall be taken against any person in respect of such default prior to the expiration of the time within which the firm or person is required by the Registrar under this section to furnish particulars to him.

13. On receiving any statement or statutory declaration made in pursuance of this Ordinance, the Registrar shall cause the same to be filed, and he shall send by post or deliver a certificate of the registration thereof to the firm or person registering, and the certificate or a certified copy thereof shall be kept exhibited in a conspicuous position at the principal place of business of the firm or individual and, if not kept so exhibited, every partner in the firm or the person, as the case may be, shall be liable to a penalty not exceeding twenty pounds.

Registrar to file statement and issue certificate of registration.

14. The Registrar shall keep an index of all the firms and persons registered under this Ordinance.

Index to be kept.

15.—(1) If any firm or individual registered under this Ordinance ceases to carry on business it shall be the duty of the persons who were partners in the firm at the time when it ceased to carry on business, or of the individual or, if he is dead, his personal representative, within one month after the business has ceased to be carried on, to deliver to the Registrar notice in the prescribed form that the firm or individual has ceased to carry on business, and if any person whose duty it is to give such notice fails to do so within such time as aforesaid, he shall be liable to a penalty not exceeding twenty pounds.

Removal of names from register.

(2) On receipt of such a notice as aforesaid the Registrar may remove the firm or individual from the register.

(3) Where the Registrar has reasonable cause to believe that any firm or individual registered under this Ordinance is not carrying on business, he may send to the firm or individual by registered post a notice that, unless an answer is received to such notice within one month from the date thereof, the firm or individual may be removed from the register.



Misleading  
business names.

16.—(1) Where any business name under which the business of a firm or individual is carried on contains:—

(a) a word indicative of a certain nationality which in the opinion of the Registrar is calculated to lead to the belief that the business is under the ownership or control of persons of such nationality and the Registrar is satisfied that the nationality of the persons by whom the business is wholly or mainly owned or controlled is at any time such that the name is misleading, or

(b) a word indicative of a military title or title of honour which in the opinion of the Registrar is calculated to lead to the belief that the business is under the ownership or control of a person with a right to such military title or title of honour and the Registrar is satisfied that the person by whom the business is wholly or mainly owned or controlled is at any time a person such that the name is misleading, the Registrar shall refuse the registration of such business name, or as the case may be, remove such business name from the Register, but any person aggrieved by the decision of the Registrar under this provision, may appeal to the High Commissioner whose decision shall be final.

(2) The registration of a business name under this Ordinance shall not be construed as authorising the use of that name if, apart from such registration, the use thereof could be prohibited.

Registrar.

17. The Director of Customs, Excise and Trade shall be the Registrar for the purposes of this Ordinance.

Inspection of  
statements  
registered.

18.—(1) Any person may inspect the documents filed by the Registrar on payment of such fees as may be prescribed not exceeding fifty mils for each inspection and any person may require a certificate of the registration of any firm or person, or a copy of or extract from any registered statement, to be certified by the Registrar, and there shall be paid for such certificate of registration, certified copy or extract, such fees as may be prescribed, not exceeding one hundred mils for the certificate of registration and not exceeding twenty-five mils for each folio of seventy-two words, of the entry, copy or extract.

(2) A certificate of registration or a copy of or extract from any statement registered under this Ordinance, if duly certified to be a true copy or extract under the hand of the Registrar (whom it shall not be necessary to prove to be the Registrar) shall in all legal proceedings, civil or criminal, be received in evidence.



19.—(1) The High Commissioner-in-Council may make rules concerning any of the following matters:—

High Commissioner-in-Council may make rules.

- (a) The fees to be paid to the Registrar under this Ordinance, so that they do not exceed the sum of two hundred and fifty mils for the registration of any one statement;
- (b) The forms to be used under this Ordinance;
- (c) The duties to be performed by the Registrar under this Ordinance; and
- (d) Generally, the conduct and regulation of registration under this Ordinance, and any matters incidental thereto.

(2) All fees payable in pursuance of any such rules shall be paid into the Treasury.

(3) All such rules shall be published in the Gazette.

20. (1) Every individual and firm required by this Ordinance to be registered shall, in all trade catalogues, trade circulars, showcards, orders for goods and business letters on or in which the business name appears and which are issued or sent by the individual or firm to any person, have mentioned in legible characters:—

Publication of true names, etc.

- (a) in the case of an individual, his present name and any former name; and
- (b) in the case of a firm, the present name and any former name of each of the individuals who are partners in the firm;

(2) If default is made in compliance with this section the individual or, as the case may be, every member of the firm shall be liable for each offence to a penalty not exceeding five pounds;

Provided that no proceedings shall be instituted under this section except by or with the consent of the Attorney General.

21. Where a corporation is guilty of an offence under this Ordinance, every director, secretary, and officer of the corporation who is knowingly a party to the default shall be guilty of a like offence and liable to a like penalty.

Offences by corporations.



SCHEDULE.

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*Description of Firm etc.*

Where the firm, individual or corporation required to be registered carries on business as nominee or trustee.

Where the firm, individual or corporation required to be registered carries on business as general agent for any foreign firm.

*The additional particulars.*

The present name, any former name, nationality and, if that nationality is not the nationality of origin the nationality of origin and usual residence, or, as the case may be, the corporate name of every person or corporation on whose behalf the business is carried on :

Provided that if the business is carried on under any trust and any of the beneficiaries are a class of children or other persons, a description of the class shall be sufficient.

The business name and address of the firm or person as general agent for whom the business is carried on :

Provided that if the business is carried on as general agent for three or more foreign firms it shall be sufficient to state the fact that the business is so carried on, specifying the countries in which such foreign firms carry on business.

24th May, 1935.

A. G. WAUCHOPE  
*High Commissioner.*

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SUMMARY OFFENCES (PROCEDURE) ORDINANCE,  
No. 24 of 1935.

AN ORDINANCE TO AMEND THE OTTOMAN LAW WITH REGARD TO THE TRIAL OF  
CONTRAVENTIONS OR MISDEMEANOURS IN A MAGISTRATE'S COURT OR IN A  
MUNICIPAL COURT.

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 Summary Offences Short title.  
(Procedure) Ordinance, 1935.

2. Notwithstanding anything contained in article 57 of the Ottoman Magistrates Law or in the Ottoman Code of Criminal Procedure, if a person served with a summons to appear to answer a complaint charging him with the commission of a contravention or misdemeanour in a magistrate's court or a municipal court, shall not appear before such court at the time and place mentioned in such summons, and it shall be proved to the satisfaction of such court that such summons was served in what shall be deemed by such court to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for the court or a magistrate thereof to issue a warrant to apprehend the party so summoned and to bring him before the said court to answer the said complaint and to be further dealt with according to law:

Magistrate's court or municipal court may issue warrants in certain cases.

Provided that it shall be lawful for the said court upon proof to its satisfaction of the service of the summons as in this section provided to proceed *ex parte* to the hearing of such complaint and to adjudicate thereon as fully and effectually to all intents and purposes as if such party had personally appeared before it in obedience to the summons.

3. Notwithstanding anything contained in article 49 or 57 of the Ottoman Magistrates Law the right to make opposition to a judgment by default pronounced by a magistrate's court or a municipal court on the hearing of any complaint against any person charging him with the commission of any contravention or misdemeanour shall be abolished.

Abolition of right to oppose judgment by default pronounced by magistrate's court or municipal court.

A. G. WAUCHOPE  
High Commissioner.

24th May, 1935.



LAND SETTLEMENT (AMENDMENT) ORDINANCE,  
No. 25 of 1935.

AN ORDINANCE TO AMEND THE LAND SETTLEMENT ORDINANCE, 1928.

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

Short title.        1. This Ordinance may be cited as the Land Settlement (Amendment) Ordinance, 1935, and the Land Settlement Ordinance, 1928 (hereinafter referred to as the principal Ordinance) the Land Settlement (Amendment) Ordinance, 1930, the Land Settlement (Amendment) Ordinance, 1932, the Land Settlement (Amendment) Ordinance, 1933 and this Ordinance may together be cited as the Land Settlement Ordinances, 1928-1935.

Amendment of section 10 of the principal Ordinance.        2. Section 10 of the principal Ordinance shall be amended by the addition thereto of the following sub-section:—

“(4) At any time after the publication of the settlement notice, or at any stage in any proceedings before the Settlement Officer relating to the ownership of land in a settlement area, the Settlement Officer shall have power and shall be deemed always to have had power to make, vary or rescind an interim order for possession of any land affected by such notice or any land to which such proceedings relate, in favour of any person claiming or counterclaiming possession, and any such order as aforesaid may be made by the Settlement Officer of his own motion, or on the application of any person claiming or counterclaiming possession”.

24th May, 1935.

A. G. WAUCHOPE  
*High Commissioner.*





Supplement No. 1.  
to the  
**Palestine Gazette Extraordinary No. 520 of 21st June, 1935.**

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RURAL PROPERTY TAX (AMENDMENT) ORDINANCE,  
No. 26 OF 1935.

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AN ORDINANCE TO AMEND THE RURAL PROPERTY TAX ORDINANCE, 1935.

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

1. This Ordinance may be cited as the Rural Property Tax (Amendment) Ordinance, 1935. Short title.

2. The Rural Property Tax Ordinance, 1935, is hereby amended by the insertion of the following section as section 43: Amendment of  
the Rural Property Tax  
Ordinance, 1935.

“Exemption from tax not to affect certain rights.

43. Where no Rural Property Tax is payable upon any land by reason of its being of a category upon which no such tax is payable under the provisions of the schedule to this Ordinance, the non payment of such tax in respect of such land shall not be deemed to affect, or to be evidence of, the rights of any person in respect of such land”.

20th June, 1935.

A. G. WAUCHOPE  
*High Commissioner.*

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Supplement No. 1.  
to  
The Palestine Gazette No. 522 of 27th June, 1935.

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SHORT TERM CROP LOANS (SECURITY) ORDINANCE,  
No. 27 of 1935.

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AN ORDINANCE TO PROVIDE SECURITY FOR SHORT TERM LOANS ON CROPS.

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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 Short Term Crop Loans (Security) Ordinance, 1935. Short title.

2. In this Ordinance unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:— Interpretation.

“Approved company” shall mean a bank or other company incorporated or registered under the Companies Ordinance, 1929, and approved by the High Commissioner under the provisions of this Ordinance.

“Short term loan” shall mean a loan repayable in full within a period of twelve months from the date when the loan is granted.

3. The High Commissioner may at his discretion and subject to such conditions as he may, either generally or in respect of any specific bank or company, impose, approve of any bank or company for the purposes of this Ordinance if he is satisfied as to the financial stability of such bank or company and as to the terms and conditions upon which such bank or company proposes to make short term loans.

Power of High  
Commissioner to  
approve company.

Registration of charges on crops, etc.

4.—(1) Where any approved company accepts as security for a short term loan granted to any person a charge on any crops or other agricultural produce, the document creating the charge shall be signed in duplicate by the person executing the same in the presence of a representative of the company.

(2) It shall be the duty of the company to file one copy of the charge in the office of the company and to lodge the other copy within twenty-one days with the District Officer of the Sub-District in which the property comprised in the charge is situated.

(3) A District Officer upon receiving a copy of the charge together with the prescribed fee shall forthwith file the same, and shall keep a book called the Register Book of Crop Charges in the prescribed form in which particulars of all such charges received by him shall be entered and the District Officer shall forward to the company an acknowledgment of registration.

(4) Any person shall be entitled to inspect the Register Book of Crop Charges and take extracts therefrom upon payment of the prescribed fee.

Effect of registration of charge.

5.—(1) The registration of a charge in accordance with the provisions of section 4 of this Ordinance shall constitute a first charge and security in favour of the company making the loan and it shall not be an objection to any right of the company that at the date when a charge is created the property comprised in the charge is or is not in existence or is or is not acquired by the person giving the charge:

Provided that nothing herein contained shall affect:—

(a) any claim of the Government of Palestine in respect of taxes or money recoverable as taxes or of a landlord in respect of rent or money recoverable as rent, or

(b) the rights of any *bona fide* purchaser for value without notice, or

(c) the rights of any prior mortgagee, or

(d) the rights of any person holding a prior *bona fide* charge.

(2) The registration of a charge by the District Officer shall be deemed to affect with notice of the charge any person dealing with any property comprised in the charge.

Notification of repayment of loan to be given.

6. As soon as any loan in respect of which a charge under this Ordinance has been given has been repaid, the company shall forthwith record the same on the copy of the charge filed in the office of the company and shall within twenty-one days from the date of payment notify the District Officer, and upon receipt of such notice the District Officer shall forthwith make an entry of satisfaction in the Register Book of Crop Charges.



7.—(1) Any person who disposes of or deals with or attempts to dispose of or deal with any property comprised in any charge registered under this Ordinance, without first obtaining the leave in writing of the company, shall be liable on conviction to a fine not exceeding fifty pounds.

Penalty for dealing with property charged.

(2) Nothing in this section shall be deemed to bar the company from seeking any other remedies which may be otherwise provided under any other Ordinance or law for the time being in force.

8.—(1) An approved company may, before granting a loan secured upon crops or agricultural produce, require the person applying for the loan to make a statutory declaration before a Notary Public giving particulars of all liens, charges or agreements for future sales affecting such crops or agricultural produce.

Approved company may require a borrower to make statutory declaration.

(2) Any person who makes any such declaration as aforesaid which is to his knowledge false in any material particular or who in any such declaration fails to disclose particulars of all liens, charges or agreements for future sales affecting such crops or agricultural produce shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year.

9.—(1) The High Commissioner may make rules for carrying out the purposes of this Ordinance.

Power of the High Commissioner to make rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may prescribe:—

- (a) the form in which the Register Book of Crop Charges shall be kept, and
- (b) the fees to be paid for any act, matter or thing to be done or observed under this Ordinance.

A. G. WAUCHOPE

*High Commissioner.*

25th June, 1935.







Supplement No. 1.  
to  
The Palestine Gazette No. 523 of 4th July, 1935.

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ADVOCATES (AMENDMENT) ORDINANCE,  
No. 28 of 1935.

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AN ORDINANCE TO AMEND THE ADVOCATES ORDINANCE, 1922.

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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 Advocates (Amendment) Ordinance, 1935, and the Advocates Ordinance, 1922, (hereinafter referred to as the principal Ordinance) the Advocates Amendment Ordinance, 1928, and this Ordinance, may together be cited as the Advocates Ordinances, 1922-1935.

Short title.

No. 1 of 1929.

2. Section 1 of the principal Ordinance shall be deleted and the following section shall be substituted in the place thereof:—

Substitution of new section in place of section 1 of the principal Ordinance.

“1. The profession of an advocate consists:

- (a) in conducting for remuneration any legal proceedings before a court of law on behalf of another person or appearing for remuneration on behalf of another person before any Land Settlement Officer, Land Registry, Execution Office, the Registrar of Companies, the Registrar of Cooperative Societies, any commission or committee or any tribunal exercising judicial or quasi-judicial duties other than the office of the Registrar of Patents and Designs;

(b) in drafting, preparing or approving for remuneration any document intended to be presented to a court of law, Land Settlement Officer, Land Registry, Execution Office, the Registrar of Companies, the Registrar of Cooperative Societies, any commission or committee or any tribunal exercising judicial or quasi-judicial duties or any other document of a legal nature, except:—

- (i) a document to be presented to the Registrar of Trade Marks or the Registrar of Patents and Designs; or
- (ii) a petition other than a petition intended to commence or to be used in legal proceedings; or
- (iii) a letter or power of attorney; or
- (iv) a transfer of stock containing no trust or limitation thereof:

Provided that this paragraph shall not extend to:—

- (i) any public officer of the Government of Palestine, drawing or preparing a document of a legal nature in the course of his duty, or
- (ii) any person employed merely to engross any document of a legal nature;

(c) in advising clients in legal matters for remuneration”.

Amendment of section 24 of the principal Ordinance.

3. Section 24 of the principal Ordinance shall be deleted and the following section shall be substituted in the place thereof:—

“24.—(1) Any person who holds himself out as practising the profession of an advocate as defined in section 1 of this Ordinance without being licensed so to do shall be liable on conviction to a fine not exceeding five hundred pounds.

(2) No person not holding a licence to practise as an advocate in Palestine shall be entitled to sue in any court for payment of any fees or for remuneration in respect of any work done by him or services rendered by him to any person which form part of the professional duties of an advocate as defined in section 1 of this Ordinance.

(3) Notwithstanding anything in this Ordinance contained any person who on the first day of May, 1935, was a duly licensed petition writer and actually engaged in



practise as such, and for so long as he shall continue to be so licensed, may render services for remuneration to the public in connection with the completing and filing of printed forms in the Land Registry, and provided that such petition writer does not hold himself out to be an advocate, he may sue for the recovery of remuneration due to him in respect of such services".

4. Section 29 of the principal Ordinance shall be amended by the addition of the words "and tribal courts".

Amendment of section 29 of the principal Ordinance.

5. The following section shall be inserted in the principal Ordinance after section 29 thereof and shall be numbered section 29A:—

Addition of new section to the principal Ordinance.

"No advocate to appear in tribal courts.

29A. No holder of a licence to practise as an advocate shall appear in a representative capacity in any proceedings before any tribal court or tribal court of appeal".

3rd July, 1935

A. G. WAUCHOPE  
*High Commissioner.*









Supplement No. 1.  
to  
The Palestine Gazette No. 525 of 18th July, 1935.

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ORTHODOX PATRIARCH (FURTHER PROVISIONS) ORDINANCE,  
No. 29 of 1935.

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AN ORDINANCE TO MAKE FURTHER PROVISIONS FOR THE ELECTION OF THE  
ORTHODOX PATRIARCH IN JERUSALEM.

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WHEREAS by an Ordinance entitled the Orthodox Patriarch (Election) Ordinance, 1935, certain provisions were made for the election of the Orthodox Patriarch in Jerusalem.

AND WHEREAS it is desirable that further provisions should be made therefor:

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 Orthodox Patriarch Short title.  
(Further Provisions) Ordinance, 1935.

2. In this Ordinance "the Fundamental Law" means the Ottoman Imperial Regulations of 1875 governing the affairs of the Orthodox Patriarchate in Jerusalem. Interpretation.

3. No application to or proceedings in any court in connection with or arising out of the election of a Patriarch shall be made, brought or commenced after the expiration of thirty days from his election under the provisions of article 9 of the Fundamental Law: Limitation on the bringing of certain proceedings.



Provided that the provisions hereof shall not apply to any criminal proceedings instituted by or with the consent of the Attorney General.

4. After the issue of the High Berat provision for which is made in article 11 of the Fundamental Law the validity of the election of the person named therein shall be final and binding for all purposes and shall not be questioned in any court.

High Berat to  
be final and  
conclusive.

17th July, 1935.

A. G. WAUCHOPE  
*High Commissioner.*

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Supplement No. 1.  
to  
The Palestine Gazette No. 530 of 15th August, 1935.

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EXPROPRIATION OF LAND (AMENDMENT) ORDINANCE,  
No. 30 of 1935.

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AN ORDINANCE TO AMEND THE EXPROPRIATION OF LAND ORDINANCE, 1926.

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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 Expropriation of Land (Amendment) Ordinance, 1935, and the Expropriation of Land Ordinance, 1926 (hereinafter referred to as the principal Ordinance), the Expropriation of Land (Amendment) Ordinance, 1932, and this Ordinance may together be cited as the Expropriation of Land Ordinances, 1926-1935. Short title.

2. Section 22 of the principal Ordinance shall be deleted and the following section shall be substituted therefor:— Substitution of new section in the place of section 22 of the principal Ordinance.

“Where any land is taken under this Ordinance by the promoters for the purpose of widening any existing road or part of it, or for the construction of a new road, the owner of the land expropriated shall not be entitled to compensation unless the area taken exceeds one quarter



part of the total area of the plot which he owns. Provided that, if it is established that hardship would be caused if no compensation were paid, the High Commissioner may in his discretion grant such compensation as, having regard to all the circumstances of the case, he shall think fit. If the area taken from any owner exceeds one quarter part of the total area of the plot owned by him, compensation shall be paid to the owner for the land taken in excess of such one quarter part in accordance with the provisions of this Ordinance”.

A. G. WAUCHOPE  
*High Commissioner.*

8th August, 1935.

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FIREARMS (AMENDMENT) ORDINANCE,  
No. 31 of 1935.

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AN ORDINANCE TO AMEND THE FIREARMS ORDINANCE, 1922.

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

Short title.

1. This Ordinance may be cited as the Firearms (Amendment) Ordinance, 1935, and the Firearms Ordinance, 1922, (hereinafter referred to as the principal Ordinance), the Firearms (Amendment) Ordinance, 1926, the Firearms (Amendment) Ordinance, 1933, and this Ordinance may together be cited as the Firearms Ordinances, 1922-1935.

Insertion of new section in the principal Ordinance.

2. The principal Ordinance shall be amended by the insertion, after section 20 thereof, of the following section which shall be numbered section 20A:—

“Importation and exportation of smooth bore shot guns by parcel post.

20A.—(1) Notwithstanding anything in this Ordinance contained, a smooth bore shot gun may be imported or exported through parcel post at the Post Offices of Haifa, Jaffa, Jerusalem and Tel Aviv respectively, provided that the consignee or consignor produces to the officer in charge of the parcel post a valid licence in respect of such shot gun.



(2) Where a shot gun is exported under the provisions of sub-section (1) hereof, the licence issued in respect of such gun shall be retained by the officer in charge of the parcel post and forwarded by him to the officer issuing such licence for cancellation:

Provided that if a shot gun is exported for temporary purposes only the consignor shall so inform the officer in charge of the parcel post and the licence in respect thereof shall not be so cancelled. Should such shot gun be reimported during the validity of the licence the production of the latter to the officer in charge of the parcel post shall be sufficient to secure the delivery of the firearm”.

8th August, 1935.

A. G. WAUCHOPE  
*High Commissioner.*

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PORTS (AMENDMENT) ORDINANCE,  
No. 32 of 1935.

AN ORDINANCE FURTHER TO AMEND THE PORTS ORDINANCE, 1926.

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 Ports (Amendment) Short title. Ordinance, 1935.

2. In this Ordinance, the term “principal Ordinance” shall Interpretation. mean the Ports Ordinance, 1926.

3. Section 8 of the principal Ordinance shall be amended by Amendment of section 8 of the principal Ordinance. the substitution in the place of sub-section (2) thereof of the following sub-section, that is to say:—



“(2) The High Commissioner-in-Council may make rules:—

- (a) regulating, prohibiting or restricting the issue by the Officer in charge of the Port of any licence under sub-section (1) hereof and the transfer or renewal of any such licence and the conditions subject to which any such licence may be issued, transferred or renewed, and
- (b) providing for the marking of any vessel licensed under sub-section (1) hereof with the number of passengers and weight and quantity of goods which such vessel is licensed to carry.”

Substitution of new section in place of section 13 of the principal Ordinance.

4. Section 13 of the principal Ordinance shall be deleted and the following section shall be substituted in the place thereof:—

“13. Every person in charge of or manning a vessel shall at all times obey the instructions of the officer in charge of the Port or any other proper officer of the Port in all matters relating to the manner in and the time at which he shall proceed with his vessel to or approach, lie alongside, or depart from any vessel, pier, quay, jetty or other place within the limits of the Port: as to which vessel, pier, quay, jetty or other place within the limits of the Port he shall proceed with his vessel for the purpose of embarking or disembarking passengers or loading or unloading goods, as to the nature of goods that he shall load or unload at or alongside the vessel, quay, jetty or other place within the limits of the Port, or as to the mode of embarkation upon or disembarkation from any vessel of passengers or goods”.

Insertion of new section in the principal Ordinance.

5. The principal Ordinance shall be amended by the insertion after section 16 thereof of the following section which shall be numbered 16A.

“Power of Director to suspend licences.

16A. The Director may, without prejudice to any prosecution which may subsequently be brought against such person, at any time, suspend for a period not exceeding ten days on any one occasion, any licence issued in respect of any vessel belonging to or manned by any person who, without reasonable cause, proof of which shall lie upon such person, refuses or fails to obey any lawful order given by a duly authorised person for the good order of the port and the business therein:

Provided that if any prosecution founded upon the facts as a result of which the Director has suspended any licence hereunder is subsequently



brought against such person and such prosecution fails:—

- (a) no action shall lie against the Government of Palestine and no civil or criminal liability shall be incurred by the Director in respect of such suspension, but
- (b) if the acquittal be prior to the date of the determination of the period of suspension, such period shall determine forthwith upon acquittal".

8th August, 1935.

A. G. WAUCHOPE  
*High Commissioner.*

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ANTIQUITIES (ENCLOSURES) ORDINANCE,  
No. 33 of 1935.

AN ORDINANCE TO REGULATE CERTAIN PREMISES OCCUPIED BY THE DEPARTMENT  
OF ANTIQUITIES.

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 Antiquities (Enclosures) Short title.  
Ordinance, 1935.

2. This Ordinance shall apply:—

Application of  
Ordinance.

- (a) to offices and other premises occupied by the Department of Antiquities, including the Palestine Archaeological Museum and Library, together with the grounds thereof, and any building, camp, enclosure or area occupied by the said Department either temporarily or permanently, and



(b) to any historical monument or historical site set out in the schedule of Historical Monuments and Historical Sites published under section 12 of the Antiquities Ordinance, 1929.

Power of High Commissioner-in-Council to make rules.

3. The High Commissioner-in-Council may make rules for all or any of the following purposes relating to all or any of the places referred to in section 2 of this Ordinance, that is to say:—

(a) for regulating the use of the same and of the contents thereof and for protecting the same and the fittings, furniture and contents thereof from injury, destruction or misuse;

(b) for requiring from any person using the same any entrance fee or any guarantee or security against the loss of, or injury to, any book or other article;

(c) for enabling any guard, museum and library attendant or any other person employed by the Department of Antiquities or any Police officer to exclude or remove therefrom persons committing any of the offences in section 4 of this Ordinance or against the rules;

(d) for enabling any guard, museum and library attendant or any other person employed by the Department of Antiquities or any Police officer, to arrest or detain without a warrant any person found stealing or doing damage, or reasonably suspected of having stolen or having done any damage to any antiquity, furniture or equipment or any other thing within any place referred to in section 2 of this Ordinance:

Provided that any person arrested or detained by any guard, museum and library attendant or any other person employed by the Department of Antiquities shall be handed over as soon as possible to a Police officer.

Offences.

4. Any person who in any place referred to in section 2 of this Ordinance:—

(a) behaves in a disorderly manner;

(b) uses violent, abusive, or obscene language;

(c) bets or gambles;

(d) fails to comply with any rules made under section 3 of this Ordinance;





(e) or who, after having been ordered to leave such place pursuant to rules made under section 3 of this Ordinance, persists in remaining therein;

shall, notwithstanding his exclusion or removal from such place, be liable on conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding six months, or to both.

8th August, 1935.

A. G. WAUCHOPE  
*High Commissioner.*

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Supplement No. 1.  
to the  
Palestine Gazette Extraordinary No. 531 of 17th August, 1935.

BANKING (AMENDMENT) ORDINANCE,  
No. 34 of 1935.

AN ORDINANCE TO AMEND THE BANKING ORDINANCE, 1921.

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 Banking (Amendment) Ordinance, 1935, and the Banking Ordinance, 1921 (hereinafter referred to as the principal Ordinance), the Banking Ordinance, 1922, and this Ordinance may together be cited as the Banking Ordinances, 1921-1935. Short title.

2. Section 1 of the principal Ordinance shall be deleted and the following section shall be substituted therefor, that is to say:— Substitution of new section in the place of section 1 of the principal Ordinance.

“1. No banking business shall be transacted in Palestine except by a company registered under the provisions of

(a) the Registration of Companies and Partnerships Ordinance No. 118 of 1919 published in the Gazette dated the first day of August, 1919, or

(b) the Companies Ordinance, 1921, or any Ordinance substituted therefor”.

3. This Ordinance shall be deemed to have come into force on the first day of September, 1921. Commencement.

17th August, 1935.

J. HATHORN HALL  
*Officer Administering the Government.*





Supplement No. 1.

to the

Palestine Gazette Extraordinary No. 533 of 23rd August, 1935.

CUSTOMS TARIFF (AMENDMENT) ORDINANCE (No. 2),  
No. 35 of 1935.

AN ORDINANCE TO AMEND THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1935.

1. This Ordinance may be cited as the Customs Tariff Short title.  
(Amendment) Ordinance (No. 2), 1935.

2. In this Ordinance the term "principal Ordinance" shall mean the Customs Tariff (Amendment) Ordinance, 1935. Interpretation.

3. Section 4 of the principal Ordinance shall be deleted and the following section shall be substituted in place thereof:— Substitution of new section in the place of section 4 of the principal Ordinance.

"Power of Director of Customs, Excise and Trade.

4. The Director of Customs, Excise and Trade shall, by notice to be published in the Gazette, from time to time determine in respect of such period as may be stated in such notice or until further notice the value of each commodity, for the purpose of assessment of the duties prescribed in section 3 of this Ordinance, and when so determining the value of any commodity, the Director of Customs, Excise and Trade shall have regard to the price which an importer would give for such commodity if the commodity were delivered freight and insurance paid in bond at the port of place of importation:

Provided that the Director of Customs, Excise and Trade may fix different values in respect of different grades or qualities of any such commodity."

J. HATHORN HALL

*Officer Administering the Government.*

22nd August, 1935.





Supplement No. 1.  
to the  
Palestine Gazette Extraordinary No. 536 of 6th September, 1935.

CUSTOMS TARIFF (AMENDMENT) ORDINANCE (No. 3),  
No. 36 of 1935.

AN ORDINANCE TO AMEND THE CUSTOMS TARIFF.

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 Customs Tariff (Amendment) Ordinance (No. 3), 1935, and shall be read as one with the Customs Tariff Ordinance, 1927, hereinafter referred to as the principal Ordinance. Short title.  
No. 40 of 1927.

2. The schedule to the principal Ordinance (as enacted in the Customs Tariff (Amendment) Ordinance, 1928) is hereby amended as follows:— Amendment of  
tariff.

(a) Item 194 shall be deleted and the following substituted therefor:—

	Rate of duty	Unit
	mils	
“194. for perfumery - - -	12 <sup>0</sup> / <sub>10</sub>	<i>ad-valorem</i> ”.

(b) Item 262 shall be deleted and the following substituted therefor:—

“TEA		
262. in containers not exceeding 1 kilogram -	30	kilogram”.

(c) The following item shall be inserted after item 262, as item 262A:—

	<u>Rate of duty</u>	<u>Unit</u>
	mils	
“262A. in containers exceeding 1 kilogram -	20	kilogram”.

(d) Item 259 shall be deleted and the following substituted therefor:—

“259. SUGAR . . . . . 5 kilogram”.

(e) The following item shall be inserted after item 259, as item 259A:—

“259A. CANDY SUGAR - - - - - 10 kilogram”.

6th September, 1935.

J. HATHORN HALL  
*Officer Administering the Government.*







Supplement No. 1.

to

The Palestine Gazette No. 542 of 10th October, 1935.

ROAD TRANSPORT (AMENDMENT) ORDINANCE,  
No. 37 of 1935.

AN ORDINANCE FURTHER TO AMEND THE ROAD TRANSPORT ORDINANCE, 1929.

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 Road Transport Short title.  
(Amendment) Ordinance, 1935.

2. In this Ordinance the term "principal Ordinance" shall Interpretation.  
mean the Road Transport Ordinance, 1929.

3. Section 2 of the principal Ordinance shall be amended by Amendment of  
the addition of the following definition, that is to say:— section 2 of the  
principal  
Ordinance.

" "Owner" in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement."

4. Section 11 of the principal Ordinance shall be amended:— Amendment of  
section 11 of the  
principal  
Ordinance.

(a) by the deletion of the words "constructed and" appearing in sub-section (3) thereof, and

(b) by the addition of the following sub-section, that is to say:—

"(5) No fee shall be payable in respect of the licensing of a vehicle which is used solely as an ambulance, but the fee prescribed for registration of such a vehicle shall be payable".

J. HATHORN HALL

Officer Administering the Government.

9th October, 1935.

URBAN PROPERTY TAX (AMENDMENT) ORDINANCE,  
No. 38 of 1935.

AN ORDINANCE TO AMEND THE URBAN PROPERTY TAX ORDINANCE, 1928.

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

Short title.

1. This Ordinance may be cited as the Urban Property Tax (Amendment) Ordinance, 1935, and the Urban Property Tax Ordinance, 1928, (hereinafter called the principal Ordinance) the Urban Property Tax Amendment Ordinance, 1929, the Urban Property Tax (Amendment) Ordinance, 1932, and this Ordinance may together be cited as the Urban Property Tax Ordinances, 1928-1935.

Amendment of section 2 of the principal Ordinance.

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

(a) by the deletion of the definition of "house property" and by the substitution therefor of the following definition:—

" "House property" includes any building, structure or erection together with the land on which such building, structure or erection stands, and any garden, court or other land adjacent to such building, structure or erection and used or intended to be used in connection therewith whether such property be inhabited, or used or not.";

(b) by the deletion of the definition of "current year" and by the substitution therefor of the following definition:—

" "Year" means, notwithstanding anything contained in the Interpretation Ordinance, 1929, the period from the first day of April to the thirty-first day of March following, both days inclusive.";

(c) by the addition thereto of the following definitions:—

" "Addition" used with reference to a building means any structural alteration or addition to a building whereby in the opinion of the Assessment Committee or of the Revision Committee (subject to the provisions of this Ordinance regarding objections and appeals) the net annual value of the house property of which the building forms part is increased by twenty pounds or more".



“Completion of construction” used with reference to a building or addition thereto shall be deemed to be when the building or addition is used or occupied in whole or in part or is roofed whichever shall first occur.”

3. Section 8 of the principal Ordinance, as amended by the Urban Property Tax Amendment Ordinance, 1929, shall be further amended

Amendment of section 8 of the principal Ordinance.

(a) by the addition of the following proviso to sub-section (1) thereof:—

“Provided that nothing in this sub-section contained shall be deemed to exempt any lessee or sub-lessee of land who is deemed to be the reputed owner of such land by reason of the proviso to the definition of “reputed owner” in section 2 of this Ordinance, unless such lessee or sub-lessee is a person to whom the provisions of this sub-section apply.”, and

(b) by the deletion of sub-section (3) thereof and by the substitution therefor of the following sub-section:—

“(3) (a) Subject to the provisions of section 5 (4) of this Ordinance, where the completion of construction of a building took place within two years prior to the date of the first application of the tax to the area in which such building is situated in accordance with section 3(1) of this Ordinance or where the completion of construction takes place at any time after such date the reputed owner shall not be liable to pay the tax prescribed by this Ordinance on the house property of which the building forms part for a period of three years from the commencement of the year next following the completion of the building.

(b) Where the completion of construction of an addition to an existing building takes place at any time after the date of the first application of the tax to the area in which such building is situated in accordance with section 3 (1) of this Ordinance the reputed owner shall not be liable to pay any increased tax in respect of such addition for a period of three years from the commencement of the year next following the completion of construction of the addition:

Provided that no exemption from payment of tax shall be granted:—

(i) under paragraph (a) of this sub-section unless the reputed owner submits a claim for exemption in respect of the house property of which the



building forms part to the District Commissioner of the District through the District Officer on or before the thirty-first day of July of the year in which the tax is first applied or on or before the thirty-first day of July next following the completion of construction as the case may be,

(ii) under paragraph (b) of this sub-section unless the reputed owner submits a claim for exemption in respect of the addition to an existing building to the District Commissioner of the District through the District Officer on or before the thirty-first day of July next following the completion of construction,

(iii) under paragraph (a) or (b) of this sub-section unless the necessary building permit in respect of any building or addition shall have been obtained in accordance with any Ordinance, law, regulation or by-law for the time being in force relating to the construction of buildings.

Provisions of section 8 (3) to take effect as from the 1st April, 1935.

4. The provisions of sub-section (3) of section 8 of the principal Ordinance as enacted in section 3 of this Ordinance shall be deemed to have come into force with effect from the first day of April, 1935.

Amendment of section 18 of the principal Ordinance.

5. Section 18 of the principal Ordinance shall be amended by the insertion of the words "or an addition has been made to any building forming part of such property" after the word "partitioned" in paragraph (d) of sub-section (2) thereof.

Commuted tithe and Meqtu Izara Zamin shall cease to be levied.

6. From the first day of April, 1935, the commuted tithe payable under the Commutation of Tithes Ordinance, 1927, and the Meqtu Izara Zamin shall cease to be levied in any area to which the provisions of the principal Ordinance have been applied:

Provided that nothing in this section contained shall be deemed to affect the collection of any commuted tithe or Meqtu Izara Zamin due in respect of any period prior to the first day of April, 1935, and proceedings for the recovery of any such tithe or Meqtu Izara Zamin may be taken notwithstanding the provisions of this Ordinance.

9th October, 1935.

J. HATHORN HALL  
*Officer Administering the Government.*



COLLECTIVE PUNISHMENTS (AMENDMENT) ORDINANCE,  
No. 39 of 1935.

AN ORDINANCE TO AMEND THE COLLECTIVE PUNISHMENTS ORDINANCE, 1926.

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 Collective Punishments (Amendment) Ordinance, 1935, and the Collective Punishments Ordinance, 1926, (hereinafter referred to as the principal Ordinance) the Collective Punishments (Amendment) Ordinance, 1928, the Collective Punishments (Amendment) Ordinance, 1929, and this Ordinance, may together be cited as the Collective Punishments Ordinances, 1926-1935. Short title.

2. Section 5 of the principal Ordinance, as amended by section 2 of the Collective Punishments (Amendment) Ordinance, 1929, shall be deleted and the following section substituted in the place thereof:— Amendment of section 5 of the principal Ordinance.

“5.—(1) If an offence has been committed or loss of or damage to property has occurred and the District Commissioner has reason to believe that the inhabitants of any area have:—

- (a) committed the offence or caused the loss or damage, or
- (b) connived at or in any way abetted the commission of the offence or the loss or damage, or
- (c) failed to render all the assistance in their power to discover the offender or offenders, or to effect his or their arrest, or
- (d) connived at the escape of, or harboured, any offender or person suspected of having taken part in the commission of the offence or implicated in the loss or damage, or
- (e) combined to suppress material evidence of the commission of the offence or of the occurrence of the loss or damage,

he may after enquiry, and subject to the approval of the High Commissioner, order that a fine be levied collectively from the assessable inhabitants of such area.



- (2) The Order may be made whether the offence was committed or the loss of or damage to property occurred before or after the area within which such offence, loss or damage occurred was declared to be added to the schedule”.

9th October, 1935.

J. HATHORN HALL  
*Officer Administering the Government.*

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MUNICIPAL CORPORATIONS (AMENDMENT) ORDINANCE (No. 3),  
No. 40 of 1935.

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AN ORDINANCE TO AMEND THE MUNICIPAL CORPORATIONS ORDINANCE, 1934.

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

Short title.           1. This Ordinance may be cited as the Municipal Corporations (Amendment) Ordinance, (No. 3) 1935.

Interpretation.       2. In this Ordinance the term “principal Ordinance” shall mean the Municipal Corporations Ordinance, 1934.

Amendment of section 68 of the principal Ordinance.   3. Section 68 of the principal Ordinance shall be amended by the deletion from sub-section (3) thereof of the words “and to the Municipal Auditor”.

Amendment of section 69 of the principal Ordinance.   4. Section 69 of the principal Ordinance shall be amended by the addition of the following proviso to sub-section (2) thereof:—

“Provided that the High Commissioner-in-Council may by Order provide that the provisions of this sub-section shall not apply either generally, or to any particular municipal corporation, and may by such Order in respect of any municipal corporation to which such Order applies, prescribe for all, or any, of the following matters, that is to say:—

(a) The certificate of accounts by the Municipal Auditor.

(b) The forwarding of accounts together with the Municipal Auditor's report thereon to the Commissioner.

(c) Publication in the Gazette of a summary of accounts.”



5. The fourteenth schedule to the principal Ordinance shall be amended by the insertion of the following enactment:—

Amendment of  
fourteenth  
schedule to  
principal  
Ordinance.

<u>"No. and year</u>	<u>Short Title of Ordinance</u>	<u>Extent to which repealed</u>
—	The Order dated the eleventh day of May, 1921, and published in the Gazette dated the first day of June, 1921, regarding the township of Tel Aviv.	The whole".

9th October, 1935.

J. HATHORN HALL  
*Officer Administering the Government.*

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WIDTH AND ALIGNMENT OF ROADS (AMENDMENT) ORDINANCE,  
No. 41 of 1935.

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AN ORDINANCE TO AMEND THE WIDTH AND ALIGNMENT OF ROADS ORDINANCE, 1926.

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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 Width and Alignment of Roads (Amendment) Ordinance, 1935, and the Width and Alignment of Roads Ordinance, 1926 (hereinafter referred to as the principal Ordinance), the Width and Alignment of Roads Amendment Ordinance, 1927, and this Ordinance may together be cited as the Width and Alignment of Roads Ordinances, 1926-1935.

Short title.

2. Section 4 of the principal Ordinance shall be amended by the substitution in the place of the figure "10" appearing in subsection (1) thereof, of the word "fifteen".

Amendment of  
section 4 of the  
principal  
Ordinance.

3. Section 5 of the principal Ordinance shall be amended by the substitution in the place of the figure "20" appearing therein, of the word "thirty".

Amendment of  
section 5 of the  
principal  
Ordinance.

9th October, 1935.

J. HATHORN HALL  
*Officer Administering the Government.*

TOBACCO (AMENDMENT) ORDINANCE,

No. 42 of 1935.

AN ORDINANCE FURTHER TO AMEND THE TOBACCO ORDINANCE, 1925.

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

Short title.           1. This Ordinance may be cited as the Tobacco (Amendment) Ordinance, 1935.

Interpretation.       2. In this Ordinance the term “principal Ordinance” shall mean the Tobacco Ordinance, 1925.

Amendment of section 24 of the principal Ordinance.   3. Section 24 of the principal Ordinance shall be amended by the addition of the following words to sub-section (6) thereof:—

“and in respect of any imported duty paid tobacco so destroyed by a manufacturer engaged solely in the manufacture of tobacco, cigarettes or cigars from imported duty paid tobacco a refund of customs duty less ten per centum may be allowed in respect of:—

(i) the mid-ribs of such tobacco stripped in the factory; and

(ii) shorts, smalls or other refuse of a size too large to pass through a sieve the meshes of which are not larger than 144 to the square inch:

provided that where the tobacco destroyed contains more than ten per centum of moisture the rate of refund of customs duty shall be proportionately reduced according to the percentage of moisture in excess of ten per centum.”

9th October, 1935.

J. HATHORN HALL

*Officer Administering the Government.*







Supplement No. 1.  
to the  
Palestine Gazette Extraordinary No. 544 of 18th October, 1935.

CUSTOMS TARIFF (AMENDMENT) ORDINANCE (No. 4),  
No. 43 of 1935.

AN ORDINANCE TO AMEND THE CUSTOMS TARIFF.

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 Customs Tariff Short title.  
(Amendment) Ordinance (No. 4), 1935, and shall be read as one with the Customs Tariff Ordinance, 1927, hereinafter referred to as the principal Ordinance. No. 40 of 1927.

2. The schedule to the principal Ordinance (as enacted in the Customs Tariff (Amendment) Ordinance, 1928) is hereby amended as follows:—  
Amendment of schedule to the principal Ordinance.

(a) Item 122 (as enacted in the Customs Tariff (Amendment) Ordinance (No. 7), 1932) shall be deleted and the following substituted therefor:—

	Rate of duty	Unit
	mils	
"122. FURNITURE of all kinds not elsewhere specified	15%	<i>ad valorem</i> ".

(b) Item 122A (as enacted in the Customs Tariff (Amendment) Ordinance (No. 7), 1932) shall be deleted and the following substituted therefor:—

	<u>Rate of duty</u>	<u>Unit</u>
	mils	
“122A. FURNITURE, BENTWOOD, raw or prepared:—		
(a) Bentwood furniture, ready made, imported wholly or in parts - -	22 5	kilogram
(b) Bentwood furniture, semi-prepared, imported wholly or in parts - -	15	kilogram
(c) Bentwood, raw, <i>i.e.</i> rough shapes - -	2	kilogram”.

18th October, 1935.

J. HATHORN HALL  
*Officer Administering the Government.*



Supplement No. 1.

to

The Palestine Gazette No. 547 of 31st October, 1935.

MEDICAL PRACTITIONERS (AMENDMENT) ORDINANCE,  
No. 44 of 1935.

AN ORDINANCE TO AMEND THE MEDICAL PRACTITIONERS ORDINANCE, 1928.

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 Medical Practitioners (Amendment) Ordinance, 1935, and the Medical Practitioners Ordinance, 1928, (hereinafter referred to as the principal Ordinance) and this Ordinance, may together be cited as the Medical Practitioners Ordinances, 1928-1935.

Short title.

No. 4 of 1928.

2. Section 4 of the principal Ordinance shall be deleted and the following section shall be substituted in the place thereof:—

Substitution of new section in place of section 4 of the principal Ordinance.

“Procedure for obtaining licences.

4.—(1) Licences to practise medicine will only be granted to persons who are Palestinian citizens, or who have received permission to remain permanently in Palestine.

(2) Application for a licence to practise medicine by any person who is a Palestinian citizen by birth or who:—

(a) became a Palestinian citizen, or

(b) received permission to remain permanently in Palestine

on or at any date prior to the first day of December, 1935, shall be made to the Director who shall grant such licence on being satisfied that the applicant:—

- (i) is of good character ;
- (ii) has studied medicine for a period of at least five years in a university or medical school recognised by the Director and has obtained a diploma recognised by the Director ;
- (iii) has not lost his Palestinian citizenship or permission to remain permanently in Palestine.

(3) Application for a licence to practise medicine by any person who :—

- (a) became a Palestinian citizen, or
- (b) received permission to remain permanently in Palestine

at any date subsequent to the first day of December, 1935, shall be made to the Director who shall, subject to the provisions of section 4A of this Ordinance, grant such licence on being satisfied that the applicant:—

- (i) is of good character ;
- (ii) has studied medicine for a period of at least five years in a university or medical school recognised by the Director and has obtained a diploma recognised by the Director ;
- (iii) has not lost his Palestinian citizenship or permission to remain permanently in Palestine.

(4) A fee of two pounds shall be charged on the grant by the Director of a licence to practise medicine”.

Insertion of new sections in the principal Ordinance.

3 The principal Ordinance shall be amended by the insertion after section 4 thereof (as enacted in section 2 of this Ordinance) of the following sections which shall be numbered 4A and 4B respectively:—



“Power of High Commissioner to restrict number of licences which may be granted to applicants under section 4 (3).

4A. The High Commissioner may on or before the thirty-first day of December in each year, by notice in the Gazette, prescribe the maximum number of licences to practise medicine which may be granted by the Director during the year commencing on the first day of January next following the date of such notice to persons who apply therefor under sub-section (3) of section 4 of this Ordinance, and the Director shall not, in the course of any year, grant to such persons a greater number of licences to practise medicine than the maximum prescribed by the High Commissioner hereunder in respect of such year :

Provided that if, at any time, the number of applicants under sub-section (3) of section 4 of this Ordinance exceeds the number of licences to practise medicine available, it shall be within the unfettered discretion of the Director to decide in what manner such licences shall be distributed.

High Commissioner may grant licences in certain cases.

4B.—(1) Where the maximum number of licences to practise medicine which may be granted by the Director in any year to persons who apply therefor under sub-section (3) of section 4 of this Ordinance has been granted, any medical or scientific institution in Palestine recognised by the Director may apply to the High Commissioner for a licence to practise medicine solely in or on behalf of such institution to be granted to any person who :—

- (a) became a Palestinian citizen, or
- (b) received permission to remain permanently in Palestine

subsequently to the first day of December, 1935, and the High Commissioner on being satisfied that the person named in such application :—

- (i) is of good character ;
  - (ii) has studied medicine for at least five years in a university or medical school recognised by the Director and has obtained a diploma recognised by the Director ;
  - (iii) will be employed solely in the practice of medicine in or on behalf of such institution,
- shall grant such licence to such person.



(2) The High Commissioner may cancel the licence to practise medicine granted to any person under sub-section (1) hereof if he is satisfied that such person has ceased to fulfil the provisions of paragraph (iii) thereof:

Provided that no order for cancellation shall be made unless the person concerned has had an opportunity of submitting to the High Commissioner a written statement of his case: and

Provided that nothing in this sub-section contained shall be deemed to restrict the right of the Director or any person aggrieved to complain to the High Commissioner under section 6 of this Ordinance or of the High Commissioner to cancel or suspend any licence to practise medicine in accordance with the provisions of that section.

(3) A fee of two pounds shall be charged on the grant by the High Commissioner of a licence to practise medicine".

Amendment of section 5 of the principal Ordinance.

4. Section 5 of the principal Ordinance shall be amended by the insertion after the words "any refusal or failure" of the words "of the Director".

Amendment of section 6 of the principal Ordinance.

5. Section 6 of the principal Ordinance shall be amended by the insertion after the words "cancellation or suspension" appearing in the proviso to sub-section (1) thereof and in sub-section (2) thereof respectively of the words "under this section".

Substitution of of new section in place of section 8 of the principal Ordinance.

6. Section 8 of the principal Ordinance shall be deleted and the following section shall be substituted in the place thereof:—

"Trading and advertisement forbidden.

8.—(1) A medical practitioner shall not carry on any trade or engage in any mercantile or commercial business.

(2) A medical practitioner shall not advertise himself as practising the profession of medicine either in the press or by any other means:

Provided that:—

(a) he shall be entitled to put outside his consulting rooms a notice to be prescribed by rule, stating his name and profession and medical qualifications; and

(b) if he changes his address he may put outside his former consulting rooms a notice to be prescribed by rule, indicating the address of his new consulting rooms, and may notify in writing persons who have consulted him professionally of his new address.

(3) Save as provided in sub-section (2) hereof, a medical practitioner shall not advertise his practice, whether directly or indirectly, for the purpose of obtaining patients or promoting his own professional advantage; or procure or sanction or acquiesce in the publication of notices commending or directing attention to his professional skill, knowledge, services or qualifications or depreciating those of others; or be associated with or employed by those who procure such advertising or publication; nor shall he canvass or employ any agent or canvasser for the purpose of obtaining patients; or be associated with or employed by those who procure such employment”.

30th October, 1935.

J. HATHORN HALL

*Officer Administering the Government.*









Supplement No. 1.  
to  
The Palestine Gazette No. 549 of 7th November, 1935.

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GAMING ORDINANCE,  
No. 45 of 1935.

AN ORDINANCE TO PROHIBIT UNLAWFUL GAMING.

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 Gaming Ordinance, Short title. 1935.

2.—(1) Any person being the owner or occupier, or having the use of, any house, room or place, who shall open, keep or use the same for the purpose of unlawful gaming being carried on therein, and any person who, being the owner or occupier of any house, room or place, shall knowingly and wilfully permit the same to be opened, kept or used by any other person for the purpose aforesaid, and any person having the care or management of or in any manner assisting in conducting the business of any house, room or place opened, kept or used for the purpose aforesaid, is said to keep a common gaming house. Gaming houses.

(2) In this section "unlawful gaming" includes every game of cards which is not a game of skill, and any game the chances of which are not alike [favourable to all the players, including the banker or other person or persons by whom the game is managed or against whom the other players stake, play or bet.

(3) Any person who keeps a common gaming house shall be guilty of an offence under this Ordinance and shall on conviction be liable to imprisonment for a term not exceeding three years or to a fine not exceeding one hundred pounds or to both such penalties.

(4) Any person other than the persons mentioned in subsection (1) hereof who is found in a common gaming house shall be deemed, unless the contrary is proved, to be there for the purpose of unlawfully gaming and is guilty of a misdemeanour and is liable to a fine of five pounds for the first offence, and for each subsequent offence to a fine of ten pounds or imprisonment for three months, or to both such penalties.

(5) Any device, machine or thing used or apparently used or intended to be used for the purpose of unlawful gaming found in or upon any house, room or place kept or alleged to be kept or used for the purpose of unlawful gaming, may be seized by a Police Officer and upon the trial of any person in connection with the keeping or use of such house, room or place, contrary to the provisions of this Ordinance, the Court may make such order as to the forfeiture, destruction or return of any device, machine or thing as to the Court seems just.

Repeal.

3. Article 242 of the Ottoman Penal Code shall cease to have effect in Palestine.

6th November, 1935.

J. HATHORN HALL  
*Officer Administering the Government.*





Supplement No. 1.  
to  
The Palestine Gazette No. 557 of 19th December, 1935.

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SUPPLEMENTARY APPROPRIATION (1934-1935) ORDINANCE,  
No. 46 of 1935.

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AN ORDINANCE TO REGULARISE CERTAIN PAYMENTS MADE IN THE YEAR ENDED THE THIRTY-FIRST DAY OF MARCH, 1935, IN EXCESS OF THE EXPENDITURE AUTHORIZED BY THE APPROPRIATION (1934-1935) ORDINANCE, 1934.

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WHEREAS the Appropriation (1934-35) Ordinance, 1934, made certain provision for the expenses of the Government of Palestine for the year ended the thirty-first day of March, 1935, and it is necessary to make certain additional provision for the public service for that period:

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

1. This Ordinance may be cited as the Supplementary Ap- Short title.  
propriation (1934-1935) Ordinance, 1935.

2. The sums of money set forth in the schedules to this Ordinance, having been expended for the services therein mentioned beyond the amounts granted for those services for the year ended the thirty-first day of March, 1935, by the Appropriation (1934-1935) Ordinance, 1934, such sums are hereby declared to have been duly laid out and expended for the services of the Government of Palestine for that year and are hereby approved, allowed and granted in addition to the sums mentioned for those services in the said Ordinance.

Appropriation o  
LP.314,061 for  
the twelve months  
ended 31st  
March, 1935.

SCHEDULE I.

Statement showing expenditure of the Palestine Government, exclusive of the Palestine Railway and Operated Lines, for the services stated hereunder in excess of the amounts granted for those services for the period 1st April, 1934, to 31st March, 1935, by the Appropriation (1934-1935) Ordinance, 1934.

	<u>LP.</u>		
1. Pensions - - -	-	-	6,598
8. Treasury - - -	-	-	9
11. Department of Health - - -	-	-	4,608
20. Department of Immigration - - -	-	-	4,214
23. Posts and Telegraphs - - -	-	-	30,010
25. Public Works Recurrent - - -	-	-	20,640
26. Miscellaneous - - -	-	-	112,462
27. Posts and Telegraphs Extraordinary - - -	-	-	3,169
31. Colonial Development - - -	-	-	271
	LP.	<u>LP.</u>	<u>181,981</u>

SCHEDULE II.

Statement showing the expenditure of the Palestine Railway and Operated Lines, for the services stated hereunder in excess of the amounts granted for those services for the period 1st April, 1934, to 31st March, 1935, by the Appropriation (1934-1935) Ordinance, 1934.

<u>Particulars</u>	<u>Palestine Railway</u>	<u>Kantara- Rafa Railway</u>	<u>Hijaz Railway</u>	<u>Total</u>
	LP.	LP.	LP.	LP.
<b>ABSTRACT "A"</b>				
Maintenance and Renewals of Ways and Works - - -	3,604	—	—	3,604
<b>ABSTRACT "B"</b>				
Maintenance and Renewals of Locomotives and Rolling Stock -	9,884	2,549	—	12,433
<b>ABSTRACT "C"</b>				
Transportation Expenses - - -	26,020	1,253	2,875	30,148



Particulars			Palestine	Kantara-	Hijaz	Total
			Railway	Rafa	Railway	LP.
			LP.	LP.	LP.	LP.
ABSTRACT "D"						
General Charges -	-	-	3,475	—	—	3,475
ABSTRACT "E"						
Debt Charges -	-	-	681	—	64	745
ABSTRACT "F"						
Extraordinary Expenditure	-	-	50,264	—	14,711	64,975
ABSTRACT "G"						
Expenditure from Renewals Fund (Palestine Railways)	-	-	16,700	—	—	16,700
TOTAL:		LP.	110,628	3,802	17,650	132,080

A. G. WAUCHOPE  
*High Commissioner.*

28th December, 1935.

PREVENTION OF CRIME (TRIBES AND FACTIONS) ORDINANCE,  
No. 47 of 1935.

AN ORDINANCE TO PROVIDE FOR THE PREVENTION OF TRIBAL AND FACTIONAL STRIFE.

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 Prevention of Crime (Tribes and Factions) Ordinance, 1935. Short title.

2.—(1) The sheikh of any tribe or sub-tribe shall:— Duties of sheikhs.

(a) report to the District Commissioner any crime which occurs in the area of his tribe or sub-tribe as soon as may be after it has come to his knowledge;

(b) when required by the District Commissioner:—

- (i) arrest any criminal in the area of his tribe or sub-tribe;
- (ii) produce any person belonging to his tribe or his sub-tribe who is charged with an offence.

(2) The District Commissioner may direct that any sheikh who has failed to comply with the provisions of paragraph (a) of sub-section (1) hereof, or of any requirement of the District Commissioner under paragraph (b) of sub-section (1) hereof, shall be placed under Police supervision for any period not exceeding one year.

Restriction on sheikhs placed under Police supervision.

3. Any sheikh placed under Police supervision by the District Commissioner under section 2 of this Ordinance, shall be subject to all or any of the following restrictions as such District Commissioner may prescribe:—

- (a) He shall be required to reside within the limits of any sub-district or village in Palestine specified by the District Commissioner;
- (b) He shall not be permitted to transfer his residence to any other sub-district or village without the authority of the District Superintendent of Police provided that he shall not transfer his residence to any other Police district without the written authority of the Inspector-General of Police and Prisons;
- (c) He shall not leave the sub-district or village within which he resides without the written authority of the District Superintendent of Police;
- (d) He shall at all times keep the District Superintendent of Police of the Police district in which he resides notified of the place in which he resides;
- (e) He shall be liable whenever called upon so to do by the Officer in charge of the Police in the sub-district or village in which he resides to present himself at the nearest Police station;
- (f) He shall remain within the doors of his residence from one hour after sunset until sunrise, and may be visited at his residence at any time by the Police.

Penalty for failure to comply with restrictions.

4. Any sheikh placed under Police supervision who fails to comply with any of the restrictions imposed upon him by the District Commissioner under section 3 of this Ordinance shall be liable, on conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such penalties.



5. Where a blood feud or other cause of trouble likely to lead to bloodshed exists between two families or factions, the District Commissioner may, after enquiry, direct all or any of the members of both families or factions or of either family or faction to execute a bond in such amount as the District Commissioner may prescribe, with or without sureties, in the form set out in the schedule to this Ordinance, for keeping the peace or refraining from acts liable to disturb the public tranquillity for any period not exceeding one year as the District Commissioner thinks fit to fix.

Execution of bond to prevent bloodshed.

6. Where a bond conditioned to keep the peace or to refrain from acts liable to disturb the public tranquillity has been executed under the provisions of this Ordinance by any person as principal or surety in accordance with a direction of a District Commissioner, such District Commissioner, upon proof that the life of any member of either family or faction is unlawfully taken or attempted may declare the bond of all or any of the members of the other family or faction and their sureties, if any, to be forfeited, unless it is shown to his satisfaction that the homicide or attempt was not committed by or in consequence of the abetment of any member of such other family or faction.

7. The District Commissioner may refuse to accept any surety on the ground that, for reasons to be recorded by him, such surety is an unfit person.

Power of District Commissioner to refuse surety.

8. If any member of any family or faction directed to give security under section 5 of this Ordinance fails to do so on or before the date of the commencement of the period for which security is to be given, he shall be committed to prison or, if already imprisoned, detained there until such period expires or until, within such period, he gives the required security.

Failure to give security involves imprisonment.

9. Whenever the Inspector-General of Police and Prisons on the representation of the District Commissioner or otherwise is satisfied that any member of any family or faction imprisoned for failing to give security under this Ordinance may be released without danger to all or any of the members of the other family or faction, he shall make an immediate report of the case for the order of the High Commissioner who may, if he thinks fit, order such member to be discharged.

Powers of High Commissioner to release in certain cases.

10.—(1) Any surety for the peaceful conduct or good behaviour of a member of any family or faction may apply to the District Commissioner to cancel any bond that he has executed. The District Commissioner shall then summon such member for whom such surety is bound to appear before him and when such member appears the District Commissioner shall cancel such bond and shall direct such member to give fresh security for the unexpired portion of the term of the bond. In default, such member shall be committed to prison until the expiration

Cancellation of bond of surety.



of the period for which security is to be given or until, within such period, he has given the required security.

(2) If the District Commissioner is of opinion that a surety for the good conduct or peaceful behaviour of a member of any family or faction has become unfit to act in that capacity while the bond is still in operation, he may in the same way and subject to the same conditions require such member to find fresh surety in the place of such surety or cancel the former bond.

Power of District Commissioner to require further security.

11. Where a member of any family or faction has under the provisions of this Ordinance given security or been imprisoned for failure to give security, the District Commissioner may, upon the expiration of the period for which security was required, require such member to give security for a further period for the purposes of preventing bloodshed. The proceeding may be founded on the acts on which the original direction to give security was founded and it shall not be necessary to prove any fresh facts to justify a direction to give security for the further period but such direction shall have the same effect and be enforced in the same manner as the original direction:

Provided that no person shall suffer for failure to give security under this section continuous imprisonment for more than one year.

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SCHEDULE

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BOND.

WHEREAS I (name), inhabitant of (place), have been called upon to enter into a bond to \_\_\_\_\_

for the term of (state the period) I hereby bind myself to \_\_\_\_\_

during the said term, and, in case of my making default therein, I bind myself to forfeit to the Government of Palestine the sum of \_\_\_\_\_ pounds.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

(Signature)



(Where a bond with sureties is to be executed), add:

We do hereby declare ourselves sureties for the abovenamed that he will be \_\_\_\_\_ during the said term, and, in case of his making default therein we bind ourselves, jointly and severally, to forfeit to the Government of Palestine the sum of \_\_\_\_\_ pounds.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_ .

(Signature)

18th December, 1935.

A. G. WAUCHOPE  
High Commissioner.

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TRADE MARKS (SPECIAL PROVISIONS) ORDINANCE,  
No. 48 of 1935.

AN ORDINANCE TO MAKE PROVISION WITH REGARD TO CERTAIN PROCEEDINGS  
INSTITUTED UNDER THE TRADE MARKS ORDINANCE, 1921.

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 Trade Marks (Special Provisions) Ordinance, 1935. Short title.

2. Any proceedings instituted under the Trade Marks Ordinance, 1921, or any amendment thereof, in the Court of Appeal or in the Supreme Court sitting as a Court of Appeal, prior to the commencement of the Trade Marks (Amendment) Ordinance, 1935, and pending at the commencement of this Ordinance, shall be deemed to have been instituted in the Supreme Court sitting as a High Court of Justice. Certain proceedings to be deemed to have been commenced in the High Court.

18th December, 1935.  
(C/118/35)

A. G. WAUCHOPE  
High Commissioner.

