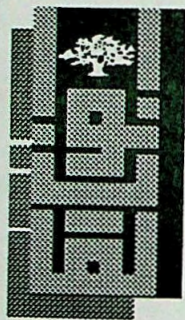




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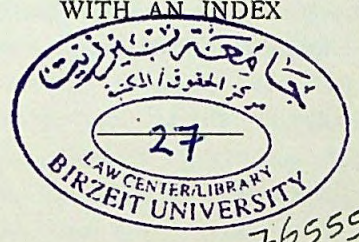
LAWS OF PALESTINE

1926-1931

INCLUDING
THE ORDERS IN COUNCIL, ORDINANCES,
REGULATIONS, RULES OF COURT, PUBLIC
NOTICES, PROCLAMATIONS, ETC.

ARRANGED
IN ALPHABETICAL AND CHRONOLOGICAL ORDER

WITH AN INDEX



COMPILED
UNDER THE EDITORSHIP
OF

MOSES DOUKHAN, O. B. E.

Advocate, Member Palestine Bar, Assist. Director Department of Lands,
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PALESTINE.

EDITOR'S NOTE.

Nearly six years have elapsed since the publication, in the year 1926, of the two volumes of Bentwich's *Legislation of Palestine*, comprising the legislative enactments which were in force at the end of the year 1925. Since that time the Law of Palestine has been in a continual state of development and growth; there has been an unceasing accretion of enactments, many of them of great importance. The legislative acts are scattered in the *Official Gazettes* of the Government of Palestine, and it is not easy for the reader to secure a complete up-to-date set of the *Gazette* or of the other official publications in which the law of Palestine is contained. In addition the texts of connected enactments are scattered in a number of other publications, some of which are not on sale, or out of print, others are not up-to-date. In the absence of a digest containing all the enactments, amendments, alterations, repeals etc., the facility with which the law in force can be ascertained is seriously impaired.

I believe that the legal profession and the public at large will welcome a comprehensive guide to the numerous Ordinances, Rules, Regulations etc., of the Government of Palestine. Such a guide is supplied by this publication, which enables the reader to ascertain with the least possible delay what are the legislative acts deciding or bearing on a particular legal problem, and the convenience of having all the enactments of Government collected together in one place will be at once apparent.

The plan of this compilation is to set out the whole legislation of the six years (1926 - 1931 inclusive), arranged in an alphabetical, chronological and logical sequence and provided with a general Index.

The greatest attention has been paid to the scheme of arrangement and classification. Legislative enactments divided in time of issue but dealing with the same subject matter have been grouped together. No verbal amendments have been made. The principle which has been adopted is that all the enactments which are still valid and in force, including all the amendments, alterations, repeals etc., should be included except those which are already obsolete for all purposes.

In editing this compilation I have had two objects in view: the first to provide a verbatim exposition of the legislative acts of Palestine for the last six years, and the second to supply the reader with an Index.

Where an amending Ordinance or Rule was issued after the principal enactment, the provisions of the principal enactment and the amending measure or Rule have been set out verbatim, a note being attached to the relevant sections of the principal enactment of the source and date of the amending measure. The Index contains cross-references which will indicate to the reader the page where the relevant section of the law is set out. Subjects are divided for treatment on a law-dictionary plan.

This publication is the first of its kind in Palestine. The enterprise is of a purely private nature and my participation in the publication is devoid of any official character. I am responsible solely for the arrangement of the matter and for the advice I tendered to the Publisher regarding the method of carrying out of the work.

The publication would have been impossible had it not been for the enterprise of the Publisher. The Publisher's experience and the knowledge which he gained in the publisher's field elsewhere rendered invaluable his revision of the whole work in manuscript and again in proof. The assistance and encouragement accorded by the Publisher suggest themselves as the best excuse which I, as Editor, can offer for undertaking such a laborious and somewhat tedious task of compilation.

M. DOUKHAN.

Rechavia, Jerusalem,
March 1932.

ABBREVIATIONS
USED IN THIS WORK:

- A. — Amendment.
- Ad. — Addendum.
- Appr. — Approved.
- B. — Bill.
- Canc. — Cancelled.
- Con. — Confirmed.
- Cor. — Corrected.
- D. — Deleted.
- E. — Enacted.
- Ex. — Extraordinary Official Gazette.
- O.G. — Official Gazette.
- Or. — Ordinance.
- P. — Promulgated.
- R. — Repealed.
- Rev. — Revoked,
- Subst. — Substituted.

ADMINISTRATIVE DIVISION.

PALESTINE ORDER IN COUNCIL, 1922.

PROCLAMATION.

WHEREAS by a Proclamation under Section 11 of the Palestine Order in Council, 1922, which was published in the Gazette of the 1st of June, 1924, the High Commissioner divided Palestine into Districts and Sub-Districts, and prescribed the villages and their lands comprised in the Sub-Districts;

AND WHEREAS by a Proclamation which was published in the Gazette of the 16th of September, 1925, the High Commissioner combined the Jerusalem-Jaffa District with the Southern District;

AND WHEREAS it has seemed expedient to constitute a separate administrative division to be known as the Jerusalem Division;

AND WHEREAS His Britannic Majesty's Principal Secretary of State for the Colonies has approved of the amendment hereinafter contained of the said Proclamations.

NOW, therefore, in exercise of the powers vested in me by the said Order in Council, I, Lieutenant Colonel George Stewart Symes, Officer Administering the Government of Palestine, do hereby proclaim and provide as follows:—

Palestine shall be divided for the purposes of administration into the following Districts and Sub-Districts:—

- (a) The Northern District, comprising the Sub-Districts of Haifa, Acre, Nazareth, Tiberias, Safad, Nablus, Jenin, Tulkarem and Beisan, with its Headquarters at Haifa.
- (b) The Southern District, comprising the Sub-Districts at Jaffa, Ramleh, Gaza, Hebron and Beersheba, with its Headquarters at Jaffa.
- (c) The Jerusalem Division, comprising the Sub-Districts of Jerusalem, Ramallah, Bethlehem and Jericho, with its Headquarters at Jerusalem.

PALESTINE ORDER IN COUNCIL, 1922.

PROCLAMATION.

WHEREAS by a Proclamation under Section 11 of the Palestine Order in Council, 1922, which was published in the Gazette of the 1st of June, 1924, the High Commissioner divided Palestine into Districts and Sub-Districts, and prescribed the villages and their lands comprised in the Sub-Districts;

Now, therefore, in exercise of the powers vested in me by the said Order in Council, I, Lieutenant-Colonel George Stewart Symes, Officer Administering the Government of Palestine, do hereby proclaim and provide that the lands of Beit Ummar and Sourif which are owned by the Zichron David Cooperative Society shall be transferred from the Hebron Sub-District to the Bethlehem Sub-District.

22nd June, 1927. O. G. No. 191 of 16.7.1927.

ADVERTISEMENTS.
ADVERTISEMENTS ORDINANCE, 1920.

BYE-LAWS made by the District Commissioner of the Northern District for advertisements in places in the Northern District outside municipal areas.

In exercise of the powers vested in me by Section 4 (1) of the Advertisements Ordinance, 1920 I hereby make the following bye-laws for the Northern District outside municipal areas.

1. No advertisement shall be exhibited anywhere in the Northern District, outside a municipal area, save on a place of business or occupation.
2. No hoarding shall be erected anywhere in the District; provided that public notice boards may be displayed at any Government Office, Police Station, Post Office, and Railway Station.
3. Only one sign or name-plate shall be permitted in respect of any shop or business premises, except on premises at the corner of two or more roads, when one sign shall be allowed for each front. The sign shall be placed horizontally over the shop or place of business.
4. No projecting sign shall be permitted, save that a projecting sign advertising motor spirit, and in no case exceeding 75 cm. in length, may be authorised in the absolute discretion of the District Commissioner in respect of premises on which such spirit is sold.
5. The size of a sign or name-plate shall be limited to a length not greater than the breadth or length of a window on which it is set, and to a height of not more than 1/5th of its length; provided that the District Com-

missioner may authorise hotels and places of public entertainment to display on their premises signs larger than those laid down above. Signboards, other than those on shops and business premises, shall not exceed one metre in length and 50 cm. in height.

6. A sign which is authorised in accordance with these Rules in respect of any shop or place of business may be illuminated after sunset, provided that no visible lamp giving intermittent illumination shall be used. Save as aforesaid, no sign or other form of advertisement which is illuminated shall be exhibited in any place or outside any premises except with the written permission of the District Commissioner.

7. In any place within 100 metres of any of the roads scheduled hereto, or in any village or place in which the District Commissioner may by Order direct, any person who desires to fix an advertisement or sign-board on a place of business or occupation shall first obtain the written permission of the District Commissioner. In any such place a fee shall be payable to the District Commissioner for every advertisement or signboard for which permission is obtained, at the rate of 200 mils for each metre or part of a metre length of the advertisement or signboard.

The permission to exhibit a signboard shall be valid for the period of one year from the 1st of January. If application is made to fix a signboard in any subsequent month of the year, the fee for the whole year shall be payable.

19th July, 1929. Appr. 16th August, 1929.

SCHEDULE.

Haifa — Nazareth Road.

Nazareth — Tiberias Road.

Tiberias — Safad Road.

Nazareth — Jenin — Nablus — Jerusalem Road.

Haifa — Acre — Ras al Nakura Road.

O. G. No. 242 of 1.9.1929. _____

ADVERTISEMENTS ORDINANCE, 1920.

BYE-LAWS made by the District Commissioner of the Southern District for advertisements in places in the Southern District outside municipal areas.

In exercise of the powers vested in me by Section 4 (1) of the advertisements Ordinance, 1920, I hereby make the following bye-laws for the Southern District outside municipal areas.

1. No advertisement shall be exhibited anywhere in the Southern District, outside a municipal area, save on a place of business or occupation.

2. No hoarding shall be erected anywhere in the District; provided that public notice boards may be displayed at any Government Office, Police Station, Post Office, and Railway Station.

3. Only one sign or name-plate shall be permitted in respect of any shop or business premises, except on premises at the corner of two or more roads, when one sign shall be allowed for each front. The sign shall be placed horizontally over the shop or place of business.

4. No projecting sign shall be permitted, save that a projecting sign advertising motor spirit, and in no case exceeding 75 cm. in length may be authorised in the absolute discretion of the District Commissioner in respect of premises on which such spirit is sold.

5. The size of a sign or name-plate shall be limited to a length not greater than the breadth or length of a window on which it is set, and to a height of not more than $\frac{1}{5}$ th of its length; provided that the District Commissioner may authorise hotels and places of public entertainment to display on their premises signs larger than those laid down above. Signboards, other than those on shops and business premises, shall not exceed one metre in length and 50 cm. in height.

6. A sign which is authorised in accordance with these Rules in respect of any shop or place of business may be illuminated after sunset, provided that no visible lamp giving intermittent illumination shall be used. Save as aforesaid, no sign or other form of advertisement which is illuminated shall be exhibited in any place or outside any premises except with the written permission of the District Commissioner.

7. In any place within 100 metres of any of the roads scheduled hereto, or in any village or place in which the District Commissioner may by Order direct, any person who desires to fix an advertisement or signboard on a place of business or occupation shall first obtain the written permission of the District Commissioner. In any such place a fee shall be payable to the District Commissioner for every advertisement or signboard for which permission is obtained, at the rate of 200 mils for each metre or part of a metre length of the advertisement or signboard.

The permission to exhibit a signboard shall be valid for the period of one year from the 1st of January. If application is made to fix a signboard in any subsequent month of the year, the fee for the whole year shall be payable.

30th July, 1929. Appr. 16th August, 1929.

SCHEDULE.

Jaffa — Jerusalem Road.

Jaffa — Petah-Tikvah Road.

Branch Road to Rishon and Rehovoth.

O.G. No. 242 of 1.9.1929.

ADVERTISEMENTS ORDINANCE, 1920.

BYE-LAWS made by the Deputy District Commissioner of the Jerusalem Division for advertisements in places in the Jerusalem Division outside municipal areas.

In exercise of the powers vested in me by Section 4 (1) of the advertisements Ordinance, 1920, I hereby make the following bye-laws for the Jerusalem Division outside municipal areas.

1. No advertisement shall be exhibited anywhere in the Jerusalem Division, outside a municipal area, save on a place of business or occupation.

2. No hoarding shall be erected anywhere in the Division; provided that public notice boards may be displayed at any Government Office, Police Station, Post Office, and Railway Station.

3. Only one sign or name-plate shall be permitted in respect of any shop or business premises, except on premises at the corner of two or more roads, when one sign shall be allowed for each front. The sign shall be placed horizontally over the shop or place of business.

4. No projecting sign shall be permitted, save that a projecting sign advertising motor spirit, and in no case exceeding 75 cm. in length, may be authorised in the absolute discretion of the Deputy District Commissioner in respect of premises on which such spirit is sold.

5. The size of a sign or name-plate shall be limited to a length not greater than the breadth or length of a window on which it is set, and to a height of not more than $\frac{1}{5}$ th of its length; provided that the Deputy District Commissioner may authorise hotels and places of public entertainment to display on their premises signs larger than those laid down above. Signboards, other than those on shops and business premises, shall not exceed one metre in length and 50 cm. in height.

6. A sign which is authorised in accordance with these Rules in respect of any shop or place of business may be illuminated after sunset, provided that no visible lamp giving intermittent illumination shall be used. Save as aforesaid, no sign or other form of advertisement which is illuminated shall be exhibited in any place or outside any premises except with the written permission of the Deputy District Commissioner, Jerusalem Division.

7. In any place within 100 metres of any of the roads scheduled hereto, or in any village or place in which the Deputy District Commissioner may by Order direct, any person who desires to fix an advertisement or sign-board on a place of business or occupation shall first obtain the written permission of the Deputy District Commissioner, Jerusalem Division. In any such place a fee shall be payable to the Deputy District Commissioner for every advertisement or signboard for which permission is obtained, at the rate of 200 mils for each metre or part of a metre length of the advertisement or sign-board.

The permission to exhibit a signboard shall be valid for the period of one year from the 1st of January. If application is made to fix a signboard in any subsequent month of the year, the fee for the whole year shall be payable.

19th July, 1929. Appr. 16th August, 1929.

SCHEDULE.

Jerusalem — Nablus Road.

Jerusalem — Jaffa Road,

Jerusalem — Bethlehem — Hebron Road.

Jerusalem — Jericho — Allenby Bridge Road,

O. G. No. 242. of 1.9.1929.

ADVERTISEMENTS ORDINANCE, 1920.

BYE-LAWS for the control of advertisements made, with the consent of the District Commissioner of the Southern

District, by the Municipalities of:

Jaffa, Ramleh, Lydda, Hebron, Beersheba.

1. The size of any sign or name-plate on the premises of any shop or place of business within the municipal limits shall be limited to a length not greater than the height of the door or window on which it is set, and to a height of not more than one-fifth of the height of the same; provided that the Municipality may authorise Banks, Hotels, Tourist Agencies, Theatres and Cinema Halls to display signs larger than those laid down above.

2. A projecting sign shall be permitted only with the written permission of the Municipality and District Commissioner in respect of premises situated in a lane or alley which cannot be seen from the main road; and shall not in any case exceed 75 cm. in length.

3. A sign which is authorised in accordance with these Bye-Laws in respect of any shop or place of business may be illuminated by electricity, gas or other method of illumination after sunset; provided always that no lamp giving intermittent illumination shall be exhibited.

Save as aforesaid, no sign or other form of advertisement which is illuminated shall be exhibited in any place or outside any premises save with the written permission of the District Commissioner.

4. Any person who desires to fix a sign-board on his premises shall first obtain the written permission of the Municipality, in default he will be liable to pay a double fee, and on conviction, will be further liable to a fine.

5. Permission to exhibit a sign-board shall be valid for the period of one year beginning the first day of Muharram. If application is made to fix a

sign-board in any subsequent month in the year, the fee for the whole year shall be payable.

A. EL-SAID,	— <i>Mayor of Jaffa.</i>
MUSTAFA EL-KHAIRI	— <i>Mayor of Ramleh.</i>
AHMED SAIF ED-DIN AL HUSSEINI	— <i>Mayor of Lydda.</i>
MUKHLES	— <i>Mayor of Hebron.</i>
TAJ EL DIN SHA'ETH	— <i>Mayor of Beersheba,</i>

31st December, 1929. Appr. 25th January, 1930. O. G. No. 252 of 1.2.1930.

ADVISORY COUNCIL.

NOTICE.

CONSTITUTION OF ADVISORY COUNCIL.

In virtue of the power vested in him by Article 17 (1) (b) of the Palestine Order in Council 1922, as amended by Article 3 of the Palestine Amendment Order in Council, 1923, the High Commissioner with the approval of the Secretary of State for the Colonies has been pleased to order and it is hereby ordered that the Advisory Council of Palestine shall be constituted as from the date hereof by the persons for the time being performing the duties of the undermentioned officers:-

Chief Secretary, Attorney General, Treasurer, Commandant of Police, Director, Department of Health, Director of Public Works, Director of Education, Director of Agriculture and Forests, Director of Customs, Excise and Trade, General Manager, Palestine Railways, District Commissioner Northern District, District Commissioner Southern District, Postmaster General.

20th December, 1926. O. G. No. 178 of 1.1.1927.

NOTICE.

In Exercise of the power vested in him by Article 17 (1) (b) of the Palestine Order-in-Council, 1922, as amended by Article 3 of the Palestine (Amendment) Order-in-Council, 1923, His Excellency the Officer Administering the Government, with the approval of the Secretary of State for the Colonies, has been pleased to order, and it is hereby ordered, that the following addition shall be made as from the date hereof to the Notice dated the 20th of December, 1926, published in the Official Gazette of the 1st of January, 1927, prescribing the constitution of the Advisory Council of Palestine.

“The person for the time being performing the duties of the undermentioned Office, with precedence next after the Treasurer:-
Commissioner of Lands”.

26th January, 1928. O. G. No. 204 of 1.2.1928.

ADVOCATES.

RULES UNDER ADVOCATES ORDINANCE, 1922.

- Applications for licences. 1. Applications for licences to practise should be addressed to the Chairman of the Legal Board, Law Courts, Jerusalem.
- Legal qualifications for licence in Civil Courts. 2. No person shall be deemed to be qualified by examination as to his knowledge of the law administered by the Civil Courts unless:-
 (1) He has obtained the Certificate of Legal Studies or the Diploma granted by the Council of Legal Studies.
 (2) He has obtained the legal diploma of a foreign University, law school or other professional institution, approved by the Legal Board, and has passed an examination in the law and procedure of Palestine to the satisfaction of the Board (hereinafter called the Foreign Advocates Examination).
- Sharia Courts. 3. No person shall be deemed to be qualified by examination as to his knowledge of the Sharia Law unless he is the holder of the certificate in Moslem Law of the Council of Legal Studies.
- Foreign Advocates. 4. (1) Every candidate at the Foreign Advocates Examination shall, at the time at which he applies to be examined, state which of the official languages he desires to use for the purpose of the examination, and his examination shall be conducted exclusively in the official language chosen by him.
 (2) Every candidate for examination shall pay a fee of LE. 5.000 m/ms.
- Advocates qualified to act as Principals. 5. (1) The President of each District Court will keep a list of advocates practising before the Courts and being of at least three years standing who by reason of their experience and practice are qualified to act as principals to clerks undergoing the qualifying period of service prescribed in the Advocates Ordinance and no advocate shall be qualified to act as principal unless his name is included in such list.
 (2) No advocate shall at the same time act as principal to more than two clerks undergoing service.
 (3) Subject to the provisions of Rule 13, service of a clerk, subsequent to the date at which these Rules come into force, with an advocate not qualified to act as his principal shall not be deemed qualifying service.
- Clerk to be employed at main office. 6. Where an advocate has more than one office he shall be entitled to employ a clerk or clerks under service only at the office at which he is in regular attendance.

7. (1) Every person hereafter seeking to undergo the qualifying period of service shall apply to the Chairman of the Legal Board, Jerusalem, for registration as clerk under service. Registration as clerks under service.

The applicant must shew:

- (a) that he has completed the course of studies of the second year under the Council of Legal Studies or has passed the Foreign Advocates Examination;
 - (b) that his proposed principal is qualified and entitled to receive him in accordance with the provisions of Rules 5 and 6.
- (2) The application for registration shall be accompanied by an undertaking on the part of principal and by a Certificate of Commencement of Service in the forms prescribed in the Schedule hereto. The qualifying period of service shall commence from the date of registration.
- (3) Clerks undergoing a period of qualifying service shall be deemed to be under the supervision of the Legal Board.

In any case in which there is reason to believe that a clerk in not attending with regularity the Board or the Chairman may require explanations to be given and in the absence of adequate explanation the Board may vacate the entry on the register.

- (4) The qualifying period shall be served continuously unless the Board or the Chairman acting under its instructions is satisfied that for adequate reasons an interval or intervals shall be allowed.
- (5) At the termination of a period of service with an advocate the clerk shall lodge with the Chairman of the Board a Certificate of Completion of Service in the form prescribed in the Schedule hereto.
- (6) If a clerk undergoing a period of service desires to transfer from the office of one advocate to that of another he shall lodge with the Chairman of the Board a Certificate of Completion of Service and shall make application for registration with his new principal in accordance with the provisions of this Rule. The Chairman may refuse the application for registration if no good reason is shewn for the transfer.

8. When a person has during a period of not less than three years consecutively been employed as a record clerk, or interpreter in the Court of Appeal, District Court, Land Court, or as a prin- Partial exemption from service.

cial clerk in the Office of the Attorney General or Government Advocate, the period of service required by Section 5 (ii) (c) of the Advocates Ordinance, 1922, before admission as an advocate in Palestine, may be reduced to not less than six months.

Provided always that no reduction in the period of service shall be permitted unless the president of the Court of Appeal or of the District Court or the Attorney General (each as regards those in his own Department) certifies that the applicant

- (1) has conducted himself well in his official duties;
- (2) was not engaged principally in work which was merely clerical;
- (3) has in the course of his official duties had opportunity or becoming conversant with legal procedure and the conduct of legal affairs.

Certificate
of character.

9. 1) Certificates of good character under Section 6 of the Advocates Ordinance must be signed by a person, not being related to the applicant, of known respectability and position, who has been acquainted with the applicant for not less than 12 Months.

Admission
to practice.

10. (1) Except by special direction of the Chief Justice admission to practice will take place in open Court and only upon one of the usual Call Days.

- (2) The name of every person seeking admission shall be publicly exhibited for the period of one month preceding admission in the half of each District Court. The Chairman of the Legal Board shall take cognizance of any objection to the admission of the applicant presented in writing to him by any judge, magistrate or other legal officer or by an advocate, and such action will be taken thereon as the Chief Justice may direct.

Annual prac-
tising fees.

11. Annual practising fees must be paid during the months of January in each year.

The names of those advocates who have paid the practising fee will be inserted in the Official Gazette during the month of February.

Practising fees will not be accepted after the 31st January except upon payment of a further sum of equal amount out of which the costs of publishing the additional names in the Official Gazette will be defrayed²⁾.

¹⁾ A.— see Advocates (Amendment) Rules. O. G. No. 236 of 1.6.1929.

²⁾ Ad.— see Advocates (Amendment) Rules. 1928, O. G. No. 223 of 16.11.1928.

12. The general regulation under Section (5) (v) of the Advocates Ordinance with reference to admission to practise before Magistrates Courts is withdrawn without prejudice to admissions already accorded. Certificates to practise before Magistrates' Courts.

13. (1) Where a clerk is at the date at which these Rules came into force registered as a clerk undergoing service, his service with the principal with whom he is then registered up to the 1st day of November, 1926, shall be deemed qualifying service notwithstanding that the name of the principal is not included in the list of Advocates qualified to act as principals. Transitory Provisions.

(2) His service, with such principal subsequent to the said 1st day of November, 1926, shall be deemed qualifying service :

(a) if the principal is an advocate of three years standing ;

(b) if the principal being an advocate of less than three years standing the clerk has completed at least 12 months registered service at the date at which these Rules came into force.

(3) Where at the date at which these Rules came into force, more than two clerks are registered as undergoing service with the same principal, the service of all of them with such principal up to the 1st day of November, 1926, shall, subject to the provisions of Sub-Section (1) be deemed qualifying service ; but service subsequent to that date shall not be deemed to qualify so long as more than two clerks are continuing to serve with the principal.

(4) Clerks who are registered as undergoing service at the date at which these Rules came into force shall not be required to shew compliance with para. (a) of sub-section (1) of Rule 7 on any application for transfer.

14. The Rules of 15th July, 1922, 23rd February, 1923, and 1st May, 1924, are repealed. Repeals.

15. These Rules shall come into force on the 1st day of August, 1926. Commencement.

No. 13
of 1922.

RULES MADE BY THE CHIEF JUSTICE UNDER
SECTION 26 OF THE ADVOCATES' ORDINANCE, 1922.

Short title.

1. These Rules may be cited as the Advocates' (Amendment) Rules, 1928.

Amendment of Rules of 1.8.1926 to which a short title is given.

2. The Rules made by the Chief Justice which came into force on the first day of August, 1926, (and which for all purposes may be cited as the Advocates Rules, 1926) shall be amended by the insertion after Section eleven thereof of the following section:-

Exemption of Advocates licensed to practise before both forms of Court from fees if practising only in one.
Mode of application for exemption.

11. (a) Advocates who are the holders of licences to practise before both the Civil and Moslem Sharia Courts and who do not intend to practise in one or other of these Courts may apply to the Legal Board for exemption from the annual practising fees in respect of the Courts in which they do not wish to plead.

11. (b) Such application shall be submitted before the first day of January and accompanied by a declaration in the form set out in the Schedule hereto.

11. (c) Any application received after the first day of January shall not be considered.

Time of application.

THE SCHEDULE.

"I.....of.....an advocate licensed to practise before the Civil and Moslem Sharia Courts in Palestine, do hereby declare that I do not intend to practise before the x/

Civil
Moslem Sharia

 Courts during the year.....".

x/ delete the one which is not applicable.

Made by me this 22nd day of October, 1928.

O. G. No. 223 of 16.11.1928.

ADVOCATES AMENDMENT ORDINANCE,

No. 1 of 1929.

An Ordinance to amend the Advocates Ordinance, 1922.

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, 1928, and shall come into operation on the first day of January, 1929; and the Advocates Ordinance, 1922,

Short title and Commencement

(hereinafter called the Principal Ordinance) and this Ordinance may together be cited as the Advocates Ordinances, 1922--1928.

2. In Section 5 (2) (c) of the Principal Ordinance the words "before the Civil Courts" shall be inserted after the words "in Palestine".

3. In Section 12 of the Principal Ordinance the following words at the end of proviso (b) shall be deleted: No "Regulations made under this proviso shall be promulgated unless they have been previously laid before the Advisory Council".

4. Section 14 of the Principal Ordinance is repealed, and the following shall be substituted therefor: —

(1) An advocate must act in the best interest of his client and assist the Court to administer justice. He must show the utmost respect to any Court before which he may appear, and submit promptly to its decisions. He shall not, while inscribed on the Roll of Advocates, carry on any trade or engage in any mercantile or commercial business.

(2) An advocate shall not advertise himself as practising the profession of advocate either in the Press or by any other means, excepting that: —

(a) he shall be entitled to put outside his office a notice stating his name and profession and legal qualifications, and (b) if he changes his address, he may put outside his former office a notice indicating the address of his new office and may inform in writing persons who have professionally consulted him of his new address.

(3) An advocate shall in no case be entitled to publish any notice of his address or change of address in any newspaper or in any periodical other than an official law list whether in Palestine or abroad; but in case a partnership between two or more advocates is formed or dissolved, each of the partners may inform in writing any persons who have consulted them professionally of the formation or dissolution of the partnership.

5. In Section 26 of the Principal Ordinance the following clause shall be added after paragraph (4):

(5) The professional conduct of advocates and the etiquette and practice of the profession of advocates including, but without prejudice to the generality of the powers conferred by this subsection, the forensic costume to be worn by advocates, and the Courts in which such costume should be worn.

No. 13 of 1922

Amendment of Section 5 (2) of principal Ordinance.

Amendment of Section 12 of Principal Ordinance.

Repeal and replacement of Section 14 of Principal Ordinance.

Professional Duties.

Prohibition of advertising.

Amendment of Section 26 of Principal Ordinance.

Paragraph (5) of the said Section shall be renumbered (6).
 Replacement of Schedule I to Principal Ordinance. Fees. 6. The first Schedule to the principal Ordinance, as amended by the Rules made by the Chief Justice which were published in the Gazette of the 1st August, 1926, is repealed; and the following Schedule shall be substituted therefor:—

FEES.

- | | |
|--|----------|
| 1.) Upon grant of a licence to practise before the Civil Courts | LP. 10.— |
| Where the applicant has qualified by passing the foreign Advocates examination | LP. 25.— |
| Where the applicant has obtained total exemption from service under Section 6 on the ground of admission, service or practice abroad | LP. 50.— |
| 2. Upon grant of a licence to practise before the Moslem Religious Courts | LP. 5.— |
| 3. Annual practising fees payable by practitioners before the Civil Courts:— | |
| (a) where the practitioner is of three years standing | LP. 5.— |
| (b) in other cases | LP. 2.50 |
| 4. Annual practising fee payable by practitioners before the Moslem Religious Courts | LP. 3.— |
| 5. Upon lodgement by a clerk of a certificate of commencement of any period of qualifying service with an advocate | LP. 5.— |

Provided that, where service with a fresh principal is necessitated by reason of the death, bankruptcy or retirement from the profession of the former principal, or by reason of circumstances which, in the opinion of the Chairman of the Legal Board, renders impossible the continuance of the clerk in the service of the former principal, no additional fee shall be charged on lodgement of the certificate of commencement of service with a fresh principal.

2nd January, 1929. B. and E.—Ex.2.1.1929. Con.—O. G. No. 233 of 16.4.1929.

ADVOCATES ORDINANCE, 1922.

No. 13 of 1922.

Short title.

Rules made by the Chief Justice under Section 26.

1. These rules may be cited as the Advocates (Amendment) Rules, 1929.

Amendment of Section 9 of Rules

2. Section 9 of the Rules made by the Chief Justice under the Advocates Ordinance, 1922, which came into force on the

1) R.—See Advocates (Amendment) Rules, 1930. O. G. No. 262 of 1.7.1930.

first day of August, 1926, (in these Rules referred to as the Advocates Rules, 1926) shall be amended by substituting the words «section five of the Advocates Ordinance, 1922» for the words «section 6 of the Advocates Ordinance» occurring therein.

published in Gazette of 1.8.1926.

3. The forms appended to the Advocates Rules, 1926, shall be revoked and the following shall be substituted therefor: —

Repeal and replacement of forms prescribed by Rules published in Gazette of 1.8.1926.

THE SCHEDULE.

Form of Undertaking to be given by Advocate taking a Clerk into service.

Section 7 (2)

I.....a practising advocate of three years standing licensed to practise in Palestine and having my office athereby declare that I have taken Mr.....into my employ as a clerk at my office at.....from the.....day of.....19 , and in accordance with the provisions of the Advocates Ordinance, 1922, amended by the Advocates Ordinance, 1929, and the Rules made thereunder.

No. 13 of 1922. No. 1 of 1929.

I undertake that so long as the said Mr.....remains in my service he shall be exclusively employed in the legal work of my office and under my supervision during every forenoon and afternoon (feast days excepted) up to 2 p. m. at least.

And I undertake to notify the Chairman of the Legal Board, Law Courts, Jerusalem,

(1) If the said Mr.....fails to attend at my said office regularly and/or

(2) If the said Mr.....leaves my service.

Date.....

Signature of Advocate.

Filed this.....day of.....19 .

Chairman of Legal Board.

Certificate of Commencement of Service.

I.....being a practising advocate of three years standing licensed to practise in Palestine, and qualified to act as principal to clerks under service, having my office at.....hereby give notice that I have taken

Section 7 (2)

ADVOCATES.

Mr. of into my employ
from the day of 19 .

Date

Signature of Advocate

Registered on the day of 19 .

Chairman of Legal Board.

Form of Certificate of Completion of Service.

Section 7 (5)

I being a practising ad-
vocate of three years standing licensed to practise in Palestine,
and qualified to act as principal to clerks under service, having
my office at hereby declare that Mr.
..... has been in my office from the
..... day of 19 to the
..... day of 19 , and that during
the whole of this period

- (1) he has regularly attended at my office every forenoon and
afternoon (feast days excepted) up to 2 p. m. at least;
- (2) he has been engaged in legal work therein;
- (3) he has not to my knowledge been engaged in any other
employment;
- (4) he has not been absent from my office for more than
one month in all (excluding feast days);

or

(*) (4) he has been absent from my office only for the following
periods: —

(*) Delete the paragraph which is not applicable.

Date

Signature of advocate.

Registered this day of 19 .

Chairman of legal Board.

MADE by me this seventh day of May, 1929.

O. G. No. 236 of 1.6.1929. _____

ADVOCATES ORDINANCE, 1922-9.

Rules made by the Chief Justice under Section 26 (5).

1. These Rules may be cited as the Advocates (Forensic Robes)
Rules, 1929, and shall come into operation on January 1st 1930.

Section 26 of
No. 13 of 1929.
Section 5 of
No. 1 of 1929.
Short title and
Commence-
ment.

2.(1) Advocates shall not, save by special leave of the Court, be heard unless they are robed in the Court of Appeal, the Court of Criminal Assize, the High Court, a Special Tribunal, a District Court or a Land Court. Forensic Robes when to be worn.

(2) Advocates shall be entitled to be heard, although not robed, in Judges Chambers, or before arbitrators, in Magistrates' Court or in Coroners Courts. When not to be worn

(3) The robes to be worn by advocates who are members of either branch of the legal profession in England, Ireland or Scotland, or any British dominion or colony, shall be the robes of their profession. Robes of British legal practitioners.

3. The robes to be worn by other advocates shall consist of a black alpaca gown similar to that of a sealed pattern to be seen in the office of the Superintendent of Courts together with a dark jacket, starched white linen collar and bands, provided that Moslem advocates wearing Sheikhs' robes shall wear the gown only and shall not be required to wear a dark jacket, linen collar or bands. Robes of Palestinian advocates.

Made by me this seventh day of May, 1929.

O. G. No. 236 of 1.6.1929. _____

Rules made by the Chief Justice under Section 26 of the Advocates Ordinance, 1922.

Section 26 of No. 13 of 1922.

1. These Rules may be cited as the Advocates (Amendment) Rules, 1930. Short Title.

2. The first Schedule to the Principal Ordinance as amended by Section 6 of the Advocates (Amendment) Ordinance, 1929, shall be amended by the repeal of paragraph 1 thereof and the substitution therefor of the following: — Amendment of Schedule 1 to No. 13 of 1922 as amended by Section 6 of No. 1 of 1929.

- „1. Upon grant of a licence to practise before Civil Courts LP. 25
- Where the applicant has qualified by passing the Foreign Advocates Examination, LP. 35
- Where the applicant has obtained total exemption from service under Section 6 on the ground of admission, service or practice abroad LP. 50”.

Made by me this 10th day of June, 1930.

O. G. No. 262 of 1.7.1930. _____

ADVOCATES (ADMISSION OF WOMEN) ORDINANCE,

No. 14 of 1930.

An Ordinance to regulate the admission of women as
Advocates before the Civil 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 Advocates (Admission
of Women) Ordinance, 1930.

Non-Disquali-
fication on
ground of
sex.

2.(1) A person shall not be disqualified by sex from being the
holder of a licence to practise as an advocate in the Civil Courts or
from practising the profession of advocate.

Saving as to
Moslem
Religious and
Tribal Courts.

(2) Where the holder of a licence to practise as an advocate
is a woman, she shall not have a right of audience —

(a) in a Tribal Court; or

(b) in a Moslem Religious Court, unless she is certified by
the Supreme Sharia Council to be qualified to practise.

Provided that nothing in this Section shall affect the discretion
heretofore vested in Religious Courts other than Moslem Religious
Courts as to the person or classes of persons whom they may admit
to practise before them.

15th July, 1930. E. — O. G. No. 263 of 16.7. 1930.

Con. — O. G. No. 268 of 1. 10. 1930.

ADVOCATES ORDINANCES, 1922—1929.

Section 26 of
No. 13 of
1922. Section
5 of No. 1 of
1929.

Rules made by the Chief Justice under Section 26 (5).

Short Title.

1. These Rules may be cited as the Advocates (Professional
Conduct) Rules, 1930.

Duty of advo-
cate towards
client.

2. By accepting a power of attorney, an advocate becomes
bound to act towards his client with absolute loyalty and good
faith; and where an advocate has acted in a particular matter for a
party he shall not subsequently act for any opposing party in the
same matter or in any proceeding arising out of the same matter,
and if he does so or attempts to do so he shall be deemed to be
guilty of unprofessional conduct.

Made by me this eighth day of September, 1930.

O. G. No 268 of 1.10.1930.

AGENTS.

SEE CUSTOMS.

AGREEMENTS.

SEE BON VOISINAGE; CONVENTIONS, AGREEMENTS & TREATIES.

AGRICULTURAL CHEMICAL LABORATORY.

GOVERNMENT AGRICULTURAL CHEMICAL LABORATORY.

NOTICE.

Fees for Chemical Examinations.

The Government Agricultural Chemical Laboratory which is established at Jerusalem will render the services described below upon the terms and conditions prescribed herein.

1. The Department of Agriculture and Forests undertakes only the examinations of substances relating to the Agricultural industry such as:

Soils, Fertilizers, Fodder, Crops, Oil-seeds and Cakes, Insecticides, Minerals, Ores, Water for Irrigation, Honey and Plant Products.

2. The analysis of Milk, Butter and Cheese is not undertaken by the Department of Agriculture and Forests.

3. Each specimen shall be accompanied by:-

(a) The name and address of the sender.

(b) A detailed statement of the nature of the examination required, in particular indicating whether a finding of the facts only, or also an opinion on the finding, is required. This statement shall be made on the appropriate form obtainable on application to the Agricultural Chemist, Department of Agriculture and Forests, Jerusalem.

(c) The appropriate fee, in cash or postal order, in accordance with the Schedule hereto.

4. Material for examination shall be addressed to the Agricultural Chemist and not to any member of the Laboratory staff by name.

5. If a report by telegram or trunk telephone be required, this must be stated, and the cost remitted.

6. Special precautions are necessary in packing liquids and deliquescent or hygroscopic substances to ensure safe and undisturbed arrival in the Laboratory.

SCHEDULE.

Chemical determination	200 mils
Physical determination in soils	150 mils
Mechanical soil analysis including the five fractions	
(1) Stones and gravel;	} 200 mils
(2) Coarse sand;	
(3) Fine sand;	
(4) Silt;	
(5) Clay	

Special report containing an interpretation of results or recommendations based thereon LP. 1

Provided that (i) no fees shall be charged for services rendered to Government Departments; and

(ii) no fee shall be charged in respect of examinations carried out for private persons or institutions which are in the opinion of the Director of Agriculture and Forests of immediate interest to the Department of Agriculture and Forests or to the agricultural community in general.

18th May, 1931. O. G. No. 284 of 1.6.1931.

AIR MAIL.

SEE CONVENTIONS, AGREEMENTS & TREATIES.

AIR NAVIGATION.**AIR NAVIGATION ORDERS-IN-COUNCIL.****NOTICE.**

Notice is hereby given that the following Orders made by His Majesty in Council concerning Air Navigation apply in Palestine.

30th April, 1929.

I.

WHEREAS by subsection (1) of Section 4 of the Air Navigation Act, 1920, it is provided that His Majesty may, by Order in Council, extend, with any necessary modifications and exceptions, any of the provisions of the said Act to any British possessions other than those mentioned in the Schedule to the said Act and (save as therein provided) to any territory under His Majesty's protection:

AND WHEREAS by an Order in Council bearing date the sixth day of February, 1922, and known as "The Air Navigation (Colonies and Protectorates) Order in Council, 1922," certain provisions of the said Act were extended to certain British Colonies and Protectorates:

AND WHEREAS it is expedient to extend the said provisions of the said Act to certain territories in respect of which a Mandate on behalf of the League of Nations has been accepted by His Majesty:

NOW, THEREFORE, His Majesty by virtue of and in exercise of the powers on this behalf by the Air Navigation Act, 1920, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:-

1. This Order may be cited as "The Air Navigation (Mandated Territories) Order in Council, 1927."
2. The subjoined Schedule, which shall be known as the Third Schedule, is hereby added to the Air Navigation (Colonies and Protectorates) Order in Council, 1922.
3. The said Order shall be construed as if the territories mentioned in the Third Schedule thereto were included in the definition of "Colony" in Article 2 thereof, and the provisions of the Act mentioned in Article 3 thereof, with the necessary modifications as set forth in the First Schedule thereto, shall be and hereby are extended to the territories mentioned in the Third Schedule thereto.
4. This Order shall come into operation on the 1st day of January, 1928.

SCHEDULE.

British Cameroons.	Palestine.
British Togoland.	Tanganyika Territory.

II.

WHEREAS by subsection (2) of Section 4 of the Air Navigation Act, 1920, it is provided that His Majesty may, by Order in Council, make any provisions of an Order in Council made under Sections 1 to 3 of the said Act applicable to any British Possessions other than those mentioned in the Schedule to the said Act and (save as therein provided) to any territory under His Majesty's Protection, and to registered aircraft being the property of British subjects resident or companies incorporated therein, with such modifications and extensions as shall appear necessary:

AND WHEREAS His Majesty did on the 19th day of December, 1923, make an Order in Council entitled the Air Navigation (Consolidation) Order, 1923, under the said sections of the said Act:

AND WHEREAS His Majesty did on the 16th day of December, 1925, and on the 22nd day of March, 1927, make further Orders in Council, entitled

respectively the Air Navigation (Amendment) Order, 1925, and the Air Navigation (Amendment) Order, 1927, under the said sections of the said Act: 1)

AND WHEREAS it is expedient to make certain of the provisions of the said Orders in Council applicable to certain British possessions and certain territories under His Majesty's protection and to registered aircraft being the property of British subjects resident or companies incorporated therein:

NOW, THEREFORE, His Majesty, by virtue of and in exercise of the powers in this behalf by the Air Navigation Act, 1920, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council to order, and it is hereby ordered, as follows:-

Application
of Order.

1. The provisions of this Order shall apply to the British possessions and territories mentioned in Schedules VIII and IX hereto (any one of which is hereinafter referred to in the expression "the Colony").

Nationality
of Aircraft.

2. (1) An Aircraft shall be deemed to possess the nationality of the State on the register of which it is entered.

(2) Aircraft registered in the Colony and aircraft registered in any other part of His Majesty's dominions when in or over the Colony, shall be deemed to be and are in this Order referred to as British Aircraft

Aircraft to
which Order
applies.

3. The provisions of this Order apply (unless the contrary intention appears)-

(a) to all British aircraft registered in the Colony wherever such aircraft may be;

(b) to other British aircraft and foreign aircraft when such aircraft are in or over the Colony;

and for the purposes of liability under this Order, other than liability for want of registration, where an aircraft is not registered and by reason thereof has no nationality for the purposes of this Order, this Order shall apply to such aircraft when flying within the Colony in like manner as applies to aircraft registered in the Colony.

General
Conditions
of flying.

4. (1) An aircraft shall not fly unless the following general conditions are complied with:-

(i) The aircraft shall be registered and bear the prescribed nationality and registration marks and the name and residence of the owner affixed or painted on the aircraft in the prescribed manner;

(ii) The aircraft shall be certified as airworthy in the prescribed manner, and any terms or conditions on or

¹⁾ The Order-in-Council has been amended in accordance with the provisions of the Air Navigation (Colonies, Protectorates, and Mandated Territories) (Amendment) Order, 1929.

subject to which the certificate of airworthiness was granted shall be duly complied with;

- (iii) The personnel of the aircraft shall be provided with the prescribed certificates of competency and licences;
- (iv) There shall be carried in the aircraft the prescribed documents and journey log-book kept up to date in the prescribed form and manner:

Provided that:-

- (a) Conditions (i), (ii) and (iv) shall not apply to aircraft flown for the purpose of experiment or test only, within three miles of a licensed aerodrome, a Royal Air Force aerodrome, an aerodrome under the control of the Secretary of State for Air or the Governor, or an aircraft factory or an aircraft flown in accordance with directions or special permission in writing given by the Governor under this Article, and subject to any conditions or limitations which may be laid down in such directions or permission.
 - (b) Condition (iii) shall not apply in the case of candidates undergoing official tests for the purpose of obtaining a licence, or within three miles of a licensed aerodrome, a Royal Air Force aerodrome, or an aerodrome under the control of the Secretary of State for Air or the Governor in the case of personnel whilst under instruction, or whilst engaged in a flight, in accordance with such directions as aforesaid, for the purpose of becoming eligible for the issue of a licence.
 - (c) Condition (ii) shall not apply to balloons or kites when being flown within the Colony and not carrying passengers for hire or reward.
 - (2) In this article "prescribed", in relation to aircraft other than British aircraft registered in the Colony, means prescribed by the law of the State on whose register the aircraft is entered, and in relation to British aircraft registered in the Colony has the meaning assigned to it by Article 31 of this Order.
5. (1) Save as hereinafter expressly provided, an aircraft shall not fly within the Colony unless the following further conditions are complied with:-
- (i) The aircraft shall possess the nationality of a contracting State;

Further
Conditions
of flying
within the
Colony.

- (ii) The provisions of this Order as to general safety, and as to the dropping of articles from aircraft, shall be duly complied with;
- (iii) The aircraft shall not land in any prohibited area as defined in this Order and shall not fly over any such area at a lower altitude than 6,000 feet, or if the proclamation whereby the prohibited area is established so provides, at any higher altitude;
- (iv) Such members of the personnel of the aircraft as are British subjects shall be provided with certificates of competency and licences issued or rendered valid by a duly competent authority within His Majesty's dominions;
- (v) The prescribed conditions as to the maintenance of airworthiness shall be complied with, and the prescribed certificates as to airworthiness shall be carried in the aircraft;
- (vi) The aircraft shall conform to such orders as may be lawfully given in regard to it by officers of Police or of Customs and Excise:

Provided that —

- (a) Condition (i) shall not apply to the aircraft of a State with which a special convention relating to air navigation entered into by or on behalf of His Majesty is for the time being in force, so long as the conditions of the special convention are complied with; and
- (b) Conditions (i) and (v) shall not apply to aircraft flown for the purpose of experiment or test only, within three miles of a licensed aerodrome, a Royal Air Force aerodrome, an aerodrome under the control of the Secretary of State for Air or the Governor, or an aircraft factory, or to aircraft flown in accordance with directions or special permission in writing given by the Governor under this Article, and subject to any conditions or limitations which may be laid down in such directions or permission.
- (c) Condition (iv) shall not apply in the case of candidates undergoing official tests for the purpose of obtaining a licence, or within three miles of a licensed aerodrome, a Royal Air Force aerodrome, or an aerodrome under the control of the Secretary of State for Air or the Governor, in the case of personnel whilst under in-

struction or whilst engaged in a flight, in accordance with such directions as aforesaid, for the purpose of becoming eligible for the issue of a licence.

(d) Condition (v) shall not apply to balloons or kites when not carrying passengers for hire or reward.

(2) A fixed balloon shall not be flown within the Colony except with the special permission in writing of the Governor, and subject to any conditions that may be attached to such permission, and the Governor may, on the granting of such permission or subsequently, direct that the provisions of this Order or any of them shall not apply to the balloon in question, or shall apply subject to such modifications as he thinks fit.

6. (1) An aircraft carrying passengers for hire or reward shall not use as a regular place of departure or landing any place in the Colony other than a licensed or other aerodrome, approved for the purpose by the Secretary of State for Air or Governor.

Further conditions applicable to passenger aircraft.

(2) A passenger aircraft carrying more than ten passengers and having to make a continuous flight between two points more than 310 miles apart over land, or a night flight, or a flight between two points more than 124 miles apart over sea, shall have on board a licensed navigator.

7. The provisions in Schedule I. to VI. inclusive to this Order shall have effect as part of this Order, and shall be duly observed by all persons concerned in the cases to which they relate, that is to say: —

Reference to Schedules.

Schedule.

Subject matter.

I. Registration and marking of aircraft.

II. Certificates of airworthiness for aircraft; detention of unairworthy aircraft; inspection, overhauls, etc.

III. Log-books.

IV. Rules as to lights and signals and rules for air traffic.

V. Licensing of personnel.

VI. Prohibited areas.

8. (1) A place in the Colony shall not be used as a regular place of landing or departure by aircraft carrying passengers for hire or reward, unless it is licensed for the purpose by the Governor, and any conditions of such licence are complied with.

Aerodromes.

- (2) Every aerodrome which is licenced for public use or which is open to such use by British aircraft upon payment of charges shall to the same extent and upon the same conditions be open to use by aircraft possessing the nationality of a contracting State.
 - (3) In every aerodrome to which the last preceding paragraph applies there shall be a single tariff of charges, including charges for landing and length of stay, applicable alike to British and foreign aircraft, and such tariff shall be in such form and on such a scale as may be directed or approved by the Governor, and shall be kept exhibited in a conspicuous place at the aerodrome.
 - (4) In the case of any contravention of or failure to comply with this Article, the proprietor of the aerodrome shall be deemed to have acted in contravention of or, as the case may be, failed to comply with this Order.
 - (5) Paragraphs (1), (2) and (4) of this Article shall not apply to Royal Air Force aerodromes or aerodromes under the control of the Secretary of State for Air or the Governor the use of which has been sanctioned by the Secretary of State for Air or the Governor, but any directions of the Secretary of State for Air or the Governor, as the case may be, as to the use of such aerodromes shall be complied with.
9. (1) Any person authorized by the Governor shall have the right of access at all reasonable times to any aerodrome other than a Royal Air Force aerodrome for the purpose of inspecting the aerodrome, and any person so authorized and any police constable shall have the right of access at all reasonable times to any place to which access is necessary for the purpose of carrying out his powers and duties under this Order.
- (2) All military aircraft belonging to or employed in the service of His Majesty shall have at all reasonable times the right of access to any licensed aerodrome, subject to the conditions of the licence.
10. (1) An aircraft shall not fly over any city or town within the Colony except at such altitude as will enable the aircraft to land outside the city or town should the means of propulsion fail through mechanical breakdown or other cause:

Right of inspection and access to aerodromes and factories.

General safety provisions.

Provided that this prohibition shall not apply to any area comprised within a circle with a radius of one mile from the centre of a licensed aerodrome of a Royal Air Force aerodrome or of an aerodrome under the control of the Secretary for State for Air or the Governor.

- (2) An aircraft in or over the Colony shall not —
- (a) be used to carry out any trick flying or exhibition flying over any city or town area or populous district; or
 - (b) be used to carry out any trick flying or exhibition flying over any regatta, race meeting or meeting for public games or sports, except where specially arranged for in writing by the promoters of such regatta or meeting; or
 - (c) be flown in such circumstances as, by reason of low altitude or proximity to persons or dwellings or for any other reason, to cause unnecessary danger to any person or property on land or water.
- (3) A person shall not smoke in any aircraft registered in the Colony unless and except in so far as smoking in aircraft is permitted by a notice exhibited by the owner of the aircraft in a prominent place therein.

A notice permitting smoking in any such aircraft may only be exhibited therein if and in so far as smoking in the aircraft is permitted by the Certificate of airworthiness of the aircraft or by the direction of the Governor.

The owner of every aircraft registered in the Colony shall exhibit in a prominent place in the aircraft a notice stating whether and to what extent smoking is prohibited or permitted therein.

- (4) A person shall not commit any act, whether by interference with the pilot or a member of the operative crew, or by tampering with the aircraft or its equipment, or by disorderly conduct, or by any other means, likely to imperil the safety of any aircraft, its passengers, or crew.

II. Where it appears to any person authorized in writing by the Governor for the purposes of this article that any aircraft is intended or likely to be flown in such circumstances that the flight would be in contravention of any of the provisions of subparagraphs (i), (ii), and (iii) of paragraph (1) of Article 4, or subparagraph (i) of paragraph (1) of Article 5, or Article 19 of this Order, or in such circumstances as to infringe any other provision of this Order and to be a cause of danger to persons in the aircraft or to persons or property on the ground, the person so authorized

Power to prevent flights in contravention of Order.

may give such directions, and take such steps by way of detention of the aircraft or otherwise in relation thereto, as appear to him to be necessary in order to prevent the flight, and, without prejudice to any provisions of this Order with respect to the obstruction of authorized persons, any person acting in contravention of any directions given under this Article shall be deemed to have acted in contravention of this Order.

Drunkenness
of pilots, etc.

12. A person acting as, or carried in a aircraft for the purpose of acting as, pilot, commander, navigator, engineer, or operative member of the crew thereof, shall not, while so acting or carried, be in a state of intoxication or in a state in which, by reason of his having taken or used any sedative narcotic or stimulant drug or preparation, his capacity so to act is impaired, and no other person while in a state of intoxication shall enter or be in any aircraft.

Dropping of
articles from
aircraft.

13. A person shall not drop or cause or permit to be dropped from an aircraft flying within the Colony any article except —

(1) ballast as permitted by paragraph 35 of Schedule IV. to this order;

(2) articles dropped in accordance with and subject to any conditions or limitations contained in directions or any special permission in writing given by the governor.

Instruments,
etc., to be
carried by Bri-
tish aircraft.

14. There shall be carried and maintained in working order in every British aircraft registered in the Colony, when flying, such instruments and equipment applicable to the class or description of the aircraft as may be prescribed, and any directions of the Governor as to the manner in which, and the persons by whom any particular instruments or equipment are to be used shall be complied with as if they were contained in this order.

Wireless
telegraphy.

15.(1) The Governor may give directions prescribing the conditions in which British aircraft registered in the Colony shall, when flying,

(i) carry wireless telegraphy apparatus; and

(ii) carry certified operators; and

(iii) maintain wireless telegraph service;

and such directions may prescribe the character of the apparatus, the number and qualifications of the operators and the nature of the service, and when any such directions have been given they shall be complied with in the case of any aircraft to which they apply as if contained in this Order.

(2) In this Article the expression «certified operator» means an operator who is the holder of a certificate of

proficiency in radiotelegraphy granted or recognised by the competent authority in that behalf for the Colony.

(3) Nothing in this Article shall exempt any person from any requirements as to licences for wireless telegraphy which are in force in the Colony.

16.(1) Save as hereinbefore expressly provided, every British aircraft registered in the Colony shall carry the following documents when flying: —

Documents to be carried by British aircraft.

- (a) its certificate of registration;
- (b) its certificate of airworthiness, and any other certificate relating to the aircraft which may be required by this Order;
- (c) the certificates of competency and licences of its personnel;
- (d) the journey log-book;
- (e) any licence to use wireless apparatus in the aircraft which may have been issued by the competent authority in that behalf.

(2) Every such aircraft engaged in international navigation shall, in addition, carry the following documents: —

- (a) if it carries passengers, a list of their names;
- (b) if it carries freight, bills of lading and manifest in respect thereof.

17. The certificate of airworthiness of aircraft of a contracting State, shall be kept at all times in the pocket of the journey log-book.

Certificate of airworthiness.

18.(1) Any person required under this Order to be provided with a licence shall on demand produce his licence, and, in the case of a pilot, his pilot's log-book for the inspection of any person authorised for the purpose by the Governor or of any police constable.

Production of documents for inspection.

(2) The owner, hirer and person in charge of any aircraft shall on demand produce or cause to be produced, for the inspection of any person authorised for the purpose by the Governor or of any police constable, any certificates, licences or log-books relating to the aircraft, and, in the case of an aircraft engaged in international navigation if it carries passengers or freight, the list of names and the bills of lading and manifest respectively.

19. Save for the purposes of the provisions of Schedule IV. to this Order as to signals —

Prohibited carriage.

- (i) an aircraft engaged in international navigation shall not carry explosives of war, arms of war, or munitions of war;
- (ii) a foreign aircraft shall not carry explosives of war, arms of war, or munitions of war between any two points within British territory, either or both of which is within the Colony.

Aerial light-houses.

- 20.(1) An aerial lighthouse shall not be established or maintained within the Colony, nor the character of the light exhibited therefrom altered, except with the approval of the Governor, and subject to such conditions as he may prescribe:

Provided that, in the case of an aerial lighthouse the light from which would or might be visible from the sea or from any waters over which a general lighthouse authority exercises jurisdiction, such approval shall not be given except with the consent of the general lighthouse authority.

- (2) A person shall not wilfully or negligently injure or interfere with any aerial lighthouse established or maintained with the approval of the Governor or any light exhibited from any such lighthouse.

False lights.

- 21.(1) Whenever in the Colony any light is exhibited,
- (a) in the neighbourhood of an aerodrome or an aerial lighthouse so as to be liable to be mistaken for a light proceeding from an aerial lighthouse or for a prescribed light at an aerodrome; or
 - (b) which by reason of its liability of being mistaken for a light proceeding from an aerial lighthouse or for a prescribed light at an aerodrome is calculated to endanger the safety of aircraft;

The Governor may serve a notice upon the owner of the place where the light is exhibited or upon the person having charge of the light, directing that owner or person within a reasonable time, to be specified in the notice, to take effectual means for extinguishing or for effectually screening the light and for preventing for the future the exhibition of any similar light.

- (2) The notice may be served either personally or by post, or by affixing the same in some conspicuous place near to the light to which the notice relates.
- (3) If any owner or person on whom a notice is served under this Article fails, without reasonable cause, to comply with the direction contained in the notice, he

shall be deemed to have failed to comply with this Order.

- (4) If any owner or person on whom a notice under this Article is served neglects for a period of seven days to extinguish or effectually to screen the light mentioned in the notice, the Governor may enter upon the place where the light is and forthwith extinguish the same, doing no unnecessary damage, and may recover the expenses incurred by him in so doing from the owner or person on whom the notice has been served.

- (5) In the case of lights which would or might be visible from the sea or waters over which a general lighthouse authority exercises jurisdiction, the powers of the Governor under this Article shall not be exercised except with the consent of the general lighthouse authority.

- 22.(1) In making or receiving signals by wireless telegraphy or other methods of communication, except by visual signals when the Morse Code is not being used, every aircraft possessing the nationality of a Contracting State shall use as its call sign the complete group of five letters which constitutes its nationality and registration marks:

Use of signals,
signs and
marks.

Provided that after communication has been established by means of such call sign the aircraft may employ an abridged call sign consisting -

- (a) in the case of radio-telegraphy of the first and last letters of the complete call sign of five letters;
- (b) in the case of radio-telephony of the whole or part of the name of the owner of the aircraft followed by the last two letters of the complete call sign of five letters;

Provided also that nothing in this paragraph shall affect the special rules as to signals laid down in Section II of the Fourth Schedule to this Order.

- (2) A person in an aircraft shall not make any signal prescribed by this Order except for the purposes specified therein, and shall not knowingly make, without lawful authority or excuse (proof whereof shall lie on the accused), any naval, military or airforce signal.
- (3) An aircraft other than a State aircraft shall not bear any mark or sign used or appropriated for use by State aircraft.

Arrival and
departure
from the
Colony.

- 23.(1) The Governor may prescribe points between which aircraft when entering the Colony from abroad or leaving the Colony for abroad shall pass.
- (2) If such points are for the time being so prescribed, no aircraft shall enter the Colony from abroad or leave the Colony for abroad except between such points :

Provided that —

- (a) if an aircraft is compelled by accident, stress of weather, or unavoidable cause to enter the Colony from abroad elsewhere than between such points it shall land at the Customs aerodrome, if any, in the Colony nearest to its route; and
- (b) if an aircraft arriving from a place outside the Colony shall land in any place other than a Customs aerodrome, the pilot shall forthwith report to an officer of Customs and Excise or police constable and shall on demand produce to such officer or police constable the log-book belonging to the aircraft, and shall not allow any goods to be unloaded therefrom without the consent of an Officer of Customs and Excise, and no passenger thereof shall leave the immediate vicinity without the consent of an Officer of Customs and Excise or police constable. If such place of landing shall be an aerodrome, the pilot shall forthwith report the arrival of the aircraft and the place whence it came to the proprietor of the aerodrome, who shall forthwith report the arrival of the aircraft to an officer of Customs and Excise and shall not allow any goods to be unloaded therefrom or any passenger thereof to leave the aerodrome without the consent of such officer.
- (3) Any enactments for the time being in force restricting the landing of aliens or any orders made thereunder with respect to persons arriving in or departing from the Colony shall apply to persons arriving or departing by air as if the same were herein set out, with such modifications as are necessary for adapting them to such purpose.
- (4) The Governor shall make such regulations for the application of the law relating to Customs to aircraft arriving in or departing from the Colony as may be necessary and not inconsistent with the Convention.

24. If the Governor is satisfied that any person has, in respect of any British aircraft registered in the Colony, been convicted by a competent court of an offence against the provisions of the Customs law of a Contracting State, so far as those provisions are in accordance with Annex H of the Convention, which is set out in Schedule VII to this Order, he may (without prejudice to any other powers conferred upon him by this Order) cancel or suspend the certificate of registration of that aircraft.

Customs provisions to be observed by aircraft flying abroad.

25.(1) A person shall not —

- (a) forge or fraudulently alter or assist in forging or fraudulently altering, or procure to be forged or fraudulently altered, any licence or certificate required under this Order; or
- (b) make, assist in making, or procure to be made any false representation for the purpose of procuring for himself or any other person the issue, validation, or renewal of any such licence or certificate: or
- (c) fraudulently use any such licence or certificate which has been forged, altered, cancelled, or suspended, or to which he is not entitled; or
- (d) fraudulently lend any such licence or certificate or allow it to be used by any other person.

Forgery, etc. of documents.

- (2) A person shall not destroy, mutilate, alter, or render illegible any log-book or any entry made therein, or wilfully make or procure or assist in the making of any false or fraudulent entry in or omission from any log-book.

26. A foreign military aircraft shall not fly over or land in the Colony except on the express invitation or with the express permission of His Majesty, or of a Government Department or of the Governor, but any aircraft so flying or landing on such invitation or with such permission shall be exempt from the provision of this Order except to such extent as may be specified in the invitation or permission:

Application to foreign military aircraft.

Provided that no such invitation or permission shall be necessary in the case of foreign military aircraft accompanying vessels of war visiting the Colony so long as the flight or landing is necessary in connection with the arrival of the aircraft in or their departure from the Colony, and such aircraft shall while so accompanying vessels of war as aforesaid be exempt from the provisions of this Order.

Exceptions
to operation
of Order.

27. (1) Except where otherwise expressly stated, this Order applies to aircraft belonging to or employed in the service of His Majesty, other than military aircraft, but does not apply to any aircraft or to any persons if and to such extent as such aircraft or persons may be excepted from this Order by direction of the Governor.
- (2) The Governor may, by a special and temporary authorisation, and subject to such conditions as may be specified, permit the flight within the limits of the Colony of an aircraft which does not possess the nationality of a Contracting State or of a State to which proviso (a) to paragraph (1) of Article 5 of this Order applies:

Provided that an aircraft the flight of which is so permitted as aforesaid shall while flying within the said limits carry a certificate issued either by the Governor or by the competent authority in the State whose nationality the aircraft possesses, stating that permission has been granted and the conditions, if any, subject to which it has been granted.

Penalties.

28. (1) If an aircraft flies in contravention of, or fails to comply with, this Order or any provision thereof, or if in or in respect of any aircraft any act is committed which is or is deemed to be a contravention of this Order or any provision thereof, the owner or hirer of the aircraft (if other than the Crown) and the pilot or commander thereof shall be deemed to have contravened or, as the case may be, failed to comply with this Order —

Provided that:

- (a) it shall be a defence to any proceeding for such contravention of, or failure to comply with this Order if the contravention or failure is proved to have been due to stress of weather or other unavoidable cause; and
- (b) it shall be a defence to any proceedings under this Order against the owner, hirer, pilot or commander of an aircraft to prove that the alleged contravention took place without his actual fault or privity.
- (2) If any person obstructs or impedes any person acting under the authority of the Secretary of State for Air or the Governor in the exercise of his powers and duties under this Order, such firstmentioned person

shall be deemed to have acted in contravention of this Order.

- (3) If any person contravenes or fails to comply with this Order or any provision thereof he shall on summary conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds, or its equivalent, in local currency, or to both such imprisonment and fine.
 - (4) Any aircraft which flies or attempts to fly over a prohibited area or enters the Colony in contravention of this Order is liable to be fired on in accordance with the provisions of Schedule VI to this Order.
 - (5) Any proceedings in respect of contravention of or failure to comply with any Customs Regulations made under Article 23 (4) of this Order shall be deemed to be proceedings for the recovery of a penalty under the enactments of the Colony relating to the Customs.
29. (1) Any certificate granted in the Colony under Schedule I, or any licence granted in the Colony under Schedule V to this Order, or the licence of any aerodrome in the Colony, may be cancelled, suspended or endorsed by the Governor on sufficient ground being shown to his satisfaction, after due inquiry, and his decision shall be final; and in special cases the Governor may suspend any such licence temporarily and provisionally pending the holding of an inquiry.
- (2) Any certificate of airworthiness issued in the Colony under Schedule II to this Order, or any validation conferred in the Colony under that Schedule on a certificate of airworthiness, may be cancelled or suspended by the Governor if he is satisfied that reasonable doubt exists as to the safety of the aircraft in question, and the conditions attached to any such certificate or validation may be varied by the Governor if he is satisfied that those conditions may properly be relaxed, or that reasonable doubt exists as to whether those conditions afford a sufficient margin of safety.
 - (3) Where any person is convicted of any contravention of or failure to comply with this Order in respect of any British aircraft registered in the Colony, the Governor may cancel or suspend the certificate of registration of that aircraft.

Power to cancel, or endorse licences and certificates.

(3A) The Governor may vary any particulars or other matter entered by him or on his authority in any licence or certificate granted, or in any journey log-book issued under this Order.

(4) When there is within the Colony —

(a) an aircraft in respect of which a certificate of registration or of airworthiness issued by the duly competent authority of some other place within His Majesty's dominions is in force, or

(b) a person holding a licence issued by any such authority and entitling such person to act as pilot, navigator, engineer or other operative member of the crew of an aircraft,

the Governor may, on sufficient ground being shown to his satisfaction, after due inquiry, suspend any such certificate or licence, subject to an appeal to the authority by whom it was issued, the suspension, however, to remain in force pending the decision of such appeal.

(5) The Governor may require the holder of any licence, certificate or other document granted or issued or validated in the Colony under this Order or liable to be suspended under sub-paragraph (4) of this Article (or any person having the possession or custody of any such licence, certificate or document) to surrender the same to him for cancellation, suspension, endorsement or variation, in accordance with the provisions of this Order; and any person failing to comply with any such requirement within a reasonable time shall be deemed to have failed to comply with this Order.

Directions
by Governor.

Interpreta-
tion.

30. The Governor may issue such directions as he thinks fit for the purpose of supplementing or giving full effect to the provisions of this Order, including the Schedules thereto.

31. (1) In this Order, unless the context otherwise requires —

“The Convention” means the Convention for determining by common agreement certain uniform rules with respect to international air navigation signed on behalf of His Majesty in Paris on the thirteenth day of October, 1919;

“The Protocol” means the additional protocol to the Convention aforesaid which was signed on behalf of His Majesty in Paris, and dated the first day of May, 1920;

“Aircraft” includes all balloons, whether fixed or free, kites, airships and flying machines;

“Airship” means an aircraft using gas lighter than air as a means of support and having means of propulsion;

“Balloon” means an aircraft, either fixed or free using gas lighter than air as a means of support and having no means of propulsion;

“Flying machine” includes all aeroplanes, seaplanes, flying boats, or other aircraft heavier than air and having means of propulsion;

“Military aircraft” includes naval, military and airforce aircraft; and every aircraft commanded by a person in naval, military and airforce service detailed for the purpose shall be deemed to be a military aircraft;

“State aircraft” means military aircraft and aircraft exclusively employed in State service, including postal, customs and police service;

“Passenger aircraft” and “goods aircraft” mean respectively aircraft intended for carrying passengers or goods for hire or reward, and include respectively aircraft in which passengers or goods are actually so carried;

“Personnel” (in relation to an aircraft) includes the pilot, commander, navigator, an engineer, and any operative member of the crew;

“Goods” includes mails;

“Wireless telegraphy” includes wireless telephony;

“Aerodrome” means any definite and limited ground or water area intended to be used, either wholly or in part, for the landing or departure of aircraft;

“Proprietor of an aerodrome” includes any person responsible for the management thereof;

“Licences aerodrome” means an aerodrome licensed under this Order;

“Prescribed” (except where otherwise expressly provided) means prescribed by this Order or by regulations or directions made or issued thereunder by the Governor;

“Prohibited area” means any area in the Colony which the Governor may proclaim to be a prohibited area;

“Contracting State” means any State which is for the time being a party to the Convention;

“Secretary of State” includes, in relation to any purpose of this Order, any person authorised by the Secretary of State for that purpose, and references to a person authorised by the Secretary

of State include references to the holder for the time being of any Office designated by the Secretary of State;

“Governor” means the Officer for the time being administering the Government of the Colony, and includes, in relation to any purpose of this Order, any person authorised by the Governor for that purpose, and references to a person authorised by the Governor include references to the holder for the time being of any office designated by the Governor,

“Under way” in relation to an airship means when it is not made fast to the ground or any object on land or water;

(2) In this Order,

References to His Majesty’s dominions shall be construed as though territories under His Majesty’s protection and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty formed part of His Majesty’s Dominions;

References to the Colony include references to the territorial waters adjacent thereto; and

References to passengers carried for hire or reward include references to persons carried in aircraft for the purposes of instruction in flying for which payment is made. Provided that for the purpose of determining whether a pilot is required to hold a licence to fly aircraft carrying passengers or goods for hire or reward, a member of an aeroplane club carried in an aircraft belonging to the club for the purposes of instruction or otherwise shall not, if the pilot is also a member of the same club, be deemed to be a passenger carried for hire or reward, notwithstanding that payment is made in respect of such instruction or carriage.

(3) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament, and as if this Order were an Act of Parliament.

32. (1) Where by any Order in Council for the time being in force any articles or words are directed to be added to or omitted from this Order, or to be substituted for any other Articles or words in this Order, then, copies of this Order printed under the authority of His Majesty’s Stationery Office, after such direction takes effect, may be printed with the articles or words added or omitted or substituted for other articles or words as such direction requires and with the articles and paragraphs thereof numbered in accordance with

such direction, and this Order shall be construed as if it had at the time when such direction takes effect been made with such addition, omission or substitution.

- (2) A reference in any document to this Order or to any provisions thereof shall, unless the context otherwise requires, be construed as referring to this Order as amended by any Order in Council for the time being in force.

33. Nothing in this Order shall be construed as conferring any right to land in any place as against the owner of the land or other persons interested therein, or as prejudicing the rights or remedies of any person in respect of any injury to persons or property caused by an aircraft. Saving.

34. (1) This Order may be cited as the Air Navigation (Colonies, Protectorates and Mandated Territories) Order, 1927.

(2) This Order shall come into operation on the first day of January, 1928.

M. P. A. Hankey.

SCHEDULES.

SCHEDULE I.

REGISTRATION AND MARKING OF AIRCRAFT.

A. REGISTRATION.

1. (1) The Governor may establish in the Colony a Sub-Registry of Aircraft and may appoint an officer to act as Registrar of Aircraft.
- (2) Such officer (hereinafter referred to as "the Registrar") shall for the purposes of registration act as the Agent of the Secretary of State for Air and shall follow such instructions as may from time to time be issued by the Secretary of State for Air. The salary of the Registrar and the expenses of the Sub-Registry shall be paid out of such funds as the Governor may lawfully apply to that purpose.
2. An aircraft shall not be registered in the Colony unless it is owned wholly either
- (a) by British subjects or persons under His Majesty's protection; or
 - (b) by a company or corporation
 - (i) registered and having its principal place of business in His Majesty's dominions; and

(ii) whereof the Chairman and at least two-thirds of the Directors are British subjects or persons under His Majesty's protection: and no aircraft shall be registered in the Colony which is already validly registered in any foreign State.

3. Application for the registration of an aircraft owned by the applicant may be made in the Colony by a person resident for the time being in the Colony or by a Company incorporated in or doing business in the Colony. Such application shall be made to the Registrar.

4. (1) The registrar on receipt of an application for registration of an aircraft in the Colony may, if satisfied that it is in order and complies with all conditions laid down in connection with the registration of aircraft and applicable to it, grant to the applicant a certificate of registration and may assign to the aircraft a registration mark.

(2) If the Registrar has doubts as to whether an application is in order and complies with the conditions as aforesaid, he may refer the matter to the Secretary of State for Air before issuing a certificate.

(3) if it should appear to the Registrar that he has issued a certificate in an improper case, he may cancel the certificate and shall forthwith report such cancellation to the Secretary of State for Air:

(4) An applicant who is aggrieved by the Registrar's refusal or cancellation of a certificate under this paragraph may appeal to the Secretary of State for Air.

5. Aircraft registered in the Colony shall be deemed to be registered British Aircraft but the certificate shall indicate that it has been issued in the Sub-Registry of the Colony.

6. The Registrar shall have the power, subject to an appeal to the Secretary of State for Air, to cancel any certificate of registration issued by him in error. Pending the decision of an appeal, a cancellation under this paragraph shall remain in force.

7. In the event of any change in the ownership of an aircraft registered in the Colony, or if an aircraft registered in the Colony ceases to be owned wholly either by persons or by a company or corporation fulfilling the conditions set out in paragraph 2 of this Schedule, then —

(1) The registered owner of the aircraft shall forthwith notify the Registrar or the Secretary of State for Air of such change of ownership or as the case may be that the aircraft has ceased to be so owned as aforesaid; and

(2) The registration and the certificate thereof shall lapse as from the date of such change of ownership or the date on which the aircraft ceased to be so owned.

8. When an aircraft registered in the Colony has been destroyed or permanently withdrawn from use the registered owner shall as soon as possible notify the Registrar or the Secretary of State for Air accordingly, and the registration and the certificate thereof shall lapse as from the date of such notification.

9. Where an aircraft within the Colony is already registered in some other part of His Majesty's dominions or in territories under His Majesty's protection, the registrar may, at the owner's request, cancel the certificate of such registration and may, subject to the provisions of paragraph 2 of this Schedule, issue a fresh certificate for the aircraft from the colonial Sub-Registry and assign it a mark appropriate to the Colony. The Registrar shall forthwith report to the Secretary of State for Air and to the registry of issue, if other than the Air Ministry, that he has endorsed or cancelled a certificate in pursuance of this paragraph and shall give the date and all necessary particulars of such endorsement or cancellation.

10. The Registrar shall transmit every month to the Air Ministry copies of all registrations and of cancellations of registration which have been entered on his register during the preceding month.

11. The Registrar may require that an application for registration shall be supported by a statutory declaration.

12. The Registrar shall charge such fees in connection with the registration of aircraft as the Governor may prescribe.

13. The register of British aircraft registered in the Colony shall be open to inspection at such times and subject to such conditions as may be prescribed.

B. MARKING.

14. The nationality mark of an aircraft registered in the Colony shall be a group assigned by the Registrar of two capital letters in Roman character, and the registration mark shall be a group assigned by the Registrar of three such letters.

15. The nationality and registration marks shall be painted on the aircraft in the following manner:-

(a) *Flying Machines*.—The marks shall be painted once on the lower surface of the lower main planes, and once on the upper surface of the top main planes, the top of the letters to be towards the leading edge. They shall also be painted along each side of the fuselage between the main planes and the tail planes. In cases where the machine is not provided with a fuselage the marks shall be painted on the nacelle instead.

(b) *Airships and Balloons*.—In the case of airships the marks shall be painted near the maximum cross section on both sides and on the upper surface, equidistant from the letters on the sides.

In the case of balloons the marks shall be painted twice near the maximum horizontal circumference of a spherical balloon as far as possible from one another, and, on a non-spherical balloon, near the maximum cross-section on both sides immediately above the rigging band or the points of attachment of the basket suspension cables. In the case both of airships and balloons the side marks shall be visible both from the sides and ground.

The marks shall be of such a colour in relation to the colour of the background on which they are painted as will render them clearly legible at a distance of not less than 250 yards in a clear atmosphere.

16. The height of the letters need not exceed eight feet unless otherwise required by the Governor. Subject as aforesaid, the height of the marks shall be as follows:

- (a) *Flying Machines*.—The height of the marks on the main planes shall be equal to four-fifths of the chord. The height of the marks on the fuselage or nacelle shall be equal to four-fifths of the greatest depth of the narrowest part of that portion of the fuselage or nacelle on which the marks are painted.
- (b) *Airships and Non-spherical Balloons*. The height of the marks shall be equal to at least one-twelfth of the circumference at the maximum transverse cross-section of the airship, or the maximum cross-section of the balloon.
- (c) *Spherical Balloons*.—The height of the marks shall be equal to at least one-fifteenth of the maximum horizontal circumference of the balloon.

17. As nearly as the constructional features of the aircraft admit,

- (a) the width of the letters shall be two-thirds of their height;
- (b) the thickness of the letters shall be one-sixth of their height; and
- (c) except as provided in paragraph 18 of this Schedule, a space equal to one-half the width of the letters shall be left between the letters.

The letters shall be painted in plain block type, and shall be uniform in shape and size.

18. A hyphen of a length equal to the width of one of the letters shall be painted between the nationality mark and the registration mark.

19. The nationality and registration marks shall be displayed to the best possible advantage, taking into consideration the constructional features of the aircraft. The marks must always be kept clean and visible.

The aircraft shall carry affixed to the car or basket or to the fuselage, in a prominent position, a metal plate inscribed with the names and residence of the owner and the marks of nationality and registration.

SCHEDULE II.

CERTIFICATES OF AIRWORTHINESS FOR AIRCRAFT; DETENTION OF UNAIRWORTHY AIRCRAFT; INSPECTION, OVERHAULS, &c.

ISSUE AND VALIDATION OF CERTIFICATES OF AIRWORTHINESS.

1. Save as hereinbefore provided, a British aircraft registered in the Colony shall not fly unless it possesses a certificate of airworthiness validated in accordance with the provisions of this Schedule.

2. When an aircraft is registered in the Colony, in respect of which a certificate of airworthiness has been issued by the duly competent authority in any other part of His Majesty's dominions, or any foreign Contracting State, or in any foreign State with which an agreement has been concluded on behalf of His Majesty permitting the aircraft of that State to fly over British territory, the Governor may, subject to such conditions and limitations and for such period as he shall think fit, confer on such certificate validity for the purpose of this Order, and may from time to time extend the validity so conferred.

3. When an aircraft which is registered in any other part of His Majesty's dominions, and in respect of which a certificate of airworthiness is in force, is within the Colony, the Governor may, upon the expiry of such certificate, issue a certificate of airworthiness in respect of the aircraft.

4. A validation conferred, or a certificate of airworthiness issued, under this Schedule shall remain valid only for such period as may be prescribed therein, unless extended or renewed for a further period by the Governor.

5. For the purpose of validating, issuing, extending the validation of, or renewing a certificate of airworthiness, the Governor may require to be furnished with such evidence as to the existing condition of the aircraft as he shall think fit.

DETENTION OF UNAIRWORTHY AIRCRAFT.

6. If the Governor has reason to believe, on complaint or otherwise, that a passenger or goods aircraft within the Colony is intended or is about to proceed on any flight while in a condition unfit for flight, he may give such directions and take such steps, by way of provisional detention of the aircraft or otherwise in relation thereto, as may be necessary for the purpose of causing the aircraft to be inspected by his authorised representatives, and may, upon the result of such inspection, cause the aircraft to be detained until the execution of such alterations or repairs as he may consider necessary to render the aircraft fit for flight.

INSPECTION, OVERHAULS, & C.

7. The Governor may issue directions as to the inspection, certification before flight, overhaul, repair and modification of British aircraft which are registered in the Colony, or in respect of which airworthiness certificates have been issued by him, and as to the inspection and certification before flight of other British aircraft within the Colony and any directions so issued shall be complied with as if they were contained in this Order.

SCHEDULE III.

LOG-BOOKS.

LOG-BOOKS TO BE KEPT.

1. (1) The following log-books shall be kept in respect of British aircraft registered in the Colony: -
 - (a) for every aircraft a journey log-book;
 - (b) in addition, for every passenger or goods aircraft an aircraft log-book and an engine log-book and where more than one engine is fitted, a separate log-book for each engine.
 - (2) Every pilot licensed under this Order shall keep a pilot's log-book.
 - (2A) A log-book shall be kept in respect of every winch (including the cable worked thereby) used for the operation of a fixed balloon registered in the Colony and carrying passengers for hire or reward.
 - (3) The log-books shall be kept up to date in the prescribed form and manner.
2. The journey log-book shall be issued by the Governor; other log-books shall be in the prescribed form.
 3. The log-books shall be preserved for two years after the last entry therein.

INSTRUCTIONS FOR USE OF LOG-BOOKS.

- 4.(1) (a) The constructor shall fill in and sign the original entries in the aircraft and engine log-books so far as he is in a position to do so. Subsequent entries therein shall be made and signed by such persons as may from time to time be prescribed.
 Provided that as regards matters which could not have come to the notice of any person so prescribed the pilot shall be responsible for making and signing the entries.
- (b) Entries in the journey log-book shall be made and signed by such persons as may from time to time be prescribed.

(2) All entries shall be made in ink :

Provided that in the case of the journey log-book the entries may be entered daily from a rough notebook kept in pencil. This rough notebook shall be produced when called for in the event of any inspection or investigation.

SCHEDULE IV.

RULES AS TO LIGHTS AND SIGNALS AND RULES FOR AIR TRAFFIC.

SECTION I.

Rules as to Lights.

The word "visible" in these rules when applied to lights shall mean visible on a dark night with a clear atmosphere.

The angular limits laid down in these rules shall be determined when the aircraft is in its normal attitude for flying on a rectilinear horizontal course.

1. The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights shall be exhibited which may be mistaken for the navigation lights hereinafter prescribed. The latter shall not be dazzling.

2. (a) A flying machine, when in the air or manoeuvring on land under its own power, shall carry the following lights:-

- (i) on the right side, a green light so constructed and fixed as to show an unbroken light between two vertical planes whose dihedral angle is 110 degrees when measured to the right from dead ahead, and visible at a distance of at least 5 miles.
- (ii) On the left side, a red light so constructed and fixed as to show an unbroken light between two vertical planes whose dihedral angle is 110 degrees when measured to the left from dead ahead, and visible at a distance of at least 5 miles.
- (iii) The said green and red lights shall be fitted so that the green light shall not be seen from the left side, nor the red light from the right side.
- (iv) At the rear, and as far aft as possible, a white light shining rearwards and visible in a dihedral angle of 140 degrees bisected by the vertical plane of symmetry of the aircraft, and visible at a distance of at least 3 miles.

(b) A flying machine when manoeuvring on water under its own power shall, in addition, carry the following lights:-

Forward, a white light visible in a dihedral angle of 220 degrees bisected by the vertical plane of symmetry of the aircraft, and visible at a distance of at least 5 miles.

- (c) In the case where, in order to fulfil the above conditions, a single light has to be replaced by several lights, the field of visibility of each of these lights should be so limited that only one can be seen at a time.
3. An airship, when in the air or manœuvring on land or water under its own power, shall carry the following lights :
- (i) Forward, two white lights in a vertical line one above the other and not less than 6 feet apart, both visible at the same time in a dihedral angle of 220 degrees bisected by the vertical plane of symmetry of the aircraft, and visible at a distance of at least 5 miles.
 - (ii) On the right side, two green lights placed horizontally in a fore and aft direction not less than 6 feet apart, so constructed and fixed as to show an unbroken light between two vertical planes whose dihedral angle is 110 degrees when measured to the right from dead ahead, and visible at a distance of at least 5 miles.
 - (iii) On the left side, two red lights placed horizontally in a fore and aft direction not less than 6 feet apart, so constructed and fixed as to show an unbroken light between two vertical planes whose dihedral angle is 110 degrees when measured to the left from dead ahead, and visible at a distance of at least 5 miles.
 - (iv) The said green and red lights shall be fitted so that the green lights shall not be seen from the left side, nor the red lights from the right side.
 - (v) At the rear and as far aft as possible, two white lights in a vertical line one above the other and not less than 6 feet apart, shining rearwards, visible in a dihedral angle of 140 degrees bisected by the vertical plane of symmetry of the aircraft, and visible at a distance of at least 3 miles.
4. An airship, when being towed, shall carry the lights specified in paragraph 3, and, in addition, those specified in paragraph 6 of this Schedule for Airships not under control.
5. (a) A flying machine, or airship, when on the surface of the water, and when not under control, that is to say, not able to manœuvre as required by the Regulations for the Prevention of Collisions at Sea, shall carry two red lights not less than 6 feet apart one over the other, and visible in all directions at a distance of at least 2 miles.
- (b) Aircraft to which this paragraph applies, when not making way through the water, shall not carry the side lights, but when making way shall carry them.
6. An airship which from any cause is not under control, or which has voluntarily stopped her engine shall, in addition to the other specified

lights, display conspicuously two red lights, one over the other, not less than 6 feet apart, and visible in all directions at a distance of at least 2 miles.

By day an airship, when being towed, and which from any cause is not under control, shall display conspicuously two black balls or shapes each 2 feet in diameter, placed one over the other not less than 6 feet apart.

An airship moored or under way but having voluntarily stopped its engines, shall display conspicuously by day a black ball or shape, 2 feet in diameter, and shall be treated by other aircraft as being not under control.

7. A free balloon shall carry one bright white light below the basket at a distance of not less than 16 feet, and to be visible in all directions at a distance of at least 2 miles.

8. A fixed balloon shall carry in the same position as the white light mentioned in paragraph 7 of this Schedule, and in lieu of that light, three lights, in a vertical line one over the other, not less than 12 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be visible in all directions at a distance of at least 2 miles.

In addition, the mooring cable shall have attached to it at intervals of 1,000 feet, measured from the basket, groups of three lights similar to those mentioned in the preceding paragraph. In addition, the object to which the balloon is moored on the ground shall have a similar group of lights to mark its position.

By day the mooring cable shall have attached to it, at intervals of not more than 300 feet measured from the basket, tubular streamers not less than 8 inches in diameter and 6 feet in length, and marked with alternate bands of white and red, 18 inches in width.

9. An airship when moored near the ground shall carry the forward and aft lights specified in paragraph 3 of the Schedule.

In addition, if moored but not near the ground, the airship, the mooring cable, and the object to which it is moored, shall be marked in accordance with the provisions of paragraph 8 of this Schedule, whether by day or by night.

Sea anchors or drogues used by airships for mooring purposes on the water are exempt from this regulation.

10. A flying machine stationary upon the land or water but not anchored or moored shall carry the lights specified in paragraph 2 of this Schedule.

11. In order to prevent collisions with surface craft:-

(a) A flying machine when at anchor or moored on the water shall carry forward, where it can best be seen, a white light, at a distance of at least 1 mile.

(b) A flying machine of 150 feet or upwards in length, when at anchor or moored on the water, shall, in the forward part of the

flying machine, carry one such light, and at or near the stern of the flying machine, and at a height that it shall not be less than 20 feet lower than the forward light, another such light.

The length of a flying machine shall be deemed to be the overall length.

(c) Flying machines of 150 feet or upwards in span, when at anchor or moored in the water, shall in addition carry at each lower wing tip one light as specified in (a) of this paragraph.

The span of a flying machine shall be deemed to be the maximum lateral dimension.

12. In the event of the failure at night of any of the lights specified under these rules to be carried by aircraft flying at night, such aircraft shall land as soon as it can do so without danger.

13. Nothing in these rules shall interfere with the operation of any special rules made by any State with respect to the additional station or signal lights for military aircraft, or for aircraft in formation, or with the exhibition of recognition signals adopted by owners of aircraft which have been authorised by their respective Governments and duly registered and published.

SECTION II.

Rules as to Signals.

14. (a) An aircraft wishing to land at night, without being compelled to do so, on an aerodrome having a ground control shall before landing make intermittent signals either with a lamp or a projector other than the navigation lights or with any sound apparatus. In addition, it shall make by international Morse Code, by means of sound or luminous signals, the two-letter group constituted by its nationality letters and the last letter of its registration mark.

(b) Permission to land will be given by the same sign from the ground, followed by a green pyrotechnical light, or by flashing a green lamp intermittently.

15. The firing of a red pyrotechnical light or the display of a red flare from the ground shall be taken as an instruction that aircraft are not to land.

16. An aircraft compelled to land at night shall before landing with its navigation lights make a series of short and intermittent flashes.

17. When an aircraft is in distress and requires assistance, the following shall be the signals of distress to be used or displayed, either together or separately:-

- (a) The international signal, SOS, by means of visual or wireless signals;
- (aa) The international distress call 'MAYDAY' (corresponding to the French pronunciation of the expression 'm'aider') by means of radio-telephony.
- (b) The international code flag signal of distress, indicated by NC;

- (c) The distant signal, consisting of a square flag having either above or below it a ball, or anything resembling a ball;
- (d) A continuous sounding with any sound apparatus;
- (e) A signal, consisting of a succession of white pyrotechnical lights fired at short intervals.

When an aircraft desires to signal that it is in difficulties or about to land compulsorily, or has momentarily interrupted its flight, but does not consider it necessary to ask for immediate assistance by using the signal SOS, it shall use the international urgent signal PAN by means of radio-telegraphy or radio-telephony. Where radio-telegraphy is used the three letters must be well separated so that the signals 'AN' may not be transformed into one signal 'P'. The urgent signal may be transmitted only with the authorisation of the commander or person responsible for the aircraft.

18. To warn an aircraft that it is in the vicinity of a prohibited zone and should change its course, the following signals shall be used:-

- (a) By day: three projectiles discharged at intervals of 10 seconds each showing, on bursting, white smoke, the location of the burst indicating the direction the aircraft should follow.
 - (b) By night: three projectiles discharged at intervals of 10 seconds each showing, on bursting, white lights or stars, the location of the burst indicating the direction the aircraft should follow.
19. To require an aircraft to land, the following signals shall be used:-
- (a) By day: three projectiles discharged at intervals of 10 seconds each showing, on bursting, black or yellow smoke.
 - (b) By night: three projectiles discharged at intervals of 10 seconds each showing, on bursting, green lights or stars.

In addition, when necessary to prevent the landing of aircraft other than the one ordered, a searchlight which shall be flashed intermittently shall be directed towards the aircraft whose landing is required.

20. (a) In the event of fog or mist rendering aerodromes invisible, their presence may be indicated by a balloon acting as an aerial buoy and/or other approved means.
- (b) In fog, mist, falling snow or heavy rainstorm, whether by day or night, an aircraft on the water shall make the following sound signals:-
- (1) If not anchored or moored, a sound at intervals of not more than two minutes, consisting of two blasts of about five seconds' duration with an interval of about one second between them.
 - (2) If at anchor or moored, the rapid ringing of an efficient bell or gong for about five seconds at intervals of not more than one minute.

SECTION III.

General Rules for Air Traffic.

21. Subject to the provisions of paragraph 43 of this Schedule, flying machines shall always give way to balloons, fixed or free, and to airships, and airships shall always give way to balloons, whether fixed or free.

22. An airship, when not under its own control, shall be classed as a free balloon.

23. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing and angle of elevation of an approaching aircraft. If neither the bearing nor the angle of elevation appreciably change, such risk shall be deemed to exist.

24. The term "risk of collision" shall include all risk of accident due to undue proximity of other aircraft. Every aircraft that is required by these rules to give way to another to avoid collision shall keep a safe distance, having regard to the circumstances of the case.

25. While observing the rules regarding risk of collision contained in paragraph 24 of this Schedule, a motor-driven aircraft must always manoeuvre according to the rules contained in the following paragraphs as soon as it is apparent that, if it pursued its course, it would pass at a distance of less than 200 yards from any part of another aircraft.

26. When two motor-driven aircraft are meeting end on, or nearly end on, each shall alter its course to the right.

27. When two motor-driven aircraft are on courses which cross, the aircraft which has the other on its own right side shall keep out of the way of the other.

28. An aircraft overtaking another shall keep out of the way of the overtaken aircraft by altering its own course to the right, and must not pass by diving.

Every aircraft coming up with another aircraft from any direction more than 110 degrees from ahead of the latter, i.e., in such a position with reference to the aircraft which it is overtaking that at night it would be unable to see either of that aircraft's side lights shall be deemed to be an overtaking aircraft, and no subsequent alteration of the bearing between the two aircraft shall make the overtaking aircraft a crossing aircraft within the meaning of these rules, or relieve it of the duty of keeping clear of the overtaken aircraft until it is finally past and clear.

As by day the overtaking aircraft cannot always know with certainty whether it is forward or abaft the direction mentioned above from the other aircraft, it should, if in doubt, assume that it is an overtaking aircraft and keep out of the way.

29. Where by any of these rules one of the two aircraft is to keep out of the way, the other shall keep its course and speed. When, in consequence of thick weather or other causes, the aircraft having the right of way finds itself so close that collision cannot be avoided by the action of the giving-way aircraft alone, it shall take such action as will best aid to avert collision.

30. Every aircraft which is directed by these rules to keep out of the way of another aircraft shall, if the circumstances of the case admit, avoid crossing ahead of the other.

31. In order to obviate the increased risk of collision which exists on air traffic routes, the following rules shall, so far as it is safe and practicable, be observed when flying on or in the vicinity of such routes:-

- (a) Every aircraft when flying by compass along the straight line (rhumb line) joining two points on an air traffic route in common use, shall keep such line at least 500 yards on its left.
- (b) Every aircraft following an air traffic route, which has been officially recognised, shall keep such route at least 300 yards on its left.
- (c) Every aircraft which, in the vicinity of a route frequented by aircraft, is following a line of landmarks such as a road, railway, river, canal, or coast line, etc., shall keep such line of landmarks at least 300 yards on its left.
- (d) An aircraft shall not fly keeping any of the lines or routes above referred to on its right, except at a distance therefrom sufficient to avoid aircraft following such lines or routes in accordance with these rules.
- (e) When crossing one of these lines or routes above referred to, an aircraft shall cross it at right angles as rapidly as possible and as high as is reasonably practicable.
- (f) In the case of flights in group formation the aircraft of the leader of the group shall be responsible for leading the flight in such a manner that every aircraft in the group can comply with the above rules of this paragraph.

32. All aircraft on land or sea about to ascend shall not attempt to take off until there is no risk of collision with alighting aircraft.

33. Every aircraft in a cloud, fog, mist, or other conditions of bad visibility shall proceed with caution, having careful regard to the existing circumstances and conditions. Every aircraft when flying beneath clouds shall always do so, so far as it is safe and practicable, at such a distance below the clouds as will enable it readily to see and be seen.

34. In conforming with these rules, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

AIR NAVIGATION.

SECTION IV.

Ballast.

35. The dropping of ballast other than fine sand or water from aircraft in the air is prohibited.

SECTION V.

Special Rules for Air Traffic on and in the vicinity of Aerodromes open to public use.

36. At every aerodrome if a flying machine about to land or leave finds it necessary to make a circuit or partial circuit, such a circuit or partial circuit shall, except in case of distress, be left-handed (anti-clockwise).

37. When a flying machine starts from an aerodrome it shall not turn until 500 yards distant from the nearest point of the aerodrome, and the turning must then conform with the regulations provided in the preceding paragraph.

38. Every flying machine flying at a distance of between 500 and 3,500 yards from the nearest point of the perimeter of an aerodrome shall conform to the flying rules laid down in paragraphs 36 and 37 of this Schedule unless it is flying at a greater height than 6,000 feet.

39. Acrobatic landings are prohibited at aerodromes. Flying machines are prohibited from engaging in aerial acrobatics in the vicinity of these aerodromes at a distance of less than 4,000 yards from the nearest point of the perimeter of the aerodrome unless they are flying at a greater height than 6,000 feet.

40. At every licensed aerodrome the direction of the wind shall be clearly indicated by one or more of the recognised methods, e. g., landing T, conical streamer, smudge fire, etc. In the event of there being no wind a ball, easily visible, shall be hoisted on a mast and if there is a landing T it shall be fixed.

41. Every flying machine when taking off from or alighting on an aerodrome shall do so up-wind, except when the natural conditions of the aerodrome do not permit, or in the event of there being no wind. In the latter case, every flying machine, when taking off or landing, shall do so in the direction indicated by an appropriate signal, or, if there is a landing T, in the direction indicated by that T.

42. In the case of two flying machines approaching an aerodrome for the purpose of landing, the flying machine flying at the greater height shall be responsible for avoiding the flying machine at the lower height, and shall as regards landing observe the rules of paragraph 28 of this Schedule for passing.

43. Aircraft about to land on an aerodrome shall be given free way.

44. (1) At every aerodrome, along the perimeter and at the approaches to the hangars, a neutral zone shall be set apart for flying machines manoeuvring on the ground.

- (2) The part reserved for departures and landing shall be as large as possible.
 - (3) Every flying machine when landing or taking off, shall do so in conformity with the provisions of paragraph 41 of this Schedule, and shall leave clear on its left any flying machine which has already landed or which is at rest on the ground.
 - (4) Every flying machine when running along the ground in the zone reserved for departures and landings, shall do so in the direction of landing: Provided that, on aerodromes approved by the Governor for the purpose, flying machines running along the ground may be authorised to cross the part reserved for departures and landings subject to regulations approved by the Governor.
- 45 (1) By way of exception to the general rule laid down in subparagraph (3) of paragraph 44 of this Schedule, at aerodromes to which this paragraph applies, the part reserved for departures and landings may be regarded as divided into two approximately equal zones, by a vertical plane bearing in the direction of landing described in paragraph 41 of this Schedule. For an observer facing in the direction of landing, the zone on the right shall be reserved for landings and the zone on the left for departures.
- (2) The aerodromes to which this paragraph applies shall be indicated by a full, white star of five points, placed flat on the ground in the centre of the part of the ground reserved for departures and landings. The lines joining the points of the star shall form a regular pentagon or such a size that it may be inscribed in a circle the diameter of which is not less than 15 yards.
 - (3) At aerodromes to which this paragraph applies a flying machine when landing shall do so in conformity with paragraph 41 of this Schedule in the left part of the zone reserved for that purpose, but leaving clear on its left any other flying machine which has already landed; and a flying machine when taking off shall do so in conformity with paragraph 41 of the Schedule, in the left part of the zone reserved for that purpose, but leaving clear on its left any other flying machines which are at rest on the ground.
46. At every aerodrome while night landings thereat are expected, the following requirements shall be complied with:
- (1) The aerodrome shall be defined as accurately as possible by red lights placed on the perimeter and on any obstacles on the aerodrome;
 - (2) The direction of landing shall as far as possible be indicated by a luminous T, or failing this by three white lights forming an isosceles triangle, the base of which shall be about 200 yards long,

- and the height of which shall be at least twice as long as the base;
- (3) The white lights aforesaid shall be so placed that a flying machine will land in the direction leading from the middle of the base line to the apex of the triangle;
- (4) The base line shall indicate the place where a flying machine should come into contact with the ground and the apex shall indicate the point before reaching which it should come to rest.
47. No fixed balloon, kite, or moored airship shall be elevated in the vicinity of any aerodrome without a special authorisation, except in the cases provided for in paragraph 20 of this Schedule.
48. Suitable signals shall be placed on all obstacles on aerodromes and, as far as possible, on fixed obstacles dangerous to flying within a zone of 500 yards of all aerodromes.

48A. The Governor may by directions temporarily suspend the application of all or any of the rules contained in this Section with reference to any aerodrome in the Colony which is open to public use. At any aerodrome in respect of which all or any of the rules contained in this Section are for the time being so suspended as aforesaid, a red square panel each side of which is at least 3 yards in length, shall be placed horizontally near to the signal in that aerodrome which indicates the direction of the wind.

SECTION VI.

General.

49. Every aircraft manœuvring under its own power on the water shall conform to the Regulations for Preventing Collisions at Sea, and for the purposes of these regulations shall be deemed to be a steam vessel, but shall only carry the lights specified in the preceding rules, and not those specified for steam-vessels in the Regulations for Preventing Collisions at Sea, and shall not use, except as specified in paragraph 17 and 20 of this Schedule, or be deemed to hear the sound signals specified in the above-mentioned Regulations.

50. Nothing in the above rules shall exonerate any aircraft, or the owner, pilot or crew thereof, from the consequence of any neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of the air, or by the special circumstances of the case.

51. Nothing in the above provisions shall interfere with the operation of and special rule or rules approved by the Governor and published relative to navigation of aircraft in the immediate vicinity of any aerodrome or other place, and it shall be obligatory on all owners, pilots, or crews of aircraft to obey such rules.

SCHEDULE V.

LICENSING OF PERSONNEL.

1. Save as provided by Article 4 and Article 5 of this Order, every person acting as a commander, pilot, navigator, engineer or other operative member of the crew of a British aircraft registered in the Colony shall be the holder of a licence in respect of the capacity in which he is so acting, granted or rendered valid under the provisions of this Order.

2. (1) The Governor may issue directions providing for—

- (a) The grant and renewal by him of such licences as aforesaid; and
- (b) The validation by him for the purpose of flying British aircraft registered in the Colony of licences granted by the duly competent authority in any foreign State.

(2) Pending the issue of such directions, licences may be granted, renewed or validated by the Governor on such conditions as he thinks fit.

3. A licence to pilot or navigate aircraft granted by the duly competent authority of any place within His Majesty's dominions shall for the purposes of this Order have the same validity and effect and may be cancelled or suspended in so far as relates to its validity within the Colony in like manner and in the like circumstances as if it had been granted under this Order.

4. In this Schedule the expression "licence" includes a certificate of competency.

SCHEDULE VI.

PROHIBITED AREAS.

1. Such specifically defined areas in the Colony as the Governor may by proclamation declare to be prohibited areas shall be prohibited areas within the meaning of this Schedule.

2. Every aircraft which finds itself above a prohibited area in contravention of this Order shall, as soon as aware of the fact, give the signal of distress provided in paragraph 17 of Schedule IV., and land as soon as possible outside the prohibited area at one of the nearest aerodromes in the Colony.

Provided that it shall not, unless compelled by stress of weather or other unavoidable cause, fly further into the prohibited area nor commence to descend while still above the prohibited area.

3. To warn an aircraft that it is in the vicinity of a prohibited area and should change its course, the signals prescribed in paragraph 18 of Schedule IV. shall be used.

4. The signals which may be given when an aircraft flies, or attempts to fly, over a prohibited area in contravention of this Order shall be those prescribed in paragraph 19 of Schedule IV.

5. Upon the signals referred to in paragraph 4 of this Schedule being given, the aircraft shall immediately give the signal referred to in paragraph 2 of this Schedule, and land in accordance with that rule.

6. If any aircraft flies, or attempts to fly, over any prohibited area or enters the Colony in contravention of this Order, and if, after signals referred to in paragraph 4 of this Schedule have been given by, or by the direction of a commissioned officer in His Majesty's Naval, Military, or Air Forces, or a commissioned officer in any Volunteer or Defence Force in the Colony, the aircraft fails to respond thereto by complying with the procedure laid down in paragraph 5 of the Schedule, the officer may fire at or into such aircraft, and use any and every other means necessary to compel compliance, and every and any such officer and every other person acting in his aid and by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action or other proceeding for so doing.

SCHEDULE VII.

ANNEX H. OF THE CONVENTION.

CUSTOMS.

General Provisions.

1. Any aircraft going abroad shall depart only from aerodromes specially designated by the customs administration of each contracting State, and named "customs aerodromes".

Aircraft coming from abroad shall land only in such aerodromes.

2. Every aircraft which passes from one State into another is obliged to cross the frontier between certain points fixed by the contracting States. These points are shown on the aeronautical maps.

3. All necessary information concerning customs aerodromes within a State, including any alterations made to the list and any corresponding alterations necessary on the aeronautical maps and the dates when such alterations become valid, and all other information concerning any international aerodromes which may be established, shall be communicated by the State concerned to the International Commission for Air Navigation, which shall notify such information to all of the Contracting States. The Contracting States may agree to establish international aerodromes at which there may be joint customs services for two or more states.

4. When, by reason of a case of *force majeure*, which must be duly justified, an aircraft crosses the frontier at any other point than those designated it shall land at the nearest customs aerodrome on its route. If it is forced to

land before reaching this aerodrome it shall inform the nearest police or customs authorities.

It will only be permitted to leave again with the authorisation of these authorities, who shall, after verification, stamp the log-book and the manifest provided for in paragraph 5: they shall inform the pilot of the customs aerodrome where he must necessarily carry out the formalities of customs clearance.

5. Before departure, or immediately after arrival, according to whether they are going to or coming back from a foreign country, pilots shall show their log-books to the authorities of the aerodrome and, if necessary, the manifest of the goods and supplies for the journey which they carry.

6. The manifest is to be kept in conformity with the attached form No. 1.

The goods must be the subject of detailed declarations in conformity with the attached form No. 2, made out by the senders.

Every Contracting State has the right to prescribe for the insertion either on the manifest or on the customs declaration of such supplementary entries as it may deem necessary.

In the case of an aircraft transporting goods the customs officer, before departure, shall examine the manifest and declarations, make the prescribed verifications and sign the log-book as well as the manifest. He shall verify his signature with a stamp. He shall seal the goods or sets of goods, for which such a formality is required.

On arrival the customs officer shall ensure that the seal is unbroken, shall pass the goods, shall sign the log-book and keep the manifest.

In the case of an aircraft with no goods on board, the log-book only shall be signed by the police and customs officials.

The fuel on board shall not be liable to customs duties provided the quantity thereof does not exceed that needed for the journey as defined in the log-book.

8. As an exception to the general regulations, certain classes of aircraft, particularly postal aircraft, aircraft belonging to aerial transport companies regularly constituted and authorised and those belonging to members of recognised touring societies not engaged in the public conveyance of persons or goods, may be freed from the obligation of landing at a customs aerodrome and authorised to begin or end their journey at certain inland aerodromes appointed by the customs and police administration of each State at which customs formalities shall be complied with.

However, such aircraft shall follow the normal air-route, and make their identity known by signals agreed upon as they fly across the frontier.

Regulations applicable to Aircraft and Goods.

9. Aircraft landing in foreign countries are in principle liable to customs duties if such exist.

If they are to be re-exported, they shall have the benefit of the regulations as to permit by bond or deposit of the taxes.

In the case of the formation, between two or more countries of the Union, of touring societies, the aircraft of the said countries will have the benefit of the regulations of the "Triptyque".

10. Goods arriving by aircraft shall be considered as coming from the country where the log-book and manifest have been signed by the customs officer.

As regards their origin and the different customs regimes, they are liable to the regulations of the same kind as are applicable to goods imported by land or sea.

11. With regard to goods exported in discharge of a temporary receiving or bonded account or liable to inland taxes, the senders shall prove their right to send the goods abroad by producing a certificate from the customs of the place of destination.

Air Transit.

12. When an aircraft to reach its destination must fly over one or more Contracting States, without prejudice to the right of sovereignty of each of the Contracting States, two cases must be distinguished:—

1. If the aircraft neither sets down nor takes up passengers or goods it is bound only to keep to the normal air-route and make itself known by signals when passing over the points designated for such purpose.

2. In other cases, it shall be bound to land at a customs aerodrome and the name of such aerodrome shall be entered in the log-book before departure. On landing, the customs authorities shall examine the papers and the cargo, and take, if need be, the necessary steps to ensure the re-exportation of the craft and goods or the payment of the dues.

The provisions of paragraph 9 (2) are applicable to goods to be re-exported.

If the aircraft sets down or takes up goods, the customs officer shall verify the fact on the manifest, duly completed, and shall affix, if necessary, a new seal.

Various Provisions.

13 Every aircraft during flight, wherever it may be, must conform to the orders from police or customs stations and police or customs aircraft of the State over which it is flying.

14. Customs officers and excise officials, and generally speaking the representatives of the public authorities shall have free access to all starting and landing places for aircraft; they may also search any aircraft and its cargo to exercise their rights of supervision.

15. Except in the case of postal aircraft, all unloading or throwing out in the course of flight, except of ballast, may be prohibited.

16. In addition to any penalties which may be imposed by local law for infringement of the preceding regulations, such infringement shall be reported to the State in which the aircraft is registered, and that State shall suspend for a limited time, or permanently, the certificate of registration of the offending aircraft.

17. The provisions of this Annex do not apply to military aircraft visiting a State by special authorisation (Articles 30, 31 and 32 of the Convention), nor to police and customs aircraft (Articles 33 and 33 of the Convention).

Model No. 1.

NOTE.—The manifest should not bear on it erasures or corrections except those approved by the proper customs officials, nor contain interlineations or several articles entered on the same line. As many extra sheets may be added as are necessary.

AIR NAVIGATION.

Manifest

or General Declaration of Cargo.

Space reserved for entries by Customs Officers.

Machine	{	Registration Mark. _____
Commanding Officer	{	Name : Residence : Nationality : Number of Licence :
Goods	{	Place of departure: Country: Place of destination: Country: Number of annexed declarations: _____

The Commanding Officer guarantees the accuracy of the contents of this manifest under penalties provided by law. Consequently he has dated and signed this document immediately below the last entry.

AIR NAVIGATION.

File Number of Document.	Marks and Numbers on the Parcels.	Number (in Figures and Letters) and descriptions of Parcels.	Nature of the Goods.	Weight.	Observations.

AIR NAVIGATION.

No. 2.

Place of Departure:

Place of Destination:

Customs declaration made by M.

for the following goods:

Parcels.		Nature of Goods.	Detailed Description of Contents.	Country of Origin.	Value.	Weight.		Observations.
Marks and Numbers	Number					Gross.	Net.	

At _____ the _____ day of _____ 19____

 Consignor.

SCHEDULE VIII.

COLONIES AND PROTECTORATES.

Bahamas.

Barbados.

Bermuda.

British Guiana.

British Honduras.

Jamaica and its Dependencies.

Leeward Islands.

Trinidad and Tobago.

Gibraltar.

Malta.

Cyprus.

The Colony and Protectorate of the Gambia.

Gold Coast Colony.

The Northern Territories of the Gold Coast.

Grenada.	Ashanti.
St. Lucia.	The Colony and Protectorate of Nigeria.
St. Vincent.	The Colony and Protectorate of Sierra Leone.
Falkland Islands and their Dependencies.	Ceylon.
St. Helena.	Hong Kong.
Fiji.	Mauritius.
The Islands of the Western Pacific.	Seychelles.
The Colony and Protectorate of Kenya.	Straits Settlements.
Uganda Protectorate.	Wei-hai-wei.
Nyasaland Protectorate.	Northern Rhodesia.
Zanzibar Protectorate.	
Somaliland Protectorate.	

SCHEDULE IX.

MANDATED TERRITORIES.

British Cameroons.	Palestine.
British Togoland.	Tanganyika Territory.

O. G. No. 234 of 1.5.1929.

ANIMALS.

DISEASES OF ANIMALS ORDINANCE,

No. 3 of 1926.

An Ordinance relating to Diseases of Animals.

PART I.

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

Preliminary.

1. This Ordinance may be cited as the Diseases of Animals Ordinance, 1926. Short title.

2. In this Ordinance, unless the context otherwise requires:- Definitions.
 "Animals" means all stock, and other ruminating animals and dogs, and any animal or bird which the High Commissioner by Notice published in the Official Gazette may declare to be included in the term "animals" for the purpose of this Ordinance¹⁾.

¹⁾ See O. G. No. 208 of 1.4.1928; O. G. No. 211 of 16.5.1928, and O. G. No. 220 of 1.10.1928.

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

“Cattle” means bulls, buffaloes, cows, oxen, heifers and calves.

“Disease” means cattle plague (rinderpest), foot and mouth disease, pleuro-pneumonia, anthrax, black quarter, sheep scab, goat pox, goat scab, swine fever, swine erysipelas, mange (scabies) in horses, mules, and donkeys, glanders, farcy, epizootic lymphangitis, ulcerative lymphangitis, dourine, tuberculosis, rabies, bovine contagious abortion, piroplasmosis, undulant fever in goats, hæmorrhagic septicemia and any other disease of an infectious or contagious nature which the High Commissioner may by Notice published in the Gazette declare to be included in the term “disease” for the purpose of this Ordinance¹).

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

“Litter” means straw or other substance commonly used for bedding or otherwise for or about animals.

“Owner” means every person who is the sole or part owner of any animal, and includes any person who is in permanent charge of such animal. The occupier of premises in which a dog or cat is found shall be presumed to be the owner of such dog or cat unless the contrary is proved.

“Stock” means cattle, sheep, goats, camels, horses, mules, donkeys, swine and poultry.

“Veterinary Officer” means a person appointed by the High Commissioner to be a Government Veterinary Officer.

“Stock Inspector” means a person appointed by the High Commissioner to hold that office.

PART II.

Measures for checking Disease.

3. Every person having in his possession or charge any animal affected or suspected of being affected with disease shall as soon as possible (a) give notice thereof to the Mukhtar or other head of the village, the Sheikh of the tribe, or the nearest District Officer; (b) keep such animals separate from animals not so affected or suspected; (c) cause such animals to be tied up or to be in an enclosed place.

Diseased animals to be notified and separated.

¹ See O. G. No. 157 of 16.2.1926.

Provided that if the person in possession or charge of the animal is travelling by sea, he shall inform the Customs Authorities on arrival at a Port; and if he is travelling by land, he shall inform the nearest Police Officer.

4. Any officer of the Government or of a Municipality, or Sheikh of a tribe, or any person licensed as a Veterinary Surgeon, who is notified of an animal being affected or suspected of being affected with disease shall forthwith notify the nearest Veterinary Officer who shall give such directions and take such steps as may be necessary for the purpose of ascertaining the existence and nature of the disease and on being satisfied that such disease exists, shall make a report to the Chief Veterinary Officer.

Notification to be forwarded to Veterinary Officer.

5. A District officer shall, on being satisfied as to the existence within his District of a disease affecting stock, forthwith cause all Mukhtars and occupiers of farms and owners of stock in the neighbourhood to be notified thereof.

Farmers to be notified of outbreak.

6. Any Veterinary Officer may cause to be slaughtered any animal affected or suspected of being affected with any disease, or any animal which has been in contact with a diseased animal or has been otherwise exposed to the infection or contagion of disease.

Slaughter of animal affected.

PART III.

Powers of Officers.

7. Where an animal dies of disease any District Officer or Veterinary Officer or Stock Inspector may give directions with reference to the burial, destruction or disposal of the carcase, litter, dung or fodder.

Burial etc. of carcases of diseased animals.

8. Any Veterinary Officer may at any time require any animal to be examined, inoculated, sprayed, dipped, washed, or otherwise disinfected, or to undergo a period of quarantine if he shall consider the same necessary in order to prevent the spread of disease.

Power of examination, inoculation, disinfection, etc.

9. Any Veterinary Officer may for the purpose of detecting or diagnosing disease take from any animal blood smears, or apply such other tests as he may consider necessary.

Power to carry out tests.

10¹⁾ The Chief Veterinary Officer may, for the purpose of preventing the spread of any disease, prohibit in any place the holding of any exhibition of stock or the sale of stock in open markets or in private sale yards, or prohibit in any place the

Power to prohibit exhibition of stock, slaughter, etc.

¹⁾ See O. G. No. 257 of 16. 4. 1930.

slaughter of cattle for food and the sale of meat or carcasses, or any part thereof.

Power of entry.

11. Any District Officer or Veterinary Officer or stock Inspector may enter any lands, building, shed, place, or vehicle containing or suspected to contain any animals, carcasses, litter, dung, or fodder, and may examine the same for the purpose of ascertaining whether any animal therein is suffering from any disease, or whether any such animal, carcase, litter, dung, or fodder is capable of transmitting disease, or for the purpose of ascertaining whether any rules, orders, or directions in respect of cleansing and disinfection made or given under this Ordinance have been properly carried out.

Power to inspect.

12. The owner of any animal, carcase, litter, dung, or fodder, shall produce the same for inspection when called upon to do so by any District Officer, Veterinary Officer or Stock Inspector.

Power to carry out requirements.

13. If any person is required by this Ordinance or by any rules, order, or direction made or given thereunder to do any act or thing but fails to comply with such requirement, a Veterinary Officer or District Officer or Stock Inspector may cause the same to be done at the expense of such person.

PART IV.

Compensation.

Compensation to be paid for slaughter.

14. 1) Subject to the provisions of the next succeeding Section, compensation for an animal slaughtered under this Ordinance shall be paid to the owner as follows: —

- (a) Where the animal was affected with disease, one half of its value immediately before it became so affected, but so that the compensation shall not exceed in the case of horses £E. 10. in the case of mules £E. 8, in the case of donkeys £E. 3, in the case of cattle £E. 7.500 m/ms, in the case of camels £E. 2.500 m/ms, in the case of sheep and goats P.T. 50.
- (b) Where the animal was not so affected but was suspected of being affected, the value of the animal immediately before it was slaughtered, provided that the value of any such carcase as may be found fit for use shall be deducted from the amount of compensation payable, and that the compensation shall not exceed in the case of horses £E. 20, in the case of mules £E. 16, in the case of donkeys £E. 6, in the case of cattle

£E. 15, in the case of camels £E. 5, and in the case of sheep and goats £E. 1.

- (2) The value of any animal slaughtered shall be fixed by a Veterinary Officer.

15. (1) Compensation shall not be paid in respect of any dog which is affected or is suspected of being affected with rabies. Case where compensation may be withheld.

- (2) Compensation in respect of any animal slaughtered under this Ordinance may be wholly or partially withheld where the owner of the animal has been guilty of any breach of the Ordinance or of any rule, order or direction made or given thereunder; and no compensation shall be payable in respect of an animal slaughtered if the animal was affected with disease when imported into the country, or became affected before it was passed by the inspecting Officer at the Port or place of entry into the country, or if it was imported into the country in breach of this Ordinance or the Animals (Import and Export) Ordinance, 1920, or of any rule, order, or direction made or given thereunder.

PART V.

Infected Areas.

16. The High Commissioner may at any time by notice published in the Gazette declare any area within Palestine to be an infected area for the purpose of this Ordinance. Power to declare infected area.

17. (1) Any Veterinary Officer, when satisfied that a disease exists, or has, within the period of incubation of any disease, existed in a shed, field, or other place, shall forthwith serve a notice on the occupier, or if there be no occupier, on the owner of such place, declaring such place to be an infected area. The Notice shall state the site and limits of the infected area and the disease in respect of which it is declared to be infected. A copy of the Notice shall be forwarded to the District Officer and to the Officer in charge of the police of the Sub-District. It may, also, if the Chief Veterinary Officer shall so determine, be published in the Gazette. Power of Veterinary officer to declare places infected.
- (2) An area in respect of which a declaration has been made shall not be considered to be free from disease until a declaration in writing is made to that effect by the Veterinary Officer. The declaration shall be notified to the owner or occupier of the premises or

the area concerned, and if the declaration of infection has been published in the Gazette the declaration that the area is free from disease shall be published in a similar manner.

Notification of diseases which may affect inhabitants.

- (3) On the occurrence in any infected area of any of the following diseases, viz: anthrax, foot and mouth disease, glanders, farcy, tuberculosis, rabies, bovine contagious abortion, undulant fever in goats or other disease which the High Commissioner may by notice published in the Gazette declare to be a disease that affects the inhabitants of an infected area, the Veterinary Officer shall immediately notify the Medical Officer of Health of the District.

Provisions to apply to infected areas.

18. (1) The following provisions shall, in the absence of other provisions made by rules under this Ordinance, apply to any infected area.

- (a) No stock shall be moved from any such area without the written permission of a Veterinary Officer.
 - (b) All stock in such area shall be herded as far as possible from the public road.
 - (c) The Chief Veterinary Officer or Veterinary Officer or Stock Inspector of the area may require the owner of any animal within such area to isolate the animal from other animals within the area or to remove such animal within a stated period from the area to such other place as he may direct.
 - (d) A Veterinary Officer or Stock Inspector may cause any animal therein to be branded with such mark as he may think fit.
 - (e) No person shall leave the area without having complied with directions for preventing the spread of disease that may be prescribed by a Veterinary Officer or Stock Inspector.
 - (f) The carcasses of animals dying from disease shall forthwith be either buried at a depth of not less than six feet below the surface of the ground, or burnt at the expense of the owner.
- (2) Any person negligently allowing an animal to escape from an infected area shall be deemed to have moved the animal from such area.

PART VI.

Rules.

19.¹⁾ The High Commissioner may make and when made, may vary and revoke Rules for carrying out the purposes and provisions of this Ordinance; and in particular, for all or any of the purposes following:-

High Commissioner may make rules.

- (a)²⁾ The control, examination, detention, inoculation, disinfection, removal, branding, dipping, testing or slaughter of animals affected or suspected of being affected with any disease, or of any animals exposed to infection or especially liable to become infected with any disease.
- (b) Prescribing and regulating the destruction, burial, disposal or treatment of carcasses, fodder, litter, utensils, dung or other things being in an infected place or area, or removed therefrom.
- (c) Prohibiting or regulating the digging up of carcasses which have been buried.
- (d) Prohibiting or regulating the movement of animals, carcasses, litter, dung, or fodder within Palestine.
- (e) Prescribing quarantine for diseased animals or animals which have been in contact with animals suffering from disease or especially liable to become infected with disease.
- (f) Prohibiting or regulating the importation into or exportation from Palestine of animals, carcasses, litter, dung, or fodder, and prescribing the conditions under which such importation or exportation may take place³⁾.
- (g) Prescribing the cleansing and disinfection of buildings and places wherein animals have been or are stalled

¹⁾ See Ex. of 4.8.1926; Ex. of 7.9.1926; Ex. of 10.1.1927; O. G. No. 207 of 16.3.1928; O. G. No. 211 of 16.5.1928; O. G. No. 223 of 16.11.1928; O. G. No. 228 of 1.2.1929; O. G. No. 231 of 16.3.1929; O. G. No. 246 of 1.11.1929; O. G. No. 249 of 16.12.1929; O. G. No. 253 of 16.2.1930; O. G. No. 254 of 1.3.1930; Ex. of 8.4.1930; Ex. of 23.4.1930; Ex. of 29.4.1930; O. G. No. 260 of 1.6.1930; O. G. No. 263 of 16.7.1930; O. G. No. 264 of 1.8.1930; O. G. No. 267 of 16.9.1930; O. G. No. 275 of 16.1.1931; O. G. No. 276 of 1.2.1931; O. G. No. 280 of 1.4.1931; O. G. No. 284 of 1.6.1931; O. G. No. 288 of 1.8.1931; O. G. No. 290 of 1.9.1931; O. G. No. 294 of 1.11.1931.

²⁾ See O. G. No. 255 of 16.3.1930; O. G. No. 265 of 16.8.1930.

³⁾ See O. G. No. 162 of 1.5.1926.

ANIMALS.

- or kept, and of public markets, private sale yards, railway premises, or vehicles wherein any animal shall have been placed, kept or carried.
- (h) Prescribing the disinfection of persons and their clothing and personal effects coming into contact with or employed with animals suffering or suspected to be suffering with a disease or being in an infected area.
- (i) Prescribing fees and charges for the examination, inoculation, testing, dipping, disinfection or slaughter of animals or for any certificate, licence, permit, or other document issued or done under any Rule under this Ordinance; and for the feeding and stabling of animals detained in quarantine and the examination and disinfection of hides or other animal parts, and providing generally for the payment and recovery of expenses incurred by the Government under this Ordinance.
- (j) Prohibiting or regulating the importation into or the manufacture within Palestine of any veterinary vaccine or serum or the virus of cattle plague or of any other disease.
- (k)¹⁾ Prescribing and regulating the inspection of animals to be slaughtered for food and the carcasses thereof and the construction and arrangement of slaughter houses and animal markets.
- (l) Prescribing and regulating the muzzling of dogs and the keeping of dogs under control; and the seizure, detention, and disposal of stray dogs and dogs not muzzled, and of dogs not kept under control.
- (m) Prescribing and regulating the seizure, detention, and disposal of any animal in relation to which a breach of this Ordinance or of any rule, order or direction made or given thereunder has been committed.
- (n) Prescribing the duties of Municipalities, Local Councils, and other Local Authorities under this Ordinance.
- (o)²⁾ Generally, for the prevention of the spread of disease of animals and for giving effect to the purposes of this Ordinance.

¹⁾ See O. G. No. 183 of 16.3.1927; O. G. No. 200 of 1.12.1927; O. G. No. 201 of 16.12.1927; O. G. No. 217 of 16.8.1928.

²⁾ See O. G. No. 176 of 1.12.1926; O. G. No. 183 of 16.3.1927; No. 200 of 1.12.1927; No. 201 of 16.12.1927; and No. 217 of 16.8.1928.

PART VII.

Miscellaneous.

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

Saving of acts done under the Ordinance.

21. (1) Where a person is seen or found committing or suspected of being engaged in committing an offence against this Ordinance or any rule made thereunder any Administrative, Veterinary or Police Officer or Stock Inspector may, without warrant stop and detain him; and if his name and address are not known to such Officer and he fails to give them to the satisfaction of the Officer, the Officer may without warrant arrest him; provided that where the Officer arresting is not a Police Officer he shall without unnecessary delay make over the offender to a Police Officer or in the absence of a Police Officer take the offender to the nearest Police Station.

Power to arrest without warrant.

(2) Any Veterinary Officer or Police Officer or Stock Inspector may seize and examine any animal, carcase, vehicle, vessel or thing with regard to which he suspects that any such offence has been or is being committed; and may order the same to be taken back to any area or place wherefrom it may be suspected to have been unlawfully removed, or may remove it to any place and detain it there subject to the orders of a Magistrate. Any seizure and detention so made shall be reported forthwith by the Officer to any Magistrate having jurisdiction in the district within which the seizure has been made.

Power to seize animals etc.

22. (1) Any person found guilty of an offence under this Ordinance or of having committed any breach thereof or of any rule, order or direction lawfully made or given thereunder shall be liable to imprisonment for a period not exceeding six months or to a fine not exceeding £E. 100, or to both penalties.

Penalties.

(2) Whenever any person shall have been convicted of an offence or breach as aforesaid, the Court convicting

Forfeiture on conviction.

such person may, in addition to or in lieu of imposing any other punishment, order that the animals or things or any of them in respect of which such offence or breach has been committed shall be forfeited.

Forfeiture
when
offender
not found.

- (3) Whenever it shall be reported to a Magistrate that any animal or thing has been seized and detained under the preceding Section but that the person who is alleged to have committed an offence in respect thereof is unknown or cannot be found, the Magistrate may, if satisfied that there is reason to believe that such offence has been committed, order the animal or thing to be forfeited. Provided, however, that no order shall be made unless the owner (if his name and whereabouts are known) shall have had an opportunity of appearing before the Magistrate to show cause why such order should not be made.

Recovery
of expenses.

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

Award of
part of fine
to informers.

23. Where a fine is inflicted the magistrate may award any portion thereof, not exceeding half, to the person upon whose information the conviction has been obtained.

Report by
Veterinary
Officer to be
evidence.

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

Burden of
proof.

25. When the owner of any animal suffering from disease is charged with an offence against this Ordinance or of any rule made thereunder, he shall be presumed to have known of the existence of such disease in the animal unless he satisfies the Court that he had no such knowledge and could not with reasonable diligence have obtained such knowledge.

Ottoman
law not
to apply.

26. (1) The Ottoman Provisional Law dated 18th Moharrem, 1332, concerning diseases of animals shall no longer have effect in Palestine.

- (2) The Ordinance and Public Notices mentioned in the Repeal Schedule hereto are hereby repealed.

1st January, 1926.

B.—O. G. No. 152 of 1.12.1925. P.—O. G. No. 154 of 1.1.1926.

Con.—O. G. No. 166 of 16.7.1926.

SCHEDULE.

No. and Year of Ordinance or Public Notice.	Short title.
(a) No. 96 of 14.1.19.	Slaughter of Animals.
(b) No. 97 of 18.5.19.	Diseases of Animals.
(c) No. 134 of 9.9.19.	Exportation of Live-stock.

DISEASES OF ANIMALS ORDINANCE, 1926.

NOTICE

By virtue of the powers vested by Section 2 of the above mentioned Ordinance, the High Commissioner has declared that "sheep pox" shall be included in the term "disease" for the purpose of the Ordinance.

1st February, 1925. O. G. No. 157 of 16.2. 1926.

DISEASES OF ANIMALS ORDINANCE, 1926.

Regulations made under Sections 19 (f)

1. The importation of hay, straw, material used as bedding for stock, uncured hides and skins, and undressed fleeces and wool from any country declared to be infected with foot and mouth disease by a Notice issued under the Animals (Import and Export) Ordinance, 1920, is prohibited.

2. Hay, straw, and material used as bedding for stock shall not be imported from any other country unless it is accompanied by an official certificate declaring the district and country of origin of the consignment.

19th April, 1926. O. G. No. 162 of 1.5. 1926.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules prescribing the measures to be taken to suppress cattle plague in infected areas.

WHEREAS Rinderpest, Cattle Plague or Peste Bovine exists in Palestine. Now, therefore, I, Field Marshal Herbert Charles Onslow, Baron Plumer, His Majesty's High Commissioner for Palestine and Commander-in-Chief therein, in pursuance of the powers vested in me by Section 19 of the Di-

seases of Animals Ordinance, 1926, hereby order that the following Rules shall be observed until further notice in any area (hereinafter referred to as an infected area) which may be declared to be an infected area under Section 16 of the said Ordinance:—

1. No stock, carcase, litter, dung, or fodder shall be removed from any infected area or moved within such area from any village, settlement, or farm to any other village, settlement or farm without the written permission of a Veterinary Officer.

2. No person shall slaughter for the purpose of consumption as food any stock showing any symptom of disease.

3. No person shall skin or exhume a carcase of any stock which has been destroyed or has died from disease.

4. No person shall treat by inoculation or other means any stock showing symptoms of cattle plague, except under the directions of a Veterinary Officer.

3rd August, 1926 Ex. of 4. 8. 1926.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made under Section 19.

I, George Stewart Symes, Officer Administering the Government of Palestine, in pursuance of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, hereby order as follows:—

1. Any animal forfeited under an Order of a Court on account of any offence against the Ordinance shall be sold by public auction, unless a Veterinary Officer shall advise that such animal be slaughtered.

2. The importation into or preparation within Palestine of any veterinary vaccine or serum or the virus of any animal disease is prohibited except under permit of the Chief Veterinary Officer.

3. No blood, serum, bile or other matter shall be removed from any animal or from the carcase of any animal which is or is suspected of being infected with rinderpest, cattle plague or peste bovine except by or under the instruction of a Veterinary Officer.

6th September, 1926. Ex. of 7. 9. 1926.

DISEASES OF ANIMALS ORDINANCE, 1926.

N Ó T I C E.

It is notified for general information that the following products are deemed to be substances commonly used for the food of animals within the definition of "fodder" in the abovementioned Ordinance:

(a) GRAIN.

Grain of Barley, Durra, Maize, Beans, Kersenneh and Gilbani.

(b) STRAW, TIB'N, CHAFF, etc.

Long or chopped straw (tib'n) of Wheat, Barley, Oats, Beans, Peas, Lentils, Kersenneh and Gilbani and Durra stalks.

(c) HAY.

Hay prepared from any native or exotic Grasses, Berseem, Lucerne, Clover, Oats and Vetch.

(d) GREEN FODDER.

Freshly cut stalks and foliage of Wheat, Barley, Oats, Durra, Maize, Beans, Peas, Lucerne, Berseem, Clover, Vetch, Kersenneh, Gilbani, Lentils, Millet and native and exotic Grasses, Cattle Cabbage and Pumpkins.

(e) ROOTS AND TUBERS.

The roots, tubers and foliage of Mangolds, Beets, Kohl Rabi and Turnips including Swedes.

2. The above list does not purport to be exhaustive but is proffered for the guidance of the public¹⁾.

3. The following products will not be deemed to be substances commonly used for the food of animals within the definition of "fodder":—

Wheat, Lentils, Lupines, Peas, Melons (Field and Sweet), Cucumbers, Gourds, Bran of Wheat, Barley and Oats, and Oil Cakes.

21st September, 1926. Ex. of 23. 9. 1926.

DISEASES OF ANIMALS ORDINANCE, 1926.

NOTICE.

It is notified for general information that Sesame, Olives and Olive Oil have been added to the products named in paragraph 2 of the Notice under the above Ordinance published in Official Gazette Extraordinary dated the 23rd of September, 1926.

Ex. of 7.10.1926.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rule made under Section 19(o).

In virtue of the powers vested in him by Section 19(o) of the Diseases of Animals Ordinance, 1926, the High Commissioner has made the following Rule:

¹⁾ See Ex. of 7. 10. 1926.

When any area within Palestine has been declared to be an infected area, the District Commissioner may, by order, require the Sheikh of any tribe within the infected area or in the neighbourhood of the infected area to appoint watchmen from the tribe who shall carry out any instructions of a Veterinary Officer with regard to the movement of animals to or from the tribal lands.

29th November, 1926. O. G. No. 176 of 1.12.1926.

DISEASES OF ANIMALS ORDINANCE, 1926.

Additional Rules prescribing the conditions under which cattle and other animals imported into Palestine by sea for slaughter shall be imported and slaughtered.

I, Field Marshal Herbert Charles Onslow, Baron Plumer, His Majesty's High Commissioner for Palestine and Commander-in-Chief therein, in pursuance of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, hereby order that the following Rules shall be added to the Rules prescribing the conditions under which cattle and other animals imported into Palestine by sea for slaughter, shall be imported and slaughtered, published in Official Gazette Extraordinary of the 24th of August, 1926.

1. Cattle or other animals destined for Palestine shall not be landed at the Port of Haifa unless the Master of the vessel has delivered to the Port Officer a declaration signed by him to the effect that during the conveyance of such animals from the Port of embarkation to the Port of Haifa there has been no animal on board the vessel exported or carried coastwise from any port or place in any other country.

2. Animals imported and detained in quarantine under the provisions of the Ordinance, whether or not any fee is charged in respect thereof, shall be imported and detained, fed and watered, at the risk and expense of their owners.

7th January, 1927. Ex. of 10.1.1927.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made under Section 19 (k) and (o).

I, Field Marshal, Herbert Charles Onslow, Baron Plumer, His Majesty's High Commissioner for Palestine and Commander-in-Chief therein, in pursuance of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, hereby order as follows:-

1. Every Municipality or Local Council shall provide a public slaughter-house constructed and equipped in accordance with plans and specifications which shall receive the prior approval of the Director, Department of Health and the Chief Veterinary Officer.

2. (a) In towns of 10.000 or more inhabitants, Veterinary Surgeons, and in towns of less than 10.000 inhabitants, Meat Inspectors, working under the supervision of Veterinary Surgeons, shall be appointed by the Municipality or Local Council, subject to the approval of the Chief Veterinary Officer, to conduct in public slaughter-houses an inspection of all animals and carcasses destined for food.

(b) The Chief Veterinary Officer on being satisfied, after inquiry, that a Veterinary Surgeon or Meat Inspector, is incompetent or has been guilty of misconduct or neglect, may require the Municipality or Local Council to terminate forthwith his appointment as Veterinary Surgeon or Meat Inspector.

3. A Municipality or Local Council shall employ a sufficient staff to ensure that the public slaughterhouse is maintained in such sanitary condition and state of repair as is required by the Director, Department of Health.

4.) All butchers and other persons engaged in slaughtering animals and dressing carcasses shall be licensed annually by the Municipality or Local Council, and shall receive a number-plate for which a fee of PT. 15 shall be payable.

No unlicensed person shall enter a public slaughter-house.

5. No animal intended for food shall be slaughtered outside a public slaughter-house nor shall any meat be exposed for sale which does not bear the mark of the official stamp.

6. All animals shall be inspected before slaughter, and all carcasses after slaughter, in accordance with the instructions issued by the Chief Veterinary Officer to the Veterinary surgeons and Meat Inspectors appointed under Rule 2 hereof.

7. Animals intended for slaughter shall be submitted for inspection at least eighteen hours before slaughter, and shall be detained in cattle and sheep pens adjacent to the slaughter-house.

1) A.—See O. G. No. 200 of 1.12.1927; No. 263 of 16.7.1930.

8. The process of slaughtering, skinning and preparation of the carcass shall be conducted entirely in the slaughter hall.

9. No animals except animals for slaughter for food shall be allowed within a public slaughter-house.

10. All animals and carcasses shall be inspected at the time of slaughter. The carcass and all viscera and parts used for the preparation of food shall be retained, in such a manner as will enable them to be identified, until a post-mortem examination of the carcass has been completed.

11. Carcasses and their parts found healthy and wholesome shall be passed and stamped as fit for food. If, on postmortem inspection, any lesion of disease or other condition that would render the meat or any organ unfit for food is found, the carcass, part or organ shall be marked accordingly and condemned.

12. During the inspection of carcasses all unauthorised persons shall remain outside the slaughter hall or inspection room.

13. The decision of a Veterinary Surgeon as to the fitness of any carcass or part thereof for food shall be final. An appeal from the decision of a Meat Inspector shall lie to the Veterinary Surgeon of the local authority or a Government Veterinary Officer.

14. No compensation shall be payable in respect of condemned carcasses, organs or parts thereof.

15. If so required by a Veterinary Surgeon or Meat Inspector, all carcasses shall be removed for final inspection to a separate compartment or other place used as the inspection room.

16. All carcasses or parts thereof which are condemned shall be placed forthwith in a special tank and shall be destroyed in the presence of the Veterinary Surgeon or Meat Inspector.

17. The words "Inspected and Passed", or an authorised abbreviation thereof, shall be stamped upon all carcasses slaughtered in a public slaughter-house and inspected and passed as fit for food by a Veterinary Surgeon or Meat Inspector.

18. Any butcher or other person who intends to slaughter swine within a Municipal or Local Council area shall, prior to the slaughter of such animals, obtain the written permission of the Municipality or Local Council. The Municipality or Local Council will state the place and the date and time at which the slaughtering may take place.

The carcasses will be subject to the same procedure of inspection and examination as the carcasses of any other animals slaughtered in a public slaughter-house.

19. Slaughtering dues shall be collected by the Veterinary Surgeon or Meat Inspector of the local authority and shall form part of the revenue of the Municipality or Local Council.

20. Clothing worn by employees of public slaughter houses who handle meat or meat food products shall be of a material that is readily cleaned and made sanitary and only clean garments shall be worn by butchers. Lavatories and cloak rooms shall be provided on the premises for employees and butchers.

21. No employee or licensed butcher or other person affected with any contagious or communicable disease shall enter a public slaughter house.

22. Any licensed butcher or other person shall, in the process of throwing, securing and slaughtering animals, use appliances and adopt methods of throwing and slaughtering, and otherwise take precautions to inflict as little pain and suffering as possible.

23. Employees, butchers or other persons who have handled diseased carcasses or parts shall at once clean their hands of all grease, and immerse them in a disinfectant to be prescribed by the Chief Veterinary Officer and rinse them in clean water before dressing or handling healthy carcasses.

24. All butchers' implements shall be kept clean and shall be washed with soap and boiling water before use. All implements used in dressing diseased carcasses shall be sterilised in the following manner. They shall be first washed with soap and a 5% solution of lysol in boiling water; and then sterilised either by boiling for ten minutes in clean water or by immersion in pure lysol for half an hour, followed by rinsing in clean water. Facilities for such cleansing and disinfection shall be provided by the Municipality or Local Council.

25.¹⁾ Carcasses shall not be inflated with air from the mouth; and no inflation of carcasses except by mechanical means shall be allowed. Provided that the lungs of a carcass intended for sale as Kasher meat may be inflated by a person using a tube to be prescribed by the Chief Veterinary Officer. Spitting on whet-stones or steels when sharpening knives is prohibited.

26. Boxes, carts or other vehicles of a type approved by the Director, Department of Health shall be used for transporting loose meat between public slaughter-houses and butchers' shops, and shall be so closed and covered that the contents shall be kept clean and protected from contamination.

27. Skins and hides of animals condemned for Anthrax, Tetanus, Rabies, Black Quarter, Cattle-Plague or Bovine Pleuro-pneumonia shall be destroyed. Skins and hides of animals condemned for any other disease but showing no outward appearance of disease may be removed for tanning or other uses in the arts when disinfected by the immersion of each hide and skin for not less than ten minutes in a 5% solution of cresol or a 5% solution of bichloride of mercury, under the supervision of a Veterinary Surgeon or Meat Inspector of a Municipality or Local Council.

28. Every Municipality or local Council shall supply such reports, returns and information as are required by the Chief Veterinary Officer.

¹⁾ Canc.—See O. G. No. 201 of 16. 12. 1927.

29. Any Government Veterinary Officer may enter any slaughter-house in order to examine the process of antemortem and postmortem inspection and to ascertain whether any of the Rules hereof or any orders and directions given thereunder have been properly carried out.

30.¹⁾ Any Municipality or Local Council may, subject to the approval of the Chief Veterinary Officer, make such further regulations as it thinks fit for the efficient management and administration of a public slaughter-house.

2nd March, 1927. O. G. No. 183 of 16. 3. 1927.

DISEASES OF ANIMALS ORDINANCE, 1926.

NOTICE.

By virtue of the powers vested in him by Section 2 of the above-mentioned Ordinance, the Officer Administering the Government is pleased to declare and it is hereby declared that "Stomach worm disease of sheep and goats, locally known as 'Jiam'" is a disease for the purpose of the said Ordinance.

29th June, 1927. O. G. No. 190 of 1.7.1927.

DISEASES OF ANIMALS ORDINANCE, 1926.

NOTICE.

By virtue of the powers vested in him by Section 2 of the above-mentioned Ordinance, the Officer Administering the Government is pleased to declare and it is hereby declared that Fowl Cholera, Fowl Plague, Fowl Typhoid, Bacillary White Diarrhoea of Poultry and Fowl Pox (including Fowl Diphtheria) are diseases for the purpose of the said Ordinance.

16th July, 1927. O. G. No. 192 of 1.8.1927.

DISEASES OF ANIMALS ORDINANCES, 1926.

Rule made under Section 19 (k) and (o).

I, Field Marshal Herbert Charles Onslow, Baron Plumer, His Majesty's High Commissioner for Palestine and Commander-in-Chief therein, in pursuance of the powers vested in me by Section 19 of the Diseases of Animals Ordinance 1926, hereby order as follows:-

The licence issued by a Municipality or Local Council under Rule 4 or the Rules published in the Official Gazette of the 16th of March 1927, to

¹⁾ See O. G. No. 250 of 1.1.1930; O. G. No. 252 of 1.2.1930 and O. G. No. 254 of 1.3.1930.

butchers and other persons engaged in slaughtering animals and dressing carcasses, shall be in the following form:-

(Serial) No. (to be printed).

DISEASES OF ANIMALS ORDINANCE, 1926.

MUNICIPALITY OR LOCAL COUNCIL OF.....

LICENCE

issued under Rule 4 of the Rules made under the Diseases of Animals Ordinance 1926, published in Official Gazette No. 183 of the 16th of March, 1927.

.....of.....is hereby licensed to slaughter animals and to dress carcasses at the Municipal or Local Council Slaughter House at.....

This licence will expire on the.....day of....., 19.....

Date of Issue.....

(Signed).....

Fee: 150 Mils.

Licensing Authority.

22nd November, 1927. O. G. No. 200 of 1.12.1927.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made under Section 19 (k) and (o).

In exercise of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Field Marshal Herbert Charles Onslow, Baron Plumer, His Majesty's High Commissioner for Palestine and Commander-in-Chief therein, order that paragraph 25 of the Rules published in the Official Gazette of the 16th of March, 1927, shall be cancelled and the following substituted therefor:

“Carcasses shall not be inflated with air from the mouth; and no inflation of carcasses except by mechanical means shall be allowed. Provided that the lungs of a carcass may be inflated with air from the mouth by a person using a tube to be prescribed by the Chief Veterinary Officer; and that lungs of a carcass intended for sale as Kasher meat may be inflated with air from the mouth without using such tube. Spitting on whet-stones or steels when sharpening knives is prohibited.”

8th December, 1927. O. G. No. 201 of 16.12.1927.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made under Section 19.

In Exercise of the powers vested in me by the Diseases of Animals Ordinance, 1926, I, Field Marshal Herbert Charles Onslow, Baron Plumer, High Commissioner for Palestine and Commander-in-Chief therein, hereby make the following Rules:

1. These Rules may be cited as the Rabies Rules, 1928.
2. In these Rules, unless the context otherwise requires:
 - (a) 'Disease' means Rabies;
 - (b) 'Diseased' means affected with Rabies;
 - (c) 'Suspected' means suspected of Rabies;
 - (d) 'Approved' means approved by a Veterinary Officer.

The terms "animal", "carcase", "owner" have the same meanings as in the Diseases of Animals Ordinance, 1926.

3. Every diseased animal shall be destroyed
4. Every animal whose behaviour indicates that it is rabid, shall be destroyed on the spot by the owner, or on an order of the Mukhtar, Sheikh of the Tribe, or Police Officer, and its head shall be sent to the nearest Veterinary Officer for disposal.

5. The owner of an animal which has died or has been destroyed on account of rabies or suspected rabies, shall not bury or otherwise dispose of the carcase until a Veterinary Officer has conducted a post-mortem examination; and he shall give reasonable facilities for the purpose of such examination.

6. The carcase of an animal which at the time of its death was diseased or suspected to be diseased shall be disposed of at the owner's expense in the following manner:

- (a) It shall be buried as soon as possible in its skin, in some proper place, at a depth of not less than six feet below the surface of the earth, and shall be covered with a sufficient quantity of quick lime or other disinfectant; or
- (b) On the authority of a Veterinary Officer, it shall be disinfected and taken to the public incinerator or other place approved by the Chief Veterinary Officer, and shall be there destroyed by exposure to a high temperature or by chemical agents.

A District Officer, Veterinary Officer, or Stock Inspector who causes a carcase to be buried, shall first cause the skin to be so slashed as to render it useless.

7. Save with the permission of the Chief Veterinary Officer, no person shall dig up, or cause to be dug up, the carcase of any animal that has been buried after having been diseased, or suspected of having been bitten by a diseased or suspected animal.

8. Any Veterinary Officer within his district and if necessary with the assistance of the District or Senior Police Officer, Municipal or Local Council, Mukhtar or Sheikh of the Tribe, as the case may be, shall cause:-

- (1) every dog, cat or monkey which is diseased, or suspected, or which has been bitten by a diseased or suspected dog, cat, fox, jackal, hyena, wolf or other animal—to be destroyed; and
- (2) any other animal bitten by a diseased animal, or by a fox, jackal, hyena or wolf—to be dealt with in the following manner:-
 - (a) Horses, mules and donkeys, if no special value—shall be destroyed;
 - (b) Camels, bulls, buffaloes, cows, oxen, heifers, calves, sheep, goats, swine and rabbits — shall be slaughtered within eight days from the date at which they were first bitten; provided that their carcasses, if free from other diseases, may be exposed for sale as food;
 - (c) Horses, mules, donkeys, camels, bulls, rams, cows, heifers, calves and swine of special value shall be slaughtered within eight days from the date at which they were bitten, or shall be muzzled during work and strictly isolated at rest for a period of six months, under the observation of a Veterinary Officer and in an approved shed, stable, building or other place, and vaccinated with anti-rabic vaccine at the owner's expense and risk. No such animal shall be slaughtered for food or sold for any purpose during the period of observation. The muzzle shall be of a pattern approved by the Chief Veterinary Officer and shall be supplied at the cost of the owner.

The decision of a Veterinary Officer as to whether or not an animal is of special value shall be final.

9.¹⁾ A Municipality or Local Council shall provide kennels as and when required by the Chief Veterinary Officer, constructed in accordance with plans and specifications approved by him.

10. A fee of 20 mils per diem shall be payable to the Municipal or Local Council for the feeding, accommodation of and attendance on any dog, cat or monkey detained in such kennel. Fees to cover the period of ten days' observation shall be paid by the owner when the animal is placed in the kennel. Provided that if the animal dies during the period of observation, fees shall be charged only for the number of days the animal was under observation and the balance shall be refunded to the owner.

11. Every dog, cat or monkey which has bitten a person shall be placed in a kennel of a Municipal or Local Council, and any other animal which

¹⁾ See O. G. No. 255 of 16.3.1930.

has bitten a person shall be strictly isolated in an approved shed, stable or other place, and kept under the observation of a Veterinary Officer or Municipal Veterinary Surgeon at the owner's risk and expense for a period of ten days.

12. If within fifteen days from the date at which an animal is placed in the kennel it is not reclaimed by the owner, it shall be destroyed.

13. Any Municipal or Local Council in possession of kennels shall accommodate any suspected dog, cat or monkey found in the surrounding villages and which is required by a Medical or Veterinary Officer or Municipal Veterinary Surgeon to be placed under observation for ten days. The Municipal or Local Council concerned shall be entitled to charge the fees prescribed in paragraph 10.

14. Any medical or Veterinary Officer or Municipal Veterinary Surgeon may serve a notice in writing in the form set forth in the schedule hereto on the owner or person in charge of any dog, cat or monkey requiring it to be delivered by the owner or person in charge to the nearest kennel of a Municipal or Local Council within the period stated in the notice.

In default, the Municipal or Local Council shall remove the animal or cause it to be removed at the owner's risk and expense.

15. No compensation shall be paid for any animal which contracts any sickness or dies while under observation or in isolation in accordance with the provisions hereof.

16.¹⁾ The following provisions shall apply to any Municipal or Local Council area which is declared by a notice in the Gazette to be an area infected with rabies:

- (a) Every owner of a dog, resident within such area, shall apply to the Municipal Veterinary Surgeon or to the Veterinary Officer of the District for its vaccination with anti-rabic vaccine; and whether or not such dog has been previously vaccinated the owner shall apply for its revaccination in each subsequent year between the 31st March and 30th April.
- (b) No licence to keep a dog shall be issued or renewed by a Municipal or Local Council save on production by the owner of a certificate from the Municipal Veterinary Surgeon or Veterinary Officer of the District that the dog has been vaccinated.
- (c) A metal plate on which shall be inserted the date of vaccination shall be issued by the Department of Agriculture and Forests at a fee of 20 mils to the owner of every vaccinated dog; and shall be attached to its collar.

17. For the purpose hereof every animal shall be deemed to have been exposed to the infection of rabies which has been in the same kennel, shed,

¹⁾ Canc.—See O. G. No. 280 of 1.4.1931.

stable, building, field or other place, or otherwise in contact with any diseased or suspected animal or which has in any other way been exposed to the infection of rabies as determined by a Veterinary Officer.

18. Where the power of causing any dog or other animal to be slaughtered, observed, isolated or vaccinated under these Rules is exercised by a Veterinary Officer or Municipal Veterinary Surgeon, the owner or person in charge of such dog or other animal shall give such officer all reasonable facilities for that purpose.

19. Any District Officer may, after the notification to the inhabitants thereof, at any time cause to be poisoned or destroyed in any manner, vagrant, ownerless dogs or cats, or dogs not under control in any town, village or area; and in any Municipal or Local Council area, in addition, dogs not carrying a metal number plate issued in accordance with the Regulations of the Council.

20. Every Municipality or Local Council shall maintain and keep such records, and send and give such reports, returns and information as may be required by the Chief Veterinary Officer.

21. The Rules concerning the treatment of rabies, which were published in the Gazette of the 15th of December, 1924, are hereby repealed.

SCHEDULE.

RABIES RULES 1928.

To.....

Take notice that the following animal/s.....
belonging to you, is/are suspected of being affected with Rabies and that you are required to deliver the said animal/s at the kennels of the Municipality
Local Council
not later than.....hours on.....

Failing such delivery the Municipality or Local Council will cause the said animal/s to be seized and removed to its kennels at your risk and expense.

Signed:

NOTE: Copy of this Notice should be sent to the respective Municipality or Local Council.

24th February, 1928. O. G. No. 207 of 16.3.1928.

DISEASES OF ANIMALS ORDINANCE, 1926.

NOTICE.

In exercise of the powers vested in him by Section 2 of the Diseases of Animals Ordinance, 1926, His Excellency the High Commissioner is pleased

to declare, and it is hereby declared, that cats, monkeys and rabbits shall be included in the term "animals" for the purpose of the said Ordinance.

27th March, 1928. O. G. No. 208 of 1. 4. 1928.

DISEASES OF ANIMALS ORDINANCE, 1926.

Notice by the High Commissioner.

In exercise of the powers vested in him by Section 2 of the Diseases of Animals Ordinance, 1926, the High Commissioner has declared that mange (scabies) in camels shall be included in the term "disease" for the purpose of the Ordinance.

24th April, 1928. O. G. No. 211 of 16. 5. 1928.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made under Section 19.

1. These Rules may be cited as the mange (Scabies) Rules, 1928.
2. The expression "mange" in these Rules means sarcoptic mange or psoroptic mange in a horse, mule, donkey or camel.
3. (1) A Veterinary Officer may serve a Notice in writing, in the form set forth in Schedule 'A' hereto, on the occupier of any stable, shed, field or other premises in which there is a horse, mule, donkey or camel which, in his opinion, is affected with mange, and thereupon the following restrictions shall take effect:—
 - (i) Each horse, mule, donkey or camel on the premises at the date of the service of the Notice which is affected with mange shall from time to time, as often as may be necessary, be treated by the owner thereof with a dressing for mange approved by a Veterinary Officer.
 - (ii) Any horse, mule, donkey or camel on the premises at the date of the service of the Notice, which is affected with mange shall not be moved out of the stable, shed, field, or other premises specified in the Notice save under a licence of a Veterinary Officer in the form set forth in Schedule 'B' hereto and in accordance with the following conditions:—
 - (a) the animal may be moved only by road;
 - (b) the animal may be moved to a knacker's yard or slaughter house for the purpose of slaughter thereon, or to a place or detention to be treated in accordance with the provisions of these Rules;

- (c) if the animal is certified by a Veterinary Officer to be affected only with psoroptic mange, it may also be moved from and to the premises specified in the Notice for the purpose of being worked;
 - (d) if the animal is not so certified, it may be moved between the premises specified in the Notice and premises in the occupation of the owner of the animal for the purpose of being worked thereon;
 - (e) before the movement the animal shall be treated with a dressing for mange approved by a Veterinary Officer;
 - (f) where the animal is certified to be affected only with psoroptic mange the movement may take place at any time within seven days after being so treated, but if the animal is not so certified the treatment shall be applied immediately before the movement;
 - (g) in the cases referred to in paragraphs (c) and (d) the movement must not cause an absence from the premises specified in the Notice for a period exceeding twenty four hours, and the animal must not be moved into any stable, shed, field or other premises in which horses, mules, donkeys or camels are kept.
- (iii) Any other horse, mule, donkey or camel on the premises at the date of the service of the Notice shall only be moved out of the stable, shed, field or other premises if within the preceding seven days its skin has been treated thoroughly with a dressing for mange approved by a Veterinary Officer. Provided that this paragraph shall not apply to any horse, mule, donkey or camel in a market, fair ground or sale-yard.
- (iv) No horse, mule, donkey or camel shall be allowed by the owner or person in charge thereof to stray out of the stable, shed, field or other premises specified in the Notice or from the land on which it is being worked.
- (2) A Notice under these Rules shall remain in force until it is withdrawn by a Notice in writing served on the occupier of the premises by a Veterinary Officer.
4. (1) Any place in which a horse, mule, donkey or camel affected with, or suspected of, mange has been at any time, shall, if and when so required by a Veterinary Officer, be cleansed and disinfected by, and at the expense of the occupier of such place, in the following manner:—
- (i) The place shall be swept out, and the sweepings shall forthwith be burned or be well mixed with quicklime and be effectually removed from contact with horses, donkeys or camels; and

- (ii) The floor of the place and all other parts thereof with which such horse, mule, donkey or camel has come in contact shall, as far as practicable, be disinfected in accordance with the subsequent provisions of this Rule;
 - (iii) The same parts of the place shall be thoroughly washed, scrubbed, or scoured with water;
 - (iv) In the case of a field or other place which is not capable of being cleansed and disinfected, it shall be sufficient if such field or place be cleansed and disinfected as far as practicable and to the satisfaction of a Veterinary Officer.
- (2) Every utensil, manger, feeding trough, pen, harness, clothing or other thing used for or about a horse, mule, donkey or camel affected with, or suspected of, mange, shall as soon as practicable, after being so used, and before being used for any other horse, mule, donkey or camel, be cleansed by being thoroughly washed, or scrubbed, or scoured with water, and subsequently disinfected in accordance with the subsequent provisions of this Rule and such cleansing and disinfection shall be carried out by, and at the expense of the owner of the thing.
- (3) Every place or thing, or part thereof, required by this Rule to be disinfected shall either be thoroughly coated or washed with:—
- (a) a four per cent minimum solution of carbolic acid containing not less than ninety five per cent of actual carbolic acid; or
 - (b) a disinfectant for mange equal in disinfective efficiency to the above mentioned solution of carbolic acid.
5. (1) No person shall:
- (i) expose a horse, mule, donkey or camel affected with mange in a market, fair ground, sale-yard, or other public or private place where such animals are commonly exposed for sale;
 - (ii) place a horse, mule, donkey or camel affected with mange in a lair or other place adjacent to or connected with a market, fair ground or sale-yard or other public or private place where such animals are commonly placed before exposure for sale, or, save under a licence granted under Rule 3 of these Rules, in any stable or shed, other than that in which the animal was kept at the time it was affected;
 - (iii) send or carry, or cause to be sent or carried, a horse, mule, donkey or camel affected with mange on a railway;
 - (iv) save under a licence granted under Rule 3 of these Rules, carry, lead, or drive, or cause to be carried, led or driven on a highway or thoroughfare a horse, mule, donkey or camel affected with mange;

- (v) place or keep a horse, mule, donkey or camel affected with mange on common land, or in a field or place insufficiently fenced or in a field or place adjoining a highway unless the animal is in charge of an attendant or the field is so fenced or situate that any horse, mule, donkey or camel therein cannot in any manner come in contact with any horse, mule, donkey or camel passing along that highway or grazing on the sides thereof;
- (vi) graze a horse, mule, donkey or camel affected with mange on pasture being on the sides of a highway; or
- (vii) being the owner or person in charge of a horse, mule, donkey or camel affected with mange, allow it to stray on a highway or thoroughfare or on the sides thereof, or on common land, or in a field or place insufficiently fenced.

6. Nothing in these Rules shall apply to horses, mules, donkeys and camels which are the property of His Majesty's Forces, or are in stables or military barracks or camps under the care and supervision of the Army Veterinary Service, or to horses, mules, donkeys or camels in stables of the Palestine Police Force or Trans-Jordan Frontier Force.

SCHEDULE 'A'.

DISEASES OF ANIMALS ORDINANCE, 1926.

MANGE (SCABIES) RULES, 1928.

To

Take notice that the following animal/s which in my opinion is/are affected with mange, in the following shed, field or other place (that is to say) and that by virtue of this Notice and of the Mange (Scabies) Rules, 1928, the restrictions set forth in Rule 3 of the said Rules apply to the aforesaid shed, field or other place and all lands and buildings contiguous thereto in your occupation from the date of the service of this Notice.

NOTE. Read the endorsement at the back of this Notice.

Dated this day of, 19

(Sgd)

Veterinary Officer.

Endorsement at back of Notice.

The following restrictions apply to any shed, field or other place declared to be infected with mange (scabies):-

1. Each horse, mule, donkey or camel on the premises at the date of the service of the Notice which is affected with mange shall from time to time,

as often as may be necessary, be treated by the owner thereof with some dressing approved by a Veterinary Officer.

2. Any horse, mule, donkey or camel on the premises at the date of the service of the Notice, which is affected with mange, shall not be moved out of the stable, shed, field or other premises specified as in the Notice except with a licence of a Veterinary Officer and in accordance with the following conditions:-

- (a) the animal may be moved only by road;
- (b) the animal may be moved to a knacker's yard or slaughter house for the purpose of slaughter thereon, or to a place of detention to be treated in accordance with the provisions of these Rules;
- (c) if the animal is certified by a Veterinary Officer to be affected only with psoroptic mange, it may also be moved from and to the premises specified in the Notice for the purpose of being worked;
- (d) if the animal is not so certified, it may be moved between the premises specified in the Notice and premises in the occupation of the owner of the animal for the purpose of being worked thereon;
- (e) before the movement the animal shall be treated with some dressing for mange approved by a Veterinary Officer;
- (f) where the animal is certified to be affected only with psoroptic mange the movement may take place at any time within seven days after being so treated, but if the animal is not so certified the treatment shall be applied immediately before the movement.
- (g) in the cases referred to in paragraphs (c) and (d) the movement must not cause an absence from the premises specified in the Notice for a period exceeding twenty-four hours, and the animal must not be moved into any stable, shed, field or other premises in which horses, mules, donkeys or camels are kept.

3. Any other horse, mule, donkey or camel on the premises at the date of the service of the Notice shall only be moved out of the stable, shed, field or other premises if within the preceding seven days its skin has been treated all over with some dressing for mange approved by a Veterinary Officer. Provided that this paragraph shall not apply to any horse, mule, donkey or camel in a market, fair ground or sale-yard.

4. No horse, mule, donkey, or camel shall be allowed by the owner or person in charge thereof to stray out of the stable, shed, field, or other premises specified in the Notice or from the land on which it is being worked.

5. A Notice under these Rules shall remain in force until it is withdrawn by a Notice in writing served on the occupier of the premises by a Veterinary Officer.

SCHEDULE 'B'.

DISEASES OF ANIMALS ORDINANCE, 1926.

MANGE (SCABIES) RULES, 1928.

Issued under Rule 3 of the Mange (Scabies) Rules, 1928.

I, the undersigned, being a Veterinary Officer, do by this licence authorise the following animals:-

.....affected with mange, property of.....of.....
now in the following shed, field or other place (that is to say).....
to be moved

- x) (a) to the knacker's yard or slaughter-house of.....
 at.....for the purpose of slaughter thereon.
 x) (b) to.....for detention and treatment.
 x) (c) from and to the aforementioned premises or place.
 x) (d) between the aforementioned premises and the premises in occupation of the owner.

Dated this.....day of....., 19.....

(Sgd)

Veterinary Officer.

25th April, 1928. O. G. No. 211 of 16.5.1928.

x) Strike out whichever are not applicable.

DISEASES OF ANIMALS ORDINANCE, 1926.

Notice by the Officer Administering the Government.

In exercise of the powers vested in the High Commissioner by Section 2 of the Diseases of Animals Ordinance, 1926, the Officer Administering the Government has declared that poultry, comprising domestic fowls, ducks, geese, pigeons, guinea fowls and turkeys, shall be included in the term 'animals' for the purposes of this Ordinance.

22nd September, 1928. O. G. No. 220 of 1.10.1928.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made under Section 19.

1. These Rules may be cited as the Fowl Plague Rules, 1928.
2. In these Rules, unless the context otherwise requires:
 - (a) "Fowl" means any domestic fowl or turkey;
 - (b) "Fowl Plague" means fowl plague in a fowl;
 - (c) "Diseased" means affected with fowl plague;

- (d) "Suspected" means suspected of fowl plague ;
3. No person shall :
- (a) Expose a diseased or suspected fowl in a market, fair ground, sale-yard, or other public or private place where such animals are commonly exposed for sale ;
 - (b) place a diseased or suspected fowl in a building or other place adjacent to or connected with a market, fair ground, sale-yard or other public or private place where such animals are commonly placed before exposure for sale ;
 - (c) send or carry or cause to be sent or carried a diseased or suspected fowl on a railway ;
 - (d) carry or drive or cause to be carried or driven a diseased fowl on a road ;
 - (e) place or keep a diseased or suspected fowl on common land or unenclosed land, or in a field adjoining a road unless that field is so fenced or situate that fowls therein cannot in any manner come in contact with fowls passing along that road or grazing on the sides thereof ;
 - (f) graze a diseased or suspected fowl on pasture adjacent to a road ;
 - (g) being the owner or person in charge of a diseased or suspected fowl, allow it to stray on a road or on the sides thereof or in common or unenclosed land or in a field or place insufficiently fenced.
4. (1) A Veterinary Officer may serve a Notice, in writing in the form set forth in Schedule 'A' hereto, on the occupier of any house, stable, shed, field or other premises in which there is a fowl which in his opinion is diseased or on the occupier of premises on which he has reasonable ground for suspecting that fowl plague exists or has within 20 days previous to the date of such notice existed, as the case may be, and thereupon the following provisions shall apply:
- (a) Every fowl on the premises at the date of the service of the Notice, which is diseased or suspected shall be destroyed, burnt and buried ;
 - (b) Every fowl on the premises at the date of the service of the Notice, which is or was in contact with any diseased fowl, shall either be slaughtered, or if in the opinion of a Veterinary Officer facilities for its segregation exist on the premises, shall be segregated ;
 - (c) No premises specified in the Notice shall be re-stocked with any fowls for a period of two months from the date of such Notice ;
 - (d) The shed, field or other place which has contained a diseased fowl and any utensil, feed hopper, watering pan, coop, next

box, roost pole, dropping board or other thing used for or about such fowl, shall as soon as practicable, be cleansed and disinfected in accordance with the provisions of Rule 5 to the satisfaction of a Veterinary Officer, and by and at the expense of the occupier of the place and the owner of the thing;

(e) The dung of any diseased or suspected fowl and any fodder or litter that has been in contact with or used about such fowl shall forthwith be burnt or mixed with quicklime and buried.

(2) A notice under these Rules shall remain in force until it is withdrawn by a Notice in the form set forth in Schedule 'B' hereto served on the occupier of the premises by a Veterinary Officer.

5. (1) Where any place or thing is required by these Rules to be cleansed and disinfected, the following things shall be done in the order named:

(a) the place or thing shall, if the nature thereof so permits, be scraped and swept, and the scrapings and sweepings, and all dung, litter and other matter shall be effectively removed;

(b) the place or thing shall be thoroughly washed or scrubbed and scoured with water;

(c) the place or thing shall either be flamed with the flame of a brazier's or painter's lamp or thoroughly coated or washed with:

(i) a five per cent. solution of standard phenol; or

(ii) a disinfectant equal in disinfective efficiency to the above mentioned solution of phenol.

(2) In the case of a yard, field or other place which is not capable of being cleansed and disinfected in the manner prescribed in the foregoing subparagraph, it shall be sufficient if such yard, field or other place be cleansed and disinfected as far as practicable and to the satisfaction of a Veterinary Officer.

(3) The scrapings and sweepings, and the dung, litter and other matter removed under this Rule, shall forthwith be burnt or mixed with quicklime and buried.

6. The Mukhtar or other head of a village shall cause the carcass of any fowl dying from fowl plague to be either buried at a depth of not less than one metre or burnt at the expense of the owner.

7. (1) The following provisions shall apply to any area which is declared by Notice in the Gazette to be an area infected with fowl plague:

(a) No fowl shall be moved into, or out of, such area;

(b) The owner of any fowl in such area shall keep his fowls securely penned on his premises, and in such a manner as to prevent them from coming into contact with other fowls.

(2) Any person negligently allowing a fowl to escape from an infected area shall be deemed to have moved the animal from such area.

SCHEDULE 'A'

DISEASES OF ANIMALS ORDINANCE, 1926.

FOWL PLAGUE RULES, 1918.

To.....

Take notice that fowl plague exists or has within days prior to the date of this Notice existed in the undermentioned shed/field/or other place which is hereby declared to be an infected area, and that by virtue of this Notice and of the Fowl Plague Rules, 1928, the provisions set forth in paragraph 4 of the said Rules apply to the shed/field/or other place and all lands and buildings contiguous thereto in your occupation from the date of the service of this Notice.

Dated this..... day of..... 19.....

(sgd)

Veterinary Officer.

NOTE. Read the endorsement at the back of this Notice.

ENDORSEMENT AT BACK OF NOTICE.

The following provisions apply to any house, stable, shed, field or other premises declared to be affected with fowl plague:—

- (a) Every fowl on the premises at the date of the service of the Notice which is diseased or suspected shall be destroyed, burnt or buried;
- (b) Every fowl on the premises at the date of the service of the Notice which is or was in contact with any diseased fowl shall either be slaughtered, or, provided that in the opinion of a Veterinary Officer facilities for its segregation exist on the premises, shall be segregated;
- (c) No premises specified in the Notice shall be re-stocked with any fowls for a period of two months as from the date of such Notice;
- (d) The shed, field, or other place which has contained a diseased or suspected fowl and any utensil, feed hopper, watering pan, coop, nest box, roost pole, dropping board or other thing used for or about such fowl shall, as soon as practicable, be cleansed and disinfected in accordance with the provisions of Rule 5 to the satisfaction of a Veterinary Officer and by and at the expense of the occupier or the place and the owner of the thing;
- (e) The dung of any diseased or suspected fowl and any fodder or litter that has been in contact with or used about such fowl shall forthwith be burnt or mixed with quicklime and buried.

SCHEDULE 'B'.

DISEASES OF ANIMALS ORDINANCE, 1926.

FOWL PLAGUE RULES, 1928.

To.....

The Notice signed by.....and served upon you on the.....
day of.....19....., declaring that your shed/field/or other place was
an infected area is hereby withdrawn.

Dated this.....day of....., 19.....

(sgd)

Veterinary Officer.

13th November, 1928. O. G. No. 223 of 16.11.1928.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the High Commissioner under Section 19.

1. These Rules may be cited as the Glanders or Farcy Rules, 1929.
2. In these Rules, unless the context otherwise requires,
 - (i) 'animal' means a horse, donkey or mule;
 - (ii) 'disease' means glanders, and includes that form of glanders which is known as farcy;
 - (iii) 'a diseased animal' means an animal in which the clinical symptoms are evidence of disease, or in which the application of the mallein test has resulted in evidence of disease;
 - (iv) 'a suspected animal' means an animal which shows clinical symptoms of disease, but not such as to render a diseased animal within the preceding definition.
3. A Veterinary Officer shall cause to be slaughtered any diseased animal.
4. The provisions of sub-paragraphs (a), (b) and (c) of this paragraph shall apply to any suspected animal or animal which, in the opinion of a Veterinary Officer, has been exposed to the risk of contagion or is or has been in contact, or in the same stud, stable, building, field or other place, with a diseased or suspected animal:-
 - (a) A Veterinary Officer may serve a Notice in writing in the form set forth in schedule 'A' hereto, on the owner or person in charge of such animal requiring its detention in the stable, building, field or other place, where it is at the date of the service of the Notice, either unconditionally or subject to such conditions with a view to identification and the prevention of contact with other animals as may be prescribed in the Notice.

- (b) A Veterinary Officer shall apply the mallein test to the detained animal at such intervals as may be considered necessary to satisfy him whether it is diseased.
- (c) The Notice shall remain in force until withdrawn by a Notice in the form set forth in Schedule 'B' hereto, served by a Veterinary Officer on the owner or person in charge of the animal.
5. (1) Any shed, stable, building, field [&]or other place which has contained a diseased animal and any utensil, harness, nosebag, manger, feeding-trough, pen or other thing, used for or about such animal, shall, if required by a Veterinary Officer, be cleansed and disinfected at the expense of the occupier of the place or the owner of the thing, in the following manner:-
- (a) The place or thing shall, if the nature thereof permits, be scraped and swept, and the scrapings and sweepings, and all dung, litter and other matter shall be removed; then
 - (b) The place or thing shall be washed or scrubbed or scoured with water; then
 - (c) The place or thing shall either be flamed with the flame of a brazier's or painter's lamp or washed with a five per cent solution of standard phenol; or a disinfectant equal in efficiency to such solution of phenol.
- (2) In the case of a field or other place which is not capable of being cleansed and disinfected in the manner prescribed in sub-paragraph (a), it shall be sufficient if such field or other place is cleansed and disinfected to the satisfaction of a Veterinary Officer.
- (3) A Veterinary Officer may destroy any article which, in his opinion, is incapable of being cleansed and disinfected in the manner prescribed in sub-paragraph (a).
- (4) The scrapings and sweepings, and the dung, litter and other matter removed under this paragraph shall forthwith be burnt or mixed with quicklime and buried.
6. (1) The carcase of an animal which at the time of its death was a diseased or suspected animal shall be disposed of at the owner's expense in one of the following manners:-
- (a) It shall be buried as soon as possible in its skin, in some proper place, at a depth of not less than one and a half metres below the surface of the earth, and shall be covered with quicklime or other disinfectant; or
 - (b) On the authority of a Veterinary Officer, it shall be disinfected and taken to a public incinerator or other place approved by the Chief Veterinary Officer, and shall be there destroyed by exposure to a high temperature or by chemical agents.

- (2) Where under this paragraph, a District Officer, Veterinary Officer, or Stock Inspector causes a carcase to be buried, he shall first cause the skin to be so slashed as to render it useless.
- (3) Save with the permission of the Chief Veterinary Officer, no person shall dig up, or cause to be dug up, the carcase so buried.
7. No person shall:
- (a) Expose a diseased or suspected animal in a market; fair-ground sale-yard or other public or private place where animals are commonly exposed for sale;
 - (b) Place a diseased or suspected animal in a lair or other place adjacent to or connected with a market, fair-ground, or sale-yard or other premises where animals are commonly placed before exposure for sale;
 - (c) Send or carry, or cause to be sent or carried, a diseased or suspected animal on a railway;
 - (d) Carry, lead or drive, or cause to be carried, led or driven, a diseased or suspected animal on a road except on the written authority of a Veterinary Officer;
 - (e) Place or keep a diseased or suspected animal on common land or unenclosed land, or in a field adjoining a road unless that field is so fenced or situate that animals therein cannot come in contact with any animal passing along that road or grazing on the sides thereof;
 - (f) Graze a diseased or suspected animal on pasture adjacent to a road;
 - (g) Being the owner or person in charge of a diseased or suspected animal, allow it to stray on a road or on the sides thereof or on common or unenclosed land or in a field or place insufficiently fenced.

8. Nothing in these Rules shall apply to animals which are the property of His Majesty's Forces, or are in stables or military barracks or camps under the care and supervision of any of His Majesty's Forces, or to animals in stables of the Palestine Police Force or Trans-Jordan Frontier Force.

SCHEDULE 'A'.

DISEASES OF ANIMALS ORDINANCE, 1926.

GLANDERS RULES, 1929.

To.....

.....

Take notice that the following animal, namely,..... shall, until this Notice is withdrawn by a Notice signed by a Veterinary Offi-

cer be detained in the following premises, namely,.....
 1) unconditionally or subject to the following conditions.....

Dated this.....day of.....192.....

(Sgd)

Veterinary Officer.

SCHEDULE 'B'.

DISEASES OF ANIMALS ORDINANCE, 1926.

GLANDERS RULES, 1929.

To.....

The Notice signed by.....and served upon you on
 the.....day of.....19....., requiring the deten-
 tion of your animal/s is hereby withdrawn.

Dated this.....day of.....19.....

(Sgd)

Veterinary Officer.

15th January, 1929. O. G. No. 228 of 1.2.1929.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made under Section 19 of the Ordinance.

In virtue of the powers vested in him by Section 19 of the diseases of Animals Ordinance, 1926, the High Commissioner has made the following Rules:-

1. The Rules made under Section 19 of the Diseases of Animals Ordinance, 1926, concerning the slaughter of animals for food, which were published in the Official Gazette of the 16th March 1927, may be cited as the Slaughter House Rules, 1927; and those Rules and the following Rules may be cited together as the Slaughter House Rules 1927-1929.

2. For the purpose of the Slaughter House Rules 'animal' includes cattle, sheep, goats, swine and camels.

3. Rule 18 of the Slaughter House Rules, 1927, shall apply to the slaughter of camels.

4.²⁾ The movement of meat of animals, other than meat which has been frozen, cooked or preserved, into the area of any Municipality or Local Council from outside such area is prohibited.

¹⁾ Strike out the words which are not applicable.

²⁾ Rev.—See O. G. No. 254 of 1.3.1930.

5. Meat stamps employed by a Municipal or Local Council for the identification of inspected carcasses of animals shall be of a design and pattern approved by the Chief Veterinary Officer.

7th March, 1929. O. G. No. 231 of 16.3.1929.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules prescribing the conditions under which cattle shall be imported from Russia (Union of Soviet Socialist Republics) into Palestine by sea and slaughtered.

In exercise of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, His Majesty's High Commissioner for Palestine, hereby make the following Rules:

1. The importation from Russia of sheep, goats, swine and cattle, other than cattle imported for the sole purpose of slaughter as food, shall be prohibited.

2. Cattle may be imported from Russia for slaughter as food subject to the provisions of the Rules specified in the Schedule hereto and also to the following conditions:

(a) Each consignment shall be accompanied by a certificate issued by the Conseil Sanitaire Maritime et Quarantenaire of Alexandria to the effect that the cattle:

(i) are of Russian origin;

(ii) have been isolated for at least 15 days in the quarantine enclosures at Alexandria and have not been in contact with any other animals during their detention at Alexandria; and

(iii) are free from foot and mouth disease and other animal contagious diseases at the time of shipment from Alexandria to Haifa.

(b) Such cattle shall be slaughtered within a period of 30 days from the date of landing at Haifa.

SCHEDULE.

(1) Rules under the Diseases of Animals Ordinance, 1926, prescribing conditions under which cattle and other animals imported into Palestine by sea for slaughter shall be imported and slaughtered, and published in the Official Gazette Extraordinary of 24th August, 1926, as amended by the Rules under the aforesaid Ordinance, published in the Official Gazette Extraordinary of the 27th October, 1926.

(2) Additional Rules under the Diseases of Animals Ordinance, 1926, prescribing conditions under which cattle and other animals imported into Palestine by sea for slaughter shall be imported and slaughtered, published in the Official Gazette Extraordinary of the 10th January, 1927.

9th September, 1929. Ex. of 11.9.1929.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made under Section 19.

In virtue of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, have made the following Rules.

1. No person shall manufacture or import any virus, vaccine, serum or analogous product used for the diagnosis or treatment of diseases of animals without permission in writing of the Chief Veterinary Officer.

2. No person shall use any virus, vaccine, serum, blood bile or analogous product for the diagnosis or treatment of animals without permission in writing of the Chief Veterinary Officer.

3. Any person desiring to import or manufacture, or to use any of the above substances or products shall apply to the Chief Veterinary Officer for the requisite permission which may be refused or granted under such conditions as the Chief Veterinary Officer may impose. The Chief Veterinary Officer may by notice in writing at any time revoke any such permission.

4. No person or institution shall undertake the investigation of diseases of animals which includes the transmission of a living virus or organism without the permission in writing of the Chief Veterinary Officer.

Application for such permission shall describe fully the proposed experiments.

5. The importation of animals which have been intentionally infected with a living virus or organism prior to such importation is prohibited except by permission in writing of the Chief Veterinary Officer.

16th October, 1929. O. G. No. 246 of 1.11.1929.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the High Commissioner under Section 19.

In virtue of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rules.

1. These Rules may be cited as the Foot-and-Mouth Disease Rules, 1929.

2. In these Rules, unless the context otherwise requires,

(a) "Animal" means cattle, sheep, goats and all other ruminating animals and swine;

(b) "Diseased" means affected with foot-and-mouth disease;

(c) "Suspected" means suspected of foot-and-mouth disease;

(d) "Prescribed disinfectant" means:—

(i) A one per cent (minimum) solution of chloride of lime (containing not less than thirty per cent. of an available chlorine); or

- (ii) a five per cent. minimum solution of carbolic acid (containing not less than ninety-five per cent of actual carbolic acid); or
- (iii) a disinfectant equal in disinfective efficiency to (ii).

(e) "Milk" includes whey, butter milk, or separated milk.

"Carcase", "owner" and "poultry" shall have the same meanings as in the Diseases of Animals Ordinance, 1926.

3. No person shall:—

- (a) Expose a diseased or suspected animal in a market, fair-ground, sale-yard, or other public or private place where animals are commonly exposed for sale;
 - (b) place a diseased or suspected animal in a building or other place adjacent to or connected with a market, fair ground, sale-yard or other public or private place where animals are commonly placed before exposure for sale;
 - (c) send or carry, or cause to be sent or carried, a diseased or suspected animal on a railway;
 - (d) carry or drive, or cause to be carried or driven, a diseased animal on a road;
 - (e) place or keep a diseased or suspected animal on common land or unenclosed land, or in a field adjoining a road unless that field is so fenced or situate that animals therein cannot in any manner come in contact with animals passing along that road or grazing on the sides thereof;
 - (f) graze a diseased or suspected animal on pasture adjacent to a road;
 - (g) being the owner or person in charge of a diseased or suspected animal, allow it to stray on a road or on the sides thereof or in common or unenclosed land or in a field or place insufficiently fenced.
4. (1) A Veterinary Officer may serve a Notice in the form set forth in Schedule 'A' hereto, on the occupier of any house, stable, shed, field, or other premises in which there is an animal which in his opinion is diseased, or on the occupier of premises on which he has reasonable ground for suspecting that foot-and-mouth disease exists or has existed within twenty days previous to the date of such Notice, as the case may be, and thereupon the following provisions shall apply:
- (a) Every animal on the premises at the date of the service of the Notice which is diseased or suspected shall either be destroyed and burnt or buried or isolated, as directed by a Veterinary Officer;
 - (b) Every animal on the premises at the date of service of the Notice which is or was in contact with any diseased or suspected animal shall either be slaughtered or isolated for such

- a time and in such a manner as the Veterinary Officer may prescribe ;
- (c) No person, except the person tending the animal, shall, unless authorised in writing by a Veterinary Officer, enter such premises;
 - (d) No person who has been in contact with a diseased or suspected animal shall approach other animals or shall leave the place wherein the animals are confined until his hands and boots and if boots are not worn, his feet have been thoroughly disinfected ;
 - (e) A receptacle containing a prescribed disinfectant shall be kept in some convenient place at all such exits from the premises as may be required by a Veterinary Officer. Fresh disinfectant shall be placed in such receptacles as often as may be necessary, and at least once in every twenty-four hours ;
 - (f) The owner of any poultry on such premises shall keep his poultry securely penned and in such a manner as to prevent them from coming into contact with other animals ;
 - (g) Milk from any diseased or suspected animal shall not be used for the food of any other animals unless and until it has been boiled or otherwise sterilised. Any utensil in which such milk is placed before being treated shall be thoroughly cleansed with boiling water before any other milk is placed therein ;
 - (h) The shed, field or other place which has contained a diseased animal, and any utensil, fitting or other thing used for or about such animal, shall, as soon as practicable, be cleansed and disinfected in accordance with the provisions of Rule 5 to the satisfaction of a Veterinary Officer, and by and at the expense of the occupier of the place or the owner of the thing ;
 - (i) No premises specified in the Notice shall be restocked with any animals for a period of at least one month from the date of such Notice ;
 - (j) The dung of any diseased or suspected animal and any fodder or litter that has been in contact with or used about such animal shall forthwith be burnt or mixed with quick-lime and buried.
- (2) A Notice under these Rules shall remain in force until it is withdrawn by a Notice in the form set forth in Schedule 'B' hereto, served on the occupier of the premises by a Veterinary Officer.
5. (1) Where any place or thing is required by these Rules to be cleansed and disinfected, the following things shall be done in the order named :

- (a) the whole of the interior of the place, including the fittings, shall be thoroughly washed and sprayed with a prescribed disinfectant;
 - (b) all dung and other discharges shall be scraped from the walls, fittings and floors, and the place swept out, and all litter, dung or other thing that has been in contact with, or used about, any animal shall be effectively removed therefrom;
 - (c) the floor of the place and all other parts thereof with which an animal or the droppings or any discharge from the mouth or nostrils has come in contact shall be thoroughly washed or sprayed with a prescribed disinfectant;
 - (d) all litter, dung, or other thing that has been removed from the place shall forthwith be burnt or mixed with quick-lime and buried.
- (2) In the case of a yard, field or other place which is not capable of being cleansed and disinfected in the manner prescribed in the preceding sub-paragraph, it shall be sufficient if such yard, field or other place be disinfected and cleansed as far as practicable and to the satisfaction of a Veterinary Officer.

6. The Mukhtar or other head of a village shall cause the carcase of any animal dying from foot-and-mouth disease to be either buried at a depth of not less than one metre and a half or burnt at the expense of the owner.

7.) (1) The following provisions shall apply to any area which is declared by Notice in the Gazette to be an area infected with foot-and-mouth disease:

- (a) No animals, with the exception of those passing through by rail from without, shall be moved into or out of such area;
- (b) No animals shall be moved within such area from the lands of one village to the lands of another village without the permission of a Veterinary Officer.

(2) Any person negligently allowing any animal to escape from an infected area shall be deemed to have moved the animal from such area.

O. G. No. 249 of 16.12.1929.

SCHEDULE 'A'.

DISEASES OF ANIMALS ORDINANCE, 1926.

FOOT-AND-MOUTH DISEASE RULES, 1929.

To.....

Take notice that foot-and-mouth disease exists or has within..... days prior to the date of this Notice existed in the undermentioned shed/field/or other premises..... which are hereby declared to be an infected

¹⁾ See Ex. of 23.4.1930.

area, and that by virtue of this Notice and the Foot-and-Mouth-Disease Rules, 1929 the provisions set forth in Rule 4 of the said Rules apply to the shed/field/or other premises and all lands and buildings contiguous thereto in your occupation from the date of the service of this Notice.

Dated this..... day of..... 19.....

(Sgd)

Veterinary Officer.

NOTE. Read the endorsement at the back of this Notice.

ENDORSEMENT AT BACK OF NOTICE.

The following provisions apply to any shed, field, or other premises declared to be infected with foot-and-mouth disease:-

(Here follows Rule 4 (1) (a) to (k) inclusive of the Foot-and-Mouth Disease Rules, 1929).

SCHEDULE 'B'.

DISEASES OF ANIMALS ORDINANCE, 1926.

FOOT-AND-MOUTH DISEASE RULES, 1929.

To.....

The Notice signed by.....and served upon you on the
..... day of..... 19..... declaring that your shed/field/
or other premises were an infected area is hereby withdrawn.

Dated this..... day of..... 19.....

(Sgd)

Veterinary Officer.

11th December, 1929. O. G. No. 249 of 16.12.1929.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the High Commissioner under Section 19, prescribing the conditions under which cattle and other animals imported into Palestine by sea for slaughter shall be imported and slaughtered.

In virtue of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rules.

1. Any person desiring to import by sea into Palestine for slaughter any cattle, sheep, goats or swine shall prior to importation apply to the Chief Veterinary Officer for permission so to do and shall not import any such animals until he shall have obtained from the Chief Veterinary Officer a permit in writing to that effect.

2. The importer of any such animals shall, at or prior to importation, produce to the Veterinary Officer at Haifa, a veterinary certificate or certificates issued by a Government or public authority in the country of export to the effect that the animals which the importer desires to import originated in a locality in the country of export which at the date of exportation from that country was free from any contagious animal disease, and that the animals were free from any such disease at the time of shipment.

3. The animals shall be imported into Palestine only through the port of Haifa.

4. Only such animals shall be imported as are destined to be slaughtered.

5.¹⁾ After being landed at Haifa, the animals shall be moved to the Quarantine Station there and branded or otherwise marked by the Quarantine Officer. They shall not be moved from the Station until they have been so branded or marked and until authority for removal has been obtained from the Veterinary Officer, Haifa. Any animals moved shall be sent either direct to the Slaughter-House at Haifa and there slaughtered forthwith, or to the towns of Jerusalem, Jaffa and Tel-Aviv but to no other places. Any animals sent to the above-mentioned towns shall proceed by rail and not by road, and on arrival they shall be sent forthwith to the Quarantine Station, or to other premises approved by the Chief Veterinary Officer, and shall be detained there till authority to slaughter has been obtained from a Veterinary Officer. The animals in respect of which such authority is issued shall be moved to the Slaughter-House by a route prescribed by the Veterinary Officer and forthwith slaughtered.

6. (a) The importer of any animal imported under these Rules shall pay to the Veterinary Officer at Haifa the following fees for the period during which the animal is detained in quarantine:—

Cattle, per head 300 mils.

Sheep, goats and swine, per head 60 mils

(b) There shall also be paid to the Municipal Veterinary Surgeon of Jaffa or Jerusalem, as the case may be, on account of each head of stock transferred from the Quarantine Station at Haifa, for any period during which the animal is detained in the Quarantine Station at Jaffa or Jerusalem, or to the Veterinary Officer, Jerusalem or Jaffa, as the case may be, in respect of each head of stock detained at Jerusalem, Jaffa or Tel-Aviv on premises approved by the Chief Veterinary Officer, the following fees:—

Cattle, per head 200 mils.

Sheep, goats and swine, per head 40 mils.

(c) The Quarantine fee prescribed by Public Notice published in the Official Gazette of the 15th May, 1922, shall not be payable in respect of any animal imported under these Rules.

¹⁾ See Ex. of 8.4.1930.

7. Cattle or other animals destined for Palestine shall not be landed at the Port of Haifa unless the Master of the vessel has delivered to the Port Officer a declaration signed by him to the effect that during the conveyance of such animals from the port of embarkation to the Port of Haifa no animal on board the vessel has been exported or carried coastwise from any port or place in any other country.

8. Animals imported and detained in quarantine under the provisions of these Rules shall be imported and detained, fed and watered, at the risk and expense of their owners.

9. The Rules published in the Official Gazettes Extraordinary of the 24th August and 7th October, 1926, and the 10th January, 1927, prescribing the conditions under which cattle and other animals imported into Palestine by sea for slaughter shall be imported and slaughtered, are hereby revoked.

11th December, 1929. O. G. No. 249 of 16.12.1929.

DISEASES OF ANIMALS ORDINANCE, 1926.

NOTICE.

Slaughter-House Regulations.

It is hereby notified that Slaughter-House Regulations under Rule 30 of the Slaughter-House Rules, 1927-1929, have been made by the following Municipal and Local Councils in the terms of the Regulations made by the Municipal Council of Jaffa which were published in the Official Gazette of the 16th December, 1929:-

MUNICIPAL COUNCILS: Acre, Beisan, Haifa, Jenin, Nablus, Nazareth, Tiberias, Tulkarem, Bethlehem, Ramleh, Lydda.

LOCAL COUNCILS: Tershiha, Bassa, Rameh, Kafr Yasif, Afuleh, Saffourieh, Mujeidel, Kalkilieh, Taybeh, Anebta, Samakh, Mughar, Petah-Tikvah, Sarona, Rehoboth, Rishon-le-Zion, Ramath-Gan.

24th December, 1929. O. G. No. 250 of 1.1.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

NOTICE.

Slaughter-House Regulations.

It is hereby notified that Slaughter-House Regulations under Rule 30 of the Slaughter-House Rules, 1927-1929, have been made by the following Municipal and Local Councils in the terms of the Regulations made by the Municipal Council of Jaffa which were published in the Official Gazette of the 16th December, 1929:

MUNICIPAL COUNCILS: Jerusalem, Ramallah.

LOCAL COUNCILS: Bir-Zeit, Bireh.

16th January, 1930. O. G. No. 252 of 1.2.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rule made by the High Commissioner.

In exercise of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rule.

Permits may be issued for the movement of cattle for slaughter from any lands of a village, settlement or farm within the area defined in paragraph 1 of the Rules made under the said Ordinance, which were published in the Gazette Extraordinary of the 22nd November, 1929, to any slaughter-house situated within or without such area.

Such permits shall be issued subject to the terms of paragraphs 4 to 13 inclusive of the said Rules.

7th February, 1930. O. G. No. 253 of 16.2.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rule made by the High Commissioner.

In exercise of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rule.

Notwithstanding anything contained in the Rule published in the Gazette Extraordinary of the 18th November, 1929, sheep and goats for slaughter may be imported from Syria and the Lebanon by a land route, provided that such animals:

(a) are imported by motor vehicle from Ras-el-Nakurah, by the Ras-el-Nakurah-Acre-Haifa Road, or by rail from El Hamme Station, directly to the Animal Quarantine Station at Haifa, and

(b) are slaughtered in quarantine in accordance with the provisions of paragraphs 5, 6 and 8 of the Rules published in the Gazette of the 16th December, 1929.

27th February, 1930. O. G. No. 254 of 1.3.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rule made by the High Commissioner.

In exercise of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rule.

Rule 4 of the Rules under the said Ordinance which were published in the Gazette of the 16th March, 1929, is hereby revoked and the following shall be substituted therefor:—

The movement of meat of animals, other than meat which has been frozen, cooked or preserved, into the area of any Municipal or Local Council from outside such area is prohibited, provided that meat of animals may be moved into the area of a Municipal or Local Council from a slaughter-house situated outside the area of the Council which is the property of the Council or designed to serve the area.

27th February, 1930. O. G. No. 254 of 1.3.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

NOTICE.

Slaughter-House Regulations.

It is hereby notified that Slaughter-House Regulations under Rule 30 of the Slaughter-House Rules, 1927-1929, have been made by the Local Council of Shefa-Amr in the terms of the Regulations made by the Municipal Council of Jaffa which were published in the Official Gazette of the 16th December, 1929,

27th February, 1930. O. G. No. 254 of 1.3.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the High Commissioner.

In exercise of the powers vested in me by Section 19 (a) of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rules.

1. The Rabies Rules, 1928, made under Section 19 of the said Ordinance, and published in the Official Gazette of the 16th March, 1928, and the following Rule may together be cited as the Rabies Rules, 1928-1930.

2. Any stray or ownerless dog, cat, or monkey which is required by a Medical or Veterinary Officer or Municipal Veterinary Surgeon to be kept under observation for ten days, shall be accommodated in a kennel of the Municipal or Local Council and at its expense, provided that if the owner of the animal is subsequently traced, he shall be liable to refund to the Council the costs incurred.

10th March, 1930. O. G. No. 255 of 16.3.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rule made by the High Commissioner under Section 19.

In exercise of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rule:—

Notwithstanding anything to the contrary in Rule 5 of the Rules under the said Ordinance, which were published in the Gazette of the 16th December, 1929, prescribing the conditions under which cattle and other animals imported into Palestine by sea for slaughter shall be imported and slaughtered, sheep and goats may be released from the Quarantine Station at Haifa after having undergone a period of eight days' quarantine and provided that the Veterinary Officer, Haifa, is satisfied that such animals are free from disease.

5th April, 1930. O. G. Ex. of 8.4.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

NOTICE.

Whereas Foot-and-Mouth Disease occurs in Palestine, in exercise of the powers vested in me by Section 10 of the Diseases of Animals Ordinance, 1926, I hereby prohibit, as from the 25th of April, 1930, until further notice the slaughter for food within the limits of any Municipal and Local Council Area, of cattle other than cattle imported into Palestine by sea, or authorised to be slaughtered under a permit granted by a Veterinary Officer, and the sale within the said limits of beef or viscera of cattle other than beef imported in a frozen, chilled or tinned state, or the meat or viscera of cattle authorised to be slaughtered under a permit granted by a Veterinary Officer.

12th April, 1930. O. G. No. 257 of 16.4.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules prescribing measures to be taken to suppress foot-and-mouth disease in infected areas.

In exercise of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rules:—

1. The following provisions shall apply to any area which is declared by Notice in the Gazette to be an area infected with foot-and-mouth disease:—
 - (a) No stock, carcase, litter, dung or fodder shall be moved from any infected area or moved within such area from any village or farm

- to any other village or farm without the permission of a Veterinary Officer, save that stock or carcasses may be moved through any infected area if consigned by rail from outside such area.
- (b) No person shall slaughter for the purpose of consumption as food any stock showing any symptom of disease.
 - (c) No person shall skin or exhume a carcass of any stock which has been destroyed or has died from disease.
 - (d) No person shall inoculate any stock with any serum of foot-and-mouth disease, except under the directions of a Veterinary Officer.
 - (e) All stock in an infected area shall be herded as far as possible from the public road.
 - (f) The Chief Veterinary Officer or a Veterinary Officer or Stock Inspector may require the owner of any animal within an infected area to isolate the animal from other animals within the area or to remove such animal within a stated period from the area to such other place as he may direct.
 - (g) A Veterinary Officer or Stock Inspector may cause any animal in an infected area to be branded with such mark as he may think fit.
 - (h) Every person having knowledge of any of the following matters shall forthwith give notice to the nearest District Officer, Police Officer, or Veterinary Officer :-
 - (i) the movement of cattle from any Municipal or Local Council area or the lands of any village or farm to another Municipal or Local Council area, village or farm; or
 - (ii) the movement of cattle along any public road; or
 - (iii) the grazing of cattle on any road or the sides thereof.
 - (k) Any person negligently allowing any animal to escape from an infected area shall be deemed to have moved the animal from such area.
2. Rule 7 of the Foot-and-Mouth Disease Rules, 1929, published in Official Gazette No. 249 of the 16th December, 1929, is hereby revoked.
- 17th April, 1930. Ex. of 23.4.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rule made by the High Commissioner under Section 19.

In exercise of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rule:

Notwithstanding anything to the contrary in the Rule prohibiting the movement of meat of animals into the area of any Municipal and Local Council,

published in the Official Gazette of the 1st March, 1930, meat of cattle imported by sea and slaughtered at the Haifa Municipal Slaughter-house may be moved by rail in refrigerator vans from Haifa to Tel-Aviv for distribution and sale in the Local Council Area of Tel-Aviv.

26th April, 1930. Ex. of 29.4.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rule for the prevention of the spread of Foot and Mouth Disease in areas other than areas declared to be infected areas.

In exercise of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rule:—

Notwithstanding anything to the contrary in the Rules for the prevention of the spread of foot and mouth disease in areas other than areas declared to be infected areas, published in Official Gazette No. 257 of the 16th April, 1930, cattle may be moved from any Municipal or Local Council area or from the lands of any village or farm with the written permission of a Veterinary Officer.

22nd May, 1930. O. G. No. 260 of 1.6.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the High Commissioner under Section 19.

In exercise of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rules.

1. These Rules may be cited as the Slaughter-House (Amendment) Rules, 1930.
2. Every Municipal or Local Council shall appoint a veterinary surgeon, trained meat inspector or other person, approved by the Chief Veterinary Officer, who shall be entitled to conduct in its slaughter-house an inspection of all animals and carcasses destined for food during the absence of the Municipal Veterinary Surgeon or Meat Inspector.
3. Rule 4 of the Slaughter-House Rules, 1927, published in the Gazette of the 16th March, 1927, shall be cancelled, and the following shall be substituted therefor:—

(a) ¹⁾ All butchers and other persons engaged in slaughtering animals and dressing carcasses shall be licensed annually by the Municipal

¹⁾ See O. G. No. 276 of 1.2.1931.

or Local Council and shall pay an annual fee of 150 mils for such licence. The holder of a licence, when in the slaughter-house, shall wear a number-plate issued by the Municipal or Local Council for which a charge of 150 mils shall be made; provided that this sum shall be refunded at any time if the person to whom it was issued returns it in good condition. Provided further that-

- (i) rabbinical students and meat inspectors who are required to attend at public slaughter-houses, for the purpose of instruction, and other persons who require occasionally to visit public slaughter-houses, may enter such slaughter-house without a licence, but before doing so shall obtain the written permission of the Municipal or Local Council; and
- (ii) no person under the age of sixteen years shall be permitted to enter a slaughter-house or be licensed by any Municipal or Local Council.

27th June, 1929. O. G. No. 263 of 16.7.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules by the Officer Administering the Government
under Section 19.

In exercise of the powers vested in the High Commissioner by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir Steuart Spencer Davis, Officer Administering the Government of Palestine, hereby make the following Rules:

1. Notwithstanding anything to the contrary in Rule 5 of the Rules published in the Gazette of the 16th December, 1929, prescribing the conditions under which cattle and other animals imported into Palestine by sea for slaughter shall be moved, cattle may be moved by rail from the Quarantine Station at Haifa to Petah-Tikvah for slaughter, subject to the provisions of the said Rules.

2. The fees prescribed by Rule 6 (b) of the said Rules shall be payable by the importer to the Veterinary Officer, Jaffa, in respect of any animal transferred from the Quarantine Station at Haifa and detained on approved premises at Petah-Tikvah pending slaughter.

16th July, 1930. O. G. No. 264 of 1.8.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the Officer Administering the Government.

In exercise of the powers vested in the High Commissioner by Section 19 (a) of the Diseases of Animals Ordinance, 1926, I, Sir Steuart Spencer Davis, Officer Administering the Government of Palestine, hereby make the following Rules :

1. The Rabies Rules published in the Gazettes of the 16th March, 1928, and the 16th March, 1930, and the following Rule may together be cited as the Rabies Rules, 1928-1930.

2. For the purpose of the application of these Rules to Municipal Areas, any animal which has bitten a person shall be considered to be suspected and the owner or other person in charge of such animal shall, forthwith on becoming aware of the occurrence, report it and the particulars thereof to the nearest District Health Office.

7th August, 1930. O. G. No. 265 of 16.8.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the Officer Administering the Government.

In exercise of the powers vested in the High Commissioner by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir Steuart Spencer Davis, Officer Administering the Government of Palestine, hereby make the following Rules :

1. These Rules may be cited as the Animal Burial Rules, 1930.

2. In these Rules,

(i) "Animal" means cattle, sheep, goats, camels, mules, horses, donkeys, swine and dogs;

(ii) "Local Authority" means any Municipal or Local Council and includes the President of an Agricultural Settlement or the Mukhtar of a Village;

(iii) "Village or Settlement Area" includes all the lands belonging to a village or settlement;

(iv) "To die of any disease" includes death from any cause other than slaughter for food.

"Owner" and "Carcase" shall have the same meanings as in the Diseases of Animals Ordinance, 1926.

3. Every Municipal or Local Council shall provide either an animal burial ground or a public incinerator or waste eliminator for the disposal of animals which die of any disease. The sites of an animal burial ground shall receive the prior approval of a Medical Officer of Health.

4. Any animal which dies of any disease in a Municipal or Local Council Area, within two kilometres of any road or of any dwelling-house, shall be disposed of by the Local Authority and at the expense of the owner in the following manner:—

It shall be —

- (a) buried in its skin in an animal burial ground, at a depth of not less than one and a half metres below the surface of the earth, and shall be covered with a quantity of quick lime or other disinfectant; or
- (b) disinfected and taken to a public incinerator or waste eliminator and there destroyed by exposure to a high temperature.

5. Any animal which dies of any disease in a Village or Settlement Area, within one kilometre of any road or of any dwelling-house, shall be buried by and at the expense of the owner in a place selected by and under the supervision of the Local Authority, in the following manner:—

It shall be buried —

- (a) in its skin at a distance of not less than one kilometre of any dwelling-house: and
- (b) at a depth of not less than one and a half metres below the surface of the earth and covered with a quantity of quick lime or other disinfectant.

6. Notwithstanding the terms of Rules 4 and 5 hereof, a Local Authority may cause or allow an animal which dies of any disease to be taken into the area of another Local Authority which maintains a public incinerator or a waste eliminator plant with the previous consent of that Local Authority there to be destroyed by exposure to a high temperature.

7. If any animal dies of any disease in a Municipal or Local Council Area within two kilometres, or in a Village or Settlement Area within one kilometre of any road or of any dwelling-house, the owner of such animal, or the occupier of the place where it died, or the occupier of the place where its carcase is found, shall forthwith give notice thereof to the Local Authority.

8. If any animal dies in any street or place within the area of a Local Authority, and the owner, or any person having charge of it, cannot be found, it shall be immediately removed by the Local Authority concerned and destroyed in the manner prescribed in Rules 4 and 5 hereof at the expense of the Local Authority. Provided that, if at any time the owner of the animal so destroyed is found, the Local Authority may recover from him a fee according to the scale prescribed in the Schedule hereto.

9. Save with the permission of the Chief Veterinary Officer, no person shall dig up, or cause to be dug up, the carcase of any animal that has been buried after having died of any disease.

10. No person shall sell or expose for sale the carcase of any animal which died of any disease.

11. Every Local Authority shall supply such reports, returns and other information as are required by the Chief Veterinary Officer.

12. Any Municipal or Local Council may, subject to the approval of the District Commissioner, make charges for the removal, burial or incineration of animals which die of disease within its area.

13. If an owner fails to bury his animal, the Mukhtar of any Village or President of a Settlement may cause such animal to be buried and recover the cost of the burial from the owner; provided that the amount so recovered shall not exceed in respect of the different kinds of animals the scale of fees prescribed in the Schedule hereto.

14. Any Local Authority may, subject to the approval of the Chief Veterinary Officer, make further regulations for the efficient management and administration of the disposal of animals which die of any disease.

SCHEDULE.

SCALE OF FEES PAYABLE FOR BURIAL OF ANIMALS.

	Mils
(1) Bulls, cows, heifers, oxen, buffaloes, camels, mules or horses	200 per head.
(2) Donkeys	150 per head.
(3) Calves (including buffaloes) or foals	120 per head.
(4) Sheep, goats or swine	80 per head.
(5) Lambs, kids and dogs	50 per head.

23rd August, 1930. O. G. No. 267 of 16.9.1930.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the High Commissioner under Section 19.

In exercise of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rules.

1. These Rules may be cited as the Animal Quarantine Rules, 1931¹⁾.
2. In these Rules:—
 - “Animal” includes stock, poultry and transport animals.
 - “Stock” means horses, cattle, sheep, goats, camels and swine.
 - “Transport animals” means any riding, pack or draught horse or camel engaged in transport across any frontier.

¹⁾ See O. G. No. 275 of 16.1.1931.

“Horse” includes any horse, mule or donkey, other than a horse used as a transport animal.

“Approved” means approved by the Chief Veterinary Officer.

“Inspecting Officer” means a Government Veterinary Officer, Stock Inspector or other officer in charge of an Animal Quarantine Station.

“Owner” means any owner or joint owner of any animal, and any importer of animals, and any superintendent, overseer, agent, or carrier and any master or captain of any vessel, and any consignee, or any person in possession or charge of any animal, fodder or litter.

“Attendant” means any person in charge of any imported animal.

“Imported” means brought to Palestine from a country out of Palestine.

“Infected stock” means stock not actually diseased which forms, or during the preceding three months has formed part of a lot containing any diseased stock, or which has during the preceding three months been in contact with diseased stock; but no stock shall be deemed to be infected stock by reason only of forming part of a lot affected or infected with disease to which such stock are not liable.

Other terms used have the same meanings as defined in the Diseases of Animals Ordinance, 1926.

GENERAL PROHIBITION

3. (1) The introduction into Palestine, whether by sea or land, of any animal, is prohibited except in accordance with these Rules and any provisions in the Schedule hereto.
- (2) Additions to or amendments of the Schedule may be made at any time by Notice of the High Commissioner.

INTRODUCTION OF STOCK BY SEA

4. Stock shall be landed only at the Port of Haifa.
5. Not less than three days notice of the arrival of stock shall be given by the owner to the Veterinary Officer of Haifa.
6. On the arrival at the Port of Haifa of a vessel on which there are stock to be landed, the Master shall give notice to the Inspecting Officer, Haifa.
7. Imported animals shall not be landed unless and until there are delivered to an Inspecting Officer the certificate and declaration prescribed by this Rule, namely:—
 - (a) A certificate signed by a duly authorised officer in the country of export:—
 - (i) that the cattle have been examined by a duly authorised Veterinary Officer in the country of export immediately before shipment;
 - (ii) that on such examination no animal was found to be affected with cattle plague, pleuro-pneumonia or foot and mouth disease, or other animal contagious disease:

- (b) A declaration signed by the Master of the vessel that:—
- (i) no stock, the introduction of which into Palestine is prohibited, has been on board the vessel since the shipment of the stock proposed to be landed in Palestine;
 - (ii) during the voyage none of the stock to be landed in Palestine has been taken or allowed on shore at a place from which the introduction into Palestine of stock of the same kind is prohibited;
 - (iii) no disease affecting stock has occurred during the voyage.

If any disease affecting stock has occurred during the voyage, the Master shall make a declaration giving particulars as to it.

8. The Master shall deliver or cause to be delivered the certificate and declaration referred to in the last preceding Rule to an Inspecting Officer together with any other declarations or certificates required in accordance with the Schedule hereto.

9. All stock on the vessel shall be examined by an Inspecting Officer who, if satisfied that the prescribed declarations and/or certificates are in order and that the provisions of these Rules and the Schedule hereto have been complied with and that the stock on the vessel are free from disease, may issue a permit for the stock to be landed and removed at the owner's risk and expense to the Animal Quarantine Station, Haifa.

10. If the Inspecting Officer certifies that any of the stock are diseased or infected, all the stock shall be refused entry, or shall be landed and destroyed or otherwise disposed of in such manner as the Chief Veterinary Officer directs.

11. Fodder or litter which has been taken on board at any port for the use of stock being conveyed to Palestine shall not be landed at any port of Palestine.

12. Clothing, fittings, utensils, crates or boxes, harness, saddlery, implements or any other appliances or things used on any vessel in connection with stock introduced into Palestine may be destroyed, refused admission or, on the issue of a permit by an Inspecting Officer, may be introduced into Palestine;

Provided, however, that such clothing, fittings, utensils or other appliances or things shall, if allowed to be introduced, be subjected, at the expense of the importer, to treatment and disinfection prescribed in the next following Rule, and to such further treatment and disinfection as the Chief Veterinary Officer directs.

13.(1) Rugs and other clothing and similar articles shall, if steam under pressure is available, be subjected to moist steam at a pressure of from .70 kilogrammes to 1.05 kilogrammes to the square centimetre for twenty minutes after the expulsion of air from the disinfecting chamber. If steam under pressure is not available, rugs and other clothing and similar articles shall be soaked in a hot soapy creosol solution or other approved disinfectant solution for not less than one hour.

- (2) All unstuffed harness and saddlery shall be disinfected by thorough washing with an approved disinfectant solution. Stuffed harness shall be stripped of all stuffing and lining, and saturated with an approved disinfectant solution. The old lining and stuffing shall be burned.
- (3) Utensils, mangers, feeding-troughs, pens and hurdles shall be disinfected by saturating and scrubbing with an approved disinfectant solution, or shall be painted thoroughly and completely with an approved mixture.

INTRODUCTION OF ANIMALS BY LAND.

14. No animal shall be introduced by land into Palestine except through one of the following Animal Quarantine Stations, namely: Ras-el-Nakura, Manawat, Jish, Buzieh, Jisr Banat Ya'cub, Samakh, Jisr Majami', Jisr Sheikh Hussein, Jisr Damieh, Allenby Bridge, Hebron, Beersheba, Gaza or Khan Yunis, and all animals entering by land shall enter only by the following routes prescribed below:—

A. SYRIA—PALESTINE FRONTIER :

- (a) To Ras-el-Nakura, approached by the Beirut-Acre road ;
- (b) To Manawat, approached by all roads from Fassuta, Ikrith and Wadi Kurn ;
- (c) To Jish, approached by the Bint-el-Jbeil—Marus-el-Ras and Wad-el-Jish road ;
- (d) To Buzieh, approached by the Hasbeyah—Jdeideh—Khirbeh road via Metullah ;
- (e) To Jisr Banat Ya'cub, approached by the Damascus—Roshpina road.

B. TRANS-JORDAN—PALESTINE FRONTIER :

- (a) To Samakh, approached by the Um-Keiss-el-Hammeh road ;
- (b) To Jisr Majami', approached by the Irbid-Baisan road ;
- (c) To Jisr Sheikh Hussein, approached by the Ajlun—Beisan road ;
- (d) To Jisr Damieh, approached by the Es-Salt — Arab Massufieh — Jisr Damieh — Nablus road ;
- (e) To Allenby Bridge, approached by the Es-Salt—Jericho—Jerusalem road ;
- (f) To Hebron, via El-Kerak — Ghor Safi — Nagb Amwas—Nagb Zuweika—Nagb Abu Kitada--Khirbet-el-Tawani—Ail-el-Boweika.

C. EGYPT—PALESTINE FRONTIER :

- (a) To Khan Yunis, via El-Arish and Rafa ;
- (b) To Beersheba, via Kussaima and Auja-Hafir.

D. BY RAIL :

- (a) To Haifa, Samakh, or Jisr Majami'—from Syria, the Lebanon and Trans-Jordan ;
- (b) To Haifa, Gaza, or Khan Yunis—from Egypt.

GENERAL PROVISIONS.

- 15.(1) The following fees shall be charged for the examination of any imported stock (other than stock imported for slaughter in quarantine), poultry and transport animals:-
- | | |
|---|-------------------|
| (a) Cattle, horses, camels, swine | 40 mils per head. |
| (b) Sheep and goats | 20 mils per head. |
| (c) Lambs and kids unweaned | 10 mils per head. |
| (d) ¹⁾ Poultry:- | |
| (i) For a consignment not exceeding twenty birds, for each bird | 5 mils. |
| (ii) For a consignment exceeding twenty birds, for each bird | 1 mil. |
| (e) Transport animals | 20 mils per head. |
- (2) The following fees shall be charged for the examination of stock imported for slaughter in quarantine, and shall be paid prior to movement or slaughter of any animal of the consignment:-
- | | |
|--|--------------------|
| (a) To the Veterinary Officer, Haifa, for the period during which the animal is detained at the quarantine Station of Haifa:- | |
| Cattle | 300 mils per head. |
| Sheep, goats and swine | 60 mils per head. |
| (b) To the Municipal Veterinary Surgeon of Jaffa, Tel-Aviv, Petach-Tikvah or Jerusalem, as the case may be, on account of each head of stock transferred from the Quarantine Station at Haifa, for any period during which the animal is detained in the Municipal Slaughter-House lairs at Jaffa, Tel-Aviv, Petach-Tikvah or Jerusalem, or to the Veterinary Officer, Jaffa or Jerusalem, as the case may be, in respect of each head of stock detained at Jaffa, Tel-Aviv, Petach-Tikvah or Jerusalem on premises approved by the Chief Veterinary Officer:- | |
| Cattle | 200 mils per head. |
| Sheep, goats and swine | 40 mils per head. |
- (3) The following fees shall be charged in addition for the treatment of imported or transport animals:-
- | | |
|---|-------------------|
| (a) Anti-anthrax inoculation :- | |
| For the treatment by inoculation with an anthrax serum or vaccine:- | |
| (i) Cattle, horses and camels | 35 mils per head. |
| (ii) Sheep, goats and swine | 25 mils per head. |
| (b) Shearing and clipping of sheep and goats:- | |
| (i) For a consignment not exceeding twenty animals, for each animal | 5 mils. |

¹⁾ A.—See O. G. No. 284 of 1.6.1931.

- | | |
|--|----------|
| (ii) For a consignment exceeding twenty animals, for each animal | 3 mils. |
| (c) Dipping of cattle, sheep and goats :- | |
| (i) For a consignment not exceeding twenty animals, for each animal | 2 mils. |
| (ii) For a consignment exceeding twenty animals, for each animal | 1 mil. |
| (d) Testing of cattle and horses with tuberculin or mallein, for each animal | 50 mils. |
| (e) Blood testing of cattle for contagious abortion, for each animal | 50 mils. |
| (f) Blood testing of poultry, for each bird | 10 mils. |

Provided that if an owner refuses or fails to remove his animals from quarantine on the expiry of the period prescribed in the Schedule hereto or to slaughter his animals within the period prescribed in Rule 17 (a) hereof, in the former case and in the latter case a fee of 50 mils per head per diem may be charged as the Chief Veterinary Officer orders.

16. Every head of imported stock other than stock imported for slaughter in quarantine shall, unless otherwise dealt with in accordance with the directions of the Chief Veterinary Officer, be detained in one of the Animal Quarantine Stations mentioned in Rules 10 and 15. The period of detention shall begin from the time of the arrival of the stock.

17. The following conditions shall apply to any stock imported by sea for slaughter in quarantine :-

- (a) The stock shall be slaughtered by the owner within a period of thirty days from the date of landing at the Port of Haifa.
- (b) No such stock shall be moved from the Animal Quarantine Station until branded or otherwise marked and until authority for removal has been obtained from the Veterinary Officer, Haifa. Any stock moved from the Animal Quarantine Station shall be sent either direct to the Slaughter-House at Haifa and there slaughtered forthwith, or to the towns of Jaffa, Tel-Aviv, Petach-Tikvah or Jerusalem but to not other places. Any animal sent to the above-mentioned places shall proceed by rail and not by road, and on arrival shall be sent forthwith to the Slaughter-House lairs or to other approved premises and shall be detained there till authority to slaughter has been obtained from a Veterinary Officer.
- (c) If the importer fails to slaughter the stock within the prescribed period, the Chief Veterinary Officer may dispose thereof by sale or slaughter and shall remit the proceeds of the sale or slaughter to the importer, after deduction of any expenses incurred.

18.(1) During the prescribed period of detention in quarantine animals shall be housed, fed or otherwise managed as directed by the Inspecting Officer and shall undergo such examination and treatment as may be directed by the Chief Veterinary Officer.

(2) Examination and treatment may include in the case of any:-

- (a) Horse — the mallein test;
- (b) Cattle — the tuberculin test;
- (c) Sheep and goats — shearing and clipping;
- (d) Stock -- dipping;
- (e) Stock — inoculation with anthrax vaccine or serum;
- (f) Poultry — agglutination test.

(3) All wool and hair removed by shearing and clipping from sheep and goats shall be immersed and saturated in such solution as the Chief Veterinary Officer directs.

19. If any stock detained in quarantine reacts to any approved diagnostic test, or, if in the opinion of the Inspecting Officer, such stock is diseased, they, together with any infected stock, shall be destroyed or otherwise dealt with as the Chief Veterinary Officer directs.

20. On the expiration of the respective periods of detention prescribed in the Schedule hereto for the several kinds of imported stock, the Inspecting Officer may, if such stock are not infected or diseased and if the fees and expenses due have been paid, release them.

21. If the owner refuses or fails for seven days to remove his animals from quarantine on the expiry of the prescribed period, or to dispose of any animal as directed by the Chief Veterinary Officer, or to pay any fees or expenses incurred, the animals may be sold, or slaughtered and sold or otherwise disposed of by order of the Chief Veterinary Officer. Provided that if the amount realised from the sale of the animals or the meat thereof is more than the total amount of fees and expenses payable, the balance of the proceeds, after deducting the amount of fees and expenses due and expenses incurred in connection with the sale, slaughter or other disposal of the animals, shall be paid to the owner or other person entitled thereto.

22. No animal, vehicle or goods shall be taken into or out of an Animal Quarantine Station without the written permission of the Inspecting Officer and without compliance with the conditions prescribed therein, and any stock, vehicle or goods other than those permitted by the Inspecting Officer, found in any Quarantine Station, shall be destroyed or otherwise dealt with as the Chief Veterinary Officer directs.

23. All persons employed or being in an Animal Quarantine Station shall obey the orders and carry out the instructions of the Inspecting Officer in charge, and all owners shall assist in every way in their power to prevent the spread of any disease affecting stock.

24. Any litter used in connection with any stock in quarantine, and the excreta of such stock, shall be burned if the Inspecting Officer so orders or otherwise disposed of as the Chief Veterinary Officer directs.

25. The owner of any imported animal shall pay all fees and expenses connected with inspection, examination, transportation, quarantining, housing sustenance, disinfecting, dipping, dressing, and the veterinary or other treatment of any such animal from the time of its arrival at an Animal Quarantine Station until it is released from detention or quarantine, or trans-shipped, or otherwise disposed of.

26. Any loss sustained with respect to any imported animal while being conveyed to or from or whilst in quarantine (whether by accident, or by sickness arising from natural causes or contracted from other stock, or by the destruction or detention or quarantine or treatment or dipping or dressing or handling or theft of such animal) shall be borne by the owner.

27. The cost of slaughter of any animal in quarantine and the burial or incineration of any condemned carcase shall be borne by the owner.

28. Any imported or transport animal may be branded or otherwise marked as the Chief Veterinary Officer directs.

29. The following Rules are hereby revoked:-

<i>Title and Subject of the Rule</i>	<i>Official Gazette dated</i>
(i) Prohibition on the importation of hay, straw etc., from countries declared to be infected with foot and mouth disease	1.5.26
(ii) Rules prescribing the conditions under which cattle and other animals imported into Palestine by sea for slaughter shall be imported and slaughtered	24.8.26.
(iii) Rules prescribing the conditions under which cattle and other animals shall be imported and slaughtered	7.10.26.
(iv) Additional Rules prescribing the conditions under which cattle and other animals imported into Palestine by sea for slaughter shall be imported and slaughtered	10.1.27.
(v) Rules prescribing the conditions under which cattle shall be imported from Russia (Union of Soviet Socialist Republics) into Palestine by sea and slaughtered	11.9.29.
(vi) Rules prescribing the conditions under which cattle and other animals imported into Palestine by sea for slaughter shall be imported and slaughtered	16.12.29.
(vii) Rules regarding the importation of sheep and goats by sea for slaughter	8.4.30.
(viii) Rules regarding the movement of cattle imported by sea for slaughter from Haifa to Petach-Tikvah	1.8.30.

8th January, 1931.

SCHEDULE OF SPECIAL REGULATIONS FOR
IMPORTATION OF STOCK FROM DIFFERENT COUNTRIES

A¹). CYPRUS:

(1) Every shipment of stock shall be accompanied by a certificate from a Veterinary Officer of the Government of Cyprus certifying that the stock have been born in Cyprus and are free from disease.

(2) In addition cattle shall be accompanied by a tuberculin test certificate and horses by a mallein test certificate from a Veterinary Surgeon. The certificate shall state the date on which the test was applied.

(3) The stock on arrival in Palestine shall be detained in quarantine for the following periods: —

Cattle	Six days
Sheep and goats	Six days
Swine	Two days
Horses	Two days

Provided that any stock certified by a Veterinary Officer of the Government of Cyprus to have been vaccinated, before shipment, against anthrax within a period of six months but not within the 14 days immediately preceding the date of shipment shall be detained only for 36 hours in quarantine.

B. TRANS-JORDAN:

(1) Stock on arrival at an Animal Quarantine Station shall be detained in quarantine for the following periods:

Cattle	Four days
Sheep and goats	Three days
Lambs and kids	One day
Swine	Eight days
Horses	Four days
Camels	Two days.

(2) Every consignment shall be accompanied by the following declaration and certificate: —

(a) A declaration from the owner

(i) that the stock have been located in Trans-Jordan for not less than two months immediately preceding export;

(ii) that they have been free from disease and have not been in contact with any animal suffering from disease during the said two months:

¹) See O. G. No. 294 of 1.11.1931.

- (b) A certificate by a Veterinary Officer of the Government of Trans-Jordan that the stock were free from disease at the time of export. The certificate shall state the date on which the stock were examined.

Provided always that where it is proved to the satisfaction of the Chief Veterinary Officer that the owner has been unable to obtain such certificate by reason of the fact that no Government Veterinary Surgeon was available, he may exempt him from this condition.

G. SYRIA AND THE LEBANON :

(1) Stock of Turkish, Iraqi, Lebanese, Syrian and Trans-Jordanian origin may be introduced into Palestine from Syria and the Lebanon, whether by sea or land route.

(2) Every head of stock introduced by land shall be detained in quarantine for the following periods: —

Cattle	Four days
Sheep and goats	Three days
Lambs and kids	One day
Swine	Eight days
Horses	Four days
Camels	Two days.

(3) Every head of stock introduced by sea shall be detained in quarantine for the following periods: —

Cattle	Eight days
Sheep and goats	Six days
Swine	Eight days
Horses	Four days.

(4) Every shipment or consignment of such stock shall be accompanied by the following declaration and certificate.

(a) A declaration from the owner.

- (i) that the stock are of Turkish, Iraqi, Lebanese, Syrian or Trans-Jordanian origin and have been located in Syria or the Lebanon for not less than two months immediately preceding shipment or export;
- (ii) that they have been free from disease and have not been in contact with any animals suffering from disease during the said two months;

(b) A certificate by a Veterinary Officer of the Government of Syria or the Lebanon, as the case may be, that the stock were free from disease at the time of shipment or export. The certificate shall state the date on which the stock were examined.

Provided that where it is proved to the satisfaction of the Chief Veterinary Officer that the owner has been unable to obtain a certificate by reason of the fact that no Government Veterinary Officer was available, he may exempt him from this condition.

D. EGYPT:

(1) Stock on arrival at an Animal Quarantine Station shall be detained in Quarantine for the following periods:

Cattle	Four days
Sheep and goats	Three days
Lambs and kids	One day
Swine	Eight days
Horses	Four days
Camels	Two days

(2) Every consignment shall be accompanied by the following declaration and certificate:-

(a) A declaration from the owner

(i) that the stock have been from birth in Egypt;

(ii) that they have been free from disease and have not been in contact with any animal suffering from disease during the two months immediately preceding export;

(b) A certificate by a Veterinary Officer of the Government of Egypt certifying that the stock were free from disease at the time of export. The certificate shall state the date on which the stock were examined.

Provided always that where it is proved to the satisfaction of the Chief Veterinary Officer that the owner has been unable to obtain such certificate by reason of the fact that no Government Veterinary Officer was available, he may exempt him from the provisions of sub-paragraph (b) of this Rule.

E. TURKEY:

(1) Sheep, goats, swine and horses may be introduced into Palestine from Turkey.

(2) Every shipment of animals shall be accompanied by

(a) A declaration of the owner

(i) that the animals have been from birth in Turkey;

(ii) that they have been free from disease and have not been in contact with any animal suffering from disease during the two months immediately preceding shipment;

(b) In the case of horses, a certificate of a mallein test from a Veterinary Surgeon stating the date on which the test was applied together with the endorsement by a Government Veterinary Officer at the port of shipment of the owner's declaration and of any

mallein certificate given by any other veterinary surgeon, to the effect that after due inquiry he has no reason to doubt its correctness.

F. BULGARIA:

(1) Cattle for the purpose of slaughter in quarantine may be introduced into Palestine from Bulgaria.

(2) Every shipment of such cattle shall be accompanied by the following certificates:-

(a) A certificate signed by a duly authorised officer of the Government of Bulgaria certifying that all such cattle have been from birth in Bulgaria and that no case of cattle plague, foot and mouth disease, or pleuro-pneumonia has been certified by the Government of Bulgaria to exist in the locality in which they have been located during the three months immediately preceding their movement to the port of shipment.

(b) A certificate signed by a Government Veterinary Officer of the locality in which the cattle have been located for the three months immediately preceding their movement to the port of shipment, that he has within ten days immediately preceding the date of their movement examined them and found them free from cattle plague, foot and mouth disease, or bovine pleuro-pneumonia.

G. THE GRAND DUCHY OF LUXEMBURG:

(1) Cattle may be introduced into Palestine from the Grand Duchy of Luxemburg.

(2) The cattle on arrival into Palestine shall be detained in quarantine for seven days.

(3) Every shipment of such cattle shall be accompanied by the following certificates:-

(a) A certificate signed by a duly authorised officer of the Government of the Grand Duchy of Luxemburg certifying that all such cattle have been from birth in the Grand Duchy of Luxemburg and that no case of foot and mouth disease has been certified by the Government of the Grand Duchy of Luxemburg to have occurred in that country during the six months immediately preceding their shipment.

(b) Tuberculin and contagious abortion test certificates signed by a Veterinary Officer of the Government of the Grand Duchy of Luxemburg. The certificates shall state the dates on which the tests were applied.

- (c) A certificate signed by a Government Veterinary Officer of the locality in which the cattle have been located for the three months immediately preceding their movement to the port of shipment, that he has within ten days immediately preceding the date of their movement examined them and found them free from foot and mouth disease and other animal contagious diseases.

H. RUSSIA (UNION OF SOVIET SOCIALIST REPUBLICS):

(1) Cattle for the purpose of slaughter in quarantine may be introduced into Palestine via Alexandria from Russia.

(2) Every shipment of such cattle shall be accompanied by a certificate issued by the Conseil Sanitaire Maritime et Quarantenaire of Alexandria certifying that the cattle

- (a) are of Russian origin;
- (b) have been isolated for at least fifteen days in the quarantine enclosures at Alexandria and have not been in contact with any other animals during their detention at Alexandria; and
- (c) are free from foot and mouth disease and other animal contagious diseases at the time of shipment from Alexandria to Haifa.

I. TRANSPORT ANIMALS:

(1) Transport animals shall be examined by an Inspecting Officer and if found to be free from disease shall be released from quarantine. A permit valid for three months in respect of each animal shall be granted to the owner.

(2) Any transport animal which reacts to an approved diagnostic test or in the opinion of the Inspecting Officer is diseased shall be destroyed or otherwise dealt with as the Chief Veterinary Officer directs.

J.¹⁾ O. G. No. 275 of 16.1.1931. _____

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the High Commissioner under Section 19 regulating the introduction of Poultry into Palestine.

In virtue of the powers vested in me by Section 19 of the Diseases of Animals Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Rules.

1. Subject to the provisions of the Animal Quarantine Rules, 1931, and the following conditions, poultry from any country may be introduced into Palestine whether by land or sea.

2. Every consignment of poultry shall be accompanied by the following declaration and certificate:-

¹⁾ See O. G. No. 290 of 1.9.31.

- (a) A declaration from the owner that such poultry
 - (i) have been located in the country of export for not less than two months before export; and
 - (ii) have been free from disease and have not been in contact with any poultry suffering from disease during the said two months;
- (b) A certificate from a Government Veterinary Officer that the locality in which such poultry were located during the two months immediately preceding export is free from fowl plague, pox, typhoid and cholera and that he has examined such poultry and found them free from disease at the time of export; and, in addition, in the case of pedigree or pure-bred fowls intended to be used as foundation birds or for the improvement or breed of fowls;
- (c) A certificate signed by a Government Veterinary Officer that such birds have been double tested with an interval of 90 days between tests for bacillary white diarrhoea disease and that the second test has been conducted within 21 days immediately preceding the date of shipment.

The decision of the Chief Veterinary Officer as to whether or not an imported fowl is a pedigree or pure-bred fowl shall be final.

Provided that where it is proved to the satisfaction of the Chief Veterinary Officer that the person importing any poultry has been unable to obtain such a certificate by reason of the fact that no Government Veterinary Officer was available, he may exempt them from the requirements of sub-paragraphs (b) and (c) of this Rule.

3. The following conditions shall apply to poultry introduced by sea route :-

- (a) The poultry shall be landed at the Ports of Haifa or Jaffa, and removed directly either to the importer's premises, provided that such premises have been approved by a Veterinary Officer and are situated within the Municipal boundaries of Haifa or Jaffa, or to any other approved place, and shall thereon undergo a period of fifteen days quarantine.
- (b) In the event of any disease occurring during the period of quarantine, the poultry shall not be released from quarantine but shall be disposed of by the owner within the period prescribed by a Veterinary Officer as follows :-
 - (i) Every bird which is diseased or suspected to be diseased shall be destroyed and the carcass burned or buried. The remaining birds of the consignment shall be slaughtered, plucked and drawn on the premises and the meat thereof, if passed by the Inspecting Officer as fit for human consumption, may be sold as food;

otherwise it shall be burned or buried. All feathers and viscera shall be burned or buried.

- (ii) The premises used for the quarantine of any imported poultry shall, on the release of the poultry from quarantine or their disposal by slaughter, be cleansed and disinfected by and at the expense of the importer and to the satisfaction of a Veterinary Officer.

4. The following conditions shall apply to any poultry introduced by land route:-

- (a) The poultry shall be examined by the Inspecting Officer of the Animal Quarantine Station concerned and if found free from disease shall be released from quarantine.
- (b) In the event of disease being found, the poultry shall not be released from quarantine but shall be disposed of by the owner within the period prescribed by a Veterinary Officer as follows:-
- (i) every bird which is diseased or suspected to be diseased shall be destroyed and the carcass burned or buried.
- (ii) the remaining birds of the consignment shall forthwith be moved by motor vehicle or by other approved means directly either to the importer's premises, provided that such premises have been approved by a Veterinary Officer, or to any other approved place, and shall thereon be slaughtered, plucked and drawn and the meat, viscera and feathers disposed of, and the premises disinfected in accordance with the provisions of Rule 3 (b) (ii) hereof.

8th January, 1931. O. G. No. 275 of 16.1.1931.

ANIMALS (EXPORT AND IMPORT) ORDINANCE, 1920.

Notice by the Director of Agriculture.

It is hereby notified that all Notices and Regulations made by me under the Animals (Export and Import) Ordinance, 1920, which were published in the Official Gazette, are withdrawn.

6th January, 1931. Appr. 8th January, 1931. O. G. No. 275 of 16.1.1931.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rule by the High Commissioner under section 19.

In exercise of the powers vested in him by Section 19 of the Diseases of Animals Ordinance, 1926, the High Commissioner has made the following Rule:

The licence issued by a Municipality or Local Council under Rule 3 of the Slaughter-House (Amendment) Rules, 1930, which were published in the Gazette of the 16th July, 1930, shall be in following form:

(Serial) No. (To be printed).

DISEASES OF ANIMALS ORDINANCE, 1926.

MUNICIPALITY OR LOCAL COUNCIL OF.....

LICENCE

Issued under Rule 3 of the Slaughter-House (Amendment) Rules, 1930, published in the Gazette of the 16th July, 1930.

.....ofis hereby licensed to slaughter animals and to dress carcasses at the Municipal or local Council Slaughter-House at.....

This licence will expire on theday of..... 19.....

Date of issue.....

(Signed).....

Fee: 150 mils.

Licensing Authority

23rd January, 1931. O. G. No. 276 of 1.2.1931.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the High Commissioner.

In exercise of the powers vested in him by Section 19 of the Diseases of Animals Ordinance, 1926, the High Commissioner has made the following Rules: —

1. These Rules may be cited as the Rabies (Amendment) Rules, 1931.
2. Notwithstanding anything to the contrary in Rule 8 of the Rabies Rules, 1928, published in the Gazette of the 16th March, 1928, a dog which has been bitten by a suspected dog or other suspected animal may be isolated on approved premises for a period of six calendar months, as from the date of bite, under the observation of a Veterinary Officer, at the expense and risk of its owner.
3. Rule 16 of the Rabies Rules, 1928, is cancelled and the following substituted therefor:

“16.(1) The following provisions shall apply to any area which is declared by Notice in the Gazette to be an area infected with rabies: —

(a) if the area is that of a Municipal Council: —

- (i) Dog-owners shall tie up their dogs on their premises, cause them to wear muzzles when at exercise, and prevent them from coming in contact with any other dog.
- (ii) All licensed dogs which are not tied up or wearing a muzzle when at exercise, and all unlicensed dogs, and any dog, cat or donkey which has been recently bitten, shall be destroyed.
- (iii) Any person who has not obtained a licence for his (or her) dog shall deliver such animal forthwith to the Municipality, for destruction.

(b) In any other area: —

- (i) Dog-owners shall, in the case of watch-dogs, tie up their dogs permanently, and, in the case of shepherd dogs, tie them up between sunset and sunrise.
- (ii) With the exception of one watch-dog for each house or yard, provided it is tied up, and two shepherd dogs for each flock or herd, provided they are accompanying the flock or herd, all dogs shall be destroyed.

(2) It shall be the duty of Municipal and Local Councils, Mukhtars and Sheikhs of Tribes, to assist, within their area, the Veterinary Officer to execute the provisions of this Rule”.

16th March, 1931. O. G. No. 280 of 1.4.1931.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the Officer Administering the Government under Section 19.

In exercise of the powers vested in the High Commissioner by Section 19 of the Diseases of Animals Ordinance, 1926, the Officer Administering the Government has made the following Rules: —

1. These Rules may be cited as the Animal Quarantine (Amendment) Rules, 1931, and the Animal Quarantine Rules 1931, are hereinafter called “the Principal Rules”.

2. Notwithstanding anything to the contrary in Rules 14 D (b) and 16 of the Principal Rules, any horse, mule, donkey or camel may be consigned by rail to Jaffa or Jerusalem, provided that: —

(a) Not less than three days notice of the arrival of such animals shall be given by the owner to the Veterinary Officer of Jaffa or Jerusalem, as the case may be;

(b) Such animals on arrival shall be kept in approved premises and isolated therein for a period of four days.

3. Paragraph A of the Schedule to the Principal Rules shall be cancelled and the following shall be substituted therefor: —

A. CYPRUS.

- (1) Every shipment of stock shall be accompanied by a declaration from the owner that: —
- (i) the animals have been located in Cyprus for not less than two months immediately preceding shipment, and
 - (ii) they have been free from disease and have not been vaccinated against anthrax within a period of 14 days immediately preceding the date of shipment.
- (2) The Stock on arrival in Palestine shall be detained in quarantine for a period of 48 hours.
4. The following Regulation shall be added to paragraph E of the Schedule to the Principal Rules as subsection (c) thereof: —
- (c) Horses, sheep, goats and swine introduced by sea shall be detained in quarantine for the following periods: —
- | | |
|-----------------|-------------|
| Horses | Four days |
| Sheep and Goats | Six days |
| Swine | Eight days. |
5. Rule 15 (1) (d) of the Principal Rules shall be cancelled and the following shall be substituted therefor: —
- Poultry: —
- | | |
|---|---------|
| For each bird in a consignment not exceeding twenty | 3 mils. |
| For each additional bird | 1 mil. |
6. The following shall be added to Rule 15 (1) of the Principal Rules as subsection (f) thereof: —
- (f) unweaned calves, foals, camels and swine 20 mils.
7. Nothing in the Principal Rules shall apply to horses, mules, donkeys and camels which are on the establishment of His Britannic Majesty's Forces, the Trans-Jordan Frontier Force and the Palestine Police Force.
8. Any Inspecting Officer may, on the expiry of the prescribed period of quarantine, detain any animal which he suspects to be affected with disease until a definite diagnosis has been established.

16th May, 1931. O. G. No. 284 of 1.6.1931.

DISEASES OF ANIMALS ORDINANCE, 1926

Rules made by the High Commissioner under Section 19.

1. These Rules may be cited as the Dourine Rules, 1931.
2. In these Rules, unless the context otherwise requires: —
 - (a) "Animal" means a stallion, mare, male or female donkey, and the term "stallion" includes an uncastrated male donkey used for the breeding of mules.

- (b) "A diseased animal" means an animal in which the clinical symptoms give evidence of Dourine, or in which the application of the serological test has resulted in evidence of Dourine.
- (c) "A suspected animal" means an animal which shows clinical symptoms of Dourine but not such as to render it a diseased animal within the preceding definition.

The decision of the Chief Veterinary Officer as to whether an animal is a diseased or suspected animal shall be final.

3. No person at any time after the 1st of September, 1931, being the owner or having control of a stallion or mare, which has attained the age of two years, shall:—

- (a) In the case of a stallion; use it or permit it to be used for service, permit it to travel for service; or exhibit it on any premises with a view of its use for service, or permit it so to travel or be exhibited, unless the stallion is at the time licensed under these Rules.
- (b) In the case of a mare; use it or permit it to be used for breeding purposes unless the mare is at the time registered under these Rules.

4. The owner of any stallion or mare shall produce such stallion or mare for examination and licensing or registration by a Veterinary Officer at the place, time and date fixed from time to time by Notice issued by a District Officer.

5. The examination for licensing and registration of stallions and mares shall be made at centres specified in the Notice mentioned in Rule 4 between the first day of June and the thirty-first day of August.

6. An application for a licence for a travelling stallion may be made at any time to a Veterinary Officer.

The owner of a travelling stallion in respect of which an application for a licence is made shall produce such stallion for examination by a Veterinary officer at the place, time and date shown on the receipt for the application which shall be given to the applicant by the Veterinary Officer.

7. A Veterinary Officer shall have power to grant revoke and suspend any licence or registration certificate for the purpose of these Rules.

8. All licences or registration certificates shall remain in force until the 31st day of May following the date of issue unless the licence or registration certificate is revoked or suspended or ceases to remain in force in accordance with the provisions of Rule 9.

9. If a stallion or mare in respect of which a licence or registration certificate is in force is sold or if the ownership of the stallion or mare is otherwise changed, the Veterinary Officer who granted the licence or registration certificate shall, on application being made to him, transfer the licence or

registration certificate to the new owner by cancelling the existing licence or registration certificate and issuing a new one. Unless so transferred, a licence or registration certificate ceases to be in force at the expiration of one month after the change of ownership.

10. A District, Police or Veterinary Officer, or Stock Inspector shall have the power at any time to require the production of a licence or registration certificate granted under these Rules.

11. (1) The licence granted under these Rules shall be presented, before the service by the stallion of a mare, to the owner or person having control of the mare.

(2) The registration certificate issued under these Rules shall be presented, before the service of the mare by the stallion, to the owner or person having control of the stallion.

12. In the case of any suspected animal or any animal which in the opinion of the Veterinary Officer has been exposed to the risk of contagion or is or has been in contact or in the same stud, stable, building, field or other place, with a diseased or suspected animal:—

(a) A Veterinary Officer may serve a notice in writing on the owner or person in charge of such animal requiring its detention in the stable, building, field or other place, either unconditionally or subject to such conditions with a view to the prevention of contact with other animals as may be prescribed in the notice.

(b) A Veterinary Officer may apply the serological test to the detained animal at such intervals as may be considered necessary to satisfy him whether it is diseased.

(c) The notice shall remain in force until withdrawn by a notice served by a Veterinary Officer on the owner or person in charge of the animal.

13. A Veterinary Officer shall cause any diseased animal:—

(a) If a stallion or male donkey, to be castrated and isolated for one month as from the date of castration;

(b) If a mare or female donkey, to be branded with the letter D on the left side of the quarter.

14. (1) The owner of any licensed stallion which is used for breeding purposes shall produce the stallion for examination at the place, time and date fixed by a Veterinary Officer and inform such officer of any mare served by a stallion since the last examination, the date of service, and the name and address of the owner.

(2) Every owner of a registered mare shall produce such mare as and when required by a Veterinary Officer for examination at a place, time and date fixed by such officer.

15. Every owner of an animal shall report forthwith to the nearest Veterinary Officer the appearance of any suspicious symptoms of Dourine in such animal and particularly any swelling of the genital organs, or appearance of swelling on the skin (plaques), symptoms of paralysis, wasting and emaciation.

16. The following provisions shall apply to any area which is declared by Notice in the Gazette to be an area infected with Dourine:—

(a) No animal shall be used or permitted to be used for breeding purposes;

(b) No animal shall be removed from such area without the written permission of a Veterinary Officer:

(c) Any person negligently allowing any animal to escape from such area shall be deemed to have moved the animal from such area.

17. No diseased or suspected animal shall be used for breeding purposes.

18. These Rules shall not apply to the Sub-District of Beersheba, South of latitude 31.

21st July, 1931. O. G. No. 288 of 1.8.1931.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the High Commissioner under Section 19.

IN EXERCISE of the powers vested in him by Section 19 of the Diseases of Animals Ordinance, 1926, the High Commissioner has made the following Rules:—

The following shall be added to the Schedule to the Animal Quarantine Rules, 1931, as paragraph J:—

“J. (1) Cattle for the purpose of slaughter in quarantine may be introduced into Palestine from Yugoslavia.

(2) Every shipment of such cattle shall be accompanied by the following certificates:—

(a) A certificate signed by a duly authorised officer of the Government of Yugoslavia certifying that all such cattle have been from birth in Yugoslavia and that no case of cattle plague, foot and mouth disease, or pleuro-pneumonia has been certified by the Government of Yugoslavia to exist in the locality in which they have been located during the three months immediately preceding their movement to the port of shipment;

(b) A certificate signed by a Government Veterinary Officer of the locality in which the cattle have been located for the three months immediately preceding their movement to the port of shipment, that he has within ten days immediately preceding

the date of their movement examined them and found them free from cattle plague, foot and mouth disease, or bovine pleuro-pneumonia”.

15th August, 1931. O. G. No. 290 of 1.9.1931.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rule made by the Officer Administering the Government under Section 19.

WHEREAS Foot and Mouth Disease has occurred in Syria and the Lebanon Now, therefore, I, MARK AITCHISON Young, C.M.G., Officer Administering the Government of Palestine, in exercise of the powers vested in the High Commissioner by Section 19 of the Diseases of Animals Ordinance, 1926, hereby order that, notwithstanding anything to the contrary in Paragraph C of the Schedule to the Animal Quarantine Rules, 1931, the importation of cattle by sea route from Syria and the Lebanon shall be prohibited until further notice.

27th October, 1931. O. G. No. 294 of 1.11.1931.

DISEASES OF ANIMALS ORDINANCE, 1926.

Rules made by the Officer Administering the Government regarding importation of Cattle from Cyprus.

IN EXERCISE of the powers vested in the High Commissioner by Section 19 of the Diseases of Animals Ordinance, 1926, the Officer Administering the Government has made the following Rules regarding the importation of cattle from Cyprus.

1. Until further notice the provisions of paragraph A of the Schedule to the Animal Quarantine Rules, 1931, shall cease to apply to the importation of cattle from Cyprus and the following Rules shall apply to the importation of such cattle.

2. Cattle imported from Cyprus shall be imported through the port of Haifa and on importation shall be taken to the Animal Quarantine Station at Haifa.

3. No such cattle shall be moved from the Animal Quarantine Station until branded or otherwise marked and until authority for removal has been obtained from the Veterinary Officer, Haifa, who may consent to removal upon the condition that the cattle are moved by rail or otherwise, as he shall think fit, and upon the condition that the cattle shall be moved to a specified place and there detained for slaughter or otherwise dealt with as he shall think fit.

4. The following fees shall be charged for the examination of cattle imported under these Rules and shall be paid prior to the movement of any animal from the Animal Quarantine Station at Haifa:—

- | | |
|--|-----------|
| (a) To the Veterinary Officer, Haifa, for each head detained at the Animal Quarantine Station, Haifa | 300 mils. |
| (b) To the Veterinary Surgeon of the Local Authority, for each head transferred from the Animal Quarantine Station, Haifa, to the Municipal Slaughter House lairs at Jaffa or Tel Aviv, or to the Veterinary Officer of the Sub-District in respect of each head detained on premises elsewhere approved by the Chief Veterinary Officer | 200 mils. |

29th October, 1931. O. G. No. 294 of 1.11.1931.

ANTIQUITIES.

INSTRUCTIONS REGARDING THE IMPORTATION AND EXPORTATION OF ANTIQUITIES.

IMPORTATION.

The instructions published in the Official Gazette of the 1st March, 1924, are hereby cancelled and the following instructions are substituted therefor.

1. All antiquities must be declared to the Customs Authorities immediately on arrival in Palestine.

2. Antiquities imported into Palestine from countries other than Syria are liable to an Import Duty of 12% ad valorem.

3. (a) The importation of antiquities into Palestine from Syria is governed by the Syria-Palestine Customs Agreement, published in the Gazette of the 1st October, 1921, and by the agreement as to the importation of antiquities published in the Gazette of the 16th April, 1926.

(b) No antiquity shall be permitted to enter Palestine from Syria or the Grand Lebanon unless its exportation has been sanctioned by a licence issued by the competent authority in the territory of export.

(c) Antiquities of Syrian origin accompanied by a certificate from the Syrian Customs Authorities to that effect, and antiquities not of Syrian origin, which are imported into Palestine accompanied by a certificate from the Syrian Customs Authorities stating that the Customs duties on the antiquities have been credited to the Palestine Customs Administration, will be admitted into Palestine free of import duty.

ANTIQUITIES.

- (d) Antiquities not accompanied by either of such certificates are liable to import duty of 12% ad valorem.

RE-IMPORTATION.

4. Antiquities exported from Palestine and subsequently re-imported will be admitted free of duty provided that re-importation takes place within six months from the date of exportation and that they are accompanied by the Permit to Export issued by the Department of Antiquities on their previous exportation and by the receipt for Export Duty paid at that time.

EXPORTATION.

5. (a) The exportation of antiquities from Palestine is governed by Chapter VII of the Antiquities Ordinance published in Gazette No. 29, of the 15th of October, 1920.
- (b) Under this Ordinance all antiquities must be accompanied by a Permit to Export granted by the department of Antiquities.
- (c) All antiquities must be declared, and the Permit to Export must be exhibited to the Customs Authorities, on departure from Palestine, but packages of antiquities sealed with the seal of the Department of Antiquities and bearing within the official stamp of that Department the number and the date of the permit relating to them may be exempted from further examination at the discretion of the Customs Authorities.
- (d) All antiquities exported are liable to an export duty of 10% ad valorem which is payable to the Department of Antiquities before the Permit to Export is granted.

RE-EXPORTATION.

6. Antiquities upon which import duty has been originally collected, if re-exported within six months of the date of importation, must be accompanied by a Permit to Export, as above mentioned. The Customs Authority will refund the import duty originally collected, less 1% ad valorem, provided that it is satisfied by the production either of a certificate of import for purposes of re-exportation or of other documents that import duty was originally collected.

20th September, 1926. O. G. No. 173 of 16.10.1926.

ANTIQUITIES ORDINANCE, 1920.

Rules made under Section 60 by the Director of Antiquities with the approval of the Officer Administering the Government.

PERMITS TO CONDUCT ARCHAEOLOGICAL EXCAVATIONS.

- Period during which permits are valid. 1. All permits to excavate issued before the date of these Rules by the Director of the Department of Antiquities under Section 24 of the Antiquities Ordinance, 1920, shall cease to be valid on the

31st December, 1928, unless they have been specifically endorsed to the contrary.

A permit to excavate shall be valid only until the 31st December of the year in which it is issued, unless it is otherwise specially endorsed by the Director.

2. The holders of permits to excavate who desire to continue their excavations after their permits become invalid shall apply for the renewal of their Permits. Renewal of permits necessary.

3. An application for a Permit to excavate or a renewal of such Permit shall be made in writing to the Director, Department of Antiquities, P.O.B. 586, Jerusalem, at least one month before the Permit or the renewal is required. Application for permits or the renewal of permits.

4. Permits to excavate shall be produced on demand to any District or Police Officer and to any Officer of the Department of Antiquities. Permits to be produced on demand.

5. A permit to excavate shall be subject to the following conditions in addition to those prescribed in Section 27 and 29 of the Antiquities Ordinance, 1920, and to any special conditions contained in the Permit: Conditions on which permits are granted.

(1) the antiquities found in the course of excavation shall be divided between the Department of Antiquities and the holder of a Permit at the end of each season's work. The holder of the permit shall inform the Department in writing of the date on which he desires the division to be made, not later than 14 days prior to that date. He shall submit at the same time:

(a) a complete list of all the antiquities discovered, sufficiently descriptive to make it possible to identify each object and showing the number allotted to each by the excavator. The number shall also be legibly written on the object or on a label securely attached to it; and

(b) a note explaining the excavator's system of numbering, accompanied by such sketch plans, sections and other information as will provide a record

(i) of the circumstances attending the discovery of each object, such as position in the excavation, and associated objects;

(ii) of all architectural remains.

No division shall take place until the information prescribed above has been given, and no permit to export antiquities shall be granted until a division is

made. The information will not be communicated or published by the Department without the consent of the excavator until a period of two years has elapsed after the close of his excavations.

- (2) The excavator shall not subject antiquities discovered by him in the course of his excavations to any chemical or electrolytic process of cleaning unless he has previously obtained permission in writing to do so from the Director of the Department of Antiquities. Provided that the excavator may employ preservative measures, such as the use of paraffin wax, to consolidate objects.

14th October, 1928. Appr. 17th October, 1928.

O. G. No. 222 of 1.11.1928.

ANTIQUITIES ORDINANCE,

No. 51 of 1929.

An Ordinance to provide for the control of antiquities.

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 Antiquities Ordinance, 1929.

Definitions.

2. In this Ordinance and in any Regulations made thereunder:—

(1) "Antiquity" includes historical monument and means:—

- (a) any object, whether movable or immovable or a part of the soil, which has been constructed, shaped, inscribed, erected, excavated or otherwise produced or modified by human agency earlier than the year 1700 A.D., together with any part thereof which has at a later date been added, reconstructed or restored, and
- (b) human and animal remains of a date earlier than the year 600 A.D., and
- (c) any building or construction of a date later than the year 1700 A.D., which the Director may by Notice published in the Official Gazette declare to be an antiquity.

(2) "The Department" means the Department of Antiquities.

(3) "Director" means the Director of the Department of Antiquities.

(4) "Historical Site" means an area which the Director reasonably believes to contain antiquities or to be associated with important historical events.

- (5) "To deal" in antiquities means to engage in the business of buying and selling antiquities for the purpose of trade; and "dealer" means a person who so engaged in business.
3. (1) The High Commissioner may, by Regulations, exclude any class of antiquities from the operation of this Ordinance, or any part thereof, and may from time to time vary or cancel such exclusion. Exemptions.
- (2) The provisions of Section 12 (6) and (7), 13 (1) (c) and (d), and 13 (2) of this Ordinance shall not apply to antiquities of religious use or devoted to a religious purpose which are the property of a religious or ecclesiastical body.
4. The decision of the Director whether any object is or is not an antiquity within the meaning of this Ordinance shall be final. Recognition of antiquities.
5. (1) The High Commissioner shall establish an Archaeological Advisory Board consisting of the Director, who shall be *ex officio* Chairman thereof, and such members as the High Commissioner may nominate to represent archaeological interests. Advisory Board.
- (2) The High Commissioner may from time to time make Regulations to determine:—
- (a) the composition and procedure of the Board; and
- (b) the term during which members shall hold office; and
- (c) the matters upon which the Board shall be consulted by the Director; provided that the Director shall not be bound by their advice.
6. Any person who discovers an antiquity without being furnished with a licence to excavate in accordance with Section 9 of this Ordinance shall forthwith give notice of his discovery to the nearest officer of the Department, or to the nearest District Officer or Assistant District Officer, and shall take any other action that may be prescribed by Regulation under this Ordinance. Discovery of antiquities.
7. (1) The High Commissioner shall have the right to acquire, in accordance with the provisions of this Ordinance, any antiquity which may be discovered in Palestine after the date hereof; and until such right has been renounced no person shall enjoy any right or interest in such antiquity by reason of his being the owner of the land in which the antiquity is discovered or being Property in antiquities.

the finder of the antiquity. Nor shall any such person be entitled to dispose of the antiquity; and any person to whom such antiquity is transferred shall have no right or property therein.

- (2) Save as provided herein and in Section 9 (3) (c), the right of the High Commissioner to acquire an antiquity under this Section shall be subject to the payment to the finder of the value thereof. Such value shall be fixed by agreement, or in case of dispute by an arbitrator appointed by the Archaeological Advisory Board, whose award shall be final: Provided that if the Director is of the opinion that an antiquity should be preserved in the place where it was found, the High commissioner may declare the area within which it was found to be an historical site and subject to the provisions of Sections 12, 13 and 14 hereof, and shall not be liable to pay the value of the antiquity to the finder.
- (3) If the discovery of any antiquity is made in contravention of any provisions of this Ordinance or Regulations made thereunder, the Director may acquire the antiquity without paying the value thereof.
- (4) The Director may in writing renounce the right of the High Commissioner to acquire an antiquity under this Section, but the right shall continue to exist until it has been so renounced.

Right to
inspect
antiquities.

8. Every person in possession of an antiquity shall, at all reasonable times and at the request of the Director, permit the same to be inspected and studied by an officer of the Department or other person on his behalf, and shall give to him all reasonable facilities to make drawings, photographs or reproductions thereof by the making of casts or by any other means: Provided that any such drawings, photographs, or reproductions shall not be sold without the consent of the person in possession of the antiquity.

Licence to
excavate.

9. (1) No person shall dig or otherwise search for antiquities, whether on his own land or elsewhere, unless he has obtained a licence to excavate or to make soundings from the High Commissioner.
- (2) A licence to excavate shall be granted only to persons-
 - (a) who are in the opinion of the Director prepared to expend on the excavations proposed a sum of money sufficient to secure a result satisfactory on archaeological grounds; and

- (b) whose scientific competence is reasonably assured by the guarantees of learned societies or institutions, or in other ways, to the satisfaction of the Director: Provided that no discrimination shall be made on the grounds of nationality or creed in the grant of a licence to excavate.
- (3) The High Commissioner may from time to time make Regulations to determine the conditions upon which licences to excavate shall be granted. Every such licence shall be deemed to be subject to the following conditions:-
- (a) if the land within which a licence to excavate is granted is private property, the holder of the licence shall arrange with the owner as to the terms upon which he may enter upon the land for purposes of excavation: Provided that if in the opinion of the High Commissioner negotiations for an agreement upon reasonable terms have failed, the High Commissioner may, on behalf and at the cost of the holder of the licence, expropriate the land in whole or in part or obtain compulsorily a lease thereof in accordance with the provisions of the Expropriation Ordinance in force from time to time. In assessing the compensation to be paid to the owner the Court shall be guided by the value of neighbouring land of a similar character.
- (b) the holder of a licence to excavate shall take all reasonable measures for the preservation of the antiquities discovered by him.
- (c) at the close of the excavation or at such other times as the Director may require, the holder of a licence to excavate shall afford an opportunity to the Director to divide the antiquities so found by exercising or renouncing the right of the Department to acquire such antiquities: and, in making the division, the Director shall acquire for the Palestine Museum all antiquities which are in his opinion indispensable for the scientific completeness of the Museum or for the purpose of illustrating the history or art of Palestine. He shall then make a division of the remaining antiquities, aiming as far as possible at giving the holder of the licence a fair share of the results of the excavation: Provided that-

- (i) the Director shall not be liable to pay the value of any antiquity which he may acquire in such division; but shall bear the cost of transporting the articles selected by him to the Museum; and
 - (ii) in order to make such a division possible, the Director may supplement the share of the holder of the licence by objects which are the property of the Government; and
 - (iii) if such a division is in the opinion of the Director impossible, the holder of the licence to excavate shall be granted such compensation as the Director with the approval of the High Commissioner, may determine; and
 - (iv) the holder of a licence to excavate shall within a reasonable time deposit in the Palestine Museum any photographs, casts, squeezes or other reproductions, of objects falling to his share in such division which the Director may require.
- (d) the holder of a licence to excavate shall furnish plans of his excavations to the Director, and shall before the division takes place furnish the Department with lists of all the antiquities discovered therein and any additional information relating thereto which the Director may require.
- (e) the holder of a licence to excavate, or the society or institution on whose behalf he acts, shall deposit in the library of the Palestine Museum two copies of any preliminary reports which he may publish relating to his excavations.
- (f) the holder of a licence to excavate, or the society or institution on whose behalf he acts, shall produce within a period of two years after the completion of his excavations (unless this period be extended by the Director) an adequate scientific publication of the results of his excavations, and shall deposit two copies of such publication in the Library of the Palestine Museum.
- (g) in case of breach of any of the conditions upon which a licence to excavate is granted, the Director may forthwith suspend or cancel such licence.
10. (1) No person shall deal in antiquities unless he is in possession of a dealer's licence granted by the High Commissioner.

- (2) The High Commissioner may make Regulations with respect to the conditions under which licences may be granted to and held by dealers.
11. (1) No person shall export from Palestine any antiquity unless he has obtained a licence to export the same from the Director. Exportation
of
antiquities.
- (2) The High Commissioner may make Regulations governing the grant of licences to export antiquities and the fees to be paid therefor: Provided that no fee shall be charged on a licence to export:—
- (a) antiquities purchased from the Government;
 - (b) antiquities renounced by Government in favour of, or granted to, a person holding a licence to excavate;
 - (c) antiquities imported into Palestine upon which Customs Import Duty has been paid to the Palestine Customs and in respect of which evidence to that effect is produced when demanded;
 - (d) antiquities loaned or exchanged as provided in Section 16 hereof;
 - (e) antiquities which are proved to the satisfaction of the Director to be of religious use or devoted to a religious purpose and to be the property of a religious or ecclesiastical body.
- (3) Any applicant for a licence to export an antiquity shall, if required by the Director, deposit such antiquity with the Director for the purpose of inspection, declare the value thereof and furnish any other particulars which the Director may require.
- (4) A licence to export antiquities shall be produced to the Palestine Customs on demand.
- (5) The Director may prohibit the exportation from Palestine of any antiquity the retention of which in Palestine he considers to be necessary in the public interest: Provided that he shall not prohibit the exportation of:—
- (a) any antiquity imported into Palestine upon which Customs import duty is proved to have been paid;
 - (b) any antiquity of religious use or devoted to a religious purpose which is being exported by a religious or ecclesiastical body for a religious or ecclesiastical purpose.
12. (1) The Director shall publish in the Official Gazette a Schedule of Historical Monuments and Historical Sites, and may from time to time make additions or amend-
- Schedule of
Historical
Monuments
and Sites.

- ments thereto. Copies of the relevant parts of the Schedule shall be exhibited at any Post Office in the Sub-District in which the historical site is situated.
- (2) The Director shall have the power to determine the limits of an Historical Site.
 - (3) No person shall dig to a depth of more than one metre upon any Historical Site included in a schedule so published, or any addition to or amendment of such Schedule, unless he has obtained permission from the Director to do so.
 - (4) No excavation, building, planting of trees, quarrying, irrigation, lime-burning or similar work shall be undertaken, and no earth or refuse shall be deposited, on or in the immediate neighbourhood of an Historical Monument or Site, and no cemetery shall be established on an Historical Site without the permission of the Director.
 - (5) No person shall demolish an Historical Monument or pull down or remove any part thereof, without the permission of the Director.
 - (6) No person shall make alterations, additions or repairs to any Historical Monument without the permission of the Director.
 - (7) No person shall erect buildings or walls abutting upon an Historical Monument without the permission of the Director.
- 13.(1) Where any Historical Monument or Historical Site is registered in the Land Registers as private property, the Director may :
- (a) make arrangements with the owner for its preservation, inspection and maintenance and may make a contribution from Government funds towards the cost of carrying out any works of repair or conservation which he deems necessary and which the owner may be willing to undertake : Provided that where the Director so contributes towards the cost of carrying out such works they shall be performed subject to any conditions which he may impose ; or
 - (b) purchase or lease the site by private treaty ; or
 - (c) acquire the site or obtain compulsorily a lease thereof in accordance with the provisions of the expropriation Ordinance in force from time to time ; or

Care and
Registration
of Historical
Monuments
and Sites.

- (d) in the case of an Historical Monument, remove the whole or any part thereof, making good any damage done to the site or to buildings thereon by such removal and paying compensation therefor: Provided that the amount of such compensation shall be fixed by agreement or, in the case of dispute, by an arbitrator appointed by the Chief Justice.
- (2) Where an Historical Site is not registered in the Land Registers as private property, it may be registered at any time in the name of the Government if in the opinion of the Director such registration is necessary on archaeological grounds: Provided that the person claiming to be the owner thereof may, subject to the provisions of the Land Settlement Ordinance, 1928, institute proceedings at any time for the rectification of the Register.
- (3) (a) Where the Director considers that it would be advantageous that a society or institution should undertake the maintenance or conservation of Historical Monument or site, he may grant to the society or institution a licence to maintain or conserve such monument or site on such terms and conditions, including provision for the charge of a fee for admission thereto, as may be agreed: Provided that if the monument or site is wholly or partially private property, the powers bestowed upon the society or institution shall not exceed those bestowed upon the Director.
- (b) In case of breach of any of the terms or conditions imposed in a licence so granted, the Director may forthwith suspend or cancel such licence.
- (4) The owner of an Historical Site shall at all reasonable times permit any officer of the Department, and any other person on behalf of the Director, to enter upon the site to inspect and study the monuments and to make drawings, photographs or reproductions thereof by the making of casts or by any other method, and to carry out any necessary work for the maintenance or conservation thereof.
- 14.(1) Any person who, being the finder of any antiquity, fails to report the antiquity or to take action to protect it or to state the circumstances of the discovery or the origin of the antiquity, or wilfully makes a false state-

Penalties.

ment of such circumstances or such origin, shall be liable on conviction to a fine not exceeding £P. 20, or to imprisonment for a period not exceeding one month.

- (2) Any person who fails to give reasonable facilities to an officer of the Government to inspect, copy, or study an antiquity, where the duty to give such facilities is imposed under this Ordinance, shall be liable on conviction to a fine not exceeding £P. 20.
- (3) Any person who, not being the holder of a licence granted under Section 10 hereof, deals in antiquities shall be liable on conviction to imprisonment not exceeding six months or to a fine not exceeding £P. 100, or to both these penalties.
- (4) Any person who, not being the holder of a licence to export granted under Section 11 hereof, exports or attempts to export any antiquity shall be liable on conviction to the like penalties.
- (5) Any person who exports or attempts to export an antiquity of which the exportation has been prohibited in accordance with Section 11 (5) hereof shall be liable on conviction to a fine not exceeding £P. 1000. or the value of the antiquity, whichever is the greater sum, and to imprisonment for a term not exceeding six months.
- (6) Any person who commits an offence against Section 12 (3), (4), (5), (6), or (7) hereof shall be liable on conviction to a fine not exceeding £P. 200.
- (7) Any person who, not being the holder of a licence to excavate granted under Section 9 hereof, digs for antiquities or demolishes any ancient walls or other structures or objects which are antiquities within the meaning of this Ordinance, whether above or below the ground, even though these acts are done upon land of which he is the owner, shall be liable on conviction to a fine not exceeding £P. 200.
- (8) Any person who maliciously or negligently destroys, injures, defaces or disfigures any antiquity shall be liable on conviction to imprisonment not exceeding twelve months or to a fine not exceeding £P. 100 or to both these penalties.

- (9) Any person who wilfully deceives or attempts to deceive a purchaser or any officer of the Government by any description, statement, or other indication as to the genuineness or antiquity of any object of archaeological interest shall be liable on conviction to imprisonment for a period not exceeding one year or to a fine not exceeding £p. 100 or to both these penalties.

15. The High Commissioner may authorise the sale of antiquities which, being the property of the Government, are, in the opinion of the Director and the advisory Board, not required for the Palestine Museum.

Authorisation for sale of Government antiquities.

16. The Director, with the approval of the High Commissioner, may make loans or exchanges of any antiquities belonging to the Government to or with learned societies or museums and may authorise the exportation of such antiquities from Palestine for the purpose. An agreement for such a loan shall contain adequate provisions for the preservation, assurance and return of the antiquities by and at the cost of the learned society or museum to whom the antiquities are lent.

Loan of Government antiquities.

17. Where it appears that adequate provision is made by the law of any neighbouring territory to prevent the importation of antiquities from Palestine otherwise than under licence of the Department, the High Commissioner may issue Regulations forbidding the import of antiquities from such territory into Palestine otherwise than under a licence granted by the Department of Antiquities in that territory. Any antiquities seized on account of the contravention of such Regulations shall be returned to the Government of the territory from which the importation has been attempted.

Reciprocity as to importation of antiquities from neighbouring territories.

18. The High Commissioner may make, and when made may vary or revoke, Regulations with respect to the matters specifically referred to herein and any other matters for the purpose of giving effect to this Ordinance: Provided that all Regulations made in pursuance of this Ordinance shall be published in the Official Gazette.

19. The Director may, with the approval of the High Commissioner, delegate the exercise of any powers possessed by him under this Ordinance to any other officer of the Department.

Delegation of powers.

20. The Antiquities Ordinance, 1920, is hereby repealed: Provided that:—

Repeal.

- (a) Every appointment made, notice given, certificate, licence or permit issued and Schedule or rule published under

the said Ordinance shall be deemed to have been duly made, given, issued or published under this Ordinance.

- (b) Any property which at the date of this Ordinance is vested in the Government of Palestine under the said Ordinance shall continue to be so vested.

31st December, 1929. B.—O. G. No. 236 of 1.6.1929.

E.—Ex. of 31.12.1929.

ANTIQUITIES ORDINANCE, 1929.

Regulations made by the High Commissioner.

In exercise of the powers vested in him by Section 18 of the Antiquities Ordinance, 1929, the High Commissioner has made the following Regulations:—

Short Title.

1. These Regulations may be cited as the Antiquities Regulations, 1930.

Archæological
Advisory
Board.

- 2.(1) The Archæological Advisory Board shall be composed of the Chairman and nine members.

The members of the Board shall hold office for one year. Nominations will be made annually by the High Commissioner.

- (2) The Secretary of the Board will be an officer appointed by the Director of Antiquities.

- (3) The Director of Antiquities may convene the Board by Notice in writing posted to each member not less than 7 days before the date of meeting.

The Chairman and three members shall form a quorum.

The minutes of each meeting shall be circulated to all members by the Secretary. The minutes may be published in whole or in part at the discretion of the High Commissioner.

- (4) The Director of Antiquities may at his discretion consult the Board on any matter of archæological or historical importance or interest. He shall consult the Board on the following matters:

- (a) Applications for permits to excavate;
(b) Proposals to sell antiquities which are the property of the Government;
(c) Projects for the conservation of Historical Monuments;
(d) Proposed amendments to or alterations of the Antiquities Ordinance.

- (e) Only archæological, historical, and technical matters shall be within the purview of the Board.

Permits to
conduct
archæological
excavations.

- 3.(1) A permit to excavate shall be valid only until the 31st December of the year in which it is issued, unless it is otherwise specially endorsed by the Director.

(2) The holders of permits to excavate who desire to continue their excavations after their permits become invalid shall apply for the renewal of their permits.

(3) An application for a permit to excavate or a renewal of such permit shall be made in writing to the Director, Department of Antiquities, Jerusalem, at least one month before the permit or the renewal is required.

(4) Permits to excavate shall be produced on demand to any District or Police Officer and to any Officer of the Department of Antiquities

(5) A permit to excavate shall be subject to the following conditions, in addition to those prescribed in Section 9 of the Antiquities Ordinance, 1929, and to any special conditions contained in the permit:

(a) The antiquities found in the course of excavation shall be divided between the Department of Antiquities and the holder of a permit at the end of each season's work. The holder of the permit shall inform the Department in writing of the date on which he desires the division to be made, not later than 14 days prior to that date. He shall submit at the same time:

(i) a complete list of all the antiquities discovered, sufficiently descriptive to make it possible to identify each object and showing the number allotted to each by the excavator. The number shall also be legibly written on the object or on a label securely attached to it; and

(ii) a note explaining the excavator's system of numbering, accompanied by such sketch plans, sections and other information as will provide a record

of the circumstances attending the discovery of each object, such as position in the excavation, and associated objects: and of all architectural remains.

No division shall take place until the information prescribed above has been given, and no permit to export antiquities shall be granted until a division is made. The information will not be communicated or published by the Department without the consent of the excavator until a period of two years has elapsed after the close of his excavations.

(b) The excavator shall not subject antiquities discovered by him in the course of his excavations to any chemical or electrolytic process of cleaning unless he has previously obtained permission in writing to do so from the Director, Department of Antiquities.

Provided that the excavator may employ preservative measures, such as the use of paraffin wax, to consolidate objects.

Dealers'
Licences.

4. (1) Applications for licences to deal in antiquities, and for the renewal of licences to deal in antiquities, shall be made in writing to the Director, Department of Antiquities, Jerusalem, stating the full name of the applicant and his business address.

(2) A licence to deal in antiquities shall not be granted for a period exceeding one year. Every such licence shall expire upon the first day of April for whatever period it may have been originally granted. A fee of £p. 1 shall be payable for a licence.

(3) A licence to deal in antiquities shall be available only for the person to whom it was granted, provided that upon notification to the Department of Antiquities of the death of the licensee and of the names of his heirs or representatives, such heirs or representatives may continue to act under the licence for a period not exceeding one month from the date of the death of the licensee.

(4) A licence to deal in antiquities shall authorise the sale of antiquities only at a place specified in the licence.

(5) Any officer of the Department of Antiquities may at all reasonable times inspect the premises with reference to which a dealer's licence has been granted, and the licensee shall give him all facilities for examining his entire stock of antiquities and shall furnish any information which he may require concerning such antiquities.

(6) The licensee shall at all times upon demand produce his licence to deal in antiquities to any officer of the Department of Antiquities.

(7) If the exportation of an antiquity is prohibited under Section 11 (5) of the Antiquities Ordinance, 1929, and such antiquity is the property of a licensed dealer he shall (a) inform any purchaser concerning this prohibition, and (b) communicate to the Director of Antiquities the purchaser's full name and address in Palestine on the day of the sale.

(8) A licensed dealer shall inform every purchaser of antiquities that it is necessary to obtain a permit to export antiquities and shall exhibit prominently at his place of business, and draw the attention of purchasers to any Notice relating to the exportation of antiquities which the Director of Antiquities may supply for the purpose.

(9) A licence to deal in antiquities shall be revocable at the discretion of the Director of Antiquities if in his opinion the licensee

has failed to comply with the terms of these Regulations or has otherwise shown himself to be unfit to be a holder of such licence.

5. (1) Application for a licence to export antiquities shall be made in writing to the Director, Department of Antiquities, Jerusalem, giving the following particulars:

Licence to
export
antiquities.

(a) a list of the antiquities, containing a description of each object sufficient for identification;

(b) a declaration of the value of each object.

(2) An applicant for a licence to export antiquities shall give any further information regarding such antiquities that the Director may require.

(3) Before a licence to export antiquities is granted, an applicant for such licence shall pay to the Department of Antiquities an export fee on the value of the antiquities, at the rate in force from time to time.

(4) The fee on the exportation of antiquities shall be at the rate of 10% on the declared value of the antiquities, or if the Director disputes the declared value, then at the value to be fixed by an independent appraiser appointed by the archæological Advisory Board.

Fee on
exportation
of antiquities.

6. No antiquity shall be permitted, to enter Palestine from Syria or the Grand Lebanon unless its exportation has been sanctioned by a licence issued by the competent authority in the country of export.

Prohibition
on the import
of antiquities
from Syria
save under
licence.

21st January, 1930. O. G. No. 252 of 1.2.1930.

NOTICE.

The High Commissioner directs that the following Schedule of the facilities granted to Archæological Expeditions in Palestine be published for general information.

The privileges and facilities enumerated below will be granted by the Palestine Government to all Archæological Expeditions in possession of a valid licence to excavate in Palestine, in accordance with the provisions of Section 9 of the Antiquities Ordinance, 1929.

Under each heading will be found a direction as to the procedure to be followed by holders of licences who wish to avail themselves of those facilities.

As a preliminary to the grant of any of the privileges, it will be necessary for the holder of a licence to produce to the Government Department concerned a statement by the Director of Antiquities to the effect that the Expedition has been approved by the High Commissioner for the purpose of exemptions and other privileges.

The concessions described below will come into effect on the 1st April, 1930.

1. CUSTOMS.

- (i) Remission of export fee on antiquities allotted to the holder of a licence as a result of the division with the Department of Antiquities of the objects found.

Whenever the holder of a licence desires to export his share of the antiquities discovered by his expedition he should apply to the Department of Antiquities for a permit to export free of fee. His application should be accompanied by a statement showing the number of the packages included in the consignment which require sealing.

- (ii) Remission of Customs import duty on instruments and scientific appliances needed for the purpose of excavation and archæological study, and on camp and household equipment and technical apparatus imported for the use of the Expedition.

The holder of a licence to excavate should furnish the Director of Customs, Excise and Trade with the following documents :

- (a) a completed declaration in the form of which a model is scheduled hereto ;
 (b) the original invoice or, failing that, other original documents detailing the contents of the packages ;
 (c) the Bill of Lading or Railway Policy or Despatch Note, according as the articles are consigned by sea, air, rail or parcel post, respectively.

In order to avoid delays and inconvenience to themselves, holders of licences are advised to submit these documents to the Director of Customs, Excise and Trade before the arrival of the goods.

In cases of urgency, it will be open to the holder of a licence, if he so desires, to withdraw the articles by paying the Customs duty on the deposit basis, subject to his obtaining a refund by application subsequently on the completion of the formalities laid down above.

2. RAILWAYS.

- (i) Reduction of fares to all members of the personnel of the Expedition, on the basis of 2nd Class fares for 1st Class tickets, and 3rd Class fares for 2nd Class tickets.

The holder of a licence should furnish the Director of Antiquities with a statement of the names of the intending travellers and of the station from which and the station to which they propose to travel. On receipt of this statement, the Director of Antiquities will issue the necessary vouchers, stating the dates within which such vouchers are valid, for presentation by the travellers at the Railway booking-office. In the case of expeditions stationed in localities which are not within easy reach of Jerusalem, the Director of Anti-

quities may at his discretion furnish the holder of a licence with an appropriate number of blank vouchers to be filled in by the holder of the licence as occasion arises.

In such cases, the holder of the licence will be held liable for the loss or misuse of any blank voucher which may have been issued to him.

- (ii) Half-fare reduction on 3rd Class fares to all skilled labourers engaged in Palestine or in Egypt for purposes of excavation in Palestine.

The holder of a licence should furnish the Director of Antiquities with a statement of the names of the labourers engaged and of the station from which and to which it is intended that they should travel. On receipt of this statement, the Director of Antiquities will issue the necessary vouchers for presentation by the travellers at the booking-office of the station of departure.

It should be understood, however, that this concession will not be granted in respect of skilled labourers engaged in Egypt unless the Director of Antiquities is satisfied that suitable labour is not available in Palestine.

In the case of labourers engaged in Egypt, the half-fare reduction will operate from Kantara East to any station in Palestine.

- (iii) Reduction of freight in respect of antiquities discovered in the course of the excavation and of archaeological equipment, on the basis of one-half the full rates on consignments by passenger train, and Class 6 rates (without increase) on consignments by goods train.

The holder of a licence should furnish the Director of Antiquities in advance with a statement of the packages and their contents, of the station from which and the station to which it is proposed to consign them, and of the category of train, (passenger or baggage) by which it is proposed to consign them. On receipt of this statement, the Director of Antiquities will issue the necessary vouchers.

3. IMMIGRATION.

Simplification of the normal procedure to enable Expeditions to obtain visas for all members, and for such labourers as cannot be engaged in Palestine.

The holder of a licence should furnish the Director of Antiquities in advance (that is to say before they leave their country of origin), with a statement showing the names, ages and nationalities of such persons, the capacity in which each will be employed in the excavations, the port or place and the probable date of their arrival in Palestine. On receipt of this statement, the Director of Antiquities will issue the necessary certificate to the Chief Immig-

ration officer who will thereupon issue the necessary visa authority to the consular authority concerned.

No remission of Immigration Fees will be granted.

SCHEDULE.

CERTIFICATE OF EXEMPTION.

I certify that the following goods: —

P a c k a g e s		C o n t e n t s	G r o s s W e i g h t K i l o s .	V a l u e	
Mark and number.	Quantity and kind.			In Foreign currency.	In Palestine currency.

Total..... addressed to.....
 and deposited at the Customs House of
 the Post Office of..... are for the sole
 use of members of this Expedition, or form a necessary part of the equipment
 of this Expedition, and that they will not eventually be sold to its members
 or inmates or any other person, either in their present state or otherwise,
 unless authority is previously obtained from the Customs Department.

I therefore request the favour of immunity from Customs Dues.

Date..... 193

Signature.....

Place

Full name of the Expedition

NOTICE REGARDING THE IMPORTATION AND
EXPORTATION OF ANTIQUITIES.

IMPORTATION.

1. All antiquities must be declared to the Customs Authorities immediately on arrival in Palestine.

2. Antiquities imported into Palestine from countries other than Syria are subject to Import Duty at the appropriate rate, according to the Customs Tariff in force from time to time.

3. (a) The importation of antiquities into Palestine from Syria is governed by the Palestine-Syria Customs Agreement, published in the Gazette Extraordinary of the 1st June, 1929, and by the Agreement as to the importation of antiquities, published in the Official Gazette of the 16th April, 1926.

(b) No antiquity shall be permitted to enter Palestine from Syria or the Grand Lebanon unless its exportation has been sanctioned by a licence issued by the competent authority in the territory of export.

(c) Antiquities of Syrian origin accompanied by a certificate from the Syrian Customs Authorities to that effect, and antiquities not of Syrian origin, which are imported into Palestine accompanied by a certificate from the Syrian Customs Authorities stating that the Customs duties on the antiquities have been credited to the Palestine Customs Administration, will be admitted into Palestine free of Import Duty.

(d) Antiquities not accompanied by either of such certificates are subject to Import Duty at the appropriate rate, according to the Customs Tariff in force from time to time.

RE-IMPORTATION.

4. Antiquities exported from Palestine and subsequently re-imported will be admitted free of duty provided that re-importation takes place within one year from the date of exportation and that the licence to export issued by the Department of Antiquities on their previous exportation is produced, together with such other information as the Customs Authorities may require for identification of the antiquities.

EXPORTATION.

5. (a) The exportation of antiquities from Palestine is governed by Section 11 of the Antiquities Ordinance, 1929, and the Regulations made thereunder

(b) Under the Ordinance, no person shall export from Palestine any antiquity unless he has obtained a licence to export it from the Director, Department of Antiquities:-

(c) Application for a licence to export antiquities shall be made in writing to the Director, Department of Antiquities, Jerusalem, giving the following particulars.

- (i) a list of the antiquities, containing a description of each object sufficient for identification;
- (ii) a declaration of the value of each object;
- (iii) any other information regarding the antiquities that the Director may require.

(d) Before a licence to export antiquities is granted, the applicant for such licence shall pay to the Department of Antiquities an export fee at the rate of 10% on the value of the antiquities, unless exempted under the Ordinance.

(e) All antiquities must be declared, and the licence to export exhibited, to the Customs Authorities on departure from Palestine, but packages of antiquities sealed with the seal of the Department of Antiquities and bearing within the official stamp of that Department the number and date of the licence relating to them may be exempted from further examination at the discretion of the Customs Authorities.

RE-EXPORTATION.

6. Antiquities upon which Import Duty has been originally collected, if re-exported within six months from the date of importation, must be accompanied by a licence to export. The Customs Authorities will refund the Import Duty originally collected, less 10%, in accordance with Section 155 of the Customs Ordinance, 1929, provided that they are satisfied by the production either of a certificate of import for purposes of re-exportation or of other documents that Import Duty was originally collected

7. The Instructions regarding the Importation and Exportation of Antiquities which were published in the Official Gazette of the 16th October, 1926, are cancelled.

1st October, 1930. O. G. No. 269 of 16.10.1930.

ANTIQUITIES.

SEE GUIDES.

APPEAL.

SEE COURT.

ARBITRATION.

ARBITRATION ORDINANCE,

No. 9 of 1926.

AN ORDINANCE TO PROVIDE FOR THE REFERENCE
AND SUBMISSION OF DISPUTES TO ARBITRATION
THE PROCEDURE OF ARBITRATION AND THE
EXECUTION OF ARBITRATION AWARDS.

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 Arbitration Ordinance, 1926. Short title.
2. In this Ordinance, unless the contrary intention appears: Definitions.
 "Submission" means a written agreement to submit present or future differences to arbitration, whether a Tribunal of Arbitration or an Arbitrator is named therein or not.
 "Court" means a District Court¹⁾
 "Judge" means the President or any member of a District Court.
3. A submission, unless a contrary intention is expressed therein, shall be irrevocable except by leave of the Court or agreement of the parties, and shall have the same effect in all respects as if it had been made in Order of Court. Submission to be irrevocable.
4. A submission, unless a contrary intention is expressed therein, shall be deemed to include the provisions set forth in the Schedule to this Ordinance, so far as they are applicable to the reference under the submission. Provisions implied in submission.
5. If any party to a submission or any person claiming through or under him commences any legal proceedings in any Court against any other party to the submission, or any person claiming through or under him, in respect of any matter agreed to be referred to arbitration, any party to such legal proceeding may at any time after appearance and before taking any other steps in the proceedings apply to the Court to stay the proceedings; and the Court or a Judge thereof, if satisfied that there is not sufficient reason why the matter should not be referred to arbitration in accordance with the submission, and that the applicant was at the time when the proceedings were commenced and is still ready and willing to do all things necessary for the proper conduct of the arbitration, may make an order staying the proceedings. Proceedings contrary to submission may be stayed.

¹⁾ A.—See Arb. Am. Ord. O. G. No. 214 of 1.7.1928.

Power of
Court to
appoint arbi-
trator, etc.

6. (1) In any of the following cases : —

(a) where a submission provides that the reference shall be to a single arbitrator, and all the parties do not concur in the appointment of an arbitrator;

(b) if an appointed arbitrator refuses to act or is incapable of acting or dies, and the parties do not supply the vacancy;

(c) where the parties or the arbitrators are at liberty to appoint an umpire or an additional arbitrator, and do not appoint him;

(d) Where an appointed umpire or additional arbitrator refuses to act or is incapable of acting or dies, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy;

any party may serve the other parties or the arbitrators with a written notice to appoint such arbitrator or umpire.

(2) If the appointment is not made within 15 days after the service of the notice, the Court or a Judge thereof may, on application by the party who gave the notice, appoint an arbitrator or umpire who shall have the like powers to act and make an award as if he had been appointed by consent of all the parties.

Power to
supply
vacancy.

7. Where a submission provides that the reference shall be to two or more arbitrators, of whom one or more are to be appointed by each party, then, unless the submission expresses a contrary intention :

(a) if any of the appointed arbitrators refuses to act or is incapable of acting or dies, the party who appointed him may appoint a new arbitrator in his place :

(b) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, within 15 days after the other party, having appointed his arbitrator, has served the party making default with a notice to make an appointment, the party who has appointed an arbitrator may apply to the Court to appoint an arbitrator to act with the arbitrator already appointed.

Powers of
arbitrator.

8. (1) The arbitrator or arbitrators or umpire acting under a submission shall, unless the submission expresses the contrary intention, have power :

(a) to administer oaths or to take the affirmation of the parties and witnesses appearing;

(b) to reserve any question or questions of law arising out of the arbitration for the opinion of the Court, in which case

the award shall be stated in such form as to constitute a finding of facts and a decision of the points in issue between the parties, subject to the decision of the Court upon the points of law reserved :

(c) to correct in an award any clerical mistake or error arising from any accidental slip or omission.

(2) The arbitrator or arbitrators or umpire shall, if so directed by the Court or Judge, state in the form of a special case for the opinion of the Court any question of law arising out of the arbitration.

Duty of Arbitrators to state a case.

9. (1) Any party to a submission or any arbitrator or umpire may apply to the Court to issue a summons for the attendance of any witness or the production of any documents required for the arbitration proceedings. But no person shall be compelled under any Order of Court to produce any document which he could not be compelled to produce on the trial of an action.

Witnesses may be summoned, etc.

(2) The Court shall have the same power to issue a Commission to take evidence abroad for the purpose of an arbitration as it has in the case of an action.

(3) Any person who wilfully gives false evidence on a material point before any arbitrator or umpire will be guilty of false evidence as if the evidence had been given before a Court of competent jurisdiction; and may be dealt with, prosecuted and punished accordingly.

10. The time for making an award may from time to time be enlarged by an Order of a Court or a Judge, whether the time for making the award has expired or not.

Enlargement of time for making an award.

11. Where an arbitrator or umpire has misconducted himself, or has wilfully neglected to act upon the submission after having been requested so to do by written notice served upon him by a party to the submission, the Court may remove him and may, in default of appointment by the party or arbitrators who originally appointed him, appoint another person in his place.

Removal of arbitrator for misconduct or neglect.

12. (1) In all cases of reference to arbitration the Court or a Judge may from time to time remit the matters referred, or any of them, to the reconsideration of the arbitrators or umpire.

Power to remit award.

(2) Where an award is remitted, the arbitrators or umpire shall, unless the order otherwise directs, make their award within three months after the date of the order.

13. Where an arbitrator or umpire has misconducted himself or an arbitration or award has been improperly procured, the Court may set aside the award.

Power to set aside award.

- Enforcement of award. 14. An award may by leave of the Court be enforced in the same manner as a Judgment or order of the Court to the same effect.
- Procedure. 15. (1) All applications to the Court under this Ordinance shall be made by petition in accordance with the rules of procedure prescribed for civil actions.
- (2) An application to remove an arbitrator or umpire, to enlarge the time for making an award, or to enforce or set aside an award, shall be heard by the Court to which the petition is made. No appeal shall lie except by leave of the Court, or by leave of the Court of Appeal ¹⁾.
- (3) On the hearing of a petition to enforce or set aside an award the applicant shall produce before the Court a signed copy of the award.
- Rules of Court concerning Jurisdiction. 16. The Chief Justice may, with the approval of the High Commissioner, make Rules of Court defining the local jurisdiction of the Court in applications under this Ordinance.
- Fees. 17. The Chief Justice may, with the approval of the High Commissioner, make Rules of Court prescribing the fees payable on any application or order made to or by the Court under this Ordinance ²⁾.
- Costs. 18. Any order made under this Ordinance may be made on such terms as to costs or otherwise as the authority making the order thinks just.
- Application of Ordinance to Government. 19. This Ordinance shall apply to an arbitration to which the Government of Palestine is a party, but nothing herein shall affect the law as to costs payable by the Government.
- Staying of proceedings in respect of matters to be referred to arbitration under Protocol on Arbitration Clauses. 20. If any party to a submission made in pursuance of an agreement to which the International Protocol on Arbitration Clauses signed at Geneva on the 24th of September 1923, applies, or any person claiming through or under him commences any legal proceedings in any Court against any other party to the submission, or any person claiming through or under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance, and before delivering any pleadings or taking other steps in the proceedings, apply to that Court to stay the proceedings, and that Court or a Judge thereof, unless satisfied that the agreement or arbitration has become inoperative or cannot proceed, shall make an order staying the proceedings.

¹⁾ R.—See Arb. Am. Ord. No. 14. 1928. O. G. No. 214. of 1.7.1928.

²⁾ A.—See Arb. Am. Ord. No. 14. 1928. O. G. No. 214. of 1.7.1928.

21. The provisions of the Ottoman Civil Code, Articles 1841 — 1851 concerning arbitration, shall no longer have effect in Palestine. In Article 60 of the Ottoman Code of Civil Procedure the reference to the book on arbitration in the Mejlle shall no longer apply, but arbitrators shall be appointed under that Article in accordance with the provisions of this Ordinance.

Ottoman
law not to
apply.

THE SCHEDULE.

Provisions to be implied in Submissions.

(a) If no other mode of reference is provided, the reference shall be to a single arbitrator.

(b) If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

(c) The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may from time to time enlarge the time for making the award.

(d) If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire a notice in writing, stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

(e) The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired on or before any later day to which the umpire by any writing signed by him may from time to time enlarge the time for making his award.

(f) The parties to the reference, and all persons claiming through them respectively shall, subject to any legal objection, submit to be examined by the arbitrators or umpire, on oath or affirmation, in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

(g) The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath or affirmation.

(h) The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

(i) The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom and in what manner

those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof.

16th March, 1926. B.—O.G. No. 153 of 16.12.1925.

P.—O.G. No. 159 of 16.3.1926.

ARBITRATION AMENDMENT ORDINANCE,

No. 14 of 1928.

No. 9 of
1926.

An Ordinance to amend the Arbitration Ordinance, 1926.

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 Arbitration Amendment Ordinance, 1928; and the Arbitration Ordinance, No. 9 of 1926, (hereinafter called the Principal Ordinance) and this Ordinance may together be cited as the Arbitration Ordinances, 1926-1928.

Amendment
of Section 2
of Principal
Ordinance.

2. In Section 2 of the Principal Ordinance, the definition of Court shall be deleted, and the following shall be substituted therefor:

“Court” means a Magistrate’s Court where a submission to arbitration arises out of a claim not exceeding £p. 100, and in all other cases means a District Court.

Amendment
of Section 15
of Principal
Ordinance.

3. Section 15(2) of the Principal Ordinance shall be repealed, and the following shall be substituted therefor:

“An application to remove an arbitrator or umpire, to enlarge the time for making an award, or to enforce or set aside an award shall be heard by the Court to which the petition is made.

An appeal shall lie from an order of a Magistrate’s Court to the District Court of the district in which the Magistrate’s Court is situated, and the decision of the District Court shall be final. No appeal shall lie from the order of a District Court, except by leave of the Court or of the Court of Appeal”.

Amendment
of Section 17
of Principal
Ordinance.

4. Section 17 of the Principal Ordinance shall be amended by the insertion of the words “or a Judge thereof” after the word “Court”.

15th July, 1928. B.—O.G. No. 212 of 1.6.1928.

P.—O.G. No. 214 of 1.7.1928.

RULES OF COURT.

Made by the Chief Justice with the approval of the High Commissioner under Section 17 of the Arbitration Ordinance, 1926, Section 21 of the Courts Ordinance, 1924, and Section 9 of the Magistrates' Courts Jurisdiction Ordinance, 1924.

1. These Rules may be cited as the Arbitration Rules, 1928. No. 9 of 1926.
No. 21 of 1924.
No. 9 of 1924.

2. The undermentioned fees shall be payable on application made under the Arbitration Ordinance, 1926 :-

(1) On any application to the Court or a Judge for the appointment of an arbitrator or umpire under Section six or Section seven	Mils 500	Short title. Fees payable on application to the Court or a Judge thereof.
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(2) On any application to the Court to issue a summons for the attendance of any witness or the production of any documents under Section nine, subsection (1)	100
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(3) On any application to the Court to issue a commission to take evidence abroad under Section nine, subsection (2)	500
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(4) On any application to the Court or a Judge to enlarge the time for making an award under Section ten	100
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(5) On any application to the Court to remove or appoint an arbitrator or umpire under Section eleven	500
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(6) On any application to the Court or a Judge to remit an award for reconsideration under Section twelve, subsection (1), or to the Court to set aside an award under Section thirteen	500	} The same fees as on an action for the value of the subject matter of the award.
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(7) On any application to the Court to enforce an award under Section fourteen, half the fee mentioned in the last preceding subsection shall be paid. If the Respondent to such application opposes the enforcement of the award his opposition shall not be heard unless he shall have paid a fee equal to that paid on the application.

These fees shall not be paid where in the course of any proceedings the matter is referred to arbitration under the provisions of Article sixty of the Code of Civil Procedure.

3. On the payment by the party applying for the enforcement of an award of the fee mentioned in subsection (7) of the last preceding Section, the Court shall send a notice to the Respondent, informing him that an application for the enforcement of the award has been submitted, and giving him a period of seven

} Procedure on application for enforcement of an award.

days for the payment of the fee prescribed in case he intends to oppose the enforcement of the award and warning him that if the fee is not paid within the said seven days the award will be confirmed by the Court in Chambers and without summoning the parties. At the expiry of the period the Court, upon proof that the Respondent has been served with the notice and that he has not paid the prescribed fee during the prescribed period, shall confirm the award.

Fees payable on copies of judgments or orders.

4. A fixed fee of 400 mils shall be paid on each copy of a Judgment or Order, provided that where the subject matter of the judgment does not exceed £p. 25 in value, a proportional fee of one and half per cent shall be paid in lieu of the fixed fee of 400 mils.

Deposit payable on applications for leave to appeal.

5. Any application to the Court of Appeal for leave to appeal under Section fifteen, subsection (2) shall be accompanied by a deposit in Court of the sum of £p. 1 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 appeal and any balance not required for the purpose shall be paid to the applicant. The fees of appeal shall be the same as the fees in first instance¹⁾.

Registration fees and fees payable on notification and copies of documents.

6. Fees of registration and fees on notification and copies of documents (other than copies of judgments or orders) shall be payable in accordance with the provisions of the Rules of Court for the time being in force relating to civil actions.

7. The Rules made by the Chief Justice with the approval of the High Commissioner on the twenty fourth of September, 1926, are revoked.

Made by me this seventh day of August 1928.

Approved this tenth day of August 1928.

O.G. No. 218 of 1.9.1928.

RULES OF COURT.

Made by the Chief Justice with the approval of the High Commissioner under Section 17 of the Arbitration Ordinance, 1926, No. 9 of 1926, Section 21 of the Courts Ordinance, 1924, and Section 9 of the No. 21 of 1924 Magistrates' Courts Jurisdiction Ordinance, 1924.

Short Title. 1. These Rules may be cited as the Arbitration (Amendment) Rules, 1930.

Revocation and replacement of Section 5 of the Arbitration Rules, 1928. 2. Section 5 of the Arbitration Rules, 1928, shall be revoked and the following shall be substituted therefor: —

¹⁾ Rev.—See O.G. No. 273 of 16.12.1930.

“5. Any application to the District Court or Court of Appeal under Section fifteen, subsection (2), shall be accompanied by a deposit in Court of the sum of £p. 1 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 appeal and any balance not required for the purpose shall be paid to the applicant. The fees of appeal shall be the same as the fees in first instance”.

Deposit payable on applications for leave to appeal. Section 15 (2) of No. 9 of 1926. Section 3 of No. 14 of 1928.

Made by me this third day of December, 1930.

Approved by me this tenth day of December, 1930.

O. G. No. 273 of 16.12.1930.

NOTICE.

It is hereby notified that His Majesty's Government has adhered on behalf of Palestine to the Protocol on Arbitration Clauses in Commercial Agreements signed at Geneva on the 24th of September, 1923, and that a formal instrument to this effect was deposited with the Secretariat of the League of Nations on the 12th of March, 1926, from which date accession may be regarded as taking effect.

O. G. No. 165 of 16.6.1926.

STATUTORY RULES AND ORDERS,

1930. No. 674.

ARBITRATION.

FOREIGN AWARDS.

The Arbitration (Foreign Awards) No. 1 Order, 1930,
At the Court at Buckingham Palace, the 28th day of July, 1930.

PRESENT,

The King's Most Excellent Majesty in Council.

WHEREAS a Convention on the Execution of Arbitral Awards was, on the twenty-sixth day of September, nineteen hundred and twenty-seven, signed at Geneva on behalf of His Majesty:

AND WHEREAS by subsection (1) of section one of the Arbitration (Foreign Awards) Act, 1930, it is provided that Part I of that Act applies to any award made after the twenty-eighth day of July, nineteen hundred and twenty-four —

- (a) in pursuance of an agreement for arbitration to which the protocol set out in the Schedule to the Arbitration Clauses (Protocol) Act, 1924, applies; and
- (b) between persons of whom one is the subject to the jurisdiction of some one of such Powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to

be parties to be said Convention, and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and (c) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to the territories to which the said Convention applies:

AND WHEREAS His Majesty is satisfied that reciprocal provisions have been made as aforesaid by the Powers set out in the first column of the Schedule to this Order and as respects the territories set out in the second column of that Schedule:

Now, THEREFORE, His Majesty, by and with the advice of the Privy Council, in pursuance of the powers conferred upon Him by the said Act and of all other powers enabling him in that behalf, is pleased to declare, and it is hereby declared, as follows:—

1. The Powers set out in the first column of the Schedule to this Order are parties to the said Convention.

2. The territories set out in the second column of the said Schedule are territories to which the said Convention applies.

3. This Order may be cited as the Arbitration (Foreign Awards) No. 1 Order, 1930, and shall come into force on the second day of October, 1930.

M. P. A. Hankey.

SCHEDULE

First Column	Second Column
Powers parties to the Convention	Territories to which the Convention applies
His Britannic Majesty	The United Kingdom of Great Britain and Northern Ireland
	The Dominion of New Zealand, including the Mandated Territory of Western Samoa
His Majesty the King of the Belgians	Belgium
His Majesty the King of Denmark	Denmark
The President of the Estonian Republic	Estonia
His Majesty the King of Spain	Spain
His Majesty the King of Sweden	Sweden

STATUTORY RULES AND ORDERS,

1930, No. 1096.

ARBITRATION

FOREIGN AWARDS

The Arbitration (Foreign Awards) No. 2 Order, 1930.

At the Court at Buckingham Palace, the 18th day of December, 1930.

PRESENT,

The King's Most Excellent Majesty in Council.

WHEREAS a Convention on the Execution of Arbitral Awards was, on the twenty-sixth day of September, nineteen hundred and twenty-seven, signed at Geneva on behalf of his Majesty:

AND WHEREAS by subsection (1) of section one of the Arbitration (Foreign Awards) Act, 1930, it is provided that Part I of that Act applies to any award made after the twenty-eighth day of July, nineteen hundred and twenty-four—

(a) in pursuance of an agreement for arbitration to which the protocol set out in the Schedule to the Arbitration Clauses (Protocol) Act, 1924, applies; and

(b) between persons of whom one is subject to the jurisdiction of some one of such Powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the said Convention, and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and

(c) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be territories to which the said Convention applies:

AND WHEREAS His Majesty is satisfied that reciprocal provisions have been made as aforesaid by the Powers set out in the first column of the Schedule to this Order and as respects the territories set out in the second column of that Schedule:

Now, THEREFORE, His Majesty, by and with the advice of His Privy Council, in pursuance of the powers conferred upon Him by the said Act and of all other powers enabling Him in that behalf, is pleased to declare, and it is hereby declared, as follows:—

1. The Powers set out in the first column of the Schedule to this Order are parties to the said Convention.

2. The territories set out in the second column of the said Schedule are territories to which the said Convention applies.

3. This Order may be cited as the Arbitration (Foreign Awards) No. 2 Order, 1930, and shall come into force on the 27th day of December, 1930.

M. P. A. Hankey.

SCHEDULE

First Column	Second Column
Powers parties to the Convention	Territories to which the Convention applies
The Federal President of the Austrian Republic	Austria
His Majesty the King of the Belgians	Belgian Congo The Mandated Territory of Ruanda-Urundi
The President of the German Reich	Germany
H. R. H. The Grand Duchess of Luxemburg	Luxemburg
The President and Federal Council of the Swiss Confederation	Switzerland

O. G. No. 284 of 1.6.1931.

ARCHAEOLOGY.

SEE ANTIQUITIES : GUIDES.

ARREST.

ARREST OF OFFENDERS AND SEARCHES (Amendment) ORDINANCE,

No. 34 of 1927.

No. 4 of 1924 An Ordinance to amend the Arrest of Offenders and Searches 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 Arrest of Offenders and Searches (Amendment) Ordinance, 1927, and this Ordinance and the Arrest of Offenders and Searches Ordinance, No. 4 of 1924 (hereinafter referred to as the Principal Ordinance) may together be cited as the Arrest of Offenders and Searches Ordinance, 1924 and 1927.

2. Section 1 (iii) of the Principal Ordinance is hereby repealed and the following substituted therefor:—

“(iii) The powers conferred by this Section shall be exercisable by any public officer or class of officers upon whom they may hereafter be conferred by order of the High Commissioner published in the Official Gazette, and for the purposes of this Section the phrase “any public officer or class of officers” shall include Mayors of Municipalities, Presidents of Local Councils, Mukhtars of Villages, and any other officers of a Municipality, Local Council or Village Council”.

Amendment
of Section 1
(iii) of the
Principal
Ordinances.

1st November, 1927. B.—O.G. No. 195 of 16.9.1927.

P.—O.G. No. 198 of 1.11.1927.

Con.—O. G. No. 206 of 1.3.1928.

ARREST OF OFFENDERS AND SEARCHES ORDINANCE, 1924.

Order of His Excellency the High Commissioner,

In exercise of the powers vested in him by the Arrest of Offenders and Searches Ordinance, 1924, His Excellency the High Commissioner is pleased to order and it is hereby ordered that the powers of arrest conferred by Section 1 of the said Ordinance shall be exercisable by the following class of officers, namely:—

Orderlies attached to the Immigration and Travel Section at Kantara.

2. The Order published in the Official Gazette of the 1st of September is hereby cancelled.

20th September, 1927. No. 196 of 1.10.1927.

ARREST.

SEE FOREIGN.

ASSIGNMENT OF DEBTS.

SEE DEBTS.

AWARDS.

SEE ARBITRATION.

BAIL (RELEASE).

CRIMINAL PROCEDURE (Release on Bail) ORDINANCE,

No. 35 of 1927.

An Ordinance concerning
the release on bail of persons accused
or convicted of criminal offences.

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

Short title.

1. This Ordinance may be cited as the Criminal Procedure
(Release on Bail) Ordinance, 1927.

Application
for bail.

2. (1) Application for release on bail may be made:

(a) Where the offence is triable on an information,

(i) to the Magistrate holding the preliminary enquiry, if
the accused has not been committed for trial;

(ii) if the accused has been committed for trial, to the Ma-
gistrate who heard the preliminary enquiry, or if such Magistrate
refuses the application, to the President of the District Court to
which the accused has been committed for trial;

(iii) if the accused has been convicted and has appealed,
to the President of the Court by which he has convicted or, if
such President refuses the application, to the Chief Justice or Senior
British Judge.

(b) Where the offence is triable by a Magistrate,

(i) to the Magistrate by whom the accused is to be tried;

(ii) if the accused has been convicted and has appealed, to
the Magistrate by whom he was convicted, or, if such Magistrate
refuses the application, to the President of the District Court by
which the appeal is to be heard.

(2) A Judge or Magistrate to whom an application for re-
lease on bail is made by a person who has appealed against a sen-
tence of imprisonment or penal servitude shall not hear such ap-
plication unless 24 hours previous notice of the application has been
served on the prosecuting authority, or such authority is present
at the hearing of the application.

Release
on bail.

3. (1) A person charged with an offence punishable with death
shall not be released on bail at any stage of the proceedings. If a
person charged with an offence which is not punishable with death
is during the preliminary enquiry charged with an offence punishable
with death or at the conclusion of such enquiry is committed for
trial for an offence punishable with death, or, not having been

committed for trial for such an offence is subsequently charged with such an offence on an information of the Attorney General, the Magistrate by whom the preliminary enquiry was held shall, if the accused has been released on bail, withdraw bail and commit the accused to custody.

(2) A person charged with an offence of violence which is punishable with penal servitude for ten years or more shall not be released on bail by a Magistrate, but the President of the District Court before which the accused, if committed for trial, would be tried, may, before committal for trial release the accused on bail.

(3) Subject to the provisions of the last preceding subsection, where a person is charged with an offence punishable with imprisonment for a term exceeding three years, the Magistrate by whom the preliminary enquiry is held may, if he thinks fit, release the accused on bail.

(4) Where a person is charged with any offence other than those mentioned in the preceding subsections, the Magistrate before whom the accused is brought for trial or committal shall release the accused on bail unless he sees any reason to the contrary.

(5) Subject as aforesaid, a person may be released on bail at any time, and thereupon shall be discharged from custody or prison if he is not detained for any other cause.

(6) Subject as aforesaid, the Chief Justice may at any stage in the proceedings grant or withdraw bail and issue a warrant of arrest against any person who has been released on bail.

(7) A Judge or Magistrate who has released a person on bail in accordance with the provisions of this Ordinance may at any subsequent stage of any proceedings cause any person who has been released on bail to be arrested and may commit him to custody.

4. (1) Before any person is released on bail, a bond for such sum of money as the Judge or Magistrate may think sufficient shall be executed by such person and, if the Judge or Magistrate shall require sureties, by such sureties also, the bond being conditioned for the appearance of the person released before the Court mentioned in the bond and at the time and place mentioned therein.

Bond of assured and sureties.

(2) When any person is required to execute a bond, with or without sureties, he may be permitted to deposit a sum of money to such amount as may be fixed in lieu of executing such bond.

5. (1) Whenever a person charged with any offence has been released on bail, it shall be lawful for any Judge or Magistrate, upon information in writing and upon oath that there is reason to be-

Power to arrest person on bail.

lieve that such person is about to abscond for the purpose of evading justice, or is attempting by intimidation, threats, bribes or any other means to tamper with the witnesses in the case or is in any way interfering with the course of justice, to issue a warrant for the arrest of such person and afterwards to commit such person to prison to await his trial.

(2) Any Police Officer or surety of a bail bond may arrest without warrant a person charged with an offence and released on bail if such police officer or surety has reasonable grounds for believing that such person is about to abscond for the purpose of evading justice.

Power to increase amount of bail or number of sureties.

6. If a judge or Magistrate by whom a person has been released on bail is satisfied that, for any reason, the amount of the bail or the number of sureties therefor should be increased, he may issue a warrant of arrest directing that the person released on bail be brought before him, and may order him to find sufficient sureties, and on his failing to do so, may commit him to prison.

Discharge of sureties.

7. (1) A person who has given a bond for the attendance and appearance of a person released on bail or who has a surety therefor may, at any time, apply to the Judge or Magistrate who caused the bond to be taken to discharge the bond either wholly or so far as relates to the applicant.

(2) On such application, the Judge or Magistrate shall issue a warrant of arrest directing that the person so released be brought before him.

(3) On the appearance of the person pursuant to the warrant, or on his voluntary surrender, the bond shall be discharged, either wholly or so far as relates to the applicant, and the person shall be required to find other sufficient surety or sureties, and if he fails to do so shall be committed to custody.

Forfeiture of bond and procedure thereon.

8. (1) If the condition of any bond be not complied with, the Court in or before which such condition ought to be performed may endorse thereon a certificate setting forth that such condition has not been performed; and thereupon, if the amount of the bond is not paid within six days after an order and notice to do so, the same shall be recoverable by attachment and sale of the movable and immovable property in Palestine of the person or persons who gave the bond or were sureties therefor. In default of the amount being recovered by such attachment and sale, the person or persons who gave the bond or were sureties therefor may be imprisoned for a term not exceeding three months.

(2) The court in or before which the condition of a bond ought to be performed may remit any part of the amount thereof and enforce payment of the amount remaining only.

(3) If a surety of a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond; but the Judge or Magistrate by whose order the bond was given may require the person who gave the bond to find a new surety.

9. Articles 108 to 121, inclusive, of the Ottoman Code of Criminal Procedure and Article 59 of the Ottoman Magistrates Law, 1329, A. H. shall cease to have effect in Palestine.

Ottoman
Law not to
have effect.

1st November, 1927. B.—O. G. No. 195 of 16.9.1927.

P.—O. G. No. 198 of 1.11.1927. Con.—O. G. No. 206 of 1.3.1928.

BANDEROLLE.

BANDEROLLE ORDINANCE,

No. 38 of 1926.

An Ordinance to provide for the introduction of banderolles in connection with playing-cards, matches and other articles.

1. This Ordinance may be cited as the Banderolle Ordinance, 1926.

Short title.

2. (1) Articles included in the Schedule hereto shall be imported into Palestine in containers to be prescribed by Regulation under the Ordinance, or, if manufactured in Palestine, shall be enclosed in such containers.

Power to
apply bande-
rolle system
to articles
mentioned
in Schedule.

(2) Such articles shall not be removed from the Customs House or from the factory unless the containers have in each case been surrounded by a banderolle which shall be issued on payment of the customs duty or on issue from the factory, and shall signify that the customs duty and the excise duty, if any, payable upon the articles has been paid.

(3) The High Commissioner may by Order in Executive Council from time to time make additions to or amendments of the Schedule.

3. Where containers of articles surrounded by banderolles are returned to the factory, the refund of the excise duty represented by the banderolles, subject to a deduction of 10%, may be authorised by the Director of the Department of Customs, Excise and Trade.

Refund of
excise duty in
certain cases.

4. The High Commissioner may make and when made, may vary or revoke, Regulations as to

Regulations
as to colour,
pattern &
denomination
of banderolles.

¹⁾ See O.G. No. 175 of 16.11.1926; O.G. No. 253 of 16.2.1930.

(a) the colour, pattern, and denomination of banderolles to be used in respect of any article to which this Ordinance applies;

(b) the manner in which such banderolles are to be affixed and cancelled;

(c) the size, form and description of packets and containers of articles to which this Ordinance applies.

(d) The circumstances in which a retail dealer may open and dispose of the contents of a container duly banderolled.

Articles not
banderolled
to be contra-
band.

5. (1) Any article to which this Ordinance is applied shall be contraband if it is found not packed in containers surrounded by banderolles in the manner prescribed by Regulation hereunder.

(2) Contraband articles, together with any articles packed with or used in concealing them, and any means of conveyance used in their transport shall be confiscated.

(3) Any person who is found in possession of contraband articles shall be liable to a penalty of treble the value of the goods, including the duty of customs or excise, if any, payable thereon according as the article was imported into or manufactured in Palestine.

Offences.

6. Any person who

(a) has in his possession, makes, uses, or sells any labels purporting to be the banderolles prescribed, or being imitations of such banderolles, or has in his possession, uses, or sells any banderolles which have already been used;

(b) has in his possession, sells, or exposes for sale articles to which this Ordinance applies otherwise than in containers or surrounded by banderolles of the character prescribed; shall be liable on conviction to a fine not exceeding £E. 200 or imprisonment for a term not exceeding three months. Provided that no prosecution shall be instituted under paragraph (b) of this Section against any person who has in his possession articles imported prior to the date of the Ordinance or of any Order amending the Schedule hereto until one month after the date of the Ordinance or Order.

Transitory
provisions.

7. (1) Every person who at the date of this Ordinance has in his possession, for the purpose of sale, any of the articles to which the Ordinance applies, shall within one month from such date apply to the Director of the Department of Customs, Excise and Trade for the appropriate banderolles, and the Director, upon being satisfied that all duties in respect thereof have been duly paid, shall direct banderolles to be affixed to the containers in the manner prescribed.

(2) Where an Order is made under Section 2 (3) adding any other articles to the Schedule hereto, any person in possession of such articles for the purpose of sale shall, within the time prescribed by the Order, obtain the necessary banderolles and affix them to such articles in the manner prescribed.

16th. November, 1926. B. — O.G. No. 163 of 16.5.1926.

P. — O.G. No. 175 of 16.11.1926.

Con.—O.G. No. 180 of 1.2.1927.

SCHEDULE.

Playing Cards.

Matches.

BANDEROLLE ORDINANCE, 1926.

REGULATIONS.

In virtue of the powers vested in him by Section 4 of the Banderolle Ordinance, 1926, the High Commissioner has made the following Regulations:—

1. Banderolles shall be of the following descriptions:—

(i) Banderolles for imported playing cards — printed in white on red paper.

(ii) Banderolles for imported matches—printed in white on green paper.

(iii) Banderolles for matches manufactured in Palestine—printed in white on yellow paper.

2.¹) No matches imported into Palestine, and no matches manufactured in Palestine shall be enclosed in packets containing more than twelve boxes.

3.¹) A retail dealer may open one container of matches at a time, and may sell single boxes of matches taken from such container.

4th November, 1926. O.G. No. 175 of 16.11.1926.

BANDEROLLE ORDINANCE, 1926.

Regulations made by the High Commissioner.

In exercise of the powers vested in me by Section 4 of the Banderolle Ordinance, 1926, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby vary as follows the Regulations under the Ordinance which were published in the Official Gazette of the 16th November, 1926.

1. Regulation 2 shall be cancelled and the following substituted therefor:

“Matches imported into Palestine and matches manufactured in Palestine shall be enclosed in packets containing not more than twelve boxes or in packets containing either 50 or 100 booklets”.

2. Regulation 3 shall be cancelled and the following substituted therefor:

¹ See Banderolle Ordinance, 1926. O.G. No. 253 of 16.2.1930.

“A retail dealer may open one container of matches at a time and may sell single boxes or booklets taken from such container”.

8th February, 1930. O.G. No. 253 of 16.2.1930.

NOTICE.

The following Regulations made by the Trans-Jordan Government under the Banderolle Law, 1927, are published for general information.

BANDEROLLE LAW, 1927.

Regulations with regard to matches and cigarette papers.

1. Matches and cigarette papers shall be imported into Trans-Jordan in containers, that is to say, parcels completely wrapped in paper or cardboard and of a size enabling them to be easily and efficiently banderolled.

A container of matches shall not contain more than 12 boxes or 100 booklets of matches and a container of cigarette papers shall not contain more than 100 packets of cigarette papers, each packet having not more than 120 papers.

2. The name or trade mark of the maker and a description of the contents shall be printed plainly on each container.

O.G. No. 283 of 16.5.1931.

BANK NOTES.

BANK NOTES FORGERY ORDINANCE,

No. 32 of 1927.

An Ordinance to amend the provisions of the Penal Code with regard to Forgery of Bank Notes.

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 Bank Notes Forgery Ordinance, 1927.

Definition of bank notes. 2. In this Ordinance the expression “bank note” includes any note or bill of exchange issued by any bank in Palestine, or the Bank of England, or any other person or corporation, or company carrying on the business of banking in any part of the world; and any bank bill and any blank bill of exchange. It does not include a currency note as defined in the Currency Notes Ordinance, 1927.

3. (1) If any person, with intent to defraud, forges or alters any bank note, or, knowing any note purporting to be a bank note to be forged or altered, utters the same, he shall be liable, on conviction, to penal servitude or imprisonment for a term not exceeding ten years. Forgery of bank notes.

(2) If any person without lawful authority or excuse, the proof whereof shall lie on him, receives from any other person or has in his possession any forged or altered note purporting to be a bank note, he shall be liable on conviction to penal servitude or imprisonment for a term not exceeding five years.

4. (1) If any person makes, or causes to be made, or uses for any purpose or utters any document purporting to be, or in any way resembling or so nearly resembling as to be calculated to deceive, any bank note or any part thereof, he shall be liable, on conviction, to a fine not exceeding five Palestine pounds in respect of each such document, and it shall be lawful for the Court to order the document in respect of which the offence was committed, and any copies of that document, and any plates, blocks, dies or other instruments used for, or capable of being used for, printing or reproducing any such document which are in the possession of such offender to be destroyed. Imitation of bank notes.

(2) If any person whose name appears on any document, the making of which is an offence under this Section, refuses to disclose to a Police Officer the name and address of the person by whom it was printed or made, he shall be liable, on conviction, to a fine not exceeding ten Palestine pounds.

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under this Section, or on any other document used or distributed in connection with that document it shall be prima facie evidence that that person caused the document to be made.

5. If any person without lawful authority or excuse, the proof of which shall lie upon him; — Possession of materials for forging bank notes.

(a) makes or uses, or sells or exposes for sale, or knowingly has in his custody or possession any paper pretending to resemble and pass as special paper, such as is provided and used for making any bank note;

(b) makes, uses, or knowingly has in his custody or possession any frame, mould, or instrument for making such paper or for producing in or on such paper any word, figures, device or distinction peculiar to and appearing in the substance of such paper;

(c) by any art or contrivance causes any such words device, or distinction, or any words, device or distinction intended to resemble and pass for the same, to appear visible in the substance of any paper;

(d) engraves or in any wise makes upon any plate whatsoever, or on any material, any note purporting to be a bank note or part of a bank note, or any name, word, number, figure, device, character, or ornament resembling, or apparently intending to resemble any signature to a bank note;

(e) uses, or knowingly has in his custody or possession such plate or other material, instrument or device for the making or printing of a bank note; or

(f) knowingly utters or has in his custody or possession any paper on which an impression of any such matter as aforesaid is made or printed;

he shall be liable, on conviction, to penal servitude or imprisonment for a term not exceeding five years.

Counterfeit
notes to be
impounded.

6. The Court before which a person is charged with an offence under this Ordinance shall impound and destroy, without compensation to the holder thereof, any bank note which is found to be forged or counterfeit.

Criminal
possession.

7. A person shall be deemed to have a document, instrument, or material in his custody or possession if: —

(a) he has it in his personal custody or possession; or

(b) he knowingly has it in the actual custody or possession of any other person, or in any building or other place, whether occupied by himself or not. It is immaterial whether the document, instrument, or material is in such custody, possession, or place for the use of such person or for the use or benefit of another person.

Ottoman
Law not
to apply.

8. Article 155 of the Ottoman Penal Code shall no longer have effect in Palestine with regard to bank notes.

1st November, 1927. B. — O. G. No. 195 of 16.9.1927.

P. — O. G. No. 198 of 1.11.1927.

Con. — O. G. No. 205 of 16.2.1928.

BANK NOTES.

SEE CRIMINAL LAW; CURRENCY.

BANKS.**CREDIT BANKS ORDINANCE, 1922.****NOTICE.**

It is hereby notified that, in virtue of the powers given by Section 8 of the above-mentioned Ordinance, the Officer Administering the Government has authorised that, as from the date hereof, whenever a Credit Bank is inspected by the Inspector of Credit Banks, fees in accordance with the following scale shall be paid by the Bank.

For every hour of the Inspector's time or part thereof..... P.T. 75.

The time taken in travelling from and to Jerusalem shall be deemed Inspector's time.

The above fee is exclusive of travelling and hotel expenses, and other expenses incidental to any investigation conducted by the Inspector.

23rd January, 1926. O. G. No. 156 of 1.2.1926.

CREDIT BANKS (FACILITIES) ORDINANCE, 1920.**Rules made by the Attorney General.**

In exercise of the powers vested in me by Section 2 of the Credit Banks (Facilities) Ordinance, 1920, I have made the following Rules concerning Receivers.

1. The receiver shall be appointed by writing under the seal of the Credit Bank. Notice of the appointment shall be forthwith served, personally or by registered letter, upon the registrar of Companies and upon the Mortgagor.

2. If within seven days of the service upon him of notice of the appointment the Registrar by writing communicated to the Bank objects thereto, the appointment shall be void. Every notice of objection shall include a statement of the reasons therefor. Notice of the avoidance of the appointment shall be sent to the Mortgagor.

3. Subject to the avoidance of an appointment, any income of the mortgaged property accruing due on or after the date of the service of the notice of the appointment upon the Registrar and the Mortgagor shall be payable to the Receiver. Payments in respect thereof made by any persons to the Mortgagor with notice of the appointment of a Receiver shall not be effectual to discharge the payer, and the Mortgagor shall be liable to account to the Receiver for any payments made to him.

4. From the date of his appointment the Receiver shall have power to collect all the rents and profits of the property over which he is appointed Receiver and to recover the same by action or otherwise in the name of the Mortgagor or of the Bank, to the full extent of the interest which the Mort-

gagor could dispose of, and to give effectual receipts therefor. No person paying money to him shall be concerned to enquire whether any case has happened to authorise the Receiver to act.

5. The Receiver shall be empowered to insure the mortgaged premises against fire and to execute necessary and ordinary repairs if so directed by the Bank. All money received by him shall be applied—

(a) in discharge of any taxes, rates, and outgoings affecting the mortgaged property;

(b) in payment of the commission of the Receiver and of premiums of insurance and cost of necessary and ordinary repairs;

(c) in payment of interest under the Mortgage.

Any balance remaining shall be paid to the Bank and received by it on account of the Capital sum due under the mortgage.

6. The commission of the Receiver shall in no case exceed five per centum on the gross amount of all money received.

7. The Bank may at any time revoke the appointment of a Receiver by writing under its seal. Revocation shall take effect from the date of service of notice thereof on the Mortgagor; and notice thereof shall be served upon the Registrar.

8. Nothing in these Rules shall affect the right of the Mortgagor to take proceedings with a view to the annulment of appointment of a Receiver either on the ground that no case had arisen for such appointment or otherwise.

9. The Registrar of Companies may at any time require a Receiver to produce to him accounts of income and payments in respect of the mortgaged property. Upon the cesser of his office the receiver shall produce to vouch the accounts of his Receivership to the Registrar who, upon being satisfied that the accounts are in order, shall discharge the Receiver accordingly.

10. The Registrar or the Receiver may refer any question in dispute as to the accounts to the decision of a Judge in Chambers.

3rd April, 1930. Appr. 4th April, 1930. O. G. No. 258 of 1.5.1930.

LEGAL RATE OF INTEREST ORDINANCE, 1929,

No. 21 of 1929.

An Ordinance to modify the Law with regard
to the legal rate of interest.

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 Legal Rate of Interest Ordinance, 1929.

2. Notwithstanding anything in the Ottoman Law dated 9th Rajab, 1304 A. H., concerning the legal rate of interest, a bank may charge a customer compound interest in respect of any loan or overdraft at such rate, not exceeding 9%, and with such rests as may be agreed between the bank and the customer.

Compound interest allowed in bank transactions.

B. — O. G. No. 231 of 16.3.1929.

E. — O. G. No. 236 of 1.6.1929.

Con. — O. G. No. 239 of 16.7.1929.

BEE DISEASES.

BEE DISEASES ORDINANCE,

No. 26 of 1928.

An Ordinance to provide for the protection of bees from disease.

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 Bee Diseases Ordinance, 1928. Short title.

2. For the purpose of this Ordinance: — Definitions.

“Beekeeper” includes any person owning bees or employed to manage or tend an apiary, and any person who is the owner or tenant or land on which colonies of wild bees have their hives.

“Foul Brood” includes the disease or conditions in bees caused by *bacillus larvae* or *bacillus pluton*.

“Inspector” means any person appointed by the High Commissioner to exercise the powers conferred by this Ordinance¹⁾.

3. The High Commissioner may appoint one or more Inspectors for the purposes of this Ordinance. An Inspector shall, if so required, produce a certificate of his appointment on entering any premises in discharge of his duties. Appointment of Inspectors.

4. No beekeeper shall have in his possession any colony of bees, bee-hives or material connected with the keeping of bees which is infected with fowl brood. If a beekeeper is aware of the existence of foul brood in a colony of bees or his apiary he shall cause such bees or hives or material to be treated in the manner prescribed by an Inspector. He shall report the result of the treatment to the Inspector at the periods prescribed by such Inspector, and if required by the Inspector, shall immediately destroy by burning all infected bees, combs, honey and other infected material. Bees infected with foul brood to be treated or destroyed.

¹⁾ See O. G. No. 219 of 16.9.1928.

Power of Inspector to enter and destroy bees, etc.

5. (1) An Inspector may enter upon and examine any apiary and any place in which there is a colony of bees for the purpose of ascertaining whether any infections or contagious disease of bees exists therein. In any area in which foul brood is known to be present he may require the beekeeper to transfer the bees to hives having movable bar frames. If he finds that foul brood or other infections or contagious disease of bees exists in a severe form, he shall cause all colonies of bees so infected, together with their hives and the contents of such hives, and all infected or tainted material to be immediately destroyed by fire.

(2) If an Inspector finds that an infectious or contagious disease of bees, not being in a severe form, exists among colonies of bees, he shall give notice in writing to the beekeeper as to the treatment of such disease, stating the time within which the treatment shall be completed. If at the expiration of such period the diseased colonies of bees have not been treated by the beekeeper in accordance with the notice, the Inspector shall apply the treatment at the cost of the beekeeper; and any sum due shall be recovered as a civil debt.

Beekeeper not to sell infected apiary of bees.

6. Where an infectious or contagious disease exists or has occurred in an apiary, a beekeeper shall not sell, barter, give, remove or cause to be given or removed from the premises any bees, hives, or used apiary appliances or apparatus until he has received a certificate from an Inspector that such bees, hives, appliances or apparatus are free from infection.

Prohibition of import save under certificate.

7. (1) No used hives, tools, appliances or apiary equipment shall be imported into Palestine.

(2)¹⁾ No bees shall be imported on combs, or in any package containing honey, which has not been heated to 100 degrees Centigrade for 30 minutes.

(3) No bees or queens shall be imported unless accompanied by a certificate from the competent authority in the country of origin that the apiary from which they are consigned has been inspected within 60 days of the date of consignment, and was entirely free from infectious or contagious disease.

(4) No bees or queens shall be imported unless notice has been previously given to the Director of Agriculture of the intended importation and of the destination; and unless they have been previously brought for inspection to such place as may be appointed by Regulation made under this Ordinance.

¹⁾ See O. G. No. 220 of 1.10.1928.

(5) Any hives, tools, appliances or apiary equipment, and any bees or queens imported in contravention of this Section may be seized by any Officer of Customs or by an Inspector and destroyed or confiscated, and no compensation shall be payable to any person claiming any interest therein.

8. Any person contravening the provisions of this Ordinance, or failing to carry out the instructions of an Inspector, or obstructing him in the exercise of his powers under the Ordinance, shall be liable on conviction to a fine not exceeding £p. 50 or to imprisonment not exceeding one month, or to both penalties. Penalties.

9.¹⁾ The High Commissioner may make, and when made may vary or revoke Regulations:- Regulations.

(a) As to the places at which bees or queens may be imported, and the conditions of importation, and the period during which such bees or queens are to be kept under observation or in quarantine.

(b) As to the treatment of bees, bee-hives, and other material infected with foul brood or any other contagious disease.

(c) Generally for the application of this Ordinance.

10. The Orders under the Plant Protection Ordinance, 1924, concerning foul brood of bees, which were published in the Official Gazettes of the 1st November, 1924, and 15th January, 1925, are hereby repealed. Repeal.

22nd August, 1928. B. and E.—Ex. of 22.8.1928.

Con.—O. G. No. 225 of 16.12.1928.

BEE DISEASES ORDINANCE, 1928.

Appointments by the Officer Administering the Government.

In exercise of the powers vested in the High Commissioner by Section 2 of the Bee Diseases Ordinance, 1928, the Officer Administering the Government has appointed the following officers of the Department of Agriculture and Forests to be Inspectors for the purpose of the said Ordinance:

Poultry and Bee-Keeping Instructor.

Inspectors of Agriculture and Forests.

Sub-Inspectors of Agriculture and Forests.

Field Assistants to the Government Entomologist.

Plant Inspectors.

6th September, 1928. O.G. No. 219 of 16.9.1928.

¹⁾ See O.G. No. 220 of 1.10.1928.

BEE DISEASES ORDINANCE, 1928.

Regulations made by the Officer Administering the Government.

In exercise of the powers vested in the High Commissioner by Section 9 of the Bee Diseases Ordinance, 1928, I, Harry Charles Luke, Officer Administering the Government, hereby make the following Regulations:

(1) No bees or queens shall be imported unless they have been previously brought for inspection to the offices of the Department of Agriculture and Forests at Jerusalem, Haifa or Jaffa and released by an Inspector as entirely free from infectious or contagious disease.

(2) A certificate from the competent authority in the country of origin shall be produced in proof of compliance with the provisions of Section 7 (2) of the Ordinance.

14th September, 1928. O.G. No. 220 of 1.10.1928.

BILLS OF EXCHANGE.

THE BILLS OF EXCHANGE (Protest) ORDINANCE,

No. 33 of 1929.

An Ordinance to prolong the period of protest of bills of exchange which were not protested owing to civil disorder.

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 Bills of Exchange (Protest) Ordinance, 1929.

Definition.

2. The expression "Bill of Exchange" includes a promissory note.

Prolongation of Time for Protest.

3. Notwithstanding anything to the contrary contained in the Ottoman Commercial Code or in any other law or Ordinance affecting the protest of bills of exchange, any bill of exchange which according to the tenor thereof should have been presented for acceptance or payment at one of the places mentioned in the first column of the Schedule hereto within the period mentioned in the second column of the said Schedule shall be deemed to have been presented for acceptance or payment in due time if presented on or before the date mentioned in the third column of the said Schedule 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 said date.

4. Interest in accordance with the provisions of Section 3 of Interest. the Bills of Exchange (Protest) Ordinance, 1924, shall be payable in respect of bills of exchange to which this Ordinance applies.

THE SCHEDULE

Place	Period (both dates inclusive)	Date for presentation
Jerusalem	22nd August, 1929, to 19th September, 1929	26th September, 1929.
Jaffa	22nd August, 1929, to 12th September, 1929	19th September, 1929.
Haifa	22nd August, 1929, to 12th September, 1929	19th September, 1929.
Nablus	22nd August, 1929, to 12th September, 1929	19th September, 1929.
Tel-Aviv	22nd August, 1929, to 12th September, 1929	19th September, 1929.
Nazareth	22nd August, 1929, to 12th September, 1929	19th September, 1929.
Tiberias	22nd August, 1929, to 12th September, 1929	19th September, 1929.
Hebron	22nd August, 1929, to 22nd October, 1929	29th October, 1929.
Safad	22nd August, 1929, to 12th November, 1929	19th November, 1929.

9th September, 1929. B. and E.—Ex. of 9.9.1929. Con.—O.G. No. 246 of 1.11.1929.

BILLS OF EXCHANGE ORDINANCE,

No. 47 of 1929.

An Ordinance to declare the law as to Bills of
Exchange and Cheques.

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

PART I.

PRELIMINARY.

1. This Ordinance may be cited as the Bills of Exchange Short title.
Ordinance, 1929.

Interpretation of terms.	2. (1) In this Ordinance unless the context otherwise requires:—
Acceptance.	“Acceptance” means an acceptance completed by delivery or notification ;
Action.	“Action” includes counter-claim and set-off ;
Banker.	“Banker” includes a body of persons, whether incorporated or not, who carry on the business of banking ;
Bankrupt.	“Bankrupt” includes any person whose estate is vested in a trustee or assignee under the law for the time being in force relating to bankruptcy ;
Bearer.	“Bearer” means the person in possession of a bill or note payable to bearer ;
Bill.	“Bill” means bill of exchange and includes a cheque ;
Delivery.	“Delivery” means transfer of possession, actual or constructive, from one person to another ;
Holder.	“Holder” means the payee or indorsee of a bill or note who is in possession of it, or the bearer thereof ;
Indorsement.	“Indorsement” means an indorsement completed by delivery ;
Issue.	“Issue” means the first delivery of a bill or note, complete in form, to a person who takes it as a holder ;
Note.	“Note” means promissory note ;
Value.	“Value” means valuable consideration ;
General Rule of Interpretation.	(2) This Ordinance shall be interpreted by reference to the law of England relating to Bills of Exchange. Cheques and Promissory Notes save in so far as it is inconsistent with the provisions thereof.

PART II.

BILLS OF EXCHANGE—FORM AND INTERPRETATION.

3. (1) A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.

(2) An instrument which does not comply with these conditions or which orders any act to be done in addition to the payment of money, is not a bill of exchange.

Particular fund.

(3) An order to pay out of a particular fund is not unconditional within the meaning of this Section ; but an unqualified order to pay, coupled with (a) an indication of a particular fund out of which the drawee is to reimburse himself or a particular account, or a particular account to be debited with the amount, or (b) a statement of the transaction which gives rise to the bill, is unconditional.

- (4) A bill is not invalid by reason —
- (a) that it is not dated; Date, place and value.
- (b) that it does not specify the value given, or that any value has been given therefor;
- (c) that it does not specify the place where it is drawn or the place where it is payable:
- Provided always that where there is no express indication of the place where the bill is payable the place indicated as the drawee's place of business or residence shall be deemed the place of payment.
4. (1) A bill may be drawn payable to, or to the order of the drawer, or it may be drawn payable to, or to the order of the drawee. Effect where different parties to bill are the same person.
- (2) Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or as a promissory note. Drawer and drawee same person or firm.
5. (1) The drawee must be named or otherwise indicated in a bill with reasonable certainty. Address to drawee.
- (2) A bill may be addressed to two or more drawees whether they are partners or not, but an order addressed to two drawees in the alternative, or to two or more drawees in succession, is not a bill of exchange. Several drawees.
6. (1) Where a bill is not payable to bearer, the payee must be named or otherwise indicated therein with reasonable certainty. Certainty required as to payee.
- (2) A bill may be made payable to two or more payees jointly, or it may be made payable in the alternative to one of two, or one or some of several payees. A bill may also be made payable to the holder of an office for the time being. Alternative payee or office holder.
- (3) Where the payee is a fictitious or non-existing person the bill may be treated as payable to bearer. Fictitious payee.
7. (1) When a bill contains words prohibiting transfer or indicating an intention that it should not be transferable, it is valid as between the parties thereto, but it is not negotiable. What bills are negotiable.
- (2) A negotiable bill may be payable either to order or to bearer.
- (3) A bill is payable to bearer which is expressed to be so payable, or on which the only or last indorsement is an indorsement in blank. Bearer.
- (4) A bill is payable to order which is expressed to be so payable, or which is expressed to be payable to a particular person, Order.

and does not contain words prohibiting transfer or indicating an intention that it should not be transferable.

(5) Where a bill, either originally or by indorsement, is expressed to be payable to the order of a specified person, and not to him or his order, it is nevertheless payable to him or his order at his option.

Sum payable. 8. (1) The sum payable by a bill is a sum certain within the meaning of this Ordinance, although it is required to be paid —

(a) with interest;

(b) by stated instalments.

(c) by stated instalments, with a provision that upon default in payment of any instalment the whole shall become due;

(d) according to an indicated rate of exchange, or according to a rate of exchange to be ascertained as directed by the bill.

Discrepancy in words and figures.

(2) Where the sum payable is expressed in words and also in figures, and there is a discrepancy between the two, the sum denoted by the words is the amount payable.

(3) Where the sum payable is expressed more than once in words, or is not expressed in words and is expressed more than once in figures and there is a discrepancy, the lesser sum shall be the sum payable.

Calculation of interest.

(4) Where a bill is expressed to be payable with interest, unless the instrument otherwise provides, interest runs from the date of the bill, and if the bill is undated, from the issue thereof.

Bill payable on demand.

9. (1) A bill is payable on demand —

(a) which is expressed to be payable on demand, or at sight or on presentation; or

(b) in which no time for payment is expressed.

(2) Where a bill is accepted or indorsed when it is overdue, it shall, as regards the acceptor who so accepts, or any indorser who so indorses it, be deemed a bill payable on demand.

Bill payable at a future date.

10. A bill is payable at a determinable future time within the meaning of this Ordinance which is expressed to be payable—

(a) at a fixed period after date or sight;

(b) on or at a fixed period after the occurrence of a specified event which is certain to happen, though the time of happening may be uncertain.

An instrument expressed to be payable on a contingency is not a bill, and the happening of the event does not cure the defect.

Omission of date in bill payable after date or

11. Where a bill expressed to be payable at a fixed period after date is issued undated, or where the acceptance of a bill payable at a fixed period after sight is undated, any holder may insert

therein the true date of issue or acceptance, and the bill shall be payable accordingly: acceptance after sight.

Provided that (a) where the holder in good faith and by mistake inserts a wrong date, and (b) in every case where a wrong date is inserted, if the bill subsequently comes into the hands of a holder in due course, the bill shall not be avoided thereby, but shall operate and be payable as if the date so inserted had been the true date.

12. (1) Where a bill or an acceptance or any indorsement on a bill is dated, the date shall, unless the contrary be proved, be deemed to be the true date of the drawing, acceptance or indorsement, as the case may be: Provided always that where a bill is tendered in bankruptcy proceedings as evidence of a petitioning creditor's debt the date of the bill must be confirmed by evidence. Presumption as to date being true date.

(2) A bill is not invalid by reason only that it is ante-dated or post-dated.

13. (1) When a bill according to its tenor falls due on a non-business day it shall be deemed to be due and payable on the next succeeding business day. Computation of time of payment.

(2) Where a bill is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run and by including the day of payment.

(3) Where a bill is payable at a fixed period after sight the time begins to run from the date of the acceptance if the bill be accepted and the date of the protest if the bill be protested for non-acceptance or for non-delivery. After sight bills.

(4) The term "month" in a bill means calendar month of the Gregorian Calendar unless otherwise defined. Month.

(5) No days of grace shall be added to the time of payment as fixed by the bill. Days of Grace.

14. The drawer of a bill and any indorser may insert therein the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonoured by non-acceptance or non-payment. Such person is called the referee in case of need: It is in the option of the holder to resort to the referee in case of need or not as he may think fit. Case of need.

15. (1) The drawer of a bill, and any indorser, may insert therein an express stipulation— Special stipulations by drawer or indorser restricting liability.

(a) negating or limiting his own liability to the holder; Waiving holder's duties.

(b) Waiving as regards himself some or all of the holder's duties.

“Retour sans frais”.

(2) Where the drawer of a bill inserts therein a stipulation waiving protest, the holder may exercise his right of recourse without causing the bill to be protested for non-acceptance or non-payment; and if in spite of such stipulation he causes a protest to be made he shall not be permitted to charge any other party with the cost thereof. Where such stipulation is inserted by an indorser it operates only as between such indorser and the holder, who if he causes a protest to be made may recover the expenses from any other person liable on the bill.

Such stipulation, whether inserted by the drawer or an indorser, shall not excuse the holder from the obligation to present the bill and to give notice of dishonour as required by this Ordinance.

For the purposes of this subsection the expressions “retour sans frais”, “retour sans protêt”, “sans compte de retour”, or any expression of similar import shall be construed as a stipulation waiving protest.

Definition and requisites of acceptance.

16. (1) The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer.

(2) An acceptance is invalid unless it complies with the following conditions, namely:-

Requisites in form.

(a) It must be written on the bill and be signed by the drawee; the mere signature of the drawee on the face of the bill without additional words is sufficient;

(b) It must not express that the drawee will perform his promise by any other means than the payment of money.

Time for acceptance.

17. (1) A bill may be accepted :-

(a) before it has been signed by the drawer or while otherwise in-complete ;

(b) when it is overdue, or after it has been dishonoured by a previous refusal to accept or by non-payment.

Date of acceptance after previous dishonour.

(2) When a bill payable after sight is dishonoured by non-acceptance, and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of first presentment to the drawee for acceptance.

General and qualified acceptances.

18. (1) An acceptance is either (a) general, or (b) qualified.

Qualified acceptances.

(2) A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn. In particular an acceptance is qualified which is-

Conditional.

(a) conditional, that is to say, which makes payment by the acceptor dependent on the fulfilment of a condition therein stated;

(b) partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;

(c) local, that is to say, an acceptance to pay only at a particular specified place. An acceptance to pay at a particular place is a general acceptance unless it expressly states that the bill is to be paid there only and not elsewhere.

Particular place only.

(d) qualified as to time;

Time.

(e) the acceptance of some one or more of the drawees but not of all.

Some of several drawees.

19. (1) When a bill is wanting in any material particular, the person in possession of it has a prima facie authority to fill up the omission in any way he thinks fit.

Inchoate instruments or blank signatures.

(2) In order that any such instrument when completed may be enforceable against any person who became a party thereto prior to its completion, it must be filled up within a reasonable time, and strictly in accordance with the authority given. Reasonable time for this purpose is a question of fact:

Provided that if any such instrument after completion is negotiated to a holder in due course, it shall be valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up within a reasonable time and strictly in accordance with the authority given.

20. (1) Every contract on a bill, whether it be the drawer's, the acceptor's or an indorser's, is incomplete and revocable, until delivery of the instrument in order to give effect thereto: Provided that where an acceptance is written on a bill, and the drawee gives notice to or according to the directions of the person entitled to the bill that he has accepted it, the acceptance then becomes complete and irrevocable.

Delivery to complete contract.

(2) As between immediate parties, and as regards a remote party other than a holder in due course, the delivery-

(a) in order to be effectual must be made either by or under the authority of the party drawing, accepting, or indorsing, as the case may be;

By whom.

(b) may be shown to have been conditional or for a special purpose only, and not for the purpose of transferring the property in the bill.

Conditional delivery.

But if the bill be in the hands of a holder in due course, a valid delivery of the bill by all parties prior to him so as to make them liable to him is conclusively presumed.

(3) Where a bill is no longer in the possession of a party who has signed it as a drawer, acceptor, or indorser, a valid

Presumption as to delivery.

and unconditional delivery by him is presumed until the contrary is proved.

CAPACITY AND AUTHORITY OF PARTIES.

Capacity of parties.

21. (1) Capacity to incur liability as a party to a bill is co-extensive with capacity to contract.

(2) Where a bill is drawn or indorsed by a person having no capacity or power to incur liability on a bill, the drawing or indorsement entitles the holder to receive payment of the bill, and to enforce it against any other party thereto.

Signature essential to liability.

22. No person is liable as drawer, indorser, or acceptor of a bill who has not signed it as such: Provided that-

(a) where a person signs a bill in a trade or assumed name, he is liable thereon as if he had signed it in his own name;

(b) the signature of the name of a firm is equivalent to the signature by the person so signing of the names of all persons liable as partners in that firm.

Forged or unauthorised signature.

23. (1) Subject to the provisions of this Ordinance, where a signature on a bill is forged or placed thereon without the authority of the person whose signature it purports to be, the forged or unauthorised signature is wholly inoperative, and no right to retain the bill or to give a discharge therefor or to enforce payment thereof against any party thereto can be acquired through or under that signature unless the party against whom it is sought to retain or enforce payment of the bill is precluded from setting up the forgery or want of authority: Provided that nothing in this Section shall affect the ratification of an unauthorised signature not amounting to a forgery.

Provided further that when a person pays a bill in good faith and in the ordinary course of business, it is not incumbent on him to show that the indorsement of the payee or any subsequent indorsement was made by or under the authority of the person whose indorsement it purports to be; and the person so paying the bill is deemed to have paid the bill in due course although such indorsement has been forged or made without authority.

Banker's draft deemed bill.

(2) For the purpose of this Section any draft or order drawn by a banker on a branch of the same bank and fulfilling otherwise the definition of a bill under Section 3 hereof shall be deemed to be a bill.

Procurator signatures.

24. A signature by procurator operates as notice that the agent has but a limited authority to sign, and the principal is only bound by such signature if the agent in so signing was acting within the actual limits of his authority.

25. (1) Where a person signs a bill as drawer, indorser, or acceptor, and adds words to his signature indicating that he signs for or on behalf of a principal, or in a representative character, he is not personally liable thereon; but the mere addition to his signature of words describing him as an agent, or as filling a representative character does not exempt him from personal liability; and he shall be personally liable on the bill if he is proved to have acted without authority or in excess of authority.

Persons signing as agent or in representative capacity.

(2) In determining whether a signature on a bill is that of a principal or that of the agent by whose hand it is written, the construction most favourable to the validity of the instrument shall be adopted.

THE CONSIDERATION FOR A BILL.

26. (1) Valuable considerations for a bill may be constituted by :-

Valuable consideration defined.

(a) any consideration sufficient to support a simple contract;

(b) an antecedent debt or liability; such a debt or liability is deemed valuable consideration whether the bill is payable on demand or at a future time.

(2) Where value has at any time been given for a bill the holder is deemed to be a holder for value as regards the acceptor and all parties to the bill who became parties prior to such time.

Holder for value.

(3) Where the holder of a bill has a lien on it, arising either from contract or by implication of law, he is deemed to be a holder for value to the extent of the sum for which he has a lien.

Holder having a lien.

27. (1) An accommodation party to a bill is a person who has signed a bill as drawer, acceptor, or indorser without receiving value therefor, and for the purpose of lending his name to some other person.

Accommodation bill or party.

(2) An accommodation party is liable on the bill to a holder for value; and it is immaterial whether, when such holder took the bill, he knew such party to be an accommodation party, or not.

Liability of accommodation party.

28. (1) A holder in due course is a holder who has taken a bill complete and regular on the face of it, under the following conditions, namely :

Holder in due course.

(a) that he became the holder of it before it was overdue, and without notice that it had been previously dishonoured, if such was the fact ;

(b) that he took the bill in good faith and for value and that at the time the bill was negotiated to him he had no notice of any defect in the title of the person who negotiated it.

Defects of title.

(2) In particular the title of a person who negotiates a bill is defective within the meaning of this Ordinance, when he obtained the bill, or the acceptance thereof, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

Holder claiming under holder in due course.

(3) A holder (whether for value or not) who derives his title to a bill through a holder in due course, and who is not a party to any fraud or illegality affecting it, has all the rights of that holder in due course as regards the acceptor and all parties to the bill prior to that holder.

Presumption of value and good faith.

29. (1) Every party whose signature appears on a bill is prima facie deemed to have become a party thereto for value.

(2) Every holder of a bill is prima facie deemed to be a holder in due course; but if in an action it is admitted or proved that the acceptance, issue or subsequent negotiation of the bill is affected with fraud, duress, or force and fear, or illegality, the burden of proof is shifted, unless, and until the holder proves that, subsequent to the alleged fraud or illegality, value has in good faith been given for the bill.

NEGOTIATION OF BILLS.

Negotiation defined.

30. (1) A bill is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder of the bill.

Bill to bearer.

(2) A bill payable to bearer is negotiated by delivery.

Bill to order.

(3) A bill payable to order is negotiated by the indorsement of the holder completed by delivery.

Transfer of bill to order without indorsement.

(4) Where the holder of a bill payable to his order transfers it for value without indorsing it, the transfer gives the transferee such title as the transferor had in the bill, and the transferee in addition acquires the right to have the indorsement of the transferor.

Indorsement by representative.

(5) Where any person is under obligation to indorse a bill in a representative capacity, he may indorse the bill in such terms as to negative personal liability.

Requisites of a valid indorsement.

31. An indorsement in order to operate as a negotiation must comply with the following conditions, namely:—

(1) It must be written on the bill itself and be signed by the indorser. The simple signature of the indorser on the bill, without additional words is sufficient.

An indorsement written on an allonge, or on a "copy" of a bill issued or negotiated in a country where "copies" are recognised, is deemed to be written on the bill itself. Allonge or "copy".

(2) It must be an indorsement of the entire bill. A partial indorsement, that is to say, an indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the bill to two or more indorsees severally, does not operate as a negotiation of the bill. Partial indorsement.

(3) Where a bill is payable to the order of two or more payees or indorsees who are not partners all must indorse, unless the one indorsing has authority to indorse for the others. Several payees of indorsees.

(4) Where, in a bill payable to order, the payee or indorsee is wrongly designated, or his name is misspelt, he may indorse the bill as therein described, adding, if he think fit, his proper signature. Misdescription of payee or indorsee.

(5) Where there are two or more indorsements on a bill each indorsement is deemed to have been made in the order in which it appears on the bill, until the contrary is proved. Order of indorsements.

(6) An indorsement may be made in blank or special. It may also contain terms making it restrictive. Kinds of indorsement.

32. Where a bill purports to be indorsed conditionally the condition may be disregarded by the payer, and payment to the indorsee is valid, whether the condition has been fulfilled or not. Conditional indorsement.

33. (1) An indorsement in blank specifies no indorsee, and a bill so indorsed becomes payable to bearer. Indorsement in blank.

(2) A special indorsement specifies the person to whom, or to whose order the bill is to be payable. Special indorsement.

(3) The provisions of this Ordinance relating to a payee apply with the necessary modifications to an indorsee under a special indorsement. Provisions as to payee apply to indorsee.

(4) When a bill has been indorsed in blank, any holder may convert the blank indorsement into a special indorsement by writing above the indorser's signature a direction to pay the bill to or to the order of himself or some other person. Conversion of blank into special indorsement.

34. (1) An indorsement is restrictive which prohibits the further negotiation of the bill, or which expresses that it is a mere authority to deal with the bill as thereby directed and not a transfer of the ownership thereof, as, for example, if a bill be indorsed "Pay D. only", or „Pay D. for the account of X", or „Pay D. or order for collection". Restrictive indorsement.

(2) A restrictive indorsement gives the indorsee the right to receive payment of the bill and to sue any party thereto that this indorser could have sued, but gives him no power to transfer his rights as indorsee unless it expressly authorizes him to do so.

(3) Where a restrictive indorsement authorizes further transfer, all subsequent indorsees take the bill with the same rights and subject to the same liabilities as the first indorsee under the restrictive indorsement.

How long bill continues negotiable.

35. Where a bill is negotiable in its origin it continues to be negotiable until it has been (a) restrictively indorsed or (b) discharged by payment or otherwise.

Negotiation of overdue bill.

(2) Where an overdue bill is negotiated, it can only be negotiated subject to any defect of title affecting it at its maturity, and thenceforward no person who takes it can acquire or give a better title than that which the person from whom he took it had.

Bill on demand when overdue.

(3) A bill payable on demand is deemed to be overdue within the meaning and for the purposes of this Section when it appears on the face of it to have been in circulation for an unreasonable length of time. What is an unreasonable length of time for this purpose is a question of fact.

Presumption as to date of negotiation.

(4) Except where an indorsement bears date after the maturity of the bill, every negotiation is prima facie deemed to have been effected before the bill was overdue.

Bill known to be dishonoured.

(5) Where a bill which is not overdue has been dishonoured, any person who takes it with notice of the dishonour takes it subject to any defect of title attaching thereto at the time of dishonour, but nothing in this subsection shall affect the rights of a holder in due course.

Negotiation of bill to party already liable thereon.

36. Where a bill is negotiated back to the drawer, or to a prior indorser, or to the acceptor, such party may, subject to the provisions of this Ordinance, re-issue and further negotiate the bill, but he is not entitled to enforce payment of the bill against any intervening party to whom he was previously liable.

Rights of the holder.

37. The rights and powers of the holder of a bill are as follows: —

(1) He may sue on the bill in his own name.

(2) Where he is a holder in due course, he holds the bill free from any defect of title of prior parties, as well as from mere personal defences available to prior parties among themselves, and may enforce payment against all parties liable on the bill.

(3) Where his title is defective: (a) if he negotiates the bill to a holder in due course, that holder obtains a good and com-

plete title to the bill, and (b) if he obtains payment of the bill the person who pays him in due course gets a valid discharge for the bill.

GENERAL DUTIES OF THE HOLDER.

38. (1) Where a bill is payable after sight, presentment for acceptance is necessary in order to fix the maturity of the instrument.

When presentment for acceptance is necessary.

(2) Where a bill expressly stipulates that it shall be presented for acceptance, it must be presented for acceptance before it can be presented for payment.

(3) In no other case is presentment for acceptance necessary in order to render liable any party to the bill.

39. (1) Subject to the provisions of this Ordinance, when a bill payable after sight is negotiated, the holder must either present it for acceptance or negotiate it within a reasonable time:

Time for presenting bill payable after sight.

Provided always that a bill payable after sight must be presented for acceptance within six months of its date, or such shorter period stipulated for either by the drawer or by an indorser, or such longer period not exceeding twelve months as may be stipulated by the drawer.

(2) If he do not do so, the drawer and all indorsers prior to that holder are discharged.

(3) In determining what is a reasonable time within the meaning of this Section, regard shall be had to the nature of the bill, the usage of trade with respect to similar bills, and the facts of the particular case.

40. (1) A bill is duly presented for acceptance which is presented in accordance with the following rules:-

Rules as to presentment for acceptance and excuses for non-presentment.

(a) the presentment must be made by or on behalf of the holder to the drawee or to some person authorised to accept or refuse acceptance on his behalf at a reasonable hour on a business day and before the bill is overdue;

(b) where a bill is addressed to two or more drawees, who are not partners, presentment must be made to them all, unless one has authority to accept for all, then presentment may be made to him only;

Two or more drawees.

(c) where the drawee is dead, presentment may be made to his personal representative;

Drawee dead.

(d) where the drawee is bankrupt, presentment may be made to him or to his trustee;

Drawee bankrupt.

(e) where authorised by agreement or usage a presentment through the Post-Office is sufficient.

Post-Office.

Excuses for non-presentment for acceptance.

(2) Presentment in accordance with these rules is excused, and a bill may be treated as dishonoured by non-acceptance :

(a) where the drawee is dead or bankrupt, or is a fictitious person or a person not having capacity to contract by bill ;

(b) where after the exercise of reasonable diligence such presentment cannot be effected ;

(c) where, although the presentment has been irregular, acceptance has been refused on some other ground.

(3) The fact that the holder has reason to believe that the bill on presentment will be dishonoured does not excuse presentment.

Non-acceptance.

41. When a bill is duly presented for acceptance, and is not accepted within twenty-four hours, the person presenting it must treat it as dishonoured by non-acceptance and protest it as provided by this Ordinance. If he do not, the holder shall lose his right of recourse against the drawer and indorsers.

Dishonour by non-acceptance and its consequences.

42. (1) A bill is dishonoured by non-acceptance :

(a) when it is duly presented for acceptance, and such an acceptance as is prescribed by this Ordinance is refused or cannot be obtained ; or

(b) when presentment for acceptance is excused and the bill is not accepted.

(2) Subject to the provisions of this Ordinance when a bill is dishonoured by non-acceptance, an immediate right of recourse against the drawer and indorsers accrues to the holder, and no presentment for payment is necessary.

Duties as to qualified acceptance.

43. (1) The holder of a bill may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance may treat the bill as dishonoured by non-acceptance.

(2) When a qualified acceptance is taken and the drawer or an indorser has not expressly or impliedly authorised the holder to take a qualified acceptance, or does not subsequently assent thereto, such drawer or indorser is discharged from his liability on the bill.

The provisions of this subsection do not apply to a partial acceptance, of which due notice has been given. When a bill has been accepted as to part it must be protested as to the balance.

(3) When the drawer or indorser of a bill receives notice of a qualified acceptance, and does not within a reasonable time express his dissent to the holder he shall be deemed to have assented thereto.

44. (1) Subject to the provisions of this Ordinance, a bill must be duly presented for payment, and if dishonoured must be duly protested. If it be not so presented and protested the drawer and indorsers shall be discharged. Presentment for payment.

(2) A bill is duly presented for payment which is presented in accordance with the following rules:- Rules.

(a) Where the bill is not payable on demand, presentment must be made on the date it falls due. At what time.

(b) Where the bill is payable on demand, then, subject to the provisions of this Ordinance, presentment must be made within a reasonable time after its issue in order to render the drawer liable, and within a reasonable time after its indorsement, in order to render the indorser liable.

In determining what is a reasonable time regard shall be had to the nature of the bill, the usage of trade with respect to similar bills, and the facts of the particular case:

Provided always that a bill payable on demand must be presented for payment within six months of its date or such shorter period stipulated either by the drawer or by an indorser, or such longer period not exceeding twelve months stipulated by the drawer.

(3) Presentment must be made by the holder or by some person authorized to receive payment on his behalf at a reasonable hour on a business day, at the proper place as hereinafter defined, either to the person designated by the bill as payer, or some person authorized to pay or refuse payment on his behalf if with the exercise of reasonable diligence such person can there be found.

(4) A bill is presented at the proper place: —

(a) where a place of payment is specified in the bill and the bill is there presented; At what place.

(b) where no place of payment is specified, but the address of the drawee or acceptor is given in the bill, and the bill is there presented;

(c) where no place of payment is specified and no address given, and the bill is presented at the drawee's or acceptor's place of business, if known, and if not, at his ordinary residence, if known;

(d) in any other case, if presented to the drawee or acceptor wherever he can be found, or if presented at his last known place of business or residence.

(5) Where a bill is presented at the proper place, and after the exercise of reasonable diligence no person authorized to pay or refuse payment can be found there, no further presentment to the drawee or acceptor is required.

Two or more drawees. (6) Where a bill is drawn upon or accepted by two or more persons who are not partners, and no place of payment is specified, presentment must be made to them all.

Drawee or acceptor dead. (7) Where the drawee or acceptor of a bill is dead, and no place of payment is specified, presentment must be made to a personal representative, if such there be, and with the exercise of reasonable diligence he can be found.

Post-Office. (8) Where authorized by agreement or usage a presentment through the Post-Office is sufficient.

(9) ¹

Excuses for delay or non-presentment for payment. 45. (1) Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate presentment must be made with reasonable diligence.

(2) Presentment for payment is dispensed with: —

(a) where, after the exercise of reasonable diligence presentment as required by this Ordinance, cannot be effected; the fact that the holder has reason to believe that the bill will, on presentment, be dishonoured does not dispense with the necessity for presentment;

(b) where the drawee is a fictitious person;

(c) as regards the drawer, where the drawee or acceptor is not bound, as between himself and the drawer to accept or pay the bill, and the drawer has no reason to believe that the bill will be paid if presented.

(d) as regards an indorser, where the bill was accepted or made for the accommodation of that indorser, and he has no reason to expect that the bill would be paid if presented;

(e) by waiver of presentment, express or implied.

Dishonour by non-payment. 46. (1) A bill is dishonoured by non-payment:

(a) when it is duly presented for payment and payment is refused or cannot be obtained; or

(b) when presentment is excused and the bill is overdue and unpaid.

(2) Subject to the provisions of this Ordinance, when a bill is dishonoured by non-payment, an immediate right of recourse against the drawer and indorsers accrues to the holder.

Notice of dishonour and effect of no-notice. 47. Subject to the provisions of this Ordinance, when a bill has been dishonoured by non-acceptance, or by non-payment, no-

¹) Ad. — See Bills of Exchange (Amen.) Ord. 1930. O. G. No. 266 of 1.9.1930.

tice of dishonour must be given to the drawer and each indorser and any drawer or indorser to whom such notice is not given is discharged :

Provided that : —

(a) Where a bill is dishonoured by non-acceptance, and notice of dishonour is not given, the rights of a holder in due course subsequent to the omission shall not be prejudiced by the omission.

(b) Where a bill is dishonoured by non-acceptance and due notice of dishonour is given it shall not be necessary to give notice of a subsequent dishonour by non-payment unless the bill shall in the meantime have been accepted.

48. Notice of dishonour in order to be valid and effectual must be given in accordance with the following rules :

Rules as to notice of dishonour.

(1) The notice must be given by or on behalf of the holder, or by or on behalf of an indorser, who, at the time of giving it, is himself liable on the bill.

By whom to be given.

(2) Notice of dishonour may be given by an agent, either in his own name or in the name of any party entitled to give notice whether that party be his principal or not.

(3) Where the notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior indorsers who have a right of recourse against the party to whom it is given.

For whose benefit notice enures.

(4) Where notice is given by or on behalf of an indorser entitled to give notice as hereinbefore provided, it enures for the benefit of the holder and all indorsers subsequent to the party to whom notice is given.

(5) The notice may be given in writing or by personal communication, and may be given in any terms which sufficiently identify the bill and intimate that the bill has been dishonoured by non-acceptance or non-payment.

In what manner to be given.

(6) The return of a dishonoured bill to the drawer or an indorser is, in point of form, deemed a sufficient notice of dishonour.

(7) A written notice need not be signed and an insufficient written notice may be supplemented and validated by verbal communications. A misdescription of the bill shall not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

Form.

(8) Where notice of dishonour is required to be given to any person, it may be given either to the party himself or to his agent in that behalf.

To whom notice of dishonour must be given.

(9) Where the drawer or indorser is dead, and the party

giving notice knows it, the notice must be given to a personal representative if such there be, and with the exercise of reasonable diligence he can be found.

(10) Where the drawer or indorser is bankrupt, notice may be given either to the party himself or to the trustee.

(11) Where there are two or more drawers or indorsers who are not partners, notice must be given to each of them unless one of them has authority to receive such notice for the others.

Within what time notice must be given.

(12) The notice may be given as soon as the bill is dishonoured and must be given within a reasonable time thereafter. In the absence of special circumstances notice is not deemed to have been given within a reasonable time unless :

(a) where the person giving and the person to receive notice reside in the same place, the notice is given or sent off in time to reach latter within three days after the dishonour of the bill;

(b) where the person giving and the person to receive notice reside in different places, the notice is sent within three days after the dishonour of the bill if there be a post within such three days, and if there be no such post then by the next post thereafter.

Agents.

(13) Where a bill when dishonoured is in the hands of an agent, he may either himself give notice to the parties liable on the bill or he may give notice to his principal. If he gives notice to his principal, he must do so within the same time as if he were the holder, and the principal upon receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

Remote parties.

(14) Where a party to a bill receives due notice of dishonour, he has after the receipt of such notice the same period of time for giving notice to antecedent parties that the holder has after dishonour.

Miscarriage of Post-Office.

(15) Where a notice of dishonour is duly addressed and posted, the sender is deemed to have given due notice of dishonour notwithstanding any miscarriage by the Post-Office.

Excuses for delay in giving notice of dishonour.

49. (1) Delay in giving notice of dishonour is excused where the delay is caused by circumstances beyond the control of the party giving notice, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate the notice must be given with reasonable diligence.

When notice of dishonour dispensed with.

(2) Notice of dishonour is dispensed with :
 (a) when, after the exercise of reasonable diligence, notice as required by this Ordinance cannot be given to or does not reach the drawer or indorser sought to be charged ;

(b) by waiver, express or implied. Notice of dishonour may be waived before the time for giving notice has arrived, or after the omission to give due notice.

(c) As regards the drawer, in the following cases, namely :-

As regards drawer.

(i) where drawer and drawee are the same person,

(ii) where the drawee is a fictitious person, or a person not having capacity to contract,

(iii) where the drawer is the person to whom the bill is presented for payment,

(iv) where the drawee or acceptor is as between himself and the drawer under no obligation to accept or pay the bill,

(v) where the drawer has countermanded payment;

(d) As regards the indorser in the following cases, namely :-

As regards indorser.

(i) where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the bill.

(ii) where the indorser is the person to whom the bill is presented for payment.

(iii) where the bill was accepted or made for his accommodation.

50. (1) Where a bill has been dishonoured by non-acceptance it must be duly protested for non-acceptance; and where a bill, which has not been previously dishonoured by non-acceptance, is dishonoured by non-payment it must be duly protested for non-payment.

Protest for non-acceptance or non-payment.

If it be not so protested the drawer and indorsers are discharged.

(2) A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

For non-payment after non-acceptance.

(3) Subject to the provisions of this Ordinance, when a bill is noted or protested, it may be noted or protested on the day of its dishonour, and must be noted or protested not later than the next succeeding business day. When a bill has been duly noted the protest may be subsequently extended as of the date of noting.

Time of protest.

(4) Where the acceptor of a bill becomes bankrupt or insolvent or suspends payment before it matures, the holder may immediately protest the bill and exercise his right of recourse against the drawer and indorsers as in case of non-acceptance.

Bankruptcy of acceptor before maturity.

(5) A bill must be presented at the place where it is dishonoured :

Place of protest.

Provided that-

(a) When a bill is presented through the Post-Office, and returned by post dishonoured, it may be protested at the place to

which it is returned and on the day of its return if received during business hours, and if not received during business hours, then not later than the next business day.

(b) When a bill drawn payable at the place of business or residence of some person other than the drawee has been dishonoured by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

Requisites in form of protest.

(6) A protest must contain a copy of the bill, or the original bill must be annexed thereto. The protest must be signed by the notary making it, and must specify—

(a) the person at whose request the bill is protested ;

(b) the place and date of protest, the cause or reason for protesting the bill, the demand made, and the answer given, if any, or the fact that the drawee or acceptor could not be found.

(7) Where a bill is lost or destroyed, or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

(8) Protest is dispensed with by any circumstances which would dispense with notice of dishonour. Delay in noting or protesting is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate the bill must be noted or protested with reasonable diligence.

Notice of protest.

(9) Where a bill is noted or protested notice of protest shall accompany or form part of the notice of dishonour.

Rules as to protest.

(10) The Chief Justice may make Rules, subject to the approval of the High Commissioner :—¹⁾

(a) as to the manner in which protest shall be made and this form of protest ;

(b) as to the fees to be paid for protest or for noting a bill.

Duties of holder as regards acceptor or drawee.

51. (1) When a bill is accepted generally, presentment for payment is not necessary in order to render the acceptor liable.

Qualified acceptance.

(2) When by the terms of a qualified acceptance presentment for payment is required, the acceptor, in the absence of an express stipulation to that effect, is not discharged by the omission to present the bill for payment on the day that it matures.

No notice or protest required.

(3) In order to render the acceptor of a bill liable, it is not necessary to protest it, or that notice of dishonour should be given to him.

¹⁾ See O.G. No. 281 of 16.4.1931. and O.G. No. 297 of 16.12.1931.

(4) Where the holder of a bill presents it for payment, he shall exhibit the bill to the person from whom he demands payment; and when a bill is paid the holder shall forthwith deliver it up to the party paying it. Production of bill.

52. When the drawer or indorser of a bill is discharged from liability on the instrument by reason of the holder's failure duly to present it or protest it or give notice of dishonour, the drawer or indorser shall not thereby be discharged from his liability, if any, on the consideration for the bill unless he has been prejudiced by the holder's failure to perform his duties, and then only to the extent of any loss which he may have suffered. Action on consideration.

LIABILITY OF PARTIES.

53. Where the drawee of a bill has in his hands funds available for the payment thereof, the bill operates as an assignment of the sum for which it is drawn in favour of the holder, from the time when the bill is presented to the drawee. Funds in hands of drawee.

54. The acceptor of a bill by accepting it:- Liability of acceptor.
 (a) engages that he will pay it according to the tenor of his acceptance;

(b) is precluded from denying to a holder in due course:- Estoppels binding acceptor.
 (i) the existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the bill;

(ii) in the case of a bill payable to drawer's order, the then capacity of the drawer to indorse, but not the genuineness or the validity of his indorsement;

(iii) in the case of a bill payable to the order of a third person, the existence of the payee and his then capacity to indorse, but not the genuineness or validity of his indorsement.

55. (1) The drawer of a bill by drawing it:- Liability of drawer and indorser.

(a) engages that on due presentment it shall be accepted and paid according to its tenor, and that if it be dishonoured he will compensate the holder or any indorser who is compelled to pay it, provided that the requisite proceedings, on dishonour be duly taken;

(b) is precluded from denying to a holder in due course the existence of the payee and his then capacity to indorse. Estoppels binding drawer.

(2) The indorser of a bill by endorsing it:- Liability of indorser.

(a) engages that on due presentment it shall be accepted and paid according to its tenor, and that if it be dishonoured he will compensate the holder or a subsequent indorser who is compelled to pay it, provided that the requisite proceedings on dishonour be duly taken;

Estoppels
binding
indorser.

(b) is precluded from denying to a holder in due course the genuineness and regularity in all respects of the drawer's signature and all previous indorsements;

(c) is precluded from denying to his immediate or a subsequent indorsee that the bill was at the time of his indorsement a valid and subsisting bill, and that he had then a good title thereto.

Stranger
signing bill
liable as
indorser.

56. Where a person signs a bill otherwise than as drawer or acceptor he hereby incurs the liabilities of an indorser to a holder in due course.

"Aval".

57. (1) The payment of a bill may be guaranteed by an "aval" given either by a person who is not a party to the bill, or by a person who is a party to the bill, provided that in the latter case the holder's rights of recourse are thereby augmented.

(2) An "aval" may be written on the bill or given by a separate document, and is created by the expression "bon pour aval" or any equivalent expression, followed by signature. In default of a statement on whose account it is given it is deemed to be given for the drawer.

(3) The giver of an "aval" is jointly and severally liable with the party whose signature he has guaranteed. He is liable although the engagement of the party whom he has guaranteed is invalid for any reason other than defect of form.

When the giver of an "aval" pays the bill he has a right of recourse against the whom he has guaranteed party and against the parties liable to that party.

Measure of
damages
against
parties to
dishonoured
bill.

58. Where a bill is dishonoured, the measure of damages, which shall be deemed to be liquidated damages, shall be as follows :-

(a) the holder may recover from any party liable on the bill, and the drawer who has been compelled to pay the bill may recover from the acceptor, and an indorser who has been compelled to pay the bill may recover from the acceptor or from the drawer, or from a prior indorser :

(i) the amount of the bill,

(ii) interest thereon from the time of presentment for payment if the bill is payable on demand, and from the maturity of the bill in any other case,

(iii) the expenses of protest;

Re-Exchange.

(b) in case of a bill which has been dishonoured abroad, in lieu of the above damages, the holder may recover from the drawer, or an indorser, and the drawer, or an indorser who has been compelled to pay the bill may recover from any party liable

to him, the amount of the re-exchange with interest thereon until the time of payment:

Provided that each indorser as also the drawer may be charged with one re-exchange only;

(c) where by this Ordinance interest may be recovered as damages, such interest may, if justice requires it, be withheld wholly or in part, and where a bill is expressed to be payable with interest at a given rate, interest as damages may or may not be given as the same rate as interest proper. Control over interest.

59. (1) Where the holder of a bill payable to bearer negotiates it by delivery without indorsing it, he is called a "transferor by delivery". Transferor by delivery.

(2) A transferor by delivery is not liable on the instrument. Not liable on instrument.

(3) A transferor by delivery who negotiates a bill thereby warrants to his immediate transferee being a holder for value that the bill is what it purports to be, that he has a right to transfer it, and that at the time of transfer he is not aware of any fact which renders it valueless. Warranty by transferor.

DISCHARGES.

60. (1) A bill is discharged by payment in due course by or on behalf of the drawee or acceptor. Payment in due course.

"Payment in due course" means payment made at or after the maturity of the bill to the holder thereof in good faith and without notice that his title to the bill is defective.

(2) Subject to the provisions hereinafter contained, when a bill is paid by the drawer or an indorser it is not discharged; but Payment by drawer or indorser.

(a) where a bill payable to, or to the order of a third party is paid by the drawer, the drawer may enforce payment thereof against the acceptor, but may not re-issue the bill;

(b) where a bill is paid by an indorser, or where a bill payable to drawer's order is paid by the drawer, the party paying it is remitted to his former rights as regards the acceptor or antecedent parties, and he may, if he thinks fit, strike out his own and subsequent indorsements, and again negotiate the bill.

(3) Where an accommodation bill is paid in due course by the party accommodated the bill is discharged. Payment of accommodation bill.

61. When the acceptor of a bill is or becomes the holder of it at or after its maturity, in his own right, the bill is discharged. Acceptor the holder at maturity.

62. (1) When the holder of a bill at or after its maturity absolutely and unconditionally renounces his rights against the ac- Express waiver.

ceptor the bill is discharged. The renunciation must be in writing, unless the bill is delivered up to the acceptor.

(2) The liabilities of any party to a bill may in like manner be renounced by the holder before, at, or after its maturity, but nothing in this Section shall affect the rights of a holder in due course without notice of the renunciation.

Cancellation.

63. (1) Where a bill is intentionally cancelled by the holder or his agent, and the cancellation is apparent thereon, the bill is discharged.

(2) In like manner any party liable on a bill may be discharged by the intentional cancellation of his signature by the holder or his agent. In such case any indorser who would have a right of recourse against the party whose signature is cancelled is also discharged.

(3) A cancellation made unintentionally or under a mistake or without the authority of the holder is inoperative; but where a bill or any signature thereon appears to have been cancelled, the burden of proof lies on the party who alleges that the cancellation was made unintentionally or under a mistake, or without authority.

Alteration of bill.

64. (1) Where a bill or acceptance is materially altered, without the assent of all parties liable on the bill, the bill is avoided, except as against a party who has himself made, authorized or assented to the alteration, and subsequent indorsers:

Provided that where a bill has been materially altered, but the alteration is not apparent and the bill is in the hands of a holder in due course, such holder may avail himself of the bill as if it had not been altered, and may enforce payment of it according to its original tenor.

What alterations are material.

(2) In particular the following alterations are material, namely, any alteration of the date, the sum payable, the time of payment, the place of payment, and, where a bill has been accepted generally, the addition of a place of payment without the acceptor's assent.

ACCEPTANCE AND PAYMENT FOR HONOUR.

Acceptance for honour supra protest.

65. (1) Where a bill of exchange has been protested for non-acceptance or in the case of the bankruptcy of the drawee for non-payment, and is not overdue, any person may with the consent of the holder intervene, and accept the bill supra protest for the honour of any party liable thereon or for the honour of the person for whose account the bill is drawn.

Acceptance for honour.

(2) A bill may be accepted for honour for part only of the sum for which it is drawn.

(3) An acceptance for honour supra protest in order to be valid must: —

(a) be written on the bill, and indicate that it is an acceptance for honour.

(b) be signed by the acceptor for honour;

(c) be attested by a notarial act of honour which may be appended to the protest or form an extension of it.

(4) Where an acceptance for honour does not expressly state for whose honour it is made, it is deemed to be an acceptance for the honour of the drawer.

(5) Where a bill payable after sight is accepted for honour its maturity is calculated from the date of the protest for non-acceptance, and not from the date of acceptance for honour.

66. (1) The acceptor for honour of a bill by accepting it engages that he will, on due presentment, pay the bill according to the tenor of his acceptance if it is not paid by the drawee, provided it has been duly presented for payment, and protested for non-payment, and that he receives notice of these facts.

Liability of acceptor for honour.

(2) The acceptor for honour is liable to the holder and to all parties to the bill subsequent to the party for whose honour he has accepted.

67. (1) Where a dishonoured bill has been accepted for honour supra protest, or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honour, or referee in case of need.

Presentment to acceptor for honour or case of need.

(2) Where the address of the acceptor for honour is in the same place where the bill is protested for non-payment the bill must be presented to him not later than the day following the protest for non-payment; and where the address of the acceptor for honour is in some place other than the place where it was protested for non-payment, the bill must be forwarded not later than the day following the protest for non-payment for presentment to him.

(3) Delay in presentment or non-presentment is excused by any circumstances which would excuse delay in presentment for payment or non-presentment for payment.

(4) When a bill of exchange is dishonoured by the acceptor for honour it must be protested for non-payment by him.

68. (1) Where a bill has been protested for non-payment, any person may intervene and pay it supra protest for the honour of any party liable thereon, or for the honour of the person for whose account the bill is drawn.

Payment for honour supra protest.

(2) Where two or more persons offer to pay a bill for the honour of different parties, the person whose payment will discharge most parties to the bill shall have the preference.

(3) Payment for honour supra protest, in order to operate as such and not as mere voluntary payment, must be attested by a notarial act of honour which may be appended to the protest or form an extension of it.

(4) The notarial act of honour must be founded on a declaration made by the payor for honour or his agent in that behalf declaring his intention to pay the bill for honour and for whose honour he pays.

(5) Where a bill has been paid for honour, all parties subsequent to the party for whose honour it is paid are discharged, but the payor for honour is subrogated for, and succeeds to both the rights, and duties of the holder as regards the party for whose honour he pays, and all parties liable to that party.

(6) The payor for honour on paying to the holder the amount of the bill and the notarial expenses of and incidental to its dishonour is entitled to receive both the bill itself and the protest. If the holder do not, on demand, deliver them up, he shall be liable to the payor for honour in damages.

(7) Where the holder of a bill refuses to receive payment supra protest, he shall lose his right of recourse against any party who would have been discharged by such payment.

LOST INSTRUMENTS.

Holder's right to duplicate of lost bill.

69. Where a bill has been lost before it is overdue, the person who was the holder of it may apply to the drawer to give him another bill of the same tenor, giving security to the drawer if required to indemnify him against all persons whatever in case the bill alleged to have been lost shall be found again.

If the drawer on request as aforesaid refuses to give such duplicate bill, he may be compelled to do so.

Action on lost bill.

70. In any action or proceeding upon a bill, the Court or a Judge may order that the loss of the instrument shall not be set up, provided an indemnity be given to the satisfaction of the Court or Judge against the claims of any other person upon the instrument in question.

BILL IN A SET.

Rules as to sets.

71. Where a bill is drawn in a set, each part of the set being numbered, and containing a reference to the other parts, the whole of the parts constitute one bill.

(2) Where the holder of a set indorses two or more parts to different persons, he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed as if the said parts were separate bills.

(3) Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders deemed the true owner of the bill; but nothing in this subsection shall affect the rights of a person who in due course accepts or pays the part first presented to him.

(4) The acceptance may be written on any part, and it must be written on one part only.

If the drawee accepts more than one part, and such accepted parts get into the hands of different holders in due course, he is liable on every such part as if it were a separate bill.

(5) When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereof.

(6) Subject to the preceding rules, where any one part of a bill drawn in a set is discharged by payment or otherwise, the whole bill is discharged.

CONFLICT OF LAWS.

72. Where a bill drawn in one country negotiated, accepted, or payable in another, the rights, duties and liabilities of the parties thereto are determined as follows:- Rules where laws conflict.

(1) The validity of a bill as regards requisites in form is determined by the law of the place of issue, and the validity as regards requisites in form of the supervening contracts, such as acceptance, or indorsement, or acceptance supra protest is determined by the law of the place where such contract was made: Requisites in form.

Provided that-

(a) Where a bill is issued out of Palestine it is not invalid by reason only that it is not stamped in accordance with the law of the place of issue. Stamp.

(b) Where a bill, issued out of Palestine, conforms, as regards requisites in form, to the law of Palestine, it may, for the purpose of enforcing payment thereof be treated as valid as between all persons who negotiate hold, or become parties to it in Palestine.

(2) Subject to the provisions of this Ordinance, the interpretation of the drawing, indorsement, acceptance, or acceptance Interpretation.

supra protest of a bill, is determined by the law of the place where such contract is made:

Provided that where a bill drawn and payable in Palestine is indorsed elsewhere the indorsement shall as regards the payor be interpreted according to the law of Palestine.

Holder's
duties.

(3) The duties of the holder with respect to presentment for acceptance or payment and the necessity for or sufficiency of a protest or notice of dishonour, or otherwise, are determined by the law of the place where the act is done or the bill is dishonoured.

Amount
expressed in
foreign cur-
rency.

(4) Where a bill is drawn out of but payable in Palestine and the sum payable is not expressed in the currency of Palestine, the amount shall, in the absence of some express stipulation, be calculated according to the rate of exchange for sight drafts at the place of payment on the day the bill is payable.

Due date.

(5) Where a bill is drawn in one country and is payable in another, the due date thereof is determined according to the place where it is payable.

PART III.

CHEQUES ON A BANKER.

Cheques
defined.

73. A. cheque is a bill of exchange drawn on a banker payable on demand.

Except as otherwise hereinafter provided, the provisions of this Ordinance applicable to a bill of exchange payable on demand apply to a cheque.

Presentment
of cheque for
payment.

74. Subject to the provisions of this Ordinance-

(a) where a cheque is not presented for payment within a reasonable time of its issue, and the drawer or the person on whose account it is drawn had the right at the time of such presentment as between him and the banker to have the cheque paid and suffers actual damage through the delay, he is discharged to the extent of such damage, that is to say, to the extent to which such drawer or person is a creditor of such banker to a larger amount than he would have been had such cheque been paid;

Reasonable
time.

(b) in determining what is a reasonable time regard shall be had to the nature of the instrument, the usage of trade and of bankers, and the facts of the particular case;

Rights of
holder when
drawer is
discharged.

(c) the holder of such cheque as to which such drawer or person is discharged shall be a creditor, in lieu of such drawer or

person, of such banker to the extent of such discharge, and entitled to recover the amount from him.

75. The duty and authority of a banker to pay a cheque drawn on him by his customer are determined by :- Revocation of banker's authority.

- (a) countermand of payment;
- (b) notice of customer's death;
- (c) notice of the customer having become bankrupt.

CROSSED CHEQUES.

76. (1) Where a cheque bears across its face an addition of General and special crossings defined.
 (a) the words "and Company" or any abbreviation thereof between two parallel transverse lines, either with or without the words "not negotiable"; or

(b) two parallel transverse lines simply, either with or without the words "not negotiable".

That addition constitutes a crossing and the cheque is crossed generally.

(2) Where a cheque bears across its face an addition of the name of a banker, either with or without the words "not negotiable" that addition constitutes a crossing, and the cheque is crossed specially and to that banker.

77. (1) A cheque may be crossed generally or specially by the drawer. Crossing by drawer or after issue.

(2) Where a cheque is uncrossed, the holder may cross it generally or specially.

(3) Where a cheque is crossed generally, the holder may cross it specially.

(4) Where a cheque is crossed generally, or specially, the holder may add the words "not negotiable".

(5) Where a cheque is crossed specially, the banker to whom it is crossed may again cross it specially to another banker for collection.

(6) Where an uncrossed cheque, or a cheque crossed generally is sent to a banker for collection, he may cross it specially to himself.

78. A crossing authorised by this Ordinance, is a material part of the cheque; it shall not be lawful for any person to obliterate or, except as authorised by this Ordinance, to add to or alter the crossing. Crossing a material part of cheque.

79. (1) Where a cheque is crossed specially to more than one banker, except when crossed to an agent for collection being a banker, the banker on whom it is drawn shall refuse payment thereof. Duties of banker as to crossed cheque.

(2) Where the banker on whom a cheque is drawn which is so crossed nevertheless pays the same or pays a cheque crossed generally otherwise than to a banker, or if crossed specially otherwise than to the banker to whom it is crossed, or his agent for collection being a banker, he is liable to the true owner of the cheque for any loss he may sustain owing to the cheque having been so paid: Provided that where a cheque is presented for payment which does not at the time of presentment appear to be crossed, or to have had a crossing which has been obliterated or to have been added to or altered otherwise than as authorised by this Ordinance, the banker paying the cheque in good faith and without negligence shall not be responsible or incur any liability, nor shall the payment be questioned by reason of the cheque having been crossed, or of the crossing having been obliterated, or having been added to or altered otherwise than as authorised by this Ordinance, and of payment having been made otherwise than to a banker or to the banker to whom the cheque is or was crossed or to his agent for collection being a banker as the case may be.

Protection to
banker and
drawer where
cheque is
crossed.

80. Where the banker, on whom a crossed cheque is drawn, in good faith and without negligence pays it, if crossed generally to a banker, and if crossed specially to the banker to whom it is crossed, or his agent for collection being a banker, the banker paying the cheque and, if the cheque has come into the hands of the payee, the drawer shall respectively be entitled to the same rights and be placed in the same position as if payment of the cheque had been made to the true owner thereof.

Effect of "not
negotiable"
crossing on
holder.

81. Where a person takes a crossed cheque which bears on it the words "not negotiable" he shall not have and shall not be capable of giving a better title to the cheque than that which the person from whom he took it had.

Protection
to collecting
banker.

82. (1) Where a banker in good faith and without negligence receives payment for a customer of a cheque crossed generally or specially to himself, and the customer has no title or a defective title thereto the banker shall not incur any liability to the true owner of the cheque by reason only of having received such payment.

(2) A banker receives payment within the meaning of subsection (1) notwithstanding that he credits his customer's account with the amount of the cheque before receiving payment thereof.

PART IV.

PROMISSORY NOTES.

83. (1) A promissory note is an unconditional promise in writing made by one person to another signed by the maker, engaging to pay on demand or at a fixed or determinable future time a sum certain in money, to, or to the order of, a specified person or to bearer. Promissory note defined.

(2) An instrument in the form of a note payable to maker's order is not a note within the meaning of this Section unless and until it is indorsed by the maker. Note payable to maker's order.

(3) A note is not invalid by reason only that it contains also a pledge of collateral security with authority to sell or dispose thereof. Note containing pledge of collateral security.

84. A promissory note is inchoate and incomplete until delivery thereof to the payee or bearer. Delivery necessary.

85. (1) A promissory note may be made by two or more makers, and they may be liable thereon jointly, or jointly and severally, according to its tenor. Joint and several notes.

(2) Where a note runs "I promise to pay" and is signed by two or more persons it is deemed to be their joint and several note.

86. (1) Where a note payable on demand has been indorsed it must be presented for payment within a reasonable time of the indorsement, and if not paid must be protested for non-payment on the same day as or the next succeeding business day following the presentment. If it be not so presented and protested the indorser is discharged. Note payable on demand.

(2) In determining what is a reasonable time, regard shall be had to the nature of the instrument, the usage of trade, and the facts of the particular case:

Provided always a note payable on demand must be presented for payment within six months of its date or such shorter period stipulated by the first or a subsequent indorser, or such longer period not exceeding twelve months stipulated by the first indorser.

(3) Where a note payable on demand is negotiated, it is not deemed to be overdue, for the purpose of affecting the holder with defects of title of which he had no notice, by reason that it appears that a reasonable time for presenting it for payment has elapsed since its issue.

87. (1) Where a promissory note is in the body of it made payable at a particular place, it must be presented for payment at Presentment of note for payment to

charge
maker.

that place in order to render the maker liable. In any other case, presentment for payment is not necessary in order to render the maker liable.

To charge
indorser.

(2) Presentment for payment is necessary in order to render the indorser of a note liable.

(3) Where a note is in the body of it made payable at a particular place, presentment at that place is necessary, in order to render an indorser liable; but when a place of payment is indicated by way of memorandum only, presentment at that place is sufficient to render the indorser liable, but a presentment to the maker elsewhere followed by protest, if sufficient in other respects, shall also suffice ¹⁾.

(4) In case of non-payment the holder must treat the note as dishonoured, and protest it in accordance with the provisions of Section 50 hereof.

Liability of
maker.

88. The maker of a promissory note by making it —

(a) engages that he will pay it according to its tenor ;

(b) is precluded from denying to a holder in due course the existence of the payee and his then capacity to indorse.

Application of
Part II to
notes.

89. (1) Subject to the provisions in this Part, and except as by this Section provided, the provisions of this Ordinance relating to bills of exchange apply, with the necessary modifications, to promissory notes.

(2) In applying those provisions the maker of a note shall be deemed to correspond with the acceptor of a bill and the first indorser of a note shall be deemed to correspond with the drawer of an accepted bill payable to drawer's order.

(3) The following provisions as to bills do not apply to notes, namely, provisions relating to —

(a) presentment for acceptance ;

(b) acceptance ;

(c) acceptance supra protest ;

(d) bills in a set.

PART V.

SUPPLEMENTARY.

Good faith.

90. A thing is deemed to be done in good faith within the meaning of this Ordinance, where it is in fact done honestly, whether it is done negligently or not.

Signature.

91. (1) Where, by this Ordinance, any instrument or writing is required to be signed by any person, it is not necessary that

¹⁾ Ad.—See Bills of Exchange (Amendment) Ord. 1930. O. G. No. 266 of 1.9.1930.

he should sign it with his own hand, but it is sufficient if his signature is written thereon by some other person by or under his authority or if his seal is placed thereon by himself or by his authority.

(2) In the case of a Company or Co-operative Society, Partnership or other juristic person, where by this Ordinance any instrument or writing is required to be signed it is sufficient if the instrument or writing be stamped with the stamp of the juristic person.

Stamp of juristic person as signature.

92. Where by this Ordinance the time limited for doing any act or thing is less than three days, in reckoning time, non-business days are excluded.

Computation of time.

Non-business days for the purposes of this Ordinance mean :

(a) Friday, Saturday, or Sunday.

(b) ¹⁾ Any legal holiday notified as such in the Official Gazette.

93. For the purposes of this Ordinance, where a bill or note is required to be protested within a specified time or before some further proceeding is taken, it is sufficient that the bill has been produced to a Notary Public, and the fees prescribed have been paid, before the expiration of the specified time or the taking of the proceeding; and the formal protest may be extended at any time thereafter as of the date of such production.

Sufficient if steps taken to protest within time.

94. (1) The provisions of this Ordinance as to crossed cheques shall apply to a warrant for payment of dividend.

Dividend warrants may be crossed.

(2) The provisions of this Ordinance as to crossed cheques shall also extend to any document issued by a customer of any banker and intended to enable any person to obtain payment on demand from such banker of the sum mentioned in such document and shall so extend in like manner as if the said document were a cheque :

Extension of provisions to certain other documents.

Provided that nothing herein contained shall be deemed to render any such document a negotiable instrument.

95. (1) No action on a bill of exchange, cheque or promissory note shall be maintained against any party thereto other than an indorser after the expiration of five years, or against an indorser after the expiration of one year from the time when the cause of action first accrued to the then holder against such party.

Limitation of actions.

(2) As regards the acceptor, the said term shall begin to run from the maturity of the bill unless : —

(a) presentment for payment is necessary in order to charge

¹⁾ See O. G. No. 260 of 1.6.1930.

the acceptor, in which case the said term shall run from the date of such presentment;

(b) the bill is accepted after its maturity, in which case the said term shall run from the date of the acceptance.

(3) As regards the drawer or an indorser, the said term shall begin to run from the date when notice of dishonour is received.

REPEAL.

Repeal.

96. The Bills of Exchange Protest Ordinance, 1924, is hereby repealed, and Articles 70 to 146 inclusive of the Ottoman Commercial Code, Articles 84 to 90 of the appendix of the said Code, and the Ottoman Law of Cheques dated 7th April, 1930 A.H., shall no longer have effect, as from the commencement of this Ordinance: Provided that nothing herein shall affect anything done or suffered, or any right, title or interest acquired or accrued before the commencement of this Ordinance, or any legal proceeding or remedy in respect of any such thing, right, title or interest.

Construction
of prior
enactments
and
documents.

97. Where any enactment or document refers to an enactment repealed or declared not to have effect by this Ordinance, the enactment or document shall be construed and shall operate as if it referred to the corresponding provisions of this Ordinance.

E.—Ex. of 31.12.1929.

Con. O.G. No. 257 of 16.4.1930.

BILLS OF EXCHANGE ORDINANCE, 1929.

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BILLS OF EXCHANGE ORDINANCE, 1929.

Notice under Section 92 (b) regarding Legal Holidays.

In accordance with Section 92 (b) of the Bills of Exchange Ordinance, 1929, the High Commissioner notifies that the following days shall be deemed to be legal Holidays for the purpose of the Ordinance:

Birthday of His Majesty the King—3rd June.

CHRISTIAN HOLIDAYS

New Year's Day (according to both the Gregorian and Julian Calendars)
Ascension Day. Christmas Day. Easter Monday.

MOSLEM HOLIDAYS.

Shaker Bairam (3 days). Qurban Bairam (4 days). Maulid al Nabi (1 day).

JEWISH HOLIDAYS.

Passover (first and last days). Pentecost. New Year (2 days). Day of Atonement. Feast of Tabernacles (first and last days).

16th May, 1930. O. G. No. 260 of 1.6.1930.

BILLS OF EXCHANGE (AMENDMENT) ORDINANCE,

No. 21 of 1930.

No. 47 of 1929. An Ordinance to amend the Bills of Exchange Ordinance, 1929.

Short title. 1. This Ordinance may be cited as the Bills of Exchange (Amendment) Ordinance, 1930, and the Bills of Exchange Ordinance, No. 47 of 1929 (hereinafter called the Principal Ordinance and this Ordinance may together be cited as the Bills of Exchange Ordinance, 1929-1930.

Addition to Section 44 of the Principal Ordinance. 2. The following subsection shall be added to Section 44 as subsection 9 thereof:-

“(9) Where the holder of a bill is a Bank, presentment shall be deemed to have been duly made by the service through registered post of a notice by the Bank demanding that payment of the bill shall be effected at the office of the Bank”.

Addition to Section 87 (3) of the Ordinance. 3. The following addition shall be made to subsection 3 of Section 87 of the Principal Ordinance:-

“Where the holder of a note is a Bank, presentment shall be deemed to have been duly made by the service through registered post of a notice by the Bank demanding that the payment of the note shall be effected at the office of the Bank”.

B.—O. G. No. 263 of 16.7.1930. E.—O. G. No. 266 of 1.9.1930.

Con.—O. G. No. 269 of 16.10.1930.

Rules made by the Chief Justice with the approval of the High Commissioner under sub-section 10 of Section 50 of the Bills of Exchange Ordinance, 1929.

Section 50
(10) of
No. 47
of 1929.

1.) These Rules may be cited as the Bills of Exchange Rules, 1931, and shall come into operation upon the first day of June, 1931. Short title.

2. Bills of Exchange and other documents shall be protested in the manner following:- Mode of protesting of Bills of Exchange and other documents.

(a) The original Bill of Exchange or other document to be protested shall, together with a written request setting out the full address and occupation of the debtor or debtors, and the grounds of the protest, be presented to the Notary Public of the District Court or the Chief Clerk of the Magistrate's Court of the District or Sub-District within which such Bill of Exchange or other document is by law required to be protested.

(b) The Notary Public or Chief Clerk shall first issue, from a printed, serially numbered, and counterfoiled receipt book a provisional receipt for the Bill of Exchange or other document to be protested, and after payment of the prescribed fees and within forty-eight hours of presentment, shall make a true and correct copy on one of the forms set forth in the Schedule to these Rules, which forms shall be contained in bound Registers of Protests, of the Bill of Exchange or other document to be protested and of all inscriptions and indorsements thereon, and after having made such copy, which shall be filed in the office of the Notary Public or Chief Clerk, shall, on receiving back the provisional receipt, return the original bill to the owner or owners thereof with an indorsement on the said bill to the effect that protest has been made.

The prescribed fees shall be expressed by adhesive Court Fees Stamps which shall be affixed to the Register of Protests and cancelled by the Notary Public or Chief Clerk.

3. Notwithstanding anything contained in Article 87 of the Law of the Notary Public of 28th October, 1913, the Court fees prescribed in the First Schedule to these Rules shall be paid in addition to the stamp provided for in the next succeeding section to these Rules. Court fees on noting and protesting bills.

4. Every document of protest shall be stamped with a stamp or stamps of the value prescribed by item 27 of the Schedule to the Stamp duty Ordinance, 1927, or any provision of the law amending Stamp Duty on Protest.
No. 31 of 1927.

¹⁾ See Bills of Exchange (Amendment) Ord. O. G. No. 284 of 1.6.1931 and O. G. No. 297 of 16.12.1931.

or substituted for the name. No document of protest shall be protested by the Notary Public or Chief Clerk unless it bears the prescribed adhesive stamp which must be cancelled by the Notary Public or Chief Clerk.

Forms of Protest.

5. The forms in the Second Schedule to these Rules may be employed for the making of protests with such variations as the circumstances of the case may require.

THE FIRST SCHEDULE.

Section 3.

The following Court fees shall be payable under these Rules: —

- (a) on noting a Bill of Exchange, for each copy, 250 mils
- (b) on protesting a Bill of Exchange, for each copy,
 - (1) where the amount of the Bill does not exceed £p. 100 500 mils
 - (2) where the amount exceeds £p. 100 £p.1

THE SECOND SCHEDULE.

Section 5.

FORM OF PROTEST FOR NON-PAYMENT

To.....

On..... there appeared..... before me, the Notary Public of..... and applied that a Promissory-Note (or a Bill of Exchange) for £p..... held by him, copy whereof is set out above, be protested for non-payment;

And whereas the said Promissory-Note (or Bill of Exchange) was duly presented for payment and you the said being present refused to pay the same on the ground that (state reasons if known)

Therefore and on the application of the above holder, this Protest is hereby made notifying you that all costs, damages and legal interest will be claimed in the action which the holder will be obliged to raise against you in default of payment, after the service of this Protest.

Dated thisday of 19.....

Revenue
Stamps.....

Notary Public of.....

N. B. Set out copy of Bill and indorsements *verbatim* in the space at the top of this Protest. Insert occupations and addresses of holder and debtor.

FORM OF PROTEST FOR NON-ACCEPTANCE

Section 5.

To.....

Whereas on the..... day of..... 19.....

..... appeared before the Notary Public

of..... and applied that a Promissory-Note (or a Bill of Exchange) for £P..... held by him, copy whereof is set out above, be protested according to the law for non-acceptance;

And whereas the said Promissory-Note (or Bill of Exchange) was duly presented to acceptance to you the said who were unable or refused to sign your name in acceptance thereof;

It is notified by the present document of Protest that all costs, damages and legal interest will be claimed.

Dated this day of 19.....

Revenue
Stamps

Notary public of.....

N. B. Set out copy of Bill and indorsements *verbatim* in the space at the top of this Protest. Insert occupations and addresses of holder and debtor.

Section 5. FORM OF PROTEST WHEN THE PERSON LIABLE TO
PAY THE VALUE OF A BILL IS ABSENT.

Whereas has presented a Promissory Note (or a Bill of Exchange) for £P....., dated, copy of which is set out above, and demanded that protest be made on same to the debtor;

And whereas the document has been presented for payment;

And whereas the said is absent;

Therefore this instrument is hereby protested and notification is given that all costs, damages and legal interest will be claimed.

Dated this day of 19.....

Revenue
Stamps.....

Notary Public of.....

N. B. Set out copy of Bill and indorsements *verbatim* in the space at the top of this Protest. Insert occupations and addresses of holder and debtor.

Made by me this sixteenth day of March, 1931. Approved by me this 26th day of March, 1931.

O. G. No. 281 of 16.4.1931. _____

Rules made by the Acting Chief Justice with the approval
of the Officer Administering the Government under
sub-section 10 of Section 50 of the Bills of
Exchange Ordinance, 1929.

Section 50
(10) of
No. 47
of 1929.

1. These Rules may be cited as the Bills of Exchange (Amendment) Rules, 1931. Short Title.

Revocation
and replace-
ment of Sec-
tion 1 of the
Bills of
Exchange
Rules, 1931.

2.1) Section 1 of the Bills of Exchange Rules, 1931 is revoked and the following is substituted therefor:—

Short Title and commencement. "1. These Rules may be cited as the Bills of Exchange Rules, 1931, and shall come into operation upon the first day of January, 1932".

Made by me this 22nd day of May, 1931.

Approved by me this 25th day of May 1931.

O. G. No. 284 of 1.6.1931.

Section 50
(10) of
No. 47
of 1929.

Rules made by the Chief Justice with the approval of the High Commissioner under Sub-section 10 of Section 50 of the Bills of Exchange Ordinance, 1929.

Short Title.

1. These Rules may be cited as the Bills of Exchange (Amendment) Rules (No. 2), 1931.

Revocation
and
Replacement.

2. Section 2 of the Bills of Exchange (Amendment) Rules, 1931, is hereby revoked and the following is substituted for Section 1 of the Bills of Exchange Rules, 1931:—

"Short Title"
and com-
mencement.

"1. These Rules may be cited as the Bills of Exchange Rules, 1931, and shall come into operation upon the 1st day of July, 1932".

Made by me this Tenth day of November, 1931. Approved by me this Second day of December, 1931.

O. G. No. 297 of 16.12.1931.

BOILERS.

STEAM BOILERS ORDINANCE,

No. 1 of 1926.

An Ordinance to provide for the safety and inspection of steam boilers and prime movers.

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

Short Title.

1. (1) This Ordinance may be cited as the Steam Boilers Ordinance, 1926.

(2) It shall not apply to boilers or prime movers used on board ships or boats, or used on any railway, belonging to or administered by the Government of Palestine.

Interpretation.

2. In this Ordinance:—

1) Rev.—See O. G. No. 297 of 16.12.1931.

"Boiler" includes any cylinder or vessel for generating steam under pressure other than a boiler used exclusively for domestic purposes at a pressure of one atmosphere.

"Prime mover" includes any steam engine fly wheel, first driving shaft and pulley attached to any such engine.

"Owner" includes any agent, manager, or hiree using any boiler or prime mover.

3. The High Commissioner may license Inspectors to inspect boilers and prime movers. Such Inspectors may enter any premises in or upon which any boiler or prime mover may be at all reasonable times or at any time when the machinery is in motion.

4. (1) On receiving notice from the owner of a boiler or prime mover, and on payment of the fee prescribed, the Director of Public Works shall instruct an Inspector to make the examination of such boiler or prime mover and every part thereof, and the owner or person in charge thereof shall afford such Inspector all reasonable facilities for such examination.

(2) If the Inspector, after making the examination, is satisfied that the boiler or prime mover is in good condition, he shall deliver to the owner a certificate in the form in Schedule A hereto. Provided that no certificate shall be delivered in respect of a steam boiler, whether separate or one of a range, to which there is not attached a proper safety valve and a steam gauge and water gauge to show the pressure of steam and the level of water in the boiler.

5. The owner of a boiler or prime mover shall not use it until he has obtained a certificate in respect thereof in accordance with the provisions of this Ordinance; nor shall he continue to use such boiler or prime mover after the expiration of the period for which such certificate is granted.

6. The High Commissioner may revoke any certificate granted under this Ordinance on any of the following grounds:-

(a) that the certificate has been fraudulently obtained or erroneously granted;

(b) that it has been granted without sufficient inspection;

(c) that the boiler or prime mover in respect of which it has been granted has since sustained injury or is not in good condition;

(d) that the pressure of steam used is greater than is allowed by the certificate.

7. The owner of a boiler or prime mover who holds a certificate therefor shall at all reasonable times during the period for which the same may be in force produce it when called upon to

Inspectors.

Inspector to examine boiler or prime mover on notice.

Prohibition of use without a certificate.

Power to revoke certificate.

Owner bound to produce certificate.

do so by the Director of Public works or his representative or any Inspector licensed under this Ordinance.

Penalty
for using
boiler, etc.
without
certificate.

8. (1) The owner of a boiler or prime mover who uses the same without or contrary to the terms of a certificate shall be liable on conviction to a fine not exceeding £E. 50, and a further fine not exceeding £E. 20, for every day after such conviction during which the use is continued; provided that no prosecution under Section 5 shall take place until 3 months after the coming into force of this Ordinance.

Saving of
liability
under other
Law.

(2) Nothing in this Ordinance shall be deemed to exempt any person from any civil or criminal liability under any other law; provided that no person shall be punished twice for the same offence.

9.¹⁾ (1) The High Commissioner may from time to time make, and when made may vary or revoke, Rules for any of the following purposes:-

(a) prescribing the time at and the manner in which boilers and prime movers shall be inspected, including the preparations to be made for emptying and cooling down boilers, opening man-and-mud-hole doors, cleaning out grates, flues and the like;

(b) regulating the pressure of steam under which any boiler may be worked;

(c) prescribing the fees to be paid for the inspection of boilers and prime movers and for the issue of certificates authorising the use of such boilers and prime movers;

(d) prescribing the qualifications necessary for the office of a licensed Inspector;

(e) prescribing the sites upon which boilers and prime movers may be erected, and the conditions of their erection.

(2) Any such Rules may provide penalties for the breach thereof not exceeding £E. 10 for each offence.

Accidents to
be reported.

10. (1) The owner shall forthwith report any accident in connection with a boiler or prime mover to which this Ordinance applies to the District Commissioner who may hold or depute an administrative officer to hold an enquiry into the circumstances.

Nature of
report.

(2) The report of the owner shall contain the particulars set out in Schedule B hereto.

(3) Any owner failing or neglecting to render such report of an accident shall be liable on conviction to a fine not exceeding £E. 50.

¹⁾ See. O.G. No. 157 of 16.2.1926. and O.G. No.209 of 16.4.1928.

11. For the purpose of an enquiry held under the provisions hereof the District Commissioner or Administrative Officer deputed by him shall have all the powers of a Civil Magistrate.

Powers of District Commissioner or Officer holding enquiry. District Commissioner to forward opinion to High Commissioner.

12. At the close of the enquiry the District Commissioner shall state in writing his opinion as to the nature and origin of the accident, and shall transmit the opinion to the High Commissioner together with all the depositions taken and the documents produced at the hearing.

13. Any Ottoman Regulations with regard to boilers shall no longer have effect in Palestine.

Ottoman law not to have effect.

1st January, 1926. B.—O.G. No. 152 of 1.12.1925.
P.—O.G. No. 154 of 1.1.1926.

SCHEDULE A.

Certificate under Section 4 of the Steam Boilers Ordinance, 1925 ;

- Name of owner :-
- Situation of boiler or prime mover :-
- Description of boiler and age :-
- Description of prime mover and age :-
- Power :
- When and where made :-
- When and where last repaired :-
- Maximum pressure of steam allowed :-
- Time for which boiler or prime mover is to be used and certificate to be in force :-

Remarks.

I, the undersigned, certify that I have examined the boiler (or prime mover) above described and to the best of my judgment the boiler (or prime mover) as shown in the above statement is in good condition.

Dated.

Inspector.

SCHEDULE B.

[Section 10 (2).]

1. Name of premises or works or place where the accident occurred :-
2. Day and hour of accident :-
3. Number of persons killed :-
4. Number of persons injured, and nature of injuries :-

5. General description of the boiler or prime mover :-
6. Purposes for which the boiler or prime mover was used :-
7. Part of boiler or prime mover which failed, and the extent of failure generally :-
8. Pressure at which the boiler was worked :-
9. Name and address of persons by whom the boiler or prime mover was last inspected :-

Date :

Signature of owner : *

Address :

* Agent, manager or hirer.

STEAM BOILERS ORDINANCE, 1926.

Rules made under Section 9.

Inspection of
Steam boilers
and prime
movers.

1.) Every steam boiler shall be inspected at least once in every twelve months. The owner of the boiler shall cause it to be thoroughly opened up for inspection, and all flues and other parts to be thoroughly cleaned, and all bridges and bars to be taken out, so that access may be had to every part of the boiler.

2. Whenever an Inspector deems it necessary, the owner shall cause the boiler to be stripped of all lagging and casing for the purpose of examination; and in boilers, difficult of access, shall remove tubes and stays so as to facilitate the inspection of the whole shell.

3. All prime movers shall be inspected in all their parts at least once in every two years.

For the purpose of inspection the owner of every prime mover shall have all the bearings opened up, all cylinder covers and other caps removed, and all spur and flywheels, shafts, and other parts thoroughly cleaned and put in a condition for examination.

4. An inspection shall take place at such times as may be convenient to the owner of the boiler or prime mover, as the case may be, but in no case exceeding one month after the expiration, from the last inspection, of twelve months in the case of boilers, or two years in the case of prime movers.

Tests.

5. All boilers shall be tested by hydraulic pressure at such intervals and at such pressures as an Inspector shall deem advisable. All boilers which cannot be properly inspected internally shall be subjected to the hydraulic test once in every twelve months.

6. All machinery and apparatus necessary for carrying out tests shall be supplied by the owners of the plant.

1) Conc.—See Steam Boilers Ord., 1926. O. G. No. 209 of 16.4.1928.

7. No inspection shall be made until the boiler has cooled down to the normal temperature and all the mudhole and manhole doors have been taken off, and the boiler is in a proper state for a thorough inspection.

8. Upon the annual inspection of steam boilers as prescribed in Rule 1, the maximum working pressure of steam to be allowed shall be determined by an Inspector at such a figure as will provide a reasonable margin of safety. In the case of locomotive boilers the safety valves shall be so locked that no person other than an Inspector shall be able to adjust them for any pressure other than such maximum pressure. The maximum pressure shall be stated in any certificate issued to the owner under Rule 11.

Steam
Pressure.

9. The fee to be paid for each inspection shall be as follows: Inspection fees.

For each boiler £E. 2.

Prime mover £E. 1.

Locomotive £E. 2.

Provided that the High Commissioner may authorise the payment of an annual lump sum in commutation of the said fees in cases in which an Inspector is required to issue licences in respect of a number of boilers or prime movers at one and the same factory or mill, the property of the same owner.

10. An Inspector shall be a corporate member of the Institution of Mechanical Engineers or the holder of a diploma recognised by such Institution, or a First Class Certificate of the Board of Trade or such other diploma or certificate as may be accepted by the High Commissioner; provided that the High Commissioner may at his discretion license temporarily as Inspectors for any specified period other persons who, in the opinion of the Director of Public Works, are qualified by experience to carry out the duties of Inspectors.

Qualifications
for office of
Inspector.

11. Subject to the conditions prescribed by these rules, an Inspector may issue to the owner a certificate in accordance with Section 4 of the Ordinance. If any repairs to the boiler or prime mover are affected during the currency of the certificate, the owner shall immediately issue a report thereon writing to the Inspector who may suspend the certificate, and make a fresh examination of the boiler or prime mover.

Issue of
Certificate.

12. Any owner not complying with any of the provisions of these rules shall be deemed to have committed an offence and shall be liable on conviction to a penalty not exceeding £E. 10 for each such offence.

STEAM BOILERS ORDINANCE, 1926.

Rules made under Section 9.

Rule 1 of the Rules dated the 20th of January, 1926, and published in the Official Gazette of the 15th of February, 1926, is hereby cancelled, and the following shall be substituted therefor:

1. Every steam boiler which is in use shall be inspected at least once in every twelve months. The owner of the boiler shall cause it to be thoroughly opened up for inspection, and all flues and other parts to be thoroughly cleaned, and all bridges and bars to be taken out, so that access may be had to every part of the boiler.

Where a steam boiler or a prime mover has not been in use for a period of twelve months or more, the owner of the boiler or prime mover shall not use it until he has obtained a certificate in accordance with the provisions of the Ordinance.

28th March, 1928. O. G. No. 209 of 16.4.1928.

BON VOISINAGE.
BON VOISINAGE AGREEMENT.
**AN AGREEMENT TO REGULATE CERTAIN ADMINISTRATIVE
MATTERS IN CONNECTION WITH THE FRONTIER
BETWEEN PALESTINE AND SYRIA.**

WHEREAS an Agreement was concluded on the 3rd of February, 1922, between the British and the French Governments, on behalf of the territories of Palestine on the one hand, and of Syria and the Grand Lebanon on the other, to determine the frontier between these territories;

AND WHEREAS it is necessary to conclude an Agreement regulating certain administrative matters in connection with the frontier;

Lieutenant-Colonel G.S. Symes, District Governor of the Northern District of Palestine;

Mr. A. S. Mavrogordato, Acting Inspector General of Police and Prisons in Palestine;

representing His Excellency the High Commissioner for Palestine; on the one hand, and

M. Verchere de Reffye, Minister Plenipotentiary and Chief Secretary to the French High Commission;

M. le Capitaine de la Bassetiere, for the State of the Grand Lebanon;

M. le Capitaine Terrier, for the State of Damascus;

representing His Excellency the High Commissioner of the French Republic in Syria and the Lebanon on the other hand, being the persons accredited by the two High Commissioners above-mentioned, have agreed upon the following articles:

ARTICLE I.

Tracks or roads which form the frontier between the territories of Syria and the Lebanon on the one hand, and of Palestine on the other, shall be used freely without passport or toll of any kind by the inhabitants and the Police of both territories when passing to and from places to which access is given by such tracks or roads.

Similarly, the inhabitants and Police of Syria and the Lebanon may use the paths from El-Hamme to Banias immediately to the East of Lake Tiberias, the Jordan and Lake Huleh.

The inhabitants and Police of Palestine shall have the like right in respect of the path from the village of Alma Es Schub to Ramia and the path from the "neck" (col) of Odeissa to the village of Metullah and thence to Banias.

ARTICLE II.

The Governments of Syria and the Lebanon and of Palestine shall each have the right in case of military necessity, to use the tracks and roads forming the frontier for any movement of troops but notice of such use shall be given to the other Government concerned as soon as possible.

ARTICLE III.

All the inhabitants, whether settled or semi-nomadic, of both territories who, at the date of the signature of this Agreement enjoy grazing, watering or cultivation rights, or own land on the one or the other side of the frontier shall continue to exercise their rights as in the past. They shall be entitled, for this purpose, to cross the frontier freely and without a passport and to transport, from one side to the other of the frontier, their animals and the natural increase thereof, their tools, their vehicles, whatever the mode of traction, their implements, seeds and products of the soil or sub-soil of their lands, without paying any Customs duties or any dues for grazing or watering or any other tax on account of passing the frontier and entering the neighbouring territory.

The same rights shall be enjoyed by their employees or tenants and by the employees of the latter.

All rights derived from local laws or customs concerning the use of the waters, streams, canals and lakes for the purposes of irrigation or supply of water to the inhabitants shall remain as at present. The same rule shall apply to village rights over communal properties.

The provisions of the Agreement of February 3rd, 1922, reserving fishing and navigation rights in the Lakes of Tiberias and Huleh and the Jordan shall be extended to all the Water courses in the ceded area.

ARTICLE IV.

1. The collection of the tithe and werko on estates contained within the limits of one village, whose grounds are crossed by the frontier, shall be undertaken by the Government in whose territory the village lies.

The collection of the tithe and werko on properties or isolated parcels of land, situated outside a village and crossed by the frontier shall be carried out by the Government in whose territory the farm, stables or threshing floor are situated.

The revenue so collected shall be divided between the two Governments according to the assessment of a Commission composed of one Palestinian official, one Syrian official and one local notable chosen by these officials.

The division shall be made in proportion to the average yield of the properties referred to in the two preceding sub-paragraphs.

The two Governments shall draw up twice a year accounts of the sums thus received and the Government collecting the taxes shall be entitled to a commission of 6% in this respect. The Government will likewise exchange from time to time extracts of these accounts.

2. When lands farmed as a single estate, either by their owners or tenants, are divided by the frontier, the animal tax shall be collected by the Government of the territory in which the principal farm buildings are situated.

If such persons refuse to allow the enumeration of their animals, or if their declarations appear to be fraudulent, the Governments of the two territories mutually agree:-

- (i) to supply to the other all particulars necessary to determine the exact number of the animals;
- (ii) to recover the amount of the tax due under this head;
- (iii) to pay to the Government entitled the amount so collected.

3. Questions of succession, sale or other transfers between living persons, or disputes concerning properties through which the frontier passes, shall be decided by the Government in whose territory, according to the new frontier line, the separate parcels of land are situated, and in accordance with the laws and regulations in force under the Government or with the personal statute applicable to the case.

The cadastral registers of properties divided by the frontier shall be made out in duplicate, one copy being retained by the Palestine Government and the other by the Syrian or Lebanese Government whichever is concerned.

The Civil Courts and Land Registries of the two territories¹⁾ are to determine, in case of successions, disputes, sales or other transfers between living persons, that the properties concerning which they are called upon to adjudicate, are situated within the boundaries of the territories¹⁾ over which they have jurisdiction.

4. The two Governments undertake to assist each mutually in collecting the taxes due from Syrian tax-payers in respect of properties situated in Palestine and vice versa.

ARTICLE V.

The contracting parties shall make special provision for close co-operation between the local authorities on each side of the frontier in all matters concerning public security. The procedure laid down in the Extradition Treaty between Palestine and Syria will be simplified as much as possible, and the right of pursuit of persons detected in flagrante delicto who take flight across the frontier shall be regulated by mutual agreement between the Police authorities.

Any such agreement shall remain in force until it is denounced by one of the two parties.

ARTICLE VI.

The marabout of Nabi Yusha and its lands remain Wakf property, and shall not in any event be expropriated by the Governments of Palestine or of Syria without the consent of the authority competent in respect of Wakf property in either territory.

If there is any other Wakf property in territory to be transferred, the same principle shall apply.

ARTICLE VII.

Pilgrims making the annual pilgrimage to this marabout at the end of Ramadan shall be exempt from formalities of a passport or laissez-passer.

On the occasion of this pilgrimage which lasts four days the Government of the Grand Lebanon shall, by agreement between the local authorities of the two Governments, be entitled to send to Nabi Yusha a Gendarmerie post to maintain order in co-operation with the Palestine Police.

ARTICLE VIII.

The Government of Syria and the Lebanon shall maintain the boundary cairns which bear uneven numbers; and the Government of Palestine shall maintain the boundary cairns which bear even numbers.

ARTICLE IX.

Facilities shall be given to the inhabitants on each side of the frontier to pass from places in the sub-districts of Acre and Safad to the Kazas of Tyre, Merjayoun and Kuneitra and vice versa¹⁾.

¹⁾ See Note O. G. No. 185 of 16.4.1927.

For this purpose a system of permits or certificates of identity signed by the administrative authorities of the sub-districts or Kazas shall take the place of the present passport system. The form of these permits, and regulations for their use, shall be drawn up by mutual agreement between the passport authorities of the two Governments.

The natural products of the country or the products of any local industry of the sub-districts and Kazas below mentioned, when transported by the producers themselves or by persons in their service, shall, save where there is suspicion of fraud, be exempt from Customs formalities, and from payment of Customs dues on crossing the frontier, if they are imported or exported for family consumption into any place in the said sub-districts and Kazas, namely Tyre, Merjayoun, Kuneitra, Acre and Safad.

The Kaza of Hasbaya, many of whose inhabitants possess produce in the ceded territories, is permitted to have the benefit of the provisions of this Article.

ARTICLE X.

The nationality of the inhabitants of territories which change their sovereignty shall be determined in accordance with the provisions of Articles 30—36 of the Treaty of Lausanne.

ARTICLE XI.

Any disputes which may arise with regard to the application of the provisions of this Agreement and which cannot be settled directly by agreement between the authorities on the two sides of the frontier, shall be referred to a Commission which will decide on all matters at issue. The Commission shall be composed of one delegate from the State of the Grand Lebanon, one delegate from the State of Damascus, and two delegates from Palestine, and a President who shall be named by mutual agreement between the French High Commissioner in Syria and the Lebanon and the High Commissioner of His Britannic Majesty for Palestine.

This Commission shall be convened as soon as possible after a request to that effect has been made by either of the two High Commissioners. Its decision shall be in accordance with the votes of the majority, and the President shall have a casting vote.

Any dispute arising with regard of the interpretation of a clause of the present Agreement or to the execution of a decision of the Commission prescribed in this Article shall be settled by direct agreement between the British and French High Commissioners at Jerusalem and Beirut.

In default of such agreement, the matter at issue shall be referred to the International Court of Justice at Geneva¹⁾ constituted by the League of Nations.

¹⁾ See Note O. G. No. 185 of 16.4.1927.

In virtue of which the undersigned have put their signature to this Agreement.

Done at Jerusalem the 2nd day of February, 1926.

PLUMER F. M.

His Britannic Majesty's High
Commissioner for Palestine and
Commander-in-Chief therein.

O. G. No. 161 of 16.4.1926.

HENRI de JOUVENEL.

Le Haut Commissaire de la
République Française en Syrie
et en Liban.

NOTICE.

It is hereby notified that the Bon Voisinage Agreement, published in the Official Gazette of the 16th of April, 1926, is in substitution for the Agreement published in the Gazette of the 15th of May, 1924.

22nd April, 1926. O. G. No. 162 of 1.5.1926.

NOTE.

It has been agreed that the following amendment in the text of the Bon Voisinage Agreement dated the 2nd of February, 1926, shall be made:

The first paragraph of Article IX shall read:

"Facilities shall be given to the inhabitants on each side of the frontier to pass from places in the sub-districts of Acre, Tiberias and Safad to the Kazas of Tyre, Merjayoun, Zawieh and Kuneitra and vice versa".

Done at Beyrouth.

PLUMER F. M.

His Britannic Majesty's
High Commissioner
for Palestine.

21st March, 1927. O. G. No. 185 of 16.4.1927.

DE REFFYE

The Acting High Commissioner
of the French Republic for Syria
and the Great Lebanon.

NOTE.

The following additions and corrections to the text of the Bon Voisinage Agreement of the 2nd of February, 1926, have been agreed on:

ARTICLE III, paragraph 1: the words "à l'autre" shall be inserted after the words "d'un côté de la frontière" in the French text.

ARTICLE IV, (1), paragraph 1, sub-paragraph 3: the word "local" shall be inserted in the French version of the phrase "one local notable" of the English text.

(2), paragraph 3: the word "territories" in the English text shall be substituted by "Governments".

ARTICLE VI, paragraph 1: the words "in either territory" which appear in the English text at the end of the paragraph, shall be added to the French text and rendered by "dans l'un ou l'autre territoire".

ARTICLE XI, final paragraph, the words "the International Court of Justice at Geneva" and "la Cour Internationale de Justice à Genève" shall be replaced by the words "the Permanent Court of International Justice at the Hague" and "la Cour Permanente de Justice Internationale de la Haye" in the English and French texts respectively.

In witness whereof the Undersigned have signed this present Note.

Done at Beyrouth.

PLUMER, F. M.
His Britannic Majesty's
High Commissioner
for Palestine:

DE REFFYE
Acting High Commissioner
of the French Republic for Syria
and the Great Lebanon:

14th March, 1927. O. G. No. 185 of 16.4.1927.

BRITISH BIRTHS AND DEATHS.

NOTICE.

Registration of British Births and Deaths.

The following is the scale of fees payable to Registration Officers in accordance with the provisions of the Notice concerning the Registration of British Births and Deaths which was published in the Official Gazette of the 1st of November, 1924:

For administering an oath or receiving a declaration or affirmation, with or without attestation of signature	£p. 0.250 mils
For registration of a birth or death (except the death of a seaman).	£p. 0.100 mils (plus surcharge)

N. B. No fee is to be charged for the registration of a British subject at a Consular Office, where such registration is not compulsory under an Order in Council.

For each search in the register books of births, marriages or deaths kept at the Consulate.	£p. 0.050 mils
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For furnishing a certified copy of an entry in register books of births, marriages or deaths.	£p. 0.100 mils
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14th May, 1928. O. G. No. 212 of 1.6.1928.

BUILDING.

SCALE OF FEES PAYABLE ON BUILDING PERMITS.

Under the Ottoman Municipal Tax Law of 24 Rabia, 1333 A. H.

Ground Value. Tax levied per sq. metre on each storey.

Piastres	Piastres	Para.
10000	1	00
15000	1	20
20000	2	00
25000	2	20
30000	3	00
35000	3	20
40000	4	00
45000	4	20
50000	5	00
55000	5	20
60000	6	00
65000	6	20
70000	7	00
75000	7	20
80000	8	00
85000	8	20
90000	9	00
95000	9	20
100000	10	00
110000	10	20
120000	11	00
130000	11	20
140000	12	00
150000	12	20
170000	13	00
190000	13	20
210000	14	00
235000	14	20
260000	15	00
285000	15	30
310000	16	00
340000	16	30
370000	17	00
400000	17	30
440000	18	00
	18	30
	19	00
	19	30
	20	00
	20	30

On ground values exceeding this amount a tax of 20 piastres will be levied on every square metre of ground in each storey.

O. G. No. 164 of 1.6.1926.

CARRIAGE OF GOODS BY SEA.

CARRIAGE OF GOODS BY SEA ORDINANCE,

No. 43 of 1926.

An Ordinance to amend the Law with respect to the Carriage of Goods by Sea.

WHEREAS a Convention for the unification of certain Rules relating to bills of lading was adopted by the International Conference on Maritime Law held at Brussels in 1922 and 1923;

AND WHEREAS it is expedient that the Rules of the Convention, as set out in the Schedule to this Ordinance, should, subject to the provisions hereof, be given the force of law in Palestine with a view to establishing the responsibilities, liabilities, rights and immunities attaching to carriers under bills of lading;

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 Carriage of Goods by Sea Ordinance, 1926.
- Application of Rules in schedule. 2. Subject to the provisions of this Ordinance, the Rules contained in the Schedule hereto shall have effect in relation to and in connection with the carriage of goods by sea in ships carrying goods from any port in Palestine to any other port whether in or outside Palestine.
- Absolute warranty of seaworthiness not to be implied in contracts to which Rules apply. 3. There shall not be implied in any contract for the carriage of goods by sea to which the Rules apply any absolute undertaking by the carrier of the goods to provide a seaworthy ship.
- Statement as to application of Rules to be included in bills of lading. 4. Every bill of lading or similar document of title issued in Palestine which contains or is evidence of any contract to which the Rules apply shall contain an express statement that it is to have effect subject to the provisions of the said Rules as applied by this Ordinance, and shall be deemed to have effect subject thereto, notwithstanding the omission of such express statement.
- Modification of Article 6 of Rules in relation to coasting trade. 5. Article VI of the Rules shall, in relation to the carriage of goods by sea in ships carrying goods from any port in Palestine to any other port in Palestine, have effect as though the said Article referred to goods of any class instead of to particular goods

and as though the proviso to the second paragraph of the said Article were omitted.

6. Where under the custom of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper, and the fact that the weight is so ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in the Rules, the bill of lading shall not be deemed to be *prima facie* evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

Modification of Rules 4 and 5 of Article III in relation to bulk cargoes.

7. (1) Nothing in this Ordinance shall affect the operation of any enactment for the time being in force limiting the liability of the owners of sea-going vessels.

Saving in operation.

(2) Nothing in this Ordinance shall affect the operation of any Regulations as to the export or import of firearms or ammunition to or from Palestine under the Firearms Ordinance, 1922, or under any Ordinance substituted therefor or any Regulations relating to the carriage of dangerous goods made under the authority of any Ordinance now existing or hereafter to be enacted.

(3) The Rules shall not by virtue of this Ordinance apply to any contract for the carriage of goods by sea made before the date at which this Ordinance came into force nor to any bill of lading or similar document of title issued whether before or after such date in pursuance of any such contract as aforesaid.

8. Any action arising out of the provisions of this Ordinance shall be deemed to be a Commercial action for the purposes of Section 20 of the Courts Ordinance 1924.

Action under Ordinance to be Commercial action.

9. Any provisions of the Ottoman Law with respect to the carriage of goods by sea which is contrary to the provisions of this Ordinance shall no longer have effect.

Ottoman Law with regard to carriage of goods by sea not to apply.

1st December, 1926. B.—O. G. No. 173 of 16.10.1926.

P.—O. G. No. 176 of 1. 12.1926.

Con.O. G. No. 181 of 16. 2. 1927.

SCHEDULE.

RULES RELATING TO BILLS OF LADING

ARTICLE I.

DEFINITIONS.

In these Rules the following expressions have the meanings hereby assigned to them respectively, that is to say: —

(a) "Carrier" includes the owner or the charterer who enters into a contract of carriage with a shipper:

(b) "Contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter-party from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same:

(c) "Goods" includes goods, wares, merchandises, and articles of every kind whatsoever, except live animals and cargo which by the contract of carriage is stated as being carried on deck and is so carried:

(d) "Ship" means any vessel used for carriage of goods by sea:

(e) "Carriage of goods" covers the period from the time when the goods are loaded on to the time when they are discharged from the ship.

ARTICLE II.

RISKS.

Subject to the provisions of Article VI, under every contract of carriage of goods by sea the carrier, in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods, shall be subject to the responsibilities and liabilities, and entitled to the rights and immunities hereinafter set forth:

ARTICLE III.

RESPONSIBILITIES AND LIABILITIES.

1. The carrier shall be bound, before and at the beginning of the voyage, to exercise due diligence to —

(a) Make the ship seaworthy:

(b) Properly man, equip, and supply the ship:

(c) Make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation.

2. Subject to the provisions of Article IV, the carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried.

3. After receiving the goods into his charge, the carrier, or the master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things: —

(a) The leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such

goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage;

(b) Either the number of packages or pieces, or the quantity, or weight, as the case may be, as furnished in writing by the shipper;

(c) The apparent order and condition of the goods: —

Provided that no carrier, master or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable grounds for suspecting not accurately to represent the goods actually received, or which he has had no reasonable means of checking.

4. Such a bill of lading shall be prima facie evidence of the receipt by the carrier of the goods as therein described in accordance with paragraph 3 (a), (b) and (c).

5. The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight as furnished by him, and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier in such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

6. Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, or, if the loss or damage be not apparent, within three days, such removal shall be prima facie evidence of the delivery by carrier of the goods as described in the bill of lading.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

7. After the goods are loaded, the bill of lading to be issued by the carrier, master or agent of the carrier to the shipper shall, if the shipper so demands, be a "shipped" bill of lading, provided that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the "shipped" bill of lading, but at the option of the carrier such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships

upon which the goods have been shipped and the date or dates of shipment, and when so noted the same shall for the purpose of this Article be deemed to constitute a "shipped" bill of lading.

8. Any clause, covenant or agreement, in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with goods arising from negligence, fault or failure in the duties and obligations provided in this Article or lessening such liability otherwise than as provided in these Rules, shall be null and void and of no effect.

A benefit of insurance or similar clause shall be deemed to be a clause relieving the carrier from liability.

ARTICLE IV

RIGHTS AND IMMUNITIES

1. Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy, and to secure that the ship is properly manned, equipped, and supplied, and to make the holds, refrigerating and cool chambers and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation in accordance with the provisions of paragraph 1 of Article III.

Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other person claiming exemption under this section.

2. Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from :-

- (a) Act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship :-
- (b) Fire, unless caused by the actual fault or privity of the carrier :
- (c) Perils, dangers and accidents of the sea or other navigable waters :
- (d) Act of God :
- (e) Act of War :
- (f) Act of public enemies :
- (g) Arrest or restraint of princes, rulers or people, or seizure under legal process :
- (h) Quarantine restrictions :
- (i) Act or omission of the shipper or owner of the goods, his agent or representative :
- (j) Strikes, or lock-outs, or stoppage or restraint of labour from whatever cause, whether partial or general :
- (k) Riots and civil commotions :
- (l) Saving or attempting to save life or property at sea :

(m) Wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods:

(n) Insufficiency of packing:

(o) Insufficiency or inadequacy of marks:

(p) Latent defects not discoverable by due diligence:

(q) Any other cause arising without the actual fault or privity of the carrier, or without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

3. The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault, or neglect of the shipper, his agents or his servants.

4. Any deviation in saving or attempting to save life or property at sea, or any reasonable deviation shall not be deemed to be an infringement or breach of these Rules or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom.

5. Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding £ 100 per package or unit, or the equivalent of that sum in other currency, unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading.

This declaration if embodied in the bill of lading shall be prima facie evidence, but shall not be binding or conclusive on the carrier.

By agreement between the carrier, master, or agent of the carrier and the shipper another maximum amount than that mentioned in this paragraph may be fixed, provided that such maximum shall not be less than the figure above named.

Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with goods if the nature or value thereof has been knowingly misstated by the shipper in the bill of lading.

6. Goods of an inflammable, explosive or dangerous nature to the shipment whereof the carrier, master or agent of the carrier, has not consented, with knowledge of their nature and character, may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment.

If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

ARTICLE V.

SURRENDER OF RIGHTS AND IMMUNITIES AND INCREASE
OF RESPONSIBILITIES AND LIABILITIES.

A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities or to increase any of his responsibilities and liabilities under the Rules contained in any of these Articles, provided such surrender or increase shall be embodied in the bill of lading issued to the shipper.

The provisions of these Rules shall not be applicable to charterparties, but if bills of lading are issued in the case of a ship under a charterparty they shall comply with the terms of these Rules. Nothing in these Rules shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

ARTICLE VI.

SPECIAL CONDITIONS.

Notwithstanding the provisions of the preceding Articles, a carrier, master or agent of the carrier, and a shipper shall in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness, so far as this stipulation is not contrary to public policy, or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care and discharge of the goods carried by sea, provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a non-negotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect.

Provided that this Article shall not apply to ordinary commercial shipments made in the ordinary course of trade, but only to other shipments where the character or condition of the property to be carried or the circumstances, terms and conditions under which the carriage is to be performed, are such as reasonably to justify a special agreement.

ARTICLE VII.

LIMITATIONS ON THE APPLICATION OF THE RULES.

Nothing herein contained shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to or in connection with the custody and care and handling of goods prior to the loading on and subsequent to the discharge from the ship on which the goods are carried by sea.

ARTICLE VIII.

LIMITATION OF LIABILITY.

The provisions of these Rules shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of sea-going vessels.

ARTICLE IX.

The monetary units mentioned in these Rules are to be taken to be gold value.

CENSORSHIP.

THE PUBLIC PERFORMANCES, (CENSORSHIP) ORDINANCE,

No. 28 of 1927.

An Ordinance to provide for the Censorship of Dramatic and other Performances.

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 Performances Short Title. (Censorship) Ordinance, 1927.

2. "Public Entertainment" has the meaning assigned to the term in the Intoxicating Liquors and Public Entertainments Ordinance, 1922. Definitions.

"Board" means the Censorship Board constituted under the Cinematograph Films Ordinance, 1927¹.

"District Commissioner" includes Deputy District Commissioner and Assistant District Commissioner.

"Play" includes any dramatic, operatic or variety entertainment.

3. (1) No person shall advertise or direct or take part or assist in the performance of any play or of any circus entertainment unless a certificate has been obtained from the Board authorising the performance. Authorisation of performance of play, circus etc.

(2) Any person desiring the authority of the Board for the performance of any play shall apply therefor in writing to the Board stating the title, subject and description of the play, and shall, if required, submit a text thereof.

(3) No person shall advertise or direct or take part in the performance of any circus at a public entertainment, unless a

¹) See Cinematograph Films Or.No.27 of 1927.—O.G.No.197 of 16.10.1927.

certificate has been obtained from the Board authorising the performance. Any person desiring the authority of the Board for the performance shall apply therefor in writing, and shall submit the programme of the entertainment giving such particulars as may be required by the Board, and shall, if so required, cause the entertainment or any part thereof to be performed before the Board.

(4) No person shall advertise or direct or take part or assist in any performance of any play or circus in respect of which authority has been granted as aforesaid if any new part shall have been added to such play or circus, unless authority for the performance of such new part shall have been given as hereinbefore provided.

Power of District Commissioner to authorise play or circus within his District.

4. Notwithstanding anything in the preceding Section, a District Commissioner may authorise, subject to such conditions as he thinks fit, the performance of any play or circus at any place within his District, or may in his discretion require the applicant to obtain a certificate from the Board. The authorisation of a District Commissioner shall supply only to a performance within the District.

Offences and penalties.

5. (1) Any person who-

(a) advertises or directs or takes part in any play or any circus performance at a public entertainment which has not been authorised in accordance with the provisions of this Ordinance; or

(b) causes such play to be produced or performance to be given contrary to any conditions imposed by the Board; shall be liable, on conviction, to a fine not exceeding £E. 50 or imprisonment for a period not exceeding one month.

(2) Nothing in this Ordinance shall affect the liability of any person to prosecution for any performance which is of an indecent character or is calculated to disturb the public peace; provided that no person shall be punished twice for the same offence.

Right of entry and arrest.

6. (1) Any member of the Board, and any Superior Police Officer, District Officer, or Officer of the Department of Education authorised by the Director may at any time enter upon any place of public entertainment where a play or circus is being performed.

(2) Any person authorised in writing by the Secretary of the Board or any Superior Police Officer, on being satisfied that there is good reason to believe that a play or circus entertainment, or any part thereof, not authorised for performance in accordance with this Ordinance is being performed in any place of public entertainment, may without warrant enter such place and

arrest any person reasonably supposed to be concerned with such performance.

7. (1) Any applicant for authority to perform a play or circus entertainment shall pay a fee of P.T. 50 on application for each play or circus entertainment. Fees.

(2) Exemption from payment of the fee may be granted by the Board where it is satisfied by a certificate of the District Commissioner that the play or circus entertainment will be performed exclusively for a charitable or educational purpose.

8. The High Commissioner may make, and when made, Regulations may vary and revoke, Regulations providing for the following matters:—

- (a) the composition and procedure of the Board;
- (b) the form of authorisation to be used by the Board;
- (c) generally, for the application of the Ordinance.

16th October, 1927. B. — O. G. No. 188 of 1. 6. 1927.

P. — O. G. No. 197 of 16.10.1927.

Con—O. G. No. 204 of 1. 2. 1928.

CENSUS.

CENSUS ORDINANCE,

No. 6. of 1931.

An Ordinance to make provision for the taking from time to time of a Census and for otherwise obtaining statistical information with respect to the Population.

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 Census Ordinance, 1931. Short Title.
2. In this Ordinance:— Definition.

“Superintendent of Census” means the Officer appointed by the High Commissioner in Council to carry out the Census.

3. Subject to the provisions of this Ordinance, it shall be lawful for the High Commissioner in Council from time to time to direct 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 the census is to be taken; and
- (b) the persons by whom and with respect to whom the returns for the purpose of the census are to be made; and
- (c) the particulars to be stated in the returns.

Duty of Superintendent of Census to carry out census.

4. It shall be the duty of the Superintendent of Census to make such arrangements and to 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 Regulations 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.

Regulations with respect to proceedings for taking census.

5. For the purpose of enabling any Order directing a census to be taken to be carried into effect, the High Commissioner may make Regulations:

(a) providing for the division of the country into districts for the purpose of the census and the appointment of persons to act in connection with the 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 the census to perform such duties in connection with the taking of the census as may be prescribed;

(c) requiring the chief officers of public or charitable institutions, or of any other institutions prescribed by the Regulations 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 a 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.

6. The occupier or person in charge of any premises, enclosure, vessel or other place shall allow the Superintendent of Census 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 or other premises without the consent of the occupier thereof.

Records not admissible in evidence.

7. 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.

8. All persons employed in connection with the taking of a 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 Order or Regulations made thereunder.

Census
Officials to be
deemed to be
public officers.

9. (1) If any person —

Penalties.

(a) refuses or neglects to comply with or acts in contravention of any of the provisions of this Ordinance or any Order or Regulations made under this Ordinance; or

(b) being a person required by any Order or Regulations made under this Ordinance to make, sign or deliver any document, makes, signs, or delivers or causes to be made, signed, or delivered a false document; or

(c) being a person required in pursuance of any such Order or Regulations to answer any question, refuses to answer or gives a false answer to that question; or

(d) removes, obliterates, alters or injures any letters, marks or numbers affixed or used for the purposes of a census so long as such letters, marks or numbers are required for such purposes, he shall be guilty of an offence, and shall be liable to a fine not exceeding ten pounds.

(2) If any person —

(a) being a person employed in taking a census, 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; or

(b) having possession of any information which to his knowledge has been disclosed in contravention of this Ordinance, publishes or communicates that information to any person; he shall be guilty of a misdemeanour and shall be liable to imprisonment for two years or to a fine not exceeding £P. 200 or to both such penalties.

10. The Ottoman Law of Census dated the 14th August 1330 A. H., and any Regulations made thereunder and any other Ottoman Law or Regulations regarding the taking of census shall cease to have effect in Palestine.

Ottoman Law
no longer to
have effect.

B.—O. G. No. 289 of 16.8.1931.

E.—Ex. of 16.9.1931.

CENSUS ORDINANCE, 1931.

Order by the Officer Administering the Government in Council

IN EXERCISE of the powers vested by the High Commissioner in Council by Section 3 of the Census Ordinance 1931, the Officer Administering the Government in Council has made the following Order: —

Date of
Census.

1. A Census shall be taken for Palestine at midnight on the 18th of November, 1931.

2. The Census shall be taken in respect of all persons of whatever race, nationality, profession, sex or age.

Exception for
certain
Beduin.

Provided that the Census of Beduin habitually residing in tracts in the Sub-districts of Beersheba and Bethlehem need not be synchronous with the Census of the remainder of the population of Palestine.

Particulars to
be stated.

3. The matters in respect of which particulars shall be stated in the Census returns shall be: —

- (i) Name, sex and age.
- (ii) Whether earner or dependant.
- (iii) Usual place of residence.
- (iv) Occupation, profession, trade, or employment.
- (v) Nationality, birthplace, language.
- (vi) Condition as to marriage, relation to head of family, issue born in marriage.
- (vii) Literacy and the number of years at school.
- (viii) Religious belief.
- (ix) Incapacity.
- (x) Any other matters with respect to which it is desirable to obtain statistical information with a view to ascertaining the social or civil condition of the population.

Exception for
certain
Beduin.

Provided that the particulars required from the Beduin referred to in the Proviso to Article 2 hereof shall not include particulars as to economic status, whether earner or dependant, and as to incapacity.

15th September, 1931.

CENSUS ORDINANCE, 1931.

Regulations made by the Officer Administering the Government in Council

IN EXERCISE of the powers vested in the High Commissioner in Council by Section 5 of the Census Ordinance, 1931, the Officer Administering the Government in Council has made the following Regulations: —

A. CENSUS DISTRICTS AND CENSUS OFFICERS

Enumeration Blocks

1. The unit area of enumeration shall be called the Enumeration Block and no enumeration block shall lie partly in one village and partly in another, or partly in one quarter of a town and partly in another quarter of the same town if those quarters are administrative units of the town.

Division of
the country
into Census
Districts.

Circles

2. Enumeration Blocks shall be grouped together in compact Circles. No circle may lie partly in one sub-district and partly in another.

Charges

3. Circles shall be grouped into Charges. No charge may lie partly in one sub-district and partly in another, and each municipal area shall constitute a distinct charge.

Superintendent of Census may constitute special Blocks

4. The Superintendent of Census may, in his discretion, form special enumeration blocks, and circles and charges in respect of special areas or organisations, namely, the Palestine Railways, as regards both the resident staff and the travelling public; military lines; port areas; police lines and stations; prisons; and any large undertaking, public or private, which, in his opinion, may be most conveniently enumerated as a census district in itself.

5. (1) The census officers shall be known as Enumerators of blocks, Supervisors of circles, Charge superintendents and District (or special) Census Officers respectively.

Census
Officers.

(2) (a) Every officer in command of any body of men belonging to His Majesty's naval, military or air forces,

(b) every person (except a pilot) having charge or control of a vessel,

(c) every person in charge of a hospital, prison, reformatory or lock-up or of any public charitable, religious or educational institution,

(d) every keeper, secretary or manager of any hotel, boarding house, lodging house, immigration depot or club, and

(e) every occupant of immovable property who has at the time of the taking of the census not less than twenty persons living on or in such property; and every manager or officer of a railway or other commercial or industrial establishment who has at such time not less than ten persons employed under him,

shall, if so requested by the Superintendent of Census, perform such of the duties of a census officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or present on or in such immovable property or are employed under him as the Superintendent of Census may by written order direct; and such persons shall for purposes of these Regulations be deemed to be census officers.

Certain officers appointed by letter

The appointment of Census Officers.

6. (a) Enumerators, Supervisors and Charge Superintendents shall be appointed by letter signed by the Superintendent of Census or another officer duly authorised by him.

Others appointed by notification in the Official Gazette

(b) District (or special) Census Officers shall be appointed by notification in the Official Gazette over the signature of the Superintendent of Census.

Census Officers under the direction of the Superintendent of Census.

7. All Census officers shall be under the general direction of the Superintendent of Census and shall carry out their duties under his instructions.

B. PERSONS, NOT CENSUS OFFICERS, WHO MAY BE SUMMONED TO ASSIST IN THE CENSUS.

District Census Officers to have power to summon certain persons to assist.

8. The District Census Officer may by written summons require any members and officers of a local authority or, Mukhtars of towns and villages, or Sheikhs of tribes and subtribes of Beduin, or Ghaffirs to perform any duties connected with the taking of the census as shall be set out in the written summons. Whenever possible the summons shall be transmitted to the person concerned by the District Commissioner or the Area or District Officer.

C. CHIEF OFFICERS OF PUBLIC OR CHARITABLE OR OTHER INSTITUTIONS TO MAKE RETURNS.

Hospitals, religious communities, schools, etc.

9. Where any public or private hospital, sanatorium, convalescent or nursing home, mental hospital, religious or charitable house or community, residential school or college, or residential institution of any other kind has not been constituted a separate enumeration block, the chief resident officer or other person for the time being in charge shall make a return in the prescribed form stating the particulars asked for in respect of all persons falling to be included in the institution for Census purposes.

10. Where a commercial or industrial establishment employing persons resident upon the premises has not been constituted a separate enumeration block the Superintendent of Census may, in his discretion, require the manager or person for the time being in charge of such establishment, to make a return in the prescribed form stating all the particulars asked for in respect of all persons falling to be included in the establishment for census purposes.

Commercial or industrial establishments.

11. Where a hotel, boarding house, lodging house or similar place of residence has not been constituted a separate enumeration block, the manager or chief resident person responsible for the residence shall make a return on the prescribed form stating the particulars asked for in respect of all persons falling to be included in the residence for census purposes.

Hotels, boarding houses, etc.

12. If a sea-going vessel shall be lying at anchor at a point on the coast at midnight on the night of the census whether or not arriving from or leaving for a port not in Palestine; or if a vessel shall be leaving a port in Palestine for another point on the coast and shall be at sea on the night of the census; or if a vessel arrives in a port of Palestine from another point of the coast and has been at sea on the night of the Census, the Master of such vessel shall be responsible for making the returns stating the particulars asked for in respect of all persons falling to be included in the vessel for census purposes.

Sea-going vessels.

D. INFORMATION TO BE GIVEN TO THE PERSONS LIABLE TO MAKE RETURNS.

13. All persons residing in an enumeration block shall give the necessary informations or deliver or cause to be delivered the necessary returns to the Enumerator appointed to record the particulars for that block and to any other duly appointed Census officer who may make enquiries for the purposes of the census.

Responsibility of persons towards Enumerators.

14. All persons falling to be included within the institutions, commercial or industrial establishments, hotels, boarding houses and similar places of residence, sea-going vessels for Census purposes which have not been constituted separate enumeration blocks and fall to be included under Regulations 9, 10, 11, 12, herein, shall give the necessary informations to the person charged with making returns in respect of them, to be delivered at due date to the Enumerator in whose block such institutions and establishments are located.

Responsibility of persons towards those, who not being Enumerators, must make returns.

15. The persons with respect to whom census returns shall be made for each place of residence shall be all those who are

The persons for whom or by whom

returns are to be made—
General. alive at midnight on the night of the Census and pass the night in that place of residence or on any premises in the grounds thereof.

The persons for whom returns are to be made—
Special. 16. The persons falling to be included within the institutions, establishments, hotels and other residential places which are the subjects of Regulations 9, 10 and 11 are those who pass the night of the census in the institution, establishment, hotel or other similar residential place or on any premises in the grounds thereof and those who arrive and are received into the institution, establishment, hotel or other similar residential place before the returns have been delivered to the Enumerator, and who are unable to satisfy the person responsible for making the returns that they have been enumerated elsewhere.

Enumerator may pay number of visits for preparing his record. 17. An enumerator shall not be limited prior to the night of the census in the number of his visits to any place of residence for the purpose of preparing the returns in respect of the persons therein residing.

E. THE CENSUS RECORD AND THE FORMS TO BE USED.

Unit of Census Record. 18. The unit of the census record shall be the enumeration book which shall contain all the required particulars of all persons residing in the enumeration block.

The Enumeration Book. 19. The enumeration book shall consist of:—

- (i) The cover, on which shall be printed
 - (a) Descriptive particulars of the book,
 - (b) Instructions to enumerators, and
 - (c) Specimen schedules;
- (ii) The requisite number of general schedules in which are to be recorded by the enumerator all the particulars of persons for whose enumeration he is personally responsible;
- (iii) The requisite number of household schedules in which are to be recorded all the particulars of persons in the household or institution, establishment or hotel in respect of which the household schedules have been issued;
- (iv) The house/block list in which is to be recorded the details of houses in the enumeration block and a note of any house or institution in respect of which a household schedule has been issued;
- (v) The enumerator's abstract.

The form of the Enumeration Book. 20. The enumeration book shall be in the form appended to these Regulations.

21. Save as otherwise provided in these Regulations the Superintendent of Census shall have complete and absolute discretion as to the issue of household schedules in respect of any person or persons, house or institutions of any kind whatever.

Issue of Household schedules at absolute discretion of Superintendent of Census.

22. The Superintendent of Census may, for the purpose of declaring the provisional totals of population male and female for districts, after the census has been taken, detach from the enumeration book the enumerator's abstracts, and thereafter, the unit of the census record shall be the enumeration book without such enumerator's abstract.

Enumerator's abstracts to be detached after the census.

23. A person having the custody, whether on his own behalf or on behalf of any other person, of any forms of returns, enumeration books, or other confidential documents relating to the census shall keep such forms, books and other documents in such manner as to prevent any unauthorised person having access thereto.

Custody of census returns and other confidential census documents.

15th September, 1931. B.—O.G. No. 289 of 16.8.1931.

E.—Ex. of 16.9.1931.

CHEQUES.

SEE BILLS OF EXCHANGE.

CINEMATOGRAPH.

THE CINEMATOGRAPH FILMS ORDINANCE,

No. 27 of 1927.

An Ordinance to provide for the Censorship of Cinematograph Films.

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 Cinematograph Films Short title. Ordinance, 1927.

2. "Board" means the Censorship Board constituted under Definitions. this Ordinance.

"Public Entertainment" has the meaning assigned to the term in the Intoxicating Liquors and Public Entertainments Ordinance, 1922.

"Superior Police Officer" has the meaning assigned to the term in the Police Ordinance, 1926.

“District Commissioner” includes a Deputy District Commissioner and an Assistant District Commissioner.

Constitution of a Censorship Board.

3. (1) A Censorship Board shall be established in Jerusalem composed of the Deputy District Commissioner of Jerusalem and such other persons, of whom one at least shall be a woman, as the High Commissioner may from time to time nominate. The Deputy District Commissioner of Jerusalem shall be Chairman of the Board¹⁾.

(2) A quorum of the Board shall be formed by two members, of whom one at least shall be an officer of the Government.

(3) The Board may at any time co-opt any person for the purpose of advising upon the fitness for exhibition of any film submitted to them.

Exhibition of film without authority forbidden.

4. (1) No cinematograph film shall be exhibited unless it shall have been authorised for exhibition and marked by the Board.

(2) For the purpose of this Section, a film shall be deemed to be exhibited when it is exposed to the view of two or more persons, including the operator, at any public entertainment.

Advertisement of film not to be exhibited unless authorised.

5. No person shall display or cause to be displayed any picture, photograph, poster, or figure advertising any cinematograph performance unless the same has been approved by the Board and marked by it.

Application to the Board for authorisation.

6. (1) Any person desiring the authority of the Board to exhibit a film shall apply therefor in writing to the Board stating the title, subject, and description of the film, and submit a series of photographs of every scene included in the film, and copies of any picture, photograph, poster, or figure to be used for the advertisement of the film. He shall, if required, project the film before the Board.

(2) The Board may in its discretion grant, either with or without conditions imposed, or withhold authority for the exhibition of any film or any part thereof, or any advertisement of a film.

(3) If the authority is not granted the Board shall, on demand, give a certificate to the applicant stating the refusal; and on production of such certificate and of proof of the exportation of the film, any Customs dues paid on the introduction of the film into Palestine may be refunded.

Interdiction of authorised films.

7. (1) The mark affixed by the Board under the provisions of Sections 4 and 5 shall cease to be valid on notice to that effect being given by the Secretary of the Board to the person who sub-

¹⁾ See O.G. No. 203 of 16.1.1928 and O.G. No. 275 of 16.1.1931.

mitted the film or picture, photograph, poster, or figure to be marked, or to any person in possession thereof.

(2) If in either case mentioned in subsection (1) such a person cannot be found, notice may be given by publication in the Official Gazette.

8. (1) Any person who exhibits or displays or causes to be exhibited or displayed any film or part of a film, or any picture, photograph, poster, or figure advertising a film :-

Offences and penalties.

(a) which has not been marked by the Board;

(b) which, if marked, has been altered or tampered with in any way, save by reducing the length of the film, since such mark was affixed;

(c) the mark of which has ceased to be valid under Section 7 hereof;

shall be liable, on conviction, to a fine not exceeding £E. 50 or imprisonment for a period not exceeding one month.

(2) Nothing in this Ordinance shall affect the liability of any person to prosecution for any performance which is of an indecent character or is calculated to disturb the public peace; provided that no person shall be punished twice for the same offence¹⁾.

(3)¹⁾

9. (1) Any member of the Board, and any Superior Police Officer, District Officer, or Officer of the Department of Education authorised by the Director may at any time enter upon any place of public entertainment where a cinematograph film is being exhibited.

Search for unauthorised film and arrest of persons concerned.

(2) Any member of the Board or any person authorised in writing by the Secretary of the Board, or any Superior Police Officer, on being satisfied that there is good reason to believe that a film not authorised for exhibition in accordance with this Ordinance has been or is being exhibited in any place of public entertainment, may, without warrant, at any time enter and search such place and seize any film or part of a film reasonably supposed to be exhibited without such authority, and may arrest any person reasonably supposed to be concerned with such exhibition.

10. (1)¹⁾ An applicant for authority to exhibit a film shall pay a fee of PT. 25 on application in respect of each film and any advertisement connected therewith.

Fees.

(2) Exemption from payment of the fee may be granted by the Board where it is satisfied by a certificate of the District

¹⁾ See O. G. No. 285 of 16.6.1931.

Commissioner that the film will be exhibited exclusively for a charitable or educational purpose.

Regulations. 11. ¹⁾ The High Commissioner may make, and when made, may vary and revoke, Regulations providing for the following matters: —

- (a) the composition and procedure of the Board;
- (b) the form of authorisation to be used by the Board;
- (c) generally, for the application of the Ordinance ²⁾).

Repeals. 12. The Public Notices concerning the censorship of cinematograph films dated 20th July, 1921, and 15th March, 1923, are hereby repealed.

B. — O. G. No. 188 of 1. 6. 1927.

16th October, 1927. P. — O. G. No. 197 of 16.10.1927.

Con. — O. G. No. 204 of 1. 2. 1928.

CINEMATOGRAPH FILMS ORDINANCE, 1927.

NOTICE.

In exercise of the powers vested in him by Section 3 of the Cinematograph Films Ordinance, 1927, His Excellency the High Commissioner has been pleased to nominate the following persons to be members of the Censorship Board under the chairmanship of the Deputy District Commissioner, Jerusalem Division: —

The Welfare Inspector.

A representative of the Commandant of Police.

A representative of the Department of Education.

A representative of the Jerusalem Chamber of Commerce.

Mr. P.C.F. Aylmer-Harris ³⁾).

Adil Eff. Jabr.

A member of the staff of the Deputy District Commissioner, Jerusalem Division will act as Secretary to the Board.

27th December, 1927. O. G. No. 203 of 16.1.1928.

CINEMATOGRAPH FILMS ORDINANCE, 1927.

Regulation made by the Officer Administering the Government, under Section 11.

In exercise of the powers vested in the High Commissioner by Section 11 of the Cinematograph Films Ordinance, 1927, I, Harry Charles Luke, Officer

¹⁾ See O. G. No. 285 of 16.6.1931.

²⁾ See O. G. No. 220 of 1.10.1928 and O. G. No. 291 of 16.9.1931.

³⁾ See Cinematograph Films Ord. O. G. No. 275 of 16.1.1931.

Administering the Government of Palestine, hereby make the following Regulation:

The licence of the Censorship Board authorising the exhibition of a film shall be projected on the screen at each exhibition.

19th September, 1928. O. G. No. 220 of 1.10.1928.

CINEMATOGRAPH FILMS ORDINANCE, 1927.

NOTICE.

In exercise of the powers vested in him by Section 3 of the Cinematograph Films Ordinance, 1927, the High Commissioner has nominated the following persons to be members of the Censorship Board:

- Mrs. Dortea Aylmer-Harris, Mr. Max Nurock, Assistant Secretary.
2. Mr. P.C.F. Aylmer-Harris has ceased to be a member of the Board.

10th January, 1931. O. G. No. 275 of 16.1.1931.

CINEMATOGRAPH FILMS ORDINANCE, 1927-1931,

No. 5 of 1931.

An Ordinance to amend the Cinematograph Films Ordinance, 1927.

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 Cinematograph Films (Amendment) Ordinance, 1931, and the Cinematograph Films Ordinance, 1927 (hereinafter called the Principal Ordinance) and this Ordinance may together be cited as the Cinematograph Films Ordinance, 1927-1931. Short title.
No. 27 of
1927.
2. The following shall be added to Section 8 of the Principal Ordinance as sub-section (3) thereof: Amendment
of Section 8 of
the Principal
Ordinance.

“(3) Any person who contravenes any provision of this Ordinance for which no other penalty is provided, or any provision of a Regulation issued under this Ordinance, shall be liable, on conviction, to a fine not exceeding £P. 5”.
3. Section 10 (1) of the Principal Ordinance shall be repealed and the following shall be substituted therefor: Replacement
of Section 10
(1) of the
Principal
Ordinance.

“(1) An applicant for authority to exhibit a film shall pay on application the prescribed fee in respect of each film and any advertisement connected therewith”.

Replacement of Section II of the Principal Ordinance. 4. Section II of the Principal Ordinance shall be repealed and the following shall be substituted therefor:
 "II. The High Commissioner may make Regulations providing for the following matters:

- (a) the composition and procedure of the Board;
- (b) the form of authorisation to be used by the Board;
- (c) the fee to be paid on an application for authority to exhibit a film and any advertisement connected therewith;
- (d) generally, for the application of the Ordinance".

B.—O. G. No. 285 of 16.6.1931.

E.—O. G. No. 291 of 16.9.1931.

CINEMATOGRAPH FILMS ORDINANCES, 1927—1931.

Regulations made under Section II.

IN EXERCISE of the powers vested in the High Commissioner by Section II of the Cinematograph Films Ordinances, 1927—1931 the Officer Administering the Government has made the following Regulations:—

1. The fee payable under Section 10 (1) of the Ordinance on application in respect of each film other than news film and any advertisement connected therewith shall be £p. 1.

2. The fee payable under Section 10 (1) of the Ordinance on application in respect of each news film and any advertisement connected therewith shall be 100 mils.

3. The Board may constitute one or more Sub-Committees consisting of not less than two members of the Board for the purpose of considering any application to the Board of authority to exhibit a film and any such Sub-Committee may require the applicant to project the film. Every such Sub-Committee shall report to the Board on the applications which it has considered and the Board shall not grant or withhold authority to exhibit any film in respect of which the application for such authority has been considered by a Sub-Committee of the Board until the Board has taken into account the report of such Sub-Committee.

16th September, 1931. O. G. No. 291 of 16.9.1931.

CINEMATOGRAPH.

SEE CUSTOMS.

CITIZENSHIP.

PALESTINIAN CITIZENSHIP ORDER, 1926.

REGULATION.

The following addition shall be made to Regulation 23 of the Regulations made under the Palestinian Citizenship Order, 1925, published in the Official Gazette of the 16th of September, 1925 :

No fee shall be charged on the grant of a Certificate of Palestinian citizenship under Article 4 or on the application for a Certificate under Article 5; or on the application for or the grant of a Certificate of Naturalization under Articles 7 and 9 (2) of the Order, where the person who makes the application or receives the grant served with His Britannic Majesty's Forces during the War.

30th August, 1926. O. G. No. 170 of 1.9.1926.

PALESTINE CITIZENSHIP ORDER IN COUNCIL, 1925.

REGULATION.

In Regulation 22 (1)¹⁾ of the Regulations under the Palestinian Citizenship Order, which were published in the Official Gazette of the 16th of September, 1925, the words "or an Inspector of the Immigration and Travel Section" shall be added after the words "Assistant District Commissioner".

20th January, 1927. O G. No. 180 of 1.2.1927.

PALESTINIAN CITIZENSHIP ORDER, 1925.

REGULATIONS.

1. Paragraph 17 of the Regulations under the Palestinian Citizenship Order, 1925, which were published in the Official Gazette of the 15th of September, 1925, is hereby cancelled and the following shall be substituted therefor :-

"An application for Palestinian Citizenship under Article 5 of the Order, and an application for naturalization under Article 7 of the Order shall be made direct to the Chief Immigration Officer, Jerusalem, or through an Inspector of the Immigration and Travel Section or a District Superintendent of Police :

Provided that an application under Article 5 by a person engaged in study at a recognised University or technical Institute out of Palestine may

¹⁾ See O.G. No. 264 of 1.8.1930.

be made to a British Consular Officer, by whom the application shall be countersigned".

2. The following sentence shall be added to item (f) of paragraph 23 of the Regulations :

"If the application is made out of Palestine by a student, an additional fee of P.T. 15 shall be paid to be retained by the Consul".

3. The words "Controller of the Permits Section" shall be substituted by the words "Chief Immigration Officer" wherever they appear in the same Regulations.

17th March, 1927. O.G. No. 184 of 1.4.1927.

PALESTINE CITIZENSHIP ORDER-IN-COUNCIL, 1925.

Notice by the Officer Administering the Government.

Notice is hereby given that any person who made a declaration of intention to opt for Palestinian citizenship in accordance with the provisions of the Palestine Legislative Council Order-in-Council, 1922, and desires to acquire Palestinian citizenship pursuant to Article 5 of the Palestine Citizenship Order-in-Council, 1925, should apply therefor to the Chief Immigration Officer at Jerusalem not later than a year from the date of this notice, that is, the 16th August, 1929.

The High Commissioner will not be prepared to approve the grant of a certificate of citizenship under the said Article to any person who fails to apply within the time specified.

3rd August, 1928. O.G. No. 217 of 16.8.1928.

PALESTINE CITIZENSHIP ORDER-IN-COUNCIL, 1925.

Regulation made by the High Commissioner

In exercise of the powers vested in me by Article 19 of the Palestine Citizenship Order-in-Council, 1925, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Regulation.

Every person applying for a certificate of Palestinian naturalization under Article 7 or Article 9 (2) of the said Order-in-Council shall attach to his form of application two recent photographs of himself, and, if he is married, of his wife.

19th February, 1930. No. 254 of 1.3.1930.

PALESTINE CITIZENSHIP ORDER-IN-COUNCIL, 1925.

Regulations by the Officer Administering the Government.

In exercise of the powers vested in the High Commissioner by Article 19 of the Palestine Citizenship Order-in-Council, 1925, I, Sir Steuart Spencer Davis, Officer Administering the Government of Palestine, hereby make the following Regulation.

In addition to the officers named in paragraph 22 of the Regulations published in the Gazette of the 16th September, 1925, the Assistant Chief Immigration Officer may administer the Oath of Allegiance or accept a solemn affirmation in lieu thereof.

12th July, 1930. O. G. No. 264 of 1.8.1930.

PALESTINIAN CITIZENSHIP AMENDMENT ORDER, 1931.

AT THE COURT AT BUCKINGHAM PALACE.

The 23rd day of July, 1931.

Present,

THE KING'S MOST EXCELLENT MAJESTY.

Lord President.

Mr. Secretary Wedgwood Benn.

Earl of Athlone.

Sir Maurice de Bunsen.

WHEREAS by the Palestinian Citizenship Order, 1925 (hereinafter referred to as the Principal Orders), provision was made for the regulation of the grant and acquisition of Palestinian citizenship:

AND WHEREAS it is expedient to amend the Principal Order as hereinafter set forth:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) Turkish subjects who were habitually resident in the territory of Palestine upon the sixth day of August, 1924, but ceased to be so habitually resident before the first day of August, 1925, shall be deemed to have become Palestinian citizens, unless before the date of this Order they shall have voluntarily acquired another nationality.

(2) Nevertheless, the High Commissioner shall have power in the case of any person who becomes a Palestinian citizen by virtue of the preceding paragraph and shall make an application to this effect within four years of the date of this Order, to apply to any such person the provisions of paragraphs 2 and 3 of Article 1 of the Palestinian Citizenship Order, 1925, and to extend the period of option provided for therein.

2.—(1) Article 10 (1) of the Principal Order is hereby repealed and the following is substituted therefor :

“Where it appears to the High Commissioner that a certificate of naturalization granted by him has been obtained by false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate is granted has, since the grant, been for a period of not less than three years ordinarily resident out of Palestine and has not maintained substantial connection with Palestine, or has shown himself by act or speech to be disaffected, or disloyal to the Government of Palestine, the High Commissioner may, subject to the approval of one of His Majesty’s Principal Secretaries of State, by order revoke the certificate, and the order of revocation shall have effect from such date as the High Commissioner may direct.

(2) Article 10 (2) of the Principal Order is hereby repealed, and the following is substituted therefor:—“The High Commissioner may, for the like reasons, and subject to the like approval, annul a Certificate of Citizenship granted under the provisions of Articles 4 and 5 hereof, or a declaration of the acquisition or resumption of citizenship made under the provisions of Articles 12 (1) and 14 (2) of this Order”.

3. Article 11 (1) (b) of the Principal Order is hereby repealed, and the following is substituted therefor:—“The High Commissioner shall not make any such Order as aforesaid in the case of a wife who was at birth, or who became, in virtue of Articles 1 and 6 of this Order, a Palestinian citizen; unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Order”.

4. His Majesty, His Heirs and Successors, in Council, may at any time revoke, alter, or amend this Order.

5.¹⁾ This Order shall be published and proclaimed in Palestine, and the date of such publication shall be deemed to be the date of the commencement of this Order.

6. This Order shall be known as the Palestinian Citizenship (Amendment) Order, 1931, and shall be read and construed as one with the Principal Order.

O.G. No. 290 of 1.9.1931.

PALESTINIAN CITIZENSHIP AMENDMENT ORDER, 1931.

PROCLAMATION.

WHEREAS His Majesty, KING GEORGE V, has been pleased by and with the advice of his Privy Council, to order by an Order in Council entitled the Palestinian Citizenship (Amendment) Order, 1931, that the Palestinian Citizenship Order in Council, 1925, be amended.

¹⁾ See—O.G. No. 291 of 16.9.1931.

AND WHEREAS Article 5 of the said Order provides that the Order shall be published and proclaimed in Palestine,

Now, I, MARK AITCHISON YOUNG, Officer Administering the Government of Palestine, hereby proclaim and order as follows:

The Palestinian Citizenship (Amendment) Order, 1931, shall come into operation and have effect in Palestine as from the date of this Order.

15th September, 1931. O.G. No. 291 of 16.9.1931.

COINAGE.

COINAGE ORDINANCE,

No. 48 of 1927.

An Ordinance to amend the Law regarding offences relating to the Coinage.

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 Coinage Ordinance, 1927. Short title.

2. In this Ordinance, unless the context otherwise requires, Definitions.
 “Current” applied to coin means coin of any of the kinds and denominations which are lawfully used as money in Palestine;

“Metal” includes any mixture or alloy of metals;

“Nickel coin” includes any coin made of metal of a less value than the silver or alloy of silver used in the silver coin of the country in question;

“Counterfeit” applied to coin, means coin not genuine but resembling or apparently intended to resemble or pass for genuine coin, and includes genuine coin which has been prepared or altered so as to resemble or to be apparently intended to resemble or pass for coin of a higher denomination, and also genuine coin which has been clipped or filed, or the size or weight of which has been otherwise diminished, and which has been prepared or altered so as to conceal such clipping, filing, or diminution: it includes any such coin whether it is or is not in a fit state to be uttered, and whether the process of preparation or alteration is or is not complete;

“Gild” and “Silver” applied to coin, include producing the appearance of gold or silver respectively by any means whatever;

“Utter” includes using, dealing with, or acting upon, and attempting to use, deal with, or act upon, and attempting to induce

any person to use, deal with, or act upon the thing in question as if it were genuine.

Counterfeiting
gold and
silver coin.

3. (1) Any person who makes or begins to make any counterfeit gold or silver coin is guilty of an offence.

(2) If the offence is committed with respect to current coin, he shall be liable on conviction to penal servitude not exceeding fifteen years.

(3) If the offence is committed with respect to coin other than current coin, he shall be liable on conviction to penal servitude not exceeding seven years.

Preparation
for coining
gold and
silver coin.

4. Any person who:

(a) gilds or silvers any piece of metal of a fit size or figure to be coined, with intent that it shall be coined into counterfeit gold or silver coin; or

(b) makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit gold or silver coin, with intent that such counterfeit coin shall be made from it; or

(c) without lawful authority or excuse, the proof of which lies on him,

(i) buys, sells, receives, pays, or disposes of any counterfeit gold or silver coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing;

(ii) brings or receives into Palestine any counterfeit gold or silver coin, knowing it to be counterfeit; or

(iii) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any stamp or mould which is adapted to make the resemblance of both or either of the sides of any gold or silver coin, or any part of either side thereof, knowing the same to be such a stamp or mould or to be so adapted; or

(iv) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any tool, instrument, or machine, which is adapted or intended to be used for marking coin round the edges with marks or figures apparently resembling those on the edges of any gold or silver coin, knowing the same to be so adapted or intended; or

(v) makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any press for coinage, or any tool, instrument, or machine,

which is adapted for cutting round blanks out of gold, silver or other metal, knowing such press, tool, instrument or machine to have been used or to be intended to be used for making any counterfeit gold or silver coin; or

(vi) knowingly conveys out of any mints of His Britannic Majesty any stamp, mould, tool, instrument, machine or press used or employed in coining, or any useful part of any of such things, or any coin, bullion, or metal, is guilty of an offence.

(2) If the offence is committed with respect to current coin, he shall be liable on conviction to penal servitude not exceeding fifteen years.

(3) If the offence is committed with respect to coin other than current coin, he shall be liable on conviction to penal servitude not exceeding seven years.

5. Any person who deals with any current gold or silver coin in such a manner as to diminish its weight with intent that when so dealt with it may pass as current gold or silver coin is guilty of an offence and shall be liable on conviction to penal servitude not exceeding fifteen years. Clipping.

6. Any person who unlawfully has in his possession or disposes of any fillings or clippings of gold or silver, or any gold or silver in bullion, dust, solution, or any other state, obtained by dealing with current gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, is guilty of an offence, and shall be liable on conviction to penal servitude not exceeding seven years. Possession of clippings.

7. (1) Any person who utters any counterfeit gold or silver coin, knowing it to be counterfeit, is guilty of an offence. Uttering counterfeit gold or silver coin.

(2) If the offence is committed with respect to current coin, he shall be liable on conviction to imprisonment not exceeding two years.

(3) If the offence is committed with respect to coin other than current coin, he shall be liable on conviction to imprisonment not exceeding one year.

(4) A person found committing the offence may be arrested without warrant.

8. Any person who —

(a) utters any counterfeit gold or silver coin, knowing it to be counterfeit, and at the time of such uttering has in his possession any other counterfeit gold or silver coin; or Repeated uttering of counterfeit current gold or silver coin or possession of several such coins.

(b) utters any counterfeit gold or silver coin, knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing, utters any other counterfeit current gold or silver coin, knowing it to be counterfeit; or

(c) has in his possession three or more pieces of counterfeit current gold or silver coin, knowing them to be counterfeit, and with intent to utter any of them; is guilty of an offence and shall be liable on conviction to imprisonment not exceeding three years.

Offence after
previous
conviction.

9. Any person who commits any of the offences defined in the last two preceding Sections, after having been previously convicted of any of those offences committed with respect to current coin, or of any offence committed with respect to current coin, or after having been twice previously convicted of any of those offences committed with respect to coin other than current coin, is guilty of an offence and shall be liable on conviction to penal servitude not exceeding fifteen years.

Counterfeiting
nickel coin.

10. (1) Any person who : —

(a) makes, or begins to make, any counterfeit nickel coin; or

(b) without lawful authority or excuse, the proof of which lies on him, knowingly makes or mends, or begins, or prepeares to make or mend, or has in his possession, or disposes of any tool, instrument, or machine which is adapted and intended for making any counterfeit nickel coin; or

(c) buys, sells, receives, pays, or disposes of any counterfeit nickel coin at a lower rate of value than it imports, or was apparently intended to import, or offers to do any such act; is guilty of an offence.

(2) If the offence is committed with respect to current coin, the offender shall be liable on conviction to penal servitude not exceeding seven years.

(3) If the offence is committed with respect to coin other than current coin, the offender shall be liable on conviction to imprisonment not exceeding one year. If found committing the offence he may be arrested without warrant.

(4) If the offence is committed with respect to coin other than current coin and the offender has been previously convicted of any such offence, he shall be liable on conviction to penal servitude not exceeding seven years.

Uttering base
nickel coin.

11. (1) Any person who :-

(a) utters any counterfeit current nickel coin, knowing it to be counterfeit; or

(b) has in his possession three or more pieces of counterfeit current nickel coin, knowing them to be counterfeit, and with intent to utter any of them; is guilty of an offence, and shall be liable on conviction to imprisonment not exceeding one year.

(2) A person found committing the offence may be arrested without warrant.

12. (1) Any person who defaces any current coin by stamping thereon any name or word, whether the weight of the coin is or is not thereby diminished, is guilty of an offence, and shall be liable on conviction to imprisonment not exceeding one year.

Defacing coin by stamping words thereon.

(2) A person found committing the offence may be arrested without warrant.

13. (1) Any person who, with intent to defraud, utters as and for current gold or silver coin:

(a) any coin which is not current coin; or

(b) any metal or piece of metal, whether a coin or not, which is of less value than the current coin as and for which it is uttered;

is guilty of an offence, and shall be liable on conviction to imprisonment not exceeding one year.

Uttering foreign coin, medals, etc. as current coin with intent to defraud.

(2) A person found committing the offence may be arrested without warrant.

14. (1) Any person who, without lawful authority or excuse, the proof of which lies on him, exports or puts on board of a vessel or vehicle of any kind for the purpose of being exported from Palestine, any counterfeit current coin whatever, knowing it to be counterfeit, is guilty of an offence, and shall be liable on conviction to imprisonment for two years.

Exporting counterfeit coin.

(2) A person found committing the offence may be arrested without warrant.

15. (1) Any person who, without lawful authority or excuse, the proof of which lies on him, has in his possession more than five pieces of counterfeit coin other than current coin, is guilty of an offence, and shall be liable on conviction to a fine not exceeding two pounds for every such counterfeit coin found in his possession, and to forfeiture of the counterfeit coin which shall be destroyed by order of the Court.

Having possession of more than five pieces of counterfeit coin, other than current coin.

(2) In default of immediate payment of the fine, he shall be liable to imprisonment not exceeding three months.

16. (1) Any person who utters any current coin which is defaced by the stamping of any name or word thereon is guilty

Tender of defaced coin not legal tender.

Penalty for uttering. of an offence, and shall be liable on conviction to a fine not exceeding two pounds.

(2) A tender of payment in money made in any coin so defaced is not a legal tender.

(3) A prosecution for any such offence shall not be commenced without the consent of the Attorney General.

Repeal. 17. The following Articles of the Ottoman Penal Code shall no longer have effect in Palestine, namely, Articles 143, 144, 145, 146 and 147, provided that nothing in this Section shall be deemed to revive any provisions of the Ottoman Law which are repealed by the Articles mentioned.

16th December, 1927. B.—O.G. No. 199 of 16.11.1927.

P.—O.G. No. 201 of 16.12.1927.

Con.—O.G. No. 208 of 1. 4. 1928.

COINAGE AMENDMENT ORDINANCE,

No. 14 of 1929.

No. 48 of 1927. An Ordinance to amend the Coinage Ordinance, 1927.

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 Coinage Amendment Ordinance, 1929, and the Coinage Ordinance, No. 48 of 1927, and this Ordinance may be cited as the Coinage Ordinances, 1927-1929.

Counterfeit coin to be impounded. 2. Any Officer of the Government or the Manager of any Bank who receives any coin which he has reasonable ground for believing to be counterfeit coin shall impound such coin and transmit it to the Treasurer who may cut, deface, or destroy it with or without compensation, as he thinks fit, if in his opinion it is counterfeit.

The decision of the Treasurer that a coin is counterfeit, and that compensation should be granted or withheld shall be final; and no person shall be entitled to claim, and no proceedings or action shall be brought against the Treasurer or the Government of Palestine in respect of any loss or damage suffered by reason of such impounding and cutting, defacing or destruction.

30th April, 1929. B.—O.G. No. 230 of 1.3.1929.

E.—O.G. No. 234 of 1.5.1929.

Con.—O.G. No. 237 of 16.6.1929.

COLLECTION OF TAXES.

COLLECTION OF TAXES ORDINANCE,

No. 26 of 1929.

An Ordinance to regulate the Collection of Taxes.

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 Collection of Taxes Ordinance, 1929. Short Title.

2. In this Ordinance and in any Regulations made thereunder the following words shall, unless the context otherwise requires, have the following meanings :- Definitions.

“Tax” includes the Ottoman House and Land Tax (Werko), the Ottoman Tax on Buildings (Musaqqafat), the Bedl Ushr Tax, the Urban Property Tax, the Tithe or Commuted Tithe, the Animal Tax and any tax, fee, rate, loan or other payment the collection of which is or shall be declared to be subject to the Law for the Collection of Taxes.

“District Commissioner” includes a Deputy District Commissioner and Assistant District Commissioner.

“District Officer” means the Officer in charge of a Sub-District.

“Tax Collector” includes a Mukhtar or any person appointed by a District Commissioner to exercise the functions of a Tax Collector.

“Mukhtar” includes any person appointed by a District Commissioner to exercise the functions of a Mukhtar.

“Village” includes a town and a tribal area.

“Defaulter” means any person who has not paid any tax due on the due date.

“Goods” includes any kind of movable property.

3. A tax shall be paid on the dates determined in the Law prescribing the tax, or, in default of such provisions, in accordance with Regulations made under this Ordinance. Date of payment of tax.

4¹. (1) Where any amount has been duly assessed upon any person in respect of any tax and such person fails to pay the amount within 15 days after it has become payable by him, and after service upon him of a written or printed demand calling upon him to pay the sum due and unpaid, a District Officer shall issue a warrant to a tax collector commanding him to demand Execution where failure to pay.

¹) See O. G. No. 258 of 1.5.1930.

immediate payment of the sum due; and in default of payment to levy it by the seizure and sale of the movable property of the person by whom it is payable in the manner hereinafter mentioned.

(2) Every demand shall be deemed to be sufficiently served if left at the usual residence or place of business of a person from whom it is made, or with the mukhtar of the village or quarter.

Execution of
warrant.

5. (1)¹) The tax collector shall demand the immediate payment of the sum named therein from the person by whom it is payable; "and, upon his refusal or neglect to pay, he shall enter the house or lands of the person in default and seize such of his goods found in or upon his house or lands as he shall deem sufficient", and subject to the provisions hereof, keep the goods so seized for the space of two days at the cost and charge of the person in default. If such person does not pay the amount mentioned, together with the cost and charges of seizure, within the two days, the goods shall be sold by auction by Order of the District Commissioner in such place as the District Commissioner directs: Provided that if the goods seized are perishable goods, they may be sold by auction forthwith by Order of the District Commissioner. The proceeds of the sale shall be used for the payment of the sum due and the costs and expenses of execution, and the surplus, if any, shall be restored to the owner.

(2) The District Commissioner may issue a further warrant authorising and requiring the tax collector if he is unable to obtain admittance to any house or premises of a defaulter for the purpose of executing the warrant, in the presence of the mukhtar or two notables of the village or quarter in which the house is situate or of a Police Officer, to break open in the daytime the said house or premises and enter them and execute the original warrant in the manner provided herein.

Execution of
warrant in
other district.
If insufficient
movable
goods tax
collector may
attach rents
etc., due to
defaulter.

6. If no sufficient goods of a defaulter are found within the District in which the warrant was issued, but it appears that he has goods which may be attached in any other District, the warrant shall, upon the application of the tax collector to whom it is directed, be sealed by the Commissioner of such other District, and may thereupon be executed within such District as if it had originally been issued therein.

Attachment
of salary,
rents or debts.

7. The District Commissioner may, without prejudice to the right of seizure and sale of the movable property of a defaulter

¹) R.—See O.G. No. 256 of 1.4.1930.

- (a) attach any rents or debts due to the defaulter ;
 (b) if the defaulter is an officer or employee of the Government or in receipt of a salary from any person, attach one quarter of his salary or pay.

8. (1)¹⁾ If no sufficient goods of the defaulter are found in his house or upon his lands, and if, on inquiry, it shall appear that the defaulter owns immovable property, whether registered in his name or not, capable of being sold for the payment of the sum due, the District Commissioner, upon proof of such insufficiency, may issue a warrant for the sale of such immovable property or sufficient part thereof in like manner as if it were sold by Order of the competent Court for payment of a judgment debt. The proceeds of such sale shall be applied in payment of the sum due ; and the surplus thereof, after deducting the sum due and the cost and charges of the sale and all proceedings in connexion therewith, shall be paid to the defaulter.

Sale of immovable property where no sufficient goods.

(2) If the defaulter owns more than one immovable property, he may select which of his properties shall be sold: Provided that the value is, in the opinion of the District Commissioner, adequate to cover the sum due ; and provided, further, that if the proceeds of the sale of the property so selected are not sufficient for the payment of the sum due, another property may be selected for sale by the District Commissioner.

9. If an immovable property which is offered for sale cannot be sold by auction, the property shall be transferred in the Land Registers to the Government at a value estimated by a land valuer appointed by the Commissioner of Lands. A defaulter shall have the right to redeem such property within a period of three years from the date of the transfer, on payment of the sum due and all costs and expenses incurred. During the said period of three years the Government shall be entitled to lease the property for any term not exceeding three years ; and if the Government have so leased the property and the defaulter redeems it, the property shall be retransferred to the former owner subject to the terms of the lease. The rent of the property so leased shall be disposed of in accordance with Regulations under this Ordinance.

Transfer of immovable property to Government where sale abortive.

10. If no sufficient goods of the defaulter are found, but it is certified by the Mukhtar or by two notables of the village that the defaulter is able to pay the tax due, upon the application of a tax collector and upon proof of the failure to collect the sum due and of the ability of the defaulter to pay, a Magistrate¹⁾ may

Committal of defaulter to prison.

¹⁾ See O.G. No. 258 of 1.5.1930.

summon the defaulter and make such Order for the payment of the sum due, either forthwith or by instalments, as he shall think fit; and in default of payment of the sum due or any instalment thereof, may without further process commit the defaulter to prison for a term not exceeding one month unless payment shall be made before the expiration of that period. Provided always that no imprisonment under this Section shall operate as a discharge of the defaulter's liability to pay any sum or instalment in respect of which the imprisonment was ordered.

Goods exempt from seizure.

11. It shall not be lawful to seize or sell by virtue of any warrant issued under this Ordinance any goods or articles which are exempt from seizure in accordance with the provisions of the Ottoman Code of Civil Procedure.

Charge of the tax on immovable property of defaulter.

12. 1) In addition to the provisions of the preceding Sections, the tax due shall be a first charge on any immovable property of the defaulter, and no transaction in respect of such property shall be entered in any register of the Government save with the consent of the District Commissioner, unless it has been ascertained that the tax due has been paid.

Regulations.

13. The High Commissioner may make, and when made, may vary or revoke Regulations 2) as to:-

(a) the procedure of attachment, custody and sale of property seized under this Ordinance;

(b) the form of demands, certificates and warrants;

(c) the fees and charges in respect of any process under this Ordinance;

(d) generally, for the purpose of carrying out this Ordinance.

Ottoman Law no longer to apply.

14. The Ottoman Law for the Collection of Taxes dated August 5th, 1325 A. H., shall no longer have effect in Palestine.

15th July, 1929. B.—O.G. No. 229 of 16.2.1929.

E.—O.G. No. 239 of 16.7.1929.

COLLECTION OF TAXES ORDINANCES, 1929-1930.

Regulations made by the High Commissioner under Section 13.

In exercise of the powers vested in me by Section 13 of the Collection of Taxes Ordinances, 1929-1930, I, Sir John Robert Chancellor, High Commissioner for Palestine, hereby make the following Regulations:-

1) See O.G. No. 258 of 1.5.1930.

2) See O.G. No. 258 of 1.5.1930 and O.G. No. 280 of 1.4.1931.

1. Where no date has been prescribed for the payment of tax, it shall be paid on demand, after notification by the District Commissioner that the tax is due.

When tax is payable where no date is prescribed.

2. When immovable property is leased in accordance with the provisions of Section 9 of the Ordinance, the rent shall be paid into the Government Treasury, and if within the period of three years during which the person in default may redeem the property, the amount of the taxes due together with all the costs and expenses is satisfied, any surplus shall be paid to the defaulter and the property shall be retransferred to him.

Method of disposal of rent of immovable property.

3. (1) The demand to pay the sum due and unpaid shall be in Form CT/1 scheduled hereto.

Procedure of seizure and sale of movable property.

(2) The Warrant of the District Officer to seize and sell movable property shall be in Form CT/2¹⁾ scheduled hereto.

(3) The Warrant of the District Commissioner to break open any house to execute a warrant shall be in Form CT/3¹⁾ scheduled hereto.

(4) When movable goods are seized, a certificate shall be made out in Form CT/4 scheduled hereto.

(5) The Notice of Sale of movable property shall be in Form CT/5 scheduled hereto.

(6) The statement of particulars of movable property seized and the sum realised from the sale thereof shall be in Form CT/6 scheduled hereto.

(7) The goods seized shall be handed for safe keeping to the Mukhtar of the village or quarter. If there is no Mukhtar, the Tax Collector may appoint a person to take charge of the goods who shall furnish him with a guarantee in writing to the value of the goods of two notables of the village or quarter that he will be responsible for the value of the goods.

(8) The notification of the sale of the goods by auction shall be made by public crier in the town or village in which they have been seized and shall be in Form CT/5, and shall be sent to the Mukhtars of the place where they have been seized and of the place where they will be sold. Copies of the form shall also be posted by the Tax Collector in the village or in the quarter of the town where the sale will take place.

(9) After deduction of the costs of execution and auction and other expenses, the proceeds of the sale of the goods shall be paid into the Government Treasury; and after satisfaction of the

¹⁾ Forms CT/2 and CT/3 Canc. For Subst. Forms. See O. G. No. 280 of

amount of the tax due, the surplus, if any, shall be paid to the defaulter.

Procedure of attachment of rents, debts or salary, and sale of immovable property.

4. (1) The Order for attachment of rents or debts due to a defaulter shall be in Form CT/7 scheduled hereto.

(2) The Order for the attachment of salary due to a defaulter shall be in Form CT/8 scheduled hereto.

(3) The Warrant for sale of immovable property shall be in form CT/9 scheduled hereto.

(4) The Warrant for attachment registration of immovable property in the name of the Government shall be in Form CT/10 scheduled hereto.

(5) The notification to the defaulter in respect of the sale of immovable property shall be in form CT/11 scheduled hereto.

(6) The Declaration of selection of immovable property for sale by a defaulter shall be in Form CT/12 scheduled hereto.

(7) The statement of particulars of immovable property sold shall be in Form CT/13 scheduled hereto.

(8) The application by a Tax Collector to a Magistrate shall be in Form CT/14 scheduled hereto.

(9) The Declaration of Consent by a District Commissioner to registration of a transaction shall be in Form CT/15 scheduled hereto.

(10) After deduction of the costs of execution and other fees and expenses, the proceeds of the sale of the immovable property shall be paid into the Government Treasury; and after satisfaction of the amount of the tax due the surplus, if any, shall be paid to the defaulter.

Fees and charges.

5. The fees and charges payable by the defaulter in respect of any process under the Ordinance shall be as follows:—

(a) a fee not exceeding 200 mils payable to the Mukhtar of the village or quarter who is present and assists at the seizure of movable property, provided that his claim therefor is certified by the District Officer of the Sub-district;

(b) an auctioneer's fee of 5 per cent of the sum realised from the sale of any property, where the auction has been made by a public auctioneer;

(c) a municipal auction fee where such is payable by the vendor in accordance with any law or municipal regulations;

(d) a fee of not less than 100 mils and not exceeding $\text{₹} 1$, to be approved by the District Officer, payable to the Mukhtar or other person appointed to take charge of movable

property seized, and such expenses as are approved by the District Officer for the upkeep, storage and protection of the goods;

(e) Stamp Duty as prescribed by the law in force.

6. The fee for registration of immovable property shall be paid by the purchaser at the rates in the Schedule of Fees made under the Transfer of Land Ordinances, 1920-21, or in any other law in force. Registration
Fee.

O. G. No. 258 of 1.5.1930.

COLLECTION OF TAXES (AMENDMENT) ORDINANCE,

No. 7 of 1930.

An Ordinance to amend the Collection of Taxes
Ordinance, 1929.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof: — No. 26 of
1929.

1. This Ordinance may be cited as the Collection of Taxes (Amendment) Ordinance, 1930; and the Collection of Taxes Ordinance, No. 26 of 1929, (hereinafter called the Principal Ordinance) and this Ordinance may together be cited as the Collection of Taxes Ordinances, 1929—1930. Short title.

2. Section 5 (1) of the Principal Ordinance shall be repealed, and the following shall be substituted therefor: Amendment
of Section 5
(1) of Prin-
cipal
Ordinance.

“5. (1) The tax collector shall demand immediate payment of the sum named therein from the person by whom it is payable, and, upon his refusal or neglect to pay, he shall enter the house or lands of the defaulter and seize such of his goods as he shall deem sufficient, and, subject to the provisions hereof, keep the goods so seized for the space of two days at the cost and charge of the person in default. If such person does not pay the sum due together with the costs and charges of seizure within the two days, the goods shall be sold by auction in accordance with an Order issued by the District Officer: provided that if the goods seized are perishable goods, they may be sold by auction forthwith by order of the District Officer. The proceeds of the sale shall be used for the payment of the sum due and costs and expenses of execution, and the surplus, if any, shall be restored to the owner”.

B. — O. G. No. 254 of 1.3.1930.

E. — O. G. No. 256 of 1.4.1930.

Con.—O. G. No. 260 of 1.6.1930.

COLLECTION OF TAXES ORDINANCES 1929—1930.

Forms CT/1—CT/15. See O. G. No. 258
of 1.5.1930 and O. G. No. 280 of 1.4.1931.

COLLECTIVE PUNISHMENTS.

COLLECTIVE PUNISHMENTS ORDINANCE,

No. 22 of 1926.

An Ordinance to provide for the imposition of fines
and other penalties on the inhabitants of
villages and tribal areas in certain cases.

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 Collective Punish-
ments Ordinance, 1926.
- Interpretation. 2. The term "area" means an area to which this Ordinance
applies, and the term "assessable inhabitant" means a male inha-
bitant of an area of not less than 18 years of age.
- Ordinance to 3. (1)¹⁾ This Ordinance shall apply to the places in Palestine
apply to areas specified in the First Schedule hereto and to such other places not
scheduled forming part of a municipal area as the High Commissioner may
and to places notified by notice of High Com- at any time, by notification in the Gazette declare to be added to
missioner. the said Schedule.
- (2) It shall be lawful for the High Commissioner, when-
ever he shall deem it expedient so to do, by notification in the
Gazette to remove any place from the said Schedule whereupon
the Ordinance shall cease to apply to that place.
- Additional 4. When any area or portion thereof is in the opinion of
police in the High Commissioner in a dangerous and disturbed condition,
proclamation he may by notice in the Gazette declare it to be such, and may
area. direct that the force of police usually quartered in such area or
portion thereof shall, for such period as shall be stated in the
notice, be increased to such an extent as he may consider necessary
and the cost occasioned by such increase shall be borne by the
assessable inhabitants of the area or portion thereof.
- Collective fine 5.²⁾ If an offence has been committed or loss of or damage
on area. to property has occurred within an area and the District Com-

¹⁾ R.—See O. G. No. 208 of 1.4.1928.

²⁾ See Ex of 25.9.1929.

missioner has reason to believe that the inhabitants of the 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 com-
 mission 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 the area.

6. (1) It shall be lawful for the District Commissioner, after
 enquiry, to order that out of a fine levied in pursuance of the last
 preceding Section, compensation be paid to any person who has
 suffered injury through the offence, loss of, or damage to property,
 in respect of which the fine was levied. Compen-
sation.

(2) ¹⁾ ²⁾ Application for compensation shall be made in writing
 by the person aggrieved or his representative, within one month
 from the occurrence of the offence, or loss of, or damage to
 property.

(3) ¹⁾ Where the injury, for which compensation is being
 sought, is a death, the wife, descendants and ascendants of the
 deceased may be deemed to be the persons aggrieved.

(4) No application for compensation shall be granted where
 it appears that the applicant, and, in the case of a death, the de-
 ceased, participated in the misconduct or was blameworthy in
 connection therewith.

(5) Any order made under this Section shall be subject to
 the confirmation of the High Commissioner.

7. An enquiry held in pursuance of this Ordinance shall be
 conducted as near as may be as a trial before a magistrate exercising
 his summary jurisdiction. Holding of
enquiry.

8. Any fine, compensation, or cost of additional police ordered
 to be paid in pursuance of this Ordinance shall be apportioned by
 the District Commissioner among the assessable inhabitants of the
 area or portion thereof concerned, and shall be recoverable in the
 manner provided by law for the time being in force for the reco-
Enforcement
of fine, etc.

¹⁾ See Ex. of 9.9.1929.

²⁾ See Ex. of 25.9.1929.

very of taxes due to the Government. Provided that a District Commissioner may exempt any persons or class or section of such inhabitants from liability to bear any portion of the fine, compensation, or cost.

Petition to
the Court
against
assessment.

9. ¹⁾ (1) Where an order has been made under Section 5 hereof for payment of a fine and costs by the inhabitants of any area, any person who is made chargeable with the payment of any part thereof may within 15 days of the notification of the order file a petition in the District Court for the rectification of the apportionment made against him.

(2) The District Commissioner shall at the request of the petitioner furnish him free of charge with a copy of the order of apportionment.

(3) Where more than one petition against any order has been presented, the Court may direct that all the petitions shall be joined for the purpose of the hearing.

(4) No petition for rectification shall be heard unless the petitioner has paid into Court the amount chargeable against him under the order of apportionment.

(5) Upon the hearing of the petition, the Court may require the petitioner to furnish evidence with reference to the respective means of the persons chargeable under the order of apportionment.

(6) If in the opinion of the Court the amount chargeable against the petitioner was in excess of the sum which should have been payable by him, it may reduce such amount accordingly;

Provided that no reduction shall be made unless the Court is of opinion that the amount originally chargeable was seriously disproportionate to the means of the petitioner.

(7) When the Court reduces the amount chargeable against the petitioner, the sum total of the fine or compensation shall be reduced by the like sum. No alteration in the amounts chargeable against any person other than the petitioner shall be made.

(8) Where a petition is granted no order as to costs shall be made.

Recourse
against
offender when
apprehended.

10. When after the issue of an order under Section 5 hereof the person or persons who have committed or caused the death, loss or damage shall be discovered, the amount payable by the inhabitants (whether the sum or any part has been actually paid or not) may be recovered from such person or persons by action instituted by the Attorney General before a Court of competent

¹⁾ See The Courts (Amendment) Ordinance 1929.—Sec. 6. Ex. of 3.9.1929.

jurisdiction, and shall be paid to the said inhabitants in proportion to their liability under the order.

Provided that such discovery shall not be deemed to affect the liability of any inhabitant to pay the amount assessed against him.

11. Nothing in this Ordinance shall be deemed to exempt any person from any penalty, punishment or liability to which he would have been subject if this Ordinance had not been passed.

Ordinance not to affect individual liability to penalty.

12. The High Commissioner may make, and when made may vary or revoke rules or regulations:-

High Commissioner to make regulations.

(a) as to the procedure to be followed in or with reference to any proceedings under this Ordinance; and

(b) as to the fees to be paid in connection therewith.

13. (1) The enactments set out in the Second Schedule hereto are repealed to the extent therein stated.

Repeal.

(2) Where any act has been done or suffered prior to the enactment of this Ordinance with reference to which any proceedings might have been taken under any of the Ordinances hereby repealed, it shall be lawful to take proceedings with reference thereto under this Ordinance as though it had been in force at the date at which such act was done or suffered. Where any proceedings under any of the Ordinances repealed are pending at the date of such enactment the proceedings shall be continued in accordance with the provisions of this Ordinance. Provided that if proceedings are pending before a District Court under the Collective Responsibility for Crime Ordinance, 1921, they shall be completed before that Court in accordance with the provisions of the said Ordinance.

Reservation for pending proceedings under repealed enactments.

16th May, 1926. B. — O.G. No. 159 of 16.3.1926.

P. — O.G. No. 163 of 16.5.1926.

Con.—O.G. No. 176 of 1.12.1926.

COLLECTIVE PUNISHMENTS ORDINANCE, 1926.

FIRST SCHEDULE.

(Published under Section 3).

See O. G. No. 168 of 1.8.1926; No. 169 of 16.8.1926; No. 170 of 1.9.1926; No. 175 of 16.11.1926; No. 185 of 16.4.1927; No. 203 of 16.1.1928; No. 207 of 16.3.1928; No. 208 of 1.4.1928; No. 211 of 16.5.1928; No. 219 of 16.9.1928; No. 242 of 1.9.1929; Ex. of 3.9.1929.

SECOND SCHEDULE.

Name of Ordinance.	Extent to which repealed.
The Collective Responsibility for Crime Ordinance, 1921.	The whole.
The Prevention of Crime Ordinance, 1924.	Sections 2, 3, 4, 6, and 8.
The Prevention of Crime (Continuance) Ordinance, 1925.	The whole.
The Police Ordinance, 1921.	Sections 14 and 15.
O. G. No. 159 of 16.3.1926.	_____

COLLECTIVE PUNISHMENTS (Amendment) ORDINANCE,

No. 5 of 1928.

No. 22 of 1926. 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:—

Short title.

1. This Ordinance may be cited as the Collective Punishments (Amendment) Ordinance, 1928; and the Collective Punishments Ordinance, No. 22 of 1926 (hereinafter called the Principal Ordinance), and this Ordinance may together be cited as the Collective Punishments Ordinances, 1926—1928.

Amendment of Section 3 of Principal Ordinance.

Ordinance to apply to areas Scheduled and to places prescribed by notice of the High Commissioner.

2. Section 3 (1) of the Principal Ordinance shall be repealed, and the following shall be substituted therefor:—

This Ordinance shall apply to the places in Palestine specified in the First Schedule hereto and to such other places as the High Commissioner may at any time by notification in the Gazette declare to be added to such Schedule; Provided that the Ordinance shall not be so applied to any place forming part of a Municipal Area, save with the approval of a Principal Secretary of State.

31st March, 1928. B. and E.—O. G. No. 208 of 1.4.1928.

COLLECTIVE PUNISHMENTS ORDINANCE,

No. 32 of 1929.

An Ordinance to provide for the appointment of officers to exercise the powers of District Commissioners under 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 Ordinance, 1929. Short title.

2. (1) The High Commissioner may appoint a public officer to exercise the powers of a District Commissioner under the Collective Punishments Ordinance, 1926, and may make more than one such appointment and any officer so appointed shall be deemed to be a District Commissioner for the purposes of the said Ordinance and shall have and exercise the powers of a District Commissioner under the said Ordinance in any area to which the said Ordinance applies. Power to appoint officers to exercise powers of District Commissioners.

(2) Nothing herein contained shall prevent a District Commissioner from exercising the powers of a District Commissioner under the said Ordinance.

E.—Ex. of 3.9.1929.

Con.—O. G. No. 245 of 16.10.1929.

COLLECTIVE PUNISHMENTS ORDINANCE, 1929.

NOTICE.

Attention is drawn to Section 6 (2) and (3) of the Collective Punishments Ordinance, 1926, which prescribes that application for compensation by any person aggrieved shall be made within one month from the occurrence of the loss or injury.

Application may be made in respect of destruction or damage to property or in respect of loss of life, and should be addressed to:—

Mr. A. Abramson, Commissioner of Lands, Government Offices, Jerusalem, and should contain the following particulars:—

Name of town, village or colony in which loss suffered;

Name of section or haret of town or village or colony;

Name of street;

Name of applicant in full;

Particulars of property destroyed or damaged or injury suffered.

Value of property in detail;

Date of destruction or damage to property or injury suffered.

Compensation is payable only where a collective fine is levied.

Ex. of 9.9.1929.

COLLECTIVE PUNISHMENTS ORDINANCE, 1929.

NOTICE.

The Commissioner of lands is beginning to hear charges under the above Ordinance and is dealing also with claims for compensation by individuals who have suffered in the disturbances.

In approved cases, advances on account of compensation will be paid to claimants. Application therefore for compensation, giving all the particulars prescribed in the Notice in the Official Gazette Extraordinary of the 9th of September, 1929, and stating whether an advance is required, and if so, giving reasons therefor, should be sent without delay to:

Mr. A. Abramson, Commissioner of Lands, Government Offices, Jerusalem.
10th September, 1929. Ex. of 11.9.1929.

COLLECTIVE PUNISHMENTS (Amendment) ORDINANCE,

No. 35 of 1929.

No. 22 of
1926.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: —

Short title
and com-
mencement.

1. (1) This Ordinance may be cited as the Collective Punishments (Amendment) Ordinance, 1929; and the Collective Punishments Ordinance, No. 22 of 1926 (hereinafter called the Principal Ordinance), the Collective Punishments (Amendment) Ordinance, No. 5 of 1928, and this Ordinance may together be cited as the Collective Punishments Ordinances, 1926—1929.

(2) This Ordinance shall be deemed to have come into force on the date of the Principal Ordinance.

Addition to
Section 5 of
the Principal
Ordinance.

2. Section 5 of the Principal Ordinance shall be renumbered as Section 5 subsection (1), and the following subsection shall be added as subsection (2) thereof:

“(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”.

Amendment
of Section 6
(2) of the
Principal
Ordinance.

3. Section 6 (2) of the Principal Ordinance shall be amended by the substitution of the words “two months” for the words “one month”.

Ex. of 25.9.1929. Con.—O. G. No. 248 of 1.12.1929.

COMPANIES.

COMPANIES ORDINANCE,

No. 18 of 1929.

An Ordinance to declare the Law of Companies.

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

PART I.

TITLE AND DEFINITIONS.

1. This Ordinance may be cited as the Companies Ordinance, 1929. Short title.

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

“Articles” means the Articles of Association of a Company as originally framed or as altered by special resolution, including so far as they apply to the Company the regulations contained in Table B of the Schedule annexed to the Companies Ordinance, 1921, or in Table A in Schedule 3 to this Ordinance.

“Books and papers” and “Books or papers” include accounts, deeds, writings and documents.

“Capital” includes redeemable capital.

“Company” means a Company formed and registered under this Ordinance or an existing Company.

“The Court” used in relation to a Company means the Court having jurisdiction to wind up the Company.

“Debenture” means any instrument issued by the Company or a Co-operative Society providing for the payment of money at a fixed date or on a contingency, and conferring a charge upon all or some of the assets and undertaking of the Company or Co-operative Society; and includes Debenture Stock.

“Series of debentures” means two or more debentures intended to rank equally as regards payment and security, if any, for payment.

“Director” includes any person occupying the position of director by whatever name called.

“Dividend on Shares” includes interest on shares.

“Document” includes summons, notice, order and other legal process, and register.

“Existing Company” means a Company formed and registered

under Ordinance 118 of the 29th May, 1919, or under the Companies Ordinance, 1921.

“Floating charge” means a charge on all or part of the assets and undertaking for the time being of the Company, in the varying condition in which they happen to be from time to time, but subject to the power of the Company to create specific mortgages or charges on all or any part thereof.

“Foreign Company” means any Company incorporated outside Palestine, and any Association or Partnership consisting of more than ten members registered or incorporated outside Palestine.

“Gain” includes mutual indemnity for loss and mutual accommodation by loan.

“General Rules” means general rules made under this Ordinance and includes forms.

“Memorandum” means the Memorandum of Association of a Company as originally framed or as altered in pursuance of the provisions of this Ordinance.

“Prescribed” means, as respects the provisions of this Ordinance relating to the winding-up of Companies, prescribed by general rules, and as respects the other provisions of this Ordinance, prescribed by the High Commissioner.

“Prospectus” means any prospectus, notice, circular, advertisement, or other invitation, offering to the public for subscription or purchase any shares or debentures of a Company.

“The Registrar of Companies” or, when used in relation to registration of Companies, “the Registrar”, means the Registrar or other officer performing under this Ordinance the duty of registration of Companies in Palestine.

“Share” means share in the share capital of the Company, and includes stock except where a distinction between stock and shares is expressed or implied.

PART II.

CONSTITUTION AND INCORPORATION.

Prohibition
of
partnerships
exceeding
certain
number.

3. No Company, association, or partnership consisting of more than ten persons shall in Palestine carry on any business that has for its object the acquisition of gain by the Company, association, or partnership, or by the individual members thereof, unless it is registered as a Company under this Ordinance, or has been registered under the Ordinance of the 29th May, 1919, or the Companies Ordinance, 1921, or is registered under the Co-operative Societies Ordinance, 1920.

Memorandum and Articles of Association
and Registration.

4. Subject to the provisions of Section 14 hereof, seven or more persons associated for any lawful purpose may, by subscribing their names to a Memorandum of Association, and otherwise complying with the requirements of this Ordinance in respect of registration, form an incorporated Company with or without limited liability (that is to say), either —

Mode of forming incorporated Company.

(i) A Company having the liability of its members limited by the Memorandum to the amount, if any, unpaid on the shares respectively held by them (in this Ordinance termed "a Company limited by shares"); or

(ii) A Company having the liability of its members limited by the Memorandum to such amount as the members may respectively thereby undertake to contribute to the assets of the Company in the event of its being wound up: (in this Ordinance termed a "Company limited by guarantee") or

(iii) A Company not having any limit on the liability of its members: (in this Ordinance termed "an unlimited Company").

5. (1) The Memorandum shall bear a revenue stamp of five hundred mils and shall state: —

Memorandum of Company.

(i) The name of the Company.

(ii) The objects of the Company.

(iii) In the case of a Company limited by shares or by guarantee that the liability of the members is limited.

(iv) In the case of every Company limited by shares and in the case of a Company limited by guarantee if such Company has a share capital, the amount (expressed in Palestine currency) of share capital, distinguishing between unredeemable and redeemable capital with which the Company proposes to be registered and the division thereof into shares of a fixed amount.

(v) In the case of a Company limited by guarantee, that each member undertakes to contribute to the assets of the Company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before he ceases to be a member and of the costs, charges and expenses of winding up, and for adjustment of the rights of the contributories among themselves, such amount (expressed in Palestine currency) as may be required, not exceeding a specified amount.

(2) The Memorandum shall be signed by each subscriber in the presence of at least one witness who must attest the signature.

Signature of Memorandum.

(3) In the case of every Company (whether limited by shares or by guarantee or unlimited) having a share capital:

(i) No subscriber of the Memorandum may take less than one share;

(ii) Each subscriber must write opposite to his name the number of shares he takes.

(4) The Memorandum shall be in one of the forms in Schedule I to this Ordinance or in a form as near thereto as circumstances admit.

Implied
objects.

6. In addition to the objects set out in its Memorandum every Company registered under this Ordinance shall be deemed, subject to any contrary intention expressed in its Memorandum, to have power to do the things set out in Schedule 2 to this Ordinance.

Restriction
on alteration
of Memo-
randum.

7. A Company may not alter the conditions contained in its Memorandum except in the cases and in the mode and to the extent for which express provision is made in this Ordinance.

Registration
of Articles.

8. (1) There may, in the case of a Company limited by shares, and there shall, in the case of a Company limited by guarantee or unlimited, be registered with the Memorandum Articles of Association signed by the subscribers to the Memorandum and prescribing regulations for the Company.

(2) Articles of Association may in the case of a Company with a share capital adopt all or any of the regulations contained in Table A of Schedule 3 to this Ordinance.

(3) In the case of an unlimited Company which has a share capital the Articles must state the amount of share capital with which the Company proposes to be registered.

(4) In the case of an unlimited Company or a Company limited by guarantee, if the Company has not a share capital, the Articles shall state the number of members with which the Company proposes to be registered for the purpose of enabling the Registrar to determine the fees payable on registration.

Provision as
to Companies
limited by
guarantee.

9. Any provision in the Memorandum or Articles or in any resolution of any Company limited by guarantee purporting to divide the undertaking of the Company into shares or interests shall be treated for the purposes of this Ordinance as a provision for a share capital, notwithstanding that the nominal amount of the shares or interests is not specified thereby.

Application
of Table A.

10. In the case of a Company limited by shares and registered after the commencement of this Ordinance if Articles are not registered, or, if Articles are registered, in so far as the Articles do

not exclude or modify the regulations of Table A of Schedule 3 to this Ordinance, those regulations shall, so far as applicable, be the regulations of the Company in the same manner and to the same extent as if they were contained in duly registered Articles.

11. Articles shall

- (a) be printed or typewritten;
- (b) be divided into paragraphs numbered consecutively;
- (c) bear a stamp of 500 mils; and
- (d) be signed by each subscriber to the Memorandum of

Association in the presence of at least one witness who must attest the signature.

Form, stamp and signature of Articles.

12. Subject to the provisions of this Ordinance and to the conditions contained in its Memorandum, a Company may by special resolution alter or add to its Articles: and any alteration or additions so made shall be as valid as if originally contained in the Articles, and be subject in like manner to alteration by special resolution.

Alteration of Articles by special resolution.

13. Upon application for registration of a Company under this Ordinance there shall be delivered to the Registrar of Companies a copy of the Memorandum of the Company and of its Articles of Association, if any.

Registration of Memorandum and Articles.

14. The Registrar shall submit the Memorandum to the High Commissioner who may in his absolute discretion either authorise or refuse the incorporation of the Company.

High Commissioner may authorise or refuse incorporation.

15. (1) The Registrar shall not register any Company which has as its object or one of its objects the acquisition and development of land generally in Palestine unless such Company produces a certificate under the hand of the High Commissioner empowering it to hold lands generally.

Restriction on registration of Land Companies.

(2) The High Commissioner may at any time, and shall, if he is satisfied that the Company is not cultivating or developing land acquired by it, revoke a certificate enabling the Company to hold lands generally; and thereupon the Company may be wound up by the Court. Provided that before such certificate is revoked the High Commissioner shall give the Company notice in writing of his intention and shall afford the Company an opportunity of being heard in opposition to the revocation.

16. Upon receiving the authorisation of the High Commissioner for the registration of the Company, the Registrar shall:-

Procedure on registration.

(1) Retain and register the Memorandum and Articles, if any; and

(2) Cause the Memorandum or a summary thereof to be published, at the cost of the Company, in the Official Gazette.

Fees payable,

17. (1) The Company shall pay registration and capital fees in accordance with the provisions of this Ordinance, but no Company, formed solely for the purpose of providing for the amalgamation of existing Companies or the reconstruction of an existing Company, shall be liable to pay registration fees on its original capital or (as the case may be) membership.

(2) For the purposes of this Section a Company shall be deemed to be formed solely for the amalgamation of existing Companies when nine-tenths of the original capital of the Company is held by shareholders of the amalgamating Companies or by the amalgamating Companies themselves and the amalgamating Companies are or one of them is to be wound up.

(3) For the purposes of this Section a Company shall be deemed to be formed solely for the reconstruction of any existing Company when nine-tenths of the capital of the Company is held by shareholders of the original Company and the original Company is to be wound up.

Effect of registration.

18. (1) On the registration of the Memorandum of a Company and upon payment of the fees mentioned in the last preceding Section the Registrar shall certify under his hand that the Company is incorporated, and in the case of a Limited Company that the Company is limited.

Conclusiveness of certificate of incorporation.

(2) A certificate of incorporation given by the Registrar in respect of any Association shall be conclusive evidence that all the requirements of this Ordinance in respect of registration and of matters precedent and incidental thereto have been complied with and that the Association is a Company under this Ordinance.

(3) Where a sworn declaration by an advocate that he has been engaged in the formation of the Company and that the Company has complied with all or any of the said requirements is produced to the Registrar, the Registrar may accept such declaration as sufficient evidence of compliance.

(4) From the date of incorporation mentioned in the certificate of incorporation, the subscribers of the Memorandum together with such other persons as from time to time become members of the Company, shall be a body corporate by the name contained in the Memorandum, capable forthwith of exercising all the functions of an incorporated Company and having a common seal, but with such liability on the part of the members to contribute to the assets

of the Company in the event of its being wound up as is mentioned in this Ordinance.

19. (1) The Memorandum and Articles shall, when registered, bind the Company and the members thereof to the same extent as if they respectively had been executed by each member and by the Company and contained covenants on the part of each member, his heirs, executors, administrators, and assigns, and on the part of the Company to observe all the provisions of the Memorandum and of the Articles, subject to the provisions of this Ordinance.

Effect of Memorandum and Articles.

(2) No member of a Company shall, subject as hereinafter provided, be bound by any alteration in the Memorandum or Articles of that Company after the date on which he becomes a member if and so far as the alteration requires him to take or subscribe for more shares than the number held by him on the date on which the alteration is made, or in any way increases his liability as at that date to contribute to the share capital of or otherwise to pay money to the Company: Provided that this sub-section shall not apply in any case where the member agrees in writing to be bound by the alteration either before or after it is made.

20. (1) Subject to the provisions of this Section, a Company may, by special resolution, alter the provisions of its Memorandum with respect to the objects of the Company so far as may be required to enable it

Alteration of objects of Company.

(a) to carry on its business more economically or more efficiently; or

(b) to attain its main purpose by new or improved means; or

(c) to enlarge or change the local area of its operations; or

(d) to carry on some business which under existing circumstances may conveniently or advantageously be combined with the business of the Company; or

(e) to restrict or abandon any of the objects specified in the Memorandum; or

(f) to sell or dispose of the whole undertaking of the Company or to amalgamate with any other Company or body of persons.

(2) The alteration shall not take effect until and except in so far as it is confirmed on petition by the Court and authorised by the High Commissioner.

(3) Before confirming the alteration the Court must be satisfied:—

(a) that sufficient notice has been given to every holder of debentures of the Company, and to any persons or class of

persons whose interests will, in the opinion of the Court, be affected by the alteration; and

(b) that, with respect to every creditor who, in the opinion of the Court is entitled to object, and who signified his objection in manner directed by the Court, either his consent to the alteration has been obtained or his debt or claim has been discharged or has determined, or has been secured or otherwise provided for to the satisfaction of the Court:

Provided that the Court may, in the case of any person or class, for special reasons, dispense with the notice required by this Section.

(4) The Court may make an order confirming the alteration either wholly or in part, and on such terms and conditions as it thinks fit, and may make such order as to costs as it thinks proper.

(5) The Court shall, in exercising its discretion under this Section, have regard to the rights and interests of the members of the Company or of any class of them, as well as to the rights and interests of the creditors, and may if it thinks fit, adjourn the proceedings in order that an arrangement may be made to its satisfaction for the purchase of the interests of dissentient members; and it may give such directions and make such orders as it may think expedient for facilitating or carrying into effect any such arrangement: Provided that no part of the capital of the Company may be expended in any such purchase.

(6) If the Court shall confirm the alteration, the Company shall submit such alteration to the High Commissioner who may in his absolute discretion either authorise or forbid such alteration. If the High Commissioner shall authorise the alteration the Registrar shall inform the Company of such authorisation and thereupon the Company shall within 15 days deliver to the Registrar a printed or typewritten copy of the Memorandum as altered, and the Registrar shall register the same, and shall certify the registration under his hand, and the certificate shall be conclusive evidence that all the requirements of this Ordinance with respect to the alteration and the confirmation and authorisation thereof have been complied with, and thenceforth the Memorandum so altered shall be the Memorandum of the Company.

(7) The Court may at any time extend the time for the delivery of documents under this Section for such period as it may think proper.

(8) If a Company makes default in delivering to the Registrar any document required by this Section to be delivered to him, the Company shall be liable to a fine not exceeding £p. 10 for every day during which it is in default.

21. (1) Every Company shall send to every member, at the request, and on payment of fifty mils or such less sum as the Company may prescribe, a copy of the Memorandum and of the Articles, if any, of the Company, and every Company shall send to every member at his request copies of any Ordinance which alters the Memorandum of Association of the Company upon payment of such sum not exceeding the published price thereof as the Company may require.

Copies of
Memorandum
and Articles
to be given
to members.

(2) If a Company makes default in complying with the foregoing requirements of this Section it shall be liable for each offence to a fine not exceeding £p. 1; and every director, manager, secretary or other officer who knowingly and wilfully authorises or permits such default shall be liable to the like penalty.

(3) Where any alteration is made in the Memorandum of a Company, every copy of the Memorandum issued after the date of the alteration shall be in accordance with the alteration.

(4) If at any time after the date of an alteration in the Memorandum of a Company the Company issues any copies of its Memorandum which are not in accordance with the alteration, it shall be liable to a fine not exceeding £p. 1 for each copy so issued, and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the issue shall be liable to the like penalty.

Names.

22. (1) Subject to the provisions of this Ordinance, the word "Limited" shall form the last word of the name of every Company limited by shares or by guarantee.

Name of
Company.

(2) A Company shall not, except with the consent of the High Commissioner, be registered by a name which contains the word "Royal" or "Imperial" or "Municipal" or "Chartered" or which in the opinion of the Registrar suggests, or is calculated to suggest the patronage of His Majesty or of any member of the Royal Family or of the High Commissioner or connection with His Majesty's Government, or any department thereof, or with any municipality or other local authority or Society or body incorporated by Royal Charter.

(3) No Company shall be registered by a name which

contains the word "Co-operative" except with the consent of the High Commissioner.

(4) No company, other than an Association which in pursuance of Section 23 of this Ordinance is to be registered without the addition of the word "Limited" to its name, shall be registered by a name which contains the words "Chamber of Commerce".

If in the case of a Company which has been registered by a name containing the words "Chamber of Commerce" the licence granted under the said Section 23 is revoked by the High Commissioner, the name of the Company shall, within a period of six weeks from the date of the revocation or such longer period as the High Commissioner may think fit to allow, be changed to a name which does not contain the words "Chamber of Commerce", and if the name of the Company is not so changed the Company shall be liable to a fine not exceeding £p. 50 for every day during which the default continues.

In any such case the notice to be given by the High Commissioner under sub-section 4 of the said Section of his intention to revoke the said licence shall include a statement of the effect of the last foregoing paragraph of this sub-section.

(5) No Company shall be registered by a name which contains the words "Building Society".

Power to dispense with "Limited" in name of charitable and other Companies.

23. (1) Where it is proved to the satisfaction of the High Commissioner that an Association about to be formed as a Limited Company is to be formed for promoting commerce, art, science, religion, charity, or any other useful object, and intends to apply its profits, if any, or other income in promoting its objects, and to prohibit the payment of any dividend to its members, the High Commissioner may by licence direct that the Association be registered as a Company with limited liability without the addition of the word "Limited" to its name, and the Association may be registered accordingly.

(2) A licence by the High Commissioner under this Section may be granted on such conditions and subject to such regulations as the High Commissioner thinks fit, and those conditions and regulations shall be binding on the Association, and shall if the High Commissioner so directs be inserted in the Memorandum and Articles, or in one of those documents.

(3) The Association shall on registration enjoy all the privileges of Limited Companies, and be subject to all their obligations except those of using the word "Limited" as any part of its

name, and of publishing its name, and of sending lists of members to the Registrar of Companies, and of issuing a statement in lieu of Prospectus.

(4) A licence under this Section may be at any time revoked by the High Commissioner and upon revocation the Registrar shall enter the word "Limited" at the end of the name of the Association upon the register, and the Association shall cease to enjoy the exemptions and privileges granted by this Section:

Provided that before a licence is so revoked the High Commissioner shall give to the Association notice in writing of his intention, and shall afford the Association an opportunity of being heard in opposition to the revocation.

24. (1) A Company may not be registered by a name identical with that by which a Company or partnership in existence is already registered in Palestine or so nearly resembling that name as to be likely to deceive, except where the Company or partnership in existence is in the course of being dissolved and signifies its consent in such manner as the Registrar requires.

Name of
Company
must not be
deceptive.

(2) If a Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a Company or partnership in existence is previously registered, or so nearly resembling it as to be calculated to deceive, the first mentioned Company may, with the sanction of the Registrar, change its name.

(3) Where the Registrar is of opinion that a proposed Company is desirous of adopting a name for an improper or fraudulent purpose he may refuse to register such Company with such name.

(4) A Company may apply to the Court to restrain any person, partnership, society or Company, and any person, partnership or society may apply to the Court to restrain any Company, which has adopted a name identical with or so nearly resembling its own as to be likely to deceive from using such name, and the Court may thereupon restrain such person, partnership, society or Company from using such name, provided that it shall not do so if such person, partnership, society or Company proves that he or it has a prior right to the use of such name.

25. (1) Any Company may, by special resolution and with the approval of the Registrar and the authorisation of the High Commissioner signified in writing, change its name.

Procedure on
change of
name.

(2) Where a Company changes its name, the Registrar shall enter the new name on the register in place of the former

name, and shall issue a certificate of incorporation altered to meet the circumstances of the case.

(3) The change of name of a Company shall not affect any rights or obligations of the Company, or render defective any legal proceedings by or against the Company, and any Legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

PART III

SHARE CAPITAL, LISTS OF MEMBERS, LIABILITY OF COMPANY AND OF DIRECTORS.

Distribution of share capital.

Definition of member.

26. (1) The subscribers of the Memorandum of a Company shall be deemed to have agreed to become members of the Company, and on its registration shall be entered as members in its register of members.

(2) Every other person who agrees to become a member of the Company, and whose name is entered in its register of members, shall be a member of the Company.

Number for each share.

27. Each share in a Company having a share capital shall be distinguished by an appropriate number.

Issue and effect of share warrants to bearer.

28. (1) A Company limited by shares, if so authorised by its Articles, may with respect to any fully paid-up shares or to stock, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the shares or stock therein specified, and may provide, by coupons or otherwise, for the payments of the future dividends on the shares or stock included in the warrant, in this Ordinance termed a share warrant.

(2) A share warrant shall entitle the bearer thereof to the shares or stock therein specified, and the shares or stock may be transferred by delivery of the warrant.

(3) The bearer of a share warrant shall, subject to the Articles of the Company, be entitled, on surrendering it for cancellation, to have its name entered as a member in the register of members; and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in its register the name of a bearer of a share warrant in respect of the shares or stock therein specified without the warrant being surrendered and cancelled.

(4) The bearer of a share warrant may, if the Articles of the Company so provide, be deemed to be a member of the Company

within the meaning of this Ordinance, either to the full extent or for any purposes defined in the Articles; except that he shall not be qualified in respect of the shares or stock specified in the warrant for being a director or manager of the Company, in cases where such a qualification is required by the Articles, unless he shall deposit and keep deposited with the Company share warrants of the nominal capital value required for his qualification.

29. (1) Every Company shall keep in one or more books a register of its members, and enter therein the following particulars:- Register of members.

(a) The names and addresses of the members, and in the case of a Company having a share capital a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid or agreed to be considered as paid on the shares of each member.

(b) The date at which each person was entered in the register as a member.

(c) The date at which any person ceased to be a member.

(d) The amount of the calls, if any, still outstanding on the shares of each member.

(2) No notice of any trust express, implied, or constructive shall be entered on the register or receivable by the Registrar in respect of any Company. Trusts not to be entered on register.

(3) (i) Every Company having more than 50 members shall, unless the register of members is in such a form as to constitute in itself an index, keep an index of the names of the members of the Company, and shall within 14 days after the date on which any alteration is made in the register of members make any necessary alteration in the index.

(ii) The index (which may be in the form of a card index) shall in respect of each member contain a sufficient indication to enable the account of that member to be readily found.

(4) The register and index of members, commencing from the date of the registration of the Company, shall be kept at the registered office of the Company, and, except when closed under the provisions of this Ordinance, shall during all reasonable business hours be open to the inspection of any member gratis, and to the inspection of any other person on payment of fifty mils, or such less sum as the Company may prescribe, for each inspection. Inspection of register of members.

(5) (a) Any member or other person may require a copy of the register, or of any part thereof, on payment of ten mils or such less sum, as the Company may prescribe, for every hundred words or fractional part thereof required to be copied.

(b) The Company shall cause any copy so required by any person to be sent to that person within a period of ten days next after the day on which the requirement is received by the Company.

Power to close register.

(6) A Company may, on giving notice by advertisement in a newspaper circulating in the district in which the registered office of the Company is situate and, printed in the language in which the Company usually transacts its business, close the register and index of members for any time or times not exceeding in the whole thirty days in each year.

(7) If inspection of the register of members of a Company is refused to any person, the Court may by order compel an immediate inspection of the register or direct that the copies required shall be sent to the persons requiring them.

(8) If a Company fails to comply with subsections (1), (3), (4) and (5) of this Section it shall be liable to a fine not exceeding £p. 5 for every day during which the default continues; and every director, manager, secretary or other officer of the Company who knowingly authorises or permits the default shall be liable to a like penalty.

Entry on issue of share warrant.

30. (1) On the issue of a share warrant the Company shall strike out of its register of members the name of the member then entered therein as holding the shares or stock specified in the warrant as if he had ceased to be a member, and shall enter in the register the following particulars, namely:

- (i) The fact of the issue of the warrant;
- (ii) A statement of the shares or stock included in the warrant distinguishing each share by its number; and
- (iii) The date of the issue of the warrant.

(2) Until the warrant is surrendered, the above particulars shall be deemed to be the particulars required by this Ordinance to be entered in the register of members, and, on the surrender, the date of the surrender must be entered as if it were the date at which a person ceased to be a member.

Shares to be transferable.

31. (1) The shares of other interests of any member in a Company shall be transferable in manner provided by the Articles of the Company.

Registration of transfer at request of transferor.

(2) Subject to the provisions of this Section, on the application of the transferor of any share or interest in a Company, the Company shall enter in its register of members the name of the transferee in the same manner and subject to the same conditions as if the application for the entry were made by the transferee.

(3) Notwithstanding anything in its Articles, it shall not be lawful for a Company to register a transfer of shares of the Company unless a proper instrument of transfer has been delivered to the Company: Provided that nothing in this subsection shall prejudice any power of the Company to register as shareholder any person to whom the right to any shares has been transmitted by operation of Law.

(4) The production to a Company of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate of a deceased person having been granted to some person shall be accepted by the Company, notwithstanding anything in its Articles, as sufficient evidence to the grant.

32. A transfer of shares made for the purpose of avoiding any liability of a shareholder, as such, for a nominal or no consideration, or to a person without any apparent pecuniary ability to discharge his liabilities as a shareholder shall be presumed to be a fraudulent transfer and need not be recognised by the Company, or by the Court or (subject to any order of the Court) by the liquidator on the winding up of the Company.

Fraudulent transfers need not be recognised.

33. A transfer of the share or other interest of a deceased member of a Company made by his executor or administrator shall, although the executor or administrator is not himself a member, be as valid as if he had been a member at the time of the execution of the instrument of transfer.

Transfer by executor or administrator.

34. The register of members shall be prima facie evidence of any matters by this Ordinance directed or authorised to be inserted therein.

Register to be evidence.

35. (1) If

Power of Court to certify register.

(a) the name of any person is, without sufficient cause, entered in or omitted from the register of members of a Company; or

(b) default is made or unnecessary delay takes place in entering on the register the fact of any person having ceased to be a member,

the person aggrieved, or any member of the Company, or the Company, may apply to the Court for rectification of the register; and the Court may either refuse the application, or may order rectification of the register, and payment by the Company of any damages sustained by any party aggrieved.

(2) On any application under this Section the Court may decide any question relating to the title of any person who is a

party to the application to have his name entered in or omitted from the register, whether the question arises between members or alleged members, or between members or alleged members on the one hand and the Company on the other hand; and generally may decide any question necessary or expedient to be decided for rectification of the register.

(3) In the case of a Company required by this Ordinance to send a list of its members to the Registrar of Companies, the Court, when making an order for rectification of the register, shall by its order direct notice of the rectification to be given to the Registrar.

Annual list
of members
and
summary.

36. (1) Every Company having a share capital shall once at least in every year make a return containing a list of all persons who, on the fourteenth day after the first or only ordinary general meeting in the year, are members, of the Company, and of all persons who have ceased to be members since the date of the last return or, (in the case of the first return) of the incorporation of the Company.

(2) The list must state the names, addresses, and occupations of all the past and present members therein mentioned, and the number of shares held by each of the existing members at the date of the return, specifying shares transferred since the date of the last return or (in the case of the first return) of the incorporation of the Company by persons who are still members and have ceased to be members respectively, and the dates of registration of the transfers, and if the names therein are not arranged in alphabetical order must have annexed to it an index sufficient to enable the name of any person in the list to be readily found.

The return must also state the address of the registered office of the Company and must contain a summary distinguishing between shares issued for cash and shares issued, as fully or partly paid up otherwise than in cash, and specifying the following particulars :-

- (a) The amount of the share capital of the Company, and the number of the shares into which it is divided;
- (b) The number of shares taken from the commencement of the Company up to the date of return;
- (c) The amount called up on each share;
- (d) The total amount of calls received;
- (e) The total amount of calls, unpaid;
- (f) The total amount of the sums, if any, paid by way of commission in respect of any shares or debentures; or allowed

by way of discount in respect of any debentures, since the date of the last return;

(g) The total number of shares forfeited;

(h) The total amount of shares for which share warrants are outstanding at the date of the return;

(i) The total amount of share warrants issued and surrendered respectively since the date of the last return;

(j) The number of shares comprised in each share warrant;

(k) The number and amount of outstanding redeemable shares of the Company;

(l) All such particulars with regard to the persons who at the date of the return are directors of the Company as are under Section 76 of this Ordinance required to be contained with respect to directors in the register of directors of a Company.

(m) The total amount of the indebtedness of the Company in respect of all mortgages and charges which are required to be registered with the Registrar of Companies under this Ordinance.

(3) Every Company not having a share capital shall at least once in every calendar year make a return stating:

(a) The address of the registered office of the Company.

(b) All such particulars with regard to the persons who at the date of the return are the directors of the Company as are under Section 76 of this Ordinance required to be contained with respect to directors in the register of directors of a Company.

(c) The total amount of the indebtedness of the Company in respect of all mortgages and charges which are required to be registered with the Registrar of Companies under this Ordinance.

(4) The annual return shall in every case include a written copy, certified by a director or the manager or secretary of the Company to be a true copy of the last balance sheet which has been audited by the Company's auditors (including every document required by law to be annexed thereto) together with a copy of the report of the auditors thereon (certified as aforesaid) and if any such balance sheet is in a language other than English, Hebrew or Arabic there shall be annexed to it a translation thereof in English certified in the prescribed manner to be a correct translation.

Provided that if the last balance sheet did not comply with the requirements of the law as in force at the date of the audit with respect to the form of balance sheets, there shall be made

such additions to and corrections in the said copy as would have been required to be made in the said balance sheet in order to make it comply with the said requirements; and the fact that the said copy has been so amended shall be stated thereon.

(5) The annual return must be contained in a separate part of the register of members, and must be completed within fourteen days after the fourteenth day aforesaid, and the Company must forthwith forward to the Registrar of Companies a copy signed by a director or by the manager or by the secretary of the Company.

(6) The inclusion in the annual return of a statement as to the registered office of the Company shall not be taken to be in satisfaction of the obligation of a Company under Section 59 of this Ordinance to give notice to the Registrar of Companies of the situation of its registered office and of any change therein.

(7) If a Company fails to comply with this Section it shall be liable to a fine not exceeding £p. 2 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.

Right of
shareholders
to profits.

37. Subject to any provisions in the Memorandum or Articles the shares of a Company shall have the right to share in divisible profits *pari passu*; but a Company with a share capital may by its Memorandum or Articles divide its capital into shares of different classes and may attach different rights as to dividend and participation in surplus assets in a winding-up to shares of different classes.

Issue of
redeemable
shares.

38. (1) Subject to the provisions of this Section, a Company limited by shares may, if so authorised by its Articles, issue Preference Shares which are, or at the option of the Company are to be liable, to be redeemed:

Provided that

(a) no such shares shall be redeemed except out of profits of the Company which would otherwise be available for dividend or out of the proceeds of a fresh issue of shares made for the purposes of such redemption;

(b) no such shares shall be redeemed unless they are fully paid;

(c) where any such shares are redeemed otherwise than out of the proceeds of a fresh issue, there shall out of the profits which would otherwise have been available for dividend be transferred to a reserve fund, to be called "the capital redemption re-

serve fund", a sum equal to the amount applied in redeeming the shares, and the provisions of this Ordinance relating to the reduction of the share capital of a Company shall, except as hereinafter provided, apply as if the capital redemption reserve fund were paid up share capital of the Company;

(d) where any such shares are redeemed out of the proceeds of a fresh issue, if a premium is payable on redemption, such premium shall have been provided for out of the profits of the Company before the shares are redeemed.

(2) There shall be included in every balance sheet of a Company which has issued redeemable Preference Shares a statement specifying what part of the issued capital of the Company consists of such shares and the date on or before which those shares are, or are to be liable, to be redeemed.

If a Company fails to comply with the provisions of this sub-section it shall be liable to a fine not exceeding £p. 100, and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(3) Subject to the provisions of this Ordinance the redemption of Preference Shares thereunder may be effected on such terms and in such manner as may be provided by the Articles of the Company.

39. (1) Where in pursuance of the foregoing Section a Company has redeemed or is about to redeem any Preference Shares, it shall have power to issue shares up to the nominal amount of the shares redeemed or to be redeemed as if those shares had never been issued, and accordingly the share capital of the Company shall not for the purposes of any enactments relating to stamp duty be deemed to be increased by the issue of shares in pursuance of this Section:

Ordinary shares may be issued in place of redeemed shares.

Provided that where new shares are issued before the redemption of the old shares, the new shares shall not, so far as relates to stamp duty, be deemed to have been issued in pursuance of this Section unless the old shares are redeemed within one month after the issue of the new shares.

(2) Where new shares have been issued in pursuance of the last foregoing sub-section, the capital redemption reserve fund may, notwithstanding anything in this Ordinance be applied by the Company, up to an amount equal to the nominal amount of the shares so issued, in paying up unissued shares of the Company to be issued to members of the Company as fully paid bonus shares.

Share of profits in Companies limited by guarantee. 40. No person shall be given the right to participate in the divisible profits of the Company limited by guarantee and not having a share capital otherwise than as a member of the Company; and any provision to the contrary in the Memorandum or Articles or any resolution of the Company shall be void.

Power of Company to arrange for different amount being paid on shares.

41. A Company, if so authorised by its Articles, may do any one or more of the following things, namely:

(1) Make arrangements on the issue of shares for a difference between the shareholders in the amounts and times of payments of calls on their shares.

(2) Accept from any member who assents thereto the whole or a part of the amount remaining unpaid on any shares held by him, although no part of that amount has been called up.

(3) Pay dividend in proportion to the amount paid up on each share where a larger amount is paid up on some shares than on others.

Power to forfeit shares on non-payment of calls.

42. A Company may, if so authorised by its Articles, forfeit shares for non-payment of calls in accordance with the provisions of its Articles.

Power of Company limited by shares to alter its share capital.

43. (1) A Company limited by shares or a Company limited by guarantee and having a share capital, if so authorised by its Articles, may alter the conditions of its Memorandum by special resolution as follows: (that is to say), it may:—

(a) increase its share capital by the issue of new shares of such amount as it thinks expedient;

(b) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares;

(c) convert all or any of its paid-up shares into stock, and reconvert that stock into paid-up shares of any denomination;

(d) subdivide its shares, or any of them, into shares of smaller amount than is fixed by the Memorandum, so, however, that in the subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived.

(e) cancel shares which, at the date of the passing of the resolution in that behalf, have not been taken or agreed to be taken by any person, and diminish the amount of its share capital by the amount of the shares so cancelled.

(2) A cancellation of shares in pursuance of this Section shall not be deemed to be a reduction of share capital within the meaning of this Ordinance.

(3) If a Company having a share capital has —

- (a) Consolidated and divided its share capital into shares of larger amount than its existing shares; or
 (b) Converted any of its shares into stock; or
 (c) Reconverted stock into shares; or
 (d) Redeemed any redeemable Preference Shares; or
 (e) Cancelled (otherwise than in connection with a reduction of share capital under Section 45 of this Ordinance) any shares,
 it shall within one month after so doing give notice thereof to the Registrar of Companies specifying, as the case may be, the shares consolidated, divided, converted, redeemed, or cancelled or the stock reconverted.

(4) Where a Company having a share capital has converted any of its shares into stock, and given notice of the conversion to the Registrar of Companies, all the provisions of this Ordinance which are applicable to shares only shall cease as to so much of the share capital as is converted into stock; and the register of members of the Company, and the list of members to be forwarded to the Registrar, shall show the amount of stock held by each member instead of the amount of shares and the particulars relating to shares hereinbefore required by this Ordinance.

Effect of conversion of shares into stock.

(5) (i) Where a Company having a share capital, whether its shares have or have not been converted into stock, has increased its share capital beyond the registered capital, and where a Company not having a share capital has increased the number of its members beyond the registered number, it shall give to the Registrar of Companies within fifteen days after the passing of the resolution authorising the increase, and in the case of an increase of members within fifteen days after the increase was resolved on or took place, notice of the increase of capital or members, and the Registrar shall record the increase.

Notice of increase of share capital or of members.

(ii) In the case of an increase of share capital the notice to be given as aforesaid shall include such particulars as may be prescribed with regard to the classes of shares affected and the conditions subject to which the new shares have been or are to be issued and there shall be forwarded to the Registrar of Companies together with the notice a printed copy of the resolution authorising the increase.

(6) If a Company makes default in complying with the requirements of sub-section (3), (4) or (5) of this Section it shall be liable to a fine not exceeding £p. 5 for every day during which the default continues, and every director, manager, secretary or

other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to a like penalty.

Rights of
holders of
special classes
of shares.

44. (1) If in the case of any Company the share capital of which is divided into different classes of shares provision is made by the Memorandum or Articles for authorising the variation of the rights attached to any class of share in the Company subject to the consent of any specified proportion of the holders of the issued share of that class or the sanction of a resolution passed at a separate meeting of the holders of those shares, and in pursuance of the said provision the rights attached to any such class of shares are at any time varied, the holders of not less in the aggregate than fifteen per cent of the issued shares of that class, being persons who did not consent to or vote in favour of the resolution for the variation, may apply to the Court to have the variation cancelled; and when any such application is made the variation shall not have effect unless and until it is confirmed by the Court.

(2) Any application under this Section must be made within 7 days after the date on which the consent was given or the resolution was passed, as the case may be, and may be made on behalf of the shareholders entitled to make the application by such one or more of their number as they may appoint in writing for the purpose.

(3) On any such application the Court after hearing the applicant and any other persons who apply to the Court to be heard and appear to the Court to be interested in the application, may, if it is satisfied having regard to all the circumstances of the case, that the variation would unfairly prejudice the holders of the class represented by the applicant, disallow the variation and shall, if not so satisfied, confirm the variation.

(4) The decision of the Court on any such application shall be final.

(5) The Company shall, within 15 days of the making of an order by the Court on any such application, forward a copy of the order to the Registrar of Companies, and if the Company fails to comply with this provision, it shall be liable to a fine not exceeding £p. 5 for every day during which the default continues and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(6) The expression "variation" in this Section includes abrogation, and the expression "varied" shall be construed accordingly.

Reduction of Share Capital

45. (1) Subject to confirmation by the Court a Company limited by shares or a Company limited by guarantee and having a share capital may by special resolution reduce its share capital in any way and in particular (without prejudice to the generality of the foregoing power) may :-

Special Resolution for reduction of share capital.

(a) Extinguish or reduce the liability on any of its shares in respect of share capital not paid-up; or

(b) Either with or without extinguishing or reducing liability on any of its shares, cancel any paid-up share capital which is lost or unrepresented by available assets; or

(c) Either with or without extinguishing or reducing liability on any of its shares, pay off any paid-up share capital which is in excess of the wants of the Company, and may, if and so far as is necessary, alter its Memorandum by reducing the amount of its share capital and of its shares accordingly.

(2) A special resolution under this Section is in this Ordinance called a resolution for reducing share capital.

46. Where a Company has passed a resolution for reducing share capital it may apply by petition to the Court for an Order confirming the reduction.

Application to Court for confirming Order.

47. (1) Where the proposed reduction of share capital involves either diminution of liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, and in any other case if the Court so directs, every creditor of the Company who at the date fixed by the Court is entitled to any debt or claim which, if that date were the commencement of the winding-up of the Company, would be admissible in proof against the Company, shall be entitled to object to the reduction.

Objections by creditors and settlement of list of objecting creditors.

(2) The Court may settle a list of creditors so entitled to object, and for that purpose shall ascertain as far as possible without requiring an application from any creditor, the names of those creditors and the nature and amount of their debts or claims, and may publish notices fixing a day or days within which creditors not entered on the list are to claim to be so entered or are to be excluded from the right of objecting to the reduction.

(3) Where a creditor entered on the list, if any, whose debt or claim is not discharged or determined does not consent to the reduction, the Court may, if it thinks fit, dispense with the consent of that creditor, on the Company securing payment of his debt or claim by appropriating as the Court may direct, the following amount (that is to say):-

(i) If the Company admits the full amount of his debt or claim, or though not admitting it, is willing to provide for it, then the full amount of the debt or claim,

(ii) If the Company does not admit or is not willing to provide for the full amount of the debt or claim, or if the amount is contingent or not ascertained, then an amount fixed by the Court after the like enquiry and adjudication as if the Company were being wound up by the Court.

(4) Where an application has been made to the Court for the confirmation of a reduction of capital to which this Section would otherwise apply, the Court may, if having regard to any special circumstances of the case it thinks proper to do so, direct that this Section shall not, as regards any class or any classes of creditors apply in relation to the reduction to which the application relates, and where the Court so directs, the consent of the creditors of that class or those classes to the reduction shall not be required.

Penalty for concealment or misrepresentation.

48. If any director, manager, secretary or other officer of the Company wilfully conceals the name of any creditor entitled to object to the reduction or wilfully misrepresents the nature or amount of any debt or claim of any creditor or aids, abets or is privy to any such concealment or misrepresentation as aforesaid, he shall be guilty of a criminal offence and shall be liable to imprisonment for a period not exceeding six months or a fine not exceeding £p. 100.

Order confirming reduction.

49. (1) The Court, if satisfied with respect to every creditor of the Company who under this Ordinance is entitled to object to the reduction that either his consent to the reduction has been obtained or his debt or claim has been discharged or has determined, or has been secured, may make an Order confirming the reduction on such terms and conditions as it thinks fit.

(2) Where the Court makes an Order confirming a reduction of the share capital of a Company, it may, if for any special reason it thinks proper so to do, direct that the Company shall, during such period (commencing on or at any time after the date of the order) as is specified in the order, add to its name as the last words thereof the words "and reduced", and those words shall, until the expiration of the period specified, be deemed to be part of the name of the Company.

Registration of Order and minute of reduction.

50. (1) The Registrar of Companies on production to him of an Order of the Court confirming the reduction of the share capital of a Company and the delivery to him of a copy of the Order and of a minute (approved by the Court), showing with respect

to the share capital of the Company, as altered by the Order, the amount of the share capital, the number of shares into which it is to be divided and the amount of each share and the amount, if any, at the date of the registration deemed to be paid-up on each share, shall register the Order and minute.

(2) On the registration, and not before, the resolution for reducing share capital as confirmed by the Order so registered shall take effect.

(3) Notice of the registration shall be published in such manner as the Court may direct.

(4) The Registrar shall certify under his hand the registration of the Order and minute, and his certificate shall be conclusive evidence that all the requirements of this Ordinance with respect to reduction of share capital have been complied with, and that the share capital of the Company is such as is stated in the minute.

51. (1) The minute when registered shall be deemed to be substituted for the corresponding part of the Memorandum of the Company, and shall be valid and alterable as if it had been originally contained therein; and must be embodied in every copy of the Memorandum issued after its registration.

Minute to form part of Memorandum.

(2) If a Company makes default in complying with the requirements of this Section it shall be liable to a fine not exceeding £p. 1 for each copy in respect of which default is made, and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

52. (1) A member of the Company, past or present, shall not be liable in respect of any share to any call or contribution exceeding in amount the difference, if any, between the amount paid, or (as the case may be) the reduced amount, if any, which is to be deemed to have been paid, on the share and the amount of the share as fixed by the minute.

Liability of members in respect of reduced shares.

Provided that if any creditor, entitled in respect of any debt or claim to object to the reduction of share capital, is, by reason of his ignorance of the proceedings for reduction, or of their nature and effect with respect to his claim, not entered on the list of creditors, and, after the reduction, the Company is unable, within the meaning of the provisions of this Ordinance with respect to winding-up by the Court, to pay the amount of his debt or claim, then :

(i) every person who was a member of the Company at the date of the registration of the Order for reduction and minute shall be liable to contribute for the payment of that debt or claim an amount not exceeding the amount which he would have been liable to contribute if the Company had commenced to be wound up on the day before that registration; and

(ii) if the Company is wound up, the Court, on the application of any such creditor, and proof of his ignorance as aforesaid may, if it thinks fit, settle accordingly a list of persons so liable to contribute, and make and enforce calls and orders on the contributories settled on the list as if they were ordinary contributories in a winding-up.

(2) Nothing in this Section shall affect the rights of the contributories among themselves.

Publication of reasons for the reduction.

53. In any case of reduction of share capital, the Court may require the Company to publish as the Court directs the reasons for reduction, or such other information in regard thereto as the Court may think expedient with a view to giving proper information to the public, and if the Court thinks fit, the causes which led to the reduction.

Registration of unlimited Company as limited.

Registration of unlimited Company as limited.

54. (1) Subject to the provisions of this Section, any Company registered as unlimited may register under this Ordinance as limited, but such registration shall not affect any debts, liabilities, obligations, or contracts incurred or entered into by, to, with, or on behalf of the Company before the registration, and those debts, liabilities, obligations, and contracts may be enforced in manner provided by this Ordinance in the case of a Company registered under some other Ordinance and re-registered under this Ordinance.

(2) On registration in pursuance of this Section the Registrar shall close the former registration of the Company and may dispense with the delivery to him of copies of which he was furnished on the occasion of the original registration of the Company, but, save as aforesaid, the registration shall take place in the same manner and shall have effect as if it were the first registration of the Company under this Ordinance, and as if the provisions under which the Company was previously registered and regulated had been contained in different Ordinances from those under which the Company is registered as a limited Company.

55. An unlimited Company having a share capital may, by its resolution for registration as a limited Company in pursuance of this Ordinance, do either or both of the following things, namely:

Power of unlimited Company to provide for reserved share capital on re-registration.

(a) Increase the nominal amount of its share capital by increasing the nominal amount of each of its shares, but subject to the condition that no part of the increased capital shall be capable of being called up except in the event and for the purposes of the Company being wound up;

(b) Provide that a specified portion of its uncalled share capital shall not be capable of being called up except in the event and for the purposes of the Company being wound up.

Reserve Liability of Limited Company.

56. A limited Company may by special resolution determine that any portion of its share capital which has not been already called up shall not be capable of being called up, except in the event and for the purposes of the Company being wound up, and thereupon that portion of its share capital shall not be capable of being called up except in the event and for the purposes aforesaid.

Reserve liability of limited Company.

Unlimited liability of Directors.

57. (1) In a Limited Company the liability of the directors or managers, or of the managing director, may, if so provided by the Memorandum, be unlimited.

Limited Company may have Directors with unlimited liability.

(2) In a Limited Company in which the liability of a director or manager is unlimited, the directors or managers of the Company, if any, and the member who proposes a person for election or appointment to the office of director or manager shall add to that proposal a statement that the liability of the person holding that office will be unlimited, and the promoters, directors, managers, and secretary, if any, of the Company, or one of them, shall, before the person accepts the office or acts therein, give him notice in writing that his liability will be unlimited.

(3) If any director, manager, or proposer makes default in adding such a statement, or if any promoter, director, manager, or secretary makes default in giving such a notice, he shall be liable to a fine not exceeding £p. 100 and shall also be liable for any damage which the person so elected or appointed may sustain from the default, but the liability of the person elected or appointed shall not be affected by the default.

Special Reso-
lution of
Company
making
liability of
Directors
unlimited.

58. (1) A Limited Company, if so authorised by its Articles, may by special resolution, alter its Memorandum so as to render unlimited the liability of its directors or managers, or of any managing Director.

(2) Upon the passing of any such special resolution the provisions thereof shall be as valid as if they had been originally contained in the Memorandum, and a copy thereof shall be embodied in or annexed to every copy of the Memorandum issued after the passing of the resolution.

(3) If a Company makes default in complying with the requirements of this Section, it shall be liable to a fine not exceeding £p. 1 for each copy in respect of which default is made; and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

PART IV.

MANAGEMENT AND ADMINISTRATION.

Office and Name.

Registered
office of
Company.

59. (1) Every Company shall as from the day on which it begins to carry on business, or as from the twentyeighth day from the date of its incorporation, whichever is the earlier, have a registered office in Palestine to which all communications and notices may be addressed.

(2) Notice of the situation of the registered office, and of any change therein, shall within 28 days after the date of the incorporation of the Company or of the change, as the case may be, be given to the Registrar of Companies who shall record the same.

(3) If a Company makes default in complying with the requirements of this Section it shall be liable to a fine not exceeding £p. 5 for every day during which the default continues, and every director, manager, secretary or other officer who knowingly and wilfully authorises or permits the default shall be liable to a like penalty.

Publication
of name by
a Limited
Company.

60. (1) Every Company-

(a) shall paint or affix, and keep painted or affixed, its name on the outside of every office or place in which its business is carried on in a conspicuous position, in letters easily legible;

(b) shall have its name engraven in legible characters on its seal;

(c) shall have its name engraven in legible characters in all notices, advertisements, and others official publications of the Company, and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the Company, and in all bills of parcels, invoices, receipts and letters of credit of the Company, and generally on all mercantile and business documents issuing from or purporting to be signed by or on behalf of the Company.

(2) If a Company does not paint or affix or keep painted or affixed its name in manner required by this Section, it shall be liable to a fine not exceeding £p. 5 for not so painting or affixing its name, and for every day during which its name is not so kept painted or affixed; and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to a like penalty.

(3) If any director, manager, secretary or other officer of a Company or any person acting on its behalf uses or authorises the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorises the issue of any notice, advertisement, or other official publication of the Company, or signs or authorises to be signed on behalf of the Company any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorises to be issued any bill of parcels, invoice, receipt, or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a fine not exceeding £p. 50, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods for the amount thereof, unless the same is duly paid by the Company.

Meetings and Proceedings.

61. (1) A general meeting of every Company shall be held once at least in every calendar year, and not more than fifteen months after the holding of the last preceding general meeting; and, if not so held the Company and every director or manager of the Company who is knowingly a party to the default shall be liable to a fine not exceeding £p. 50.

Annual general meeting.

(2) When default has been made in holding a meeting of the Company in accordance with the provisions of this Section, the Court may, on the application of any member of the Company, call or direct the calling of a general meeting of the Company.

First statutory
meeting of
Company.

62. (1) Every Company limited by shares and every Company limited by guarantee and having a share capital shall, within a period of not less than one month nor more than three months from the date of the issue of the certificate by the Registrar that the Company is entitled to commence business, hold a general meeting of the members of the Company which shall be called the statutory meeting.

(2) The directors, shall, at least seven days before the day on which the meeting is held, forward a report (in this Ordinance called "the statutory report") to every member of the Company and to every other person entitled under this Ordinance to receive it.

(3) The statutory report shall be certified by not less than two directors of the Company, or, where there are less than two directors by the sole director or manager and shall state:

(a) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash and redeemable shares, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

(b) the total amount of cash received by the Company in respect of all the shares allotted, distinguished as aforesaid;

(c) an abstract of the receipts of the Company and of the payments made thereout, up to a date within seven days of the date of the report, exhibiting under distinctive headings the receipts of the Company from shares and debentures and other sources, the payments made thereout, and particulars concerning the balance remaining in hand, and an account or estimate of the preliminary expenses of the Company;

(d) the names, addresses and descriptions of the directors, auditors, managers, if any, and secretary of the Company; and

(e) the particulars of any contract which or the modification of which is to be submitted to the meeting for its approval together with the particulars of any modification or proposed modification.

(4) The statutory report shall, so far as it relates to the shares allotted by the Company and to the cash received in respect of such shares, and to the receipts and payments of the Company on capital account, be certified as correct by the auditors, if any, of the Company.

(5) The directors shall cause a copy of the statutory report, certified as by this Section required, to be filed with the Registrar

of Companies forthwith after the sending thereof to the members of the Company.

(6) The directors shall cause a list showing the names, description, and addresses of the members of the Company, and the number of shares held by them respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any member of the Company during the continuance of the meeting.

(7) Every director of the Company who is guilty of or who knowingly authorises or permits any default in respect of the foregoing provisions of this Section shall be liable to a fine not exceeding £p. 50.

(8) The members of the Company present at the meeting shall be at liberty to discuss any matter relating to the formation of the Company, or arising out of the statutory report, whether previous notice has been given or not, but no resolution of which notice has not been given in accordance with the Articles may be passed.

(9) The meeting may adjourn from time to time, and at any adjourned meeting any resolution of which notice has been given in accordance with the Articles, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting.

(10) If a petition is presented to the Court in manner provided by this Ordinance for winding-up the Company on the ground of default in filing the statutory report or in holding the statutory meeting, the Court may, instead of directing that the Company be wound up, give directions for the statutory report to be filed or a meeting to be held, or make such other order as may be just.

63. (1) Notwithstanding anything in the Articles of a Company, the directors of a Company shall, on the requisition of members of the Company holding at the date of the deposit of the requisition not less than one-tenth of such of the paid-up capital of the Company as at the date of the deposit carries the right of voting at general meetings of the Company, or, in the case of a Company not having a share capital, members of the Company representing not less than one-tenth of the total voting rights of all the members having at the said date a right to vote at general meetings of the Company, forthwith proceed duly to convene an extraordinary general meeting of the Company.

Convening
of extraordi-
nary general
meeting on
requisition.

(2) The requisition must state the object of the meeting and must be signed by the requisitionists and deposited at the registered office of the Company, and may consist of several documents in like form, each signed by one or more requisitionists.

(3) If the directors do not within twenty-one days from the date of the deposit of the requisition proceed duly to convene a meeting, the requisitionists, or any of them representing more than one half of the total voting rights of all of them, may themselves convene a meeting, but any meeting so convened shall not be held after the expiration of three months from the said date.

(4) Any meeting convened under this Section by the requisitionists shall be convened in the same manner, as nearly as possible, as that in which meetings are to be convened by directors.

(5) Any reasonable expenses incurred by the requisitionists by reason of the failure of the directors duly to convene a meeting shall be repaid to the requisitionists by the Company, and any sum so repaid shall be retained by the Company out of any sums due or to become due from the Company by way of fees or other remuneration in respect of their services to such of the directors as were in default.

(6) For the purposes of this Section, the directors shall, in the case of a meeting at which a resolution is to be proposed as a special resolution, be deemed not to have duly convened the meeting if they do not give such notice thereof as is required by Section 66 of this Ordinance.

Normal
rules as to
meetings.

64. (1) The following provisions shall have effect in so far as the Articles of the Company do not make other provision in that behalf:-

(a) A meeting of a Company, other than a meeting for the passing of a special resolution, may be called by seven days notice in writing;

(b) Notice of the meeting of a Company shall be served on every member of the Company in the manner in which notices are required to be served by Table A in the third schedule to this Ordinance, and for the purpose of this provision the expression "Table A" means that table as for the time being in force;

(c) Two or more members holding not less than one-tenth of the issued share capital or, if the Company has not a share capital, not less than 5 per cent. in number of the members of the Company may call a meeting;

(d) Three members personally present shall be a quorum;

(e) Any member elected by the members present at a meeting may be chairman thereof;

(f) In the case of a Company originally having a share capital, every member shall have one vote in respect of each share or each £p. 10 of stock held by him: in any other case every member shall have one vote.

(2) If for any reason it is impracticable to call a meeting of a Company in any manner in which meetings of that Company may be called or to conduct the meeting of the Company in manner prescribed by the Articles or this Ordinance, the Court, either on the application of any director of the Company or of any member of the Company who would be entitled to vote at the meeting or of its own motion, may order a meeting of the Company to be called, held and conducted in such manner as the Court thinks fit, and where any such order is made may give such ancillary or consequential directions as it thinks expedient, and any meeting called, held and conducted in accordance with any such order shall for all purposes be deemed to be a meeting of the Company duly called, held and conducted.

65. (1) A corporation (whether a Company within the meaning of this Ordinance or not) may

(a) if it is a member of another corporation, being a Company within the meaning of this Ordinance, by resolution of its directors or other governing body authorise such person as it thinks fit to act as its representative at any meeting of the Company or at any meeting of any class of members of the Company

(b) if it is a creditor (including a holder of debentures) of another corporation, being a Company within the meaning of this Ordinance, by resolution of its directors or other governing body authorise such person as it think fit to act as its representative at any meeting of any creditors of the Company held in pursuance of this Ordinance or of any rules made thereunder, or in pursuance of the provisions contained in any debenture or trust deed, as the case may be.

(2) A person authorised as aforesaid shall be entitled to exercise the same powers on behalf of the corporation which he represents as that corporation could exercise if it were an individual shareholder, creditor, or holder of debentures, of that other Company.

66. (1) Resolutions passed by a general meeting of a Company shall be ordinary resolutions, extraordinary resolutions or special resolutions.

Representation of Companies at meetings of other Companies of which they are members.

Definitions of ordinary extraordinary and special resolutions.

(2) A resolution shall be an ordinary resolution when it has been passed by a simple majority of such members as, being entitled so to do, vote in person or (where proxies are allowed) by proxy, at a general meeting of which notice has been duly given.

(3) A resolution shall be an extraordinary resolution when it has been passed by a majority of not less than three fourths of such members as, being entitled so to do, vote in person or, where proxies are allowed, by proxy, at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution, has been duly given.

(4) A resolution shall be a special resolution when it has been passed by such a majority as is required for the passing of an extraordinary resolution and at a general meeting of which not less than 21 days notice, specifying the intention to propose the resolution as a special resolution, has been duly given :

Provided that, if all the members entitled to attend and vote at any such meeting so agree, a resolution may be proposed and passed as a special resolution at a meeting of which less than 21 days' notice, have been given.

(5) At any meeting at which an extraordinary or special resolution is submitted to be passed, a declaration of the chairman that the resolution is carried shall, unless a poll is demanded, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

(6) At any meeting at which an extraordinary resolution or a special resolution is submitted to be passed a poll shall be taken to be effectively demanded, if demanded —

(a) by such number of members for the time being entitled under the Articles to vote at the meeting as may be specified in the Articles, so however that it shall not in any case be necessary for more than five members to make the demand; or

(b) if no provision is made by the Articles with respect to the right to demand the poll, by three members so entitled or by one member or two members so entitled if that one member holds or those two members together hold not less than 15 per cent, of the paid-up share capital of the Company.

(7) When a poll is demanded in accordance with this Section, in computing the majority on the poll reference shall be had to the number of votes to which each member is entitled by the Articles of the Company.

(8) For the purposes of this Section notice of a meeting shall be deemed to be duly given and the meeting to be duly held when the notice is given and the meeting held in manner provided by the Articles or this Ordinance.

67. (1) A printed or typewritten copy of every such resolution as is hereinafter mentioned shall within 15 days after the date of the passing thereof be forwarded to the Registrar of Companies and recorded by him.

Registration
and copies of
resolutions.

(2) Where Articles have been registered, a copy of every such resolution as aforesaid for the time being in force shall be embodied in or annexed to every copy of the Articles issued after the passing of the resolution.

(3) Where Articles have not been registered, a printed or typewritten copy of every such resolution as aforesaid shall be forwarded to any member at his request, on payment of fifty mils or such less sum as the Company may direct.

(4) If a Company makes default in forwarding a copy of any such resolution as aforesaid to the Registrar it shall be liable to a fine not exceeding £p. 2 for every day during which the default continues.

(5) If a Company makes default in embodying in or annexing to a copy of its Articles or in forwarding to a member when required by this Section a copy of any such resolution as aforesaid, it shall be liable to a fine not exceeding £p. 1 for each copy in respect of which default is made.

(6) Every director, manager, secretary, or other officer and every liquidator of a Company who knowingly and wilfully authorises or permits any default by the Company in complying with the requirements of this Section shall be liable to the like penalty as is hereby imposed on the Company for that default.

(7) For the purposes of this Section the expression "resolution" shall include every resolution or agreement of any of the following classes; that is to say:—

- (i) extraordinary resolutions;
- (ii) special resolutions;
- (iii) resolutions which have been agreed to by all the members of the Company, but which, if not so agreed to, would not have been effective for their purpose unless (as the case may be) they had been passed as special resolutions or as extraordinary resolutions;
- (iv) resolutions or agreements which have been agreed to by all the members of some class of shareholders but which, if

not so agreed to, would not have been effective for their purpose unless they have been passed by some particular majority or otherwise in some particular manner, and all resolutions or agreements which effectively bind all the members of any class of shareholders though not agreed to by all those members;

(v) resolutions requiring a Company to be wound up voluntarily passed under paragraph (1) of Section 196 of this Ordinance.

Minutes of
proceedings
of meetings
and directors.

68. (1) Every Company shall cause minutes of all proceedings of general meetings and (where there are directors or managers) of its directors or managers to be entered in books kept for that purpose.

(2) Any such minute if purporting to be signed by the chairman of the meeting at which the proceedings were had, or by the chairman of the next succeeding meeting, shall be evidence of the proceedings.

(3) Until the contrary is proved, every general meeting of the Company or meeting of directors or managers in respect of the proceedings whereof minutes have been so made shall be deemed to have been so duly held and convened, and all proceedings had thereat to have been duly had, and all appointments of directors, managers, or liquidators, shall be deemed to be valid.

(4) The books containing the minutes of proceedings of any general meeting of a Company shall be kept at the registered office of the Company, and shall during business hours (subject to such reasonable restrictions as the Company may by its Articles or in general meeting impose, so that no less than two hours in each day be allowed for inspection) be open to the inspection of any member gratis.

(5) Any member shall be entitled to be furnished, within 7 days after he has made a request in that behalf to the Company, with a copy of any such minutes as aforesaid at a charge not exceeding fifty mils for every hundred words.

(6) If any inspection required under this Section is refused or if any copy required under this Section is not sent within the proper time, the Company shall be liable in respect of each offence to a fine not exceeding £p. 2 and to a further fine not exceeding £p. 2 for every day during which the refusal or default continues, and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the refusal or default shall be liable to the like penalty, and the Court may by order compel an immediate inspection of the books in respect

of all proceedings of general meetings, or direct that the copies required shall be sent to the persons requiring them.

69. Where a resolution is passed at an adjourned meeting of— Date of resolution.

- (a) a Company;
- (b) the holders of any class of shares in a Company;
- (c) the creditors of a Company;
- (d) any directors or contributories of a Company;

the resolution shall for all purposes be treated as having been passed on the date on which it was in fact passed, and shall not be deemed to have been passed on any earlier date.

Appointment, qualification, liability, etc.,
of Directors.

70. (1) Every Company registered after the commencement of this Ordinance shall have at least two directors. Restriction on appointment of directors.

(2) A person shall not be capable of being appointed director of a Company by the Articles, and shall not be named as a director or proposed director of a Company or intended Company in any prospectus issued by or on behalf of the Company or as proposed director of an intended Company in any prospectus issued in relation to that intended Company or in any statement in lieu of prospectus filed by or on behalf of a Company, unless, before the registration of the Articles or the publications of the prospectus or the filing of the statement in lieu of prospectus, as the case may be, he has by himself or by his agent authorised in writing —

(i) signed and filed with the Registrar of Companies a consent in writing to act as such director; and

(ii) either signed the Memorandum for a number of shares not less than his qualification, if any, or taken from the Company and paid or agreed to pay for his qualification shares, if any, or signed and filed with the Registrar an undertaking in writing to take from the Company and pay for his qualification shares, if any, or made and forwarded to the Registrar a statutory declaration to the effect that a number of shares not less than his qualification, if any, are registered in his name.

(3) Where a person has signed and filed such an undertaking he shall, as regards those shares, be in the same position as if he had signed the memorandum for that number of shares.

(4) On the application for registration of the Memorandum and Articles of a Company the applicant shall deliver to the Registrar a list of the persons, if any, who have consented to be

directors of the Company, and if the list contains the name of any person who has not so consented, the applicant shall be liable to a fine not exceeding £P. 50.

(5) This Section shall not apply to a prospectus issued by or on behalf of a Company after the expiration of one year from the date at which the Company was entitled to commence business, nor to the appointment and qualification of directors of Companies which have no share capital.

Qualification
of director.

71. (1) Without prejudice to the restrictions imposed by the last foregoing Section, it shall be the duty of every director who is by the regulations of the Company required to hold a specified share qualification, and who is not already qualified, to obtain his qualification within two months after his appointment, or such shorter time as may be fixed by the regulations of the Company.

(2) The office of director of a Company shall be vacated if the director does not within two months from the date of his appointment, or within such shorter time as may be fixed by the regulations of the Company, obtain his qualification, or if, after the expiration of such period or shorter time, he ceases at any time to hold his qualification; and a person vacating office under this Section shall be incapable of being re-appointed director of the Company until he has obtained his qualification.

(3) If after the expiration of the period limited by this Section any unqualified person acts as a director of the Company, he shall be liable to a fine not exceeding £P. 5 for every day between the expiration of the said period and the last day on which it is proved he acted as director.

Validity of
acts of
directors.

72. The acts of a director or manager shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification.

Disqualifi-
cation by
bankruptcy.

73. (1) No person against whom an adjudication in bankruptcy is in existence shall be qualified to act as a director of or directly or indirectly to take part or be concerned in the management of any Company (including an unregistered Company and a Company incorporated outside Palestine which has an established place of business in Palestine) except with the leave of the Court having jurisdiction in bankruptcy.

(2) The making of an order of adjudication shall forthwith disqualify the person against whom such order is made from acting as a director of or directly or indirectly taking part or being concerned in the management of any Company (including as afore-

said) except with the leave of the Court by which the order of adjudication was made.

(3) The leave of the Court for the purposes of this Section shall not be given unless notice of intention to apply therefor has been served on the receiver in bankruptcy; and it shall be the duty of such receiver, if he is of opinion that it is contrary to the public interest that any such application should be granted, to attend on the hearing of and oppose the granting of the application.

(4) The leave of the Court for the purposes of this Section shall not be given unless the Court is of opinion that having regard to all the circumstances of the case it is not contrary to the public interest that such leave be given.

(5) If any person against whom an adjudication in bankruptcy is in existence acts as a director of, or directly or indirectly takes part in or is concerned in the management of any Company (including as aforesaid) except with the leave of the Court under this Section, he shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding £p. 500 or to both such imprisonment and fine: Provided that a person shall not be guilty of an offence under this Section by reason that he, while an adjudication in bankruptcy is in existence against him, has acted as a director of, taken part or been concerned in the management of, a Company, if he was at the commencement of this Ordinance acting as a director of, or taking part, or being concerned in the management of that Company and has continuously so acted, taken part, or been concerned since the commencement of this Ordinance and the adjudication was prior to such commencement.

(6) The rehabilitation of a bankrupt under the law of bankruptcy in force shall be deemed to remove the disqualification created by this Section.

74. (1) A director shall not be entitled to any remuneration as such unless and except as provided by the Articles. Directors' remuneration.

(2) Subject as hereinafter provided, the directors of a company shall, on a demand in that behalf made to them in writing by members of the Company entitled to not less than one-fourth of the aggregate number of votes to which all the members of the Company are together entitled, furnish to all the members of the Company within a period of one month from the receipt of the demand, a statement, certified as correct, or with such qualifications as may be necessary, by the auditors of the Company, showing as

respects each of the last three preceding years in respect of which the accounts of the Company have been made up the aggregate amount received in that year by way of remuneration or other emoluments by persons being directors of the Company, whether as such directors or otherwise in connection with the management of the affairs of the Company, and there shall in respect of any such director who is a director of any other Company which is in relation to the first-mentioned Company a subsidiary Company within the meaning of Section 107 of this Ordinance, or by virtue of the nomination, whether direct or indirect, of the Company a director of any other Company be included in the said aggregate amount any remuneration or other emoluments received by him for his own use whether as a director of, or otherwise in connection with the management of the affairs of, that other Company.

Provided always that —

(a) a demand for a statement under this Section shall be of no effect if the Company within one month after the date on which the demand is made resolve that the statement shall not be furnished; and

(b) it shall be sufficient to state the total aggregate of all sums paid to or other emoluments received by all the directors in each year without specifying the amount received by any individual.

(3) In computing for the purpose of this Section the amount of any remuneration or emoluments received by any director, the amount actually received by him shall, if the Company has paid on his behalf any sum chargeable by way of tax in respect of the remuneration or emoluments, be increased by the amount of the sum so paid.

(4) If any director fails to comply with the requirements of this Section, he shall be liable to a fine not exceeding £1. 50.

(5) In this Section the expression "emoluments" includes fees, percentages and other payments made or consideration given directly or indirectly to a director as such and the money value of any allowances or perquisites belonging to his office.

Disclosure by
directors of
interest in
contracts.

75. (1) Subject to the provisions of this Section, it shall be the duty of any director of a Company who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Company to declare the nature of his interest at a meeting of the directors of the Company.

(2) In the case of a proposed contract the declaration required by this Section to be made by a director shall be made at the meeting of the directors at which the question of entering into

the contract is first taken into consideration, or if the director was not at the date of that meeting interested in the proposed contract, at the next meeting of the directors held after he became so interested, and in a case where the director becomes interested in a contract after it is made, the said declaration shall be made at the first meeting of the directors held after the director becomes so interested.

(5) For the purpose of this Section, a general notice given to the directors of a Company by any director to the effect that he is a member of a specified Company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that Company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

(4) Any director who fails to comply with the provisions of this Section shall be liable to a fine not exceeding £p. 100.

(5) Nothing in this Section shall be taken to prejudice the operation of any rule of law restricting directors of a Company from having any interest in contracts with the Company.

76. (1) Every Company shall keep at its registered office a register of its directors or managers containing with respect to each of them the following particulars, that is to say-

Register of
directors of
Company.

(a) in the case of an individual, his present full name and surname, any former name or surname, his usual residential address, and his business occupation, if any, or, if he has no business occupation but holds any other directorship or directorships, particulars of that directorship or of some one of those directorships; and

(b) in the case of a corporation, its corporate name and registered or principal office.

(2) The Company shall, within the periods respectively mentioned in this subsection, send to the Registrar of Companies a return in the prescribed form containing the particulars specified in the said register and a notification in the prescribed form of any change among its directors or in any of the particulars contained in the register.

For the purposes of this Section, the period within which the said return is to be sent shall be a period of fourteen days from the appointment of the first directors of the Company, and the period within which the said notification of a change is to be sent shall be fourteen days from the happening thereof.

(3) The register to be kept under this Section shall during business hours (subject to such reasonable restrictions as the Company may by its Articles or in general meeting impose, so that

not less than two hours in each day be allowed for inspection) be open to the inspection of any member of the Company without charge and of any other person on payment of fifty mils, or such less sum as the Company may prescribe, for each inspection.

(4) If any inspection required under this Section is refused or if default is made in compliance with the provisions of subsection (1) or subsection (2) of this Section, the Company shall be liable in respect of each offence to a fine not exceeding £p. 5 for every day during which the refusal or default continues, and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the refusal or default shall be liable to the like penalty, and the Court may by order compel an immediate inspection of the register.

(5) In this Section the expression "director" includes any person in accordance with whose directions or instructions the directors of the Company are accustomed to act.

Provisions as
to liability of
directors etc.

77. Subject as hereinafter provided, any provision, whether contained in the Articles of a Company or in any contract with a Company or otherwise, for exempting any director, manager or other officer of the Company from, or indemnifying him against, any liability which by virtue of any rule of law would otherwise attach to him in respect of any negligence, default, breach of duty or breach of trust of which he may be guilty in relation to the Company shall be void:

Provided that —

(a) in relation to any such provision which is in force at the date of the commencement of this Ordinance, this subsection shall have effect only on the expiration of a period of six months from that date; and

(b) nothing in this subsection shall operate to deprive any person of any exemption or right to be indemnified in respect of anything done or omitted to be done by him while any such provision was in force; and

(c) notwithstanding anything in this subsection, a Company may, in pursuance of any such provision as aforesaid, indemnify any director, manager or other officer of the Company against any liability incurred by him in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted or in connection with any application under this or the following Section of this Ordinance in which relief is granted to him by the Court.

78. (1) If in any proceeding against a director, manager or other officer of a Company for negligence, default, breach of duty or breach of trust it appears to the Court hearing such case that such person is or may be liable in respect of the negligence, default, breach of duty or breach of trust but has acted honestly and reasonably and ought fairly to be excused, the Court may relieve him either wholly or partly from his liability on such terms as the Court may think proper.

Power of Court to grant relief in certain cases.

(2) Where any person being a director, manager or officer of a Company has reason to apprehend that any claim will or might be made against him in respect of any negligence, default, breach of duty or breach of trust, he may apply to the Court for relief, and the Court on any such application shall have the same power to relieve him as it would have had if it had been a Court before which proceedings against that person for negligence, default, breach of duty or breach of trust had been brought.

(3) In determining whether in pursuance of this Section, any person ought fairly to be excused for any negligence, default, breach of duty or breach of trust, the Court shall take into consideration all the circumstances of the case including those connected with this appointment.

79. (1) It is hereby declared that it is not lawful in connection with the transfer of the whole or any part of the undertaking or property of a Company for any payment to be made to any director of the Company by way of compensation for loss of office or as consideration for or in connection with his retirement from office unless particulars with respect to the proposed payment, including the amount thereof, have been disclosed to the members of the Company and the proposal approved by the Company, and where any payment which is hereby declared to be illegal is made to a director of the Company the amount received shall be deemed to have been received by him in trust for the Company.

Declarations as to payments received by directors for loss of office or on retirement.

(2) Where any payment is to be made as aforesaid to any director of a Company in connection with the transfer to any persons; as a result of an offer made to the general body of shareholders, of all or any of the shares in the Company, it shall be the duty of that director to take all reasonable steps to secure that particulars with respect to the proposed payment, including the amount thereof, shall be included in or sent with any notice of the offer made for their shares which is given to any members of the Company.

(3) If any such director fails to take reasonable steps as

aforesaid, or if any person who has been properly required by any such director to include the said particulars in or send them with any such notice fails so to do, he shall be liable to a fine not exceeding £p. 25, and if the requirements of the last foregoing subsection are not complied with in relation to any such payment, any sum received by the director on account of the payment shall be deemed to have been received by him in trust for any persons who have sold their shares as a result of the offer made.

(4) If in connection with any such transfer as aforesaid the price to be paid to any director of the Company whose office is to be abolished or who is to retire from office for any shares in a Company held by him is in excess of the price which could at the time have been obtained by other holders of the like shares or any valuable consideration is given to any such director, the excess or the money value of the consideration, as the case may be, shall, for the purposes of this Section, be deemed to have been a payment made to him by way of compensation for loss of office or as consideration for or in connection with his retirement from office.

(5) Nothing in this Section shall be taken to prejudice the operation of any rule of law requiring disclosure to be made with respect to any such payments as are mentioned in this Section or with respect to any other like payments made or to be made to the directors of a Company.

Assignment
office.

80. If in the case of any Company provision is made by the Articles or by any agreement entered into between any person and the Company for empowering a director or manager of the Company to assign his office as such to another person, any assignment of office made in pursuance of the said provision shall, notwithstanding anything to the contrary contained in the said provision, be of no effect unless and until it is approved by a special resolution of the Company.

Giving of
professional
advice not to
constitute a
person a
director of
a Company.

81. It is hereby declared that a person shall not be deemed to be within the meaning of any provision in this Ordinance a person in accordance with whose directions or instructions the directors of a Company are accustomed to act, by reason only that the directors of the Company act on advice given by him in a professional capacity.

Contracts, etc.

Bills of
exchange
and promis-
sory notes.

82. A contract, bill of exchange or promissory note shall be deemed to have been made, accepted, or endorsed on behalf of a Company if made, accepted or endorsed in the name of, or by or

on behalf or on account of, the Company by any person acting under its authority.

83. A Company may, by writing under its common seal, empower any person, either generally or in respect of any specified matter as its attorney, to execute documents on its behalf in any place not situate in Palestine; and every document signed by such attorney, on behalf of the Company, and under his seal shall bind the Company, and have the same effect as if it were under its common seal.

Execution of deeds abroad.

84. (1) A Company whose objects require or comprise the transaction of business abroad may, if authorised by its Articles, have for use in any territory, district, or place not situate in Palestine, an official seal, which shall be a facsimile of the common seal of the Company, with the addition on its face of the name of every territory, district or place where it is to be used.

Power for Company to have official seal for use abroad.

(2) A Company having such official seal may, by writing under its common seal, authorise any person appointed for the purpose in any territory, district, or place not situate in Palestine, to affix the same to any deed or other document to which the Company is party in that territory, district, or place.

(3) The authority of any such agent shall, as between the Company and any persons dealing with the agent, continue during the period, if any, mentioned in the instrument conferring the authority, or if no period is there mentioned, then until notice of the revocation or determination of the agent's authority has been given to the person dealing with him.

(4) The person affixing any such official seal shall, by writing under his hand, on the deed or other document to which the seal is affixed, certify the date and place of affixing the same.

(5) A deed or other document to which an official seal is duly affixed shall bind the Company as if it had been sealed with the common seal of the Company.

Prospectus.

85. (1) Every prospectus issued by or on behalf of a Company or of any intended Company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus.

Filing of prospectus.

(2) A copy of every such prospectus, signed by every person who is named therein as a director or proposed director of the Company, or by his agent authorised in writing, shall be filed for registration with the Registrar of Companies on or before the date

of its publication, and no such prospectus shall be issued until a copy thereof has been so filed for registration.

(3) The Registrar shall not register any prospectus unless it is dated, and the copy thereof signed, in manner required by this Section.

(4) Every prospectus shall state on the face of it that a copy has been filed for registration as required by this Section.

(5) If a prospectus is issued without a copy thereof being so filed, the Company and every person who is knowingly a party to the issue of the prospectus shall be liable to a fine not exceeding £P. 5 for every day from the date of the issue of the prospectus until a copy thereof is so filed.

Specific requirements as to particulars of prospectus.

86. (1) Every prospectus issued by or on behalf of a Company or by or on behalf of any person who is or has been engaged or interested in the formation of the Company, must state :

(a) the contents of the Memorandum, with the names, descriptions and addresses of the signatories, and the number of shares subscribed for by them respectively and the number of founders or management or deferred shares, if any, and the nature and extent of the interest of the holders in the property and profits of the Company ; and

(b) the number of shares, if any, fixed by the Articles as the qualification of a director, and any provision in the articles as to the remuneration of the directors ; and

(c) the names, descriptions, and addresses of the directors or proposed directors ; and

(d) where shares are offered to the public for subscription, particulars as to-

(i) the minimum amount which in the opinion of the directors must be raised by the issue of those shares in order to provide the sums (or if any part thereof is to be defrayed in any other manner, the balance of the sums) required to be provided in respect of each of the following matters:-

(A) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue ;

(B) any preliminary expenses payable by the Company and any commission so payable to any person in consideration of his agreeing to subscribe for or of his procuring or agreeing to procure subscription for any share in the Company ;

(C) the repayment of any moneys borrowed by the Company in respect of any of the foregoing matters ;

(D) working capital; and

(ii) the amounts to be provided in respect of the matters aforesaid otherwise than out of the proceeds of the issue and the sources out of which those amounts are to be provided; and

(e) the amount payable on application and allotment on each share; and in the case of a second or subsequent offer of shares, the amount offered for subscription on each previous allotment made within the two preceding years, and the amount actually allotted, and the amount, if any, paid on the shares so allotted; and

(f) the number and amount of shares and debentures which within the two preceding years have been issued, or agreed to be issued as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which those shares or debentures have been issued or are proposed or intended to be issued; and

(g) the names and addresses of the vendors of any property purchased or acquired by the Company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of issue of the prospectus, and the amount payable in cash, shares, or debentures to the vendor, and where there is more than one separate vendor, or the Company is a sub-purchaser, the amount so payable to each vendor: Provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors; and

(h) the amount, if any, paid or payable as purchase money in cash, shares, or debentures, for any such property as aforesaid, specifying the amount, if any, payable for goodwill; and

(i) the amount, if any, paid within the two preceding years, or payable as commission for subscribing or agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in, or debentures of, the Company, or the rate of any such commission: Provided that it shall not be necessary to state the commission payable to sub-underwriters; and

(j) the amount or estimated amount of preliminary expenses; and

(k) the amount paid within the two preceding years or intended to be paid to any promoter, and the consideration for any such payment; and

(l) the dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected: Provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the Company, or to any contract entered into more than two years before the date of issue of the prospectus; and

(m) the names and addresses of the auditors, if any, of the Company; and

(n) full particulars of the nature and extent of the interest, if any, or every director in the promotion of, or in the property proposed to be acquired by the Company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the Company; and

(o) if the prospectus invites the public to subscribe for shares in the Company and the share capital of the Company is divided into different classes of shares, the right of voting at meetings of the Company conferred by, and the rights in respect of capital and dividends attached to, the several classes of shares respectively; and

(p) a report by the auditors of the Company with respect to the profits of the Company in respect of each of the three financial years immediately preceding the issue of the prospectus, and the rates of the dividends, if any, paid by the Company in respect of each class of shares in the Company in respect of each of the said three years, together with particulars of each such class of shares on which such dividends have been paid, and particulars of the cases in which no dividends have been paid in respect of any class of shares in respect of any of those years, and if no accounts have been made up in respect of any part of the period of three years ending on a date three months before the issue of the prospectus, a statement of that fact; and

(q) if the proceeds, or any part of the proceeds, of the issue of the shares or debentures are or is to be applied directly or indirectly in the purchase of any business, the contents of a report made by accountants who shall be named in the prospectus upon the profits of the business in respect of each of the three

financial years immediately preceding the issue of the prospectus:

Provided that, in the case of a Company which has been carrying on business, or of a business which has been carried on, for less than three years the prospectus shall state how long the business of the Company, or the business to be acquired, as the case may be, has been carried on, and where the accounts of any such Company or business have only been made up in respect of two years or one year, paragraphs (p) and (q) of this subsection shall have effect as if references to two years or one year, as the case may be, were substituted for references to three years.

(2) For the purposes of this Section every person shall be deemed to be a vendor who has entered into any contract, absolute or conditional, for the sale or purchase, or for any option of purchase, of any property to be acquired by the Company, in any case where-

(a) the purchase money is not fully paid at the date of issue of the prospectus; or

(b) the purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by prospectus; or

(c) the contract depends for its validity or fulfilment on the result of that issue.

(3) Where any of the property to be acquired by the Company is to be taken on lease, this Section shall apply as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

(4) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this Section or purporting to affect him with notice of any contract, document, or matter not specifically referred to in the prospectus shall be void.

(5) Where any such prospectus as is mentioned in this Section, is published as a newspaper advertisement, it shall not be necessary in the advertisement to specify the contents of the Memorandum or the signatories thereto, and the number of shares subscribed for by them.

(6) It shall not be lawful to issue any form of application for shares in or debentures of a Company unless the form is issued with a prospectus which complies with the requirements of this Section:

Provided that this subsection shall not apply if it is shown that the form of application was issued either—

(a) in connection with a bona fide invitation to a person to enter into an underwriting agreement with respect to the shares or debentures ; or

(b) in relation to the shares in or debentures of a Company where there is no offer to the public :

If any person acts in contravention of the provisions of this subsection, he shall be liable, without prejudice to any other liability, to a fine not exceeding £p. 500.

(7) In the event of non-compliance with or contravention of any of the requirements of this Section a director or other person responsible for the prospectus shall not incur any liability by reason of the non-compliance, or contravention if he proves that—

(a) as regards any matter not disclosed, he was not cognisant thereof; or

(b) the non-compliance or contravention arose from an honest mistake of fact on his part; or

(c) if the non-compliance or contravention was in respect of matters which in the opinion of the Court dealing with the case were immaterial or was otherwise such as ought, in the opinion of that Court, having regard to all the circumstances of the case, reasonably to be excused :

Provided that in the event of non-compliance with the requirements contained in paragraph (n) of sub-section (1) of this Section no director or other person shall incur any liability in respect of the non-compliance unless it be proved that he had knowledge of the matters not disclosed.

(8) This Section shall not apply to the issue to existing members or debenture holders of a Company of a prospectus or form of application relating to shares in or debentures of the Company, whether an applicant for shares or debentures will or will not have the right to renounce in favour of other persons, but subject as aforesaid this Section shall apply to a prospectus or a form of application, whether issued on or with reference to the formation of a Company or subsequently.

(9) The requirements of this Section as to the Memorandum and the qualification, remuneration, and interest of directors, the names, descriptions and addresses of directors or proposed directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a prospectus issued more

than two years after the date at which the Company is entitled to commence business.

(10) Nothing in this Section shall limit or diminish any liability which any person may incur under the general law or this Ordinance apart from this Section.

(11) For the purposes of this Section the expression "financial year" means the year in respect of which the accounts of the Company or of the business, as the case may be, are made up and where by reason of any alteration of the date on which the financial year of the Company or business terminates, the accounts of the Company or business have been made up for a period greater or less than a year, that greater or less period shall be deemed to be a financial year.

87. (1) When a Company allots or agrees to allot any shares in or debentures of the Company with a view to all or any of those shares or debentures being offered for sale to the public, any document by which the offer for sale to the public is made shall for all purposes be deemed to be a prospectus issued by the Company, and all enactments and rules of law as to the contents of prospectuses and to liability in respect of statements in and omissions from prospectuses, or otherwise relating to prospectuses, shall apply and have effect accordingly, as if the shares or debentures had been offered to the public for subscription and as if persons accepting the offer in respect of any shares or debentures, were subscribers for those shares or debentures, but without prejudice to the liability, if any, of the persons by whom the offer is made, in respect of mis-statements contained in the document or otherwise in respect thereof.

Provisions with respect to offers of shares or debentures for sale.

(2) For the purposes of this Ordinance, it shall, unless the contrary is proved, be evidence that an allotment of, or an agreement to allot, shares or debentures was made with a view to the shares or debentures being offered for sale to the public if it is shown —

(a) that an offer of the shares or debentures or of any of them for sale to the public was made within six months after the allotment or agreement to allot; or

(b) that at the date when the offer was made in the whole consideration to be received by the Company in respect of the shares or debentures had not been so received.

(3) Section 85 of this Ordinance as applied by this Section shall have effect as though the persons making the offer were persons named in a prospectus as directors of a Company, and Section

86 of this Ordinance as applied by this Section shall have effect as if it required a prospectus to state in addition to the matters specified in that Section —

(a) the net amount of the consideration received or to be received by the Company in respect of the shares or debentures to which the offer relates: and

(b) the place and time which the contract under which the said shares or debentures have been or are to be allotted may be inspected.

(4) Where a person making an offer to which this Section relates is a Company or a firm, it shall be sufficient if the document aforesaid is signed on behalf of the Company or firm by two directors of the Company or not less than half of the partners, as the case may be, and any such director or partner may sign by his agent authorised in writing.

Obligations of Companies where no prospectus is issued.

88. (1) A Company having a share capital which does not issue a prospectus on or with reference to its formation, or which has issued such a prospectus but has not proceeded to allot any of the shares offered to the public for subscription, shall not allot any of its shares or debentures unless at least three days before the first allotment of either shares or debentures there has been filed with the Registrar of Companies a statement in lieu of prospectus signed by every person who is named therein as director or a proposed director of the Company or by his agent authorised in writing, in a form containing the particulars set out in Schedule 4 to this Ordinance.

(2) If a Company acts in contravention of this Section the Company and every director of the company who knowingly authorises or permits the contravention shall be liable to a fine not exceeding £.P. 100.

Restriction on alteration of terms mentioned in prospectus or statement in lieu of prospectus.

89. A Company shall not previously to the statutory meeting vary the terms of a contract referred to in the prospectus or statement in lieu of prospectus, except subject to the approval of the statutory meeting.

In this Section the expression "Company" means a Company limited by shares or a Company limited by guarantee and having a share capital.

Liability for statements in prospectus.

90. (1) Where a prospectus invites persons to subscribe for shares in or debentures of a Company, every person who is a director of the Company at the time of the issue of the prospectus, and every person who has authorised the naming of him and is named in the prospectus as a director or as having agreed to be-

come a director either immediately or after an interval of time, and every promoter of the Company and every person who has authorised the issue of the prospectus, shall be liable to pay compensation to all persons who subscribe for any shares or debentures on the faith of the prospectus for the loss or damage they may have sustained by reason of any untrue statement therein, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved:

(a) with respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and did up to the time of the allotment of the shares or debentures, as the case may be, believe that the statement was true; and

(b) with respect to every untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement or was a correct and fair copy of or extract from the report or valuation: Provided that the director, person named as director, promoter or person who authorised the issue of the prospectus, shall be liable to pay compensation as aforesaid if it is proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; and

(c) with respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of the extract from the document; or unless it is proved;

(d) that having consented to become a director of the Company he withdrew his consent before the issue of the prospectus, and that it was issued without his authority or consent; or

(e) that the prospectus was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was issued without his knowledge or consent; or

(f) that after the issue of the prospectus and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of the withdrawal, and of the reason therefor.

(2) (a) Any person who is induced to enter into a contract to take shares or debentures by a material false statement in any

such prospectus may apply to the Court to set aside such contract, and the Court may set it aside accordingly.

(b) The fact that any such contract was so induced shall be a good defence to any proceedings having for their object the enforcement of the contract.

(c) It shall be no ground for refusing relief under this subsection merely that the Company is in the course of being wound up, but the Court may refuse such relief if it is of opinion that the application has been unreasonably delayed after the applicant became or might have become aware of the falsity of the statement.

(3) Where the prospectus contains the name of a person as a director of the Company, or as having agreed to become a director thereof, and he has not consented to become a director, or has withdrawn his consent before the issue of the prospectus, and has not authorised or consented to the issue thereof, the directors of the Company, except any without whose knowledge or consent the prospectus was issued and any other person who authorised the issue thereof, shall be liable to indemnify the person named as aforesaid against all damages, costs and expenses to which he may be made liable by reason of his name having been inserted in the prospectus, or in defending himself against any action or legal proceedings brought against him in respect thereof.

(4) Every person who by reason of his being a director, or named as a director or as having agreed to become a director, or of his having authorised the issue of the prospectus, becomes liable to make any payment under this Section may recover contribution, as in cases of contract, from any other person, who, if sued separately, would have been liable to make the same payment, unless the person who has become so liable was, and that other person was not, guilty of fraudulent misrepresentation.

(5) For the purposes of this Section:

(a) The expression "promoter" means a promoter who was a party to the preparation of the prospectus, or of the portion thereof containing the untrue statement but does not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the Company;

(b) The expression "expert" includes engineer, valuer, accountant, and any other person whose profession gives authority to a statement made by him.

Allotment.

91. (1) No allotment shall be made of any share capital of a Company offered to the public for subscription unless the amount

Restriction
as to allot-
ment.

stated in the prospectus as the minimum amount which, in the opinion of the directors, must be raised by the issue of share capital in order to provide for the matters specified in paragraph (d) of subsection (1) of Section 86 of this Ordinance has been subscribed, and the sum payable on application for the amount so stated has been paid to and received by the Company.

For the purposes of this subsection, a sum shall be deemed to have been paid to and received by the Company if a cheque for that sum has been received in good faith by the Company and the directors of the Company have no reason for suspecting that the cheque will not be paid.

(2) The amount so stated in the prospectus shall be reckoned exclusively of any amount payable otherwise than in cash and is in this ordinance referred to as "the minimum suscription".

(3) The amount payable on application on each share shall not be less than five per cent. of the nominal amount of the share.

(4) If the conditions aforesaid have not been complied with on the expiration of forty days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to them without interest, and, if any such money is not so repaid within forty-eight days after the issue of the prospectus, the directors of the Company shall be jointly and severally liable to repay that money with interest at the rate of five per cent. per annum from the expiration of the forty-eighth day:

Provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part.

(5) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this Section shall be void.

(6) This Section, except subsection (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription.

(7) An allotment made by a Company to an applicant in contravention of the provisions of this Section or of Section 88 of this Ordinance shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the Company and not later, or in any case where the Company is not required to hold a statutory meeting or where the allotment is made after the holding of the statutory meeting, within one month after the date of the allotment, and not later, and shall be

Effect of
irregular
allotment.

so voidable notwithstanding that the Company is in course of being wound up.

(8) If any director of a Company knowingly contravenes or permits or authorises the contravention of any of the provisions of this Section with respect to allotment, he shall be liable to compensate the Company and the allottee respectively for any loss, damages, or costs which the Company or the allottee may have sustained or incurred thereby: Provided that proceedings to recover any such loss, damages, or costs shall not be commenced after the expiration of two years from the allotment.

Restrictions on
commence-
ment of
business.

92. (1) A Company having a share capital shall not commence any business or exercise any borrowing powers unless—

(a) in a case where any shares of the Company have been offered to the public for subscription, shares held subject to the payment of the whole amount thereof in cash have been allotted to an amount not less in the whole than the minimum subscription; and

(b) every director of the Company has paid to the Company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription, or in the case of a Company which does not issue a prospectus inviting the public to subscribe for its shares on the shares payable in cash; and

(c) there has been filed with the Registrar of Companies a sworn declaration by the secretary or one of the directors, in the prescribed form, that the aforesaid conditions have been complied with.

(2) The Registrar of Companies shall, on the filing of this sworn declaration, certify that the Company is entitled to commence business, and that certificate shall be conclusive evidence that the Company is so entitled:

Provided that in the case of a Company which does not issue a prospectus inviting the public to subscribe for its shares the Registrar shall not give such a certificate unless a statement in lieu of prospectus has been filed with him.

(3) Any contract made by a Company before the date at which it is entitled to commence business shall be provisional only, and shall not be binding on the Company until that date, and on that date it shall become binding.

(4) Nothing in this Section shall prevent the simultaneous offer for subscription or allotment of any shares and debentures or the receipt of any money payable on application for debentures.

(5) If any Company commences business or exercises borrowing powers in contravention of this Section every person who is responsible for the contravention shall, without prejudice to any other liability, be liable to a fine not exceeding £p. 50 for every day during which the contravention continues.

93. (1) Whenever a Company limited by shares or a Company limited by guarantee and having a share capital makes any allotment of its shares, the Company shall within one month thereafter file with the Registrar of Companies—

Return as to allotment.

(a) a return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses and descriptions of the allottees, and the amount, if any, paid or due and payable on each share, and

(b) in the case of shares allotted as fully or partly paid up otherwise than in cash, a contract in writing constituting the title of the allottee to the allotment, together with any contract of sale, or for services or other consideration in respect of which that allotment was made, such contract being duly stamped, and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2) No shares shall be issued as fully or partly paid up for a consideration other than cash except under a contract in writing.

(3) In case of default in filing with the Registrar of Companies within one month after the allotment any document required to be filed by this Section, the Company, or any person liable for the default, may apply to the Court for relief, and the Court, if satisfied, that the omission to file the document was accidental or due to inadvertence, or that it is just and equitable to grant relief, may make an Order extending the time for the filing of the document for such period as the Court may think proper.

(4) If default is made in complying with the requirements of this Section, every director, manager, secretary, or other officer of the Company, who is knowingly a party to the default, shall be liable to a fine not exceeding £p. 50 for every day during which the default continues.

Certificates of Shares etc.

94. (1) Every Company shall, within two months after the allotment of any of its shares, debentures or debenture stock and within two months after the date on which a transfer of any such

Limitation of time for issue of certificates.

shares, debentures or debenture stock (being a transfer duly stamped and otherwise valid, but not including such a transfer as the Company is for any reason entitled to refuse to register and does not register) is lodged with the Company, complete and have ready for delivery the certificates of all shares, the debentures and the certificates of all debenture stock allotted or transferred unless the conditions of issue of the shares, debentures or debenture stock otherwise provide.

(2) Certificates under this Section must be written or printed in English and also in either Arabic or Hebrew.

(3) If a Company refuses to register a transfer of any shares, debentures or debenture stock the Company shall, within two months after the date on which the transfer was lodged with the Company, send to the transferee notice of the refusal.

(4) Nothing in this Section shall compel a Company to issue more than one certificate in respect of the same share or shares, debenture or debentures or debenture stock; and delivery of a certificate to one of several joint holders shall be a sufficient delivery to all.

Certificate
prima facie
evidence
of title.

(5) A certificate under this Section shall be prima facie evidence of the title of the member or debenture holder therein mentioned to the share, shares, debenture, debentures, or debenture stock therein comprised.

(6) If default is made in complying with the requirements of this Section the Company and every director, manager, secretary or other officer of the Company who is knowingly a party to the default shall be liable to a fine not exceeding £p. 5 for every day during which the default continues.

(7) If any Company on whom a notice has been served requiring the Company to make good any default in complying with the provisions of subsection (1) of this Section fails to make good the default within ten days after the service of the notice, the Court may, on the application of the person entitled to have the certificates or the debentures delivered to him, make an Order directing the Company and any officer of the Company to make good the default within such time as may be specified in the Order, and any such Order may provide that all costs of and incidental to the application shall be borne by the Company or by any officer of the Company responsible for the default.

Commission and Discounts.

95. (1) Subject as hereinafter provided, it shall be lawful for a Company to issue shares in the Company of a class already issued at a discount: Power to issue shares at a discount.

Provided that —

(a) the issue of the shares at a discount must be authorised by resolution passed in general meeting of the Company, and must be sanctioned by the Court;

(b) the resolution must specify the maximum rate of discount at which the shares are to be issued;

(c) not less than one year must at the date of the issue have elapsed since the date on which the Company was entitled to commence business;

(d) the shares to be issued at a discount must be issued within one month after the date on which the issue is sanctioned by the Court or within such extended time as the Court may allow.

(2) Where a Company has passed a resolution authorising the issue of shares at a discount, it may apply to the Court for an Order sanctioning the issue, and on any such application the Court, if, having regard to all the circumstances of the case, it thinks proper so to do, may make an Order sanctioning the issue on such terms and conditions as it thinks fit.

(3) The summary required by Section 36 of this Ordinance, every prospectus relating to the issue of the shares and every balance sheet issued by the Company subsequently to the issue of the shares must contain particulars of the discount allowed on the issue of the shares or of so much of that discount as has not been written off at the date of the making or issue of the document in question.

If a Company makes default in complying with the requirements of this subsection, the Company and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to a fine of £p. 5 for every day during which the default continues.

96. (1) It shall be lawful for a Company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the Company, if the payment of the commission is authorised by the Articles, and the commission paid or agreed to be paid does not exceed the amount Power to pay certain commissions and prohibition of other commissions, discounts, etc.

or rate so authorised and if the amount or rate per cent. of the commission paid or agreed to be paid is

(a) in the case of shares offered to the public for subscription, disclosed in the prospectus; or

(b) in the case of shares not offered to the public for subscription, disclosed in the statement in lieu of prospectus, or in a statement in the prescribed form signed in like manner as a statement in lieu of prospectus, and filed before the payment of the commission with the Registrar of Companies, and, where a circular or notice, not being a prospectus, inviting subscription for the shares is issued, also disclosed in that circular or notice;

(c) not in any case in excess of ten per cent. of the price at which the shares are issued, and provided that the number of shares which persons have agreed for a commission to subscribe absolutely is disclosed in the manner provided in this subsection.

(2) Save as aforesaid, no Company shall apply any of its shares or capital money either directly in payment of any commission, discount, or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the Company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the Company or to the contract price of any work to be executed for the Company, or the money be paid out of the nominal purchase money or contract price, or otherwise.

(3) Nothing in this Section shall affect the power of any Company to pay ordinary and reasonable brokerage, and a vendor to, promoter of, or other person who receives payment in money or shares from a Company shall have power to apply part of the money or shares so received in payment of any commission, the payment of which if made directly by the Company would have been legal under this Section.

(4) If default is made in complying with the provision of this Section relating to the filing with the Registrar of the statement in the prescribed form, the Company and every director or manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to a fine not exceeding £P. 25.

Statement in
balance sheet
as to com-
missions and
discounts.

97. (1) Where a Company has paid any sums by way of commission in respect of any shares or debentures, or allowed any sums by way of discount in respect of any debentures, the total

amount so paid or allowed, or so much thereof as has not been written off, shall be stated in every balance sheet of the Company until the whole amount thereof has been written off.

(2) If a Company makes default in compliance with the requirements of this Section, the Company and every director, manager, secretary, or other officer who knowingly and willingly authorises or permits the default shall be liable to a fine not exceeding £p. 5 for every day during which the default continues

Company assisting purchase of its shares.

98. (1) Subject as hereinafter provided, it shall not be lawful for a Company to give, whether directly or indirectly, and whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of or in connection with a purchase made or to be made by any person of any shares in the Company:

Prohibition
against
Company
providing
money for
purchase of
its own
shares.

Provided that nothing in this Section shall be taken to prohibit-

(a) where the lending of money is part of the ordinary business of a Company the lending of money by the Company in the ordinary course of its business;

(b) the provision by a Company, in accordance with any scheme for the time being in force, of money for the purchase by trustees of fully-paid shares in the Company to be held by or for the benefit of employees of the Company, including any director holding a salaried employment or office in the Company;

(c) the making by a Company of loans to persons bona fide in the employment of the Company with a view to enabling those persons to purchase fully-paid shares in the Company to be held by themselves by way of beneficial ownership.

(2) Nothing in proviso (c) to subsection (1) of this Section shall render lawful the making of a loan to a person who is a director of the Company.

(3) The aggregate amount of any outstanding loans made under the authority of provisions (b) and (c) to subsection (1) of this Section shall be shown as a separate item in the balance sheet.

(4) If a Company acts in contravention of the provisions of this Section, it shall be liable to a fine not exceeding £p. 100, and every director, manager, secretary, or other officer of the Company who knowingly and wilfully authorises or permits the contravention shall be liable to the like penalty.

Payment of interest out of capital.

Power of
Company to
pay interest
out of capital
in certain
cases.

99. (1) Where any shares of a Company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a lengthened period, the Company may pay interest on so much of that share capital as is for the time being paid up for the period and subject to the conditions and restrictions in this Section mentioned, and may charge the same to capital as part of the cost of construction of the work or building, or the provision of plant:

Provided that—

(a) no such payment shall be made unless the same is authorised by the Articles or by special resolution;

(b) no such payment, whether authorised by the Articles or by special resolution, shall be made without the previous sanction of the High Commissioner;

(c) before sanctioning any such payment the High Commissioner may, at the expense of the Company, appoint a person to enquire and report to him as to the circumstances of the case, and may, before making the appointment, require the Company to give security for the payment of the costs of the enquiry;

(d) the payment shall be made only for such period as may be determined by the High Commissioner; and such period shall in no case extend beyond the close of the half year next after the half-year during which the works or buildings have been actually completed or the plant provided;

(e) the rate of interest shall in no case exceed four per cent. per annum or such other rate as may for the time being be prescribed by the High Commissioner;

(f) the payment of the interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid;

(g) the accounts of the Company shall show the share capital on which, and the rate at which, interest has been paid out of capital during the period to which the accounts relate.

(2) if default is made in complying with the requirements of proviso (g) of the last foregoing subsection, the Company and every director, manager, secretary, or other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to a fine not exceeding £p. 50.

Obligations of Insurance Companies.

100. (1) Every limited Company carrying on in Palestine the business of an Insurance Company shall, before it commences business, and also during the month of March or at such other period as may be authorised by the Registrar in every year during which it carries on business, make a statement in the form in Schedule 5 to this Ordinance or as near thereto as circumstances will admit.

Insurance Companies to publish statement in Schedule.

(2) A copy of the statement shall be posted up in a conspicuous place in the registered office of the Company, and in every branch office or place where the business of the Company is carried on.

(3) Every member and every creditor of the Company shall be entitled to a copy of the statement, on payment of a sum not exceeding ten mils.

(4) This Section applies to foreign Companies.

(5) If default is made in compliance with this Section, the Company shall be liable to a fine not exceeding £p. 5 for every day during which the default continues; and every director and manager of the Company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

101. ¹⁾ (1) Every Company carrying on the business of an Insurance Company in Palestine shall, in respect of each class of insurance business as defined by the Registrar so carried on, deposit with the Government of Palestine a sum of money to be fixed by the Registrar of Companies with the approval of the High Commissioner and declared by public notice in the Official Gazette, or approved securities of equivalent value, and each such sum or amount of securities shall remain so deposited so long as the Company carries on in Palestine the class of insurance business in respect of which it is deposited.

Deposit by Insurance Companies.

(2) In cases where a sum of money is deposited in pursuance of this Section, the Treasurer shall invest the same in securities approved for the purpose by the High Commissioner and shall pay the income thereof to the Company.

(3) In cases where securities are deposited in pursuance of this Section the Treasurer shall pay the income thereof to the Company.

(4) This Section applies to foreign Companies.

¹⁾ See Notice under Companies Ord. 1929—O. G. No. 247 of 16.11.1929.

Inspection and Audit.

Investigation
of affairs of
Company by
inspectors.

102. (1) The High Commissioner may appoint one or more competent inspectors to investigate the affairs of any Company and to report thereon in such manner as the High Commissioner may direct :-

(i) in the case of a banking Company having a share capital, on the application of members holding not less than one-third of the shares issued or of the Registrar or the Attorney General ;

(ii) in the case of any other Company having a share capital, on the application of members holding not less than one-tenth of the shares issued ;

(iii) in the case of a Company not having a share capital, on the application of not less than one-fifth in number of the persons on the Company's register of members, or in the case of a banking Company, of the Registrar or Attorney General.

(2) The application shall be supported by such evidence as the High Commissioner may require for the purpose of showing that the applicants have good reason for and are not actuated by malicious motives in requiring the investigation ; and the High Commissioner may, before appointing an inspector, require the applicants to give security (to an amount not exceeding £p. 100) for payment of the costs of the inquiry.

(3) It shall be the duty of all officers and agents of the Company to produce to the inspectors all books and documents in their custody or power.

(4) An inspector may examine on oath the officers and agents of the Company in relation to its business, and may administer an oath accordingly.

(5) On the conclusion of the investigation the inspectors shall report their opinion to the High Commissioner, and a copy of the report shall be forwarded by the High Commissioner to the registered office of the Company, and a further copy shall at the request of the applicants for the investigation, be delivered to them.

The report shall be written or printed as the High Commissioner may direct.

(6) If from the report it appears to the High Commissioner that any person has been guilty of any offence in relation to the Company for which he is criminally liable and that the case is one in which the prosecution ought to be undertaken by the Attorney General, he shall refer the matter to him.

(7) If where any matter is referred to the Attorney General under this Section, he considers that the case is one in which a prosecution ought to be instituted and, further, that it is desirable in the public interest that the proceedings in the prosecution should be conducted by him, he shall institute proceedings accordingly, and it shall be the duty of all officers and agents of the Company, past and present (other than the defendant in the proceedings), to give to him all assistance in connection with the prosecution which they are reasonably able to give.

For the purposes of this subsection, the expression "agents", in relation to a Company shall be deemed to include the bankers and advocates of the Company and the persons employed by the Company as auditors, whether those persons are or are not officers of the Company.

(8) The expenses of and incidental to an investigation under this Section (in this subsection referred to as "the expenses") shall be defrayed as follows:-

(a) where as a result of the investigation a prosecution is instituted by the Attorney General, the expenses shall be defrayed by the Treasury;

(b) In any other case the expenses shall be defrayed by the Company unless the High Commissioner thinks proper to direct, as he is hereby authorised to do, that they shall either be paid by the applicants or in part by the Company and in part by the applicants:

Provided that —

(i) if the Company fails to pay the whole or any part of the sum which it is liable to pay under this subsection, the applicants shall make good the deficiency up to the amount by which the security given by them under this Section exceeds the amount, if any, which they have under this subsection been directed by the High Commissioner to pay; and

(ii) any balance of the expenses not defrayed either by the Company or the applicants shall be defrayed by the Treasury.

(9) If any officer or agent refuses to produce to the inspectors any book or document which under this Section it is his duty so to produce, or refuses to answer any question which is put to him by the inspectors with respect to the affairs of the Company, the inspectors may certify the refusal under their hand to the Court and the Court may thereupon enquire into the case and after hearing any witnesses who may be produced against or on behalf of the alleged offender and after hearing any statement

which may be offered in defence, punish the offender in like manner as if he had been guilty of contempt of the Court.

Power of
Company to
appoint
inspectors.

103. (1) A Company may by special resolution appoint inspectors to investigate its affairs.

(2) Inspectors so appointed shall have the same powers and duties as inspectors appointed by the High Commissioner, except that, instead of reporting to the High Commissioner, they shall report in such manner and to such persons as the Company in general meeting may direct.

(3) If any officer or agent of the Company refuses to produce to the inspectors any book or document which it is his duty under this Section so to produce or refuses to answer any question which is put to him by the inspectors with respect to the affairs of the Company, he shall be liable to be proceeded against in the same manner as if the inspectors had been appointed by the High Commissioner.

Report of in-
spectors to be
evidence.

104. A copy of the report of any inspectors appointed under this Ordinance, authenticated by the seal of the Company whose affairs they have investigated, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in the report.

Appointment
and remun-
eration of
auditors.

105. (1) Every Company shall at its statutory meeting and thereafter at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

(2) If an appointment of auditors is not made at a statutory or annual general meeting the Registrar may, on the application of any member of the Company, appoint an auditor of the Company for the current year, and fix the remuneration to be paid to him by the Company for his services.

(3) A director or officer or any partner or employee of any director or officer of the Company shall not be capable of being appointed auditor of the Company.

(4) No person shall be capable of being appointed auditor of a Company unless he is properly qualified by certificate from some university or other institution approved by the High Commissioner for the purpose, or by membership of some society of accountants or auditors approved as aforesaid, or unless he has obtained from the Government of Palestine a certificate entitling him to practise in Palestine as an auditor.

(5) No corporation (but not including a firm) unless acting under an appointment made before the commencement of this Ordinance shall be qualified to act as auditor of a Company.

(6) No person being a partner or in the employment of any officer of a Company shall be qualified for appointment as auditor of the Company.

(7) Any person or Corporation which in contravention of the provisions of this Section acts as auditor of a Company shall be liable to a fine not exceeding £p. 100, and any appointment made in contravention of such provisions shall be void.

(8) A person, other than a retiring auditor, shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the Company not less than fourteen days before the annual general meeting, and the Company shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to the shareholders, either by advertisement or in any other mode allowed by the Articles, not less than seven days before the annual general meeting.

Provided that if, after notice of the intention to nominate an auditor has been so given, an annual general meeting is called for a date fourteen days or less after the notice has been given, the notice, though not given within the time required by this provision, shall be deemed to have been properly given for the purposes thereof, and the notice to be sent or given by the Company may, instead of being sent or given within the time required by this provision, be sent or given at the same time as the notice of the annual general meeting.

(9) Subject as hereinafter provided, the first auditors of the Company may be appointed by the directors at any time before the first annual general meeting, and auditors so appointed shall hold office until that meeting.

Provided that-

(a) the Company may, at a general meeting of which notice has been served on the auditors in the same manner as on members of the Company, remove any such auditors and appoint in their place any other persons being persons who have been nominated for appointment by any member of the Company and of whose nomination notice has been given to the members of the Company not less than seven days before the date of the meeting; and

(b) if the directors fail to exercise their powers under this subsection, the Company in general meeting may appoint the first auditors, and thereupon the said powers of the directors shall cease.

(10) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors, if any, may act.

(11) The remuneration of the auditors of a Company shall be fixed by the Company in general meeting, except that the remuneration of any auditors appointed before the first annual general meeting, or to fill any casual vacancy, may be fixed by the directors.

Powers of auditors.

(12) Every auditor of a Company shall have a right of access at all times to the books and accounts and vouchers of the Company, and shall be entitled to require from the directors and officers of the Company such information and explanation as may be necessary for the performance of the duties of the auditors, and shall be entitled to attend any general meeting of the Company at which any accounts which have been examined or reported on by them are to be laid before the Company and to make any statement or explanation they desire with regard to such accounts.

(13) The provisions of Sections 77 and 78 of this Ordinance shall apply to and in the case of persons employed by a Company as auditors whether those persons are or are not officers of the Company as they apply to and in the case of directors.

Accounts and Balance Sheet.

Company to keep accounts.

106. (1) Every Company shall cause to be kept proper books of account with respect to

(a) all sums of money received and expended by the Company and the matters in respect of which such receipt and expenditure takes place;

(b) all sales and purchases of goods by the Company;

(c) the assets and liabilities of the Company.

(2) The books of account shall be kept at the registered office of the Company or at such other place as the directors think fit and shall always be open to inspection by the directors.

(3) The directors of every Company shall, at some date not later than 18 months after the incorporation of the Company, and subsequently once at least in every calendar year lay before the Company in general meeting a profit and loss account or, in the case of a Company not trading for profit, an income and expenditure account for the period, in the case of the first account, since the incorporation of the Company and, in any other case, since the preceding account, made up to a date not earlier than the date of the meeting by more than nine months, or, in the case of a

Company carrying on business or having interests outside Palestine, by more than twelve months:

Provided that the High Commissioner if for any special reason he thinks fit so to do may in the case of any Company extend the period of 18 months aforesaid, and in the case of any Company and with respect to any year extend the periods of 9 and 12 months aforesaid.

(4) The directors shall cause to be made out in every calendar year, and to be laid before the Company, in general meeting, a balance sheet as at the date to which the profit and loss account or the income and expenditure account, as the case may be, is made up, and there shall be attached to every such balance sheet a report by the directors with respect to the state of the Company's affairs, the amount, if any, which they recommend should be paid by way of dividend and the amount, if any, which they propose to carry to the reserve fund, general reserve, or reserve account shown specifically on the balance sheet or to a reserve fund, general reserve or reserve account to be shown specifically on a subsequent balance sheet.

(5) If any person being a director of a Company —

(a) fails to take all reasonable steps to secure compliance by the Company with the requirements of subsection (1) or subsection (2) of this Section, or has by his own wilful act been the cause of any default by the Company under either of the said subsections; or

(b) fails to take all reasonable steps to comply with the provisions of subsection (3) or subsection (4) of this Section, he shall, in respect of each offence, be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £P. 200:

Provided that a person shall not be sentenced to imprisonment for an offence under this Section unless in the opinion of the Court dealing with the case, the offence was committed wilfully.

107. (1) Every balance sheet of a Company shall contain a summary of the authorised share capital and of the issued share capital of the Company, its liabilities and its assets together with such particulars as are necessary to disclose the general nature of the liabilities and the assets of the Company and to distinguish between the amounts respectively of the fixed assets and of the floating assets, and state how the values of the fixed assets have been arrived at.

Contents
of balance
sheet.

(2) There shall be stated under separate headings in the balance sheet so far as they are not written off-

(a) the preliminary expenses of the Company; and

(b) any expenses incurred in connection with any issue of share capital or debentures; and

(c) if it is shown as a separate item in or is otherwise ascertainable from the books of the Company, or from any contract for the sale or purchase of any property to be acquired by the Company, or from any documents in the possession of the Company relating to stamp duty payable in respect of any such contract or the conveyance of any such property, the amount of the goodwill and of any patents and trade-marks as so shown or ascertained.

(3) Where any liability of the Company is secured otherwise than by operation of law on any assets of the Company, the balance sheet shall include a statement that that liability is so secured, but it shall not be necessary to specify in the balance sheet the assets on which the liability is secured.

(4) Where any of the assets of a Company consist of shares in, or amounts owing (whether on account of any loan or otherwise) from a subsidiary Company or subsidiary Companies, the aggregate amount of those assets, distinguishing shares and indebtedness, shall be set out in the balance sheet of the first-mentioned Company separately from all its other assets, and where a Company is indebted (whether on account of any loan or otherwise) to a subsidiary Company or subsidiary Companies, the aggregate amount of that indebtedness shall be set out in the balance sheet of such Company separately from all its other liabilities.

(5) Where a Company (in this subsection referred to as "the holding Company") holds shares either directly or through a nominee in a subsidiary Company or in two or more subsidiary Companies, there shall be annexed to the balance sheet of the holding Company a statement, signed by the persons by whom in pursuance of Section 110 of this Ordinance the balance sheet is signed, stating how the profits and losses of the subsidiary Company, or, where there are two or more subsidiary Companies, the aggregate profits and losses of those Companies, have (so far as they concern the holding Company) been dealt with in, or for the purposes of, the accounts of the holding Company, and in particular how, and to what extent,-

(i) provision has been made for the losses of any subsidiary Company either in the accounts of that Company or of the holding Company, or of both; and

(ii) losses of any subsidiary Company have been taken into account by the directors of the holding Company in arriving at the profits and losses of that Company as disclosed in its accounts: And if in the case of a subsidiary Company the report made by the auditors of the Company under Section 109 of this Ordinance on the balance sheet of the Company does not state without qualification that the auditors have obtained all the information and explanations they have required and that the balance sheet is properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs according to the best of their information and the explanations given to them and as shown by the books of the Company, the statement which is to be annexed as aforesaid to the balance sheet of the holding Company shall contain particulars of the manner in which the report is qualified:

Provided that it shall not be necessary to specify in any such statement the actual amount of the profits or losses of any subsidiary Company, or the actual amount of any part of any such profits or losses which has been dealt with in any particular manner.

For the purposes of this subsection, the profits or losses of a subsidiary Company mean the profits or losses shown in any accounts of the subsidiary Company made up to a date within the period to which the accounts of the holding Company relate, or, if there are no such accounts of the subsidiary Company available at the time when the accounts of the holding company are made up, the profits or losses shown in the last previous accounts of the subsidiary Company which became available within that period.

If for any reason the directors of the holding Company are unable to obtain such information as is necessary for the preparation of the statement aforesaid, the directors who sign the balance sheet shall so report in writing and their report shall be annexed to the balance sheet in lieu of the statement.

(6) Where the assets of a Company consist in whole or in part of shares in another Company (whether held directly or through a nominee and whether that other Company is a Company within the meaning of this Ordinance or not) and-

(i) the amount of the shares so held is at the time when the accounts of the holding Company are made up more than fifty per cent. of the issued share capital of that other Company or such as to entitle the Company to more than fifty per cent. of the voting power in that other Company; or

(ii) the Company has power (not being power vested in it by virtue only of the provisions of a debenture trust deed or

by virtue of shares issued to it for the purpose in pursuance of such provisions) directly or indirectly to appoint the majority of the directors or persons occupying the position of director, by whatever name called in that other Company, that other Company shall be deemed to be a subsidiary Company for the purposes of this Section, and the expression "subsidiary Company" in this section means a Company in the case of which the conditions of this subsection are satisfied.

Where a Company the ordinary business of which includes the lending of money holds shares in another Company as security only, no account shall, for the purpose of determining under this subsection whether that other Company is a subsidiary Company, be taken of the shares so held.

Particulars of loans etc. to be included in annual accounts.

108. (1) The accounts which in pursuance of this Ordinance are annually to be laid before every Company in general meeting shall contain particulars showing-

(a) the amount of any loans which during the period to which the accounts relate have been made either by the Company or by any other person under a guarantee from or on a security provided by the Company to any director or officer of the Company, including any such loans which were repaid during the said period; and

(b) the amount of any loans made in manner aforesaid to any director or officer at any time before the period aforesaid and outstanding at the expiration thereof:

Provided that the foregoing provisions shall not apply-

(i) in the case of a Company the ordinary business of which includes the lending of money, to a loan made by the Company in the ordinary course of its business; or

(ii) to a loan made by the Company to any employee of the Company if the loan does not exceed £p. 2000 and is certified by the directors of the Company to have been made in accordance with any practice adopted or about to be adopted by the Company with respect to loans to its employees;

(c) the total of the amount paid to the directors as remuneration for their services, inclusive of all fees, percentages, or other emoluments, paid to or receivable by them by or from the Company or by or from any subsidiary Company :

Provided that this provision shall not apply in relation to a managing director of the Company, and in the case of any other director who holds any salaried employment or office in the Company there shall not be required to be included in the said

total amount any sums paid to him except sums paid by way of directors' fees.

(2) If in the case of any such accounts as aforesaid the requirements of this Section are not complied with, it shall be the duty of the auditors of the Company by whom the accounts are examined to include in their report on the balance sheet of the Company (so far as they are reasonably able to do so) a statement giving the required particulars.

(3) In this Section the expression "emoluments" includes fees, percentages and other payments made or consideration given directly or indirectly to a director as such and the money value of any allowances or perquisites belonging to his office.

109. (1) The auditors shall make a report to the members on the accounts examined by them, and on every balance sheet laid before the Company in general meeting during their tenure of office and the report shall state:

Duties of auditors.

(a) whether or not they have obtained all the information and explanations they have required; and

(b) whether in their opinion the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs according to the best of their information and the explanations given to them and as shown by the books of the Company.

110. (1) The balance sheet shall be signed on behalf of the Board by two of the directors of the Company and the auditors report shall be attached to the balance sheet.

Signature of balance sheet etc.

(2) A copy of every balance sheet (including every document required by law to be annexed thereto) which is to be laid before the Company in general meeting, together with a copy of the auditors' report, shall, not less than seven days before the date of the meeting, be sent to all persons entitled to receive notices of general meetings of the Company, and if the Company makes default in complying with the foregoing requirement, the Company and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the default, shall be liable to a fine not exceeding £P. 20.

(3) If any copy of a balance sheet which has not been signed as required by this Section is issued, circulated, or published or if any copy of a balance sheet is issued, circulated or published without having a copy of the auditors' report attached thereto, the Company and every director, manager, secretary, or other officer of the Company who is knowingly a party to the

Right of mem-
bers and
debenture
holders to
receive copies
of balance
sheets etc.

default shall on conviction be liable to a fine not exceeding £p. 50.

111. (1) Any member of a Company whether he is or is not entitled to have sent to him copies of the Company's balance sheets and any holder of debentures of a Company, shall be entitled to be furnished gratis on demand with a copy of the last balance sheet of the Company (including every document required by law to be annexed thereto). together with a copy of the report of the Company's auditors on the balance sheet.

(2) If, where any person makes a demand for a document with which he is by virtue of this Section entitled to be furnished, the Company fails to comply with the demand within seven days after the making thereof, the Company, and every director, manager, secretary and other officer of the Company who is knowingly a party to the default, shall be liable to a fine not exceeding £p. 5 for every day during which the default continues unless it is proved that that person has already made a demand for and been furnished with a copy of the document.

Carrying on business with less than legal minimum of members.

Prohibition of
carrying on
business with
fewer than
seven
members.

112. If at any time the number of members of a Company is reduced below seven, and it carries on business for more than six months while the number is so reduced, every person who is a member of the Company during the time it so carries on business after those six months, and is cognisant of the fact that it is carrying on business with fewer than seven members, shall be severally liable for the payment of the whole of the debts of the Company contracted during that time, and may be sued for the same, without joinder in the action of any other member.

Service and authentication of documents.

Service of
documents
on Company.

113. A document may be served on a Company by leaving it at or sending it by post to the registered office of the Company.

Authenti-
cation of
documents.

114. A document or proceeding requiring authentication by a Company may be signed by a director, secretary, or other authorised officer of the Company, and need not be under its common seal.

Arbitrations.

Arbitration
between
Companies
and others.

115. A Company may by writing agree to refer and may refer to arbitration any existing or future difference between itself and any other Company or person.

116. (1) Companies parties to an arbitration may delegate to the arbitrator power to settle any terms or to determine any matter capable of being determined by the Companies themselves or by their directors or other managing body. Provisions as to arbitrations.

(2) The provisions of the Arbitration Ordinances 1926-1928 shall apply to arbitrations between Companies and persons in pursuance of this Ordinance.

Power to compromise.

117. (1) Where a compromise or arrangement is proposed between a Company and its creditors or any class of them, or between the Company and its members or any class of them, the Court may, on the application in a summary way of the Company or of any creditor or member of the Company, or, in the case of a Company being wound up, of the liquidator, order a meeting of the creditors or class of creditors, or of members of the Company or class of members, as the case may be, to be summoned in such manner as the Court directs. Power to compromise.

(2) If a majority in number representing three-fourths in value of the creditors or class of creditors or members or class of members, as the case may be, present and voting either in person or by proxy at the meeting, agree to any compromise or arrangement, the compromise or arrangement shall, if sanctioned by the Court, be binding on all the creditors or the class of creditors, or on the members or class of members, as the case may be, and also on the Company or, in the case of a Company in the course of being wound up, on the liquidator and contributories of the Company.

(3) An Order made under the foregoing subsection shall have no effect until a certified copy of the Order has been filed with the Registrar of Companies, and a copy of every such Order shall be annexed to every copy of the Memorandum of the Company issued after the Order has been made, or, in the case of a Company not having a Memorandum, of every copy so issued of the instrument constituting or defining the constitution of the Company.

If a Company makes default in complying with the foregoing provision, it shall be liable to a fine not exceeding £p. 1 for each copy in respect of which default is made, and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to a like penalty.

(4) The expression "arrangement" in this Section shall be construed as extending to a re-organisation of the share capital of the Company by the consolidation of shares of different classes or by the division of its shares into shares of different classes or by both these methods.

(5) In this Section the expression "Company" means any Company liable to be wound up under this Ordinance.

Provisions for
facilitating
reconstruction
and
amalgama-
tion of
Companies.

118. (1) Where an application is made to the Court under the foregoing Section for the sanctioning of a compromise or arrangement proposed between a Company and any such persons as are mentioned in that Section, and it is shown to the Court that the compromise or arrangement has been proposed for the purposes of or in connection with a scheme for the reconstruction of any Company or Companies or amalgamation of any two or more Companies, and that under the scheme the whole or any part of the undertaking or the property of any Company concerned in the scheme (in this Section referred to as a "transferor Company") is to be transferred to another Company (in this Section referred to as "transferee Company"), the Court may, either by the Order sanctioning the compromise or arrangement or by any subsequent Order, make provision for all or any of the following matters:-

(a) the transfer to the transferee Company of the whole or any part of the undertaking and of the property or liabilities of any transferor Company;

(b) the allotting or appropriation by the transferee Company of any shares, debentures, policies, or other like interests in that Company which under the compromise or arrangement are to be allotted or appropriated by that Company to or for any person;

(c) the continuation by or against the transferee Company of any legal proceedings pending by or against any transferor Company;

(d) the dissolution, without winding-up, of any transferor Company;

(e) the provision to be made for any persons, who within such time and in such manner as the Court may direct, dissent from the compromise or arrangement;

(f) such incidental, consequential and supplemental matters as are necessary to secure that the reconstruction or amalgamation shall be fully and effectively carried out.

(2) Where an Order under this Section provides for the transfer of property or liabilities, that property shall by virtue of the Order be transferred to and vest in, and those liabilities shall

by virtue of the Order be transferred to and become the liabilities of, the transferee Company, and in the case of any property, if the Order so directs, freed from any charge which is by virtue of the compromise or arrangement to cease to have effect.

(3) Where an Order is made under this Section, every Company in relation to which the Order is made shall cause a certified copy thereof to be filed with the Registrar of Companies within seven days after the making of the Order, and if a Company makes default in complying with the foregoing provision it shall be liable to a fine not exceeding £p. 5 for every day during which the default continues, and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(4) In this Section the expression "property" includes property, rights and powers of every description, and the expression "liabilities" includes duties.

(5) Notwithstanding the provisions of subsection (5) of the last foregoing Section, the expression "Company" in this Section does not include any Company other than a Company within the meaning of this Ordinance.

119. (1) Where a scheme or contract involving the transfer of shares or any class of shares in a Company (in this Section referred to as "the transferor Company") to another Company, whether a Company within the meaning of this Ordinance or not (in this Section referred to as "the transferee Company"), has within four months after the making of the offer in that behalf by the transferee Company been approved by the holders of not less than nine-tenths in value of the shares affected, the transferee Company may, at any time within two months after the expiration of the said four months give notice in the prescribed manner to any dissenting shareholder that it desires to acquire his shares, and where such a notice is given the transferee Company shall, unless on an application made by the dissenting shareholder within one month from the date on which the notice was given the Court thinks fit to order otherwise, be entitled and bound to acquire those shares on the terms on which under the scheme or contract the shares of any approving shareholder are to be transferred to the transferee Company:

Power to acquire shares of shareholder dissenting from scheme.

Provided that, where any such scheme or contract has been approved at any time before the commencement of this Ordinance, the Court may by Order, on an application made to it by the transferee Company within two months after the commencement

of this Ordinance, authorise notice to be given under this Section at any time within fourteen days after the making of the order, and this Section shall apply accordingly, except that the terms on which the shares of the dissenting shareholder are to be acquired shall be such terms as the Court may by the Order direct instead of the terms provided by the scheme of contract.

(2) Where a notice has been given by the transferee Company under this Section and the Court has not, on an application made by the dissenting shareholder, ordered to the contrary, the transferee Company shall, on the expiration of one month from the date on which the notice has been given, or, if an application to the Court by the dissenting shareholder is then pending, after that application has been disposed of, transmit a copy of the notice to the transferor Company and pay or transfer to the transferor Company the amount or other consideration representing the price payable by the transferee Company for the shares which by virtue of this Section that Company is entitled to acquire, and the transferor Company shall thereupon register the transferee Company as the holder of those shares.

(3) Any sums received by the transferor Company under this Section shall be paid into a separate bank account, and any such sums and any other consideration so received shall be held by that Company on trust for the several persons entitled to the shares in respect of which the said sums or other consideration were respectively received.

(4) In this Section the expression "dissenting shareholder" includes a shareholder who has not assented to the scheme or contract and any shareholder who has failed or refused to transfer his shares to the transferee Company in accordance with the scheme or contract.

PART V.

DEBENTURES, MORTGAGES AND CHARGES.

Application
of Part V. of
Ordinance to
Co-operative
Societies.

120. In this part of this Ordinance:—

(1) The word "Company" shall, except where excluded by the context, include a Co-operative Society registered under the Co-operative Societies Ordinance, 1920;

(2) The word "Registrar" shall in its application to Companies refer to the Registrar of Companies, and in its application to Co-operative Societies registered under the Co-operative Societies Ordinance, 1920, refer to the Registrar of Co-operative Societies.

Borrowing powers and security.

121. (1) Every Company shall be entitled, subject to any limitation or restrictions contained in its Memorandum or Articles of Association or in its Rules (as the case may be), 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 uncalled share capital and its share capital called up but not paid and goodwill, by way of security for liabilities present future or contingent by the issue of debentures whether single or in a series:

Borrowing powers of Company.

Provided that Companies registered without the word "Limited" as part of their name in pursuance of Section 23 of this Ordinance shall not have power to borrow money by the issue of debentures without the express licence in that behalf of the High Commissioner.

(2) The moneys payable under a debenture or series of debentures shall be secured by a mortgage of specified movable or immovable property or by a floating charge upon the property and assets of the Company or some part thereof, or by a charge upon the uncalled share capital, calls upon shares made but not paid, book-debts or goodwill, or by any of such methods.

Security for debentures.

(3) Every debenture and every one of a series of debentures shall contain a general description of the property upon which the moneys payable thereunder are secured and the nature of such security and the circumstances under which the security becomes enforceable.

122. (1) Debentures and every one of the debentures of a series may be issued payable to the registered holder or to bearer.

Classes of debentures.

(2) Notwithstanding anything in its Articles, it shall not be lawful for a Company to register a transfer of debentures of the Company unless a proper instrument of transfer has been delivered to the Company:

Provided that nothing in this Section shall prejudice any power of the Company to register as debenture holder any person to whom the right to any debentures of the Company has been transmitted by operation of law.

(3) The production to a Company of any document which is by law sufficient evidence of probate of the will, or letters of administration of the estate, of a deceased person having been granted to some person shall be accepted by the Company, notwithstanding anything in its Articles, as sufficient evidence of the grant.

Leave of Court for enforcement of certain debentures.

123. (1) Where a debenture or series of debentures is secured by a floating charge or by a charge on uncalled capital, calls upon shares of the Company made but not paid or goodwill, the rights of the debenture holders in respect of such charge shall not be enforceable save by the leave of the Court. On any application to the Court for leave to enforce such charge the Court may grant any such relief whether by way of the appointment of a Receiver, Order for the sale and distribution of the assets or otherwise, as may be obtained on such an application in the Courts of England.

Effect of floating charge.

(2) Where a debenture or a series of debentures is secured by a floating charge upon assets of the Company not excluding its immovable property such charge shall, whether it is registered in the Land Registry or not, be enforceable against the immovable property of the Company.

(3) Nothing in this Ordinance shall be construed to confer upon the holder a debenture secured by a floating charge any right of preference or priority in respect of such charge to the detriment of any registered mortgagee or purchaser for value of immovable property of the Company notwithstanding that the existence of such floating charge was known to the mortgagee or purchaser at the time of the creation of the mortgage or of the sale.

(4) Where a debenture or series of debentures is secured as aforesaid any debenture holder or the trustees, if any, for the debenture holders may at any time apply to the Court for an Order to restrain the Director of Lands from permitting any further mortgage or sale to be entered in the Register in respect of any land then registered in the name of the Company and not excluded from the security of the debenture holders, save under Order of the Court: and the Court may, upon being satisfied that the security of the debenture holders is imperilled or that it is otherwise just and equitable, make such Order accordingly upon such conditions as to costs and otherwise as it may think fit.

Power to execute trust deed.

124. (1) Where debentures are secured by a mortgage of immovable property in Palestine a deed may be executed whereby such property is mortgaged to the trustee or trustees of the deed on behalf of the holders for the time being of the debentures.

Copy of trust deed to be forwarded to debenture holders on request.

(2) A copy of any trust deed for securing any issue of debentures shall be forwarded to every holder of any such debentures at his request on payment in the case of a printed trust deed of the sum of twenty mils or such less sum as may be prescribed by the Company, or where the trust deed has not been

printed on payment of twenty mils for every one hundred words required to be copied.

(3) If a copy of any such deed as aforesaid is refused or not forwarded, the Company shall be liable to a fine not exceeding £p. 5, and to a further fine not exceeding £p. 2, for every day during which the refusal continues; and every director, manager, secretary or other officer of the Company who knowingly authorises or permits the refusal shall incur the like penalty, and the Court may by Order direct that the copies required shall be sent to the persons requiring them.

Registration of mortgages.

125. (1) Every Company shall keep at its registered office a register of mortgages and enter therein all mortgages and charges affecting property of the Company and all floating charges on the undertaking or any property of the Company, giving in each case a short description of the property mortgaged or charged, the amount of the mortgage or charge, and (except in the case of securities to bearer) the names of the mortgagees or persons entitled thereto.

Register of mortgages.

(2) If a director, manager, or other officer of the Company knowingly and wilfully authorises or permits the omission of any entry required by the foregoing subsection of this Section, he shall be liable to a fine not exceeding £p. 50.

(3) The copies of instruments creating any mortgage or charge requiring registration under this Ordinance with the Registrar of Companies, and the register of mortgages kept in pursuance of this Section, shall be open during business hours (subject to such reasonable restrictions as the Company in general meeting may impose so that not less than two hours in each day be allowed for inspection) to the inspection of any creditor or member of the Company without fee, and the register of mortgages shall also be open to the inspection of any other person on payment of such fee, not exceeding fifty mils for each inspection, as the Company may prescribe.

Right to inspect copies of instruments and Company's register of mortgages.

(4) If inspection of the said copies or register is refused the Court may by Order compel an immediate inspection of the Copies or register; and in addition, any officer of the Company refusing inspection and every director and manager of the Company authorising or knowingly and wilfully permitting the refusal, shall be liable to a fine not exceeding £p. 2 for every day during which the refusal continues.

Right of debenture holders to inspect the register.

126. (1) Every register of holders of debentures of a Company shall, except when closed in accordance with the provisions contained in the Articles or in the debentures or, in the case of debenture stock, in the stock certificates or in the trust deed or other document securing the debentures or debenture stock during such period or periods (not exceeding in the whole 30 days in any year) as may be therein specified, be open to the inspection of the registered holder of any such debentures and of any holder of shares in the Company, but subject to such reasonable restrictions as the Company may in general meeting impose, so that at least two hours in each day are appointed for inspection: and every such holder may require a copy of the register or any part thereof on payment of twenty pence for every 100 words required to be copied.

(2) If inspection is refused, the Company shall be liable to a fine not exceeding £p. 5 and to a further fine not exceeding £p. 2 for every day during which the refusal continues and every director, manager, secretary or other officer of the Company who knowingly authorises or permits the refusal shall incur the like penalty and the Court may by Order compel an immediate inspection of the register.

Registration of mortgages and charges.

127. (1) Any mortgage or charge created by a Company registered in Palestine and being either:-

(a) a mortgage or charge for the purpose of securing debentures, including a floating charge or a charge upon uncalled share capital, capital called up but not paid, or goodwill; or

(b) a mortgage or charge on any land, wherever situate, or any interest therein; or

(c) a mortgage or pledge of any movable property of the Company save where the mortgagee or pledgee is in possession of the property; or

(d) a mortgage or charge on any book debts of the Company; or

(e) a mortgage or charge on ships or shares in ships; or

(f) a mortgage or charge on patents or licences under patents, trademarks or copyrights;

shall, so far as any security on the Company's property or undertaking is thereby conferred, be void against the liquidator and any creditor of the Company, unless the prescribed particulars of the mortgage or charge, together with the instrument, if any, by which the mortgage or charge is created or evidenced, are delivered to or received by the Registrar of Companies for registration in manner required by this Ordinance within twenty-one days after the date

of its creation, or in the case of a mortgage of land in Palestine within 21 days after the certificate of registration of the mortgage is issued by the Land Registry Office; but without prejudice to any contract or obligation for repayment of the money thereby secured, when a mortgage or charge becomes void under this Section the money secured thereby shall immediately become payable:

Provided that—

(i) in the case of a mortgage or charge created out of Palestine, comprising solely property situate outside Palestine, the delivery to and the receipt by the Registrar of a copy of the instrument by which the mortgage or charge is created or evidenced, verified in the prescribed manner, shall have the same effect for the purposes of this Section as the delivery and receipt of the instrument itself, and twenty-one days after the date on which the instrument or copy could in due course of post, and if despatched with due diligence, have been received in Palestine, shall be substituted for twenty-one days after the date of the creation of the mortgage or charge, as the time within which the particulars and instrument or copy are to be delivered to the Registrar; and

(ii) where the mortgage or charge is created in Palestine but comprises property outside Palestine, the instrument creating or purporting to create the mortgage or charge may be sent for registration notwithstanding that further proceedings may be necessary to make the mortgage or charge valid or effectual according to the law of the country in which the property is situate; and

(iii) where a negotiable instrument has been given to secure the payment of any book debts of a Company, the deposit of the instrument for the purpose of securing an advance to the Company shall not for the purposes of this Section be treated as a mortgage or charge on those book debts.

(2) where a Company registered in Palestine acquires any property which is subject to a mortgage or charge of any such kind as would, if it had been created by the Company after the acquisition of the property, have been required to be registered under this Section, the company shall cause the prescribed particulars of the mortgage or charge, together with a copy (certified in the prescribed manner to be a correct copy) of the instrument, if any, by which the mortgage or charge was created or is evidenced, to be delivered to the Registrar of Companies for registration in manner required by this Ordinance within twenty-one days after the date on which the acquisition is completed, and if the Company makes default in complying with this provision it shall be

liable to a fine of £p. 50 in respect of each day during which the default continues, and every director, manager, secretary or other officer of the Company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty:

Provided that, if the property is situate, and the mortgage or charge was created outside Palestine, the period of twenty-one days after the date on which the copy of the instrument could in due course of post, and if dispatched with due diligence, have been received in Palestine shall be substituted for twenty-one days after the completion of the acquisition as the time within which the particulars and the copy of the instrument are to be delivered to the Registrar.

(3) It shall be the duty of a Company (including a Company incorporated outside Palestine which has an established place of business in Palestine), within six months after the commencement of this Ordinance, to send to the Registrar of Companies for registration the prescribed particulars of any mortgage or charge created by the Company before the date of the commencement of this Ordinance and remaining unsatisfied at that date, or of any mortgage or charge to which any property acquired by the Company before the commencement of this Ordinance is subject, which would, under the provisions of this Section, have been required to be registered if it had been created or the property had been acquired after the commencement of this Ordinance, and the Registrar shall, on payment of the prescribed fee, enter those particulars on the register kept in pursuance of this Section.

If the Company fails to comply with the requirements of this subsection, the Company and every director, manager, secretary or other officer of the Company, or other person who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding £p. 50 for every day during which the default continues, but the failure of the Company shall not prejudice any rights which any person in whose favour the mortgage or charge was made may have thereunder.

(4) The Registrar shall keep, with respect to each Company, a register in the prescribed form of all the mortgages and charges created by the Company and requiring registration under this Section and shall, on payment of the prescribed fee, enter in the register with respect to every such mortgage or charge, the date of creation, the amount secured by it, short particulars of the property mortgaged or charged, and the names of the mortgagees or persons entitled to the charge.

(5) Where a series of debentures containing, or giving by reference to any other instrument, any charge to the benefit of which the debenture holders of that series are entitled *pari passu* is created by a Company, it shall be sufficient if there are delivered to or received by the Registrar within twenty-one days after the execution of the deed containing the charge or, if there is no such deed, after the execution of any debentures of the series, the following particulars:-

(a) the total amount secured by the whole series; and
 (b) the dates of the resolutions authorising the issue of the series and the date of the covering deed, if any, by which the security is created or defined; and

(c) a general description of the property charged; and
 (d) the names of the trustees, if any, for the debenture

holders;

together with the deed containing the charge, or, if there is no such deed, one of the debentures of the series, and the Registrar shall, on payment of the prescribed fee, enter those particulars in the register:

Provided that, where more than one issue is made of debentures in the series, there shall be sent to the Registrar for entry in the register particulars of the date and amount of each issue, but an omission to do this shall not affect the validity of the debentures issued.

(6) Where any commission, allowance, or discount has been paid or made either directly or indirectly by the Company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any debentures of the Company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such debentures, the particulars required to be sent for registration under this Section shall include particulars as to the amount or rate per cent. of the commission, discount, or allowance so paid or made, but an omission to do this shall not affect the validity of the debentures issued:

Provided that the deposit of any debentures as security for any debt of the Company shall not for the purposes of this provision be treated as the issue of the debentures at a discount.

(7) The Registrar shall give a certificate under his hand of the registration of any mortgage or charge registered in pursuance of this Section stating the amount thereby secured, and the certificate shall be conclusive evidence that the requirements of this Section as to registration have been complied with.

(8) The Company shall cause a copy of every certificate of registration given under this Section to be endorsed on every debenture or certificate of debenture stock which is issued by the Company, and the payment of which is secured by the mortgage or charge so registered:

Provided that nothing in this subsection shall be construed as requiring a Company to cause a certificate of registration of any mortgage or charge so given to be endorsed on any debenture or certificate of debenture stock which has been issued by the Company before the mortgage or charge was created.

(9) It shall be the duty of the Company to send to the Registrar for registration the particulars of every mortgage or charge created by the Company and of the issues of debentures of a series requiring registration under this Section: but registration of any such mortgage or charge may be effected on the application of any person interested therein.

Where the registration is effected on the application of some person other than the Company that person shall be entitled to recover from the Company the amount of any fees properly paid by him to the Registrar on the registration.

(10) The register kept in pursuance of this Section shall be open to inspection by any person on payment of the prescribed fee, not exceeding fifty mils for each inspection.

(11) Every Company shall cause a copy of every instrument creating any mortgage or charge requiring registration under this Section to be kept at the registered office of the Company:

Provided that, in the case of a series of uniform debentures, a copy of one such debenture shall be sufficient.

(12) This Section shall apply to mortgages or charges on property in Palestine created, and mortgages or charges on property in Palestine acquired, after the commencement of this Ordinance by a Company incorporated outside Palestine which has an established place of business in Palestine.

Copy of trust deed to be forwarded to Registrar.

128. (1) A copy of every trust deed for securing any issue of debentures and of every instrument creating any mortgage or charge and of every debenture requiring registration under this Ordinance shall be forwarded by the Company to the Registrar within 21 days of the execution thereof where such instrument has been executed in Palestine, or within 21 days after the date on which the copy could in due course of post if despatched with reasonable diligence have been received in Palestine where such instrument has been executed outside Palestine: Provided that, in

the case of a series of debentures, a copy of one such debenture shall be sufficient.

(2) If default is made in complying with the provisions of this Section the Company and every director, manager, secretary or other officer knowingly and wilfully authorising or permitting such default shall be liable to a fine not exceeding £p. 5 for every day during which such default continues.

129. (1) If any person obtains an Order for appointment of a receiver or manager of the property of a Company, or appoints such a receiver or manager under any powers contained in any instrument, he shall within seven days from the date of the Order or of the appointment under the powers contained in the instrument, give notice of the fact to the Registrar of Companies, and the Registrar shall, on payment of the prescribed fee, enter the fact in the register of mortgages and charges.

Registration of enforcement of security.

(2) If any person makes default in complying with the requirements of this Section he shall be liable to a fine not exceeding £p. 5 for every day during which the default continues.

130. The Registrar of Companies shall keep a chronological index, in the prescribed form and with the prescribed particulars, of the mortgages or charges registered with him under this Ordinance.

Index of register of mortgages and charges.

131. The Registrar of Companies may, on evidence being given to his satisfaction that the debt for which any registered mortgage or charge was given has been paid or satisfied, order that a memorandum of satisfaction be entered on the register, and shall if required furnish the Company with a copy thereof.

Entry of satisfaction.

132. The Court on being satisfied that the omission to register a mortgage or charge within the time hereinbefore required, or that the omission or mis-statement of any particular with respect to any such mortgage or charge or in a memorandum of satisfaction was accidental, or due to inadvertence or to some other sufficient cause, or is not of a nature to prejudice the position of creditors or shareholders of the Company, or that on other grounds it is just and equitable to grant relief, may, on the application of the Company or any person interested, and on such terms and conditions as seem to the Court just and expedient, order that the time for registration be extended, or, as the case may be, that the omission or mis-statement be rectified.

Rectification of register of mortgages.

133. (1) If any Company makes default in sending to the Registrar of Companies for registration the particulars of any mortgage or charge created by the Company, and of the issues of

Penalty for default.

debentures of a series, requiring registration with the Registrar under the provisions of this Ordinance, then unless the registration has been effected on the application of some other person the Company and every director, manager, secretary, or other person who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding £p. 50 for every day during which the default continues.

(2) Subject as aforesaid, if any Company makes default in complying with any of the requirements of this Ordinance as to the registration with the Registrar of any mortgage or charge created by the Company, the Company and every director, manager, and other officer of the Company, who knowingly and wilfully authorised or permitted the default shall, without prejudice to any other liability, be liable to a fine not exceeding £p. 100.

(3) If any person knowingly and wilfully authorises or permits the delivery of any debenture or certificate of debenture stock requiring registration with the Registrar under the provisions of this Ordinance without a copy of the certificate of registration being indorsed upon it, he shall, without prejudice to any other liability, be liable to a fine not exceeding £p. 100.

Receivers.

Payment of certain debts out of assets secured by floating charge in priority to claims under the charge.

134. (1) Where, in the case of a Company registered in Palestine either a receiver is appointed on behalf of the holders of any debentures of the Company secured by a floating charge, or possession is taken by or on behalf of those debenture holders of any property comprised in or subject to the charge, then, if the Company is not at the time in the course of being wound up, the debts which in every winding-up are under the provisions of any Ordinance relating to preferential payments to be paid in priority to all other debts, shall be paid out of any assets coming to the hands of the receiver or other person taking possession as aforesaid in priority to any claim for principal or interest in respect of the debentures.

(2) Any payments made under this Section shall be recouped as far as may be out of the assets of the Company available for payment of general creditors.

Filing of accounts of receivers and managers.

135. (1) Every receiver or manager of the property of a Company who has been appointed under the powers contained in any instrument, shall, within one month or such longer period as the Registrar may allow after the expiration of the period of six months from the date of his appointment and every subsequent

period of six months, and within one month after he ceases to act as receiver or manager, file with the Registrar an abstract in the prescribed form showing his receipts and his payments during that period of six months, or where he ceases to act as aforesaid during the period from the end of the period to which the last preceding abstract related up to the date of his so ceasing, and the aggregate amount of his receipts and of his payments during all preceding periods since his appointment, and shall also on ceasing to act as receiver or manager file with the Registrar notice to that effect, and the Registrar shall enter the notice in the register of mortgages and charges.

(2) Every receiver or manager who makes default in complying with the provisions of this Section shall be liable to a fine not exceeding £p. 5 for every day during which the default continues.

136. (1) If on an application made to the Court by the liquidator of a Company it appears to the Court that any receiver or manager of the property of the Company who has been appointed under the powers contained in any instrument has, after being required at any time by the liquidator so to do, failed to render proper accounts of his receipts and payments and to pay over to the liquidator the amount properly payable to him, the Court may make an Order directing the receiver or manager to make good the default within such time as may be specified in the Order.

Provisions as to receivers and managers.

(2) The Court may, on an application made to the Court by the liquidator of a Company, by Order fix the amount to be paid by way of remuneration to any person who, under the powers contained in any instrument, has been appointed as receiver or manager of the property of the Company, and may from time to time, on an application made either by the liquidator or by the receiver or manager, vary or amend any Order so made.

137. (1) No corporation (but not including a firm) shall unless Ordinance be qualified to act as receiver of the property of a Company and any appointment before the coming into force of this Ordinance shall be void.

Companies etc. disqualified for acting as receiver of a Company.

(2) Any Corporation which in contravention of the provisions of this Section acts as receiver as aforesaid shall be liable to a fine not exceeding £p. 100.

Re-issue of debentures.

Power to re-issue redeemed debentures in certain cases.

138. (1) Where either before or after the passing of this Ordinance a Company has redeemed any debentures previously issued, the Company, unless any provision to the contrary, whether express or implied, is contained in the Articles or in any contract entered into by the Company, or unless the Company has, by passing a resolution to that effect or by some other act, manifested its intention that the debentures shall be cancelled, shall have, and shall be deemed always to have had, power to re-issue the debentures, either by re-issuing the same debentures or by issuing other debentures in their place, and on such a re-issue the person entitled to the debentures shall have, and shall be deemed always to have had, the same priorities as if the debentures had never been redeemed:

(2) Where a Company has power to re-issue debentures which have been redeemed, particulars with respect to the debentures which can be so re-issued shall be included in the balance sheet of the Company.

(3) Where a Company has either before or after the coming into force of this Ordinance deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the Company having ceased to be in debit whilst the debentures remained so deposited.

(4) The re-issue of a debenture or the issue of another debenture in its place under the power by this Section given to, or deemed to have been possessed by, a Company, whether the re-issue or issue was made before or after the coming into force of this Ordinance, shall be treated as the issue of a new debenture for the purposes of stamp duty, but it shall not be so treated for the purposes of any provision limiting the amount or number of debentures to be issued:

Provided that any person lending money on the security of a debenture re-issued under this Section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp duty or any penalty in respect thereof, unless he had notice, or but for his negligence, might have discovered, that the debenture was not duly stamped but in any such case the Company shall be liable to pay the proper stamp duty and penalty.

(5) Nothing in this Section shall prejudice the operation of any judgment or Order of a Court of competent jurisdiction pronounced or made before the coming into force of this Ordinance

as between the parties to the proceedings in which the judgment was pronounced or the Order made, and any appeal from any such judgment or Order shall be decided as if this Ordinance had not been passed.

(6) Where any debentures which have been redeemed before the coming into force of this Ordinance are re-issued subsequently to that date the re-issue of the debentures shall not prejudice any right or priority which any person would if this Section had not come into force have had under or by virtue of any mortgage or charge created before the coming into force of this Ordinance.

General Provisions.

139. A contract with a Company to take up and pay for any debentures of the Company may be enforced by an Order for specific performance.

Specific performance of contract to subscribe for debentures.

140. The provisions of this part of this Ordinance shall not apply to the issue of promissory notes or bills by a Company in the ordinary course of trade notwithstanding that such notes or bills may be transferable generally.

Power to issue bills etc.

141. (1) Where a receiver or manager of the property of the Company or any part thereof has been appointed, every invoice, order for goods or business letter issued by or on behalf of the Company or the receiver or manager, being a document on or in which the name of the Company appears, shall contain a statement that the receiver or manager has been appointed.

Appointment of receiver or manager to be stated on all documents issued by Company.

(2) If default is made in complying with the requirements of this Section, the Company and every director, manager, secretary, or other officer of the Company and every receiver or manager who knowingly and wilfully authorises or permits the default shall be liable to a fine of £p. 20.

PART VI.

WINDING-UP.

Preliminary.

142. (1) The winding-up of a Company may be either:-

(i) by the court; or

(ii) voluntary; or

(iii) subject to the supervision of the Court.

(2) The provisions of this Ordinance with respect to winding-up apply, unless the contrary appears, to the winding-up of a Company in any of those modes.

Modes of winding-up.

Contributories.

Liability as
contributories
of present
and past
members.

143. (1) In the event of a Company being wound-up, every present and past member shall, subject to the provisions of this Section, be liable to contribute to the assets of the Company to an amount sufficient for payment of its debts and liabilities and the costs, charges, and expenses of the winding-up and for the adjustment of the rights of the contributories among themselves, with the qualifications following (that is to say):-

(i) a past member shall not be liable to contribute if he has ceased to be a member for one year or upwards before the commencement of the winding-up;

(ii) a past member shall not be liable to contribute in respect of any debt or liability of the Company contracted after he ceased to be a member;

(iii) a past member shall not be liable to contribute unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Ordinance;

(iv) in the case of a Company limited by shares no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member;

(v) in the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount undertaken to be contributed by him to the assets of the Company in the event of its being wound up.

(vi) nothing in this Ordinance shall invalidate any provisions contained in any policy of insurance or other contract whereby the liability of individual members on the policy or contract is restricted or whereby the funds of the Company are alone made liable in respect of the policy or contract;

(vii) a sum due to any member of a Company, in his character of a member, by way of dividends, profits or otherwise, shall not be deemed to be a debt of the Company, payable to that member in a case of competition between himself and any other creditor not a member of the Company, but any such sum may be taken into account for the purpose of the final adjustment of the rights of the contributories among themselves.

(2) In the winding-up of a limited Company, any director or manager, whether past or present, whose liability is, in pursuance of this Ordinance, unlimited, shall in addition to his liability, if any, to contribute as an ordinary member, be liable to

make a further contribution as if he were at the commencement of the winding-up a member of an unlimited Company:

Provided that:—

(i) a past director or manager shall not be liable to make such further contribution if he has ceased to hold office for a year or upwards before the commencement of the winding-up;

(ii) a past director or manager shall not be liable to make such further contribution in respect of any debt or liability of the Company contracted after he ceased to hold office;

(iii) subject to the Articles of the Company, a director or manager shall not be liable to make such further contribution unless the Court deems it necessary to require that contribution in order to satisfy the debts and liabilities of the Company, and the costs, charges, and expenses of the winding-up.

(3) In the winding-up of a Company limited by guarantee which has a share capital, every member of the Company shall be liable, in addition to the amount undertaken to be contributed by him to the assets of the Company in the event of its being wound up, to contribute to the extent of any sums unpaid on any shares held by him.

144. The term "contributory" means every person liable to contribute to the assets of a Company in the event of its being wound up, and, in all proceedings for the determining and in all proceedings prior to the final determination of the persons who are to be deemed contributories, includes any person alleged to be a contributory. Definition of contributory.

145. The liability of a contributory shall create a debt accruing due from him at the time when his liability commenced, but payable at the times when calls are made for enforcing liability. Nature of liability of contributory.

146. If a contributory dies either before or after he has been placed on the list of contributories, the amount of his liability as a contributory shall be a debt due from his estate to the Company and payable by the executor or administrator of his estate; or if there is no such executor or administrator shall be a debt due from and payable by his heirs each according to his share of the estate. Contributories in case of death of member.

147. If a contributory becomes bankrupt, either before or after he has been placed on the list of contributories, then- Contributories in case of bankruptcy of member.

(a) his trustee or syndic in bankruptcy shall represent him for all the purposes of the winding-up, and shall be a contributory accordingly;

(b) there may be proved against the estate of the bankrupt the estimated value of his liability to future calls as well as calls already made.

Winding-up by Court

Circumstances in which Company may be wound up by Court.

148. A Company may be wound up by the Court—

(a) if the Company has by special resolution resolved that the Company be wound up by the Court;

(b) if default is made in filing the statutory report or in holding the statutory meeting;

(c) if the Company does not commence its business within a year from its incorporation, or suspends its business for a whole year;

(d) if the number of members is reduced below seven;

(e) if the Company is unable to pay its debts;

(f) in the case of a Company which has as its object or one of its objects the acquisition and development of land generally, if the High Commissioner revokes a Certificate under Section 15 hereof enabling the Company to hold lands generally;

(g) if the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed to be unable to pay its debts.

149. A Company shall be deemed to be unable to pay its debts—

(a) if a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding fifty Palestine pounds then due, has served the Company, by leaving the same as its registered office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for three weeks thereafter neglected to pay the sum, or to secure or compound for it to the reasonable satisfaction of the creditor; or

(b) if execution or other process issued on a judgment or Order of any Court in favour of a creditor of the Company is returned unsatisfied in whole or in part; or

(c) if it is proved to the satisfaction of the Court that the Company is unable to pay its debts, and, in determining whether a Company is unable to pay its debts, the Court shall take into account the contingent and prospective liabilities of the Company.

Jurisdiction to wind up Companies.

150.¹⁾ The Court having jurisdiction to wind up Companies shall be the District Court of Jerusalem: Provided that the High Commissioner may by Order confer such jurisdiction upon such other District Court or Courts as he may think fit.

Provisions as to application for winding-up.

151. (1) An application to the Court for the winding-up of a Company shall be by petition, presented subject to the provisions of this Section either by the Company or by any creditor or cre-

¹⁾ See Order under Companies Ordinance, 1929. O. G. No. 239 of 16.7.1929.

ditors (including any contingent or prospective creditor or creditors), contributory or contributories, or by all or any of those parties, together or separately:

Provided that:—

(a) a contributory shall not be entitled to present a petition for winding-up a Company unless —

(i) either the number of members is reduced, below seven; or

(ii) the shares in respect of which he is a contributory, or some of them, either were originally allotted to him or have been held by him, and registered in his name, for at least six months during the eighteen months before the commencement of the winding-up, or have devolved on him through the death of a former holder; or

(iii) in case the Company has no share capital, he has been a member of the Company since its incorporation or for at least six months during the eighteen months before the commencement of the winding-up, or by virtue of his being the administrator, executor or heir of a deceased member; and

(b) a petition for winding-up a Company on the ground of default in filing the statutory report or in holding the statutory meeting shall not be presented by any person except a shareholder nor before the expiration of fourteen days after the last day on which the meeting ought to have been held; and

(c) the Court shall not give a hearing to a petition for winding-up a Company by a contingent or prospective creditor until such security for costs has been given as the Court thinks reasonable and until a prima facie case for winding-up has been established to the satisfaction of the Court.

(2) A petition for winding-up a Company on the ground—

(i) that the number of its members is reduced below seven; or

(ii) that default has been made in filing the statutory report or in holding the statutory meeting; or

(iii) that the Company has not commenced its business within a year from its incorporation or has suspended its business for a whole year; or

(iv) that the High Commissioner has revoked a certificate enabling the Company to hold lands generally, may be presented by the Attorney-General.

(3) Where a Company is being wound up voluntarily or subject to supervision, a petition may be presented by the

Official receiver, as well as by any other person authorised in that behalf under the provisions of this Section: but the Court shall not make a winding-up Order on the petition unless it is satisfied that the voluntary winding-up or winding-up subject to supervision cannot be continued with due regard to the interests of the creditors or contributories.

Effect of winding-up Order.

152. An Order for winding-up a Company shall operate in favour of all the creditors and contributories of the Company as if made on the joint petition of a creditor and of a contributory.

Commencement of winding-up.

153. (1) A winding-up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding-up.

(2) Where before the presentation of a petition for the winding-up of a Company by the Court a resolution has been passed authorising the voluntary winding-up of the Company, the winding-up of the Company shall be deemed to have commenced at the time of the passing of the resolution, and unless the Court, on proof of fraud or mistake, thinks fit otherwise to direct, all proceedings taken in the voluntary winding-up shall be deemed to have been validly taken.

Powers of Court on hearing petition.

154. (1) On hearing the petition the Court may dismiss it with or without costs, or adjourn the hearing conditionally or unconditionally, or make any interim Order, or any other Order that it deems just, but the Court shall not refuse to make a winding-up Order on the ground only that the assets of the Company have been mortgaged to an amount equal to or in excess of those assets, or that the Company has no assets.

(2) Where the petition is presented on the ground of default in filing the statutory report or in holding the statutory meeting, the Court may order the costs to be paid by any persons who, in the opinion of the Court are responsible for the default.

Power of Court to stay actions after presentation of petition for winding-up.

155. At any time after the presentation of a petition for winding-up, and before a winding-up Order has been made, the Company, or any creditor or contributory may:

(a) where any action or proceeding against the Company is pending in a District Court, Land Court, or the Court of Appeal, apply to the Court in which the action or proceeding is pending for a stay of proceedings therein; and

(b) where any other action or proceeding is pending against the Company, apply to the Court to which the petition to wind up the Company has been presented to restrain further proceedings in the action or proceeding;

and the Court to which application is so made may, as the case may be, stay or restrain the proceedings accordingly on such terms as it thinks fit.

156. When a winding-up Order has been made or a provisional liquidator has been appointed no action or proceeding shall be proceeded with or commenced against the Company except by leave of the Court, and subject to such terms as the Court may impose.

Actions stayed on winding-up Order.

157. (1) The Court may at any time after an Order for winding-up, on the application of any creditor or contributory, or of the liquidator or the official receiver and on proof to the satisfaction of the Court that all proceedings in relation to the winding-up ought to be stayed, make an Order staying the proceedings, either altogether or for a limited time, on such terms and conditions as the Court thinks fit.

Power to Court to stay winding-up.

(2) On any application under this Section the Court may, before making an Order, require the Official Receiver to furnish to the Court a report with respect to any facts or matters which are in his opinion relevant to the application.

158. The Court may, as to all matters relating to a winding-up, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence.

Court may have regard to wishes of creditors and contributories.

Official Receiver.

159. (1) For the purposes of this Ordinance, so far as it relates to the winding-up of Companies, the term "Official Receiver" shall mean an officer appointed for the purpose by the High Commissioner.

Definition of Official Receiver.

(2) If in the case of the winding-up of any Company by the Court it appears to the Court desirable, with a view to securing the more convenient and economical conduct of the winding-up, that some officer, other than the person appointed under the preceding subsection, should be the Official Receiver for the purposes of that winding-up, the Court may appoint that other officer to act as Official Receiver in that winding-up, and the person so appointed shall be deemed to be the Official Receiver in that winding-up for all the purposes of this Ordinance.

160. (1) Where the Court has made a winding-up Order or where a provisional liquidator has been appointed there shall be made out and submitted to the Official Receiver a statement as to the affairs of the Company in the prescribed form, verified on oath and showing the particulars of its assets, debts, and liabilities, the

Statement of Company's affairs to be submitted to Official Receiver.

names, residences, and occupations of its creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the Official Receiver may require.

(2) The statement shall be submitted and verified by such one or more of the following persons as the Official Receiver, subject to the direction of the Court, may require to submit and verify the same, namely:-

(a) one or more of the persons who at the time of the winding-up Order or Order appointing a provisional liquidator (as the case may be) are the directors of the Company; or

(b) the person who is at the time of such Order the secretary or other chief officer of the Company; or

(c) any person or persons whom the Official Receiver may consider capable of giving any information required and who is or was within one year preceding such Order, either:

(i) a director or officer or employee of some other Company; or

(ii) a director or officer or employee of some other Company who is, or within the said year was, an officer of the Company to which the statement relates; or

(iii) a person employed in the formation of the Company.

(3) The statement shall be submitted within one month from the date of the Order, or within such extended time as the Official Receiver or the Court may for special reasons appoint.

(4) The Court may by Order dispense with the statement required by this Section in any case where it considers such a course desirable.

(5) Any person making or concurring in making or verifying the statement required by this Section shall be allowed and shall be paid by the Official Receiver out of the assets of the Company such costs and expenses incurred in and about the preparation and making and verifying of the statement as the Official Receiver may consider reasonable, subject to an appeal to the Court.

(6) If any person, without reasonable excuse, makes default in complying with the requirements of this Section, he shall be liable to a fine not exceeding £P. 10 for every day during which the default continues.

(7) Any person stating himself in writing to be a creditor or contributory of the Company shall be entitled by himself or by his agent at all reasonable times, on payment of the prescribed fee, to inspect the statement submitted in pursuance of this

Section and to a copy thereof or extract therefrom. But any person untruthfully so stating himself to be a creditor or contributory shall be liable to a fine not exceeding £p. 5 on the application of the liquidator or of the Official Receiver.

161. (1) Where the Court has made a winding-up Order, the Official Receiver shall as soon as practicable, after receipt of the statement of the Company's affairs, submit a preliminary report to the Court:-

Report by
Official
Receiver.

(a) as to the amount of capital issued, subscribed, and paid up, and the estimated amount of assets and liabilities; and

(b) if the Company has failed, as to the causes of the failure; and

(c) whether in his opinion further inquiry is desirable, as to any matter relating to the promotion, formation, or failure of the Company, or the conduct of the business thereof.

(2) The Official Receiver may also, if he thinks fit, make a further report, or further reports, stating the manner in which the Company was formed, and whether in his opinion any fraud has been committed by any person in its promotion or formation, or by any director or other officer of the Company in relation to the Company since the formation thereof, and any other matters which in his opinion it is desirable to bring to the notice of the Court.

(3) (a) Where the Official Receiver reports that in his opinion, a fraud has been committed by any person in the promotion or formation of the Company or by any director or other officer of the Company in relation thereto since its formation, the Court may, on the application of the Official Receiver make an Order under subsection 4 of Section 234 of this Ordinance as though the person by whom the fraud is alleged in the report to have been made were a person in respect of whom a declaration has been made under subsection (1) of that Section.

(b) The Official Receiver shall, where he intends to make an application under this sub-section, give not less than ten days' notice of his intention to the person charged with the fraud, and on the hearing of the application that person may appear and himself give evidence or call witnesses.

(c) It shall be the duty of the Official Receiver to appear on the hearing of any application and to call the attention of the Court to any matters which appear to him to be relevant, and the official receiver may on the hearing himself give evidence or call witnesses.

Liquidators.

Appointment,
remuneration
and title of
liquidators.

162. (1) For the purpose of conducting the proceedings in winding-up a Company and performing such duties in reference thereto as the Court may impose, the Court may appoint a liquidator or liquidators.

(2) The Court may make such an appointment provisionally at any time after the presentation of a petition and before the making of an Order for winding-up:

(a) if a provisional liquidator is appointed before the making of a winding-up Order the Official Receiver or any other fit person may be appointed;

(b) on a winding-up Order being made, the Official Receiver shall by virtue of his office become the provisional liquidator and shall continue to act as such until he or any person becomes liquidator and is capable of acting as such;

(c) when a person other than the Official Receiver is appointed liquidator he shall not be capable of acting as liquidator until he has notified his appointment to the Registrar of Companies and given security in the prescribed manner to the satisfaction of the Court.

(3) If more than one liquidator is appointed by the Court, the Court shall declare whether any act by this Ordinance required or authorised to be done by the liquidator is to be done by all or any one or more of the persons appointed.

(4) A liquidator appointed by the Court may resign or, on cause shown, be removed by the Court.

(5) A vacancy in the office of a liquidator appointed by the Court shall be filled by the Court, and the Official Receiver shall by virtue of his office be the liquidator during the vacancy.

(6) Where a person other than the Official Receiver is appointed liquidator, he shall receive such salary or remuneration by way of percentage or otherwise as the Court may direct, and, if more such persons than one are appointed liquidators, their remuneration shall be distributed among them in such proportions as the Court directs.

(7) A liquidator shall be described as follows (that is to say): where a person other than the Official Receiver is liquidator, by the style of the liquidator, and where the Official Receiver is liquidator, by the style of the Official Receiver and liquidator, of the particular Company in respect of which he is appointed, and not by his individual name.

(8) The acts of a liquidator shall be valid notwithstanding any defects that may afterwards be discovered in his appointment or qualification.

163. (1) No corporation (but not including a firm) shall, unless acting under an appointment made before the passing of this Ordinance, be qualified to act as liquidator, whether in winding-up by the Court or in a voluntary liquidation of a Company, and any appointment made in contravention of this provision shall be void.

Corporation not to be liquidator.

(2) Any corporation which in contravention of the provisions of this Section acts as such liquidator, as aforesaid, shall be liable to a fine not exceeding £p. 100.

164. Where a winding-up Order has been made or where a provisional liquidator has been appointed the liquidator or the provisional liquidator, as the case may be, shall take into his custody, or under his control, all the property to which the Company is or appears to be entitled.

Custody of Company's property.

165. Where a Company is being wound up by the Court, the Court may, on the application of the liquidator, by Order direct that all or any part of the property whatsoever belonging to the Company or held by trustees on its behalf shall vest in the liquidator by his official name, and thereupon the property to which the Order relates shall vest accordingly, and the liquidator may, after giving such indemnity, if any, as the Court may direct, bring or defend in his official name any action or other legal proceeding which relates to that property or which it is necessary to bring or defend for the purpose of effectually winding-up the Company and recovering its property.

Power to make Order as to vesting of Company's property.

166. (1) The liquidator in a winding-up by the Court shall have power, with the sanction either of the Court or of the Committee of Inspection:-

Powers of liquidator.

(a) to bring or defend any action or other legal proceeding in the name and on behalf of the Company;

(b) to carry on the business of the Company so far as may be necessary, for the beneficial winding-up thereof;

(c) to employ an advocate or other agent to assist him in the performance of his duties.

(2) The liquidator in a winding-up by the Court shall have power, subject to the provisions of this Section, to do all such things as may be necessary for winding-up the affairs of the Company and for collecting and distributing its assets:-

Provided always that the liquidator shall not, without the special leave of the Court, rectify the register of members, or make

any call without either the special leave of the court or the sanction of the Committee of Inspection, if any :

Provided that if the Committee of inspection refuse to sanction a call the liquidator may apply for and the Court may grant special leave to make such call.

(3) The exercise by the liquidator in a winding-up by the Court of the powers conferred by this Section shall be subject to the control of the Court, and any creditor or contributory may apply to the Court with respect to any exercise or proposed exercise of any those powers.

(4) Where a liquidator is provisionally appointed by the Court, the Court may limit and restrict his powers by the Order appointing him.

Meeting of
creditors
and contrib-
utories.

167. (1) When a winding-up Order has been made by the Court, the Official receiver shall summon separate meetings of the creditors and contributories of the Company for the purpose of determining : —

(a) whether or not application is to be made to the Court for appointing a liquidator in the place of the Official Receiver, and

(b) whether or not an application is to be made to the Court for the appointment of a Committee of Inspection to act with the liquidator and who are to be the members of the committee if appointed.

(2) The Court may make any appointment and Order required to give effect to any such determination, and if there is a difference between the determinations of the meetings of the creditors and contributories in respect of any of the matters mentioned in the foregoing provisions of this Section the Court shall decide the difference and make such Order thereon as the Court may think fit.

(3) In case a liquidator is not appointed by the Court the Official Receiver shall be the receiver of the Company.

Liquidator to
give infor-
mation to
Official
Receiver.

168. Where in the winding-up of a Company by the Court a person other than the Official Receiver is appointed liquidator he shall give the Official Receiver such information and such access to and facilities for inspecting the books and documents of the Company, and generally such aid as may be requisite for enabling that officer to perform his duties under this Ordinance.

Payment of
liquidator
into bank.

169. (1) Every liquidator of a Company which is being wound up by the Court shall, in such manner and at such times as the Official Receiver directs, pay the money received by him

to the account of the Company in liquidation at a bank appointed by the Treasurer :

Provided that if the Committee of Inspection satisfy the Official Receiver that for the purposes of carrying on the business of the Company or of obtaining advances, or for any other reason, it is for the advantage of the creditors or contributories that the liquidator should have an account with any other bank, the Official Receiver shall, on the application of the Committee of Inspection, authorise the liquidator to make his payments into and out of such other bank as the Committee may select, and thereupon those payments shall be made in the prescribed manner.

(2) If any such liquidator at any time retains for more than ten days a sum exceeding £p. 50 or such other amount as the Official Receiver in any particular case authorises him to retain, then unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of nine per cent. per annum and shall be liable to disallowance of all or such part of his remuneration as the Court may think just, and to be removed from his office by the Court, and shall be liable to pay any expenses occasioned by reason of his default.

(3) A liquidator of a Company which is being wound up by the Court shall not pay any sums received by him as liquidator into his private banking account.

170. (1) Every liquidator of a Company which is being wound up by the Court shall, at such times as may be prescribed but not less than twice in each year during his tenure of office, send to the Official Receiver or as he directs, an account of his receipts and payments as liquidator.

Audit of
liquidator's
accounts.

(2) The account shall be in prescribed form, shall be made in duplicate, and shall be verified by a declaration on oath in the prescribed form.

(3) The Official Receiver shall cause the account to be audited and for the purpose of the audit the liquidator shall furnish the Official Receiver with such vouchers and information as he may require, and the Official Receiver may at any time require the production of and inspect any books or accounts kept by the liquidator.

(4) When the account has been audited, one copy thereof shall be filed and kept by the Official Receiver and the other copy shall be filed with the Court and each copy shall be open to the inspection of any creditor, or of any person interested.

(5) The Official Receiver shall cause the account when audited or a summary thereof to be printed or typewritten, and shall send a copy of the account or summary by post to every creditor and contributory.

Books to be kept by liquidator.

171. Every liquidator of a Company which is being wound up by the Court shall keep, in manner prescribed, proper books in which he shall cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor or contributory may, subject to the control of the Court, personally or by his agent inspect any such books.

Release of liquidator.

172. When the liquidator of a Company which is being wound up by the Court has realised all the property of the Company, or so much thereof as can, in his opinion, be realised without needlessly protracting the liquidation, and has distributed a final dividend, if any, to the creditors, and adjusted the rights of the contributories among themselves, and made a final return, if any, to the contributories or has resigned, or has been removed from his office, the Official Receiver shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the Official Receiver, shall take into consideration the report and any objection which may be urged by any creditor, or contributory, or person interested against the release of the liquidator, and shall either grant or withhold the release accordingly, subject nevertheless to an appeal to the Court.

(2) Where the release of a liquidator is withheld the Court may, on the application of any creditor, or contributory, or person interested, make such Order as it thinks just, charging the liquidator with the consequences of any act or default which he may have done or made contrary to this duty.

(3) An Order of the Official Receiver releasing the liquidator shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the Company, or otherwise in relation to his conduct as liquidator, but any such Order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the liquidator has not previously resigned or been removed, his release shall operate as a removal of him from his office.

Exercise and control of liquidator's powers.

173. (1) Subject to the provisions of this Ordinance the liquidator of a Company which is being wound up by the Court shall,

in the administration of the assets of the Company and in the distribution thereof among its creditors, have regard to any directions that may be given by resolution of the creditors or contributories at any general meeting, or by the Committee of Inspection, and any directions given by the creditors or contributories at any general meeting shall in case of conflict be deemed to override any directions given by the Committee of Inspection.

(2) The liquidator may summon general meetings of the creditors or contributories for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors or contributories, by resolution, either at the meeting appointing the liquidator or otherwise, may direct, or whenever requested in writing to do so by one-tenth in value of the creditors or contributories, as the case may be.

(3) The liquidator may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the winding-up.

(4) Subject to the provisions of this Ordinance, the liquidator shall use his own discretion in the management of the estate and its distribution among the creditors.

(5) If any person is aggrieved by any act or decision of the liquidator, that person may apply to the Court, and the Court may confirm, reverse, or modify the act or decision complained of, and make such Order in the premises as it thinks just.

174. (1) The Official Receiver shall take cognizance of the conduct of liquidators of Companies which are being wound up by the Court: and if a liquidator does not faithfully perform his duties and duly observe all the requirements imposed on him by Ordinance, rules or otherwise with respect to the performance of his duties, or if any complaint is made to the Official Receiver by any creditor or contributory in regard thereto, the Official Receiver shall inquire into the matter, and take such action thereon as he may think expedient.

(2) The Official Receiver may at any time require any liquidator of a Company which is being wound up by the Court to answer any inquiry in relation to any winding-up in which he is engaged, and may apply to the Court to examine him or any other person on oath concerning the winding-up.

(3) The Official Receiver may also direct a local investigation to be made of the books and vouchers of the liquidator.

Control of
Official Receiver
over
liquidators.

Committee of Inspection, Special
Manager, Receiver.

Committee of Inspection. 175. Where a Company is being wound up under the provisions of this Ordinance, whether such winding-up be voluntary or by the Court or subject to the supervision of the Court, the Official Receiver or the liquidator may, and the liquidator shall if required to do so by any resolution passed at any meeting of creditors or contributories held in accordance with this Ordinance, or any rules made thereunder, apply to the Court for the appointment of a Committee of Inspection for the purposes specified in this Ordinance, and the Court may make such appointment accordingly.

Procedure of Committee. 176. (1) A Committee of Inspection appointed in pursuance of this Ordinance shall consist of creditors and contributories of the Company or persons holding general powers of attorney from creditors or contributories in such proportions, if any, as may be agreed on by the meetings of creditors and contributories, or as, in case of difference, may be determined by the Court.

(2) The Committee shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the liquidator or any member of the Committee may also call a meeting of the Committee as and when he thinks necessary.

(3) The Committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the Committee are present.

(4) Any member of the Committee may resign by notice in writing signed by him and delivered to the liquidator.

(5) If a member of the Committee becomes bankrupt or compounds or arranges with his creditors, or is absent from five consecutive meetings of the Committee without the leave of those members who together with himself represent the creditors or contributories, as the case may be, his office shall thereupon become vacant.

(6) Any member of the Committee may be removed by an ordinary resolution at a meeting of creditors, if he represents creditors, or of contributories, if he represents contributories, of which seven days' notice has been given, stating the object of the meeting, or by the Court on the application of the Official Receiver or the liquidator.

(7) On a vacancy occurring in the Committee the liquidator shall forthwith either apply to the Court or summon a meeting of creditors or of contributories, as the case may require, to fill

the vacancy, and the Court, or, as the case may be, the meeting may, by resolution, reappoint the same or appoint another creditor or contributory to fill the vacancy.

(8) The continuing members of the Committee, if not less than two, may act notwithstanding any vacancy in the Committee.

(9) If there is no Committee of Inspection, any act or thing or any direction or permission by this Ordinance authorised or required to be done or given by the Committee may be done or given by the Official Receiver on the application of the liquidator.

177. (1) Where the Official Receiver becomes the liquidator of a Company whether provisionally or otherwise, he may, if satisfied that the nature of the property or business of the Company, or the interests of the creditors or contributories generally, require the appointment of a special manager of the estate or business of the Company other than himself, apply to the Court, and the Court may, on such application, appoint a special manager thereof to act during such time as the Court may direct, with such powers, including any of the powers of a receiver or manager, as may be entrusted to him by the Court.

Power to appoint special manager.

(2) The special manager shall give such security and account in such manner as the Court may direct.

(3) The special manager shall receive such remuneration as may be fixed by the Court.

178. Where an application is made to the Court to appoint a receiver on behalf of the debenture holders or other creditors of a Company which is being wound up by the Court, the Official Receiver may be so appointed.

Power to appoint Official Receiver as receiver for debenture holders.

Ordinary Powers of Court.

179. (1) As soon as may be after making a winding-up Order, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where a rectification is required in pursuance of this Ordinance and shall cause the assets of the Company to be collected and applied in discharge of its liabilities:

Settlement of list of contributories.

Provided that where it appears to the Court that it will not be necessary to make calls on or adjust the rights of contributories, the Court may dispense with the settlement of a list of contributories.

(2) In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or liable to the debts of others.

Power to
require
delivery of
property.

180. The Court may, at any time after making a winding-up Order, require any contributory for the time being settled on the list of contributories, and any trustee, receiver, banker, agent or officer of the Company to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to the liquidator any money, property or books and papers in his hands to which the Company is prima facie entitled.

Power to
order pay-
ment of
debts by
contributory.

181. (1) The Court may, at any time after making a winding-up Order, make an Order on any contributory for the time being settled on the list of contributories to pay, in manner directed by the Order, any money due from him or from the estate of the person whom he represents to the Company, exclusive of any money payable by him or the estate by virtue of any call in pursuance of this Ordinance.

(2) The Court in making such an Order may, in the case of an unlimited Company, allow to the contributory by way of set-off any money due to him or to the estate which he represents from the Company or any independent dealing or contract with the Company, but not any money due to him as a member of the Company in respect of any dividend or profit; and may, in the case of a limited Company, make to any director or manager whose liability is unlimited or to his estate the like allowance.

(3) In the case of any Company, whether limited or unlimited, when all the creditors are paid in full, any money due on any account whatever to a contributory from the Company may be allowed to him by way of set-off against any subsequent call.

Power of
Court to
make calls.

182. (1) The Court may at any time after making a winding-up Order, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories to the extent of their liability, for payment of any money which the Court considers necessary to satisfy the debts and liabilities of the Company and the costs, charges and expenses of winding-up, and for the adjustment of the rights of the contributories among themselves.

(2) In making a call the Court may take into consideration the probability that some of the contributories may partly or wholly fail to pay the call.



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