

The Defence (Emergency) Regulations, 1945



IN EXERCISE of the powers vested in the High Commissioner by Article 6 of the Palestine (Defence) Order in Council, 1937, and of all other powers enabling him, the Officer Administering the Government hereby makes the following regulations:—

Gaz: 24.3.37, p. 268.

PART I - INTRODUCTORY

Short title

1. These Regulations may be cited as the Defence (Emergency) Regulations, 1945.

Interpretation

2. — (1) In these Regulations —

“Attorney General” includes Solicitor General;

“Army Act” means the Army Act, 1881 (44 & 45 Vict. Cap. 58), as amended from time to time, or any Act substituted therefor ;

[1](†) “Civil Court offence” means an offence against these regulations tried or to be tried by the Court of a Magistrate or a District Court; (†)

“essential services” means services essential for securing the public safety or the defence of Palestine, or for the maintenance of public order or of supplies, and any services essential to the life of the community;

“explosive or incendiary article” means any article or substance (including a liquid or a gas) which is designed, or is capable of being used, for producing an explosion or causing a fire;

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any component part of such weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

“General Officer Commanding” means the officer from time to time in command of His Majesty’s military forces in Palestine;

“His Majesty’s forces” means any of His Majesty’s sea, land or air forces, and the Trans-Jordan Frontier Force, and any other armed forces operating in Palestine with any such forces, and includes any part of such Forces;

“land” includes land of any category or tenure and any building, tree or other thing fixed on the land and any portion of the sea, or shore or a river and any right, interest or easement in or over and or water;

“Military Commander” means the officer appointed to be or act as such under regulation 6;

“Military Court” means a court established in accordance with Part II of these Regulations;

[2](†) “Military Court offence” means an offence against these regulations other than a Civil Court offence;

“Military Court prosecutor” means any commissioned officer of His Majesty’s forces and any officer or person

generally or specially authorised by the General Officer Commanding to prosecute before Military Courts; (†)

[3](††) “motor vehicle” has the same meaning as the Road Transport Ordinance; (††)

“Order in Council” means the Palestine (Defence) Order in Council 1937;

“requisition” means in relation to any property, to take possession of the property or to require the property to be placed at the disposal of the requisitioning authority;

“Police Force” means the Palestine Police Force established under the Police Ordinance, and includes supernumerary police and ghaffirs for whom provision is made in that Ordinance;

“police officer” means any member of the Police Force;

“possession” has the meaning assigned to it in section 5 of the Criminal Code Ordinance 1936.

(2) References in these Regulations to bombs, grenades, explosive or incendiary articles or ammunition shall be construed as including references to any component part of a bomb, grenades, explosive or incendiary article of ammunition.

(3) For the purposes of these Regulations, the occupier of any premises in which any thing is found or is proved to have been shall be presumed to have or to have had possession of that thing, as the case may be, unless the contrary be proved.

[4](†††) (4) For the avoidance of doubt it is hereby declared that the expression “Palestine” where used in these Regulations elsewhere than in Part IX thereof includes the territorial waters of Palestine. (†††)

Application of these Regulations.

[5]2A. (†) For the avoidance of doubt it is hereby declared that these Regulations apply throughout Palestine save where there is something in the subject or context repugnant to or inconsistent with such construction. (†)

Application of the Interpretation Ordinance

3.

—(1) In this regulation, the expression “emergency legislation” means any regulation made under the Order in Council and any order, direction, requirement or notice made or issued by virtue of any such regulation.

(2) The provisions of the Interpretation Ordinance, 1945, other than those of paragraphs (b) and (d) of section 19 and those sections 20, 35, 36 and 37 thereof, shall apply, save as otherwise provided, to all emergency legislation and, for the purposes of such application, Regulations made under the Order in Council shall be deemed to be Ordinances.

(3) Publication of any emergency legislation in the *Gazette* shall be conclusive evidence in all courts and for all purposes whatsoever of the due making and tenor thereof.

Operation

4. —(1) In this regulation, the expression “emergency document” means any document purporting to be an instrument (whether legislative or executive) made or issued in pursuance of, or for the purposes of, the Order in Council, or any provision contained in, or having effect by virtue of any Regulations, made under the said Order, including these Regulations.

(2) It shall not be necessary to publish any emergency document in the *Gazette*.

(3) Where a time, date or occasion is specified in an emergency document as the time, date or occasion on which it is to come into force, it shall come into force accordingly. In any other case, the document shall come into force on the date on which it is dated or made.

(4) Without prejudice to the preceding provisions of this regulation, any order, direction, requirement, notice or appointment under any Regulations (including these Regulations) made under the Order in Council, may, if the authority making or issuing the same thinks fit, but subject to the provisions of any such Regulations, be made or issued orally.

(5) The authority making or issuing any such order, direction, requirement, notice or appointment as is referred to in subregulation (4) shall cause information of the effect thereof to be given as soon as may be in such manner as he thinks necessary for bringing it to the attention of all persons who in his opinion ought to have such information, but no such order, direction, requirement, notice or appointment shall be, or be rendered, invalid as regards any person affected thereby by the fact that the order, direction, requirement, notice or appointment has not been brought to his attention.

(6) Any power conferred by any Regulations (including these Regulations) made under the Order in Council to make or issue any order, direction, requirement, notice or appointment shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary any such order, direction, requirement, notice or appointment.

Provisions, rights and powers not in derogation of other provisions, rights and powers.

5. Subject to the provisions of these Regulations, the provisions of, and the rights and powers conferred by, these Regulations shall be in addition to, and not in derogation of, any provisions of any rights or powers conferred by, any other law or otherwise.

Appointment, etc. of Military Commanders.

6. —(1) The General Officer Commanding may, with the consent of the High Commissioner, appoint for any area or place a Military Commander. Any such appointment may be made by name or by office and, if made by office, the person from time to time holding the designated office shall be the Military Commander for the area or place in question.

(2) Where a Military Commander has been appointed as aforesaid, all the powers and duties vested in or imposed upon a Military Commander by these Regulations may be exercised or performed by him in respect of the area or place for which he has been appointed.

(3) Without prejudice to any other provisions of the Regulations, a Military Commander shall be responsible for public security in the area or place in question and the District Commissioner shall, in all matters relating to the public security in such area or place, act as a political adviser to the Military Commander.

(4) In any area or place for which there is no Military Commander under this regulation, the powers and duties vested in and imposed upon a Military Commander by these Regulations may be exercised and performed by the District Commissioner.

(5) At any time, all or any of the powers or duties vested in or imposed upon a Military Commander by these Regulations, or vested in or imposed upon a District Commissioner in pursuance of sub-regulation (4), may also be exercised or performed by the General Officer Commanding in respect of any area or place in Palestine. Any order, direction, requirement, notice, appointment, licence, permit, consent, authorization, exemption, signal or other measures whatsoever, given, made or taken by the General Officer Commanding in the exercise of any

such power or performance of any such duty in respect of any area or place shall prevail over and supersede any previous measure taken by a Military Commander or a District Commissioner which is inconsistent therewith.

Revocation, etc.

7. —(1) On the coming into force of these Regulations, the following Regulations shall be revoked, that is to say, the Emergency Regulations, 1936, the Emergency Regulations (Manufacture of Explosives) Order, 1936, the Defence (Military Courts) Regulation, 1937, the Defence (Control of Police) Regulations, 1938, the Defence (Military Commanders) Regulations, 1938, the Defence Regulations (Compensation for property occupied for Public Purposes), 1939, and the Defence (Immigration) Regulations, 1940.

(2) All orders, directions, requirements, notices, appointments, licences, permits, consents, warrants, authorizations and exemptions made, granted or given under or by virtue of any Regulations hereby revoked and in force immediately prior to the coming into force of these Regulations, shall continue in force (subject to the powers conferred by these Regulations and by the Interpretation Ordinance, 1945) and shall be deemed to have been made, granted or given under or by virtue of the corresponding provisions of these Regulations and by the corresponding authorities.

(3) For the avoidance of doubt it is hereby declared that the revocation effected by subregulation (1) shall not affect any investigation, liability, penalty, forfeiture, or punishment incurred under any of the Regulations so revoked, and any such investigation, legal proceeding, or remedy may be instituted, continued or enforced, and any such penalty, forfeiture, or punishment may be imposed or carried out, by or before the proper authority under these Regulations, and any proceeding pending in or before a Military Court established under the Defence (Military Courts) Regulations, 1937, or which would, but for these Regulations, be brought before such a Military Court, may be continued or brought in or before a Military Court established under these Regulations.

Exercise of powers

8. Where any power is conferred upon any officer or person by these Regulations or by any order, direction, notice or requirement thereunder, such power may be exercised by that officer or person and by any other persons acting by his direction and that officer or person and any other persons so acting may use all force reasonably necessary for the exercise of the power.

Licenses, permits, etc.

9. —(1) Any licence, permit, consent, authorization or exemption for the granting of which provision is made in these Regulations or in any order, direction, notice of requirement thereunder, may be granted subject to such conditions as the authority granting the same may think fit to impose and any such licence, permit, consent, authorization or exemption may at any time be cancelled or suspended by such authority and any conditions attached thereto may at any time be cancelled, varied or added to by such authority. Any person who contravenes any such condition from time to time in force shall be guilty of an offence against these Regulations.

(2) Any person who is the holder of any licence, permit, consent, authorization or exemptions as aforesaid who fails to produce the same on demand made by any member of His Majesty's forces or any police officer acting in the course of his duty as such or by any other officer authorised to require production thereof to the person making the demand shall be guilty of an offence against these Regulations.

(3) Any person who alters or uses, or lends to, or allows to be altered or used by, or lent to, any other person, any licence, permit, consent, authorization or exemption as aforesaid, or makes or has in his possession, or under his control, any document so closely resembling such a licence, permit, consent, authorization or exemption as to be calculated to deceive, shall be guilty of an offence against these Regulations unless he proves that he did the act in respect of which he was charged for any reasonable and justifiable cause and without intent to deceive any

person.

Affixing of notices

10. Any member of His Majesty's forces and any police officer acting in the course of his duty as such may, for any purpose connected with the public safety, the defence of Palestine, the maintenance of public order or the maintenance of supplies and services essential to the life of the community, affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may, for the purpose of exercising any power conferred by this regulation, enter any premises at any time; and where any such officer has affixed a notice or caused a notice to be displayed in pursuance of this regulation, any person other than a member of His Majesty's forces or a police officer acting in the course of his duty as such who removes, alters, defaces or obliterates the notice shall be guilty of an offence against these Regulations.

Control of Police Forces

11. For the purpose of securing the public safety, the defence of Palestine, the maintenance of public order or the suppression of mutiny, rebellion, or riot, the Police Force shall be under the operational control of the General Officer Commanding.

Part II - Military Courts

Establishment and jurisdiction of Military Courts

Establishment of Military Courts

12. The General Officer Commanding shall establish such Military Courts as he may deem necessary for the purposes of these Regulations.

Constitution

13. A Military Court shall consist of a President who shall be an officer of or above the rank of field officer and two members who shall be commissioned officers of any rank. The President and members shall be appointed by warrant under the hand of the General Officer Commanding.

Sittings

14. A Military Court shall sit at such times and places as the President shall direct.

Jurisdiction.

[6]15. (†) Every military Court shall have jurisdiction to try every offence against these regulations committed in Palestine, whether it is an offence declared by regulation 57 to be triable exclusively in Military Courts or otherwise and, when the offence could also be tried in a Civil Court, to award any punishment not exceeding the maximum punishment which could have been awarded by a District Court or, if the offence could have been tried only in the Court of a Magistrate, to award any punishment not exceeding the maximum punishment which could have been awarded by the Court of a Magistrate:

Provided that —

(a) If the act or omission constituting an offence with which a member of His Majesty's forces (in this proviso re-

ferred to hereinafter as “such member”) is charged constitutes also an offence triable by court martial and the officer commanding in Palestine the force or ship in which such member is serving elects in writing, at any time before the commencement of the trial in the Military Court, that such member shall be tried by court martial for the offence so triable which is constituted by the act or omission, such member shall thereby be discharged of and from all proceedings in the Military Court in respect of the offence; and

(b) The General Officer Commanding may at any time, by order, stay proceedings before a Military Court and thereupon the accused shall be discharged of and from such proceedings, but such discharge shall not amount to an acquittal. (†)

Miscellaneous provisions as to Military Courts.

Warrants of arrest

16. —(1) Without prejudice to any powers conferred by any other law or to the powers conferred by regulation 72, any magistrate or any commissioned officer of His Majesty's forces or any police officer in charge of a police station may issue a warrant for the arrest of any person whom he may reasonably suspect to have committed a Military Court offence, and any such warrant shall be authority for the arrest of such person by any member of His Majesty's forces or by any police officer or by a Mukhtar or by a private person.

(2) For the avoidance of doubt, it is hereby declared that subject to the provisions of regulation 17, the Criminal Procedure (Arrest and Searches) Ordinance shall be applicable to arrests made under the powers conferred by this regulation as it is to arrests made under the powers conferred by that Ordinance; and for the purposes of that Ordinance, a person arrested by a member of His Majesty's Forces or by a mukhtar or by a private person by virtue of a warrant issued under this regulation shall be deemed to have been arrested by a private person without a warrant.

Modification of Cap. 33

17. Notwithstanding the previous provisions of these Regulations, a person accused of a Military Court offence who is in police custody may, with the leave of the President of the Military Court, be brought before a Military Court without being taken before a magistrate if he is brought within forty eight hours of his arrest.

Bail and Remand

[7]18. —(1) (†) Where at any time any person accused of having committed any offence against these regulations (whether it be an offence triable only in a Military Court or otherwise), appears or is brought before a magistrate, the magistrate, if so requested by or on behalf of the Attorney General or the Solicitor General, shall remit the case for trial before a Military Court and, if the accused person is in custody or on bail, shall either release him on bail or remand him in custody (as the magistrate may direct to appear before the Military Court);

Provided that in the case of a person arrested by reason of his having committed, or being suspected of having committed, a Military Court offence punishable with death, the magistrate shall not release such person on bail unless a police officer not below the rank of Superintendent certifies in writing that in his opinion, having regard to all the circumstances of the case, the course of justice will not be prejudiced by such release. (†)

(2) A Military Court may grant bail at any stage of a trial before it but not otherwise.

(3) Section 7 of the Release on Bail Ordinance, 1944, shall not be applicable in the case of Military Court offences.

(4) Subject to the provisions of this regulation, the Release on Bail Ordinance, 1944, shall apply with the neces-

sary modifications in relation to bail under this regulation.

Conduct of prosecutions and representation of accused

19. Every prosecution before a Military Court shall be conducted by a Military Court prosecutor. The accused may be defended by an advocate.

Evidence

20. In relation to evidence, Military Courts shall apply English law and the practice of the courts exercising criminal jurisdiction in England: Provided that a Military Court may, if it is satisfied that it is in the interest of justice so to do, admit any particular evidence notwithstanding that it would be inadmissible in England, but in every such case shall record its reasons for so doing.

General provisions as to procedure

21. Every trial before a Military Court shall be conducted summarily and the Court shall, as regards any matter of procedure not provided for in these Regulations, adopt such course as appears to the Court best calculated to do justice.

Trials ordinarily to be public

22. A Military Court may order that the whole or any part of any trial before it shall take place in a closed court if it is satisfied that it is expedient in the interests of justice or public safety or security so to do. Subject thereto, trials before Military Courts shall be open to the public.

Witnesses and interpreters to be sworn

23. An oath of affirmation shall be administered in the hearing of the Military Court to every witness and to every interpreter in such form and manner as the person to be sworn declares to be binding on his conscience: Provided that the Court may for any reason which seems to it to be sufficient and which reason shall be recorded receive the unsworn or unaffirmed evidence of any witness.

Adjournment of Court

24. A Military Court may adjourn at any stage of the proceedings and may re-assemble at such place or time as the Court shall direct. Unless bail is granted, the Court may give such directions as seen to it to be fit for the custody of the accused and for his appearance at the adjourned hearing.

Record of case

25. The President of the Military Court shall record or cause to be recorded the charges, the plea of the accused, a summary of any evidence given and of any submission made by or on behalf of the accused or the Military Court prosecutor and the result of the case. The President shall sign every order of the Court for the acquittal or for the conviction and sentence of the accused. Any person tried by a Military Court shall be entitled at any time within two years after the conclusion of the trial to a copy of the said record on payment therefor at the rate of ten mils for every folio of seventy-words.

Summons or warrant for witness

26. If it is made to appear that material evidence can be given by, or is in the possession of, any person who will

not voluntarily attend to give it or will not voluntarily produce the same, it shall be lawful for any commissioned officer of His Majesty's forces or any police officer in charge of a police station to issue a summons to such person requiring his attendance before a Military Court or requiring him to bring and produce to such Court for the purpose of evidence all things in his possession or control which may be specified or otherwise sufficiently described in the summons:

Provided that if such officer has reason to believe that the person will not attend on a summons, such officer may issue a warrant for his arrest and any such warrant may be executed by any member of His Majesty's forces or by any police officer.

Release of witnesses arrested on warrant

27. When a witness is arrested under a warrant, the Military Court may, on the furnishing of satisfactory security for the appearance of such witness at the trial and the production by him for the purpose of evidence of such things in his possession or control as may be required, release him from custody.

Imprisonment for failure to obey summons or direction

28. Any person summoned to attend before a Military Court who without reasonable excuse fails to attend and to produce for the purpose of evidence any things in his possession or control as required by the summons, or who, having attended, departs without having obtained the permission of the Court or fails to attend after adjournment of the Court and after being ordered to attend, or any person who, being present in Court, refuses to obey any proper direction of the Court or insults the Court or any member thereof or obstructs or hinders the proceedings of the Court, may be immediately sentenced by the Court to imprisonment for a period of two years. Nothing herein contained shall affect the liability of any such person to any other punishment for such neglect or refusal.

Witnesses liable to cross-examination and re-examination

29. All witnesses other than an accused person making a statement not on oath giving evidence before a Military Court shall be liable to examination, cross-examination and re-examination.

Judgments etc, of Military Courts and decision of General Officer Commanding thereon

30. There shall be no appeal from any judgment, sentence, order, decision or direction (whether given, passed or made before or after the coming into force of the Defence (Emergency) (Amendment No. 8) Regulations, 1947) of a Military Court, or of the General Officer Commanding in relation to any proceedings, conviction or sentence of a Military Court, and no such judgment, sentence, order, decision or direction shall be called in question or challenged, whether by writ or in any manner whatsoever, by or before any Court.

Conviction of Military Court to be unanimous

31. No person shall be found guilty by a Military Court on any charge except by the unanimous verdict of the President and the members.

Special treatment

32. A Military Court shall have power to award special treatment when imposing any sentence of imprisonment.

Youthful offenders

33. Where any person convicted of a Military Court offence is a male who is, or who appears to the Court to be,

under the age of eighteen years, the Court may, in addition to or without imposing any other punishment, sentence such person to be whipped. The whipping shall be with a light rod or cane or birch and the number of strokes shall be specified in the sentence and shall not exceed twenty four.

Juvenile offenders.

33A. Every Military Court shall be a court for the purpose of sections 10, 11, 12, 13, 15, 18, 19, 20, 21, 22 and 23 of the Juvenile Offenders Ordinance, 1937.

Procedure at Trials

Charges to be stated

34. When the accused appears before a Military Court for trial, the substance of the charge against the accused shall be reduced to writing and shall be stated to him in a language which he understands and he shall be asked if he admits or denies the truth thereof.

Joinder of charges

35. There shall be a separate charge for each distinct offence alleged to have been committed by the accused, but any number of such charges may be made at the same time and may be tried together or separately as the Court shall at any time decide. The accused shall make a separated and distinct plea to each charge.

Amendment or alteration of charge and procedure to be taken

36. At any stage of the proceedings the Court may, at the request of the Military Court prosecutor or the accused or of its own motion, amend the charge or cause the accused to be charged with another offence. The Court, before proceeding with the trial after the charge has been amended or altered as aforesaid, may, as in its discretion it thinks fit having regard to the interests of the accused, grant an adjournment of the trial or permit any witness to be recalled and examined by the prosecution or the defence.

Joinder of accused

37. Any number of accused persons alleged to be guilty of similar offences or of offences arising out of the same transaction or series of transactions may be charged and tried together or separately as the Court shall at any time decide.

Procedure where separate trials ordered

38. Where, at any stage of the proceedings, a Military Court decides that separate trials shall be held, such trials may each proceed from the point of the joint proceedings where the Court ordered separate trials.

Procedure on plea of guilty

39. If the accused admits the truth of any charge, the Court shall satisfy itself that the accused fully understands the nature of the charge and the effect of an admission of its truth before convicting the accused on that charge. When satisfied as aforesaid, the Court may convict the accused and may inform itself of the facts of the case by hearing any witnesses or by a statement by the Military Court prosecutor (in so far as it is not challenged by the accused) before passing sentence upon the accused.

Procedure on plea of not guilty

40. —(1) If the accused does not admit the truth of any charge or the Court refuses to accept a plea of guilty, the Court shall proceed to hear the Military Court prosecutor and his witnesses and to hear or consider other evidence (if any).

(2) If the accused does not employ an advocate the Court shall, at the close of the examination of each witness for the prosecution ask the accused whether he wishes to put any questions to that witness and shall cause his answer to be recorded.

Acquittal at the end of the case for the prosecution

41. If at the close of the case for the prosecution the Court is of opinion that a case is not made out for the accused to answer on any charge, the Court shall acquit the accused on that charge.

Procedure on defence

42. —(1) If at the close of the case for the prosecution it appears to the Court that a case is made out for the accused to answer on any charge, the Court shall ask him if he wishes to say anything in answer to the charge, or wishes to give evidence or call any witness in his defence, and the Court shall hear the evidence of the accused (if he desires to give evidence) and the evidence of any witnesses called for the defence.

(2) If the accused states that he has witnesses to call but that they are not present, the Court may in its discretion adjourn the trial and, if it deems fit, take steps to secure the attendance of each of such witnesses.

Address by defence and prosecution

43. At the end of the case for the defence the accused or his advocate may address the Court and thereafter the Military Court prosecutor may reply.

Acquittal to be pronounced at once

44. At the conclusion of the case, if the Court shall acquit the accused upon any charge, the finding of acquittal shall be pronounced at once and if it relates to all the charges the accused shall be discharged forthwith.

Conviction and sentence

45. If the Court shall convict the accused upon any charge it shall proceed to pass sentence upon the accused according to the law.

President's report and record to be forwarded to the General Officer Commanding

46. As soon as possible after the conclusion of the trial the President shall prepare a report upon the case and forward the same to the General Officer Commanding together with the record of the case.

Presence of accused

[8]46A.—(1) (†) Every person tried before a Military Court or a Summary Military Court shall be entitled to be present in the Court during the whole of the trial so long as he conducts himself properly.

(2) If he conducts himself improperly, the Court may, in its discretion, direct him to be removed and proceed with the trial in his absence, making such provision as in its discretion appears sufficient for his being informed of what

passes at the trial and of having an opportunity of making his defence.

(3) The Court may, if it thinks fit, permit the accused to be out of Court during the whole or any part of a trial on such terms as it thinks proper.

(4) The provisions of this Regulation shall have effect notwithstanding anything to the contrary in these Regulations. (†)

Insanity of accused

46B.— (1) Where, upon the trial of any person by a Military Court it appears to the Court that such person is guilty of the offence with which he is charged but that at the time of the commission of the offence he was, by reason of any disease affecting his mind, incapable of understanding what he was doing or of knowing that he ought not to have done the act or made the omission constituting the offence, the Court shall return a special verdict of “Guilty but insane” (or “Guilty but insane by reason of intoxication”), and shall direct that such person shall be detained during the pleasure of the High Commissioner.

(2) Where, in the course of a trial by a Military Court, it appears to the Court that the person is insane so that he cannot be tried, the Court shall direct him to be detained during the pleasure of the High Commissioner.

Where it is certified by two Government medical officers that a person detained under the provisions of this sub-regulation is sane and the High Commissioner is satisfied that it is proper to do so, he shall direct that such person shall be tried according to law for the offence with which he was charged.

(3) The High Commissioner may from time to time give directions as he thinks fit as to the custody of person directed to be detained under the provisions of this Regulation.

Confirmation by the General Officer Commanding

Confirmation of conviction and sentence by General Officer Commanding necessary

47. The conviction and sentence of the Military Court shall not be valid except in so far as the same may be confirmed by the General Officer Commanding. Pending confirmation as aforesaid the Court shall order the accused to be detained in custody and such period of detention shall if the sentence is confirmed and was one of imprisonment, be reckoned as part of the sentence of imprisonment passed as aforesaid.

Powers of General Officer Commanding on confirmation

48. The General Officer Commanding upon confirmation may —

(a) confirm the conviction and sentence; or

(b) reverse the finding and acquit the accused and direct his release; or

(c) confirm the conviction and do all or any of the following things, that is to say, mitigate or remit the sentence, award special treatment, or commute the sentence for any less sentence which might have been awarded to the accused by the court; or

(d) withhold confirmation and order a new trial of the case before the same court or before any other Military Court.

Sentences

Custody pending confirmation

49. After any person has been awarded any sentence by a Military Court he shall be detained in custody pending confirmation of the proceedings and for such custody a warrant under the hand of the President (or his successor in office) or any member of the Court by which the person was sentenced shall be full and ample authority to all persons.

Order on confirmation to be sent to Military Court

50. After confirmation of the proceedings, the General Officer Commanding shall cause a copy under his hand of his order thereon to be sent to the President of the Military Court (or his successor in office) which sentenced the accused or to any member of such court. Upon receipt of the said order, the President or member as aforesaid shall cause an entry to be made thereof in the records of the Court.

Order signed by President of a member of the Court to be authority for carrying out sentence

51. A copy of the order of the General Officer Commanding signed by the President (or his successor in office) or by a member of the Military Court which sentenced the accused shall be full and ample authority to all persons in Palestine for the carrying into effect of the sentence and the due observance of all directions contained in the said order of the General Officer Commanding.

Death Sentences

52. —(1) The provisions of this Regulation shall have effect in the case of death sentences passed by Military Courts.

(2) Every such sentence shall direct that the person sentenced shall be hanged by the neck until he is dead.

(3) The General Officer Commanding may from time to time by order give such directions (whether of general or special application) as he may deem appropriate in relation to all or any of the following matters: —

(a) the time and place of execution,

(b) custody of the person or persons under sentence pending execution,

(c) any other matter relating to, or arising out of, the sentence of the execution, including the disposal and burial of the body.

(4) Save in so far as they may be applied by directions given by order of the General Officer Commanding under this Regulation, rules 288 to 303 of the Prison Rules shall not apply in the case of death sentences passed by Military Courts.

(5) This Regulation shall have effect whether the sentence of death has been passed before or after the coming into force of the Defence (Emergency) (Amendment No. 7) Regulations, 1947.

Carrying out of sentence of imprisonment

53. —(1) Every sentence of imprisonment awarded by a Military Court shall be carried out in a prison in Palestine

constituted under the Prisons Ordinance, 1940, or any other Ordinance amending or substituted for the same: Provided that, in the case of a person subject to the Naval Discipline Act, the Army Act or the Air Force Act, the General Officer Commanding, with the approval of the High Commissioner, may by order direct —

- (a) that the sentence be carried out in a military prison or detention barrack in Palestine;
 - (b) where the person is serving his sentence in a prison constituted under the Prisons Ordinance, 1940, or any Ordinance amending or substituted for the same, that he be removed to serve the balance of his sentence in a military prison or detention barrack in Palestine;
 - (c) where the person is serving his sentence in a military prison or detention barrack in Palestine, that he be removed to serve the balance of his sentence in a prison constituted under the Prisons Ordinance, 1940, or any Ordinance amending or substituted for the same.
- (2) Any order made under this regulation shall prevail over any order previously made under this regulation.

Royal Instructions. Laws of Pal., p. 2659.

54. Paragraph XXVIII of the Royal Instructions dated 1st January, 1932, shall not apply to any sentence of death passed by a Military Court.

Review of sentences by General Officer Commanding

55. The General Officer Commanding may, if he considers it expedient to do so, at any time review a sentence of a Military Court which has been confirmed and shall have power upon such a review to mitigate or remit the sentence, to award special treatment, or to commute the sentence for any less sentence which might have been awarded by the court.

Powers of pardon etc. of High Commissioner unaffected

56. The powers conferred by these Regulations on the General Officer Commanding as to the mitigation, remission or commutation of sentences shall be in addition to and not in derogation of any of the powers conferred upon the High Commissioner by Article 16 of the Palestine Orders in Council 1922-1939 or otherwise.

Summary Military Courts

[9]56A —(1) (†) In addition to any Military Courts constituted as in regulation 13, the General Officer Commanding may establish such Military Courts consisting of a single commissioned officer of His Majesty's forces appointed under the hand of the General Officer Commanding as he may deem necessary for the purposes of these regulations and every such Court is hereinafter referred to as a "Summary Military Court".

(2) The provisions of these regulations shall apply to Summary Military Courts as though they were Military Courts, save that:

(i) a Summary Military Court shall sit at such times and places as the officer constituting the same shall direct;

(ii) a Summary Military Court shall not have power to impose the death sentence or to award imprisonment exceeding two years or a fine exceeding two hundred pounds or both such imprisonment and fine.

(iii) the conviction and sentence of a Summary Military Court shall not require confirmation by the General Officer Commanding but shall be valid as from the date thereof;

(iv) in relation to the finding and sentence of a Summary Military Court the General Officer Commanding may —

(a) reverse the finding and acquit the accused and direct his release;

(b) mitigate or remit the sentence, award special treatment or commute the sentence for any less sentence which might have been awarded to the accused by the court;

(v) the record of the proceedings of any trial by a Summary Military Court shall consist of the following only:—

(a) the charge or charges;

(b) the plea of the accused;

(c) a sufficient note of the evidence given to permit of the preparation of a report on the trial if called for by the General Officer Commanding;

(d) the findings and the sentence;

(vi) a report on any case tried by a Summary Military Court need only be prepared when called for by the General Officer Commanding;

(vii) a warrant under the hand of the officer appointed by the General Officer Commanding to constitute a Summary Military Court shall be full and ample authority to all persons in Palestine for carrying into effect of the sentence of the court and any directions that the General Officer Commanding may subsequently make in relation thereto.

(3) At any time before the pronouncement of its finding on any charge brought before it, a Summary Military Court shall have power to transmit such charge for trial by a Military Court constituted under regulation 13 and to remand the accused in custody or release him on bail to appear before such Military Court, and such Military Court shall thereupon have power to hear and determine the said charge and do all things in connection therewith in the same manner as if the said charge had been brought before it in the first instance.

Fines imposed by Military Court

56B. —(1) Subject to the provisions of regulation 56A(2)(ii), when a person is convicted of any offence by a military court, the court may instead of inflicting a sentence of imprisonment, impose of a sentence of imprisonment and fine or of fine only.

(2) A Military Court may award such sentence of imprisonment in default of payment of a fine as may appear to the Court to be reasonable in addition to any sentence of imprisonment which it is otherwise competent to award.

(3) If default is made in the payment of any fine imposed by a Military Court, the payment of such fine may be enforced in the court of any magistrate having jurisdiction in Palestine as though the fine had been imposed by him and was a fine which he had the power to impose.

(4) All monies received from the payment of fines imposed by Military Courts shall be paid into the general revenues of the Government.

PART III — OFFENCES TRIABLE ONLY IN MILITARY COURTS

General provision

57. —(1) Contraventions of any of the provisions of this Part or any order thereunder shall be offences against these regulations punishable on conviction with the punishments specified.

(2) The Military Courts shall have exclusive jurisdiction to try such offences and also charges of abetment of such offences and attempts to commit such offences.

(3) Nothing in these regulations shall prejudice the liability of any person to be tried for any offence against any law other than these regulations.

Offences relating to firearms, explosives, property, etc.

58. No person shall —

(a) discharge any firearm at any person or any group or body of persons, or at any place where persons may be, or

(b) throw or deposit any bomb, grenade or incendiary article with intention to cause death or injury to any person or damage to any property, or

(c) carry any firearm, ammunition, bomb, grenade, or explosive or incendiary article, without a permit granted by or on behalf of a Military Commander, or otherwise than in accordance with the terms and conditions of such permit, or

(d) be a member of any group or body of persons, any one or more of whom has committed while as a member of the group or body or is committing an offence against this regulation.

PUNISHMENT: *Death or such lesser punishment as the Court may order.*

Miscellaneous offences against maintenance of public order

59. No person shall —

(a) have in his possession any firearm, ammunition, bomb, grenade, or explosive or incendiary article, unless he is the holder of —

(i) a valid licence so to do issued under any law other than these regulations, or

(ii) a permit granted by or on behalf of a Military Commander,

and complies with the terms and condition attached to his licence or permit, or

(b) have in his possession any weapon, instrument, or article or thing designed and adapted for causing death or serious injury, or

(c) manufacture any firearm, ammunition, grenade, or explosive or incendiary article, without a permit granted by or on behalf of a Military Commander, or otherwise than in accordance with the terms and conditions of such permit, or

(d) destroy, damage, obstruct, endanger or interfere with, or do any act or be guilty of any omission calculated to destroy, damage, obstruct, endanger or interfere with, any of the following, or the working, use or safety of any of the following, that is to say, any vessel, aircraft, harbour, quay, pier, mooring, aerodrome, railway, waterway, tramway, road, truck, railway engine, carriage, truck or van, or any other means of public transport, or any works, plant, transmission line or other equipment used or adapted for use for the production, supply, storage, transport, transmission or distribution of water, fuel, gas or electricity, or any property of His Majesty's Government or of the

Government of Palestine or of His Majesty's forces, or

(e) approach or be in the neighbourhood of, or enter on, any such property as is referred to in paragraph (d) for the purpose of doing any act forbidden by that paragraph, or

(f) fortify any area or place, or

(g) be a member of any group or body of persons, any one or more of whom has committed while a member of the group or body or who is committing an offence against this regulation.

PUNISHMENT: *Imprisonment for life or such lesser punishment as the Court may order.*

Unlawfully wearing uniform, etc

60. —(1) No person shall —

(a) wear any uniform of any of His Majesty's forces or of the Police Force, or of any armed force of a foreign country, not being entitled to do so, or

(b) wear any article of clothing or other article likely to be mistaken for any such uniform as is mentioned in paragraph (a) unless he satisfies the Court that he had no intention that it should be so mistaken.

PUNISHMENT: *Imprisonment for life or such lesser punishment as the Court may order.*

(2) For the purposes of this regulation "uniform" includes headgear, emblem, badge, brassard, clothing, equipment and every article forming part of a uniform.

Unofficial uniforms, etc.

61. The High Commissioner may by order prohibit, restrict or regulate the wearing or display by any person of any specified distinctive dress or article of clothing or other article.

PUNISHMENT FOR CONTRAVENTION OF ORDER: *Imprisonment not exceeding three years.*

Unlawful drilling

62. No person shall —

(a) train or drill any other person to the use of arms or the practice of military exercises, movements or evolutions, or

(b) receive any such training or drilling, or

(c) be present at any such training or drilling

PUNISHMENT: *Imprisonment not exceeding seven years.*

Disguises

63. No person shall use any disguise in any circumstances in which the using of disguise by him is or is likely to become prejudicial to the public safety or the defence of Palestine or the maintenance of public order.

PUNISHMENT: *Imprisonment not exceeding three years.*

Harbouring

64. No person shall assist or harbour any other person who is or has been engaged in any activity prejudicial to the public safety, the defence of Palestine or the maintenance of public order or is committing or has committed any offence triable exclusively in a Military Court, whether by giving him information or supplying him with shelter, food, drink, money, clothes, weapons, ammunition, stores, forage, petrol or other fuel, means of conveyance or otherwise.

PUNISHMENT: *Imprisonment not exceeding five years.*

False evidence, etc.

65. No person shall give false evidence in any proceedings before a Military Court or misconduct himself before any such Court.

PUNISHMENT: *Imprisonment not exceeding five years.*

PART IIIA. — ABETMENT AND ATTEMPTS

Abetment

66. —(1) For the purposes of this regulation every person abets the commission of an offence against these regulations who knowingly and wilfully aids or counsels or procures the commission of that offence, whether or not the person abetted does in fact commit that offence or is capable in law of committing that offence.

(2) Every person who abets the commission of an offence against these regulations shall be guilty of an offence and shall be liable to be dealt with, charged, tried and punished as though he had himself committed the offence abetted.

Attempts

67. —(1) For the purpose of this regulation a person is deemed to attempt to commit an offence when he begins to put his intention to commit the offence into execution by means adapted to its fulfilment, and manifests his intention by some overt act, but does not fulfil his intention to such an extent as to commit the offence. It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from further prosecution of his intention. It is also immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

(2) Every person who attempts to commit an offence shall be guilty of an offence and upon conviction therefor shall be liable to be punished as follows, that is to say —

(a) to imprisonment for life if the offence attempted would have rendered the perpetrator thereof liable on conviction to death;

(b) to imprisonment for a period not exceeding ten years if the offence attempted would have rendered the perpetrator thereof liable on conviction to imprisonment for life;

(c) in every other case to punishment not exceeding half the greatest punishment to which he would have been liable if he had actually committed the offence which he attempted to commit.

(3) Subject to the provisions of regulation 57, the offence of attempting to commit an offence may be tried by any Court which would have had jurisdiction to try the offence attempted:

Provided that the Court of a Magistrate shall not have power to award any punishment exceeding the punishment it could have awarded if the offence had been committed.

PART IV. — OFFENCES TRIABLE IN CIVIL COURTS

General provision.

68. Without prejudice to the provisions of regulation 15, all offences against these regulations other than those declared by regulation 57 to be triable exclusively in Military Courts, shall be triable in the Civil Courts; and, save as otherwise provided, the general criminal law of Palestine shall be applicable in relation to offences against these regulations when so tried or to be tried.

General penalty

69. Where no special penalty is provided for the offence, a person who is to be tried in the Civil Courts may be tried summarily either by the Court of a Magistrate or by a District Court and —

(a) if tried summarily by the Court of a Magistrate, he shall be liable, on conviction, to imprisonment for six months or to a fine of one hundred pounds or to both such imprisonment and fine;

(b) if tried summarily by a District Court, he shall be liable, on conviction, to imprisonment for five years or to a fine of one thousand pounds or to both such imprisonment and fine.

Change of venue

70. Notwithstanding any provision of law to the contrary, a trial to which this Part relates may be held in any Court in Palestine before a District Judge or Magistrate, as the case may be, having jurisdiction in any part of Palestine.

Felonies

71. For the avoidance of doubt it is hereby declared that Civil Court offences which, if tried by a District Court, are punishable without previous conviction with death, or with imprisonment for more than three years, are felonies notwithstanding that, if tried otherwise, they are punishable with some lesser penalty. (†)

Provisions as to summary trials by District Courts

71. A. (1) Where at any time any person accused of having committed an offence against these Regulations triable summarily by a District Court (whether it be an offence which is only so triable or otherwise and whether it be a felony or otherwise) appears or is brought before a magistrate, the magistrate, if so requested by or on behalf of the Attorney General or his representative, shall remit the case for summary trial by a District Court, and, if the accused person is in custody or on bail, shall either release him on bail or remand him in custody (as the magistrate may direct) to appear before the District Court.

(2) When a case has been remitted for summary trial by a District Court, the Attorney General or his representative or any police officer may file in the District Court a written charge signed by him.

(3) Subject to the provisions of these Regulations, the provisions of the Magistrates Courts Jurisdiction Ordinance, 1939 (or any Ordinance amending or replacing the same) relating to the summary trials of misdemeanours by District Courts and appeals therefrom, and the provisions of the District Courts (Summary Trials) Rules, 1938

(or any rules amending or replacing the same) shall be applicable, in so far as they may be capable of being applied, in relation to summary trials of offences (whether felonies or misdemeanours) by District Courts under these regulations as they are in relation to summary trials by District Courts of misdemeanours in pursuance of sections 7 and 9 of the Magistrates Courts Jurisdictions Ordinance, 1939, or any provision of law amending or replacing the same.

(4) The provisions of this Regulation shall be applicable (subject to all just defences) whether the offence was committed before or after the coming into force of the Defence (Emergency) (Amendment No. 4) Regulations, 1946.

(5) Where a summary trial for an offence against these regulations is pending before a District Court of the coming into force of the Defence (Emergency) (Amendment No. 4) Regulations, 1946, it shall be lawful for the accused in the presence of the court to waive any plea that he is not properly before the court or any objection to the statement by way of charge to which he pleaded and thereupon the court may proceed with the trial and the trial shall not be open to challenge by reason only of the matters waived. (†)

PART V - PROVISIONS APPLICABLE TO BOTH MILITARY COURT AND CIVIL COURT OFFENCES

Arrest

72. —(1) Any member of His Majesty's forces and any police officer and any Mukhtar may arrest without a warrant any person whom he may find committing, or reasonably suspects of having committed, an offence against these Regulations.

(2) For the avoidance of doubt, it is hereby declared that, subject to the provisions of regulation 16, the Criminal Procedure (Arrest and Searches) Ordinance shall be applicable to arrests made under the powers conferred by this regulation as it is to arrests made under the powers conferred by that Ordinance; and, for the purposes of that Ordinance, a person arrested by a member of His Majesty's forces or by a Mukhtar under the powers conferred by this regulation shall be deemed to have been arrested by a private person.

Offence by corporations

73. Where a person convicted of an offence against any of these Regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Seizure, forfeiture, etc.

74. —(1) Any member of His Majesty's forces and any police officer may seize and detain any goods, articles, documents or things in relation to which he has reason to suspect that an offence against these Regulations has been committed or which he has reason to suspect to have been used in the committing of any such offence or for facilitating the commission of any such offence or which he has reason to suspect to be evidence of the commission of any such offence.

(2) Any goods, articles, documents or things in relation to which an offence against these Regulations has been committed or which have been used in the commission of any such offence or for facilitating the commission of any offence are hereby declared to be forfeited to the Government of Palestine [10] (†) and shall be disposed of in such manner as the High Commissioner may, either generally or in any particular case or class (†) of case, direct.

(3) Any goods, articles, documents or things seized and detained under this regulation as being suspected of being liable to forfeiture which are subsequently found not to be so liable shall be released.

(4) Any goods, articles, documents or things seized and detained under this regulation as being suspected of being evidence of the commission of an offence shall be released if they are found not to be such evidence.

Powers of entry and search of premises, places, vehicles, vessel or aircraft

75. Any commissioned officer of His Majesty's forces, any member of His Majesty's forces generally or specially authorised by a commissioned officer thereof, any police officer of or above the rank of Inspector or any police officer generally or specially authorised by a police officer of or above the rank of Assistant Superintendent of Police may enter or board any premises, place, vehicle, vessel or aircraft at any time, being premises or a place, vehicle, vessel or aircraft which he may have reason to suspect of being used, or having been recently used for any purpose prejudicial to the public safety, the defence of Palestine, the maintenance of public order or for the purpose of or in connection with mutiny, rebellion or riot, or in which he may suspect that there is any person who has committed an offence against these Regulations or any goods, article, document or thing liable to seizure under regulation 74, and may search any such premises, place, vehicle, vessel or aircraft and any person therein or leaving the same.

Search of persons

76. Any member of His Majesty's forces and any police officer may detain and search any person whom he has reason to suspect to be using or carrying any article liable to seizure under regulation 74 or any animal on which he may suspect that there is such article.

Stopping vehicles, vessels and aircraft

77. —(1) Any officer authorised by these Regulations to enter or board any vehicle, vessel or aircraft may stop and detain the same using force if need be.

(2) If any person having the command or charge of any vehicle, vessel or aircraft fails to stop the same forthwith when called upon orally or by signal or by any other means whatsoever by any such officer, he shall be guilty of an offence against these Regulations.

Obtaining possession, where possession an offence

78. For the avoidance of doubt it is hereby declared that, where possession of any property or thing, or possession thereof in specified circumstances, is an offence against the Regulations, the obtaining of possession, or the obtaining of possession in those circumstances, of that property or thing shall constitute that offence.

Exemption

^[11]78A.(†) Nothing shall be an offence against these regulations which is done by any member of His Majesty's forces, or by any police officer, or by any other officer of the Government acting in the course of his duty as such.

Onus of proof

78B. The onus shall be on any person accused of an offence against these regulations to prove that his case comes within any exemption created by the regulations describing the offence or otherwise, or to prove that he had been exempted from any requirement or was in possession of any licence, permit, consent, or authorization.

Imprisonment No. 2 of 1940.

78C. The High Commissioner may by order provide that specified places (not being prisons for the purpose of the Prisons Ordinance) may be used for the serving of any imprisonment to which persons are liable by reason of their conviction for offences against these regulations, and may give such directions as he may deem appropriate for securing proper control and management of such places and the maintenance of order therein and the punishment of person guilty of disorder therein. A place to which an order under this regulation relates shall, for the purposes of regulation 53 of these regulations, be deemed to be a prison constituted under the Prisons Ordinance, 1940, or any Ordinance amending or substituted for the same. (†)

PART VI - EMERGENCY CONTROL OF MOTOR VEHICLES

Interpretation.

79. Whenever the High Commissioner is of opinion that it is necessary or expedient so to do for securing the public safety, the defence of Palestine, the maintenance of public order or the suppression of mutiny, rebellion or riot, he may from time to time by Order apply this Part of the Regulations to any District or part of a District and may in like manner vary or revoke any such order.

Application of this Part

80. In this Part —

“Authority” means any commissioned officer in His Majesty’s forces or any police officer of or above the rank of Assistance Superintendent of Police, or any other police officer authorised in that behalf in writing by the Inspector General of Police or by a Superintendent of Police;

“District” means any District or part of a District to which this Part of these Regulations has been applied;

“emergency signal” means a signal sounded by means of a siren and consisting of a succession of blasts, each blast being of approximately ten seconds’ duration and followed by a pause of approximately five seconds’ duration;

“emergency ceased signal” means a signal sounded by means of a siren and consisting of a continuous blast of approximately two minutes’ duration;

Power of Authority

81. —(1) Whenever an incident has occurred which in the opinion of an Authority endangers, or is likely to endanger, public safety, the defence of Palestine, or the maintenance of public order, or the suppression of mutiny, rebellion or riot, and the Authority considers it necessary so to do, the Authority may, by an emergency signal, prohibit the movement of motor vehicles within a District.

(2) Where after an emergency signal has been given under subregulation (1) the Authority considers that it is no longer necessary to prohibit the movement of motor vehicles within the District, the Authority may give, or cause the giving of, an emergency ceased signal cancelling the emergency signal.

Prohibition of movement of motor vehicles

^[12]82. (†) Whenever an emergency signal is given within a District, no motor vehicle (other than a motor vehicle which is under the control of the Authority) shall be or remain in motion in the District until an emergency ceased

signal is given cancelling the emergency signal; and if any motor vehicle shall be or remain in motion contrary to this regulation, the owner and any person having control of the vehicle and every person who is in the vehicle shall be deemed to have failed to comply with this regulation. (†)

Penalty

83. Any person who fails to comply with regulation 82 shall be guilty of an offence, against these Regulations and, without prejudice to any other provisions of these Regulations, any police officer or member of His Majesty's forces may take all such steps in relation to such person and to the motor vehicle in question as may be reasonably necessary to secure compliance with regulation 82.

PART VII - UNLAWFUL ASSOCIATION

Meaning of expression "unlawful association"

84. —(1) In this part, the expression "unlawful association" means any body of persons, whether incorporated or unincorporated and by whatsoever name (if any) it may from time to time be known, which —

(a) by its constitution or propaganda or otherwise advocates, incites or encourages any of the following unlawful acts, that is to say —

(i) the overthrow by force or violence of the constitution of Palestine or the Government of Palestine;

(ii) the bringing into hatred or contempt of, or the exciting of disaffection against, His Majesty's Government in the United Kingdom or the Government of Palestine or the High Commissioner in his official capacity;

(iii) the destruction of or injury to property of His Majesty's Government in the United Kingdom or of the Government of Palestine;

(iv) acts of terrorism directed against servants of His Majesty's Government in the United Kingdom or against the High Commissioner or against servants of the Government of Palestine;

or which has committed or has claimed to have been responsible for, or to have been concerned in, any such acts as are mentioned in sub-paragraph (ii), (iii) or (iv) of this paragraph; or

(b) is declared by the High Commissioner to be an unlawful association.

and includes a branch, centre, committee, group, faction or institution of any such body.

(2) On coming into force of a declaration by the High Commissioner under paragraph (b) of subregulation (1) that any body of persons is an unlawful association, the following consequences shall ensue, that is to say:—

(a) every person having in his possession, custody or control any property (which expression means moveable and immoveable property of all kinds) of the association, and every person with whom the association has any account or deposit or by whom any sum is or will be payable to the association, shall, within forty-eight hours, send a written notice of that fact (giving true and full particulars thereof) to the Financial Secretary by registered post;

(b) the Financial Secretary may give directions to any such person (whether or not that person has complied with subregulation (1)) forfeiting any such property, or the amount due on any such account or the deposit or amount payable to the High Commissioner and requiring such person to transfer, surrender, pay or otherwise make the same available to the High Commissioner in such manner as may be provided in the directions;

(c) no person shall remove, deal with or part with the possession, custody or control of any property, account, deposit or sum payable as mentioned in paragraph (a), otherwise than in accordance with directions given under paragraph (b), without permission given by or on behalf of the Financial Secretary;

(d) any police officer and person generally or specially authorised by the Financial Secretary may enter any premises in which he may have cause to believe that there is any property, or any document relating to any property or account or deposit or sum payable, which is mentioned in paragraph (a) and may search the said premises and may examine and take possession of and retain any such property or document pending the directions of the Financial Secretary under paragraph (b);

(e) every person shall give truthfully any information in his possession which is demanded by, or by any person acting under the general or special orders of, the Financial Secretary regarding any property, account, deposit or sum payable which is mentioned in subregulation (a);

(f) any person who contravenes any provision of this sub-regulation, or of any direction or requirement thereunder, shall be guilty of an offence against these Regulations.

Offences

85. —(1) Any person who —

(a) is, or acts as , a member of an unlawful association, or

(b) manages, or assists in the management of, an unlawful association, or holds any office or position in or under an unlawful association, or

(c) does any work or performs any service for an unlawful association, unless he proves that he bona fide believed that the work or service was not for an unlawful association, or

(d) attends any meeting of an unlawful association, or

(e) permits or suffers any meeting of an unlawful association to be held in any house, building or place belonging to or occupied by him or under his control, unless he proves that he did not know of or connive at the meeting or that he bona fide believed that the meeting was not a meeting of an unlawful association, or

(f) has in his possession, custody or control any book, account, periodical, handbill, poster, newspaper or other document, or any funds, insignia or property, belonging to or relating to or issued by or in the interests of, or purporting to belong to or relate to or to be issued by or in the interests of, an unlawful association, or

(g) writes or otherwise prepares or reproduces, prints, types or otherwise reproduces, publishes, exhibits, sells or exposes for sale, distributes, transmits, or knowingly handles, any such thing as is mentioned in paragraph (f), or

(h) collects, receives, requests or demands any donation or subscription for an unlawful association or under pretence that it is for an unlawful association, or

(i) by writing, words, signs, or other acts or representation, directly or indirectly, whether by inference, suggestion, implication or otherwise, acts on behalf of, or as a representative of, an unlawful association.

(j) contacts, or has any connection with, any member of either of the organizations or groups known as

(i) the Irgun Zvai Leumi, and

(ii) the Lochamei Herut Israel

with a view to publicating, or in any manner making known to the public, the aims, objects, purposes or intentions of such organization or group,

^[13](†) shall be liable to be tried summarily either by the Court of a Magistrate or by a District Court and —

(a) if tried summarily by the Court of a Magistrate, shall be liable on conviction to imprisonment for one year or to a fine of one hundred pounds or to both such imprisonment and fine;

(b) if tried summarily by a District Court, shall be liable on conviction to imprisonment for ten years or to a fine of one thousand pounds or to both such imprisonment and fine. (†)

(2) In this regulation “document” includes any substance recording or on which is recorded, any matter, whether by letters, figures, marks or pictorial or other representation, or by more than one of those means.

PART VIII - CENSORSHIP

Interpretation..

86. In this Part —

“authorised officer” means any Customs Officer, Immigration Officer, officer of the postal service, police ^[14]officer, member of His Majesty’s forces, or any person authorised in that behalf by the Censor;

“Censor” means any person appointed as such in writing by the High Commissioner;

“newspaper” means any publication containing news, intelligence, reports of occurrences, or any remarks, observations or comments, in relation to such news, intelligence or occurrences, or to any other matter of public interest, printed in any language and published in Palestine for sale or free distribution at regular or irregular intervals, but does not include any publication published by or for the Government of Palestine;

“photograph” includes any photographic plate, photographic film or other sensitised article which has been exposed or otherwise treated so as to record information, whether it has been developed or not;

“postal packet” means a letter, postcard, reply postcard, newspaper, printed packet, pattern or sample packet or parcel, and every packet or article transmissible by post, and includes a telegram;

“printing” includes lithography, type-writing, photography and all other modes of representing or reproducing words, figures, signs, pictures, maps, designs, illustrations and other like matter;

“publication” means any newspaper, periodical, magazine, or book and any document published or intended to be published, and a document shall be presumed to be intended to be published unless the contrary is proved;

“publish” includes circulate, disperse, hand over, communicate or make available to any person or persons;

“telegram” means any article on which there is recorded any message or other communication transmitted or intended for transmission by any apparatus for transmitting messages or other communications by means of electric signals;

“unlawful publication” means any publication in relation to which an order under regulation 88 is in force, and any publication containing any matter in relation to which an order under regulation 87 is in force, and any copy or portion of a newspaper or of any issue or number thereof printed or published in contravention of regulation 94 or containing matter which does not comply with regulation 95, and any document printed or published in contravention of regulation 96, and any publication containing matter not submitted for censorship as required by an order

under regulation 97.

Prohibited matter

87. —(1) The Censor may by order prohibit generally or specially the publishing of matter the publishing of which, in his opinion, would be, or be likely to be or become, prejudicial to the defence of Palestine or to the public safety or to public order.

(2) Any person who publishes any matter in contravention of an order under this regulation and the proprietor and editor of any publication in which it is published and the person who wrote, printed, drew or designed, the matter shall be guilty of an offence against these Regulations.

Prohibited publications

88. —(1) The Censor may by order prohibit the importation or exportation, or the printing or publishing of any publication (which prohibition shall be deemed to extend to any copy or portion of such publication or of an issue or number thereof), the importation, exportation, printing or publishing of which, in his opinion, would be, or be likely to be or become, prejudicial to the defence of Palestine or to the public safety or to public order.

(2) Any person who contravenes any order under this regulation and the proprietor and editor of the publication in relation to which the contravention occurs, and any person (unless in the opinion of the Court he ought fairly to be excused) who has in his possession or control, or in premises of which he is the occupier, any publication prohibited under this regulation or who posts, delivers or receives any such publication, shall be guilty of an offence under these Regulations.

General power of examination, etc.

89. The Censor shall have power to detain, open and examine or to direct the detention, opening and examination of —

(a) all postal packets, and

(b) all printed or written matter and all packages, articles and things subject to examination by the customs authorities which may contain any printed or written matter, and to withhold from delivery or destroy any postal packet or any printed or written matter which contains anything which the Censor considers to be, or to be likely to be or to become, prejudicial to the defence of Palestine or to the public safety or to public order; and the Censor, and any ^[15]authorised officer acting by general or special arrangement with him, shall have all such powers as are necessary or appropriate for the carrying out of all such measures.

Examination, etc. of postal packets

90. —(1) Any officer authorised generally or specially in that behalf by or on behalf of the Postmaster General may require the sender of a postal packet, at the time of submitting the packet to a Post Office, to expose the contents of the packet to such officer and, after the contents have been examined to close the packet in the presence of such officer and hand it over to such officer forthwith.

(2) Any person who contravenes any such requirement shall be guilty of an offence against these Regulations, and, in addition, the officer may refuse to accept the postal packet for posting.

(3) The Postmaster General or any officer authorised generally or specially in that behalf by him or on his behalf may direct that a postal packet shall not be accepted for posting if he is of opinion that the acceptance of the packet might endanger life or property.

Restrictions on dispatch and distribution of certain articles

91. (1) The High Commissioner, or any person to whom the High Commissioner has under subregulation (3) delegated any of his functions under this regulation, may make provision by order that postal packets of any such description as be specified in the order shall not be despatched by post from Palestine to any destination outside Palestine, or distributed in Palestine where such postal packets are received in Palestine, except in accordance with the order; and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, any such order may, in relation to any description of postal packets, direct that no postal packet of that description shall be so dispatched or distributed as aforesaid otherwise than under the authority and in accordance with the terms of a permit granted by such authority or person as may be specified in the order.

(2) The High Commissioner, or any person to whom the High Commissioner has under subregulation (3) delegated any of his functions under this regulation, may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation, photograph or other article whatsoever recording information shall be sent or conveyed from Palestine to any destination outside Palestine otherwise than by post, or conveyed into Palestine otherwise than by post, and without prejudice to the preceding provisions of this paragraph, any such order may —

(a) be made with respect to all such articles as aforesaid or any class or description thereof;

(b) direct, in relation to all or any of the articles to which it applies, that no such article, and no package capable of containing such an article, shall be sent or conveyed as aforesaid, or consigned for the purpose of being so sent or conveyed, otherwise than under the authority and in accordance with the terms of a permit granted by such authority or person as may be specified in the Order.

(3) The High Commissioner may, to such extent and subject to such restrictions as he thinks proper, delegate all or any of his powers under subregulations (1) and (2) to any specified person or class of persons.

(4) No person shall have in his possession any article for the purpose of sending or conveying it in contravention of an order made under this regulation.

(5) Any person who contravenes this regulation shall be guilty of an offence against these Regulations.

Censorship on travellers

92. (1) Any person who, on any occasion, is about to leave Palestine or arrives in Palestine (which person is hereafter in this paragraph referred to as “the traveller”) shall, if on that occasion he is required so to do by an authorised officer —

(a) declare whether or not he has with him any article with respect to which an order under subregulation (2) of regulation 91 is in force,

(b) produce any such article as aforesaid which he has with him, and the authorised officer, or any person acting under his directions, may examine or search any article which the traveller has with him for the purpose of ascertaining whether he is conveying or has in his possession any such article as to which such order as aforesaid applies, and if the authorised officer has reasonable ground for suspecting that the traveller has about his person any such article as to which such order as aforesaid applies, search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the authorised officer has reasonable ground for suspecting that it is an article to which such order as aforesaid applies: Provided that no female shall be searched in pursuance of this regulation except by a female.

(c) Where any person is about to leave Palestine or arrives in Palestine in or accompanied by any vehicle or other

means of transport, or in any ship or aircraft, any authorised officer, or any person acting under his directions, may enter the vehicle or other means of transport or ship or aircraft for the purpose of exercising the powers conferred upon him by subregulation (1), and may also examine or search the vehicle or other means of transport or ship or aircraft for the purpose of ascertaining whether there is thereon any article with respect to which an order under subregulation (2) of regulation 91 is in force.

(d) Where at any place in Palestine any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person about to leave, or arriving in Palestine, the provisions of subregulation (1) shall apply in relation to the person so found as they apply in relation to a person about to leave Palestine; and where any person is on any occasion found travelling in Palestine to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if, when so found, he had been about to leave Palestine.

Examination of consignments

93. —(1) If there is in force an order under subregulation (2) of regulation 91, any authorised officer, or any person acting under his directions, may examine or search any articles consigned from Palestine to a destination outside Palestine or from a place outside Palestine to a destination in Palestine, for the purpose of ascertaining whether any article to which such order applies is being sent or conveyed and may seize any article found upon such examination or search, being an article as to which the authorised officer has reasonable ground for suspecting that it is an article to which an order as aforesaid applies.

(2) Any authorised officer, or any person acting under his directions, may enter any vehicle or other means of transport or go on board any ship or aircraft for the purpose of exercising the powers conferred on him by subregulation (1) in relation to any articles in or on the vehicle or other means of transport or on board the ship or aircraft.

Newspaper permits

94. —(1) No newspaper shall be printed or published unless the proprietor thereof shall have obtained a permit under the hand of the District Commissioner of the District in which the newspaper is being, or is to be printed.

(2) The District Commissioner, in his discretion and without assigning any reason therefor, may grant or refuse any such permit and may attach conditions thereto and may at any time suspend or revoke any such permit or vary or delete any conditions attached to the permit or attach new conditions thereto.

(3) Any person who contravenes this regulation or the conditions of any permit thereunder and the proprietor and editor of the newspaper in relation to which the contravention occurs shall be guilty of an offence against these Regulations.

Official Communications

95. —(1) Without prejudice to the provisions of section 10 of the Press Ordinance, where it is desired to publish in any newspaper any matter contained in any official communication issued for the information of the public by the Public Information Officer and the communication is not published textually in full the matter published shall contain all the material facts stated in the communication.

(2) If the provisions of this regulation are contravened, the editor, printer and publisher of the newspaper shall each be guilty of an offence against these Regulations.

Political matter

96. —(1) No notice, illustration, placard, advertisement, proclamation, pamphlet or other like document containing matter of political significance (whether in the form of an article or statement of facts or otherwise) shall be printed or published in Palestine unless a permit has first been obtained under the hand of the District Commissioner of the District in which such printing or publishing is intended to be effected:

Provided that this regulation shall not apply in relation to any matter contained in a newspaper in respect of which a permit is in force under regulation 94.

(2) Any person who contravenes this regulation shall be guilty of an offence against these Regulations.

Power to require submission of matter for censorship before publication

97. —(1) The Censor may by order require the proprietor, editor, printer or publisher of any publication, or the proprietor or manager of any printing press or printing business, or the author of, or any person about to print or publish, any matter, to submit to the Censor before printing or publishing any matter intended for printing or publishing.

(2) Any such order may be given either generally or in respect of any particular subject or class or subject, and, in the case of a publication published at regular or irregular intervals, may be given in respect of any particular issue or class of issues or of all issues for a specified period.

(3) Any person who contravenes an order under this regulation shall be guilty of an offence against these Regulations.

Censorship not to be disclosed

98. —(1) The printer or publisher of any publication shall not, without the written permission of the Censor —

(a) print or publish any statement to the effect, or from which it may be inferred, that any alteration, addition, or omission has been made by order of the Censor in any matter submitted to him;

(b) print or publish any matter which has been submitted to the Censor in such a way as to show or suggest that any alteration, addition or omission has been made by order of the Censor;

(c) print or publish any statement to the effect that publicity of such matter has been forbidden.

(2) Any person who contravenes this regulation and the proprietor and editor of the publication in question shall be guilty of an offence against these Regulations.

Seizure, etc.

99. Without prejudice to any provision of these Regulations, any authorised officer may seize and detain any unlawful publication which comes into his hands.

Action against printing presses, etc., responsible for contraventions

100. —(1) Without prejudice to any other provision of these Regulations, the Censor may by order —

(a) direct the forfeiture to the Government of Palestine of any printing press or other instrument or apparatus used for the printing of any unlawful publication and thereupon such printing press, instrument or apparatus may be seized by any police officer; or

(b) for such period as may be specified in the order, prohibit the operation —

(i) by any person whatsoever of any printing press, instrument or apparatus used as aforesaid;

(ii) by the proprietor of any printing press, instrument or apparatus used as aforesaid of that or any other printing press, instrument or apparatus designed for printing.

(2) Any person who contravenes any order made under paragraph (b) of subregulation (1) shall be guilty of an offence against these Regulations.

Search, etc.

101. If the Censor has reason to suspect that any premises are being used for the purpose of the printing or publishing of any matter in contravention of this Part or of an order thereunder, or for the purpose of the printing or publishing of any matter the publication of which is, or is likely to be or become, prejudicial to the defence of Palestine or the public safety, or public order, or that there is in any premises any press, instrument or apparatus liable to forfeiture under regulation 100, he may by written order authorise any police officer not below the rank of Inspector to enter and search such premises and thereupon a police officer not below the rank of Inspector and any person acting by his directions may at any time, and if necessary by force, enter and search the premises and any person, animal, vehicle or other thing found leaving the premises (provided that a female shall be searched only by a female) and may seize and impound any unlawful publication, and any publication containing matter the publishing of which is, or is likely to be or become, prejudicial to the defence of Palestine or the public safety or public order or to the suppression of mutiny, rebellion or riot, and any printing press, apparatus or instrument which the police officer suspects to have been used for the printing of any such publication and any printing press, apparatus or instrument liable to forfeiture under regulation 100:

Provided that any printing press, apparatus or instrument seized as aforesaid (unless already liable to forfeiture under regulation 100) shall not be forfeited except by order of the Censor.

PART IX - IMMIGRATION

[16]

Construction No. 5 of 1941

102. (†) This Part of these regulations shall be read and constructed as one with the Immigration Ordinance, 1941, hereinafter referred to as "the principal Ordinance".

Section 3 of the principal Ordinance amended

103. Section 3 of the principal Ordinance is hereby amended by substituting the words "vessel, aircraft, vehicle or railway train" for the words "vessel, aircraft or railway train" where they occur therein.

Section 4 of the principal Ordinance amended

104. Section 4 of the principal Ordinance is hereby amended by substituting the following paragraph (b) of subsection (1) thereof: -

" (b) officers and members of the crews of His Majesty's ships or aircraft, or of the ships or aircraft of any power friendly to His Majesty; "

Section 5 of the principal Ordinance amended

105. Section 5 of the principal Ordinance is hereby amended by inserting the following paragraph in subsection (1) immediately after paragraph (f): —

” (fa) is not a permanent resident and does not enter Palestine as a traveler or a temporary labourer or an immigrant; or ”

Section 10 of the principal Ordinance amended

106. Section 10 of the principal Ordinance is hereby amended by deleting in subsection (8) thereof the words ”in custody in such manner as the High Commissioner may by order direct” and substituting therefore the words—

”in custody in such manner as the High Commissioner or other officer making the deportation order may by order direct”.

Section 12 of the principal Ordinance amended

107. Section 12 of the principal Ordinance is hereby amended—

(a) by deleting the second paragraph of subsection (2) thereof, and substituting the following:--

”The onus shall be on the accused to prove that he was a Palestinian citizen or a permanent resident or that he had complied with the requirements of paragraphs (g) or (h) of subsection (1) of section 5 whenever any of those issues arise in a prosecution for an offence or an attempt to commit an offence under paragraph (a) of this subsection or under that paragraph read with section 15. The onus shall be on the accused to prove that he is lawfully in Palestine in any prosecution under paragraph (b) of this section.”;

(b) by substituting the following for paragraphs (i) to (iv) of subsection (3) thereof: —

(i) for the purposes of this subsection—

(a) a person abets the commission of an offence if he aids, counsels or procures the commission of the offence, whether or not the person abetted does in fact commit the offence or is capable in law of committing it;

(b) without prejudice to the provisions of this Ordinance relating to actual abetment, the master, owner and agent of a vessel and the commander, owner and agent of an aircraft are all deemed to have abetted the unlawful immigration of any person (hereinafter called ”that person”) who is proved to have been on board the vessel or aircraft in Palestine or the territorial waters thereof, whether that person or aircraft came there voluntarily or not, unless it is proved—

(1) that that person did not enter or attempt to enter Palestine and did not intend so to do, or

(2) that that person was a Palestinian citizen or a permanent resident and as such was not required to comply with the requirements of paragraphs (g) or (h) of subsection (1) of section 5, or that in fact he had complied with such requirements, or

(3) that all practicable precautions had been taken, including the examination of his papers to ensure that that person had complied with the said paragraphs (g) or (h) and that the accused bona fide believed that person to have so complied, or

(4) that all practicable precautions to prevent the presence of unknown persons on board the vessel or aircraft had been taken and that the accused did not know of the presence of that person on board the vessel or aircraft;

(ii) any person who abets any other person in any contravention, or attempted contravention of this Ordinance or any order or rule made by virtue thereof or harbours any person whom he knows or has reason to believe to have contravened or attempted to contravene this Ordinance or any order or rule made by virtue thereof, and any master, owner or agent of a vessel or commander, owner or agent of an aircraft who is deemed for the purpose of this subsection to have abetted the unlawful immigration of any person, shall be guilty of an offence and may be tried summarily therefor by a District Court and shall be liable on conviction to a fine of one thousand pounds or to imprisonment for eight years or to both such fine and imprisonment. It shall be lawful to charge as a separate offence the abetment of each of several persons abetted, or the abetment of the unlawful immigrations of each of several persons, or to include in one charge the abetment of more than one person or the abetment of the unlawful immigration of more than one person, with or without specifying the number of persons abetted. In any prosecution for the abetment under this paragraph, the onus shall be on the accused to prove that the person abetted was a Palestinian citizen or a permanent resident and as such was not required to comply with the requirements of paragraphs (g) or (h) of subsection (1) of section (5), or that in fact he had complied with such requirements, whenever those issues arise;

(iii) if any vessel, to the knowledge of the master, owner or agent, or any aircraft to the knowledge of the commander, owner or agent, or any vehicle or other means of conveyance to the knowledge of the owner or person in charge thereof, is used in any contravention or attempted contravention of this Ordinance or any order or rule made by virtue thereof, or in the abetment of any contravention or attempted contravention of this Ordinance or any order or rule made by virtue thereof, or for the harbouring of any person who there is reason to believe to have contravened or attempted to contravene this Ordinance or any order or rule made by virtue thereof or if any person is proved to have been on board a vessel or aircraft in circumstances in which the master, owner or agent of the vessel or the commander, owner or agent of the aircraft is deemed to have abetted the unlawful immigration of that person, then—

(a) the vessel, aircraft, vehicle or other means of conveyance, as the case may be, shall save as hereinafter provided, be forfeited to the Government;

(b) if any criminal prosecution, facts are established to the satisfaction of the Court which render a vessel, aircraft, vehicle or other means of conveyance forfeited to the Government, the Court may by order confirm such forfeiture and such order shall save as provided in paragraph (e), be conclusive as to such forfeiture;

(c) in the absence of any order of a criminal Court confirming a forfeiture as above, the forfeiture may be confirmed by order of a District Court on the application by way of summons of the Attorney General or his representative, such application being served on the master, owner or agent of the vessel or the commander, owner or agent of the aircraft, or the owner or person in charge of the vehicle or other means of conveyance as the case may be, or being served by affixing a copy thereof to the vessel, aircraft, vehicle or other means of conveyance; and the owner of the vessel, aircraft, vehicle or other means of conveyance shall have the right to show cause against the making of the order;

(d) in the case of a vessel exceeding one thousand tons registered tonnage, a forfeiture shall not be effective until confirmed by order of Court as above. In the case of any other vessel or in the case of an aircraft, vehicle or other means of conveyance, the forfeiture shall be effective without such confirmation but subject to any decision of the Court declining to confirm the forfeiture;

(e) an order of any Court confirming a forfeiture shall be subject to appeal as near as may be as though it was a judgment of a District Court in a civil action between the Attorney General as plaintiff and the owner of the vessel, aircraft, vehicle or other means of conveyance as defendant. ”

Sections 13 and 14 of the principal Ordinance repealed and replaced

107A. Sections 13 and 14 of the principal Ordinance are hereby repealed and replaced by the following sections:-

Powers in relation to prohibited immigrants

"13. — (1) In this section—

"prohibited immigrant" means any person in Palestine unless it is proved either that he has never left Palestine or that he lawfully entered Palestine in accordance with the law relating to immigration at the time of such entry, and any person in the territorial waters of Palestine whether on board any vessel, aircraft, float or otherwise, whether he or the vessel, aircraft or float come there voluntarily or not, unless it is proved either that he did not enter Palestine and did not attempt or intend to enter Palestine or that he was not prohibited from entering Palestine by any provision of this Ordinance or any rule or order made by virtue thereof and did not enter Palestine and did not attempt or intend to enter Palestine in contravention of this Ordinance or any rule or order made by virtue thereof;

"authorized officer" means any immigration officer, any commissioned officer of His Majesty's forces or member of His Majesty's forces generally or specially authorized by a commissioned officer thereof, and any police officer of or above the rank of Inspector or police officer generally or specially authorized by a police officer of or above the rank of Assistant Superintendent.

(2) Any Commanding Officer may pursue any vessel or aircraft within the territorial waters of Palestine which he believes may be carrying persons intending to enter Palestine and, if the vessel or aircraft does not bring to when signaled or required so to do whether by firing a gun as a signal or otherwise, may compel her to bring to by firing at her or by the use of such other force as he deems appropriate.

(3) Any Commanding Officer or person acting by his authority and any authorized officer may board any vessel or aircraft in Palestine or the territorial waters thereof, and may search the same for prohibited immigrants and may require the master or commander to give any information and produce for inspection any documents in his possession relating to persons on board the vessel or aircraft.

(4) Any Commanding Officer or authorized officer may require the master of any vessel or the commander of any aircraft in the territorial waters of Palestine to bring the vessel or aircraft to a specified port or place in Palestine, and if necessary may himself cause the vessel or aircraft to be brought to such port or place by force, if he has reason to suspect that the vessel or aircraft is liable to forfeiture or that any prohibited immigrant is on board.

(5) Any authorized officer may require the person in charge of any vehicle or other means of conveyance to stop or may take steps to stop the vehicle or other means of conveyance, and may board any vehicle, and may enter any premises or place, and may search the vehicle or other means of conveyance, premises or place, using force if necessary, if he has reason to believe that any prohibited immigrant is therein or thereon.

(6) Any Commanding Officer or authorized officer may detain any vessel, aircraft, vehicle or other means of conveyance which he may have reason to suspect to be liable to forfeiture until the question of forfeiture is determined.

(7) Any Commanding Officer or authorized officer may seize any vessel, aircraft, vehicle or other means of conveyance which is liable to forfeiture and may detain the same pending the order of the High Commissioner as to the disposal thereof.

(8) Any member of His Majesty's forces, immigration officer or police officer may arrest without a warrant and search any person who he has reason to suspect is a prohibited immigrant or has committed or attempted to commit an offence against this Ordinance or any rule or order made by virtue thereof.

(9) Any master of a vessel, commander of an aircraft or person in charge of a vehicle or other means of conveyance shall be guilty of an offence against this Ordinance if he fails to comply with any requirement lawfully made

under this section, and may be tried summarily therefore by a Court of a Magistrate or a by a District Court and—

(a) if tried summarily by a Court of a Magistrate, shall be liable on conviction to imprisonment for one year or to a fine of one hundred pound or to both such imprisonment and fine;

(b) if tried summarily by a District Court, shall be liable on conviction to imprisonment for three years or to a fine of one thousand pounds or to both such imprisonment and fine.

(10) Any person authorized by this section to make any search may seize and detain any article, document or thing which he may have reason to believe to be evidence that any person is a prohibited immigrant.

(11) The High Commissioner or any person generally or specially authorized by him may by order direct that any prohibited immigrant shall be detained and may from time to time by order specify the place and manner of detention, and while so detained the prohibited immigrant shall be in lawful custody.

14.—(1) Any statement of fact contained in any official communication from a Secretary of State or British Ambassador or Minister addressed to the High Commissioner shall be accepted by all courts in any proceedings under this Ordinance or any rule or order made by virtue hereof as evidence of the facts so stated.

(2) Any communication certified by the Chief Secretary under his hand to be an official communication from a Secretary of State or British Ambassador or Minister shall be deemed to be such and any such certificate purporting to be signed by the Chief Secretary may be given in evidence without proof of such signature.

(3) Notwithstanding any law or rule of practice to the contrary any statement obtained by any officer in the exercise of his powers under this Ordinance or any rule or order made by virtue thereof or any other law shall be admissible in evidence in any proceedings under this Ordinance or any rule or order made by virtue thereof. ”

New section 13A of the principal Ordinance

[17]107B. A new section 13A shall be inserted in the principal Ordinance between sections 13 and 14 thereof as follows: —

Provisions as to summary trials by District Courts.

”13A.—(1) Where at any time any person accused of having committed an offence against this Ordinance which is stated in this Ordinance to be triable summarily by a District Court appears or is brought before a magistrate, the magistrate, if so requested by or on behalf of the Attorney General or his representative, shall remit the case for summary trial by a District Court; and, if the accused person is in custody or on bail shall either release him on bail or remand him in custody (as the magistrate may direct) to appear before the District Court. For the avoidance of doubt it is hereby declared that, for the purposes of this section, the expression ”this Ordinance” means this Ordinance as from time to time amended whether by Ordinance or by Regulation made by virtue of any Order of His Majesty in Council or otherwise.

(2) When a case has been remitted for summary trial by a District Court, the Attorney General or his representative or any police officer may file in the District Court a written charge signed by him.

(3) The provision of the Magistrates Courts Jurisdiction Ordinance, 1939 (or any Ordinance amending or replacing the same) relating to the summary trial of misdemeanors by District Courts and appeals therefrom, and the provisions of the District Courts (Summary Trials) Rules, 1938 (or any Rules amending or replacing the same) shall be applicable, insofar as they may be capable of being applied, in relation to summary trials of offences (whether felonies or misdemeanors) referred to in this section as they are in relation to summary trials by District Courts of misdemeanors in pursuance of sections 7 and 9 of the Magistrates Courts Jurisdiction Ordinance, 1939 or any

provision of law amending or replacing the same.”

Sections 15 of the principal Ordinance repealed and replaced

107C. Section 15 of the principal Ordinance is hereby repealed and replaced by the following section: —

Passengers intending to immigrate

”15. If any person is proved to have been in the territorial waters of Palestine whether on board any vessel, aircraft, float or otherwise and whether he or the vessel, aircraft or float came there voluntarily or not, he shall be deemed to commit an offence under subsection (2) of section 12 (and the like consequences shall ensue in all respects as if he had committed such offence) unless it is proved that—

(a) he did not enter Palestine and did not attempt to intend to enter Palestine, or

(b) he was not prohibited from entering Palestine by any provision of this Ordinance or any rule or order made by virtue thereof, and did not enter Palestine and did not attempt or intend to enter Palestine in contravention of this Ordinance or any rule or order made by virtue thereof. ”

PART X - RESTRICTION ORDERS, POLICE SUPERVISION, DETENTION AND DEPORTATION

When orders may be made under this Part

108. An order shall not be made by the High Commissioner or by a Military Commander under this Part in respect of any person unless the High Commissioner or the Military Commander, as the case may be, is of opinion that it is necessary or expedient to make the order for securing the public safety, the defence of Palestine, the maintenance of public order or the suppression of mutiny, rebellion or riot.

Restriction orders

109. —(1) A Military Commander may make, in relation to any person, an order for all or any of the following purposes, that is to say —

(a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, that person shall not be in any such area in Palestine as may be so specified;

(b) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order;

(c) prohibiting or restricting the possession or use by that person of any specified article;

(d) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or the propagation of opinions.

(2) If any person against whom an order has been made as aforesaid contravenes the terms of such order, he shall be guilty of an offence against these Regulations.

Police supervision

110. —(1) A Military Commander may by order direct that any person shall be placed under police supervision for any period not exceeding one year.

(2) Any person placed under police supervision by order as aforesaid shall be subject to all or any of the following restrictions as the Military Commander may direct, that is to say —

(a) he shall be required to reside within the limits of any area in Palestine specified by the Military Commander in the order;

(b) he shall not be permitted to transfer his residence to any other area in the same police district without the written authority of the District Superintendent of Police, or to any other police district without the written authority of the Inspector General of Police;

(c) he shall not leave the town, village or Sub-District within which he resides without the written authority of the District Superintendent of Police;

(d) he shall at all times keep the District Superintendent of Police of the police district in which he resides notified of the house or the place in which he resides;

(e) he shall be liable, whenever called upon so to do by the officer in charge of the police in the area in which he resides, to present himself at the nearest police station;

(f) he shall remain within the doors of his residence from one hour after sunset until sunrise, and may be visited at his residence at any time by the police.

(3) Any person in respect of whom an order has been made under subregulations (1) and (2) may be arrested by any police officer or by any member of His Majesty's forces and conveyed to the area in which he should be.

(4) If any person against whom an order has been made as aforesaid contravenes the terms of the said order or of this regulation, he shall be guilty of an offence against these Regulations.

Detention

111. —(1) A Military Commander may by order direct that any person shall be detained in such place of detention as may be specified by the Military Commander in the order.

(2) Where an order is made under this regulation against a person in relation to whom an order under regulation 109 or 110 is in force, the order under this regulation shall be deemed to replace such order.

(3) Any person in respect of whom an order has been made by the Military Commander under subregulation (1) may be arrested by any member of His Majesty's forces or of the Police Force and conveyed to the place of detention specified in such order.

(4) For the purposes of this regulation, there shall be one or more advisory committees consisting of persons appointed by the High Commissioner, and the chairman of any such committee shall be a person who holds or has held high judicial office or is or has been a senior officer of the Government. The functions of any such committee shall be to consider, and make recommendations to the Military Commander with respect to, any objections against any order under this regulation which are duly made to the committee by the person to whom the order relates.

(5) Any person in respect of whom an order has been made under this regulation who commits any of the offences specified in subregulation (7) hereof may be arrested by any police officer without warrant, and shall be liable

upon conviction by a Magistrate's Court to imprisonment for six months or to a fine of one hundred pounds or to both such imprisonment and fine, or such person may be punished by the officer in charge of the place of detention with any of the punishments set out in Part I of the Sixth Schedule to the Prison Rules, and

(a) if punished with a fine shall in addition to such fine be retained in a place of detention in accordance with the order issued under subregulation (1), or

(b) if sentenced to imprisonment for a term less than the unexpired period of his detention, shall on the completion of such term be again detained in accordance with the order issued under subregulation (1).

(6) The Commissioner of Prisons may give orders or directions as to the internal management of and otherwise in connection with any place of detention specified in any order made under subregulation (1) and as to the discipline of all persons detained therein.

(7) Any person detained in a place of detention in accordance with the provisions of this regulation who commits any of the following acts shall be guilty of an offence against these Regulations and shall be punishable as provided in subregulation (5): —

(a) fails to obey or comply with any orders or directions given by the Commissioner of Prisons as to discipline or otherwise under subregulation (6), or with any order lawfully given under the authority of any such orders or directions;

(b) fails to obey any order given to him by the officer in charge of the place of detention: the officer in charge of the place of detention shall be the senior prison officer present in such place of detention at any given time;

(c) uses abusive or indecent language or is indecent in act or gesture;

(d) shouts or makes unnecessary noise within a place of detention;

(e) commits any nuisance within a place of detention;

(f) refuses or neglects to conform with any lawful order or direction which has been brought to his notice in any manner;

(g) threatens with violence any other detained person;

(h) treats with disrespect any officer or person employed in or in connection with a place of detention.

(i) has in his possession any article contrary to the orders or directions of the officer in charge of the place of his detention;

(j) makes any false accusation against any officer or person employed in a place of detention;

(k) strikes or uses violence against any officer or person employed in a place of detention or against any other detained person;

(l) takes part in, or incites any person to, violence or insubordination of any kind;

(m) escapes, or conspires to escape, or assists any other detained person to escape, from the place of his detention;

(n) wilfully damages any article of Government property to which he may have access, or any part of a place of detention;

(o) attempts to commit any of the foregoing offences.

[18](8)(†) the powers conferred on a Military Commander by this regulation may be exercised by any person generally or specially authorized by him to exercise such powers. (†)

Restriction on departure from Palestine

[19]111A – (†)(†) The high commissioner, or any person generally or specially authorised in writing by the High Commissioner in that behalf, may by order require any person named in the order not to proceed from Palestine to a destination outside it, except under the authority of a written permit granted by such authority or person as may be specified in the order. (†)(†)

Deportation, etc.

112.- (1) (†) The High Commissioner shall have power to make an order, under his hand (hereinafter in these regulations referred to as a “Deportation Order”) for the deportation of any person from Palestine. A person in respect of whom a Deportation Order has been made shall remain out of Palestine so long as the Order remains in force.

(2) The High Commissioner shall have power to make an order under his hand (hereinafter in these regulations referred to as “an Exclusion Order”) requiring any person who is out of Palestine to remain out of Palestine. A person in respect of whom an Exclusion Order has been made shall remain out of Palestine so long as the Order remains in force.

(3) A Deportation Order or an Exclusion Order may be made subject to such terms and conditions as the High Commissioner may think fit.

(4) Any person in respect of whom a Deportation Order or an Exclusion Order has been made and is in force may be arrested without warrant by any member of His Majesty’s forces or any police officer.

(5) A person in respect of whom a Deportation Order is made shall be liable, whilst awaiting deportation and whilst being deported, to be kept in custody in such manner as the High Commissioner may by the Deportation Order or otherwise direct, and all such custody shall be lawful custody.

(6) The master of a ship or a pilot of an aircraft about to call at any port or place outside Palestine shall, if so directed by the High Commissioner, receive a person in respect of whom a Deportation Order is made on board the ship or aircraft and afford him a passage to that port or place, and proper accommodation and maintenance during the passage.

[20](7) For the avoidance of doubt it is hereby declared that an Order under this Regulation may be made to relate to one person or to two or more persons and that it shall not be necessary to state in an Order under this Regulation the name or names of the person or persons to whom the Order relates.

(8) Any advisory committee appointed under the provisions of sub-regulation (4) of regulation 111 of the principal Regulations may, if so requested to do by any person in respect of whom a deportation order has been made under this regulation, consider and make recommendations to the Government in respect of any such deportation order.

Power of arrest

112.A. Any member of His Majesty’s forces and any police officer may arrest without warrant any person in respect of whom a Deportation Order has been made under the Immigration Ordinance, 1941.

Arrests of persons suspected to be liable to detention or deportation

112. B. Any member of His Majesty's forces and any police officer may arrest without warrant any person in respect of whom he has reason to believe that there are grounds which would justify his detention under regulation 111 or his deportation under regulation 112. Any such person may be detained for a period not exceeding seven days pending a decision as to whether any such order should be made and any such detention may be in such places and subject to such directions as may be prescribed by order of a Military Commander. (†)

Public officers

113. When an order under this Part has been made against any public officer, the High Commissioner may order the dismissal of such officer or the stoppage of his salary in whole or in part during the period of which the order is in force.

PART XI - REQUISITIONING, ETC.

Taking possessions of land

114. —(1) A District Commissioner may, if it appears to him to be necessary or expedient so to do in the interests of the public safety, the defence of Palestine, the maintenance of public order or the maintenance of supplies and services essential to the life of the community, take possession of any land, or retain possession of any land of which possession was previously taken under regulation 48 of the Defence Regulations, 1939, and may at the same time or from time to time thereafter; give such directions as appear to him to be necessary or expedient in connection with, or for the purpose of, the taking, retention or recovery of possession of the land.

(2) Any police officer or member of His Majesty's forces may enforce any directions given under subregulation (1).

(3) While any land is in the possession of the District Commissioner by virtue or by subregulation (1), the land may; notwithstanding, any restriction imposed on the use thereof by any enactment or by any instrument or otherwise, be used by or under the authority of the District Commissioner for such purposes and in such manner as the District Commissioner thinks expedient in the interests of the public safety, the defence of Palestine, the maintenance of public order or the maintenance of supplies and services essential to the life of the community; and of the avoidance of doubt it is hereby declared that the power of a District Commissioner under this subregulation to authorise the use of land includes power to authorise any persons carrying on any business or undertaking to occupy and use the land for the purposes of that business or undertaking on such terms as may be agreed between the District Commissioner and such persons if the District Commissioner thinks it expedient in any of the interests aforesaid that the land should be so occupied and used.

(4) When possession of any land has been taken or retained under this regulation, the District Commissioner, so far as appears to him to be necessary or expedient in connection with the taking or retention of possession of the land, or the use of the land while in the possession of the District Commissioner, or by reason of the exercise of any of the said powers—

(a) may do, or authorise persons using the land to do, in relation to the land, anything which any person having any interest in the land would be entitled to do by virtue of that interest, and

(b) may, by order, provide for the prohibiting or restricting the exercise of rights of way over the land of other rights relating thereto, which are enjoyed by any person, whether by virtue of an interest in the land or otherwise.

(5) The owner or occupier of any land shall, if directed by or on behalf of a District Commissioner so to do, furnish to such authority or person, and within such time, as may be specified in the direction, such information in his possession relating to the land (being information which may reasonably be demanded of him in connection with

the execution of this regulation) as may be so specified.

(6) Where possession of land was taken under regulation 48 of the Defence Regulations, 1939, and is retained under this regulation, any order or direction in force under the said regulation 48 in relation to the land shall remain in force and shall be deemed to have been made or given under his regulation.

(7) Any person who contravenes any order or direction in force by virtue of this regulation shall be guilty of an offence against these Regulations.

(8) Where possession of any land is taken under this regulation or having been taken under regulation 48 of the Defence Regulations, 1939, on or after the 29th July, 1943, is retained under this regulation, and the land was unoccupied land at the time possession was taken, such land shall be deemed to remain unoccupied land. Where possession of any land has been taken under the said regulation 48 before the 29th July, 1943, and is retained under this regulation and the land was deemed to remain unoccupied by reason of subregulation (2) of regulation 2 of the Defence (Exemption from Rates) Regulations, 1943, the land shall continue to be deemed to remain unoccupied during the time that possession of it is retained under this regulation.

Requisitioning of property other than land

115. (1) In this regulation the term "chattel" includes any substance, vehicle or animal or any launch, lighter, boat or other small craft, but does not include a vessel of any other class or an aircraft or currency, gold, securities or negotiable instruments.

(2) A District Commissioner or a Military Commander or a person acting under the general or special authority of either of them, may, if it appears to him to be necessary or expedient so to do in the interests of the public safety, the defence of Palestine, the maintenance of public order or the maintenance of supplies or services essential to the life of the community, requisition or continue a requisition made under regulation 51 of the Defence Regulations, 1939, of any chattel, and may give such directions as appear to him to be necessary or expedient in connection with the requisition. Any person contravening any such direction shall be guilty of an offence against these Regulations.

(3) Where any chattel is requisitioned, or the requisition of any chattel is continued, under this regulation, or any property other than land is in the possession or at the disposal of the High Commissioner by virtue of section 49 of the Post Office Ordinance, a District Commissioner or a Military Commander or a person acting under the general special authority of either of them, may use or deal with, or authorise the use or dealing with the chattel of property for such purposes and in such manner as he thinks expedient in any of the interests aforesaid, and may hold, or sell or otherwise dispose of, the chattel or property as if he were the owner thereof and as if the chattel or property were free from any mortgage, pledge, lien or other similar obligation, and, in a case where the chattel or property requisitioned is a vehicle, vessel, excavator, crane, agricultural implement or agricultural machinery, may acquire it by serving on the owner thereof a notice stating that he has acquired it in pursuance of this regulation. When a notice of acquisition has been served, then, at the beginning of the day on which the notice is served—

(a) the vehicle, vessel, excavator, crane, agricultural implement or agricultural machinery shall vest in the High Commissioner free from any mortgage, pledge, lien or other similar obligation, and

(b) the period of the requisition thereof shall end.

(4) Where the Accountant General is satisfied that any vehicle in respect of which a licence to keep has been granted under the Road Transport Ordinance has, in exercise of the powers conferred by this regulation, been acquired before the expiration of the period of the validity of such licence, the Accountant General may authorise the refund to the person who at the date of such acquisition was the owner of the vehicle of a proportionate part of the fee paid for such licence under the said Ordinance or any rules hereunder in respect of such part of the period of its validity as remained unexpired at the date aforesaid, if a claim for such refund is made to him in writing by

such person not later than three months after the date when such vehicle was acquired as aforesaid.

Power to do work on land

116. — (1) Any member of His Majesty's forces acting in the course of his duty as such, and any person acting under the general or special authority of a Military Commander, may, for any purpose connected with the public safety, the defence of Palestine, the maintenance of public order, or the maintenance of supplies or services essential to the life of the community, do any work on any land or place anything in, on or over any land, or retain any work done on any land, or anything placed in, on or over any land, under regulation 47 of the Defence Regulations, 1939.

(2) A Military Commander, if it appears to him to be necessary or expedient so to do in the interests of the public safety, the defence of Palestine, the maintenance of public order or the maintenance of supplies or services essential to the life of the community, may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person, other than a servant of His Majesty or a police officer acting in the course of his duty as such, shall, except with permission granted by or on behalf of a District Commissioner or a Military Commander, remove, alter or tamper with any work done or retained, or any thing placed or retained in, on or over, any land in pursuance of this regulation.

(4) Any person who contravenes any provision of this regulation, or any order or direction thereunder, shall be guilty of an offence against these Regulations.

(5) For the purposes of this regulation, the doing or retaining of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over the land and the removal from the land of any thing so placed, demolished or pulled down.

Application of the Compensation (Defence) Ordinance, 1940. No. 18 of 1940

117. The Compensation (Defence) Ordinance, 1940, and all rules, notices and appointments thereunder, shall have effect, in relation to things done under the powers conferred by these Regulations, as though the said Ordinance had been amended on the coming into force of these Regulations by—

(a) inserting the word "or" at the end of the definition of "emergency powers" in section 2 and by adding immediately thereafter a new paragraph (d) as follows: —

"(d) regulations 114, 115 and 116 of the Defence (Emergency) Regulations, 1945, or any Regulations amending or replacing the same, ";

(b) by deleting in subsection (1) of section 3 the words "during the period beginning with the twenty-sixth day of August, nineteen hundred and thirty-nine, and ending with such day as His Majesty may by Order in Council declare to be the day on which the emergency comes to an end" and substituting therefor the words "at any time after the 26th August, 1939".

Use of land for purposes of His Majesty's forces

118. — (1) Without prejudice to any other of these Regulations, the High Commissioner may by order authorise, subject to any restrictions or conditions imposed by the order, the use of any land specified therein for military purposes, for air force purposes, or for any of the purposes of His Majesty's Navy, as the case may be, during such period as may be specified in the order; and any such order may, so far as appears to the High Commissioner to be necessary or expedient for the purposes thereof, provide-

(a) for entitling persons using any land in pursuance of the order to do such acts in relation to that land as may be specified in the order, and

(b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in the land or otherwise.

(2) Any person who contravenes any order made under this regulation shall be guilty of an offence against these Regulations.

PART XII - MISCELLANEOUS PENAL PROVISIONS

Forfeiture and demolition of property, etc.

119. — (1) A Military Commander may by order direct the forfeiture to the Government of Palestine of any house, structure, or land from which he has reason to suspect the any firearm has been illegally discharged, or any bomb, grenade or explosive or incendiary article illegally thrown, or of any house, structure or land situated in any area, town, village, quarter or street the inhabitants or some of the inhabitants of which he is satisfied have committed, or attempted to commit, or abetted the commission of, or been accessories after the fact of the commission of, any offence against the Regulations involving violence or intimidation or any Military Court offence; and when any house, structure or land is forfeited as aforesaid, the Military Commander may destroy the house or the structure or anything on growing on the land. Where any house, structure or land has been forfeited by order of a Military Commander as above, the High Commissioner may at any time by order remit the forfeiture in whole or in part and thereupon, to the extent of such remission, the ownership of the house, structure or land and all interests or easements in or over the house, structure or land, shall revert in the persons who would have been entitled to the same if the order of forfeiture had not been made and all charges on the house, structure or land shall revive for the benefit of the persons who would have been entitled thereto if the order or forfeiture had not been made.

(2) Members of His Majesty's forces or of the Police Force, acting under the authority of the Military Commander may seize and occupy, without compensation, any property in any such area, town, village, quarter or street as is referred to in subregulation (1), after eviction without compensation, of the previous occupiers, if any.

Forfeiture of property of individuals

120. The High Commissioner may by order direct the forfeiture to the Government of Palestine of all or any property of any person as to whom the High Commissioner is satisfied that he has committed, or attempted to commit, or abetted to the commission of, or been an accessory after the fact to the commission of, any offence against these Regulations involving violence or intimidation or any Military Court offence.

Billeting of additional police in certain areas

121. — (1). If a Military Commander is satisfied that the inhabitants of any area have failed to render all assistance reasonably in their power to His Majesty's forces or the Police Force in securing the public safety, the maintenance of public order, or the suppression of mutiny, rebellion or riot, he may direct the sending of police to that area and may by order require the occupiers of premises therein to supply to the police so sent without charge such accommodation and food and for such period as may be specified in the order.

(2) If the occupier of any premises fails to comply with the order, he shall be guilty of an offence against these Regulations and his premises may be seized and occupied, and the previous occupiers evicted, without payment, by any members of the Police Force in question and any food therein may also be seized and confiscated without payment by any such members.

PART XIII. — MOVEMENT OF PERSONS, TRAFFIC.

Transport and traffic

122. — (1) a Military Commander, or a person acting under the general or special authority of a Military Commander, may, by order or by the giving of directions or otherwise –

(a) prohibit, restrict or regulate, or provide for prohibiting, restricting or regulating, the use of roads generally, or of the roads in any specified area or of any specified roads, or prescribe the routes to be followed, by vehicles or animals generally or by any specified class or description of vehicle or animal or by specified vehicles or animals or by persons generally or by persons of any specified class or description or by specified persons;

(b) require, or provide for requiring, persons owning or having in their possession or under their control any vehicle to use the vehicle for the conveyance of such goods at such times and by such routes as may be specified;

(c) prohibit, restrict or regulate, or provide for prohibiting, restricting or regulating, either generally or in specified areas, the travelling by persons generally or by persons of any specified class or description or by specified persons, in aircrafts, trains, motor cars, motor buses or other vehicles or classes of vehicles, or in vessels going between places in Palestine.

(2) Any person who contravenes any order, direction or requirement made or given by virtue of this regulation shall be guilty of an offence against these Regulations.

Powers of the Inspector General of the Palestine Police in regard to traffic

122. A. — (1) Without prejudice to any other powers conferred by these regulations the Inspector General of Police may, by order or by the giving of directions or otherwise prohibit, restrict or regulate, or provide for prohibiting, restricting or regulating, either generally or in specified areas the movement and/or the driving of motor cars, motor buses, lorries or other vehicles or classes of vehicles.

(2) The Inspector General of Police may exercise his powers under the preceding regulation to classes or descriptions of vehicles or to specified vehicles or in relation to classes or descriptions of owners or drivers of vehicles or in relation to specified owners or drivers of vehicles or in such other manner as may appear to him to be appropriate.

(3) The Inspector General of Police may make provision for the payment or refund of license or other fees paid in respect of vehicles affected by orders, directions or otherwise under this regulation.

(4) In this regulation the Inspector General of Police means the Inspector General of the Palestine Police Force.

(5) Any person who contravenes any order, direction or requirement made or given by virtue of this regulation shall be guilty of an offence against these regulations.

Removal of obstructions on roads

123. Any member of His Majesty's Forces or of the Police Force may by order require all or any of the inhabitants of any town, village, area or quarter to remove from any road situated in such town, village, area or quarter any barricade or any glass, nails or other obstruction or impediment to the proper use by traffic or otherwise of such road and any person who contravenes any such order shall be guilty of an offence against these Regulations.

Curfew

124. A Military Commander may by order require every person within any area specified in the order to remain within doors between such hours as may be specified in the order, and in such case, if any person is or remains out of doors within that area between such hours without a permit in writing issued by or on behalf of the Military Commander or some person duly authorized by the Military Commander to issue such permits, he shall be guilty of an offence against these Regulations.

Closed areas

125. A Military Commander may by order declare any area or place to be a closed area for the purposes of these Regulations. Any person who, during any period in which any such order is in force in relation to any area or place, enters or leaves that area or place without a permit in writing issued by or on behalf of the Military Commander shall be guilty of an offence against these Regulations.

125A. The railway line from Haifa to Gaza and the area within fifty yards on each side of it shall be a closed area and any person entering or being in that area, other than members of His Majesty's Forces or the Police or members of the Palestine Government Railway Staff, shall be guilty of an offence against these Regulations:

Provided that these Regulations shall not apply—

(a) to railway stations and their immediate precincts between home signals or to the main road level crossings or to the Gaza-Rehovoth and Ramleh-Haifa main roads;

(b) to any persons generally or specifically exempted by a military commander.

Control of highways

126. A Military Commander, if he considers it necessary in the interests of the public safety, the defence of Palestine, or the maintenance of public order so to do, may by order provide for the stopping up or diversion of any highway, or for prohibiting or restricting the exercise of any right of way or the use of any waterway, and any person who contravenes any such order shall be guilty of an offence against these Regulations.

Trespassing and loitering

127. — (1) No person shall—

(a) trespass on, or on premises in the vicinity of, any premises to which this regulation primarily applies, or

(b) unlawfully enter on board any vehicle, vessel or aircraft used or appropriated for any of the purposes of His Majesty's service or trespass on any premises in the vicinity of any such vehicle, vessel or aircraft,

and any person acting in contravention of this regulation or being found on any vehicle, vessel or aircraft on any occasion on which he had entered or boarded it in contravention of this regulation shall be guilty of an offence against these Regulations and, without prejudice to any proceedings which might be taken against him, he may be removed by any member of His Majesty's forces or by any police officer from the premises or from the vehicle, vessel or aircraft, as the cause may be.

(2) Any person who shall, for any purpose prejudicial to the public safety or defence or the maintenance of public order, be in, or in the vicinity of, any premises of which this regulation primarily applies, or any such vehicle, vessel or aircraft as aforesaid, shall be guilty of an offence against these Regulations: and where, in any proceedings taken against a person by virtue of this subregulation it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of such person (including evidence of his having been previously convicted of any of-

fence) as tends to show that he was so present for any such purpose.

(3) Any person who loiters in the vicinity of any premises to which this regulation primarily applies, or any such vehicle, vessel or aircraft as aforesaid, and who continues to loiter in the vicinity after having been requested by a member of His Majesty's forces or a police officer to leave it, shall be guilty of an offence against these Regulations.

(4) The premises to which this regulation primarily applies are premises used or appropriated—

(a) for any of the purposes of His Majesty's service or for defence, or

(b) for the performance of any essential service.

[21] (†) PART XIII A - CONTROL OF MARKS ON, AND COLOURING OF, MOTOR VEHICLES.

Interpretation...

127.A. In this part—

“Authority” means His Majesty's forces, or any forces of any of His Majesty's Allies, or His Majesty's Government, or the Government of Palestine, or any Department of either of such Governments;

“license” means a license to keep a motor vehicle under the Road Transport Ordinance or any rules made thereunder;

“local licensing authority” has the same meaning as in the Road Transport Rules;

“specified mark” means any design, emblem or insignia, or any identification number or mark, or any other distinctive mark, of any Authority, or any mark so nearly resembling any such design, emblem, insignia, identification number or mark, or other distinctive mark, as to be calculated to deceive.

Prohibition

127. B. No person shall knowingly—

(a) place, or cause or permit to be placed, whether by painting, drawing or otherwise howsoever, upon any motor vehicle any specific mark; or

(b) colour, or cause or permit to be coloured, any motor vehicles so that the colouring thereof or any part thereof is such as to be calculated to lead persons to think that the motor vehicle belongs to an Authority; or

(c) use, or cause or permit to be used, any motor vehicle—

(i) bearing any specified mark; or

(ii) the colouring of which any part of which is such as to be calculated to lead persons to think that the motor vehicle belongs to an Authority.

Power to require removal of certain marks from, and changing the colouring of, motor vehicles

127C. Without prejudice to the provisions of regulation 127B, where it appears to a local licensing authority that—

(a) any motor vehicle in respect of which a license is in force bears any specified mark; or

(b) the colouring of any motor vehicle or any part thereof in respect of which a license is in force is such as to be calculated to lead persons to think that the motor vehicle belongs to an Authority,

the local licensing authority may—

(i) by written notice served on the holder of such license direct him to remove or obliterate such specified mark from such motor vehicle, or as the case may be to change the colouring of such motor vehicle or part thereof, to the satisfaction of the local licensing authority, within such period not being less than fourteen days from the date of service of the notice, as may be stated in the notice, and thereafter to keep so removed or obliterated such specified mark from such motor vehicle, or as the case may be to keep the colouring thereof or of the part thereof so changed;

(ii) for the purpose of ascertaining whether a direction of the local licensing authority as aforesaid has been complied with, from time to time by written notice served on the holder of the license direct him to produce the motor vehicle to the local licensing authority for inspection at such time and place as may be specified in the notice.

Power to refuse issue, renewal or transfer of licenses

127D. Without prejudice to the provisions of regulation 127B or 127C, where application for a license is made to a local licensing authority, under the Road Transport Ordinance or any rules made thereunder, or for the renewal, or for the grant of approval for the transfer, of a license, and it appears to the local licensing authority that—

(a) the motor vehicle to which the application relates bears any specified mark; or

(b) the colouring of the motor vehicle or any part thereof to which the application relates is such as to be calculated to lead persons to think that the motor vehicle belongs to an Authority,

the local licensing authority may, notwithstanding anything in the Road Transport Ordinance or any rules made thereunder, refuse to issue or renew such license, or refuse to grant an approval for the transfer of such license, until such specified mark has been removed or obliterated from, or, as the case may be, the colouring of such motor vehicle or part of thereof has been changed, to the satisfaction of the local licensing authority.

Offences against regulations 127B and 127C.

127E. Any person who contravenes the provisions of regulation 127B, or contravenes any notice issued under regulation 127C, shall be guilty of an offence against these Regulations(†)[22].

PART XIV - MISCELLANEOUS PROVISIONS

Postal services

128. The High Commissioner, if it appears to him to be necessary or expedient so to do in the interests of public safety, the defence of Palestine or the maintenance of public order, may by order direct the closing of all or any Post Offices, or the suspension of all or any services provided by the postal administration at all or any Post Offices.

Orders for the opening or closing of premises

129. — (1) A Military Commander may by order-

(a) if it appears to him to be necessary or expedient so to do in the interests of public safety, the defence of Palestine, the maintenance of public order, or the maintenance of supplies or services essential to the life of the community, require that the properties and managers of shops or businesses generally, or any class of shops or businesses, or any specified shops or businesses, which he may have reason to believe to have been closed in pursuance of any organized or general closure of business shall, either throughout his area or in any specified town, village, quarter or street, open and carry on business as usual;

(b) if it appears to him to be necessary or expedient so to do in the interests of public safety, the defence of Palestine or the maintenance of public order, require the occupiers of premises of any specified class or description or of any specified premises, throughout his area or in any specified town, village, quarter or street to close and keep the same closed for such period as may be specified, together with any gates or other openings leading thereto.

(2) Any person who contravenes any order under this regulation shall be guilty of an offence against these Regulations.

Telephone service

130. — (1) The High Commissioner may by order make provision for restricting the use of the telephone service to such persons or classes of persons as he may think fit or for regulating or imposing conditions on the use of the telephone service and any such order may further make provision for the enforcement thereof by authorizing the removal of telephone lines or apparatus and of the entry on property for that purpose or otherwise.

(2) Any person who shall contravene any order may under sub-regulation (1) or any condition imposed by any such order shall be guilty of an offence against these Regulations.

Interference with His Majesty's forces, etc.

131. Any person who shall —

(a) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of His Majesty's forces or of the Police Force or the carrying on their work by persons engaged in the performance of essential services; or

(b) do, in relation to any person whom he knows to a members of His Majesty's forces or of the Police Force or to be a person engaged in the performance of essential services, any act with intent thereby to render him incapable of efficiently performing his duties as such or, as the case may be, efficiently carrying on his work as a person so changed, shall be guilty of an offence against these Regulations:

Provided that a person shall not be guilty of an offence as aforesaid by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

Power to detain suspected persons

132. — (1) If any person, upon being questioned by a police officer or by a member of His Majesty's forces acting in the course of his duty as such, fails to satisfy the police officer or member of His Majesty's forces as to his identity or as to the purpose for which he is in the place where he is found, the police officer or member of His Majesty's forces may, if he suspects that person has acted or is about to act in any manner prejudicial to the public safety or the defence of Palestine or the maintenance of public order, arrest him and detain him pending enquiries.

(2) No person shall be detained under the powers conferred by this regulation for a period exceeding twenty-four

hours except with the authority of an officer of police of a rank not lower than that of inspector or, subject as hereinafter provided, for a period of forty-eight hours in all:

Provided that if such an officer of police as aforesaid is satisfied that the necessary enquiries cannot be completed within the period of forty-eight hours, an officer of police of a rank not lower than of Superintendent of Police may authorize the further detention of the person detained for an additional period not exceeding seven days but shall, on giving any such authorization, forthwith report the circumstances to the Inspector General of Police.

(3) Any person detained under the powers conferred by this regulation shall be deemed to be in lawful custody and may be detained in any prison, or in any police station or in any other similar place authorized generally or specially by the High Commissioner.

Inquests, etc.

133. — (1) Notwithstanding anything to the contrary in the Coroner's Ordinance

(a) a Coroner may dispense with the holding of an inquest on the dead body of any member of His Majesty's forces, other than a body lying within his jurisdiction which has been washed up by the sea;

(b) where the Coroner responsible for holding an inquest upon the body of any person is satisfied that such person has been killed as a result of operations by His Majesty's forces or by the Police Force for the purpose of suppressing disturbances, the Coroner may dispense of the holding of an inquest on the body of such person,

(2) Notwithstanding anything contained in any law, where a member of His Majesty's forces has died in Palestine in any manner or in any circumstances whatsoever, it shall be lawful for an Army Medical Officer to issue a certificate of death of such person and such certificate, upon being countersigned on behalf of the General Officer Commanding, shall be full and sufficient authority for the burial of the body of such person.

(3) Notwithstanding anything contained in any law, it shall be lawful for a Military Commander to order that the dead body of any person shall be buried in such place as the Military Commander may direct. The Military Commander may by such order direct to whom and at what hour the said body shall be buried. The said order shall be full and sufficient authority for the burial of the said body, and any person who contravenes or obstructs such order shall be guilty of an offence against these Regulations.

Evacuations and direction for safety

[23]133.A. — (1) (†) If the High Commissioner shall be of opinion that it is expedient for securing the public safety or the maintenance of public order that

(a) non-essential personnel, not being Palestinian citizens, should be evacuated from Palestine, or

(b) any persons, or class of persons, other than persons so evacuated, should be subject to directions expedient for securing their personal safety,

Or if the High Commissioner shall be of opinion that it is expedient as aforesaid that both such courses should be adopted, he may instruct the Chief Secretary to proceed accordingly, and thereupon –

(i) If the High Commissioner directs that action shall be taken in accordance with paragraph (a) above, the Chief Secretary may cause to be served on any person, whose presence in Palestine he may consider not to be essential, not being a Palestine citizen, a notice giving him instructions for securing his evacuations from Palestine;

(ii) If the High Commissioner directs that action shall be taken in accordance with paragraph (b) above, the Chief Secretary may cause to be served on any person such directions as he may deem expedient for securing his

personal safety, and any person arriving in Palestine shall comply with any directions which may be given to him by any immigration officer or police officer for securing his personal safety pending the service on him of directions on behalf of the Chief Secretary as aforesaid.

(2) Any directions purporting to be directions of the Chief Secretary as aforesaid shall be presumed to be such directions unless the contrary be proved.

(3) If any person on whom directions are served as aforesaid contravenes any such directions, he shall be guilty of an offence against these Regulations, and any police officer or member of His Majesty's Forces may take any action in relation to such person which may be appropriate to effect the purpose contemplated by such directions.
(f)

Misleading acts and misrepresentation

134. — (1) Any person who shall —

(a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of His Majesty's or of a foreign Government, or as a member of the Police Force or of a fire brigade, or in the service, or on behalf of, an undertaking engaged in the performance of essential services, or

(b) do, in relation to any property, any act calculated falsely to suggest that the property does or does not belong to, or is or is not in the possession or under the control of, His Majesty, or has or has not been classified, selected or appropriated on behalf of His Majesty for any particular purpose, or

(c) do any act whereby they are communicated, or likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of Palestine or the securing of the public safety or public order, or

(d) make any defence signals otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorized by or on behalf of the High Commissioner or by an Authority as defined in regulation 80, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal, or

(e) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the defence of Palestine or the securing of the public safety or public order.

Shall be guilty of an offence against these Regulations:

Provided that the provisions of paragraph (a) shall not apply to anything done by any servant of His Majesty or police officer acting in the course of duty as such.

(2) In this regulation the expression "defence signal" means any signal authorized by or on behalf of the High Commissioner to be used for any purpose connected with the defence of Palestine or the securing of public safety or public order, and includes any emergency signal or emergency ceased signal as defined in regulation 80.

Sale of intoxicating liquor

135. — (1) Notwithstanding anything contained in the Sale of Intoxicating Liquor Ordinance, 1935, a Military Commander may by order prohibit, restrict or regulate the sale of intoxicating liquor to members of His Majesty's

forces and the Police Force and, without prejudice to the generality of this power, any such order may be made as respects —

- (a) the sale of any description of intoxicating liquor or of intoxication liquor generally;
- (b) the sale for consumption on premises or for consumption off premises;
- (c) the sale at licensed premises generally or at licensed premises in any specified area or at any specified licensed premises;
- (d) the sale to members of His Majesty's forces and the Police Force generally or to any class of members of His Majesty's forces and the Police Force;
- (e) the sale in any combination of such circumstances.

(2) Any person who contravenes any order under this regulation shall be guilty of an offence against these Regulations.

Display of certain notices by certain establishments

[24]135.A. — (1) (†) A Military Commander may direct the owner or person having the control or management of any establishment —

- (a) to display for such period as may be specified by the Military Commander, in a conspicuous place on or by the door of or entrance to such establishment, an "Out of Bounds" notice of such wording and lettering of such size as may be so specified, indicating that the premises are out of bounds to members of His Majesty's forces, or any forces of His Majesty's Allies; or
- (b) to remove and keep removed, for such period as may be specified by the Military Commander, any notice which may be displayed on or near the premises of such establishment and indicating or tending to indicate that the premises are in bounds of members of His Majesty's forces, or any forces, of any of His Majesty's Allies.

(2) Any person who contravenes a direction given under subregulation (1) shall be guilty of an offence against these Regulations.

(3) In this regulation "establishment" means any hotel, boarding house, pension, hostel, hospice, lodging house, restaurant, café, coffee-house, tea-room, bar, buffet, club, canteen or other similar place where lodging is supplied or food or drink is prepared for sale or sold for human consumption.(†)

Information of military value

136. — (1) Any person who, not being a member of His Majesty's forces or the Police Force or a servant of His Majesty acting in the course of his duty as such —

- (a) obtains, or
- (b) records, or
- (c) communicates to any other person or publishes, or
- (d) has in his possession any document containing, or other record whatsoever of,

any information being, or purporting to be, information with respect to any of the following matters, that is to say, the number description, armament, equipment, disposition, movement or condition of any of His Majesty's forces,

or police officers, or their vessels, vehicles or aircraft, or their operations or projected operations, or their prisoners, or their munitions of war or any measures for the defence or fortification of any place on behalf of His Majesty, or any other information being, or purporting to be, of military value, shall be guilty of an offence against these Regulations.

(2) Without prejudice to the generality of paragraph (c) of subregulation (1), a person who makes or sends a visual or other signal or message by any means whatsoever or communicates with any other person in such a manner or in such circumstances or by such means as to have been likely to convey information to any person shall be deemed to have communicated the information to another person within the meaning of the paragraph.

Firearms, etc.

137. — (1) A Military Commander may by order —

(a) prohibit, restrict or regulate the buying, selling or otherwise dealing in firearms, ammunition or explosive substances in the area specified in the order;

(b) direct all persons having in their position or custody in the area specified in the order any firearms, ammunition or explosive substances to keep the same in place approved in accordance with the order;

(c) cancel or suspend any license issued under section 15 of the Firearms Ordinance or any license to carry or use a firearm issued under that Ordinance or direct that any such license shall have effect subject to such conditions as may be specified in the order.

(2) Any person who contravenes any order made under subregulation (1) shall be guilty of an offence against these Regulations.

(3) A licensing authority under the Firearms Ordinance or a Military Commander may grant to any person a license to carry one or more firearms of which particulars are endorsed on the license subject to such conditions as are so endorsed. Any person who contravenes any such conditions shall be guilty of an offence against these Regulations.

(4) Notwithstanding anything contained in section 11 of the Firearms Ordinance it shall be lawful to grant a license to carry a shot gun under that Ordinance to any person notwithstanding that he is not the holder of a game license under that Ordinance.

(5) In this regulation “explosive substance” shall include all explosive and blasting explosives other than black powder as defined in the Trades and Industries (Manufacture of Black Powder) Rules, 1940; and it shall also include sodium nitrate (chilian nitrate), ammonium nitrate, nitro naphthalenes, nitro benzines, nitro toluenes, nitro glycerines, nitro glucoses, nitro celluloses and nitro phenols.

Delivery of firearms

137A. — (1) Where, before the commencement of the Defence (Emergency) (Amendment No. 11) Regulations, 1947, any license issued under section 15 of the Firearms Ordinance, or any license to carry or use a firearm issued under that Ordinance, was cancelled by a Military Commander or a District Commissioner under the provisions of regulation 8(3) of the Emergency Regulations, 1936, or of regulation 137(1)(c) of these Regulations, or any license to carry one or more firearms granted under regulation 137(3) of these Regulations was cancelled by a licensing authority under the Firearms Ordinance or by a Military Commander, but the firearm or firearms in respect of which such license was issued or granted was, or were, not delivered to the officer in charge of a police station, the holder of such license shall —

(a) affix to the stock of such firearm or each of such firearms, as the case may be, a label on which shall be stated

his name and residence and the description of the firearm, and

(b) within fourteen days of the commencement of the Defence (Emergency) (Amendment No. 11) Regulations, 1947, deliver such firearm or firearms to the officer in charge of the police station nearest to such holder's residence.

(2) Where, on or after the commencement of the Defence (Emergency) (Amendment No. 11) Regulations, 1947, any license issued under section 15 of the Firearms Ordinance, or any license to carry or use a firearm issued under that Ordinance, is cancelled by a Military Commander or a District Commissioner, or any license to carry one or more firearms granted under regulation 137(3) of these Regulations was cancelled by a licensing authority under the Firearms Ordinance or by a Military Commander, the holder of such license shall —

(a) affix to the stock of such firearm or each of such firearms, as the case may be, in respect of which license was issued, a label on which shall be stated his name and residence and the description of the firearm, and

(b) within fourteen days of the receipt of a notice of such cancellation from such Military Commander or District Commissioner, or licensing authority, as the case may be, deliver such firearm or firearms to the officer in charge of the police station nearest to such holder's residence.

(3) The officer in charge of each police station shall keep, or cause to be kept, a register of all firearms delivered to him under the provisions of sub-regulations (1) and (2), and such register shall contain—

(a) the name and residence of the holder of the license issued in respect of each such firearm,

(b) the description of each firearm, and

(c) the date of delivery at such police station of each such firearm.

Disposal of firearms

137B. — (1) Where at any time —

(a) before the commencement of the Defence (Emergency) (Amendment No. 11) Regulations, 1947, a firearm, the license issued in respect of which had been cancelled under the provisions of regulation 8(3) of the Emergency Regulations, 1936, or of regulation 137(1)(c) of these Regulations, or the license granted in respect of which under regulation 137(3) of these Regulations, had been cancelled, was delivered to the officer in charge of a police station by the holder of such license, or

(b) on or after the commencement of the Defence (Emergency) (Amendment No. 11) Regulations, 1947, a firearm, a license issued in respect of which had been cancelled under regulation 137(1)(c) of these Regulations, or the license granted in respect of which under regulation 137(3) of these Regulations had been cancelled, is confiscated or detained by a Military Commander or delivered to the officer in charge of a police station, by the holder of such license, the Inspector General of Police may, notwithstanding anything contained in the Firearms Ordinance or any rules made thereunder, in his absolute discretion decide—

(a) whether such firearm shall be destroyed or otherwise disposed of, and the manner in which it shall be destroyed or otherwise disposed of, as the case may be;

(b) whether any compensation shall be paid to any person for such firearm, and, if so, the manner in which persons shall be called upon to submit claims for such compensation, the manner in which, and the time within which, such claims shall be submitted to him and the amount of such compensation.

(2) Where the Inspector General of Police decides under the provisions of sub-regulation (1) that compensation shall be payable to any person in respect of any firearm he shall forward to the Accountant General a copy of

such decision signed by him, and the Accountant General shall authorize the payment of such compensation accordingly.

(3) Any decision given by the Inspector General of Police under sub-regulation (1) shall be final, and shall not be the subject of any proceeding in any Court.

Further powers of Inspector General of Police in relation to explosives, firearms and ammunition

137C. –(1) It shall be lawful for the Inspector General of Police, notwithstanding any provision in any law to the contrary, to direct that any explosive substance or any substance which in his opinion is capable of being used in the manufacture of explosives, or any unlicensed firearm or any ammunition (in whosoever's possession or control the same may be) shall be destroyed or otherwise disposed of, and to direct the manner of such destruction or disposal and to take all such steps as he may deem appropriate (including the seizure of the substance, firearm or ammunition, wheresoever the same may be) to effect such destruction or disposal.

(2) When the Inspector General has directed the destruction or disposal of any substance, firearm or ammunition under this Regulation, he may direct that compensation shall be paid to any person for such substance, firearm or ammunition, and the manner in which persons shall be called upon to submit claims for such compensation, and the manner in which, and the time within which, such claims shall be submitted to him, and the amount of such compensation.

(3) Where the Inspector General of Police has directed that compensation shall be payable to any persons aforesaid, he shall forward to the Accountant General a copy of his direction and the Accountant General shall cause payment of the compensation to be made accordingly.

(4) Any direction by the Inspector General of Police under this Regulation shall be final and shall not be subject of any proceedings in any Court.

Prohibition of explosive substances

138. (1) No person shall manufacture any explosive substance except under and in accordance with the terms and conditions of a permit granted by a Military Commander, and if any person manufactures any explosive substance in contravention of this prohibition, he shall be guilty of an offence against these Regulations.

(2) In this regulation "explosive substance" has the meaning assigned to it in regulation 137.

Control of ships in the territorial waters of Palestine

138A. — (i) The Ports Authority as defined in the Ports Ordinance may prohibit any vessel from entering any port, any part of a port or any portion of the territorial waters of Palestine.

(ii) The Ports Authority as defined in the Ports Ordinance may direct the master or any person in charge of or manning a vessel within the territorial waters of Palestine to proceed to any port, or to any anchorage or berth within any port of Palestine, and may give directions as to the manner in and the time at which he shall proceed with his vessel to, or approach, lie alongside, or depart from, any vessel, pier, jetty or other place in Palestine; as to the vessel, pier, quay, jetty or other place to which he shall proceed with his vessel for the purpose of embarking or disembarking passengers, or loading or unloading goods; as to the nature of the goods that he shall load or unload at or alongside the vessel, pier, quay, jetty, or as to the mode of embarkation upon or disembarkation from any vessel of passengers or goods. The Ports Authority may also direct the master or any person in charge of or manning a vessel within the territorial waters of Palestine to re-load any goods which have been unloaded in Palestine or the territorial waters thereof, and which, in the opinion of the Ports Authority, should not have been so

unloaded, or may direct the master or other person aforesaid not to unload any goods in Palestine or the territorial waters thereof, or may direct the master or other person aforesaid forthwith to take the vessel out of the territorial waters of Palestine and direct the route by which he has to do so.

(iii) The master or person in charge of any vessel which contravenes any prohibition made under sub-regulation (i) of this Regulation, and the master or any person in charge of or manning a vessel, who fails to obey any direction given under sub-regulation (ii) of this Regulation shall be guilty of an offence against this Regulation and shall be liable to imprisonment for a term not exceeding eight years or to a fine not exceeding two thousand pounds or to both such penalties.

(iv) This Regulation shall be in addition to and not in derogation of the provisions of the Ports Ordinance.

Injury to property, etc.

139. — (1) Any person who, not being a member of His Majesty's forces or of the Police Force acting in the course of his duty as such —

(a) injures, or does any act calculated to injure or prevent the proper use or working of, any public building, railway, canal, bridge, road, tramway, vehicle, telegraphic or telephone line or wireless apparatus, cable or plant, mine, shop, factory, waterworks, electrical generating station, or any works or plant used or adapted for use of the production, supply, storage, or transport of food, fuel, munitions, water, light, heat, or power, or

(b) approaches, or is in the neighbourhood of, or enters, any such place or property as aforesaid with intent to do injury thereto,

shall be guilty of an offence against these Regulations unless he proves that he was acting by lawful authority or on a lawful occasion.

(2) For the purpose of paragraph (b) of subregulation (1), a person shall be deemed to have the intent to do injury as described in the said paragraph if by reason of his being in possession of any explosive or incendiary article or lethal weapon or dangerous missile, or otherwise from the circumstances of the case, or his conduct, the Court is of opinion that his purpose was to do such injury.

[26]

Repair of certain buildings

139A. (†) Where, in the opinion of the District Commissioner, any building or part of a building, which is used for human habitation, is rendered unfit for such habitation as a result of any act of terrorism or of any act done by any members of His Majesty's Forces or of the Police Force for the purpose of meeting any actual or apprehended terrorist attack or of protecting persons or property from the dangers involved in such attack, the District Commissioner may, in his absolute discretion, authorize any person to carry out such repairs to such building or part of a building as, in the opinion of the District Commissioner, are absolutely necessary in order to render such building or part of a building fit for human habitation. (†)

Obstruction

140. Any person who obstructs any member of His Majesty's forces or any police officer acting in the course of his duty as such, or any person exercising any powers or performing any duties conferred or imposed on him by these Regulations or any orders, directions, requirements or notices thereunder or otherwise discharging any lawful functions in connection with the public safety, the defence of Palestine, the maintenance of public order or the maintenance of supplies or services essential to the life of the community shall be guilty of an offence against

these Regulations.

Seducing persons from duty

141. — (1) Any person who —

(a) endeavours to seduce from their duty persons in His Majesty's forces or in the Police Force or engaged in the performance of essential services, or to cause amongst such persons disaffection likely to lead to any breach of their duty, or

(b) with intent to contravene, or to aid, abet, counsel or procure the contravention of, paragraph (a), has in his possession of control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention, shall be guilty of an offence against these Regulations.

(2) A prosecution for an offence under this regulation shall not be instituted except with the consent of the Attorney General.

Propaganda

142. — (1) Any person who —

(a) endeavours, whether orally or otherwise, to influence public opinion (whether in Palestine or elsewhere) in a manner likely to be prejudicial to public safety, defence or the maintenance of public order, or

(b) does any act, or has any article in his possession, with a view to making, or facilitating the making of, any such endeavour,

shall be guilty of an offence against these Regulations.

(2) A prosecution for an offence under this regulation shall not be instituted except with the consent of the Attorney General.

Unlawful position of and dealing with arms etc. belonging to military or police forces

143. — (1) Any person who, without lawful authority or reasonable excuse, the burden of proof of which shall lie upon him, shall —

(a) detain, buy, exchange or receive, from any member of His Majesty's forces or of the Police Force or from any deserter from any such forces or from any person acting for or on behalf of any of the persons aforesaid, or

(b) solicit or entice any of the said persons to sell, make away with, or dispose of, or

(c) be employed by any of the said persons, knowing him to belong to one or other of such forces or to be a deserter from any of such forces, to sell, make away with, or dispose of, or

(d) detain, sell, exchange, hand over, make with, receive or have in his possession,

any arms, ammunition, explosives, clothing, accoutrements, medals or other appointments, furnished for the use of any of the said forces or any chattel being the property of His Majesty's Government or the Government of Palestine or any Department of either of such Governments, or any chattel which has been in the supply of, or which has been imported into Palestine for the use of, the Navy, Army or Air Force Institutes or the Expeditionary Forces Institutes, shall be guilty of an offence against these Regulations and, notwithstanding anything contained in section 3 of the Criminal Procedure (Trial upon Information) Ordinance, shall be triable by a District Court

summarily and on conviction shall be liable to imprisonment for 10 years.

Escape from custody

[27]143A. (†) Any person who shall escape from any custody in which he is lawfully held shall be guilty of an offence against these regulations.

Identification

143B. Every person shall, when required to do so by any member of His Majesty's forces or any police officer acting in the course of his duty as such, give his correct name and address and produce his identification card and any other papers which are in his possession and by which he can be identified to such member of His Majesty's forces or police officer; and if he shall fail so to do he shall be guilty of an offence against these regulations.

Intimidation

143C. — (1) Any person who —

(a) threatens another with any injury to his person, reputation, or property, or to the person or reputation of anyone in whom that person is interested with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit any act which that person is legally entitled to do, as a means of avoiding the execution of such threat, or

(b) in the like manner and with the like intention threatens persons generally or any class or description of persons, or

(c) is the publisher, editor or printer of any newspaper, pamphlet or other document containing any such threat as is referred to in paragraphs (a) or (b),

shall be guilty of an offence against these regulations.

(2) For the purposes of this regulation a person is deemed to print a newspaper, pamphlet or other document if he prepared it by printing, lithography, typewriting, photography or any other mode of representing or reproducing matter.

Wireless transmitting apparatus

143D. Any person who shall have in his possession or control any wireless transmitting apparatus or any part of any such apparatus without being authorized thereunto by a permit granted by or on behalf of a Military Commander or otherwise than in accordance with the terms and conditions of any such permit shall be guilty of an offence against these Regulations.(†)

Power to obtain information

144. — (1) Any person shall, on being directed by or on behalf of a District Commissioner or a Military Commander so to do, furnish or produce to such authority or person as may be specified in the direction, any such information or article in his possession as may be so specified, being information or an article which the person giving the direction, considers to be necessary or expedient in the interest of the public safety, defence or the maintenance of public order to obtain or examine, and if any person contravenes any such direction, he shall be guilty of an offence against these Regulations.

(2) A prosecution for an offence under this regulation shall not be instituted except with the consent of the Attor-

ney General.

Entry and inspection of land

145. Any member of His Majesty's forces acting in the course of his duty as such, and any person authorized by a District Commissioner or a Military Commander —

(a) may enter upon any land for the purpose of exercising any of the powers conferred in relation to that land by these Regulations,

(b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to the land, and

(c) may, for any purpose connected with the securing of the public safety, the defence of Palestine, the maintenance of public order or the suppression of mutiny, rebellion or riot, or with the maintenance of supplies or services essential to the life of the community, pass (with or without animals or vehicles) over any land.

False information

146. Any person who —

(a) makes any false statement or false representation or makes use of any work, account or document which is false in any material particular for any purpose connected with these Regulations or any order, direction, requirement, notice or appointment thereunder or in answer to any request made in pursuance of any of these Regulations, or

(b) forges or uses, or lends to or allows to be used by any other person, any document issued for the purposes of these Regulations or any order, direction, requirement, notice or appointment thereunder shall be guilty of an offence against these Regulations.

Control of military personnel

[28]146A. — (1) (†) Notwithstanding anything contained in any other law, an authorized officer (as hereinafter denied) may require any person being a member of His Majesty's forces or of any Allied or Dominion or Colonial forces, entering or about to enter Palestine or whom he has reason to believe to have recently entered Palestine, whether or not such person is in uniform —

(a) to give such information and particulars of his name, rank, unit, destination, and authority for entering Palestine,

(b) to proceed to his destination by such route as in such manner,

(c) to report to such civil or military authority at such times and in such manner, as the authorized officer may direct.

(2) Any person who fails to comply with any requirement of an authorized officer made in pursuance of this regulation shall be guilty of an offence against these regulations.

(3) In this regulation the expression "authorized officer" means any member of His Majesty's forces acting in the course of his duty as such. (†)

Identification of persons in custody

147. Any person detained under regulation 111, and any person in custody on suspicion of having committed an offence against these Regulations, and any person convicted of an offence against these Regulations, may, without prejudice to any other powers in that behalf, be photographed, measured, and examined, and may have his finger and thumb print taken, by any police officer. The photographs to be taken may include a photograph of the full face, a photograph of the true profile and a full-length photograph. The measurements to be taken may include height when standing and the size and relative position of every scar and distinctive mark upon any part of the body. The examination to be made shall be any examination necessary for the purpose of detecting any such scar and distinctive mark as aforesaid. The finger and thumb prints to be taken may be of the external filament of the fingers and thumbs, or both the fingers and the thumbs, or either or both hands. A photograph taken in pursuance of this regulation shall not be published except for the purpose of tracing the person concerned, or shown to any person other than a police officer or an officer of the Government of Palestine or a member of His Majesty's forces acting in the course of his duty as such, or a person authorized to see it by any of the aforesaid persons so acting.

Challenge of validity of forfeitures

147A. Where, by virtue of these Regulations, or by virtue of any amendment of any Ordinance made by these Regulations, any property, whether movable or immovable, is forfeited but such forfeiture has not been ordered or confirmed by a court, no question as to the validity of the forfeiture shall be entered in any court, or before any officer of the Government unless the action or proceeding in which the validity of the forfeiture is challenged was commenced not more than three months after the person challenging the validity first had knowledge of the forfeiture; and, for the purposes of this Regulation, and without prejudice to the generality of the above provision, a person shall be deemed to know of the forfeiture of any property if written notice of the forfeiture has been served upon him or his predecessor in title by or on behalf of the authority claiming the forfeiture either personally or by letter addressed to him or his predecessor in title at his usual or last known place of abode or business, or if notice of the forfeiture has been published in the Gazette.

PART XV - CONTROLLED AREAS.

Application of Part XV.

148. The High Commissioner may from time to time by order apply the provisions of this Part to any area or areas in Palestine which may be specified in the order, subject nevertheless to any modifications (whether by way of addition, exclusion, variation or otherwise) which may be specified in the order, or in any subsequent order, as applicable in respect of any such areas in question. The provisions of this Part shall have effect in relation to any such area in question subject to any modifications so specified.

Definitions

149. In this Part

“Controlled Area” means any area or areas to which the provisions of this Part have been applied and are in force (with or without modification) by virtue of any order under Regulation 148;

“Court” means any court other than a Religious Court; a Military Court or a Municipal Court;

“District Commissioner” means a District Commissioner in whose district the whole or any part of the Controlled Area is situated, and includes a Deputy District Commissioner and an Assistant District Commissioner posted to that district;

“Government Office” means any office, building or institution of the Government, including railway stations but

excluding any police station or any office, building or institution of a municipal or local council.

Closing of Government Offices

150. — (1) Subject to any directions which may be given by a District Commissioner, every Government Office in the Controlled Area shall be and remain closed to the public, and neither the Government nor any public servant as such shall be under any obligation to members of the public to transact any business which is ordinarily transacted in any Government Office closed as aforesaid.

(2) Save as provided in sub-regulation (1), this Regulation shall not affect any present or future obligation or liability of any person under any law.

Courts

151. All Courts in the Controlled Area shall be and remain closed and no new Court shall be opened in the Controlled Area.

Power of High Commissioner to make orders

152. The High Commissioner may at any time by order make such provision as he may deem expedient for preventing, removing or mitigating any hardships which have arisen or which will or may arise by reason of the application of Part XV to areas generally or to any particular area or areas. Any such order shall have effect notwithstanding anything to the contrary in these Regulations or in any other law.

Military Courts

153. — (1) Subject to the provisions of sub-regulations (5) and (6), a Military Court shall have exclusive jurisdiction (together with all such powers as may be appropriate to implement such jurisdiction) to try all persons alleged to have committed in the Controlled Area, either before or after the area has become a Controlled Area, any criminal offence for which provision is made in any law (including these Regulations), and to impose any punishment or make and enforce any order which could have been imposed or made by any court in relation to such offence.

(2) These Regulations shall apply mutatis mutandis in relation to all such offences as though they were offences against these Regulations triable exclusively in Military Courts.

(3) No sanction or authority shall be required for any prosecution for any such offence or for the issue of any process in connection therewith.

(4) The jurisdiction conferred on Military Courts by this Regulation may be exercised in respect of an offence notwithstanding that proceeding in relation to that offence have been instituted or have commenced or are pending in any other court.

(5) This regulation shall be without prejudice to the jurisdiction of any Municipal Court to try or continue to try any criminal case which it would have had jurisdiction to try if this regulation had not been passed.

(6) When an offence is alleged to have been committed in an area in circumstances in which a Military Court would, but for the provisions of this sub-regulation, have exclusive jurisdiction to try the same, under sub-regulation (1), and the area subsequently ceases to be a Controlled Area, then —

(a) if the trial of the alleged offence has commenced, or if the trial of the alleged offence has not commenced but the offence is an offence against these Regulations, a Military Court shall retain exclusive jurisdiction in relation to the offence and the like consequences shall ensue in relation to the offence as if the area had not been ceased to

be a Controlled Area;

(b) if the trial of the alleged offence has not commenced and the offence is not an offence against these Regulations the civil courts shall have the same jurisdiction in relation to the offence and the like consequences shall ensue in relation to the offence as if the area has not been declared to be a Controlled Area.

Banks

154. — (1) A Military Commander may by order direct that any bank in the Controlled Area shall be and remain closed and may give all such directions and take all such steps as he may deem appropriate for securing the safety of any property (including notes, cash, bullion or documents) which is in any bank so closed. Any days of any period during which any bank is closed by virtue of any such order shall, in relation to that bank, be deemed to be non-business days for the purpose of Section 93 of the Bills of Exchange Ordinance.

(2) It shall be the duty of the manager or person in charge of any bank to comply with any order or direction given by virtue of this Regulation and, in default of such compliance, a Military Commander may take such steps as he may deem appropriate to carry out the purpose for which the order or direction was given.

Telephonic, telegraphic and postal services

155. Neither the Government nor any public servant shall be under any obligation to afford or continue any telephonic, telegraphic or postal services in or with the Controlled Area; and the Postmaster General may disconnect any telephonic or telegraphic apparatus or take such other steps as he may deem appropriate to prevent the use of any such services.

Entry into and exit from the Controlled Area

156. Subject to such exceptions as may be provided by order of a Military Commander, no person, vehicle, vessel, aircraft, animal or thing shall enter or be brought into the Controlled Area, or shall leave or be taken out of the Controlled Area, except with permission granted by or on behalf of a Military Commander.

Removal of persons from the Controlled Area

157. Any person may be removed by any police officer or member of His Majesty's forces from the Controlled Area by order of a Military Commander and taken to any place in Palestine specified in the order.

Requisitioning, etc.

158. — (1) A Military Commander may exercise in the Controlled Area all or any of the powers conferred upon a District Commissioner by Regulation 114 of these Regulations : Provided that this Regulation shall be without prejudice to the powers of a District Commissioner under Regulation 114.

(2) Regulation 118 of these Regulations shall, subject to any directions which may be given by the High Commissioner, have effect in relation to the Controlled Area as though the words "a Military Commander" were substituted for the words "the High Commissioner" wherever the latter words occur therein.

Powers of members of His Majesty's forces

159. Without prejudice to any other powers or duties, any member of His Majesty's forces may, in the Controlled Area and subject to any directions given by or on behalf of a Military Commander, exercise all or any powers and perform all or any duties which may be exercised or performed under any law by police officers below the rank or

corporal.

Ante-dating orders or directions

160. Any order or direction under this Part, other than an order under Regulation 148, may be made or given with retrospective effect.

Offence

161. Any person who contravenes any Regulation in this Part or any order or direction thereunder is guilty of an offence against these Regulations.

Publicity and proof of boundaries of the Controlled Area

162. — (1) A District Commissioner shall give such publicity to the boundaries of the Controlled Area as he may deem to be practicable or desirable.

(2) If any question arises as to whether any place is within the boundaries of the Controlled Area, a certificate purporting to be signed by or on behalf of a District Commissioner that the place is within such boundaries shall be sufficient evidence of that fact.

Footnotes

[1] 2/46 p. 148

From (†) to (†) inserted by Supplement 2/46 p. 147

[2] 2/46 p. 148. From (†) to (†) inserted by Supplement 2/46 p. 147

[3] 2/46 p. 617. From (††) to (††) inserted by Supplement 2/46 p. 617

[4] 2/46 p. 1367. From (†††) to (†††) inserted by Supplement 2/46. p. 1364.

[5] 2/46 p. 1367. From (†) to (†) inserted by Supplement 2/46. p. 1367.

[6] 2/46, p. 149. From (†) to (†) inserted by Supplement 2/46, p. 147.

[7] From (†) to (†) inserted by Supplement 2/46, p. 1302.

[8] 2/46, p. 1015. From (†) to (†) inserted by Supplement 2/46, p. 1015.

[9] 2/46, p. 147. From (†) to (†) inserted by Supplement 2/46, p. 147.

[10] 2/46 p. 617 From (†) to (†) inserted by Supplement 2/46, p. 617.

[11] 2/46, p. 147. From (†) to (†) inserted by Supplement 2/46, p. 147.

[12] 2/46, p. 147. From (†) to (†) inserted by Supplement 2/46, p. 147.

[13] 2/46, p. 147

[14] 2/46, p. 1195 From (†) to (†) inserted by Supplement 2/46, p. 147.

[15] 2/46, p. 1269.

[16] 2/46, p. 147

[17] According to Regulation 5 of the Defence (Emergency) Regulations (Amendment No. 6), 1946, (Gaz. 1946 Supplement No.2 p. 1196 hereinafter — the amended regulations) Regulation 107B of these Regulations shall be applicable (subject to all just defences) whether the offence was committed before or after the coming into force of these Regulations.

[18] 2/46, p. 147. From (†) to (†) inserted by Supplement 2/46, p. 147.

[19] 2/45, p. 1348. From (†) (†) to (†) (†) inserted by Supplement 2/45, p. 1348.

[20] 2/46, p. 1383. From (†) to (†) inserted by Supplement 2/46, p. 147

[21] 2/46, p. 618.

From (†) to (†) inserted by Supplement 2/46, p. 618

[22] From (†) to (†) inserted by Supplement 2/46, p. 618

[23] 2/47. p.161. From (†) to (†) inserted by Supplement 2/47, p. 161

[24] From (†) to (†) inserted by Supplement 2/46, p. 147

From (†) to (†) inserted by Supplement 2/46, p. 147.

[26] 2/46, p. 1470.

From (†) to (†) inserted by Supplement 2/46, p. 1470

[27] 2/46, p. 147.

From (†) to (†) inserted by Supplement 2/46, p. 147.

From (†) to (†) inserted by Supplement 2/46, p. 147.

[28] 2/46, p. 1470. From (†) to (†) inserted by Supplement 2/46, p. 147.