

## PART XIV — MISCELLANEOUS PROVISIONS.

128. Postal services.
129. Orders for the opening or closing of premises.
130. Telephone service.
131. Interference with His Majesty's forces, etc.
132. Power to detain suspected persons.
133. Inquests, etc.
134. Misleading acts and misrepresentation.
135. Sale of intoxicating liquor.
136. Information of military value.
137. Firearms, etc.
138. Prohibition of manufacture of explosive substances.
139. Injury to property, etc.
140. Obstruction.
141. Seducing persons from duty.
142. Propaganda.
143. Unlawful possession of and dealing with arms etc. belonging to military or police forces.
144. Power to obtain information.
145. Entry and inspection of land.
146. False information.
147. Identification of person in custody.

## THE DEFENCE (EMERGENCY) REGULATIONS, 1945.

*Gaz.*: 24.3.37,  
p. 268.

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:—

## 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 and 45 Vict. Cap. 58), as amended from time to time, or any Act substituted therefor;

“Civil Court Offence” means any offence against these Regulations other than a Military Court offence;

“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 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 any 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 land 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;

“Military Court offence” means an offence specified in these Regulations as being triable by a Military Court;

“Military Court prosecutor” means any commissioned officer of His Majesty’s forces and any person authorised by the General Officer Commanding to prosecute cases before Military Courts;

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

Gaz: 24.3.37,  
p. 268.

“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;

Cap. 112.

“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.

No. 74 of 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, grenade, explosive or incendiary article, or 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.

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.

Application of  
the Interpretation  
Ordinance.

(2) The provisions of the Interpretation Ordinance, 1945, other than those of paragraphs (b) and (d) of section 19 and those of 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.

No. 9 of 1945.

(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.

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

Operation.

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.

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, or any rights or powers conferred by, any other law or otherwise.

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 these 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.

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

Appointment, etc. of Military Commanders.

(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, authorisation, 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.

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) Regulations, 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, authorisations 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.

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.

Revocation, etc.

*Gaz:* 19.4.36,  
p. 259.

*Gaz:* 1.6.36,  
p. 579.

*Gaz:* 11.11.37,  
p. 1138.

*Gaz:* 6.4.39,  
p. 285.

*Gaz:* 17.10.38,  
p. 1359.

*Gaz:* 18.10.38,  
p. 1361.

*Gaz:* 18.3.40,  
p. 465.

No. 9 of 1945.

*Gaz:* 11.11.37,  
p. 1138.

Exercise of  
powers.

Licences,  
permits, etc.

9.—(1) Any licence, permit, consent, authorisation or exemption for the granting of which provision is made in these Regulations or in any order, direction, notice or 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, authorisation 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, authorisation or exemption 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, authorisation 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, authorisation 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 Force.

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.

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

Sittings.

15. Every Military Court shall have jurisdiction to try any Military Court offence committed in Palestine and no court other than a Military Court shall have any jurisdiction in relation to any such offence:

Jurisdiction.

Provided that —

(a) this regulation shall not prevent proceedings being taken or continued in a court other than a Military Court in respect of an offence under any other law being an act or omission which constitutes a Military Court offence; and

(b) if the act or omission constituting a Military Court offence with which a member of His Majesty's forces (in this proviso referred 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 on 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 Military Court offence; and

(c) the General Officer Commanding may at any time, by order, stay proceedings before a Military Court for a Military Court offence and thereupon the accused shall be discharged of and from such proceedings, but such discharge shall not amount to an acquittal and shall not prevent proceedings being taken or continued in any court other than a Military Court in respect of any offence constituted by the act or omission which constituted the Military Court offence.

*Miscellaneous provisions as to Military Courts.*

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.

Warrants of arrest.

(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.

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 so brought within forty eight hours of his arrest.

Modification of Cap. 33.

Bail and  
remand.  
No. 28 of 1944.

18.—(1) Notwithstanding anything contained in the Release on Bail Ordinance, 1944, a person arrested by reason of his having committed, or being suspected of having committed, a Military Court offence may be released on bail or remanded in custody by any magistrate before whom he is produced in the course of law, either to appear further before a magistrate or, if the Military Court case is ready for trial, 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.

No. 28 of 1944.

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

No. 28 of 1944.

(4) Subject to the provisions of this regulation, the Release on Bail Ordinance, 1944, shall apply with the necessary 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, with the permission of the President of the Court, 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 interests 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 pro-  
vision 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 of 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 or 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 seem 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-two words.

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.

Summons or warrant for witness.

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.

Release of witnesses arrested on warrant.

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 or proceeding for such neglect or refusal.

Imprisonment for failure to obey summons or direction.

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.

Witnesses liable to cross-examination and re-examination.

30. There shall be no appeal from any judgment, order or direction of a Military Court and no such judgment, order or direction shall be liable to be called in question or challenged, whether by writ or in any other manner whatsoever, by or before any Court.

Finding of judgments, etc. of Military Courts.

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.

Conviction of Military Court to be unanimous.

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

Special treatment.

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

Youthful offenders.



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.

*Procedure at Trials.*

Charge 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 separate 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 such witnesses.

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.

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.

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

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.

#### *Confirmation by the General Officer Commanding.*

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.

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.*

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.

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.

Addresses by  
defence and  
prosecution.

Acquittal to be  
pronounced at  
once.

Conviction and  
sentence.

President's  
report and  
record to be  
forwarded to  
the General  
Officer Com-  
manding.

Confirmation  
of conviction  
and sentence  
by General  
Officer Com-  
manding neces-  
sary.

Powers of  
General Officer  
Commanding on  
confirmation.

Custody  
pending  
confirmation.

Order on  
confirmation to  
be sent to  
Military 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 or 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 sentence to be by hanging.

52. Every sentence of death passed by a Military Court shall direct that the person so sentenced shall be hanged by the neck until he is dead.

Carrying out of sentence of imprisonment. No. 2 of 1940.

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 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 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.

#### PART III.—MILITARY COURT OFFENCES.

Military Court offences.

57. The offences against these Regulations which are described in this Part are Military Court offences.

Unlawfully discharging firearms etc.

58.—(1) Every 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) discharges any firearm at any person, or
- (b) throws or deposits any bomb, grenade or any other explosive or incendiary article with intention to cause death or injury to any person or damage to any property, or
- (c) unlawfully carries any firearm, ammunition, bomb, grenade, or explosive or incendiary article,

shall be guilty of an offence against these Regulations and shall be liable on conviction therefor to suffer death or imprisonment for life or such term of imprisonment as the Court may think fit.

(2) For the purposes of paragraph (c) of sub-regulation (1), a person proved to have carried a thing shall be deemed to have carried it unlawfully if —

- (a) he was required by law to have a licence for the possession of the thing and he fails to satisfy the Court that he had such a licence, or
- (b) he was otherwise prohibited by law from carrying or having possession of the thing in the circumstances proved, or
- (c) in any other case, he fails to satisfy the Court that he was carrying the thing for some specific lawful purpose.

59.—(1) Every 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, unlawfully has in his possession any firearm, bomb, grenade, ammunition or other explosive or incendiary article, shall be guilty of an offence against these Regulations and shall be liable on conviction therefor to imprisonment for life or such term of imprisonment as the Court may think fit.

Unlawful possession of firearms, etc

(2) For the purposes of subregulation (1), a person proved to have had possession of a thing shall be deemed to have had possession of it unlawfully if —

- (a) he was required by law to have a licence for the possession of the thing and he fails to satisfy the Court that he had such a licence, or
- (b) he was otherwise prohibited by law from having possession of the thing in the circumstances proved, or
- (c) in any other case, he fails to satisfy the Court that he had possession of the thing for some specific lawful purpose.

60. It shall be a defence to a prosecution for the offence of carrying or possessing a firearm or ammunition contrary to regulation 58 or 59 for the accused to prove that he was a person to whom an order under section 5 of the Firearms Ordinance applied and that he was entitled under the order to carry such firearm or ammunition.

Exemption.

Cap. 58.

61. Any person who —

- (a) wears any uniform or equipment of any of His Majesty's forces or of the Police Force, or of the Arab Legion, not being entitled to do so as a member of those forces, or
- (b) wears any dress or equipment likely to be mistaken for any such uniform or equipment as is mentioned in paragraph (a) and fails to satisfy the Court that he had no intention that it should be so mistaken,

Unlawfully wearing uniform, etc.

shall be guilty of an offence against these Regulations and shall be liable on conviction therefor to imprisonment for life or to such term of imprisonment as the Court thinks fit.

Unofficial  
uniforms, etc.

62.—(1) The High Commissioner may by order prohibit, restrict or regulate the wearing or display by any person in public of any distinctive dress or article of apparel or any emblem.

(2) For the purposes of this regulation, a dress, an article of apparel or an emblem shall be deemed to be worn if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) Any person who contravenes any order made under this regulation shall be guilty of an offence against these Regulations and shall be liable on conviction therefor to imprisonment for a period of three years or to a fine of five hundred pounds or to both such fine and imprisonment.

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

Unofficial  
drilling, etc.

63. 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) trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions; or

(b) receives any such training or drilling as is described in paragraph (a); or

(c) is present at any such training or drilling and fails to satisfy the Court that he was not present for the purpose of giving or receiving any such training or drilling as aforesaid,

shall be guilty of an offence against these Regulations and shall be liable on conviction therefor to imprisonment for seven years.

64. 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) interferes with the working or use of any harbour, railway, tramway, waterway, road, track, power station, transmission line or any works or plant used or adapted for the use for the production, supply, storage or transport of water or fuel,

(b) damages or interferes with any material or property forming part of, or connected with, any harbour, railway, tramway, waterway, road, track, power station or transmission line, or forming part of, or connected with, any works or plant used or adapted for use for the production, supply, storage or transport of water or fuel,

(c) damages or interferes with any telegraph or telephone line or apparatus or any wireless telegraph or telephone installation or any other means of communication, or

(d) damages or interferes with any aircraft, aircraft material, aerodrome, landing ground or mooring, or

(e) does any act or is guilty of any omission calculated to obstruct or to endanger the safety of any vessel, aircraft, vehicle, locomotive or railway train,

shall be guilty of an offence against these Regulations unless he proves that he was acting by lawful authority or on a lawful occasion and shall be liable on conviction therefor to imprisonment for life or to such term of imprisonment as the Court thinks fit.

Interference  
with and  
damage to  
communications,  
etc.

65.—(1) For the purposes of this regulation every person abets the commission of a Military Court offence 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.

Abetment of Military Court offences.

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

66.—(1) For the purposes of this regulation a person is deemed to attempt to commit a Military Court 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.

Attempt to commit Military Court offences.

(2) Every person who attempts to commit a Military Court offence shall be guilty of a Military Court 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.

67.—(1) Every person who, knowing a Military Court offence to have been committed by another person, receives or assists such other person in order to enable him to escape punishment is an accessory after the fact to that offence for the purpose of this regulation.

Accessories after the fact.

(2) Every person who is an accessory after the fact as aforesaid shall be guilty of a Military Court offence and may be brought to trial and convicted whether the actual perpetrator of the offence to which he is an accessory has or has not been previously convicted of the offence or whether it is or is not possible to institute proceedings against him and enforce any punishment that he may be ordered to undergo for the offence and shall be liable on conviction to imprisonment for three years.

PART IV.—GENERAL PROVISIONS AS TO CIVIL COURT OFFENCES.

68. Subject to the provisions of these Regulations, the general criminal law of Palestine shall be applicable in relation to Civil Court offences as it is to other offences.

General rule as to proceedings.

69. Notwithstanding any provision of law to the contrary but without prejudice to any power conferred by any other law, the Attorney General may direct—

Change of venue.

(a) that any preliminary enquiry into a Civil Court offence be held or continued before a magistrate, or a Chief Magistrate, or a British magistrate, having jurisdiction in any part of Palestine;

(b) that a trial of a Civil Court offence which is triable in the court of a magistrate shall be held before a magistrate, or a Chief Magistrate, or a British magistrate, having jurisdiction in any part of Palestine.

General  
penalty.

70. A person convicted of a Civil Court offence for which no special penalty is provided in these Regulations shall be liable—

No. 45 of 1939.

(a) if tried under the Magistrates' Courts Jurisdiction Ordinance, 1939, to imprisonment for six months or to a fine of one hundred pounds or to both such imprisonment and fine;

Cap. 36.

(b) if tried upon information under the Criminal Procedure (Trial Upon Information) Ordinance, to imprisonment for three years or to a fine of two hundred pounds or to both such imprisonment and fine.

Felonies.

71. For the avoidance of doubt it is hereby declared that Civil Court offences which, if tried upon information, are punishable, without previous conviction, with death, or with imprisonment for more than three years, are felonies notwithstanding that, if tried summarily, they are punishable with some lesser penalty.

#### 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.

Cap. 33.

(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.

Offences 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, for-  
feiture 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 such offence are hereby declared to be forfeited to the Government of Palestine.

(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.

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 recently been 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.

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

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 any such article.

Search of persons.

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

Stopping vehicles, vessels and aircraft.

(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.

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 also constitute that offence.

Obtaining possession, where possession an offence.

#### PART VI.—EMERGENCY CONTROL OF MOTOR VEHICLES.

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 these 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

Interpretation.



or any police officer of or above the rank of Assistant 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 ;

“motor vehicle” has the same meaning as it has in the Road Transport Ordinance.

Cap. 128.

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.

82. Whenever an emergency signal is given within a District, every person driving any motor vehicle in motion within that District (other than any motor vehicle which is under the control of the Authority) shall forthwith cease such motor vehicle to be stopped until an emergency ceased signal is given cancelling the emergency signal.

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 ASSOCIATIONS.

84. 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 ;

Meaning of expression “unlawful association”.

(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, by notification in the *Gazette*, to be an unlawful association,

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

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 *bone 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 *bone 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 or relating to or issued by or in the interests of, or purporting to belong or relate to or to be issued by or in the interests of, an unlawful association, or

(g) writes or otherwise prepares or produces, 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,

shall be guilty of an offence and shall be liable on conviction —

(i) if tried under the Magistrates' Courts Jurisdiction Ordinance, 1939, to imprisonment for three years or to a fine of one hundred pounds or to both such imprisonment and fine;

(ii) if tried upon information, under the Criminal Procedure (Trial Upon Information) Ordinance, to imprisonment for ten years or to a fine of two hundred 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.

Offences.

No. 45 of 1939.

Cap. 86.

## PART VIII.—CENSORSHIP.

Interpretation.

86. In this Part —

“authorised officer” means any Customs Officer, Immigration Officer, officer of the postal service, police constable, 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 and communicate;

“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 in publications 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 the

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.

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 any 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.

Prohibited publications.

(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 against these Regulations.

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

General power of examination, etc.

(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 become, prejudicial to the defence of Palestine or to the public safety or to public order; and the Censor, and all postal, telegraph and customs authorities 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.

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.

Examination, etc. of postal packets.

(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.

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 may 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

Restrictions on dispatch and distribution of certain articles.

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 reason-

able 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.

(2) 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 on 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.

(3) 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.

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.

Examination of consignments.

(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.

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.

Newspaper permits.

(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.

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 inform-

Official Communications.  
Cap. 116.

ation 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 of 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 other 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.

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 therein 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 to the public safety or to 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:

Search, etc.

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.—PROHIBITED IMMIGRANTS.

102. In this Part the term "prohibited immigrant" means a person who by reason of the provisions of section 5 of the Immigration Ordinance, 1941 is not entitled to enter Palestine.

Interpretation.  
No. 5 of 1941.

103. If any vessel is found in territorial waters of Palestine, whether it came into those waters voluntarily or not, having on board, to the knowledge of the owner, agent or master of such vessel, any prohibited immigrant, a District Court shall, on the application of the Attorney General, declare it to be forfeited to the Government.

Forfeiture of  
vessels used to  
bring prohibited  
immigrants.

104.—(1) The owner agent or master of any vessel found in territorial waters of Palestine in contravention of regulation 103 shall be guilty of an offence and liable on conviction to a fine of one thousand pounds or imprisonment for eight years or both.

Offence by  
owner, agent  
or master.

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

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such



person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney General to the institution of a prosecution for the offence has not been obtained, but no further proceeding shall be taken until that consent has been obtained.

Offence by prohibited immigrant.

105. Every prohibited immigrant on board a vessel which is found in territorial waters of Palestine, whether such vessel came into those waters voluntarily or not, shall be guilty of an offence and liable on conviction to a fine of one hundred pounds or imprisonment for six months or both.

Evidence.

106.—(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 the Immigration Ordinance, 1941 or these Regulations as evidence of the fact so stated.

No. 5 of 1941.

(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.

No. 5 of 1941.

(3) Notwithstanding any law or rule of evidence to the contrary any statement obtained by an immigration officer in exercise of his powers under the Immigration Ordinance, 1941 or any other Ordinance or regulation shall be admissible as evidence in any proceedings under the Immigration Ordinance, 1941 or these Regulations.

No. 5 of 1941.

Presumption.

107. If in any proceedings under these Regulations it is shown that there were prohibited immigrants on board any vessel, the owner, agent or master of such vessel shall be presumed to have had knowledge of that fact.

#### 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 articles;
- (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.

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.

Police supervision.

(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.

111.—(1) A Military Commander may by order direct that any person shall be detained for any period not exceeding one year in such place of detention as may be specified by the Military Commander in the order.

Detention.

(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 other 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 or 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.

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") requiring any person to leave and remain out of Palestine.

Deportation.

(2) The High Commissioner shall have power by order under his hand to require any person who is out of Palestine to remain out of Palestine. A person with respect to whom such an order is published shall so long as the order is in force remain out of Palestine. An order under this regulation may be made subject to such terms and conditions as the High Commissioner may think fit.

(3) A person with respect to whom a Deportation Order is made shall leave Palestine in accordance with the order and shall thereafter so long as the order is in force remain out of Palestine.

(4) A person with respect to whom a Deportation Order is made, whilst awaiting deportation and whilst being conveyed to any vessel, train, aircraft or vehicle in Palestine, shall be liable to be kept in custody in such manner as the High Commissioner may by the Deportation Order or otherwise direct and whilst in that custody shall be deemed to be in lawful custody.

(5) The master of a ship or the 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 against whom a Deportation Order has been 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.

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 for which the order is in force.

Public officers.

#### PART XI.—REQUISITIONING, ETC.

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 purposes of, the taking, retention or recovery of possession of the land.

Taking possession of land.

Gaz. 26.8.39,  
p. 659.

(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 of 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 for 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 prohibiting or restricting the exercise of rights of way over the land and 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 this 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.

*Gaz:* 29.8.39,  
p. 659.

*Gaz:* 29.8.39,  
p. 659.

*Gaz:* 29.7.43,  
p. 707.

115.—(1) In this regulation the term "chattel" includes any substance, vehicle or animal and 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.

Requisitioning  
of property  
other than land.

(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.

Gaz: 26.8.39,  
p. 659.

(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 or special authority of either of them, may use or deal with, or authorise the use or dealing with the chattel or 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 —

Cap. 115.

(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 thereunder 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.

Cap. 128.

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

Power to do work  
on land.

Gaz: 26.8.39,  
p. 659.

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 removing 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 :—

Gaz: 27.9.45. (“d) regulations 114, 115 and 116 of the Defence  
p. 1055. (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 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.

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 that 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 to the commission of, any offence against these 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.

Forfeiture and demolition of property, etc.

(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.

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 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.

Forfeiture of property of individuals.

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.

Billeting of additional police in certain areas.

(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.—MOVEMENTS OF PERSONS, 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—

Transport and traffic.



- (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 aircraft, 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.

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.

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 authorised by the Military Commander to issue such permits, he shall be guilty of an offence against these Regulations.

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.

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.

127.—(1) No person shall —

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

Removal of obstructions on roads.

Curfew.

Closed areas.

Control of highways.

Trespassing and loitering.

(b) unlawfully enter or 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 case 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 to 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 offence) 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 that 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.

#### PART XIV.—MISCELLANEOUS PROVISIONS.

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.

Postal services.

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 proprietors and managers of shops or businesses generally, or any class of shops or businesses, or of any specified shops or businesses, which he may have reason to believe to have been closed in pursuance of any organised 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;

Orders for the opening or closing of premises.

(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 authorising 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 made 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 of their work by persons engaged in the performance of essential services; or

(b) do, in relation to any person whom he knows to be a member 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 purposes 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 that of Superintendent of Police may authorise the further detention of the person detained for an additional period not exceeding seven days but shall, on giving any such authorisation, 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 authorised generally or specially by the High Commissioner.

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

Inquests, etc.

(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 with 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 the District Commissioner to order that the body of any person who has been executed at the Central Prison, Acre, or the Central Prison, Jerusalem, shall be buried in such cemetery of the community to which such prisoner belongs as the District Commissioner may direct.

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 there 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

Misleading acts and misrepresentation.

- (d) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorised 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 or 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 his duty as such.

(2) In this regulation the expression "defence signal" means any signal authorised 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.  
No. 4 of 1935.

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 intoxicating 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.

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.

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

Firearms, etc.

(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 possession or custody in the area specified in the order any firearms, ammunition or explosive substances to keep the same in places approved in accordance with the order;

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

Cap. 58.

(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 licence to carry one or more firearms of which particulars are endorsed on the licence subject to such conditions as are so endorsed. Any person who contravenes any such condition shall be guilty of an offence against these Regulations.

Cap. 58.

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

Cap. 58.

(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.

Gaz: 11.4.40,  
p. 567.

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.

Prohibition of  
explosive  
substances.

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

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 for 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 purposes 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 tethal 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.

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 or 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.

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 away 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.

Cap. 36.

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.

Power to obtain information.

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

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

Entry and inspection of land.

- (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.

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 prints 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, of 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 authorised to see it by any of the aforesaid persons so acting.

22nd September, 1945.  
(SF/164/45)

J. V. W. SHAW  
*Officer Administering the Government.*

## THE DEFENCE (EMERGENCY) REGULATIONS, 1945.

### COMPARATIVE TABLE.

(N.B. "E.R.")	means the Emergency Regulations, 1936 (Gaz : 19.4.36, p.259)
"D.R."	means the Defence Regulations, 1939 (Gaz : 26.8.39, p.659)
"P.(D) O."	means the Palestine (Defence) Order in Council, 1937 (Gaz : 24.3.37, p.267)
"D(MC)R"	means the Defence (Military Courts) Regulations, 1937 (Gaz : 11.11.37, p.1138).

<i>Regulation</i>	<i>Source</i>	<i>Remarks</i>
1	—	—
2(1)	—	—
"Attorney General"	New	—
"Army Act"	—	—
"Civil Court Offence"	New	—
"Essential Services"	DR.2(1) and 46	Adapted.

Regulation	Source	Remarks
"Explosive or incendiary article"	New	—
"Firearms"	New	—
"General Officer Commanding"	D(MC)R 17	Adapted.
"His Majesty's forces"	D(MC)R 17	Adapted.
"Land"	Sec. 2 of the Land (Acquisition for Public Purposes) Ordinance, No. 24 of 1943.	Verbatim
"Military Commander"	—	—
"Military Court"	—	—
"Military Court offence"	—	—
"Military Court prosecutor"	Para. 2 of the Schedule to the D(MC)R.	Adapted.
"requisition"	D.R. 2	Verbatim
"Police Force"	New	—
"possession"	—	—
2(2)	E.R. 25	Adapted.
2(3)	New	—
3	D.R. 2A	Adapted.
4(1)	E.R. 26 and P(D)O 12	Combined and adapted.
4(2)	E.R. 26(2)	Verbatim
4(3)	E.R. 26(3) (4)	Adapted.
4(4)	New	—
4(5)	D.R. 82	Adapted.
4(6)	D.R. 84	Adapted.
5	E.R. 23(2) and D.R. 85	Adapted.
6	Reg. 2 of the Defence (Military Commanders) Regulations, 1938, (Gaz: 18.10.38, p.1361).	Adapted. G.O.C. given powers of Military Commanders throughout the country, and his orders made to prevail over those of Military Commanders.
7	New	—
8	New	—
9	New	—
10	D.R. 66	Adapted.
11	Defence (Control of Police) Regulations, 1938 (Gaz: 17.10.38, p.1359)	Adapted.
12	D(MC)R. 2	Adapted.
13	D(MC)R. 3	Adapted.
14	D(MC)R. 5	Adapted.
15	D(MC)R. 6	Adapted.
16(1)	Para. 1 of Schedule to D(MC)R.	Adapted.
16(2)	New	—
17	New	—
18	New	—
19	New	—
20	Para. 12 of Schedule to D(MC)R.	Adapted.
21	D(MC)R.6 (first sentence)	Adapted and extended.

<i>Regulation</i>	<i>Source</i>	<i>Remarks</i>
22	Para. 3 of Schedule to D(MC)R.	Adapted.
23	Para. 11 of Schedule to D(MC)R.	Adapted.
24	Para. 18 of Schedule to D(MC)R.	Adapted.
25	Para. 13 of Schedule to D(MC)R. and new	
26	Para. 19 of Schedule to D(MC)R.	Adapted.
27	Para. 20 of Schedule to D(MC)R.	Adapted.
28	Para. 21 of Schedule to D(MC)R.	Almost verbatim.
29	New	
30	D(MC)R. 9 and 9A	Adapted.
31	D(MC)R. 4	Adapted.
32	New	—
33	E.R. 18(5)	Adapted.
34	Para. 4 of Schedule to D(MC)R.	Verbatim
35	Para. 5 of Schedule to D(MC)R.	Verbatim
36	Para. 8 of Schedule to D(MC)R.	Adapted.
37	Para. 6 of Schedule to D(MC)R.	Adapted.
38	Para. 7 of Schedule to D(MC)R.	Adapted.
39	Para. 9 cl. 1 of Schedule to D(MC)R.	Adapted.
40	Para. 9 cl. 2 of Schedule to D(MC)R.	Adapted.
41	New	—
42	Para. 10 of Schedule to D(MC)R.	Adapted.
43	Para. 15 of Schedule to D(MC)R.	Adapted.
44	New	—
45	Para. 16 of Schedule to D(MC)R.	Adapted.
46	Para. 16 of Schedule to D(MC)R.	Adapted.
47	D(MC)R. 7	Varied. Conviction, too, made subject to confirmation by G.O.C. (hitherto sentence only).
48	D(MC)R. 8	Adapted.
49	D(MC)R. 7(2)	Varied.
50	D(MC)R 12	Adapted.
51	D(MC)R 14	Adapted.
52	D(MC)R 10	Adapted.
53	New	—
54	D(MC)R 14A.	Verbatim
55	New	—

Regulation	Source	Remarks
56	New	—
57	New	—
58(1)	E.R. 8F	Adapted.
58(2)	New	—
59	E.R. 8C(a) and (b)	Adapted.
60	New	—
61	E.R. 8C(c) and (d)	Adapted.
62	D.R. 23	Adapted.
63	E.R. 8E	Adapted.
64	E.R. 8G	Adapted.
65	Sec. 23(1) Criminal Code Ordinance, No. 74 of 1936	Adapted.
66(1)	Sec 30 Criminal Code Ordinance, No. 74 of 1936	Slightly varied.
66(2)	Sec. 29 Criminal Ordinance, No. 74 of 1936	Adapted.
67(1)	Sec. 26(1) Criminal Code Ordinance, No. 74 of 1936	Adapted. Privilege of near relatives not adopted.
67(2)	Sec. 27 Criminal Code Ordinance, No. 74 of 1936	Verbatim, but reference to joint or separate trial omitted in view of reg. 37.
68	New	—
69	E.R. 3B and D.R. 78	Adapted.
70	D.R. 76	Adapted.
71	New	—
72	New	—
73	D.R. 75	Verbatim
74	New	—
75	E.R. 19(ii)	Adapted.
76	E.R. 19(iii)	Adapted.
77(1)	E.R. 19(iv)	Adapted.
77(2)	New	—
78	New	—
79	P.(D.)O. 6(1)	Adapted.
80	Reg. 3 of Defence	Adapted.
"Authority"	Emergency Control of Motor Vehicles) Regulations, 1944, ( <i>Gaz</i> :19.1044, p. 1075)	
"District"	ibid.	
"Emergency signal"	}	
"emergency ceased signal"		ibid.
"motor vehicle"		
81	Reg. 4 ibid.	Slightly varied.
82	Reg. 5 ibid.	Verbatim
83	Reg. 6 ibid.	Adapted.
84	E.R. 14B	Verbatim
85(1)	E.R. 14C(1)	Verbatim, but for the penalty clause which is based on D.R. 76 but is more severe.
85(2)	E.R. 14C(3)	Verbatim
86	D.R. 5(8)(b)	Adapted; "officer of the postal service" added.
"authorised officer"		

## Regulation

## Source

## Remarks

Regulation	Source	Remarks
"Censor"	New	
"Newspaper"	sec. 2 Press Ordinance, cap. 116	Verbatim
"photograph"	D.R. 5(8)(a)	Verbatim
"postal packet"	sec. 2 Post Office Ordinance cap. 115.	Verbatim
"printing"	New	
"publication"	New	
"publish"	E.R. 11(1) definition of "publication".	Adapted.
"telegram"	D.R. 2	Slightly adapted (to exclude telephone or radio message by voice).
87(1)	E.R. 11(3)	Adapted.
87(2)	New	—
88(1)	E.R. 11(4)(ii) and (5)	Adapted.
88(2)	New	—
89	E.R. 11(2)	Adapted.
90(1)	E.R. 11(2A)	Adapted.
90(2)	E.R. 11(2B)	Adapted.
90(3)	E.R. 11(2C)	Adapted.
91(1)	D.R. 5(1) and 51(3)	Adapted.
91(2)	D.R. 5(2) and 51(3)	Adapted.
91(3)	D.R. 51(4)	Slightly varied.
91(4)	D.R. 5(2)	
91(5)	New	
92(1)	D.R. 5(3)	Adapted.
92(2)	D.R. 5(4)	Adapted.
92(3)	D.R. 5(5)	Adapted.
93	D.R. 5(6)	Adapted.
94(1) & (2)	E.R. 11A(1)	Slightly varied.
94(3)	New	
95(1)	E.R. 11C(1)	Adapted.
96(1)	E.R. 11B(1)	Adapted.
96(2)	—	
97(1) & (2)	E.R. 11(4)(i) & (ii)	Adapted.
97(3)	—	
98(1)	E.R. 11(6)(a)	Slightly varied.
98(2)	New	—
99	E.R. 11C(2)	Extended.
100	New	—
101	E.R. 11(7) and D.R. 5(3) Proviso	Adapted.
102	Reg. 2 of Defence (Immigra- tion) Regulations, 1940, ( <i>Gaz</i> : 18.3.40, p. 465)	Verbatim, except that "Immigration Ordinance, 1941", substituted for "Immigration Ordinance".
103	Reg. 3 <i>ibid</i>	Adapted.
104	Reg. 4 <i>ibid</i>	
105	Reg. 5 <i>ibid</i>	Verbatim
106	Reg. 6 <i>ibid</i>	Verbatim, except that "Immigration Ordinance, 1941" substituted for "Immigration Ordinance"
107	Reg. 7 <i>ibid</i>	Verbatim

<i>Regulation</i>	<i>Source</i>	<i>Remarks</i>
108	P.(D) O. 6(1)	Adapted.
109(a) & (b)	D.R. 16(1)(a) and (b)	Verbatim, except for the introductory words.
109(c) & (d)	D.R. 17(1)(a) and (b)	Verbatim, except for the introductory words.
110(1)	E.R. 15(A)(1)	Adapted.
110(2)	E.R. 15(A)(2)	Slightly varied.
110(3)	E.R. 15(A)(3)	Adapted.
110(4)	—	—
111(1)	E.R. 15B(1)	Adapted.
111(2)	E.R. 15B(2)	Adapted.
111(3)	E.R. 15B(3)	Verbatim
111(4)	D.R. 17(2) & (3)	Adapted; recommendations of committee to be made to Military Commander (who makes the detention order under these Regulations) instead of to High Commissioner (who made it under D.R. 17).
111(5)	E.R. 15B(4)	Slightly varied.
111(6)	E.R. 15B(5)	Slightly varied.
111(7)	E.R. 15B(6)	Slightly varied.
112	E.R. 15	Verbatim
113	E.R. 15c	Adapted.
114(1)	D.R. 48(1)	Adapted.
114(2)	(3) <i>ibid</i>	Adapted.
(3)	(4) <i>ibid</i>	Adapted.
(4)	(6) <i>ibid</i>	Adapted.
(5)	(7) <i>ibid</i>	Adapted.
(6)	New	—
(7)	—	—
(8)	New	—
115(1)	DR. 51(5) and (6)	Adapted.
115(2)	D.R. 51(1)	Adapted.
115(3)	D.R. 51(2)	Adapted.
115(4)	Reg. 2 of Defence (Refund of Vehicle Licensing Fees) Regulations, 1945 ( <i>Gaz</i> :31.5.45, p.597)	Adapted.
116	D.R. 47	Adapted.
117	New	—
118(1)	D.R. 49(1)	Verbatim
118(2)	—	—
119	E.R. 19B	Adapted.
120	New	—
121	E.R. 19A	Adapted.
122	E.R. 6A	Adapted.
123	E.R. 9A	Almost verbatim.
124	E.R. 10(1)	Slightly varied.
125	E.R. 10A(1)	Verbatim (but Military Commander for District Commissioner).

Regulation...	Source	Remarks
126	D.R. 33	Adapted.
127	D.R. 32	Adapted.
128	E.R. 12C	Adapted.
129(1) (a)	E.R. 14A(1)	Adapted.
(b)	E.R. 14A(2)	Adapted.
130(1)	D.R. 15A(1)	Adapted.
(2)	—	
131	D.R. 18	Verbatim, except that Police Force added.
132	D.R. 17F.	Slightly varied.
133	E.R. 19C.	Adapted.
134	D.R. 19	Adapted.
135	E.R. 5A	Adapted.
136(1)	D.R. 12	Adapted.
(2)	New	
137	E.R. 8 and section 2 Explosives Ordinance, No. 22 of 1937 (definition of "explosive substance")	Adapted.
138	New	Adapted
139	E.R. 9	Adapted.
140	D.R. 68	Adapted.
141	D.R. 21	Adapted.
142	D.R. 22	Adapted.
143	D.R. 24A	Adapted.
144	D.R. 65(1)	Adapted.
145	D.R. 50	Adapted.
146	D.R. 67	Adapted.
147	E.R. 15B(3A)	Verbatim

## EXPLANATORY NOTE.

Abbreviations used in this Note :

- "E.R." means the Emergency Regulations, 1936  
(Gaz: 19.4.36, p.259)
- "D.R." means the Defence Regulations, 1939  
(Gaz: 26.8.39, p.659)
- "P(D)O" means the Palestine (Defence) Order in Council, 1937  
(Gaz: 24.3.37, p.267)
- "P(D)O 1931" means the Palestine (Defence) Order in Council, 1931  
(Revised Laws of Pal. Vol. III, p.2619)
- "P(D)O 1936" means the Palestine Martial Law (Defence) Order in Council, 1936  
(Gaz: 30.9.36, p.1070 (long Gazette))
- "D.E.R." means the Defence (Emergency) Regulations, 1945.
- "Commanders Regs" means the Defence (Military Commanders) Regulations, 1938  
(Gaz: 18.10.38, p.1361)
- "D(MC)R" means the Defence (Military Courts) Regulations, 1937  
(Gaz: 11.11.37, p.1138).

1. In order to meet the need for legislation giving extraordinary powers for the enforcement or restoration of law and order in Palestine the P(D)O 1931 was enacted. That Order empowered the High Commissioner to make regulations "for securing the public safety and the defence of Palestine" and made provision as to the powers for that

purpose of the High Commissioner and the officers of H.M. Navy, Military or Air Forces. The P(D)O 1931 was followed by the P(D)O 1936, and ultimately the P(D)O was enacted revoking and replacing P(D)O's 1931 and 1936. The P(D)O, by article 6 afforded an elaboration of the matters upon which the High Commissioner could make regulations since the article empowered the High Commissioner to make regulations "as appear to him in his unfettered discretion to be necessary or expedient for securing the public safety, the defence of Palestine, the maintenance of public order and the suppression of mutiny, rebellion and riot, and for maintaining supplies and services essential to the life of the community." P(D)O (Article 10), however, preserved all regulations made prior to the enactment of that Order. Thus regulations, e.g. the E.R., which were made by the High Commissioner under P(D)O 1931 or P(D)O 1936 were continued in force, and, as amended from time to time since that date, remain in force to date. Similarly there remain in force to this date the D(MC)R and the Commanders Regs. Consideration was given in 1940 to the revocation of the E.R. and their companion regulations. This project was not pursued because war censorship requirements were being met by the censorship provisions of the E.R. and also because it was thought desirable to retain E.R. and companion regulations with a view to their employment in the event of recurrence of disorders in Palestine for the control of which it was thought probable that the general Defence Regulations, 1939, enacted under the Emergency Powers (Defence) Act, 1939, for the purpose of the war, might prove unsuitable or inappropriate. In these circumstances the E.R. and companion regulations continued to exist throughout the war years but necessity to employ them, apart from their censorship provisions, did not often arise until the beginning of 1944, when disturbances recurred. Since that date such regulations have been in use, mainly as regards the functioning of military courts and the trial of military court offences, such as possession of firearms, and in regard to detention under E.R. 15B of persons suspected of complicity in outrage.

2. In 1945 the position has been reached that hostilities have ceased in Europe and the Far East. Consequently the repeal of the D.R. is occurring progressively in allotted stages. It is unfortunately the case, however, that in Palestine disorder has continued sporadically since 1944. In these circumstances it is necessary to have legislation designed to assist the enforcement or restoration of law and order. Such legislation, as explained, has existed in the form of the E.R. and companion regulations. It was, however, enacted at different dates and subjected to considerable amendment from time to time. It has thus become difficult to ascertain. Consequently the D.E.R. as enacted repeal E.R. and companion regulations and effect a consolidation and recasting of such legislation in more convenient form while also embodying changes which experience has shown to be desirable.

3. The D.E.R. are made "in exercise of the powers vested in the High Commissioner by article 6 of the Palestine (Defence) Order in Council, 1937". As so made the D.E.R. are almost wholly enabling in nature, i.e. they do not, of themselves, impose immediate duties or prohibitions. The Regulations have been provided with a table of contents which reflects the division of the Regulations into parts, by which the various topics, with which the D.E.R. deal, are divided. Additionally a Comparative Table is annexed to the D.E.R. as published in this *Gazette*, to assist ready discovery of the source of each of the new regulations.

4. It is hoped that with the aid of such table of contents and Comparative Table detailed examination of the D.E.R. will be much facilitated. For the purpose of this Note it suffices to invite particular attention only to specific provisions of such Regulations as follows:—

#### PART I.—INTRODUCTORY.

*Regulation 2.* Definition of expressions has been introduced. Some had no counterpart in the E.R. and companion regulations, others were given no or insufficient interpretation. Definitions of importance to be noted are those of the terms "explosive



or incendiary article", "firearms", "requisition", "possession". In relation to "possession" D.E.R. 2(3) is to be noted whereby a presumption of possession is laid upon an occupier of premises in which anything is found or proved to have been. This marks a shifting of the onus of proof which practical experience, e.g. in possession of firearms cases, has found necessary.

*Regulation 6.* The General Officer Commanding is given all the powers of a military commander throughout Palestine, which powers can override those exercisable by military commanders under the command of the General Officer Commanding. Such provision is thought to be necessary to ensure rapidity and uniformity of action in the event of any serious and widespread disturbance. Regulation 6(3) should be noted wherein it is provided as in regulation 2(1) of the Commanders Regs that in all matters relating to public security the District Commissioner shall act as Political Adviser.

*Regulation 7* provides for the revocation of the regulations there mentioned, i.e. the E.R. and companion regulations. It is important to note, however, that by D.E.R. 7(2) and (3) 'saving' of proceedings, acts and orders etc. existing or made under regulations revoked is afforded.

*Regulation 11.* This regulation reproduces the revoked Defence (Control of Police) Regulations, 1938 (Gaz: 17.10.38, p.1359) and perpetuates the arrangement, to the practical and limited extent to which it has been employed, whereby the General Officer Commanding is given operational control over the police force for the specific purpose stated in the regulation.

## PART II.—MILITARY COURTS.

This part covers regulations 12-56 inclusive. At the present time such provisions are covered by the D(MC)R. This part in effect reproduces such Regulations but in re-arranged form.

A salient provision is *regulation 15* which substantially gives exclusive jurisdiction to military courts to try military court offences. Regulation 15 *proviso (b)*, however, gives power to the General Officer Commanding to elect trial in any case by court martial where a member of H.M. Forces is charged with a military court offence. This places military court offences on the same footing as all other offences against the civil law of Palestine and, in fact, gives the General Officer Commanding the same right to elect trial by court martial as is given by the Civil Trial of Members of the Forces Ordinance (Cap. 19). Regulation 15 *proviso (c)* gives the General Officer Commanding a further power, namely that of ordering that any proceedings before the military court shall be stayed. This power might well be utilised in a case where, for a reason which was not apparent at the time when trial by military court was ordered, it has become desirable that the case shall cease before the military court and be tried by a civil court or even by court martial.

*Regulation 16(2)* seeks to make clear that the provisions of the Criminal Procedure (Arrest and Searches) Ordinance (Cap. 33) shall be applicable to arrests made under the powers conferred by the regulation.

*Regulation 17* provides that a person accused of a military court offence who is in police custody may be brought before a military court without necessity for him to be brought before a magistrate, provided he is so brought within 48 hours of arrest.

*Regulation 18.* This provides the power of release on bail or remand in custody in the case of a person arrested for the commission of a military court offence.

*Regulation 20* makes the English law of evidence applicable in whole in cases heard by military courts. Such provision is regarded as necessary to meet the position that military courts are normally composed of officers familiar with the English law of evidence but not familiar with the law of evidence as existing in Palestine. It is also noteworthy that a proviso has been added that in certain circumstances evidence inadmissible in England may be admitted by a military court.

*Regulation 29* gives legislative effect to the principle that witnesses before a military court shall be liable to examination, cross-examination, re-examination.

*Regulation 32* gives power to a military court to award special treatment when imposing a sentence of imprisonment. The E.R. were silent on this question. It is to be noted in this connection that *regulation 48(c)* gives the General Officer Commanding power on confirmation of a conviction by a military court to award special treatment.

*Regulation 33.* Such provision reproduces that existing in E.R. regarding youthful offenders. The provision has been placed in this part as being the appropriate place since the part deals with the trial of offenders.

*Regulation 41* makes statutory provision for a situation where, at the close of the case for the prosecution, the court is of the opinion that there is no case to answer.

*Regulation 43* provides for confirmation of conviction and sentence by the General Officer Commanding. Hitherto confirmation was required only in respect of sentence. By this provision an amelioration has been introduced favouring persons convicted by military courts.

*Regulation 55.* This is a further provision favourable to convicted persons. It enables the General Officer Commanding at any time to review a sentence awarded by the military court after confirmation, and to mitigate, remit or commute the sentence or to award special treatment. In effect this places the General Officer Commanding in a similar position with regard to military court sentences to that which he holds in regard to sentences awarded in Palestine by courts martial. It is to be noted that such powers of the General Officer Commanding on review do not affect the powers of clemency vested in the High Commissioner.

### PART III.—MILITARY COURT OFFENCES.

This part reflects a codification of all offences triable by military courts now provided for by E.R. in scattered form throughout such Regulations and to such offences the new description "military court offence" is attached.

*Regulations 58(2) and 59(2).* These provisions are particularly to be noted. Under them any person who is required by law to have a licence and has none becomes automatically guilty of the offence. There will no longer be room for argument (as has occurred) on the issue whether an accused has or has not a reasonable excuse.

*Regulations 65, 66, 67.* These regulations contain all necessary provisions relating to the various persons who can be parties to a military court offence, including aiders and abettors, those who attempt to commit such offence and accessories after the fact. These provisions replace defective provisions of the E.R. and are embodied in the D.E.R., despite the existence of analogous provisions in the Criminal Code Ordinance, 1936, for the convenience of military courts by avoidance of cross reference to other laws.

### PART IV.—GENERAL PROVISIONS AS TO CIVIL COURT OFFENCES.

The D.E.R. introduce a new expression, "civil court offence" which is defined in regulation 2. A broad distinction between a military court offence and a civil court offence is that the latter is an offence which, under the D.E.R., would not be triable by a military court.

*Regulation 68* emphasises that in trials of civil court offences the general criminal law of Palestine shall be applicable, subject to the provisions of D.E.R.

*Regulation 70* affords a general penalty for civil court offences. The provision of general penalty is in contrast to military court offences in respect of which specific penalty is attached to each such offence.

### PART V.—PROVISIONS APPLICABLE TO BOTH MILITARY AND CIVIL COURT OFFENCES.

*Regulation 73* provides for the situation where the "person" convicted of an offence is a body corporate. This provision, which has a counterpart in regulation 18(4) of

E.R., follows regulation 75 of the D.R. Experience has emphasised the necessity for provision enabling penalty to be imposed where a convicted "person" is not an individual but is e.g. a company.

*Regulation 74.* This is a provision having no counterpart in the E.R. and provides for forfeiture to the Government of Palestine of goods, articles, documents or things in relation to which an offence against the D.E.R. has been committed.

#### PART VI.—EMERGENCY CONTROL OF MOTOR VEHICLES.

Provisions corresponding to the regulations in this part do not exist in E.R.

*Regulations 79 to 83* are a reproduction of the existing Defence (Emergency Control of Motor Vehicles) Regulations, 1944 (Gaz: 19.10.44, p.1075), which Regulations were made under the Emergency Powers (Defence) Act, 1939, although they are, in fact, directed against the movement of motor vehicles where internal security in Palestine calls for their control.

#### PART VII.—UNLAWFUL ASSOCIATIONS.

*D.E.Rs. 84 and 85* reproduce regulations 14B and 14C of E.R., which were enacted as recently as December, 1944, by the Defence (Emergency) (Amendment) (No. 4) Regulations, 1944 (Gaz: 14.12.44, p.1398).

#### PART VIII.—CENSORSHIP.

The regulations in this part, i.e. *regulations 86 to 101 inclusive* represent a consolidation, without any important variations, of the censorship provisions now existing in E.R. plus the inclusion of provisions corresponding to regulation 5 of D.R. Reference has already been made to the fact that apart from D.R. 5, the censorship provisions of E.R. have supplied throughout the war the necessary censorship powers, e.g. E.R. 11(2) corresponding to *D.E.R. 89*. It is stressed that the majority of provisions in this part are merely enabling, i.e. such provisions do not in themselves impose censorship in any form. Only *regulations 94 and 96* contain prohibitions per se. The only form of pre-censorship which the regulations in this part provide occurs in *D.E.R. 96*, which corresponds to E.R. 11E(1). It is to be further noted that in *D.E.R. 94—96* the District Commissioners replace military commanders as the appropriate authority. It will be recalled that by virtue of the Commanders Regs all powers of the District Commissioners under E.R. were passed to military commanders.

#### PART IX.—PROHIBITED IMMIGRANTS.

This part, which comprises *regulations 102 to 107 inclusive*, reproduces the Defence (Immigration) Regulations, 1940 (Gaz: 18.3.40, p.465) which Regulations are revoked by regulation 7 of the D.E.R.

#### PART X.—RESTRICTION ORDERS, ETC.

*Regulation 108.* This regulation embodies guidance, and in so doing imposes limitations not present in E.R. upon the powers of the High Commissioner and military commanders, in exercise of powers of restriction, supervision, detention and deportation. Regulation 108 requires that no order under part X shall be made unless the authority concerned "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".

*Regulation 111* makes provision (corresponding to E.R. 15B) empowering a military commander to direct by order the detention of persons. Provision is included in the regulation (D.E.R. 111(4)) for the establishment of one or more Advisory Committees to consider and make recommendations to the military commander with respect to any objections against any order of detention. Such a Committee upon the enactment of the D.E.R. will take the place of a Committee, having no statutory basis, which has been functioning for the review of cases of persons detained under E.R. 15B.

## PART XI.—REQUISITION, ETC.

*D.E.Rs.* 114 to 118 mainly reproduce the corresponding *D.Rs.* It is to be noted, however, that *D.E.R.* 115 empowers a *Military Commander* as well as a District Commissioner to take possession of property other than land. Such provision is designed to meet any need of the military authorities to acquire such property as a matter of urgency. In the case of *D.E.R.* 114, 115 and 116 it will be observed that guidance in their employment is afforded in that such employment is required to be related to public safety, the defence of Palestine, the maintenance of public order or maintenance of supplies or services essential to the life of the community. It is also to be noted that it is provided that compensation is declared by the *D.E.R.* to be payable under the Compensation (Defence) Ordinance, 1940 (No. 18 of 1940) and not as hitherto, where powers of requisition were exercised under *E.R.*, in conformity with the Defence Regulations (Compensation for Property occupied for Public Purposes), 1939, (Gaz: 6.4.39, p. 285), which experience has shown to be unsuitable. Consequently compensation will be payable under Ordinance No. 18 of 1940 in respect of action taken under *D.E.R.* for taking possession of land and requisitioning of property other than land and doing work on land, no compensation, however, being payable in respect of use of land (*D.E.R.* 118 thus reproducing the present position as regards non-liability to pay compensation in respect of the use of land under *D.R.* and Ordinance No. 18 of 1940). Powers under *D.E.R.* 118 are, however, reserved for exercise by the High Commissioner only.

## PART XII.—MISCELLANEOUS PENAL PROVISIONS.

This part embraces *regulations* 119 to 121 inclusive. These regulations are merely enabling, and are largely a reproduction of existing *E.R.*

## PART XIII.—TRANSPORT, TRAFFIC, ETC.

This part comprises *regulations* 122 to 127 inclusive. These regulations are merely enabling, and are largely reproductions of existing *E.R.*

## PART XIV.—MISCELLANEOUS PROVISIONS.

This part comprises *D.E.Rs* 128 to 147 inclusive. The provisions of this part are also largely a reproduction of provisions of existing *E.R.* which occur scattered throughout those *E.R.* and which have for convenience been collated in one part.

*D.E.R.* 138 is to be noted. That regulation contains direct prohibition of the manufacture of explosive substances (as defined) except under permit from a military commander. Such provision reproduces with modification the Emergency Regulations (Manufacture of Explosives) Order, 1936 (Gaz: 1.6.36, p.579). Such Order will be revoked under *D.E.R.* 7.

## FORESTS ORDINANCE.

## PROCLAMATION, No. 3 of 1945, BY THE OFFICER ADMINISTERING THE GOVERNMENT UNDER SECTION 3.

IN EXERCISE of the powers vested in the High Commissioner by section 3 of the Forests Ordinance, and all other powers enabling me in this behalf, I, JOHN VALENTINE WISTAR SHAW, Officer Administering the Government, do hereby amend the Schedule to the Proclamation by the High Commissioner dated the 20th April, 1926, and published in the *Gazette* No. 162 of the 1st May, 1926, at page 224, as follows:—

Cap. 61.

In the particulars relating to the Forest Reserve No. 82 ("Saab-el-Zouhleka") there shall be substituted the figure "622" for the figure "200" appearing in the column headed "Approx. area in dunums".

(b) The purchaser, other than a consumer and the seller shall on request produce such invoice or such copy thereof, as the case may be, for inspection to a Controlling Authority or any person authorised by a Controlling Authority in writing in that behalf".

By His Excellency's Command,

J. V. W. SHAW  
Chief Secretary.

16th October, 1945.  
(SF/429/41)

#### EXPLANATORY NOTE.

The above Regulations extend the existing provisions relating to the exhibition of sale prices and to invoices.

Regulation 4, as amended, extends the duty of a retailer to exhibit prices in respect of all commodities offered or exposed for sale, to commodities exhibited in such a manner as to lead to the belief that he sells, or offers for sale, or invites offers to purchase, such or a substantially similar commodity. For the removal of doubt the regulation also lays down expressly that the price must be exhibited so as to be easily ascertainable by any person.

Regulation 9, as amended, adds to the existing duty of a seller to furnish invoices to purchasers, the duty of the purchaser to obtain such invoice and to inform the Price Controller or a Price Control Office of the District in which his place of business is situated if the seller has failed to provide him with a proper invoice. The purchaser must retain the invoice for a period of twelve months; the seller must retain a copy of the invoice for a similar period. The said obligations are not imposed upon purchasers being consumers. The term "consumer" is defined in regulation 2 of the principal Regulations as meaning "any person who buys or otherwise acquires in any manner whatsoever any commodity with any object in view regarding its ultimate disposal other than that of sale as herein defined".

#### THE DEFENCE (EMERGENCY) REGULATIONS, 1945.

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

*Gaz*: 24.3.37,  
p. 268.

1. These Regulations may be cited as the Defence (Emergency) (Amendment No. 1) Regulations, 1945, and shall be read and construed as one with the Defence (Emergency) Regulations, 1945, hereinafter referred to as "the principal Regulations".

Citation.

*Gaz*: 27.9.45,  
p. 1055.

2. Regulation 86 of the principal Regulations shall be amended by the substitution of the expression "police officer" for the expression "police constable" appearing in the definition of the term "authorised officer".

Regulation 86 of  
the principal  
Regulations  
amended.

3. Regulations 102, 103, 104, 105 and 107 of the principal Regulations are hereby revoked and replaced by the following Regulations:—

Regulations  
102, 103, 104,  
105 and 107 of  
the principal  
Regulations re-  
voked and  
replaced.

Interpretation.  
Forfeiture of  
vessel or aircraft  
used to bring  
prohibited im-  
migrants.

102. In this Part, the term "prohibited immigrant" means a person who has entered or is in Palestine in contravention of the provisions of the Immigration Ordinance, 1941.

103. If any vessel or aircraft is found in Palestine, whether it came to Palestine voluntarily or not, having on board, to the knowledge of the owner or agent or of the master or commander (as the case may be) of such vessel or aircraft, any pro-

hibited immigrant, a District Court shall, on the application of the Attorney General, declare the vessel or aircraft to be forfeited to the Government.

Offence by owner, agent, master and commander.

104.—(1) The owner and agent and the master or commander (as the case may be) of any vessel or aircraft found in Palestine in contravention of regulation 103 shall be guilty of an offence and liable on conviction to a fine of one thousand pounds or imprisonment for eight years or both.

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

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney General to the institution of a prosecution for the offence has not been obtained, but no further proceeding shall be taken until that consent has been obtained.

Offence by prohibited immigrant.

105.—(1) Every prohibited immigrant who is found in Palestine (whether or not, if he entered Palestine by sea or air, the vessel or aircraft entered Palestine voluntarily) shall be guilty of an offence triable summarily by a Magistrate, and on his conviction therefor, the Magistrate shall, notwithstanding anything contained in the said Ordinance or elsewhere in these Regulations, direct him to be detained during the pleasure of the High Commissioner.

(2) The High Commissioner may from time to time give general or special directions as to the custody of persons directed to be detained under this regulation.

Presumption.

107. If in any proceedings under these Regulations it is shown that there were prohibited immigrants on board any vessel or aircraft the owner and the agent and the master or commander (as the case may be) of such vessel or aircraft shall be presumed to have had knowledge of that fact."

By His Excellency's Command,

J. V. W. SHAW  
Chief Secretary.

16th October, 1945.

#### EXPLANATORY NOTE.

Regulation 2 brings the drafting of Regulation 86 of the Defence (Emergency) Regulations, 1945, into line with definition of "police officer" in the Interpretation Ordinance, 1945.

Regulation 3 makes the provisions of Part IX of the Defence (Emergency) Regulations, 1945, applicable in relation to immigration by air as well as by sea or land and clarifies the drafting in minor matters. The new Regulation 105 is a combination of the existing regulation 105 and regulation 15D of the Emergency Regulations, 1936



## Supplement No. 2

to

# The Palestine Gazette No. 1451 of 8th November, 1945.

### THE DEFENCE (EMERGENCY) REGULATIONS, 1945.

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

*Gaz*: 24.3.37.  
p. 268.

1. These Regulations may be cited as the Defence (Emergency) (Amendment No. 2) Regulations, 1945, and shall be read and construed as one with the Defence (Emergency) Regulations, 1945, hereinafter referred to as "the principal Regulations".

Citation.

*Gaz*: 27.9.45,  
p. 1055.

2. Regulation 89 of the principal Regulations shall be amended by the deletion of the words "and all postal, telegraph and customs authorities" appearing in the eleventh line thereof and by the substitution therefor of the words "and any authorised officer".

Regulation 89  
of the principal  
Regulations  
amended.

By His Excellency's Command,

J. V. W. SHAW  
*Chief Secretary.*

1st November, 1945.

### DEFENCE (FINANCE) REGULATIONS, 1941.

#### ORDER BY THE HIGH COMMISSIONER UNDER REGULATIONS 4C AND 6A.

IN EXERCISE of the powers vested in him by regulations 4C and 6A of the Defence (Finance) Regulations, 1941, the High Commissioner has made the following Order:—

*Gaz*: 6.11.41,  
p. 1647.

1. This Order may be cited as the Defence (Finance) (Regulation of Payments) (Consolidation) (Amendment No. 2) Order, 1945, and shall be read as one with the Defence (Finance) (Regulation of Payments) (Consolidation) Order, 1945, hereinafter referred to as "the principal Order".

Citation.

*Gaz*: 13.9.45.  
p. 995.

2. The Second Schedule to the principal Order shall be amended by the deletion of the words

Amendment  
of Second  
Schedule to the  
principal Order

"The Netherlands West Indies",

appearing in Group 7 therein, and by the substitution therefor of the following words:—

"The Dutch Monetary Area, that is to say, the Netherlands, the Netherlands East Indies and the Netherlands West Indies."

3. The Third Schedule to the principal Order shall be amended —

Amendment  
of Third  
Schedule to the  
principal Order.

(a) by the insertion of the following new item 3A immediately after item 3 thereof:—

## DEFENCE (EMERGENCY) REGULATIONS, 1945.

IN VIRTUE of the powers vested in me by the Defence (Emergency) Regulations, 1945, I, JOHN CONYERS D'ARCY, Commander of the Most Excellent Order of the British Empire, Military Cross, Major-General, General Officer Commanding the British Troops in Palestine and Trans-Jordan, with the consent of the High Commissioner do hereby appoint the officer from time to time in command of His Majesty's Military Forces in the Area or Place comprising Samaria (less the Sub-District of Jenin), Lydda and Gaza Districts, to be Military Commander of the said Area or Place with effect from the 21st day of October, 1945, and until further notice.

J. C. D'ARCY

*Major-General,*

(SF/917/38)

*General Officer Commanding British Troops in Palestine and Trans-Jordan.*

## DEFENCE (EMERGENCY) REGULATIONS, 1945.

IN VIRTUE of the powers vested in me by the Defence (Emergency) Regulations, 1945, I, JOHN CONYERS D'ARCY, Commander of the Most Excellent Order of the British Empire, Military Cross, Major-General, General Officer Commanding the British Troops in Palestine and Trans-Jordan, with the consent of the High Commissioner do hereby appoint the officer from time to time in command of His Majesty's Military Forces in the Area or Place comprising Jerusalem District to be Military Commander of the said Area or Place with effect from the 21st day of October, 1945, and until further notice.

J. C. D'ARCY

*Major-General,*

(SF/917/38)

*General Officer Commanding British Troops in Palestine and Trans-Jordan.*

## DEFENCE (EMERGENCY) (AMENDMENT NO. 3) 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:—

Citation.

1. These Regulations may be cited as the Defence (Emergency) (Amendment No. 3) Regulations, 1945, and shall be read as one with the Defence (Emergency) Regulations, 1945, hereinafter referred to as "the principal Regulations".

*Gaz:* 27.9.45,  
p. 1055.

Amendment of regulation 19 of the principal Regulations.

2. Regulation 19 of the principal Regulations shall be amended by the deletion of the words "The accused may, with the permission of the President of the Court, be defended by an advocate" appearing therein, and by the substitution therefor of the following words:—

"The accused may be defended by an advocate".

Revocation and replacement of regulation 61 of the principal Regulations.

3. Regulation 61 of the principal Regulations shall be revoked and the following substituted therefor:—

"Unlawfully wearing uniform etc. 61.—(1) Any person who—

(a) wears 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 so to do, or

(b) wears 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,



shall be guilty of an offence against these Regulations and shall be liable on conviction therefor to imprisonment for life or to such term of imprisonment as the Court thinks fit.

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

4. Regulation 62 of the principal Regulations shall be revoked and the following substituted therefor:—

Unofficial uniforms.

62.—(1) The High Commissioner may by order prohibit, restrict or regulate the wearing or display by any person of any distinctive dress or article of clothing or other article.

(2) Any person who contravenes any order made under this Regulation shall be guilty of an offence against these Regulations and shall be liable on conviction therefor to imprisonment for a period of three years or to a fine of five hundred pounds or to both such fine and imprisonment."

Revocation and replacement of regulation 62 of the principal Regulations.

5. Regulation 105 of the principal Regulations shall be revoked and the following regulation substituted therefor:—

Powers of arrest and search in relation to prohibited immigrant.

105.—(1) Any member of His Majesty's forces, any Police officer and any mukhtar may arrest without warrant any person reasonably suspected of being a prohibited immigrant.

(2) 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, at any time, enter or board any premises, place, vehicle, vessel or aircraft which he may have reason to suspect of being used by a prohibited immigrant, and may search any such premises, place, vehicle, vessel or aircraft and any person therein or leaving the same."

Revocation and replacement of regulation 105 of the principal Regulations.

6. The principal Regulations shall be amended by the insertion of the following regulation as regulation 105A after regulation 105 thereof:—

Prohibited immigrant. Powers of detention.

105A.—(1) The High Commissioner, or any person generally or specially authorised by him in writing, in that behalf, may by order direct the detention of a prohibited immigrant.

(2) Any prohibited immigrant detained in accordance with any such order may be detained in such place and under such conditions as the High Commissioner may from time to time determine and

Addition of regulation 105A to the principal Regulations.

while so detained any such person shall be deemed to be in legal custody.”

Revocation and replacement of regulation 107 of the principal Regulations.

7. Regulation 107 of the principal Regulations shall be revoked and the following substituted therefor:—

“Presumption.

107. If in any proceedings under these Regulations it is shown that there were prohibited immigrants on board any vessel or aircraft, the owner and the agent and the master or commander (as the case may be) of such vessel or aircraft shall be presumed to have had knowledge of that fact unless he prove that he did not have such knowledge and that he could not, with reasonable diligence, have had or obtained such knowledge.”

Addition of regulation 111A to the principal Regulations.

8. The principal Regulations shall be amended by the insertion of the following regulation, as regulation 111A, after regulation 111 thereof:—

“Restriction on departure from Palestine.

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.”

Addition of regulation 112A to the principal Regulations.

9. The principal Regulations shall be amended by the insertion of the following regulation, as regulation 112A, after regulation 112 thereof:—

“Power to arrest person subject to a Deportation Order.  
No. 5 of 1941.

112A. Any member of His Majesty's forces, any Police officer and any mukhtar may arrest without a warrant any person in respect of whom a Deportation Order has been made under these Regulations or under the Immigration Ordinance, 1941.”

By His Excellency's Command,

ROBERT SCOTT  
Acting Chief Secretary.

13th November, 1945.  
(SF/164/45)

## DEFENCE REGULATIONS, 1939.

### NOTICE REGARDING DELEGATION OF POWERS UNDER REGULATION 72A(3).

Gaz: 26.8.39,  
p. 659.

NOTICE IS HEREBY GIVEN that, in exercise of the powers vested in him by sub-regulation (3) of regulation 72A of the Defence Regulations, 1939, the District Commissioner, Lydda District, being a Competent Authority for the purposes of the said regulation, has, with regard to the municipal area of Tel Aviv, delegated his powers under sub-regulation (1) of the said regulation to the persons specified in the Schedule hereto subject to the restriction that, in exercising any power conferred by that sub-regulation, they shall act jointly.

### SCHEDULE.

Mr. A. Epstein, M.B.E., District Officer, Tel Aviv.

Mr. Zussman Yavitz, Official of the Municipal Council of Tel Aviv.

I. LI. PHILLIPS

Acting District Commissioner, Lydda District.

(Dem/85)