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RESTRICTED

10 February 1948

UNITED NATIONS PALESTINE COMMISSION

Communication from Mr. Fletcher-Cooke transmitting  
Copies of Proposed Legislation Relating to Munici-  
palities and Local Councils

The following communication and enclosure was received from  
Mr. Fletcher-Cooke of the United Kingdom delegation on 10 February,  
1948.

UNITED KINGDOM DELEGATION TO THE UNITED NATIONS  
Empire State Building  
New York 1, N.Y.

9th February 1948.

Dear Bunche,

You will remember that when the United Kingdom Delegation met the Commission on Friday, 30th January, I mentioned that I was expecting copies of the legislation being drafted by the Government of Palestine to give effect to the proposals made at (a) and (b) of sub-paragraph 2 of section (1) Municipalities and Local Councils of paragraph 2 of the memorandum we submitted to the Commission at our meeting with them on 21st January.

I now enclose six copies of the proposed amendments and would be grateful to have as soon as possible any comments which members of the Commission may wish to make so that I can convey them to the Government of Palestine.

A similar Bill relaxing control over Local Councils (as distinct from Corporations) has not yet been drafted but if and when I receive copies from Palestine, I will of course forward them to you.

You will observe that the First Schedule makes permanent amendments to the Ordinance in accordance with Government's original intentions to relax certain controls and also includes certain other amendments which have nothing to do with the laying down of the Mandate.

The Second Schedule suspends certain powers and makes other temporary amendments so that Municipal Corporations can continue to operate at a time when District Commissioners (or their equivalents) may not be in office. Separate provision is made for the suspension of control over municipal estimates during the year 1948/49.

I presume that you have among your records an up-to-date copy of the Municipal Corporations Ordinance 1934. I believe there is one in this office too but I have not yet been able to find it.

The Commission will no doubt appreciate that after the laying down of the Mandate, the chief difficulty with which the Local Authorities will be faced will be the provision of funds to pay for police and other security measures. I am informed that it has recently been reported in the "Palestine Post" that the Jaffa Municipality is proposing to raise a special tax ranging from 500 mils to £P5 a month to be collected a year in advance to meet the most urgent needs. Another report states that the Tel Aviv Municipality are proposing to introduce "a gradual one-time tax on dwellings" to cover emergency expenditure and especially to provide funds for the housing of the poor. Payments will range between 500 mils and £P10 per room. The new tax is expected to net about £P100,000.

/I should like

Dr. Ralph J. Bunche,  
Principal Secretary to the United  
Nations Commission for Palestine,  
United Nations,  
Lake Success.

I should like to take this opportunity of repeating the information that I gave to the Commission about the Central Government's contributions to the finances of Local Authorities.

Up to the present, and of course during the financial year 1947/48, Government's contributions to Local Authorities have taken two forms

- (a) on the one hand, there have been general grants-in-aid amounting to £P 238,000 in 1947/48),
- (b) on the other hand, Government has made certain specific grants-in-aid to Local Authorities, e.g. for health services, education, social welfare, etc.

The present intention in respect of the financial year 1948/49 (which starts on 1st April 1948) is to entrust to Local Authorities the collection and disbursement of the Urban Property Tax, which is expected to reduce about £P700,000 per year. In view of this decision, the Government of Palestine are proposing to omit from the 1948/49 estimates any provision for the general grant-in-aid amounting, as explained above, to £P238,000 per annum. The Government of Palestine do, however, intend to make provision in the 1948/49 estimates for the specific grants-in-aid (e.g. for health services, education, social welfare, etc.) on a pro rata basis covering the months of April and May 1948 only.

I am, of course, aware that the Commission take the view that the Government of Palestine should prepare estimates for the full year 1948/49 and this view has been reported to His Majesty's Government. In the meanwhile, however, estimates for 1948/49 are only being prepared for the months of April and May.

If the above information requires any elucidation, you will no doubt let me know.

Yours sincerely,

/s/ J. FLETCHER-COOKE

(J. Fletcher-Cooke)

MUNICIPAL CORPORATIONS (AMENDMENT) ORDINANCE,

No. of 1948.

AN ORDINANCE TO AMEND THE MUNICIPAL CORPORATIONS ORDINANCE, 1934.

Be it enacted by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:-

1. This Ordinance may be cited as the Municipal Corporations (Amendment) Ordinance, 1948, and shall be read and construed as one with the Municipal Corporations Ordinance, 1934, hereinafter referred to as "the principal Ordinance".

Short title.  
No.1 of 1934.

2.--(1) The several provisions of the principal Ordinance specified in Column I of the First Schedule to this Ordinance shall be amended in accordance with the instructions set out in Column II of the said Schedule opposite each such provision.

Amendment of the principal Ordinance.

(2) The several provisions of the principal Ordinance specified in Column I of the Second Schedule to this Ordinance shall have effect as if they had been amended in accordance with the instructions set out in Column II of the said Schedule opposite each such provision, with effect from the day immediately preceding the date of the termination of the Mandate until such date or dates as the High Commissioner may by notice in the Gazette appoint either in respect of all or any such provisions.

Estimates for  
1948/49

3. Notwithstanding anything contained in sections 76 to 80 of the principal Ordinance, it shall not be necessary to submit to the Commissioner or the High Commissioner the annual estimates of the revenue and expenditure of a municipal corporation for the financial year 1948/49 or any supplemental estimates for the said financial year or to obtain the approval of the Commissioner for the transfer of monies assigned by the said estimates to one head of expenditure to another such head, and any such estimates, supplemental estimates or transfers shall be deemed to have been approved in accordance with the said sections if they have been approved by a majority of the members of the council.

Validation.

4. Where, before the date of the commencement of this Ordinance, the office of mayor of any municipal corporation became vacant and any councillor was appointed by the High Commissioner to perform the duties and exercise the powers assigned to the mayor by virtue of an appointment purporting to be made under the provisions of section 51(3)(c) of the principal Ordinance, such appointment shall be deemed to have been validly made and to have been or to be valid until such time as the vacancy in the office of mayor was or has been filled, as the case may be, if it would have been validly made had this Ordinance been in force on the date when such appointment was made, and any act done by such councillor in the exercise or purported exercise of any power conferred upon, or in the fulfilment or purported fulfilment of any duty imposed upon, the mayor under the provisions of the principal Ordinance shall be deemed to have been validly done, if it would have been validly done had such councillor been validly appointed to perform the duties and exercise the powers of a mayor at the time when such act was done by him.

FIRST SCHEDULE.

Column I

Column II

Section 8(4)

Substitute "High Commissioner" for "High Commissioner in Council".

Section 19

Delete the word "or", followed by a colon, appearing in the second line thereof, and substitute a colon for the comma appearing after the word "held" in the same line.

Section 21

Substitute the word "fraudulently" for the word "fraudently" appearing in paragraph (a) thereof.

Column I

Column II

- Section 47                      Substitute "High Commissioner" for High Commissioner in Council", wherever the latter expression appears.
- Section 51(3)                  Insert at the end of subparagraph (i) of paragraph (c) thereof the following words:-  
                                 "the vacancy in the office of mayor is filled,  
                                 as the case may be, or"
- Section 51A                    Delete the words "and of the Commissioner" appearing at the end thereof.
- Section 58                    Delete the expression "other than any officer of the Government of Palestine present at any meeting of a committee of a council to which he has been appointed as an Advisory Member by the Commissioner under subsection (2) of section 60 of this Ordinance".
- Section 60(2)                  Substitute a full stop for the colon at the end of the first proviso and delete the second proviso.
- Section 63(1)                  Substitute "High Commissioner" for "High Commissioner in Council".
- Section 65(2)                  Substitute a colon for the full stop at the end, and add the following proviso:-  
                                 "Provided that it shall be lawful for a municipal corporation to lease for a period of not more than three years any movable property registered in its name under the provisions of this Ordinance without the approval of the Commissioner".
- Section 69(2)                  Substitute "High Commissioner" for "High Commissioner in Council".
- Section 71(1)                  Substitute "High Commissioner" for "High Commissioner in Council" wherever the latter expression appears.

Section 72

Substitute "High Commissioner" for "High Commissioner in Council" wherever the latter expression appears.

Section 75

Substitute "High Commissioner" for "High Commissioner in Council" wherever the latter expression appears and delete the words "into the general revenue of Palestine" appearing in paragraph (a).

Section 82

Delete the words "with the approval of the Commissioner".

Section 90

Replace by the following:-

"Power to make regulations respecting pensions, etc.

90. - (1) The council may, with the approval of the High Commissioner, make regulations providing, subject to the provisions of this Ordinance --

- (a) for the conditions of service of its officials,
- (b) for enquiry into the conduct of its officials,
- (c) for the grant of leave of absence to its officials
- (d) for the grant of pensions or gratuities payable from the municipal fund to its officials or servants, or to the dependants or legal personal representatives of its officials or servants,
- (e) for the establishment of a municipal provident fund for non-pensionable officials.

(2) No pension or gratuity granted in pursuance of any regulations made under paragraph (d) of subsection (1), and no compulsory deposit in any municipal provident fund for which provision is made by any regulations under paragraph (e) of subsection (1) or sum paid out of the municipal fund into any municipal provident fund for the credit of the depositor, or interest on any such deposit or sum, shall be assignable or transferable except for the purpose of satisfying a debt to, or claim by, the municipal corporation granting such pension or gratuity or establishing such municipal provident fund, or shall be liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever except a debt due to, or a claim by, the municipal corporation granting such pension or gratuity or establishing such municipal provident fund.

(3) It shall not be necessary to publish in the GAZETTE any regulations made under subsection (1), but a notice that such regulations have been made shall be published in the GAZETTE and a copy or copies of the regulations shall, during the hours during which the council offices are open to the



Column I

Column II

public, be available at the offices of the council, for perusal free of charge on demand by any official or servant of the council or any ratepayer.

(4) For the purposes of this section--

"compulsory deposit" means any sum which a depositor is required to deposit in a municipal provident fund under the regulations establishing such fund;

"depositor" means a person making deposits into a municipal provident fund;

"municipal provident fund" means a fund established by a municipal council for non-pensionable officers by any regulations made under paragraph (e) of sub-section (1);

"non-pensionable officer" means a person in the service of a municipal corporation holding an office which has not been included in the pensionable cadre of such municipal corporation, but does not include any labourer or daily paid servant."

Section 91

Delete the proviso and substitute the following therefor:-

"Provided that no person shall be so incapacitated or so liable to any fine by reason only that he--

- (a) is a shareholder of any company, or a member of any co-operative society, not being a director, manager, officer or agent of such company or co-operative society, which is a party to any contract with, or executes any work for, such council or municipal corporation; or
- (b) enters into a contract of lease or hire with any council or municipal corporation in respect of any building, or part thereof, or other structure, owned by such council or municipal corporation, for the purpose of the occupation thereof by himself or his wife and other members of his family dependent on him."

Insert after paragraph (25) thereof the following paragraphs, as paragraphs (25a) and (25b) respectively:-

Column IColumn II

"Control of navigation on rivers.

(25a) to regulate and control navigation on rivers within the municipal area and to provide for the licensing and registration of boats exclusively plying on such rivers and of sailors and boatmen carrying on any occupation or work ashore or afloat on or in connection with such boats:

Forfeiture of certain articles

(25b) to provide for the seizure and forfeiture of any barrow, tray or other container used by any unlicensed hawk, pedlar or streetseller in connection with the sale by him of any goods, wares or merchandise;".

Section 103A

Delete the expression ",with the approval of the Commissioner,".

Section 106

Re-number as section 106(1) and insert the following subsection as subsection (2) thereof:-

"(2) The assessment list shall show in separate columns in addition to the particulars enumerated in subsection (1) any rateable value of any land or building as rectified by the Assessment Committee under section 110, and any rateable value of any land or building as determined by the Appeals Tribunal under Section 111."

Section 113

Delete the expression ",with the approval of the Commissioner,".

Section 115(8)

Substitute the word "council" for the word "Commissioner" appearing in the definition of "municipal rate collector".

Section 128(2)

Substitute "High Commissioner" for "High Commissioner in Council".

Eleventh Schedule Delete the word "by" appearing in the second line of subparagraph (1) thereof, and substitute the word "be" therefor.

Twelfth Schedule Delete the figure "14" appearing in the third line of the Note thereto, and substitute the figure "30" therefor.

SECOND SCHEDULE

<u>Column I</u>	<u>Column II</u>
Section 52(1)	Delete the words "the Commissioner and to".
Section 60(1)	Substitute a full stop for the colon at the end and delete the proviso.
Section 60(2)	Delete the first proviso.
Section 60(4)	Delete the proviso.
Section 62(3)	Replace by the following:-  "(3) In case of emergency when it is not possible to call a meeting of a council the Mayor may fulfil any duty or carry out any work imposed upon the council by this Ordinance or any other Ordinance or law which in his opinion is necessary for the safety or health of the municipal area or the inhabitants thereof, and if he fulfils any such duty or carries out any such work he shall so inform the Council at its next meeting."
Section 66(2)	Delete the words "with the approval of the Commissioner" appearing at the end.
Section 67(2)	Delete the expression "with the approval of the Commissioner," and the words "with the approval of the Commissioner".
Section 67(4)	Delete the words "with the approval of the High Commissioner" appearing at the end thereof.
Section 68(3)	Substitute the word "council" for the word "Commissioner".
Section 69(2)	Delete the expression ", and shall be forwarded together with the municipal auditor's report thereon to the Commissioner not later than the thirtieth day of April and the thirty-first day of October in every year,".
Section 85(1)	Delete the expression "with the approval of the Commissioner,".
Section 85(2)	Delete the expression "with the approval of the Commissioner".

Column I

Section 87

Column II

Replace by the following:-

"Dismissal of officials 87. No official appointed in accordance with the provisions of section 85 or 86 shall be dismissed unless the council has resolved to dismiss him after due notice has been given to all members of the council that his dismissal will be considered at the meeting of the council at which it has so resolved."

Section 92(1)(a)

Substitute the word "council" for the words

"Commissioner for each municipal corporation".

Section 93(2)

Delete.

Column I

Column II

Section 94 Replace by the following: -

"Concessions  
and monopolies.

94. Notwithstanding anything contained in  
the preceding section no concession or  
monopoly shall be granted to any person by  
any council without the consent in writing  
of the Commissioner."

Section 98(27) Delete the expression ",with the permission of the Commissioner,".

Section 102(1) Delete the words "with the approval of the Commissioner and".

Section 102(3) Substitute the words "if it" for the expression "with the approval  
of the Commissioner, which approval shall only be given if the  
Commissioner".

Section 105(1) Replace by the following: -

"(1) There shall be for each municipal corporation an  
assessment committee consisting of three members nominated  
by the municipal council from among the members of the  
municipal council or from among persons not being members  
of the council:

Provided that if the council so resolves there shall  
be two or more assessment committees for any municipal  
corporation who shall be nominated as aforesaid."

Section 105(2) Substitute the word "council" for the word "Commissioner".

Section 105(4) Delete the expression ",with the approval of the Commissioner,".

Section 106 Substitute the word "council" for the word "Commissioner"

Section 109 Substitute the word "council" for the word "Commissioner" wherever  
the latter word appears.

Section 110(5) Substitute the word "council" for the word "Commissioner" wherever  
the latter word appears.

Section 111(1) Substitute the word "council" for the word "Commissioner" appearing  
in paragraph (iii) thereof.

Section 111(3) Replace by the following: -

"(3) The Appeals Tribunal shall consist of three members  
nominated by the municipal council. One of the three members  
of the Appeals Tribunal shall be nominated by the municipal  
council as chairman thereof."

Column I

Column II

Section 111(4)	Delete the expression, "with the approval of the Commissioner,".
Section 114A	Delete the expression "with the approval of the Commissioner", wherever the expression appears.
Seventh Schedule Regulation 5	Delete the expression, "in writing, report the names of those persons to the Commissioner, and the Commissioner shall".
Regulation 7(2)	Delete the expression", in writing, report the names of such candidates to the Commissioner, and the Commissioner shall".
Regulation 12	Substitute the words "Returning Officer" for the words "High Commissioner".
Regulation 13	Delete the words "and the Commissioner" appearing in paragraph (b) of the proviso.
Ninth Schedule Regulation 10	Delete the expression", may be submitted to the Commissioner and if he approves thereof, such resolution" appearing in the second proviso.