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7 April 1948

UNITED NATIONS PALESTINE COMMISSION

Communication Received from the United Kingdom  
Delegation Concerning Municipal Corporations  
(Amendment) Bill

The following communication, enclosing amended copies of the  
Municipal Corporations (Amendment) Bill, has been received from  
Mr. Fletcher-Cooke of the United Kingdom Delegation.

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

6th April, 1948

My dear Bunche,

May I refer you to your letter of the 3rd March in which you stated that the Commission had no comments to offer on the Municipal Corporations (Amendment) Bill

2. I have now received a further communication from Jerusalem, with amended copies of the Bill (six of which are enclosed for the Commission's information), in which reference is invited to the following points: -

(1) The Bill as now amended was published in the official Government Gazette in Palestine on the 18th March.

(2) The amendments made by the First Schedule call for no further explanation.

(3) As regards the Second Schedule, however, it will be observed from Clause 2(2) of the Bill that this was intended to operate only from the relinquishment of the Mandate.

(4) It is felt, however, that it is not the responsibility of the Government of Palestine to legislate for circumstances after the termination of the Mandate and it is now, therefore, proposed to enact the Bill on the 30th March with the following amendments: -

(a) Delete "(1)" in Clause 2 and the word "first" in sub-Clause (1) of the Clause.

Delete sub-Clause (2) of the Clause.

(b) Delete "First" in the heading of the First Schedule and delete the Second Schedule.

(5) The Commission may, however, wish to make use of the draft of the Second Schedule and it was, therefore, considered desirable to publish it as part of the Bill so that any public comment would be available for the

(6) It will also be observed that the copies of the Bill now enclosed have been slightly amended in other respects.

3. In brief, the effect of these changes is that the Second Schedule does not appear in the Bill as enacted on the 30th March but it will be open to the Commission to introduce legislation on the lines of the Second Schedule if they so desire.

4. A further point which the Commission will wish to consider is the auditing of Municipal Accounts in 1948/49. The relevant sections of the Municipal Corporations Ordinance are Sections 69 et seq. At present the Director of Audit carries out the audit of Municipal Accounts and he hopes that he will have been able to complete the 1947/48 audit and to certify the Annual Statement by the 15th May 1948. It is not essential for the audit of the 1948/49 Accounts to commence before, say, the end of May. The Ordinance as amended in respect of Section 75(a) by the First Schedule of the Bill allows the Commission either to organize a Municipal Audit Department or to approve the appointment of private firms to carry out this duty.

(J. Fletcher-Cooke)

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

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.<br><br>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 a 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 II

Column I

- 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.
- 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 immovable 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 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 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 subsection (1);

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"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."

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## Column I

## Column II

## 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."

## Section 98

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

"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 street-seller 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 III."

## 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 sub-paragraph (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

Column I

Column II

- 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 good order, 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".
- Section 87 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(3)(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                      94. Notwithstanding anything contained  
                                 and monopolies.                      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 Commis-  
                                 sioner,".
- Section 102(1)                  Delete the words "with the approval of the Commissioner and",  
                                 and the expression "with the like approvals".
- 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 cor-  
                                 poration 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 mem-  
                                 bers nominated by the municipal council. One of the three  
                                 members of the Appeals Tribunal shall be nominated by the  
                                 municipal council as chairman thereof."
- Section 111(4)                  Delete the expression ", with the approval of the Commissioner,".
- Section 114A                      Delete the expression "with the approval of the Commissioner,"  
                                 wherever that expression appears.
- Seventh Schedule  
Regulation 5                      Delete the expression ", in writing, report the names of those  
                                 persons to the Commissioner, and the Commissioner shall".

## Column I

## Column II

|                                 |   |
|---------------------------------|---|
| 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.  |
| Regulation 8                    | Substitute expression "section 87" for expression "section 87(d) appearing in the proviso.  |
| Ninth Schedule<br>Regulation 10 | Delete the expression ", may be submitted to the Commissioner and if he approves thereof, such resolution" appearing in the second proviso. |

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