

CHAPTER 27.

An Act to make provision with respect to the termination of His Majesty's jurisdiction in Palestine, and for purposes connected therewith. [29th April 1948.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Termination of His Majesty's jurisdiction in Palestine.

1.—(1) On the fifteenth day of May, nineteen hundred and forty-eight, or such earlier date as His Majesty may by Order in Council declare to be the date on which the mandate in respect of Palestine accepted by His Majesty on behalf of the League of Nations will be relinquished (in this Act referred to as "the appointed day"), all jurisdiction of His Majesty in Palestine shall determine, and His Majesty's Government in the United Kingdom shall cease to be responsible for the government of Palestine.

(2) Nothing in this Act shall affect the jurisdiction of His Majesty, or any powers of the Admiralty, the Army Council or the Air Council, or of any other authority, in relation to any of His Majesty's forces which may be in Palestine on or after the appointed day.

Legal proceedings.

2.—(1) Any appeal to His Majesty in Council which, on the appointed day, is pending from any court in Palestine, not being a prize court constituted under the Prize Acts, 1864 to 1944, shall abate on that day.

(2) No proceeding, whether civil or criminal, shall be instituted in any court to which this subsection applies in respect of anything done, whether within or outside Palestine, by any person in the

service of His Majesty or by any person acting under the authority of any such person, if done in good faith and done or purported to be done in the execution of his duty—

(*a*) before the appointed day, for the maintenance of peace or order in Palestine, or otherwise for the good government thereof;

(*b*) whether before, on or after that day, for the purpose of or in connection with the termination of His Majesty's jurisdiction in Palestine or the withdrawal from Palestine of any of His Majesty's forces or of any stores or other property belonging to His Majesty or to any such forces, or the protection of any such forces, stores or property; or

(*c*) on or after that day and before the withdrawal from Palestine of the said forces, for the protection in Palestine of the life or property of any British subject:

Provided that nothing in this subsection shall prevent the institution of any proceedings in respect of anything done before the twenty-sixth day of February, nineteen hundred and forty-eight, or the institution of any proceedings on behalf of His Majesty.

(3) The courts to which the last foregoing subsection applies are British courts, not being courts martial, exercising jurisdiction either within or outside the United Kingdom, except courts in a Dominion, in Southern Rhodesia, or in any territory administered by the government of a Dominion.

(4) For the purposes of this section, a certificate by a Secretary of State or the Admiralty that anything was done under the authority of a person in the service of His Majesty, or was done by any person in the execution of his duty, shall be sufficient evidence of the matter so certified; and anything done by or under the authority of a person in the service of His Majesty shall be deemed to have been done in good faith unless the contrary is proved.

22 & 23 Geo. 5 c. 4.

(5) In this section the expression "Dominion" means a Dominion within the meaning of the Statute of Westminster, 1931, India, Pakistan and Ceylon; and references in this section to anything done shall be construed as including references to anything omitted to be done.

Repeal of enactments and transitional provisions.

3.—(1) The enactments specified in the First Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Subject to the provisions of this section, any other enactment of the Parliament of the United Kingdom which, immediately before the appointed day, applies or extends to

Palestine, whether by virtue of any Order in Council or otherwise, shall cease on the appointed day to apply or extend to Palestine :

Provided that—

(*a*) nothing in this subsection shall be construed as preventing the continuance in force of any such enactment after the appointed day as part of the law of Palestine ; and

(*b*) subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) shall have effect in relation to any such enactment as if it had been repealed by this Act. 52 & 53 Vict. c. 63.

(3) The transitional provisions contained in the Second Schedule to this Act shall have effect in relation to the enactments mentioned in that Schedule ; and His Majesty may by Order in Council direct that any other enactment to which the last foregoing subsection applies shall (subject to such modifications, if any, as may be specified in the Order) have effect, in relation to anything done before the appointed day, as if that subsection had not been enacted.

(4) His Majesty may by Order in Council make provision—

(*a*) for the disposal or application of any property vested in or belonging to the Government of Palestine or any public authority constituted under any law in force in Palestine before the appointed day ;

(*b*) for applying any enactment relating to superannuation in relation to any person who holds office in the service of the Government of Palestine immediately before the appointed day, as if he continued to hold office during such period after that day as may be determined by or under the Order ;

(*c*) for any other purpose which appears to His Majesty to be necessary or expedient in consequence of the termination of his jurisdiction in Palestine.

Provisions as to Orders in Council.

4.—(1) Any Order in Council made under the last foregoing section after the appointed day may be made so as to take effect as from that day or as from such later date as may be specified therein.

(2) Any Order in Council made under the last foregoing section may be varied or revoked by a subsequent Order in Council.

(3) Any such Order in Council as aforesaid shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Short title.

5. This Act may be cited as the Palestine Act, 1948.

SCHEDULES.

Section 3.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
16 & 17 Geo. 5. c. 62.	The Palestine and East Africa Loans Act, 1926.	In the title, the words " respectively by the Government of Palestine and ". In section one, in subsection (1), the words " any loan raised by the Government of Palestine for the purposes set out in the First Schedule to this Act and " and the words from " as respects ", in the first place where those words occur, to " aforesaid "; in subsection (2), the words from " in the case of " in the first place where those words occur to " aforesaid ", the words " in either case ", the words " the said First Schedule or ", the words " as the case may be " and the words " in the case of a loan to be raised by any Government other than the Government of Palestine ". In section two, the words " Palestine and ". The First Schedule.
18 & 19 Geo. 5. c. 17.	The Finance Act, 1928.	In subsection (2) of section thirty-two, the words " Palestine and ".
21 & 22 Geo. 5. c. 21.	The Palestine and East Africa Loans (Amendment) Act, 1931.	In the title, the words " Palestine and ". In section one, the words " Palestine and ". In section two, the words " Palestine and ", wherever those words occur.
24 & 25 Geo. 5. c. 33.	The Palestine Loan Act, 1934.	The whole Act.

SECOND SCHEDULE.

Section 3.

TRANSITIONAL PROVISIONS.

Evidence by Commission Act, 1859.

1. An order for the examination of witnesses may be made under section one of the Evidence by Commission Act, 1859, in pursuance of any commission, order or other process issued, before the appointed day, by a court or tribunal in Palestine, and the provisions of that Act shall apply accordingly as if that Act had not ceased to apply to Palestine. 22 Vict. c. 20.

Conveyancing (Scotland) Act, 1874, *s.* 51.

2. Section fifty-one of the Conveyancing (Scotland) Act, 1874, shall apply in relation to any probate of the will or other testamentary settlement of a person deceased, issued before the appointed day by a district court in Palestine, as if that section had not ceased to apply to Palestine. 37 & 38 Vict. c. 94.

Colonial Prisoners Removal Act, 1884.

3. Any person who, before the appointed day, has been removed from Palestine under the Colonial Prisoners Removal Act, 1884, may be detained under that Act after that day, and the provisions of that Act shall have effect in relation to any such person as if it had not ceased to apply to Palestine: 47 & 48 Vict. c. 31.

Provided that the following provisions of the said Act shall not apply in relation to any such person, that is to say—

(*a*) so much of subsection (1) of section eight as relates to the questioning of the conviction, judgment and sentence of a prisoner removed under that Act, and to the remission of his sentence and the ordering of his discharge;

(*b*) so much of subsection (2) of section ten as enables the Government of a British possession from which a criminal lunatic has been so removed to require his return for trial in the event of his recovery.

Colonial Probates Act, 1892.

4. Any probate or letters of administration in respect of the estate of a deceased person granted before the appointed day by a court in Palestine having jurisdiction in matters of probate may be sealed in the United Kingdom under section two of the Colonial Probates Act, 1892, and the provisions of that Act shall have effect accordingly as if it had not ceased to apply to Palestine. 55 & 56 Vict. c. 6.

Administration of Justice Act, 1920.

5. Any judgment obtained, before the appointed day, in a superior court in Palestine may be registered under Part II of the Administration of Justice Act, 1920, and the provisions of that Part shall have effect accordingly as if it had not ceased to extend to Palestine. 10 & 11 Geo. 5. c. 81.

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