PALESTINE

The Termination of Jurisdiction in Palestine (Transitional Provisions) Order in Council, 1949

1949 No. 138

Made - - - -	28*th January*, 1949
Laid before Parliament	31*st January*, 1949
Coming into Operation	1*st February*, 1949

At the Court at Sandringham, the 28th day of January, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas by the Termination of Jurisdiction in Palestine (Transitional Provisions) Order in Council, 1948(a) hereinafter called the principal Order) provision was made for the disposal of certain funds held by the Government of Palestine and by public authorities constituted under the law of Palestine, and it is desirable to make further provision for such matters:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Palestine Act, 1948(b) or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

Short title and commencement.

1.—(1) This Order may be cited as the Termination of Jurisdiction in Palestine (Transitional Provisions) Order in Council, 1949, and shall be read as one with the principal Order; and this Order and the principal Order may be cited together as the Termination of Jurisdiction in Palestine (Transitional Provisions) Orders in Council, 1948 to 1949.

(2) This Order shall come into operation on the 1st day of February, 1949.

Amendment of Section 5 of principal Order.

2. Section 5 of the principal Order is amended by adding at the end the following—

"Any money borrowed under any such Ordinance and not utilised before the appointed day, and the securities in which any such money was invested, shall be deemed to have vested in the Crown Agents on the appointed day as part of the general assets of the Government of Palestine."

Palestine Archaeological Museum Endowment fund.

3. The fund held immediately before the appointed day by the Crown Agents on behalf of the Government of Palestine known as the Palestine Archaeological Museum Endowment Fund shall, notwithstanding the provisions of the Palestine Archaeological Museum Order, 1948, be deemed to have vested in the Crown Agents on the appointed day and shall be transferred by them to such authority or person, and on such

(a) S.I. 1948 (No. 1003) I, p. 3180. (b) 11 & 12 Geo. 6. c. 27.

terms, as the Secretary of State may direct, to the end that the fund shall be applied for the purposes of the Palestine Archaeological Museum. Until the fund is so transferred it may, if the Secretary of State shall so direct, be applied by the Crown Agents for the purposes aforesaid.

Widows' and Orphans' Pensions fund.

4. The fund held immediately before the appointed day by the Board appointed under the Widows' and Orphans' Pensions Ordinance, 1944, shall be deemed to have vested in the Crown Agents on the appointed day and shall be disposed of by them, subject to any directions the Secretary of State may give, in accordance with the provisions of the Ordinance and the Widows' and Orphans' Pensions Order, 1948.

Non-pensionable Officers' Provident fund.

5. The fund held immediately before the appointed day by the Board appointed under the Provident Fund Ordinance, 1943, shall be deemed to have vested in the Crown Agents on the appointed day and shall be disposed of by them, subject to any directions the Secretary of State may give, in accordance with the provisions of the Ordinance, the Government Officers (Benefits on Termination of Appointments) Order, 1948, and the directions given thereunder.

Post Office Savings Bank.

6. The monies and securities which immediately before the appointed day stood to the credit of the Post Office Savings Bank under the Palestine Post Office Savings Bank Ordinance, 1941, shall be deemed to have vested in the Crown Agents on the appointed day and shall be administered by them in order to meet liabilities to depositors under the Ordinance and, subject to any directions the Secretary of State may give, in accordance with the provisions of the Ordinance and the rules made thereunder ; and the Crown Agents shall thereafter transfer any balance to such authority or authorities succeeding to the Government of Palestine as the Secretary of State may direct.

General Police and other funds.

7. The monies which immediately before the appointed day stood to the credit of the following funds constituted by Ordinance, namely the General Police fund, the General Prison fund, the Trans-Jordan Frontier Force Fines fund, the Railway Fines fund and the Post Office Fines fund, shall be deemed to have vested in the Crown Agents on the appointed day as part of the general assets of the Government of Palestine.

B.C. Smith Trust Fund.

8. The rights of the Government of Palestine under an Agreement dated the tenth day of November, 1944, constituting the B. C. Smith Trust Fund shall be deemed to have vested in the Crown Agents on the appointed day.

German funds.

9. The fund held immediately before the appointed day by the Palestine Accountant General under the German Funds Order, 1948, shall be deemed to have vested in the Crown Agents on the appointed day and shall be disposed of by them, subject to any directions the Secretary of State may give, in accordance with the provisions of the said Order.

Monies unpaid on appointed day.

10.—(1) All rights, including choses in action, arising out of, or resulting from

(*a*) any draft or Bill of Exchange drawn by any Bank and payable to, or to the order of, the Palestine Custodian of Enemy Property or,

(*b*) any promise by any Bank to pay money, or cause money to be paid, to the Crown Agents,

which immediately before the appointed day were vested in, or belonged to, the Palestine Custodian of Enemy Property, the Palestine Accountant-General or the Government of Palestine shall, notwithstanding the provisions of Section 6 of the principal Order, be deemed to have vested in the Crown Agents on the appointed day, and the Crown Agents shall hold and dispose of the same as the Treasury may direct.

(2) For the purposes of this Section " Bank " shall have the meaning ascribed to it in the Banking Ordinance and " Bill of Exchange " shall include any instrument which the holder thereof may treat as a Bill of Exchange.

Securities deposited under Companies Ordinance.

11. The rights of the Government of Palestine to securities held by or on behalf of the said Government, immediately before the appointed day, and which were securities deposited with the said Government under the provisions of Section 101 of the Companies Ordinance or securities purchased with money, which had been so deposited, shall be deemed to have vested on the appointed day in the Crown Agents, who shall hold and dispose of the same as the Secretary of State may direct.

Other funds of Government of Palestine.

12. Any monies and securities in the hands of the Crown Agents which immediately before the appointed day formed part of the general assets of the Government of Palestine, and any further monies or securities which subsequently have or may become available to the Crown Agents, being monies or securities formerly vested in the Government of Palestine or any public authority constituted under any law in force in Palestine before the appointed day, shall be applied by the Crown Agents towards the discharge of any obligations of the Government of Palestine outstanding on the appointed day, and of any obligations which subsequently have arisen or may arise and which the Secretary of State determines to be obligations which ought properly to be met out of funds belonging to the former Government of Palestine, and in accordance with any directions the Secretary of State may give; and any balance remaining after the discharge of such obligations shall be transferred by the Crown Agents to such authority or authorities succeeding to the Government of Palestine as the Secretary of State may direct.

Edward Ford.

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

The above Order in Council makes further provision under the Palestine Act, 1948, for the disposal of various funds held by or on account of the former Government of Palestine.