DAG-5/2.1

Drafts of the ~~Statute~~ for the City of Jerusalem - Article 23
Legislation and Resolutions

Jan 1947 - Dec 1948.

Unclassified

PLEASE RETAIN
ORIGINAL ORDER

UN ARCHIVES
SERIES S-0504
BOX 27
FILE 24
ACC. S-1557-0000-0123

Article 23
Legislation and Resolutions

CONFIDENTIAL


| United Nations Archives | | | |
|---|---|---|---|
| RG- 26 | A/276 | RR- 63/124 | |
| Box 1 | Drawer | File 24 | |
| Subject | DRAFTS OF THE STATUTE FOR THE CITY OF JERUSALEM - WORKING COMMITTEE ON JERUSALEM OF THE TRUSTEESHIP COUNCIL | | |
| ~~Period~~ | | | |
| Official | | | |
| PERIOD | 1947 - 1948 | | |

Div. of Trusteeship
OFFICE OF DIRECTOR

## Article 23 - Legislation and Resolutions

1. Bills and resolutions may be introduced in the Legislative Council by any member thereof.

2. The Governor, or a member of his staff designated by him, may make statements or answer questions before the Legislative Council or may introduce any bill or resolution and may participate without vote in the deliberations of the Legislative Council on the bill or resolution so introduced.

3. A bill adopted by the Legislative Council shall become law only upon approval and promulgation by the Governor except that on the expiration of thirty days after the transmission of a bill to the Governor, if he has by that time neither approved nor disapproved it, he shall promulgate it as a law. The Governor may disapprove a bill, if, in his opinion, it is in conflict with the provisions of this Statute, or it would impede the administration of the City or inflict undue hardship on any section of the inhabitants of the City, and he shall then inform both the Legislative Council and the Trusteeship Council of the reasons for his disapproval.

8 in Mind

## DRAFT STATUTE FOR CITY OF JERUSALEM

## ANALYSIS OF POWERS VESTED, BY DRAFT STATUTE, IN TRUSTEESHIP COUNCIL & GOVERNOR

### Trusteeship Council

| Power | | Article |
|---|---|---|
| 1. | Discharges responsibilities of United Nations under Statute | 3 |
| 2. | May approve flag, seal and coat of arms | 6 |
| 3. | Chooses Governor | 11(1) |
| 4. | May lengthen or shorten Governor's normal term of office | 12 |
| 5. | Governor's Power No.2 held under authority of Trusteeship Council | 13 |
| 6. | Governor must report exercise of his power No.5 and, by implication, Trusteeship Council may over-ride him. | 15(3) |
| 7. | Appoints Chief Secretary on recommendation of Governor | 16(1) |
| 8. | Prescribes forms of various oaths to be taken, and who shall take them | 18 |
| 9. | Prescribes order of succession to position of Acting Governor | 19 |
| 10. | Issues Instructions re Governor's Power No.8 | 22(1) |
| 11. | Issues Instructions re Governor's Power No.9 | 22(2) |

### Governor

| Power | | Article |
|---|---|---|
| 1. | Responsible for Organization of police forces, both ordinary and special | 5(3) & 5(4) |
| 2. | Represents United Nations and exercises supreme executive authority and powers in the City | 13(1) (2)&(3) |
| 3. | Is above the law | 13(4) |
| 4. | May pardon and/or reprieve offenders | 14 |
| 5. | May take any executive or legislative measures to restore effective functioning of administration when impeded by interference | 15(1) |
| 6. | May request Secretary-General to notify Security Council of threat to City's territorial integrity | 15(2) |
| 7. | Appoints administrative staff and members of Council of Administration | 16(2) & (3) |
| 8. | May temporarily prolong normal life of Legislative Council if circumstances inappropriate for conduct of general election. | 22(2) |
| 9. | May temporarily suspend Legislative Council | 22(3) |

8th - TC.

Article 23.

1. Bills and resolutions may be introduced in the Legislative Council by any member thereof.

2. The Governor, or a member of his staff designated by him, may make statements or answer questions before the Legislative Council or may introduce any bill or resolution and may participate without vote in the deliberations of the Legislative Council on the bill or resolution introduced.

3. Combined with paragraph 2.

3. (4) A bill adopted by the Legislative Council shall become law only upon approval and promulgation by the Governor, except that on the expiration of thirty days after the transmission of a bill to the Governor, if he has by that time neither approved nor disapproved it, he shall promulgate it as a law. The Governor may disapprove a bill if, in his opinion, it is in conflict with the provisions, etc.

5. Becomes paragraph 2 of Article 24.

## Article 23 - Legislation and Resolutions

1. Bills may be introduced in the Legislative Council and resolutions may be moved in the Legislative Council or any Committee thereof by members of the Legislative Council or by the Governor.

2. The Governor may designate a member of his staff to introduce any bill in the Legislative Council on his behalf, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council or any Committee thereof on the bill which he introduces.

3. The Governor may likewise designate a member of his staff to move any resolution on his behalf in the Legislative Council or any Committee thereof, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council or any Committee thereof on the resolution which he moves.

4. Each bill passed by the Legislative Council shall become law upon promulgation. A bill shall not be promulgated except after approval by the Governor or on the expiration of thirty days after its transmission to the Governor if he has by that time neither approved nor disapproved the bill. The Governor may disapprove a bill if, in his opinion, it is not in conflict with the provisions of this Statute, or it would impede the administration of the City or inflict undue hardship on any section of the inhabitants of the City, and he shall then inform both the Legislative Council and the Trusteeship Council of the reasons for his disapproval. The Trusteeship Council may thereupon either confirm the Governor's disapproval of the bill or instruct him to approve the same.

5. If the Governor shall consider that it is essential to the normal functioning of the administration (which expression shall, without prejudice to its generality, include the obligations imposed by this Statute and all matters pertaining to the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer or officers) that any bill introduced or any resolution moved for decision in the Council shall have effect, then if the Council fail to pass such a bill or adopt such resolution within such time and in such form as the Governor may think reasonable and expedient, the Governor may, at any time in his discretion, notwithstanding any provisions of this Statute or of any Standing Rules or Orders of the Council, declare that such bill or resolution shall have effect as if it had been passed or adopted by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said bill or resolution shall have effect as if it had been so passed or adopted, and, in the case of any such bill, as if it had been approved by the Governor. The Governor shall forthwith report to the Trusteeship Council any action taken by him by virtue of this paragraph and shall comply with any Instructions of the Trusteeship Council given in relation thereto.

/Article 24

23

## Article XXVI - Legislation and Resolutions

1. Bills may be introduced in the Legislative Council and resolutions may be moved in the Legislative Council or any Committee thereof by members of the Legislative Council or by the Governor.

2. The Governor may designate a member of his staff to introduce any bill in the Legislative Council on his behalf, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council or any Committee thereof on the bill which he introduces.

3. The Governor may likewise designate a member of his staff to move any resolution on his behalf in the Legislative Council or any Committee thereof, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council or any Committee thereof on the resolution which he moves.

4. Each bill passed by the Legislative Council shall become law upon promulgation. A bill shall not be promulgated except after approval by the Governor or on the expiration of thirty days after its transmission to the Governor if he has by that time neither approved nor disapproved the bill. The Governor may disapprove a bill if, in his opinion, it is in conflict with the provisions of this Statute, or it would impede the administration of the City or inflict undue hardship on any section of the inhabitants of the City, and he shall then inform both the Legislative Council and the Trusteeship Council of the reasons for his disapproval. The Trusteeship Council may thereupon either confirm the Governor's disapproval of the bill or instruct him to approve the same.

5. If the Governor shall consider that it is essential to the normal functioning of the administration (which expression shall, without prejudice to its generality, include the obligations imposed by this Statute and all matters pertaining to the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer or officers) that any bill introduced or any resolution moved for decision in the Council shall have effect, then if the Council fail to pass such a bill or adopt such resolution within such time and in such form as the Governor may think reasonable and expedient, the Governor may, at any time in his discretion, notwithstanding any provisions of this Statute or of any Standing Rules or Orders of the Council, declare that such bill or resolution shall have effect as if it had been passed or adopted by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said bill or resolution shall have effect as if it has been so passed or adopted, and, in the case of any such bill, as if it had been approved by the Governor. The Governor shall forthwith report to the Trusteeship Council any action taken by him by virtue of this paragraph and shall comply with any Instructions of the Trusteeship Council given in relation thereto.

7th Draft WC

Bills, Temp. Orders

## Article XXIII - Legislation and Resolutions

1. Bills may be introduced in the Legislative Council and resolutions may be moved in the Legislative Council or any Committee thereof by members of the Legislative Council or by the Governor.

2. The Governor may designate a member of his staff to introduce any bill in the Legislative Council on his behalf, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council or any Committee thereof on the bill which he introduces.

3. The Governor may likewise designate a member of his staff to move any resolution on his behalf in the Legislative Council or any Committee thereof, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council or any Committee thereof on the resolution which he moves.

4. Each bill passed by the Legislative Council shall become law upon promulgation. A bill shall not be promulgated except after approval by the Governor or on the ~~expiry~~ expiration of thirty days after its transmission to the Governor if he has by that time neither approved nor disapproved the bill. The Governor may ... [lift up]

Statute, or it would impede the administration of the City or inflict undue hardship on any section of the inhabitants of the City, and he shall then inform both the Legislative Council and the (Trusteeship Council) of the reasons for his disapproval. The Trusteeship Council may thereupon either confirm the Governor's disapproval of the bill or instruct him to approve the same.

5. If the Governor shall consider that it is ~~expedient in the interests of public order, public faith or good government~~ essential for the normal functioning of the administration (which expressions shall, without prejudice to their generality,

include the obligations imposed by this Statute and all matters pertaining to the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer or officers) that any bill introduced or any resolution moved for decision in the Council shall have effect, then if the Council fail to pass such a bill or adopt such resolution within such time and in such form as the Governor may think reasonable and expedient, the Governor may, at any time in his discretion, notwithstanding any provisions of this Statute or of any Standing Rules or Orders of the Council, declare that such bill or resolution shall have effect as if it had been passed or adopted by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said bill or resolution shall have effect as if it has been so passed or adopted, and, in the case of any such bill, as if it had been approved by the Governor. The Governor shall forthwith report to the (Trusteeship Council) any action taken by him by virtue of this paragraph and shall comply with any Instructions of the Trusteeship Council given in relation thereto.

## Article XXIII - ~~Legislation~~ Bills and Resolutions

1. Bills may be introduced in the Legislative Council and resolutions may be moved in the Legislative Council or any Committee thereof by members of the Legislative Council or by the Governor.

2. The Governor may designate a member of his staff to introduce any bill in the Legislative Council on his behalf, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council or any Committee thereof on the bill which he introduces.

3. The Governor may likewise designate a member of his staff to move any resolution on his behalf in the Legislative Council or any Committee thereof, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council or any Committee thereof on the resolution which he moves.

~~4. Each bill passed by the Legislative Council shall become law upon approval by the Governor or at the end of thirty days after transmission to the Governor if he has by that time neither approved nor disapproved the bill.~~ The Governor may disapprove a bill if, in his opinion, it is in conflict with the provisions of this Statute, or it would impede the administration of the City or inflict undue hardship on any section of the inhabitants of the City, and he shall then inform both the Legislative Council and the (Trusteeship Council) of the reasons for his disapproval. The Trusteeship Council may thereupon either confirm the Governor's disapproval of the bill or instruct him to approve the same.

5. If the Legislative Council fails, within such time and in such form as the Governor may think reasonable and expedient, to pass

any bill introduced, or adopt any resolution moved for decision, in the Legislative Council ~~and deemed by him to be~~ which he deems essential to the normal functioning of the administration (which expression shall, without prejudice to its generality, include the obligations imposed by this Statute and all matters pertaining to the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer or officers) the Governor may, at any time in his discretion ..... [lift up]

Rules or Orders of the Council, declare that such bill or resolution shall have effect as if it had been passed or adopted by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said bill or resolution shall have effect as if it had been so passed or adopted, and, in the case of any such bill, as if it had been approved by the Governor. The Governor shall forthwith report to the (Trusteeship Council) any action taken by him by virtue of this paragraph and shall comply with any Instructions of the Trusteeship Council given in relation thereto.

XXIII

## Article XXII - Legislation and Resolutions

and resolutions may be moved in the Legislative Council or any Committee thereof

1. Bills may be introduced in the Legislative Council by members of the Legislative Council or by the Governor.

2. The Governor may designate a member of his staff to introduce ~~bills into~~ any bill in the Legislative Council on his behalf, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council or any Committee thereof on the bill which he introduces.

~~3.~~ 4. Each bill passed by the Legislative Council shall become law upon approval by the Governor or at the end of thirty days after transmission to the Governor if he has by that time neither approved nor disapproved the Bill. The Governor may disapprove a bill if, in his opinion, it is in conflict with the provisions of this Statute, or it would impede the administration of the City or inflict undue hardship on any section of the inhabitants of the City, and he shall then inform both the Legislative Council and the (Trusteeship Council) of the reasons for his disapproval. The Trusteeship Council may thereupon either confirm the Governor's disapproval of the Bill or instruct him to approve the same.

~~4.~~ 5. If the Governor shall consider that it is expedient in the interests of public order, public faith or good government that any Bill introduced or any ~~Motion proposed~~ resolution moved for decision in the Council shall have effect, then if the Council fail to pass such a Bill or ~~Motion~~ adopt such resolution within such time and in such form as the Governor may think reasonable and expedient, the Governor may, at any time in his discretion, notwithstanding any provisions of this Statute or of any standing Rules or Orders of the Council, declare that such Bill or ~~Motion~~ resolution shall have effect as if it had been passed or adopted by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said Bill or ~~Motion~~ resolution shall have

effect as if it had been so passed, and, in the case of any such Bill, as if it had been approved by the Governor. The Governor shall forthwith report to the (Trusteeship Council) any action taken by him by virtue of this paragraph and shall comply with any Instructions of the Trusteeship Council given in relation thereto.

XXIII

CECIL RANKING

## Article XXII - Legislation

1. Bills may be introduced in the Legislative Council by members of the Legislative Council or by the Governor.

2. The Governor may designate a member of his staff to introduce bills into the Legislative Council on his behalf, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council on the bill which he introduces.

3. Each bill passed by the Legislative Council shall become law upon approval by the Governor or at the end of thirty days after transmission to the Governor if he has by that time neither approved nor disapproved the Bill. The Governor may disapprove a bill if, in his opinion, it is in conflict with the provisions of this Statute, or it would impede the administration of the City or inflict undue hardship on any section of the inhabitants of the City, and he shall then inform both the Legislative Council and the (Trusteeship Council) of the reasons for his disapproval. The Trusteeship Council may thereupon either confirm the Governor's disapproval of the Bill or instruct him to approve the same.

4. If the Governor shall consider that it is expedient in the interests of public order, public faith or good government that any Bill introduced or any Motion proposed for decision in the Council shall have effect, then if the Council fail to pass such a Bill or Motion within such time and in such form as the Governor may think reasonable and expedient, the Governor may, at any time in his discretion, notwithstanding any provisions of this Statute or of any standing Rules or Orders of the Council, declare that such Bill or Motion shall have effect as if it had been passed by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said Bill or Motion shall have

effect as if it had been so passed, and, in the case of any such Bill, as if it had been approved by the Governor. The Governor shall forthwith report to the (Trusteeship Council) any action taken by him by virtue of this paragraph and shall comply with any Instructions of the Trusteeship Council given in relation thereto.

MASTER

New

JERUSALEM - Group II

1st Draft - Secretariat
Discussed by Group II at 1st and 2nd meetings 11.12.47 and 12.12.47
2nd Draft - Secretariat 13.12.47
3rd Draft - Group II, 3rd meeting, 15.12.47 (paras. 4 & 5 - U.K.)
4th Draft - Group II, 19.12.47.

5th Draft - Joint Group 22/12/47.

XXII

## Article XVII A - ~~Powers of~~ Legislation

1. Bills may be introduced in the Legislative Council by members of the Legislative Council or by the Governor.

2. The Governor may designate a member of his staff to introduce bills into the Legislative Council on his behalf, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council on the bill which he introduces.

3. Each bill passed by the Legislative Council shall become law upon approval by the Governor or at the end of thirty days after transmission to the Governor if he has by that time neither approved nor disapproved the Bill. The Governor may disapprove a bill if, in his opinion, it is ~~ultra vires~~ in conflict with the provisions ~~Article XVII B~~ of this Statute, or it would ~~seriously~~ impede the administration of the City or inflict undue hardship on any section of the ~~residents~~ inhabitants of the City, and he shall then inform both the Legislative Council and the (Trusteeship Council) ~~it~~ ~~of~~ of the reasons for his disapproval. The Trusteeship Council may thereupon either confirm the Governor's disapproval of the Bill or ~~direct~~ instruct him to approve the same.

4. If the Governor shall consider that it is expedient in the interests of public order, public faith or good government that any Bill introduced, or any Motion proposed for decision, in the Council shall have effect, then if the Council fail to pass such a Bill or Motion within such time and in such form as the Governor may think reasonable and expedient, the Governor may, at any time in his discretion, ~~may~~ notwithstanding any provisions of this Statute or of any standing Rules or Orders of the Council, declare that

New

such Bill or Motion shall have effect as if it had been passed by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said Bill or Motion shall have effect as if it had been so passed, and, in the case of any such Bill, ~~the provisions of this Statute relating to assent to Bills and disallowance of Laws shall apply accordingly~~ as if it had been approved by the Governor. The Governor shall forthwith report to the Trusteeship Council any action taken by him by virtue of this paragraph and shall comply with any ~~Directions~~ **Instructions** of the Trusteeship Council given in relation thereto.

5. **Whenever there is no Legislative Council, or the Legislative Council is under suspension, all functions of the Legislative Council under this Statute may be performed by the Governor.**

Here do we mean ordinary instructions? or do we mean special instructions of the interim body?

Delete in view of XVII C (Bis)

1st Draft - Secretariat
Discussed by Group II at 1st and 2nd meetings 11.12.47 and 12.12.47
2nd Draft - Secretariat 13.12.47
3rd Draft - Group II, 3rd meeting, 15.12.47 (para. 4&5 - U.K.)
4th Draft - Group II, 19.12.47

## Article XVII A - Powers of Legislation

1. Bills may be introduced in the Legislative Council by members of the Legislative Council or by the Governor.

2. The Governor may designate a member of his staff to introduce bills into the Legislative Council on his behalf, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council on the bill which he introduces.

3. Each bill passed by the Legislative Council shall become law upon approval by the Governor or at the end of thirty days after transmission to the Governor if he has by that time neither approved nor disapproved the Bill. The Governor may disapprove a bill if, in his opinion, it is ultra vires Article XVII B of this Statute, or it would ~~seriously~~ impede the administration of the City or inflict undue hardship on any section of the ~~residents~~ inhabitants of the City, and he shall then inform both the Legislative Council and the Trusteeship Council ~~in writing~~ of the reasons for his disapproval. The Trusteeship Council may thereupon either confirm the Governor's disapproval of the Bill or direct him to approve the same.

4. If the Governor shall consider that it is expedient in the interests of public order, public faith or good government that any Bill introduced, or any Motion proposed for decision in the Council shall have effect, then if the Council fail to pass such a Bill or Motion, within such time and in such form as the Governor may think reasonable and expedient, the Governor, at any time in his discretion, may, notwithstanding any provisions of this Statute or of any standing Rules or Orders of the Council, declare that

Add Re-Roll.



such Bill or Motion shall have effect as if it had been passed by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said Bill or Motion shall have effect as if it had been so passed, and, in the case of any such Bill, the provisions of this Statute relating to assent to Bills and disallowance of Laws shall apply accordingly. The Governor shall forthwith report to the Trusteeship Council any action taken by him by virtue of this paragraph and shall comply with any ~~Directions~~ Instructions of the Trusteeship Council given in relation thereto.

5 Whenever there is no Legislative Council, or the Legislative Council is under suspension, all functions of the Legislature Council under this Statute may be performed by the Governor

JERUSALEM - Group II

1st Draft - Secretariat
Discussed by Group II at 1st and 2nd meetings 11.12.47 and 12.12.47.
2nd Draft - Secretariat 13.12.47
3rd Draft - Group II, 3rd meeting, 15.12.47

## Article XVII A - Powers of Legislation

1. Bills may be introduced in the Legislative Council by members of the Legislative Council or by the Governor.

2. The Governor may designate a member of his staff to introduce bills into the Legislative Council on his behalf, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council on the bill which he introduces.

3. Each bill passed by the Council shall become law upon approval by the Governor or at the end of thirty days after transmission to the Governor if he has by that time ~~taken no action. Within the period of thirty days after transmission to the Governor,~~ he may disapprove ~~the~~ bill if, in his opinion, it is ~~contrary to the Statute, or the fulfillment of its purposes,~~ or it would seriously impede the administration of the City or inflict undue hardship on any section of the residents of the City, and he shall then inform both the Legislative Council and the Trusteeship Council in writing of the reasons for his disapproval.

4. In cases where the Legislative Council may have failed to enact ~~in time legislation~~ deemed by the Governor essential to the normal functioning of the administration, or when the Legislative Council may have been suspended or dissolved in accordance with the provisions of paragraph 2 of Article XVII of this Statute, the Governor may promulgate such ~~temporary~~ ordinances as he may deem necessary, and such ordinances shall have the force ~~of law and shall remain in effect until such time as the Governor shall have repealed or amended them.~~

JERUSALEM - Group II

1st Draft - U.K.

Exercise by Governor of Reserve Powers

4. If the Governor shall consider that it is expedient in the interests of public order, public faith or good government that any Bill introduced, or any Motion, proposed for decision in the Council shall have effect, then if the Council fail to pass such a Bill or Motion, within such time and in such form as the Governor may think reasonable and expedient, the Governor, at any time in his discretion, may, notwithstanding any provisions of this Statute or of any standing Rules or Orders of the Council, declare that such Bill or Motion shall have effect as if it had been passed by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said Bill or Motion shall have effect as if it had been so passed, and, in the case of any such Bill, the provisions of this Statute relating to assent to Bills and disallowance of Laws shall apply accordingly. The Governor

2. In this section the expressions public order, public faith or good government shall, without prejudice to their generality, include the following:

(a) The responsibility of the Union as a component part of the British Empire including foreign relations and relations with other parts of the British Empire:

(b) All questions relating to defence, including provision for construction, maintenance and use of defence works, areas and communications:

shall forthwith report to the Trusteeship Council any action taken by him by virtue of this paragraph and shall comply with any directions of the Trusteeship Council given in relation thereto.

(c) Subjects upon which, in the opinion of the Governor or of a Secretary of State, it is necessary to secure uniformity in legislation between the Union and Colony of Jerusalem: and

(d) All matters pertaining to the creation or abolition of any Public Office and to the appointment, salary or other conditions of service of any Public Officer or Officers.

3. The Governor shall forthwith report to a Secretary of State every case in which he shall make any such declaration as is mentioned in sub-section 1 of this section and the reason therefor.

4. If any Member of the Legislative Council objects to any declaration made under this section he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such Member, be forwarded by the Governor as soon as practicable to a Secretary of State.

5. Any such declaration other than a declaration relating to a Bill, may be revoked by a Secretary of State, and the Governor shall notify such revocation in the Gazette: and from the date of such notification any Motion which shall have had effect by virtue of the declaration revoked shall cease to have effect, and the provisions of sub-section 2 of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

Incorporated in the 3rd Draft of Article "Legislation".

JERUSALEM - Group II

1st Draft - U.K.

## Exercise by Governor of Reserve Powers

1. If the Governor shall consider that it is expedient in the interests of public order, public faith or good government that any Bill introduced, or any Motion, proposed for decision in the Council shall have effect, then if the Council fail to pass such a Bill or Motion, within such time and in such form as the Governor may think reasonable and expedient, the Governor, at any time in his discretion, may, notwithstanding any provisions of this Statute or of any standing Rules or Orders of the Council, declare that such Bill or Motion shall have effect as if it had been passed by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said Bill or Motion shall have effect as if it had been so passed, and, in the case of any such Bill, the provisions of this Statute relating to assent to Bills and disallowance of Laws shall apply accordingly.

2. In this section the expressions public order, public faith or good government shall, without prejudice to their generality, include the following:

(a) The responsibility of the Union as a component part of the British Empire including foreign relations and relations with other parts of the British Empire:

(b) All questions relating to defence, including provision for construction, maintenance and use of defence works, areas and communications:

(c) Subjects upon which, in the opinion of the Governor or of a Secretary of State, it is necessary to secure uniformity in legislation between the Union and Colony of Jerusalem: and

(d) All matters pertaining to the creation or abolition of any Public Office and to the appointment, salary or other conditions of service of any Public Officer or Officers.

3. The Governor shall forthwith report to a Secretary of State every case in which he shall make any such declaration as is mentioned in sub-section 1 of this section and the reason therefor.

4. If any Member of the Legislative Council objects to any declaration made under this section he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such Member, be forwarded by the Governor as soon as practicable to a Secretary of State.

5. Any such declaration other than a declaration relating to a Bill, may be revoked by a Secretary of State, and the Governor shall notify such revocation in the Gazette: and from the date of such notification any Motion which shall have had effect by virtue of the declaration revoked shall cease to have effect, and the provisions of sub-section 2 of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

Jerusalem - Group II

1st draft - U.K.

Article [illegible] Exercise by Governor of Reserve Powers

(1) If the Governor shall consider that it is expedient in the interests of public order, public faith or good government that any Bill introduced, or any Motion, proposed for decision in the Council shall have effect, then if the Council fail to pass such a Bill or Motion, within such time and in such form as the Governor may think reasonable and expedient, the Governor, at any time in his discretion, may, notwithstanding any provisions of this ~~Order~~ or of any standing Rules or Orders of the Council, declare that such Bill or Motion shall have effect as if it had been passed by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said Bill or Motion shall have effect as if it had been so passed, and, in the case of any such Bill, the provisions of this ~~Order~~ relating to assent to Bills and disallowance of Laws shall apply accordingly.

(2) In this section the expressions public order, public faith or good government shall, without prejudice to their generality, include the following:-

(A) The responsibility of the ~~Union~~ as a component part of the British Empire including foreign relations and relations with other parts of the British Empire:

(B) All questions relating to defence, including provision for construction, maintenance and use of defence works, areas and communications:

(C) Subjects upon which, in the opinion of the Governor or of a Secretary of State, it is necessary to secure uniformity in legislation between the Union and Colony of Singapore: and

(D) All matters pertaining to the creation or abolition of any Public Office and to the appointment, salary or other conditions of service of any Public Officer or Officers.

(3) The Governor shall forthwith report to a Secretary of State every case in which he shall make any such declaration as is mentioned in sub-section (1) of this section and the reason

/therefor.

therefor.

(4) If any Member of the Legislative Council objects to any declaration made under this section he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such Member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(5) Any such declaration other than a declaration relating to a Bill, may be revoked by a Secretary of State, and the Governor shall notify such revocation in the Gazette: and from the date of such notification any Motion which shall have had effect by virtue of the declaration revoked shall cease to have effect, and the provisions of sub-section (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

## Article XVII A - Powers of Legislation

1. The Legislative Council shall legislate for the peace, order and good government of the City, in accordance with the special objectives set forth in the Resolution and with the provisions of this Statute.

2. Bills may be introduced in the Legislative Council by members of the Legislative Council or by the Governor.

3. No bill passed by the Legislative Council shall become law until it shall have received the assent of the Governor, which shall not be withheld except as provided for in paragraph 4 of this Article.

4. The Governor shall not assent to any bill passed by the Legislative Council which, in his opinion, would be in conflict, or interfere, with the provisions of the Statute. The Governor may also withhold his assent from any bill which, in his opinion, would seriously impede the administration of the City or inflict undue hardship on any section of the residents of the City.

1st Draft - Secretariat
Discussed by Group II at 1st and 2nd meetings 11.12.47 and 12.12.47.
2nd Draft - Secretariat 13.12.47
3rd Draft - Group II, 3rd meeting, 15.12.47
4th Draft - Group II, 4th meeting, 16.12.47.

## Article XVII A - Powers of Legislation

1. Bills may be introduced in the Legislative Council by members of the Legislative Council or by the Governor.

2. The Governor may designate any member of his staff to introduce any bills into the Legislative Council on his behalf, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council on the bill which he introduces.

3. Each bill passed by the Council shall become law upon approval by the Governor or at the end of thirty days after transmission to the Governor if he has by that time taken no action not disapproved it. ~~Within the period of thirty days after transmission to the Governor,~~ he may disapprove the bill if, in his opinion, it is contrary to the provisions of Article XVII B of the Statute ~~the Statute~~ or the fulfillment of its purposes, or it would seriously impede the administration of the City or inflict undue hardship on any section of the residents of the City, and he shall then inform both the Legislative Council and the (Trusteeship Council) in writing of the reasons for his disapproval. The Trusteeship Council may thereupon give the Governor such directions as seem to it to be just.

4. In cases where the Legislative Council may have failed to enact in time legislation deemed by the Governor essential to the normal functioning of the administration, or when the Legislative Council may have been suspended or dissolved in accordance with the provisions of paragraph 2 of Article XVII of this Statute, the Governor may promulgate such temporary ordinances as he may deem necessary, and such ordinances shall have the force of law and shall remain in effect until such time as the Governor shall have repealed or amended them.

~~Article XVI~~ Jerusalem - Group II.

1st Draft - Secretariat

Discussed by Group II at 1st & 2nd meetings 11.12.47 & 12.12.47.

2nd Draft - Secretariat 13.12.47.

3rd Draft - Group II, 3rd meeting, 15.12.47.

## Article XVII A - Powers of Legislation.

1. Bills may be introduced in the Legislative Council by members of the Legislative Council or by the Governor.

2. The Governor may designate a member of his staff to introduce bills into the Legislative Council on his behalf, and a person so designated by the Governor may participate without vote in the deliberations of the Legislative Council on the bill which ~~they~~ he introduces.

3. Each bill ... [X - X of attached (as amended)] ... for his disapproval ⊙

Rept. T.C. who ad. pub. I.C.J. through Governor

4. In cases where the Legislative Council may have failed to enact in time legislation deemed by ~~him~~ the Governor essential to the normal functioning of the administration, or when the Legislative Council may have been suspended or dissolved in accordance with the provisions of paragraph 2 of Article XVII of this Statute, the Governor may promulgate such temporary ordinances as he may deem necessary, and such ordinances shall have the force of law and shall remain in effect until such time as the Governor shall have repealed or amended them.

or nationality against any representative or member of such bodies.

Article XXV

The official languages of the City shall be Arabic and Hebrew. In addition, such other languages as may be required may be adopted as working languages.

C10

Article XXVI

The laws of the City shall neither place nor recognize any restriction upon the free use by any inhabitant of any language in private intercourse, in commerce, in religious matters, in the press or in publications of any kind, or at public meetings.

C12(7)

Article ~~XXII.~~ XXVII

1. Subject only to the requirements of public order and morality, all inhabitants of the City shall enjoy all fundamental human rights and freedoms, including freedom of conscience, religion, worship, language, education, speech, press, assembly, association and petition.

C12(1)

2. No discrimination of any kind on grounds of nationality, religion, language or sex shall be made between the inhabitants of the City.

C12(2)

Article ~~XXIII~~ XXVIII

1. There shall be maintained in the City an adequate system of primary and secondary education for the Arab community and for the Jewish community in their own respective languages and in accordance with their own respective cultural conditions.

C12(6)

2. Subject only to the necessity of maintaining such educational requirements of a general nature as may be desirable in the interests of the City, the right of any community to maintain its own schools for the education of its own members

C12(6)

U.S. Draft - parts of which have been incorporated.

Bills may be introduced in the Legislative Council by members of the Council or by the Governor. Each bill passed by the Council shall become law upon approval by the Governor or at the end of thirty days after transmission to the Governor if he has by that time taken no action. Within the period of thirty days after transmission to the Governor, he may disapprove the bill if, in his opinion, it is contrary to the Statute or the fulfillment of its purposes, and he shall then inform both the Legislative Council and the Trusteeship Council in writing of the reasons for his disapproval. In the event that the Council fails to enact a bill which in the judgment of the Governor is essential to the fulfillment of the purposes of the statute, he may promulgate such ordinances as he deems essential and shall promptly inform the Trusteeship Council of his action. Such ordinances shall have the force of law and shall remain in effect for a period of one year or until such earlier time as the Governor may determine.

or ~~if~~ it would seriously impede the administration of the City or inflict undue hardship on any section of the residents of the City,

## Article XVII A - Powers of Legislation

1. The Legislative Council shall legislate for the peace, order and good government of the City, in accordance with the special objectives set forth in the Resolution and with the provisions of this Statute.

2. Bills may be introduced in the Legislative Council by members of the Legislative Council or by the Governor.

3. No bill passed by the Legislative Council shall become law until it shall have received the assent of the Governor, which shall not be withheld except as provided for in paragraph 4 of this Article.

4. The Governor shall not assent to any bill passed by the Legislative Council which, in his opinion, would be in conflict, or interfere, with the provisions of the Statute. The Governor may also withhold his assent from any bill which, in his opinion, would seriously impede the administration of the City or inflict undue hardship on any section of the residents of the City.

5. In cases where the Legislative Council may have failed to enact in time legislation deemed by him essential to the normal functioning of the administration, or when the Legislative Council may have been dissolved in accordance with the provisions of

paragraph 3 of Article XVII of this Statute, the Governor may promulgate such temporary ordinances as he may deem necessary, and such ordinances shall have the force of law and shall remain in effect until such time as the Governor shall have repealed them.

2nd draft - text

Article XVII A - Powers ~~in regard to~~ of legislation.

1. The Legislative Council shall legislate ~~only~~ for the peace, order and good government of the City, ~~and~~ in accordance with the special objectives set forth in the Resolution, and with the provisions of this Statute ⊙

2. Bills may be introduced in the Legislative Council by members of the Legislative Council or by the Governor.

3. No bill passed by the Legislative Council shall become law until it shall have received the assent of the Governor, which shall not be withheld except as provided for in paragraph 4 of this Article

4. The Governor shall not assent to any bill passed by the Legislative Council which, in his opinion, would be in conflict, or interfere, with the provisions of this Statute. The Governor may also withhold his assent from any bill which, in his opinion, would seriously impede the administration of the City or inflict undue hardship on any section of the residents of the City.

5. In cases where the Legislative Council may have failed to enact in time legislation deemed by him essential to the normal functioning of the administration, or when the Legislative Council may have been dissolved in accordance with the provisions of paragraph 3 of Article XVII of this Statute, the Governor may promulgate such temporary ordinances as he may deem necessary, and such ordinances shall have the force of law and shall remain in effect until such time as the Governor shall have repealed them.

~~NEW ARTICLE~~

Article XVII

Trieste Article 19(2)

1. No law enacted by the Legislative Council shall enter into force until it shall have been promulgated.

of.Trieste Article 19(3)

2. No law shall be promulgated until it shall have received the assent of the Governor.

3. The Governor shall not assent to any law which would be in conflict, or interfere, with the provisions of this Statute.

New

4. Whenever the Governor shall have exercised the power of veto conferred on him by paragraph 3 of this Article, he shall communicate forthwith to the Trusteeship Council a full explanation of the circumstances in which he deemed it necessary to exercise the power.

## Article XVI

For the whole of this Article cf. Trieste Articles 18 & 19(1)

1. The Legislative Council may consider and discuss any matters affecting the interests of the City, and its members may initiate legislation in accordance with such procedure as it may adopt.

2. The Governor may also initiate legislation by message to the Legislative Council