



Supplement No. 2
to the
Palestine Gazette Extraordinary No. 988 of 28th February, 1940.

PALESTINE ORDERS IN COUNCIL, 1922 TO 1939.

REGULATIONS BY THE HIGH COMMISSIONER UNDER ARTICLE 16D.

IN EXERCISE of the powers vested in me by Article 16D of the Palestine Orders in Council, 1922 to 1939, I, SIR HAROLD ALFRED MACMICHAEL, K.C.M.G., D.S.O., High Commissioner for Palestine, do hereby make the following regulations:—

1. These regulations may be cited as the Land Transfers Regulations, 1940, and shall be deemed to have come into force on the eighteenth day of May, 1939. Citation and commencement.

2. For the purpose of these regulations there shall be two zones in Palestine which shall be demarcated as set out in the Schedule hereto. Definitions of Zone A and Zone B.

The boundaries of Zone A and Zone B are indicated on the Palestine Index to Villages and Settlements Map signed by the High Commissioner which is deposited in the office of the Director of Land Registration and is available for inspection during office hours.

3. The transfer of land situated within Zone A save to a Palestinian Arab shall be prohibited: Transfer of land within Zone A.

Provided that the High Commissioner may, if he considers it desirable so to do —

- (a) permit of the mortgage of such land to such companies or societies as he may approve;
- (b) permit the transfer of such land by Palestinian Arabs to religious or charitable institutions;
- (c) permit the transfer of such land to persons not being Palestinian Arabs if in his opinion such transfer is necessary

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for the purpose of consolidating existing holdings, or of effecting the parcellation of village musha' within the meaning of the Land (Settlement of Title) Ordinance;

- (d) in the case of land within the said Zone owned by persons not being Palestinian Arabs, by general or special order, permit the transfer of such land to persons not being Palestinian Arabs;

Provided further that the High Commissioner may, if he considers it desirable so to do, authorize the transfer of any land situated within the said Zone to persons not being Palestinian Arabs, if application for the registration of such transfer was lodged in the Land Registry before the date of publication of these regulations in the *Gazette*;

Provided further that this regulation shall not apply to any transfer of land made in the execution of any judgment or order of a Court, Chief Execution Officer or Land Settlement Officer —

- (a) in satisfaction of a mortgage executed and registered before the date of the coming into force of these regulations, or
(b) delivered or made before the date of publication of these regulations in the *Gazette*.

Transfer of
land within
Zone B.

4. The transfer of land situated within Zone B, by a Palestinian Arab save to a Palestinian Arab, shall be prohibited unless the person to whom such transfer is intended to be made has received the approval in writing of the High Commissioner which he may in his unfettered discretion grant or refuse :

Provided that this regulation shall not apply to any transfer of land made in the execution of any judgment or order of a Court, Chief Execution Officer or Land Settlement Officer —

- (a) in satisfaction of a mortgage executed and registered before the date of the coming into force of these regulations, or
(b) delivered or made before the date of publication of these regulations in the *Gazette*.

Effect of trans-
fer of land in
contravention
of these
regulations.

5. Any transfer of land made in contravention of the provisions of these regulations shall be null and void.

Provisions
with regard
to affidavits.

6.—(1) The High Commissioner may require any person making application for the High Commissioner's approval to the transfer of any land under these regulations, to support such application by affidavits by himself or any other person.

(2) Any person —

- (a) who knowingly makes any false statement in any affidavit made for the purpose of these regulations, or

(b) who knowingly uses for the purposes of these regulations any affidavit containing any false statement, is guilty of an offence and is liable to imprisonment for seven years.

7. The provisions of these regulations shall be in addition to, and not in derogation of, the provisions of the Land Transfer Ordinance.

Provisions of these regulations to be in addition to those of Land Transfer Ordinance.

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8. Nothing in these regulations shall be deemed —

Saving.

(a) to apply to the transfer of any land situated within the area of any municipal corporation established from time to time under the provisions of the Municipal Corporations Ordinance, 1934; or

(b) to apply to the transfer of any public lands by or on behalf of the High Commissioner or to the transfer of any land to the High Commissioner in accordance with any law or Ordinance or otherwise; or

(c) to affect the power to expropriate land under the provisions of any law or Ordinance for the time being in force.

9. For the purposes of these regulations:—

Definitions.

“Palestinian Arab” shall be deemed to be an Arab who is ordinarily resident in Palestine. In case of any dispute as to whether a person is an Arab or whether he is ordinarily resident in Palestine, the question shall be referred to the High Commissioner whose decision thereon shall be final;

“land” includes water, buildings, trees and any interest in, or right in, to or over, land, water, buildings or trees;

“transfer” includes leases, mortgages, charges and any other dispositions.

20th February, 1940.

HAROLD MACMICHAEL
High Commissioner.

SCHEDULE.

ZONE A.

The area comprising :—

ACRE SUB-DISTRICT.

The whole, with the exception of Blocks 18025, 18039, 18040 and 18041 of the village of Manshiya.

SAFAD SUB-DISTRICT.

(a) The following villages in whole :—

'Alma	Jish	Rihaniya
'Ammuqa	Kafr Bir'im	Sabalan
Dallata	Malikiya, El	Safsaf
Deishum	Marun er Ras	Saliha
'Eitarun	Marus	Sammu'i
Fara	Meirun	Sa'sa'
Farradiya	Mughr ed Duruz	Teitaba
Ghabbatiya	Qabba'a	Yarun
Hurfeish	Qaddita	
Jazair el Hindaj	Ras el Ahmar, Er	

(b) The portions of the following villages lying to the west of the road from Rosh Pinna to Metulla :—

Hatsor	Yesud ham Ma'ala
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TIBERIAS SUB-DISTRICT.

(a) The following villages in whole :—

'Eilabun	Khirbat el Wa'ra	Mansura, El
Hittin	es Sauda	Nimrin
	Maghar	

(b) The portion of the following village lying to the north of the road from Nazareth to Tiberias :—

Lubiya

NAZARETH SUB-DISTRICT.

(a) The following villages in whole :—

Bu'eina	Mash-had	Tur'an
Kafr Kanna	Nazareth	Umm Qubei
Kafr Manda	Reina, Er	'Uzeir
Kaukab	Rummana	
Kefar ha Horesh	Saffuriya	

(b) The portions of the following villages lying to the north of the road from Haifa to Nazareth :—

'Ilut	Mujeidil	Yafa
Ma'lul	Nahalal	

HAIFA SUB-DISTRICT.

(a) The following villages in whole :—

Abu Shusha	Ijzim	Naghnaghiya, En
Abu Zureiq	'Isfiya	Qannir
'Ar'ara	Ji'ara	Qira Wa Qamun
'Arab Baniba	Kafrin, El	Rihaniya, Er
Beit Lahm	Kafr Qari'	Sabbarin
Buteimat, El	Khureiba, El	Shafa 'Amr
Daliyat el Karmil	Khirbat ed Damun	Sindyana, Es
Daliyat er Ruha	Khirbat Lidd	Umm esh Shauf
Ghubaiya el Fauqa, El	Khirbat Shallala	Umm ez Zinat
Ghubaiya et Tahta, El	Khubbeiza	Wadi 'Ara
I'billin	Mishmar ha'Emeq	

(b) The portions of the following villages lying to the north of the road from Haifa to Nazareth :—

Jeida	Waldheim	Qusqus-Tab'un
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(c) The portions of the following villages lying to the east of the road from Jaffa to Haifa :—

'Ein Ghazal	Jaba'
'Ein Haud	Mazar, El

(d) The portion of Et Tira lying east of the Jaffa—Haifa Road and south of the Wadi Kafr Samir.

JENIN SUB-DISTRICT.

The whole.

BEISAN SUB-DISTRICT.

The following villages in whole :—

'Arida, El	Ghazzawiya, El	Samiriya, Es
Ashrafiya, El	Hamra, El	Tell esh Shauk
Beisan	Khuneizir, El	Umm 'Ajra
Farwana	Masil el Jizl	Zarra'a, Ez
Fatur, El	Safa, Es	

TULKARM SUB-DISTRICT.

(a) The following villages in whole :—

'Anabta	Beit Lid	'Illar
'Attara, El	Dannaba	Irtah
'Attil	Deir el Ghusun	Jaiyus
'Azzun	Falama	Jatt
Bal'a	Fardisiya	Kafr 'Abbush
Baqa el Gharbiya	Far'un	Kafr el Labad
Baqa esh Sharqiya	Habla	Kafr Rumman

TULKARM SUB-DISTRICT (Continued).

Kafr Sur	Nazla el Wusta, En	Saffarin
Kafr Zibad	Nazlat Abu Nar	Seida
Kur	Nazlat 'Isa	Shufa
Nazla el Gharbiya, En	Qaffin	Shuweika
Nazla esh Sharqiya, En	Ramin	Zeita
	Ras, Er	

(b) The portions of the following villages lying to the east of the railway from Lydda to Haifa :—

'Attil Detached Jaljuliya	Kafr Jammal Qalqiliya	Tira, Et Raml Zeita
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(c) The following villages in part :—

Blocks	7974	7975	7976	7977	7978	8076	8077	8103	8104	8105
	8106	8107	8108	8109	8110	8111	and the village built-on area of Qaqun.			
Blocks	8157	8158	8159	8160	8165	8166	8167	8168	8169	8170
	8171	8172	8173	8174	8175	8176	8177	8178	8179	8180
	8181	8182	8183	and	8184	of Tulkarm.				
Blocks	7858	7859	7860	7861	7862	7863	7869	7870	and	7887
	of Qalansuwa.									

The portion of Et Taiyiba lying to the east of the railway from Lydda to Haifa and Blocks 7825 and 7828 of that village.

NABLUS SUB-DISTRICT.

The whole with the exception of the portion of the following village lying to the west of the railway from Lydda to Haifa :—

Kafr Qasim

RAMALLAH SUB-DISTRICT.

The whole.

RAMLE SUB-DISTRICT.

(a) The following villages in whole :—

Abu el Fadl (Es Sautariya)	Ben Shemen	Deir el Hawa
Barfiliya	Bil'in	Deir Muheisin
Barriya, El	Bir Imma'in	Deir Qaddis
Beit 'Itab	Bir Salim	Deir Tarif
Beit Jimal	Budrus	Haditha, El
Beit Jiz	Bureij	Idhribba
Beit Nabala	Burj, El	'Innaba
Beit Nuba	Danyal	Jarash
Beit Susin	Deiraban	Jilya
	Deir Abu Salama	Jimzu

RAMLE SUB-DISTRICT (*Continued*).

Jindas	Khirbat Zakariya	Qula
Kefar Uriya	Khulda	Rafat
Khalayil, El	Kunnisa, El	Ramle, Er
Kharbata	Latrun	Rantis
Kharruba	Lubban, El	Sajad
Kheima, El	Lydda	Sarafand el 'Amar
Khirbat Beit Far	Midya, El	Shabtin
Khirbat el Buweiriya	Mughallis	Shilta
Khirbat el Qubeiba	Mukheizin, El	Shuqba
Khirbat edh Dhuhei- riya	Ni'lin	Sufla
Khirbat Ismallah	Qazaza	Tina, Et
Khirbat Musmar	Qibya	Tira, Et
	Qubab, El	

(b) The portions of the following villages lying to the east of the railway from Lydda to Haifa :—

Majdal Yaba	Muzeiri'a, El
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JAFFA SUB-DISTRICT.

(a) The following villages in whole :—

Miqve Yisrael	Safiriya, Es
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(b) The portion of the following village lying to the east of the railway from Lydda to Haifa :—

Muweilih, El

(c) The portion of the following villages lying to the south of the road from Tel Aviv to Wilhelma :—

Kafr 'Ana	Yahudiya, El	Saqiya
Kheiriya, El	Salama	

(d) Blocks	6296	6297	6298	6299	6300	6301	6302	6303	6304	6305
	6306	6307	6308	6309	and	6310	of Wilhelma.			
Blocks	7050	7055	7056	7057	7058	7059	7063	7064	7065	7066
	7069	7152	7153	7160	and	7161	of Jaffa.			
The village of Beit Dajan	excluding					Blocks	6095	6096	and	6097.
Blocks	6001	6002	6003	6004	6005	6006	6007	6008	6009	6010
	6011	6015	6016	6017	6018	6019	6023	6024	6025	6026
	6027	6028	6029	6030	6031	6032	6033	6034	6035	6036
	6037	6038	6039	6040	6041	and	6042 of Yazur.			

JERICHO SUB-DISTRICT.

The whole.

JERUSALEM SUB-DISTRICT.

The whole, with the exception of the town-planning area of Jerusalem.

BETHLEHEM SUB-DISTRICT.

The whole.

HEBRON SUB-DISTRICT.

The whole.

GAZA SUB-DISTRICT.

The following villages in whole :—

'Abasan	Hamama	Khirbat Khisas
Abu Middein	Hatta	Kaufakha
Ard el Ishra	Hirbiya	Kaukaba
Bani Suheila	Huj	Majdal, El
Barbara	Huleiqat	Muharraqa, El
Beit 'Affa	'Ibdis	Najd
Beit Hanun	'Iraq el Manshiya	Nazla
Beit Jirja	'Iraq Suweidan	Ni'ilya
Beit Lahiya	Jabaliya	Nuseirat
Beit Tima	Jaladiya	Rafah
Bi'lin	Jiya, El	Sawafir el Gharbiya,
Bureir	Julis	Es
Deir el Balah	Jura, El	Sawafir esh Sharqiya,
Deir Suneid	Juseir	Es
Dimra	Karatiya	Summeil
Faluja, El	Khan Yunis	Sumeiri
Gaza	Khirbat Ikhza'	Sumsum

BEERSHEBA SUB-DISTRICT.

The area north of a line passing from a point on the Palestine—Trans-Jordan boundary where the Wadi running north-east from 'Ain Hosb joins the Wadi Jeeb, thence in a south-westerly direction along the Wadi to 'Ain Hosb, thence along the 'Ain Hosb-Kurnub road to Rujm al Balawi, Rujm al Kanasiya, Naqb Ras um-Julaid, Ras Ghwairib, Ras Naqb Gharib, 'Ain al Murra, Wadi Irmeileh, Wadi Abdo, to Bir al Hafir, and thence due west till it meets the frontier between Palestine and Egypt.

ZONE B.

The area comprising :—

SAFAD SUB-DISTRICT.

(a) The following villages in whole :—

Abil el Qamh	Aiyelet hash Shahar	'Arab esh Shamalina
Abisiya, El	'Akbara	'Azaziyat and 'Ein Fit

SAFAD SUB-DISTRICT (*Continued*).

Banyas	Hura	Mishmar hay Yarden
Barjiyat, El	Jahula	Muftakhira, El
Beisamun	Jalabina	Mughr esh Shab'an
Biriya	Ja'una	Mughr el Kheit
Buleida	Jubb Yusuf	Nabi Yusha'
Buteiha, El	Kafr Qila	Na'ima, En
Buweiziya, El	Khalisa, El	Qadas
Dafna	Khan ed Duweir	Qeitiya
Darbashiya, Ed	Kharrar, El	Qudeiriya, El
Dardara	Kefar Gil'adi	Rosh Pinna
Dawwara	Khirbat el Hiqab	Safad
Deir Mamas	Khirbat es Summan	Salihya, Es
Dhahiriya el Fauqa,	Khirbat Yarda	Sanbariya
Edh	Khisas	Shuna, Esh
Dhahiriya et Tahta,	Khiyam el Walid	Shauqa et Tahta
Edh	Kirad el Baqqara	Tuba
Dureijat	Kirad el Ghannama	Tuleil
'Ein et Tina	Lazzaza	Udeisa
'Ein Zeitim	Mahanayim	Ulmaniya, El
'Ein ez Zeitun	Mallaha	Weiziya ('Almin)
Fir'im	Manara, El	Weiziya
Ghuraba	Mansura, El	Zanghariya
Hula	Mansurat el Kheit	Zawiya, Ez
Hula Concession Area	Meis	Zuq el Fauqani, Ez
Hunin	Metulla	Zuq et Tahtani, Ez

(b) The portions of the following villages lying to the east of the road from Rosh Pinna to Metulla :—

Hatsor	Yesud ham Ma'ala
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TIBERIAS SUB-DISTRICT.

(a) The following villages in whole :—

Afiqim	Kefar Gun	Samakh
Beit Gan	Khan el Minya	Samakiya, Es
Bitanya	Kinneret Group	Samra, Es
Dalhamiya	Kinneret	Sharona
Deganiya 'A'	Ma'dhar	Sha'ara
Deganiya 'B'	Majdal	Shajara, Esh
Ghuweir Abu Shusha	Manara, El	Tabigha, Et
Hadatha	Menahamiya	Tell el Hunud
Hamma, El	Migdal	Tiberias
Kafr Harib	Mitspa	'Ubeidiya, El
Kafr Kama	Nuqeib	'Ulam
Kafr Sabt	Poriya	Yaquq
Kefar Hittim	Sejera	Yavneel

(b) The portion of the following village lying to the south of the road from Nazareth to Tiberias :—

Lubiya

NAZARETH SUB-DISTRICT.

(a) The following villages in whole :—

'Afula	Indur	Mount Tabor
'Arab es Subeih	Kefar Barukh	Na'ura
Balfourya	Kefar Gid'on	Nein
Dabburiya	Kefar Tavor	Ramat David
Dahi, Ed	Kefar Yeladim	Sarid
'Ein Mahil	Mahane Yisrael	Sulam
Gevat	Merhavva Settlement	Tamra
Ginneigar	Merhavva Group	Tel 'Adashim
Iksal	Mizra'	Umm el Ghanam

(b) The portions of the following villages lying to the south of the road from Haifa to Nazareth :—

'Ilut	Mujeidil	Yafa
Ma'lul	Nahalal	

HAIFA SUB-DISTRICT.

(a) The following villages in whole :—

Atlit	Kafr Lam	Sarafand, Es
Beit She'arim	Kefar Yehoshu'a	Sheikh Bureik, Esh

(b) The portions of the following villages lying to the south of the road from Haifa to Nazareth :—

Jeida	Waldheim	Qusqus-Tab'un
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(c) The portions of the following villages lying to the west of the road from Jaffa to Haifa :—

'Ein Ghazal	Jaba'
'Ein Haud	Mazar, El

(d) The portion of Et Tira lying west of the Jaffa—Haifa road but excluding Blocks 10740 and 10743.

BEISAN SUB-DISTRICT.

The following villages in whole :—

Bashatiwa, El	Gesher	Kafra
Bawati, El	Hamidiya, El	Kaukab el Hawa
Beit Alfa	Heftsi-Bah	Kefar Yehezqel
Bira, El	Jabbul	Murassas, El
Danna	Jisr el Majami'	Qevutsat hag Giv'a
'Ein Harod	Kafr Misr	Qumiya

BEISAN SUB-DISTRICT (*Continued*).

Sakhina, Es	Taiyiba, Et	Wadi el Bira
Shatta	Tel Yosef	Yubla
Sirin	Tira, Et	Zab'a

GAZA SUB-DISTRICT.

The following villages in whole :—

'Arab Sukreir	Beit Daras	Qastina
'Arqubiya	Gan Yavne	Sawafir esh Shama-
Barqa	Isdud	liya, Es
Batani Gharbi	Masmiya el Kabira, El	Tell et Turmus
Batani Sharqi	Masmiya es Saghira,	Yasur
Beer Tuviya	El	

BEERSHEBA SUB-DISTRICT.

The area south of a line passing from a point on the Palestine—Trans-Jordan boundary where the Wadi running north-east from 'Ain Hosb joins the Wadi Jeeb, thence in a south-westerly direction along the Wadi to 'Ain Hosb, thence along the 'Ain Hosb-Kurnub road to Rujm al Balawi, Rujm al Kanasiya, Naqb Ras um-Julaid, Ras Ghwairib, Ras Naqb Gharib, 'Ain al Murra, Wadi Irmeileh, Wadi Abdo, to Bir al Hafir, and thence due west till it meets the frontier between Palestine and Egypt.

STATEMENT EXPLANATORY
OF THE LAND TRANSFERS REGULATIONS.

Article 6 of the Mandate, which requires the Administration of Palestine to encourage close settlement by Jews on the land, also requires it to ensure that the rights and position of other sections of the population are not prejudiced.

Paragraph 16 of the Statement of Policy of His Majesty's Government regarding Palestine, dated the 17th May, 1939, drew attention to the fact that the Reports of several expert Commissions had indicated that, owing to the natural growth of the Arab population and the steady sale in recent years of Arab land to Jews, there was now in certain areas no room for further transfers of Arab land, whilst in some other areas such transfers of land must be restricted if Arab cultivators were to maintain their existing standard of life and a considerable landless Arab population was not soon to be created. It was therefore announced that the High Commissioner would be given general powers to prohibit and regulate transfers of land. The accompanying regulations have been made in order to give effect to this announcement. As stated in paragraph 17 of the Statement of Policy of May, 1939, the policy of Government will be directed towards the development of the land and the improvement, where possible, of methods of cultivation. In the

light of such development it will be open to the High Commissioner, should he be satisfied that the "rights and position" of the Arab population will be duly preserved, to review and modify any orders passed relating to the prohibition or restriction of the transfer of land.

2. Two zones, Zone A and Zone B, have been demarcated in Palestine within which transfers of land will be controlled. In determining the boundaries of these zones, Government has had special regard to the provisions of Article 6 of the Mandate. Zone A includes the hill country as a whole together with certain areas in the Gaza and Beersheba Sub-Districts where the land available is already insufficient for the support of the existing population; in this zone the transfer of land to a person other than a Palestinian Arab will be prohibited save in exceptional cases for which special provision is made in the regulations. The sanction of the High Commissioner required by the regulations to transfers of land in this zone between persons not being Palestinian Arabs may be accorded by general order, thus dispensing with the necessity for a special order in each individual case of this description.

3. In Zone B such transfers may be permitted in accordance with certain conditions set forth in paragraph 5 of this explanatory statement. This zone includes the Plains of Esdraelon and Jezreel, Eastern Galilee, the maritime plains between Haifa and Tantara and between the southern boundary of the Ramle Sub-District and Beer Tuviya, and the southern portion of the Beersheba Sub-District (the Negeb).

4. There will be no restrictions on transfers in those parts of Palestine not included in Zone A or Zone B. These parts include all municipal areas, the Haifa Industrial Zone described in Appendix 8 of the Report of the Palestine Partition Commission and roughly speaking the maritime plain between Tantara and the southern boundary of the Ramle Sub-District.

5. Transfers of land in Zone B by a Palestinian Arab to any person other than a Palestinian Arab will be null and void unless the sanction of the High Commissioner to the transfer has previously been sought and obtained. In this regard it is the desire of His Majesty's Government that the recommendations of recent Commissions should generally be followed and in pursuance of this policy the Secretary of State has accepted the recommendation of the High Commissioner that, while his final discretion shall be left unfettered, his powers will be exercised generally on the following lines.

Sanction to a transfer of land within Zone B by a Palestinian Arab to a person other than a Palestinian Arab will not ordinarily be granted unless the transfer can be shown to be either :—

- (i) for the purpose of consolidating, extending, or facilitating the irrigation of holdings already in the possession of the transferee or of his community, the land to be transferred being contiguous to such holdings; or
- (ii) for the purpose of enabling land held in undivided shares by the transferor and the transferee to be parcellated; or
- (iii) in furtherance of some special scheme of development in the joint interests of both Arabs and Jews to which Government may have signified its approval.

6. The regulations have effect from the 18th May, 1939, but the High Commissioner is empowered, at his discretion, to sanction retrospectively any transfer of land in either Zone A or Zone B, which would be unlawful under the terms of the regulations, provided that application for the registration of such transfer was lodged in the Land Registry prior to the date of their publication. Generally speaking, he will require to be satisfied that the transaction was initiated *bona fide* before the 18th May, the onus of proof being on the transferee. In the absence of such sanction the transaction in question will be null and void.

7. Application for sanction to transfers of land, where required by the regulations, should be addressed to the District Commissioner of the District in which the land is situated who will forward it to the High Commissioner for his orders.
