



LAWS OF THE STATE OF ISRAEL

VOL. 9
5715—1954/55

FROM 4th KISLEV, 5715—29.11.54 TO 14th ELUL, 5715—1.9.56

*Authorised Translation from the Hebrew,
Prepared at the Ministry of Justice*

PUBLISHED BY THE GOVERNMENT PRINTER



LAWS OF THE STATE OF ISRAEL

VOL. 9

5715—1954/55

FROM 4th KISLEV, 5715—29.11.54 TO 14th ELUL, 5715—1.9.56

*Authorised Translation from the Hebrew,
Prepared at the Ministry of Justice*

PUBLISHED BY THE GOVERNMENT PRINTER

CONTENTS

	<i>Page</i>
Laws	3
Budget Laws	281
List of Laws in the Order of Their Dates of Publication	297
Alphabetical Index of Laws	300

EXPLANATIONS

I. R. (Iton Rishmi) The Official Gazette during the tenure of the Provisional Council of State

Reshumot The Official Gazette since the inception of the Knesset

Yalkut Ha-Pirsumim

Sefer Ha-Chukkim

Chukkei Taktziv

Kovetz Ha-Takkanot

Hatza'ot Chok

The sections of *Reshumot* containing, respectively, Government notices, principal legislation, budgetary legislation, subsidiary legislation and Bills.

P.G. (Palestine Gazette) The Official Gazette of the Mandatory Government

LSI Laws of the State of Israel

LAWS

No. 1

MUNICIPAL COURTS ORDINANCE (AMENDMENT) LAW, 5715—1954 *

1. In section 2 of the Municipal Courts Ordinance¹⁾ (hereinafter: "the Ordinance"), subsection (3) shall be replaced by the following subsection: Replacement of section 2(3).

"(3) the Minister of Justice may direct that the chairman of a particular municipal court shall be a magistrate (hereinafter: "stipendiary magistrate")".

2. In section 4 of the Ordinance, in the first subsection — Amendment of section 4.

(1) the words "in any of the Ordinances set out in the Schedule" shall be replaced by the words "in any of the enactments set out in the Schedule" ;

(2) the words "one hundred pounds" in the proviso shall be replaced by the words "seven hundred and fifty pounds".

3. Section 6 of the Ordinance shall be replaced by the following section: Replacement of section 6.

"Appeal. 6. The provisions of sections 12, 14 and 16 of the Magistrates' Courts Jurisdiction Ordinance, 1947²⁾, shall apply to an appeal from a judgment of a municipal court as if it were a judgment of a magistrates' court in a criminal case."

4. The following section shall be inserted after section 8 of the Ordinance: Addition of section 8A.

"Municipal court for local council. 8A. (1) The Minister of Justice may, by order, establish a municipal court the area of jurisdiction of which shall be the area of a local council, within the meaning of the Local Councils Ordinance, 1941³⁾, or the area of several local councils as aforesaid, as may be prescribed in the order.

(2) The provisions of this Ordinance shall apply to a municipal court established under this

* Passed by the Knesset on the 4th Kislev, 5715 (20th November, 1954) and published in *Sefar Ha-Chukkim* No. 167 of the 14th Kislev, 5715 (9th December, 1954), p.2; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 106 of 5714, p. 102.

1) *Laws of Palestine* vol. II, cap. 97, p. 1016 (English Edition).

2) *P.G.* of 1947, Suppl. I, No. 1612, p. 277 (English Edition).

3) *P.G.* of 1941, Suppl. I, No. 1154, p. 144 (English Edition).

section ; provided that wherever this Ordinance refers to a town, a municipality or a municipal area, it shall be deemed to refer also to the area of jurisdiction of a local council, and wherever it refers to municipal regulations and byelaws it shall be deemed to refer also to the byelaws of a local council.”.

Commencement. 5. This Law shall come into force on the ninetieth day after the day of its publication in *Reshumot*.

MOSHE SHARETT
Prime Minister

PINCHAS ROSEN
Minister of Justice

YITZCHAK BEN-ZVI
President of the State

No. 2

EMERGENCY REGULATIONS (ARMY CODE, 5708) (EXTENSION OF VALIDITY) LAW, 5715—1954* .

Extension of validity. 1. The validity of the Emergency Regulations (Army Code, 5708), 5708—1948¹⁾, is hereby extended until the 16th Tevet, 5716 (31st December, 1955).

Commencement. 2. This Law shall come into force on the 6th Tevet, 5715 (31st December, 1954).

MOSHE SHARETT
Prime Minister

PINCHAS LAVON
Minister of Defence

YITZCHAK BEN-ZVI
President of the State

* Passed by the Knesset on the 2nd Tevet, 5715 (27th December, 1954) and published in *Sefer Ha-Chukkim* No. 168 of the 6th Tevet, 5715 (31st December, 1954), p. 4; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 220 of 5715, p. 31.

¹⁾ I.R. of 5708, Suppl. II, No. 20, p. 105; *Sefer Ha-Chukkim* No. 28 of 5710, p. 17 — *LSI* vol. IV, p. 65; *Sefer Ha-Chukkim* No. 58 of 5710, p. 290 — *LSI* vol. IV, p. 161; *Sefer Ha-Chukkim* No. 123 of 5713, p. 64 — *LSI* vol. VII, p. 47.

No. 3

EMERGENCY REGULATIONS (TRAFFIC OFFENCES —
MILITARY PERSONNEL) (EXTENSION OF VALIDITY) LAW,
5715—1954*

1. The validity of the Emergency Regulations (Traffic Offences — Military Personnel), 5709—1949¹⁾, is hereby extended until the 16th Tevet, 5716 (31st December, 1955). Extension of validity.
2. This Law shall come into force on the 6th Tevet, 5715 (31st December, 1954). Commencement.

MOSHE SHARETT
Prime Minister

PINCHAS LAVON
Minister of Defence

YITZCHAK BEN-ZVI
President of the State

No. 4

EMERGENCY REGULATIONS (PROVISIONS AS TO THE
REGISTRATION AND MOBILISATION OF EQUIPMENT)
(EXTENSION OF VALIDITY) LAW, 5715—1954**

1. The validity of the Emergency Regulations (Provisions as to the Registration and Mobilisation of Equipment), 5711—1951²⁾, is hereby extended until the 16th Tevet, 5716 (31st December, 1955). Extension of validity.
2. This Law shall come into force on the 6th Tevet, 5715 (31st December, 1954). Commencement.

MOSHE SHARETT
Prime Minister

PINCHAS LAVON
Minister of Defence

YITZCHAK BEN-ZVI
President of the State

- * Passed by the Knesset on the 2nd Tevet, 5715 (27th December, 1954) and published in *Sefer Ha-Chukkim* of the 6th Tevet, 5715 (31st December, 1954), p. 4; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 220 of 5715, p. 32.
- 1) *Sefer Ha-Chukkim* No. 30 of 5710, p. 36 — LSI vol. IV, p. 26; *Sefer Ha-Chukkim* No. 141 of 5714, p. 53 — LSI vol. VIII, p. 51.
- ** Passed by the Knesset on the 2nd Tevet, 5715 (27th December, 1954) and published in *Sefer Ha-Chukkim* No. 168 of the 6th Tevet, 5715 (31st December, 1954), p. 5; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 220 of 5715, p. 30.
- 2) *Kovetz Ha-Takkanot* No. 184 of 5711, p. 1200; *Sefer Ha-Chukkim* No. 65 of 5712 p. 4 — LSI vol. VI, p. 3; *Sefer Ha-Chukkim* No. 114 of 5713, p. 22 — LSI vol. VII, p. 20.

No. 5

SALE OF INTOXICATING LIQUORS ORDINANCE
(AMENDMENT) LAW, 5715—1954*

Amendment of
section 12 of
the Ordinance.

1. Subsection (2) of section 12 of the Sale of Intoxicating Liquors Ordinance, 1935²⁾ (hereinafter: "the Ordinance") shall be replaced by the following subsection:

"(2) The municipal council, the local council or the district commissioner, as the case may be, shall exhibit the said notice for inspection at its or his offices for not less than twenty-eight days before the licensing board considers the application; a copy of the notice shall be exhibited as aforesaid in a conspicuous position on the premises for which the licence is requested."

Transitional
provision.

2. This Law shall apply to every application for the grant of a licence under section 12 of the Ordinance submitted on or after the day of the coming into force of this Law.

MOSHE SHARETT
Prime Minister

YISRAEL ROKACH
Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

No. 6

EMERGENCY REGULATIONS (SECURITY ZONES)
(EXTENSION OF VALIDITY) LAW, 5715—1954**

Extension of
validity.

1. The validity of the Emergency Regulations (Security Zones), 5709—1949¹⁾, is hereby extended until the 16th Tevet, 5716 (31st December, 1955).

Right of
repeal.

2. The Minister of Defence may at any time repeal the said Regulations by order published in *Reshumot*.

* Passed by the Knesset on the 2nd Tevet, 5715 (27th December, 1954) and published in *Sefer Ha-Chukkim* No. 168 of the 6th Tevet, 5715 (31st December, 1954), p. 5; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 211 of 5714, p. 266.

¹⁾ P.G. of 1935, Suppl. I, No. 496, p. 97 (English Edition).

** Passed by the Knesset on the 3rd Tevet, 5715 (28th December, 1954) and published in *Sefer Ha-Chukkim* No. 168 of the 6th Tevet, 5715 (31st December, 1954), p. 6; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 220 of 5715, p. 30.

²⁾ *Sefer Ha-Chukkim* No. 17 of 5709, p. 136 — *LSI* vol. III, p. 153; *Sefer Ha-Chukkim* No. 57 of 5710, p. 280 — *LSI* vol. IV, p. 56.

6

3. This Law shall come into force on the 6th Tevet, 5715 (31st December, 1954). Commencement.

MOSHE SHARETT
Prime Minister

PINCHAS LAVON
Minister of Defence

YITZCHAK BEN-ZVI
President of the State

No. 7

SUBTENANT OF BUSINESS PREMISES (PROTECTION) LAW,
5715—1954**

1. Where business premises have been sublet and the principal tenant has ceased to occupy the business premises or has died, and his place has not been taken by another person as statutory tenant, the subtenant shall, in respect of the part occupied by him, become a tenant of the landlord, provided —

Subtenant becoming tenant of landlord.

(1) that at the time when the principal tenant ceased to occupy the business premises or immediately before his death the subletting did not give the landlord a ground for eviction of the principal tenant ;

(2) that the subletting did not take place after the landlord had instituted legal proceedings for the eviction of the principal tenant from the business premises.

2. Where a person has become a tenant by virtue of section 1, the landlord may re-let the whole of the business premises, including the part occupied by that person, and that person shall thereupon become a subtenant of the new tenant.

Tenant becoming again subtenant.

3. The terms of lease of the said person — both while a tenant under section 1 and while a subtenant under section 2 — shall be the same as the lease terms last in force between him and the principal tenant who has ceased to occupy the business premises or has died.

Terms of lease.

4. (a) Where a judgment or order for the vacation of any business premises (hereinafter: "eviction order") has been given or made, and the vacation has not been completed before the coming into force of this Law, the court which made the eviction order may, on the application of the person required to vacate, cancel or vary the order so as to give

Transitional provisions.

* Passed by the Knesset on the 4th Tevet, 5715 (20th December, 1954) and published in *Sefer Ha-Chukkim* No. 169 of the 13th Tevet, 5715 (7th January, 1955), p. 8.

effect to this Law, if it appears to the court that the eviction order would not have been made had this Law been in force at the time the order was made.

(b) Where an application under subsection (a) has been submitted, the eviction order shall not be enforced before the determination of the application; the court shall not hear an application as aforesaid submitted after the vacation of the business premises.

(c) An execution officer who has made an order for the vacation of any business premises otherwise than under a judgment of a competent court shall have all the powers, *mutatis mutandis*, which a court has under subsection (a).

- Interpretation. 5. In this Law, every term shall have the meaning assigned to it in the Tenant's Protection Law, 5714—1954¹⁾.
- Saving of rights. 6. This Law shall add to, and not derogate from, the rights vested in a subtenant under any other enactment.
- Commencement. 7. This Law shall come into force on the day on which it is passed by the Knesset.

MOSHE SHARETT
Prime Minister

PINCHAS ROSEN
Minister of Justice

YITZCHAK BEN-ZVI
President of the State

No. 8

WILD ANIMALS PROTECTION LAW, 5715—1955*

- Definitions. 1. In this Law —
- “wild animal” means a mammal or bird which does not by its nature live in association with man;
- “game” means a wild animal which the Minister of Agriculture, by regulations, has defined as game;
- “pest” means a wild animal which the Minister of Agriculture, by regulations, has defined as a pest;
- “protected wild animal” means a wild animal which has not been defined as game or a pest;

¹⁾ *Sefer Ha-Chukkim* No. 151 of 5714, p. 92 — *LSI* vol. VIII, p. 75.

* Passed by the Knesset on the 16th Tevet, 5715 (10th January, 1955) and published in *Sefer Ha-Chukkim* No. 170 of the 26th Tevet, 5715 (20th January, 1955) p. 10; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 200 of 5714, p. 138.

"hunting" includes the doing of any act with intent to attack the life, well-being or freedom of a wild animal or to disturb its tranquillity or to endanger the natural development of its eggs.

2. A person shall not hunt a protected wild animal. Prohibition of hunting.
3. A person shall not hunt game save under a hunting licence. Hunting licence.
4. (a) A person shall not hunt within five hundred metres of a camp or a public garden or of a house situated in an inhabited area, or within one hundred metres of any other house or a cemetery. Prohibited places.
- (b) A person shall not hunt by shooting likely to damage the wires of any electricity, telephone or telegraph network.
5. A person shall not hunt by the following methods and means : Prohibited methods.
- (1) dazzling ;
 - (2) poisoning ;
 - (3) drugging ;
 - (4) pursuit in a motor vehicle ;
 - (5) the use of explosives ;
 - (6) the use of traps, nets or glue ;
 - (7) other methods and means prohibited by the Minister of Agriculture by regulations.
6. (a) Notwithstanding anything in this Law, the Minister of Agriculture may, by general or special permit, permit the hunting of game and of protected animals for scientific purposes, for the prevention of damage to agriculture or for the prevention of infectious diseases in man or animals. Hunting permit.
- (b) Where a person, in using a permit under this section, enters a place which he is not authorised to enter, his entry shall not be regarded as trespass so long as he does not go beyond what is necessary to achieve the purpose stated in the permit.
7. A local authority may, with the approval of the Minister of Agriculture, prohibit or restrict, by bye-law, hunting in a place within its area of jurisdiction. Powers of local authorities.
8. (a) A person shall not trade in wild animals or parts thereof save under a wild animal trading licence. Trading in wild animals.
- (b) A person not holding a wild animal trading licence shall not sell a wild animal save to the holder of such a licence.
9. A licence or permit under this Law shall be granted by the Minister of Agriculture in accordance with rules prescribed by regulations, and Licences and permits.

he may grant it subject to restrictions or conditions, and may cancel or vary it at any time.

Appointment of inspectors.

10. The Minister of Agriculture may appoint inspectors for the purpose of this Law.

Powers of inspector.

11. The powers vested in a police officer by sections 3 and 18 of the Criminal Procedure (Arrest and Searches) Ordinance¹⁾ shall be vested also in an inspector in respect of offences against this Law and regulations made thereunder, and the provisions of the said Ordinance shall apply to an arrest or search carried out by him as if it were carried out by a police officer.

Forfeiture of thing in connection with which an offence was committed.

12. (a) Any hunting implement or other means of hunting, except a motor vehicle, which was used in the commission of an offence against this Law or a regulation made thereunder, and a wild animal which was hunted by way of such an offence may be ordered by the Court dealing with the offence to be forfeited to the Treasury ; but the Court shall not order the forfeiture of any hunting implement or other means of hunting as aforesaid if it is satisfied that the owner thereof was not guilty of that offence ; this provision shall not derogate from the power of the Court to direct otherwise in accordance with any other Law.

(b) Where at the expiration of six months from the day when a thing as referred in subsection (a) was seized no prosecution has been instituted in respect of the offence, and no person's ownership of the thing seized has been proved, the Minister of Agriculture may order its forfeiture to the Treasury, and such a forfeiture shall be final.

Presumption of hunting offence.

13. Where any game or protected wild animal is found in the possession of a person to whom no licence or permit to hunt it has been granted, it shall, so long as such person has not proved the contrary, be deemed to have been hunted by him without a licence or permit.

Penalties.

14. (a) A person who contravenes the provisions of sections 2, 3 and 4 or a regulation made under paragraph (3) of section 16 is liable to imprisonment for a term of six months or to a fine of five hundred pounds or to both such penalties.

(b) A person who commits any other offence against this Law or a regulation made thereunder or against any of the conditions of a licence or permit granted under this Law is liable to imprisonment for three months or to a fine of two hundred and fifty pounds or to both such penalties.

(c) A person who stalks a wild animal which he is prohibited from hunting or who knowingly does any act likely to lead to the hunting of a wild animal in contravention of the Law or of regulations made thereunder is liable to imprisonment for a term of one month or to a fine of one hundred pounds or to both such penalties.

¹⁾ *Laws of Palestine*, vol. I, cap. 33, p. 459 (English Edition).

15. The Minister of Agriculture may delegate his powers under this Law, except those under sections 1 and 16.

Delegation
of powers.

16. The Minister of Agriculture is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation, including regulations as to —

Implementation
and
regulations.

(1) the submission of reports by holders of licences or permits concerning wild animals in their possession ;

(2) the protection and preservation of wild animals, the encouragement or prevention of their propagation, and their rescue from fires or other disasters of nature ;

(3) the prohibition or restriction of the hunting of wild animals or of any kind thereof during a particular period or within a particular area ;

(4) the procedure for the hunting or destruction of pests ;

(5) the keeping of wild animals in zoological gardens, farms for the raising of wild animals, or other places ;

(6) sanitary conditions for the burial, destruction or disposal in any other manner of the bodies of wild animals which have been hunted ;

(7) the taxidermy of wild animals ;

(8) compulsory insurance against hunting damage ;

(9) fees for licences and permits under this Law and the exemption from payment of the whole or part thereof.

17. The Game Preservation Ordinance¹⁾ is hereby repealed.

Repeal.

MOSHE SHARETT
Prime Minister

PERETZ NAPHTALI
Minister of Agriculture

YITZCHAK BEN-ZVI
President of the State

¹⁾ *Laws of Palestine* vol. I, cap. 64, p. 727 (English Edition).

ARCHIVES LAW, 5715—1955*

Definitions.

1. In this Law —

“archival material” means any writing on paper or on other material and any sketch, diagram, map, drawing, label, file, photograph, film, gramophone record and the like —

(1) which are in the possession of any of the institutions of the State, or a local authority, except material which has no source value ;

(2) which are situated anywhere and which are relevant to the study of the past, the people, the State or society or associated with the memory or activities of persons of note ;

“the State Archives” means the archives of the State of Israel ;

“public archives” means archives owned or managed by a body not having as its object the achievement of profits, which are operated in accordance with rules prescribed by regulations and which have been approved by the Government, by notice published in *Reshumot*, as public archives ;

“the State Archivist” means the Director of the State Archives and includes any person whom the State Archivist may empower to act in his name or in his place.

Appointment of State Archivist.

2. (a) The State Archivist shall be appointed by the Government after consultation with the Higher Archives Council.

(b) So long as a State Archivist has not been appointed, the Minister of Education and Culture shall be the chairman of the Council.

Higher Archives Council.

3. There shall be established a Higher Archives Council (hereinafter: “the Council”), consisting of :

(1) the State Archivist, who shall be the chairman of the Council ;

(2) a representative of the Ministry of Education and Culture and representatives of such Government Ministries as may be designated by the Government ;

(3) representatives of the National Library, the Zionist Central Archives, the Jewish Historical General Archives, the Archaeological Advisory Board, the Archives of the Defence Army of Israel and such archives as may be designated by the Government ;

(4) representatives of institutions in respect of which the Council has recommended to the Government that representatives thereof be included ;

* Passed by the Knesset on the 23rd Tevet, 5715 (17th January, 1955) and published in *Sefer Ha-Chukkim* No. 171 of the 4th Shevat, 5715 (27th January, 1955), p. 14; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 129 of 5712, p. 314.

(5) experts whom the Government shall appoint after consultation with the Council, provided that their number shall not exceed one third of the number of the members of the Council at the time of the appointment.

4. (a) All archival material of state institutions which preceded the establishment of the State of Israel, and all archival material of any of the institutions of the State, or a local authority, which has ceased to exist and the place of which is not taken by another institution, and such archival material of any of the institutions of the State, or a local authority, as is no longer required for use, shall be deposited in the State Archives.

Material to be deposited in the State Archives.

(b) The State Archivist may accept any archival material for deposit in the Archives.

(c) All archival material which has been placed at the disposal of the State Archives, even if it has not been transferred to it, shall be regarded as deposited in the State Archives.

5. The deposit of archival material in the State Archives is permanent but the State Archivist may, on conditions to be prescribed by regulations, accept archival material for non-permanent custody.

Period of deposit in State Archives.

6. The State Archivist shall supervise the modes of operation of the archives in the institutions of the State; and in the local authorities, and the preservation and destruction of archival material therein.

Powers of supervision.

7. The State Archivist may examine, photograph and copy any archival material in the institutions of the State and in the local authorities; provided that he shall not examine, photograph or copy any secret material in institutions of the State otherwise than with the permission of the responsible official in charge of such material.

Power to examine.

8. (a) The State Archivist shall keep a register of archival material which is in the hands of private owners (hereinafter: "the register").

Register of private archival material.

(b) There shall be entered in the register archival material of value, as the State Archivist may determine, which is owned or possessed by private individuals and institutions and is not deposited in public archives.

(c) The registration shall be made on the basis of a declaration by the owner or possessor of the archival material or on the basis of information which has reached the State Archivist concerning the existence of the material.

9. (a) The State Archivist may require of any person information concerning archival material owned or possessed by him.

Powers of State Archivist in respect of material in private hands.

(b) The State Archivist may not inspect, photograph or copy ar-

chival material as aforesaid, or make the photograph or copy available for inspection by the public, otherwise than with the permission of the owner or the owner of the copyright and in accordance with conditions agreed upon by the State Archivist and the owner of the archival material.

Inspection by
the public.

10. (a) Every person may inspect the archival material deposited in the State Archives ; provided that this right may be limited by regulations.

(b) Where archival material has been deposited the right of inspection of which is limited by law or agreement, the limitation shall apply to it also in the State Archives.

(c) The State Archivist may, with the consent of the Council, designate archival material as secret and limit the right of inspection thereof.

Copies.

11. The State Archivist may, on such conditions and for such fees as may be prescribed by regulations, furnish any person requiring it with copies, either in writing or in another form, of any archival material deposited in the State Archives to which no limitations of inspection apply.

Destruction of
material in
institutions of
the State etc.

12. (a) Archival material shall not be destroyed in any of the institutions of the State or in a local authority otherwise than in accordance with regulations.

(b) The State Archivist may order any archival material as aforesaid to be photographed and copied before its destruction, and the photograph and copy to be deposited in the State Archives.

(c) This section shall not apply to material the destruction of which is urgent for reasons of State security.

Destruction of
material in
State Archives.

13. (a) Archival material which in the opinion of the State Archivist it is no longer necessary to preserve may be destroyed by him upon the lapse of thirty days from the day on which notice of the intended destruction of the material was given to the members of the Council and thirty days after notice thereof was published in *Reshumot* ; if before the expiration of the later of these two periods opposition is expressed to the destruction of the material, the Council shall decide.

(b) Notwithstanding the provisions of subsection (a), the State Archivist shall not destroy private archival material deposited in the State Archives unless it has previously proposed to the owner of the material that he take it back and the owner of the material has not taken it back within the period fixed in the proposal.

(c) Where it has been decided to destroy archival material the right of inspection of which is not limited, and a scientific or public institution or a school has requested that the material be turned over

to it, such institution or school shall be entitled to receive the material.

14. (a) A person shall not destroy, otherwise than under a permit from the State Archivist, archival material in his private possession, except material which has been offered for deposit in the State Archives and which the State Archivist has refused to accept.

Destruction of archival material in private hands.

(b) Where the State Archivist has refused to grant a permit, the person who has the material in his possession may appeal within thirty days to the Council, whose decision shall be final.

15. (a) Whosoever knowingly destroys archival material otherwise than in accordance with this Law is liable to a fine of five hundred pounds.

Penalties.

(b) Whosoever refuses to give to the State Archivist information concerning archival material owned or possessed by him is liable to a fine of two hundred pounds ; and his conviction shall not exempt him from compliance with the provision of law for the contravention of which he was convicted.

16. (a) Archival material shall not be exported from Israel unless —

Archival material exported from Israel.

(1) the State Archivist has been enabled to inspect, photograph and copy it ; or

(2) it has been entered in the register and the State Archivist has waived the inspection, photographing and copying thereof.

(b) Where archival material has been photographed or copied as aforesaid, the State Archivist may not make the photograph or copy available for inspection by the public otherwise than with the permission of the owner and the owner of the copyright and in accordance with conditions agreed upon by the State Archivist and the owner of the archival material.

(c) The State Archivist shall confirm to the person exporting the archival material from Israel, by certificate or in any other manner, that the State Archivist has been enabled to inspect, photograph and copy the archival material, or that the archival material has been entered in the register and that the State Archivist has waived the inspection, photographing and copying thereof.

(d) This section shall come into force on the day which the Minister of Education and Culture shall determine by notice published in *Reshumot*.

17. A criminal action under this Law shall not be brought otherwise than by or with the consent of the Attorney General.

Action to be brought only with the permission of the Attorney General.

18. (a) The Government may make regulations as to any matter relating to the implementation of this Law.

Implementation and regulations.

(b) The regulations shall prescribe the rules according to which public archives shall be operated.

(c) Regulations may be made only after consultation with the Council.

MOSHE SHARETT
Prime Minister

YITZCHAK BEN-ZVI
President of the State

No. 10

KNESSET ELECTIONS LAW, 5715—1955*

Application
of Second
Knesset
Elections Law.

1. The elections to the Third Knesset and to every succeeding Knesset shall be in accordance with the Second Knesset Elections Law, 5711—1951¹⁾ (hereinafter: "the principal Law"), with the variations set out in this Law.

General
amendments.

2. (a) Wherever in the principal Law the words "the First Knesset" occur, the words "the outgoing Knesset" shall be read therefor.

(b) Wherever in the principal Law the words "the Second Knesset" occur, the words "the Knesset" shall be read therefor.

Replacement
of section 1.

3. Section 1 of the principal Law shall be replaced by the following section:

"The right
to vote."

1. There shall have the right to vote for the Knesset every person who on the 31st December preceding election day —

(1) was eighteen years of age or over; and

(2) was an Israel national and an inhabitant of Israel.

A person who on the said day was registered as an inhabitant under the Registration of Inhabitants Ordinance, 5709—1949²⁾, is regarded, for the purpose of this Law, as an inhabitant of Israel."

* Passed by the Knesset on the 1st Shevat, 5715 (24th January, 1955) and published in *Sefer Ha-Chukkim* No. 172 of the 11th Shevat, 5715 (3rd February, 1955), p. 18; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 218 of 5715, p. 8.

¹⁾ *Sefer Ha-Chukkim* No. 74 of 5711, p. 110; *LSI* vol. V, p. 99.

²⁾ *I.R.*, of 5709, Suppl. I, No. 48, p. 164; *LSI* vol. II, p. 103.

4. Section 2 of the principal Law shall be replaced by the following section :

Replacement of section 2.

"The right to be elected.

2. There shall have the right to be elected to the Knesset every person who on the day of the submission of the candidates' list containing his name —

- (1) was twenty-one years of age or over ; and
- (2) was an Israel national."

5. The following section shall be inserted after section 2 of the principal Law :

Addition of section 2A.

"Provisions as to an inhabitant who has become naturalised by the 8th Iyar, 5715 (30th April, 1955).

2A. (a) A person who on the 6th Tevet, 5715 (31st December, 1954) was an inhabitant of Israel, and by the 8th Iyar, 5715 (30th April, 1955) has become an Israel national by naturalisation, is deemed, for the purpose of the elections to the Third Knesset, to have been an Israel national on the 6th Tevet, 5715 (31st December, 1954).

(b) Wherever a person who on the 6th Tevet, 5715 (31st December, 1954) was an inhabitant of Israel has, by the 7th Adar, 5716 (1st March, 1955) submitted an application for naturalisation in accordance with the Nationality Law, 5712—1952¹⁾, and the regulations made thereunder, the Minister of the Interior shall decide on the application not later than the 9th Nisan, 5715 (1st April, 1955) and, if his decision is favourable, shall give the applicant an opportunity to make the declaration in accordance with section 5 (c) of the said Law by the 8th Iyar, 5715 (30th April, 1955."

6. In section 4 of the principal Law, the words "in regular service" shall be replaced by the words "in a service under section 6 of the Defence Service Law, 5709—1949²⁾".

Amendment of section 4.

7. In section 6 of the principal Law, the words "in the whole territory of Israel" in subsection (a) shall be deleted and the following subsection shall be added at the end :

Amendment of section 6.

"(d) There shall be no voting except within the land area of Israel and in Israel ships."

8. The following section shall be inserted after section 6 :

Addition of section 6A.

"Election day — determination thereof.

6A. Election day shall be Tuesday in the third week preceding the week in which the term of office of the

¹⁾ *Sefer Ha-Chukkim* No. 95 of 5712, p. 146; *LSI* vol. 6, p. 50.

²⁾ *Sefer Ha-Chukkim* No. 25 of 5709, p. 271.

outgoing Knesset expires ; if that day is a festival or the eve of a festival, the elections shall be held on the Tuesday next following or, if the latter too is a festival or the eve of a festival, on the Tuesday next following the festival.”.

Replacement
of section 8.

9. Section 8 of the principal Law shall be replaced by the following sections :

“Election
districts
and polling
districts.

8. (a) For the purpose of the preparation of the elections and the voting, the Central Elections Committee shall prescribe election districts and the Minister of the Interior shall prescribe polling districts.

(b) A polling district shall not include more than one inhabited locality ; for the purpose of this provision, the whole of the area of a municipality or of a local council, other than a regional council, shall be regarded as one inhabited locality.

(c) In places in which it is impossible to delimit a polling district, the Minister of the Interior may prescribe that the inhabitants of a particular inhabited locality or the inhabitants of a part of such, arranged in the alphabetical order of their surnames, shall be considered as a polling-district.

(d) When the Minister of the Interior has prescribed the polling-districts, he shall notify this, not later than the 162nd day before election day, to the chairman of the Central Election Committee ; the notification shall describe the polling-districts in a measure sufficient for their identification.

(e) The Central Election Committee may alter the boundaries of the polling-districts ; a notice of such an alteration, signed by the chairman of the Committee, shall be delivered to the Minister of the Interior not later than the 142nd day before election day ; the notice shall describe the polling districts, as altered, in a measure sufficient for their identification.

(f) The Central Election Committee shall, not later than the 135th day before election day, publish the division of the country into election districts and polling districts.

District
for the
purpose of
the election
results.

8A. For the purpose of the election results, the whole of the area of Israel shall be regarded as one district.”.

10. Section 10 of the principal Law shall be replaced by the following section :

Replacement of section 10.

"The Central Election Committee — its composition.

10. (a) The Central Election Committee (in this section : "the Committee") shall be formed, not later than the 168th day before election day, of representatives of the party groups of the outgoing Knesset.

(b) The thirty seats on the Committee shall be distributed as follows :

(1) each party group shall have one seat in respect of every four of its members ;

(2) the seats remaining after the distribution under paragraph (1) shall be distributed among the party groups according to the size of the surpluses of the number of their members ;

(3) where the number of members of a party group is less than four, the whole of the number of its members shall be considered as a surplus within the meaning of paragraph (2) ;

(4) where two or more party groups have equal surpluses, and not enough seats remain for all of them, the Chairman of the Knesset shall decide between them by lot.

(c) Every party group which has not secured representation under subsection (b) shall have one member on the Committee.

(d) Every member of the Committee shall have a permanent deputy.

(e) Every party group shall submit to the Chairman of the Knesset, not later than the 175th day before election day, a list of its representatives on the Committee and of their deputies, indicating their surnames, first names and addresses ; the Committee is competent to act even if the number of its members is not complete.

(f) A Minister, a Deputy Minister, a State official — other than a teacher — and a soldier in a service under section 6 of the Defence Service Law, 5709—1949, or in the permanent service of the Defence Army of Israel shall not be a member or a deputy member, of the Committee."

11. In section 11 of the principal Law —

(1) the following passage shall be added in subsection (a) :

Amendment of section 11.

"The election of the chairman shall be held at the request of the chairman of the Knesset not later than the 168th day before election day";

(2) the following subsection shall be inserted after subsection (a):

"(aa) If the chairman of the Committee is unable to carry out his functions, the Judges of the Supreme Court shall elect another Judge from among themselves to be the deputy of the chairman of the Committee";

(3) in subsection (b), the words "Six members of the Committee" shall be replaced by the words "Four members of the Committee", and the words "of the six largest party groups" shall be replaced by the words "of the four largest party groups".

Addition of section 11A.

12. The following section shall be inserted after section 11 of the principal Law:

"The Central Election Committee. — first meeting.

11A. The Chairman of the Knesset shall convene the Central Election Committee for its first meeting not later than the 158th day before election day."

Replacement of section 12.

13. Section 12 of the principal Law shall be replaced by the following section:

"District Election Committees.

12. (a) The District Election Committees shall be appointed by the Central Election Committee not later than the 142nd day before election day.

(b) The number of members and party composition of every District Committee shall be the same as those of the Central Election Committee.

(c) The members of a District Election Committee shall have deputies to be appointed by the Central Election Committee at the time of the appointment of the District Committee; the number and party composition of the deputies shall be the same as those of the members of the District Committee.

(d) The candidates for a District Election Committee and their deputies shall be proposed to the Central Election Committee by the representatives of the party groups or their deputies; a District Election Committee is competent to act even if the number of its members is not complete.

(e) The Central Election Committee shall appoint for every District Election Committee, from among the members of that Committee, a chairman and two vice-chairmen."

Amendment of section 13.

14. In section 13 of the principal Law, the following shall be added at the end of subsection (a):

"The appointment by the District Committees shall be made not later than the 50th day, and the approval by the Central Committee shall be given not later than the 25th day, before election day."

15. In section 14 of the principal Law, the words "shall be published" in subsection (a) shall be replaced by the words "shall be given in the Knesset and published".

Amendment of section 14.

16. The following section shall be inserted after section 15 of the principal Law:

Addition of section 15A.

"Determination of the party groups of the Knesset.

15A. (a) The names of the party groups of the outgoing Knesset, the number of members of each party group and the names of its representatives and of their deputies shall be approved by the House Committee, for the purpose of this Law, not later than the 182nd day before election day; for the purpose of the elections to the Third Knesset, the names of the party groups and the number of their members set out in the Schedule to the Knesset Elections Law, 5715—1955, shall be deemed to have been approved by the House Committee in accordance with this subsection.

(b) Every party group may at any time, by notice in writing to the Chairman of the Knesset, replace its representatives and their deputies.

(c) Where the party composition of the outgoing Knesset has changed and the House Committee has approved the change before the formation of the Central Election Committee or before the appointment of a District Election Committee, the party composition of the Central Committee or of that District Committee, as the case may be, shall be in accordance with the party composition of the Knesset at the time of the formation or appointment of such Committee; where such a change has occurred and been approved as aforesaid after the formation or appointment of a Committee as aforesaid, the change shall not entail a change in the composition of such Committee, but a party group which has no representation on such Committee shall have one member thereon in an advisory capacity.

(d) For the purpose of the candidates' lists, any change in the party composition of the Knesset which has occurred and been approved as aforesaid until two days before the expiration of the time for the submission of those lists shall be taken into account.

(e) The Chairman of the Knesset shall notify the chairman of the Central Election Committee of

the particulars referred to in this section and of any change therein.”.

Replacement of section 16.

17. Section 16 of the principal Law shall be replaced by the following section :

“Preparation of lists of voters.

16. (a) The Minister of the Interior shall prepare lists of persons entitled to vote (hereinafter : “voters’ lists”).

(b) For every polling district a separate list shall be prepared of the voters who on the 31st December preceding election day were registered in the Registration of Inhabitants as inhabitants of that district ; but where a person has transferred his residence to another inhabited locality and has notified such fact in accordance with the Registration of Inhabitants Ordinance, 5709—1949¹⁾, the Minister of the Interior may — and he shall do so if he has been so requested by that person by the 85th day before election day — delete his name from the voters’ list in which he is included and include him in the voters’ list of the polling district in which his new residence is situate ; for the purpose of this provision, the whole of the area of a municipality or of a local council, other than a regional council, shall be regarded as one inhabited locality.

(c) A voters’ list shall set out the surnames of the voters in alphabetical order, the first name of each voter, the name of his father or his mother, the year of his birth, his address and his registration number in the Registration of Inhabitants.

(d) A voters’ list shall not include more than 800 voters ; but where the Minister of the Interior thinks fit to do so he may increase the number in a particular polling district up to 1000.”.

Replacement of section 17.

18. Section 17 of the principal Law shall be replaced by the following section :

“Exhibition of voters’ lists.

17. (a) The voters’ lists shall be exhibited, each within the inhabited locality in which the polling district of the list is situated in order that every person desiring so to do may inspect them ; the exhibition of the lists shall last for ten consecutive days, ten hours each day, having regard to religious requirements concerning the observance of the days of rest.

(b) The exhibition of the lists shall begin simultaneously throughout the country at a time to be pre-

¹⁾ I.R. of 5709. Suppl. I, No. 48, p. 164; LSI vol. II, p. 103.

scribed by the Central Election Committee, but not later than the 103rd day before election day.

(c) The places for the exhibition of the lists, and the hours thereof, shall be prescribed by the District Election Committee not later than the 124th day before election day, and notice thereof shall be published in such places and in such form as shall be prescribed by the District Election Committees.

(d) A member of a District Election Committee may, not later than the 114th day before election day, appeal to the Central Election Committee against the determination of the places or hours of exhibition.”

19. Section 18 of the principal Law shall be replaced by the following section :

Replacement of section 18.

“Errors etc. in voters’ lists.

18. (a) Not later than the 85th day before election day, any person may apply to the Ministry of the Interior for the correction of errors, omissions or incorrect particulars in the voters’ list or for the registration of the applicant in another voters’ list as provided in section 16, and the Ministry of the Interior shall notify the applicant of its decision by the 58th day before election day.

(b) A notice of the exhibition of voters’ lists shall indicate the last day for the submission of applications under this section.

(c) An application under this section shall set out —

(1) the surname, first name and address of the applicant ;

(2) the surname, first name, father’s or mother’s name, year of birth, address on the 31st December last, address at the time of submission of the application, and registration number in the Registration of Inhabitants, of every person in relation to whom the correction is requested ;

(3) the requested correction.

(d) The Minister of the Interior may make regulations as to anything relating to the implementation of the provisions of this section.”

20. In section 19 of the principal Law —

Amendment of section 19.

(1) the words “the 15th day” in subsection (a) shall be replaced by the words “the 48th day”, and the following words shall be

added at the end: "The onus of proof shall be on the appellant; every State authority shall issue free of charge any certificate or confirmation required for the purpose of such an appeal." ;

(2) in subsection (d), the words "the 7th day" shall be replaced by the words "the 20th day".

Replacement
of section 20.

21. Section 20 of the principal Law shall be replaced by the following section :

"Correction
of voters'
lists.

20. The Ministry of the Interior shall furnish the Central Election Committee, not later than the 7th day before election day, with a list of the corrections to be made in the voters' lists by virtue of decisions under section 18 or of judgments under section 19, and the Central Election Committee shall deliver the lists of corrections to the Polling Committees not later than two days before election day."

Amendment of
section 21.

22. In section 21 of the principal Law, the words "in regular service" in subsection (b) shall be replaced by the words "in a service under section 6 of the Defence Service Law, 5709—1949", and the words "35 days" in subsection (c) shall be replaced by the words "35 days".

Amendment of
section 25.

23. In section 25 of the principal Law —

(1) the words "within 3 days of the submission of the list" shall be replaced by the words "not later than the 46th day before election day";

(2) the words "within 4 days of the day of receipt of such notification" shall be replaced by the words "not later than the 39th day before election day";

(3) the closing passage, from the words "insufficiency of the number", shall be replaced by the words "where the signatories of a candidates' list include a person who was not entitled to vote, this shall be considered a defect, but insufficiency of the number of signatories invalidates the list."

Amendment of
section 26.

24. In section 26 of the principal Law, the words "within 11 days from its submission" shall be replaced by the words "not later than the 34th day before election day."

Amendment of
section 27.

25. In section 27 of the principal Law —

(1) the words "within eleven days of the submission of the list", in subsection (a), shall be replaced by the words "not later than the 34th day before election day", and the words "within 5 days from the day of receiving such notification" shall be replaced by the words "not later than the 29th day before election day";

(2) in subsection (b), the following passage shall be added: "The

judgment shall be served on the Central Election Committee not later than the 22nd day before election day.”.

26. In section 28 of the principal Law, the words “14 days” shall be replaced by the words “19 days”. Amendment of section 28.

27. In section 29 of the principal Law, the words “7 days” in subsection (b) shall be replaced by the words “14 days”, and the words “not less than 7 days before election day” shall be added in subsection (c). Amendment of section 29.

28. In section 45 of the principal Law, the words “on regular service under the Defence Service Law, 5709—1949” in subsection (a) shall be replaced by the words “in a service under section 6 of the Defence Service Law, 5709—1949, or in permanent service.”. Amendment of section 45.

29. In section 48 of the principal Law, subsection (b) shall be replaced by the following subsection: Amendment of section 48.

“(b) Soldiers in a service under section 6 of the Defence Service Law, 5709—1949, or in the permanent service of the Defence Army of Israel and persons serving on reserve service under the said Law shall not take part in election propaganda.”.

30. In section 49 of the principal Law, the words “during the half year preceding the coming into force of this Law” shall be replaced by the words “during the year preceding the year of elections”. Amendment of section 49.

31. In section 52 of the principal Law, the words “from the date of the coming into force of this Law” in subsection (c) shall be replaced by the words “from the day of their election or appointment”. Amendment of section 52.

32. In section 53 of the principal Law, the words “in regular service” in subsection (a) shall be replaced by the words “in a service under section 6 of the Defence Service Law, 5709—1949”. Amendment of section 53.

33. In section 65 of the principal Law, subsection (b) shall be deleted. Amendment of section 65.

34. In section 66 of the principal Law, the words “47 days” in subsection (a) shall be replaced by the words “103 days”. Amendment of section 66.

35. Section 67 of the principal Law is hereby repealed. Repeal of section 67.

36. The following section shall be inserted after section 69 of the principal Law: Addition of section 69A.

“Refutation notwithstanding registration.

69A. The registration of a person in a voters’ list under this Law shall not be a bar to the refutation of his allegation that he is an Israel national or that he is permitted to be in Israel.”.

- Amendment of section 70. 37. In section 70 (a) of the principal Law, the following paragraph shall be inserted after paragraph (2) :
“(2) The safeguarding of voters’ lists in their places of exhibition and the guidance of persons coming to inspect them ;”
- Repeal of section 73. 38. Section 73 of the principal Law is hereby repealed.
- Repeal of Schedule. 39. The Schedule to the principal Law is hereby repealed.
- Publication of consolidated version. 40. The Minister of Justice may publish in *Reshumot* a version of the Knesset Elections Law, 5715—1955, which shall consolidate the provisions of this Law with the provisions of the principal Law as amended.
- Commencement. 41. This Law shall come into force on the day of its adoption by the Knesset.

SCHEDULE
(section 16)

<i>Names of the Party Groups of the Second Knesset</i>	<i>Number of Members of Each Party Group</i>
Eretz-Israel Labour Party	47
Organisation of General Zionists — Centre Party	23
Hapoel Hamizrachi	8
Freedom Movement	8
United Workers’ Party	7
Israel Communist Party	7
Progressives	4
Achdut Ha’avoda — Poale Zion	4
Arab Democrats of Eretz-Israel	3
Agudat Israel	3
Agudat Israel Workers	2
Mizrachi	2
Agriculture and Development	1
Progress and Work	1

MOSHE SHARETT
Prime Minister

ISRAEL ROKACH
Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

AUDITORS LAW, 5715—1955*

1. In this Law —

Definitions.

“auditing” means the examination, criticism or approval of any balance-sheet, profit-and-loss account, income-and-expenditure account, receipts-and-payments account and any similar account, and the carrying out of any other function which is or will be reserved to an auditor by any enactment, but does not include the keeping of accounts ;

“auditor” means a person who practises auditing as a service to the public, against a remuneration.

2. (a) There is hereby established an Auditors' Council (hereinafter : “the council”), the members of which shall be —

Audit Council.

(1) the Attorney General, or a person from time to time appointed by him for that purpose, as chairman ;

(2) the Registrar General or, in his absence, the Registrar of Companies ;

(3) a representative of the Minister of Finance ;

(4) a representative of the State Comptroller ;

(5) the Registrar of Cooperative Societies ;

(6) four auditors appointed by the Minister of Justice.

(b) The auditors on the Council shall be appointed for three years.

3. (a) A majority of the members of the Council, including the chairman, shall be a quorum at its meetings.

Procedure at deliberations of Council.

(b) The Council shall itself prescribe the procedure for its deliberations, in so far as it has not been prescribed by this Law and by regulations.

4. (a) The Council shall grant an auditor's licence to a person who —

Auditor's licence.

(1) is 23 years of age or over ; and

(2) has passed the examinations held on behalf of the Council or, if the Council has exempted him from part of the examinations, those from which he has not been exempted, or has proved to Council his training in auditing ; and

(3) has had practical training in auditing for at least two years, either in Israel or abroad.

* Passed by the Knesset on the 8th Shevat, 5715 (31st January, 1955) and published in *Sefer Ha-Chukkim* No. 173 of the 18th Shevat, 5715 (10th February 1955), p. 26; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 149 of 5713, p. 98.

(b) Where the Council finds that the applicant is unfit to act as an auditor, in regard to his character, it may refuse to grant him a licence even if he fulfils all the said requirements.

(c) The fees payable for the licence, and the syllabi, procedure and other particulars of the examinations, and the fees payable for them, shall be prescribed by regulations.

Annual fee.

5. (a) The holder of a licence who wishes to act as an auditor in a particular year of the Hebrew calendar shall, in the month of Tishri of that year, pay an annual fee to be prescribed by regulations ; if he does not pay the said fee in the month of Tishri, he may not act as an auditor in that year so long as he has not paid double the said fee.

(b) The holder of a licence may act as an auditor without payment of the annual fee until the end of the year in which the licence was granted to him.

Unauthorised practising.

6. (a) A person shall not practise auditing unless he is in possession of a valid licence under this Law.

(b) A person shall not hold himself out to be a practising auditor, or use any title or designation likely to create the impression that he is a practising auditor, and shall not sign as an auditor, unless he is in possession of a valid licence under this Law.

(c) A person shall not act as an auditor, or do any act of auditing, if the service or act in question is reserved by enactment to an auditor, unless he is in possession of a valid licence under this Law.

(d) This section shall not derogate from the provisions of any other enactment.

Offences.

7. A person who contravenes any of the provisions of section 6 is liable to imprisonment for a term of six months or to a fine of one thousand pounds or to both such penalties.

State employees.

8. This Law shall not prevent a State employee from practising auditing by virtue of his function even if he is not in possession of a licence under this Law, and shall not prevent an auditor who is in possession of a licence under this Law from carrying out any function assigned to him as a State employee.

No remuneration for unauthorised practising.

9. A person who is not in possession of a valid licence under this Law shall not claim a remuneration for auditing.

Prohibited occupations.

10. An auditor who engages in commerce or commercial broking is guilty of conduct derogatory to the profession.

Conduct derogatory to the profession.

11. The Minister of Justice may determine by regulations, after consultation with the Council, other things which shall be conduct derogatory

to the profession ; and an auditor who does any thing in contravention of such regulations shall be guilty of conduct derogatory to the profession.

12. (a) The Council shall, itself or through whomsoever it may appoint for the purpose from among its members, investigate every case brought to its notice in which an auditor is accused of conduct derogatory to the profession, whether or not defined as such by this Law or by regulations, or has been convicted of an offence involving ignominy ; provided that the accused auditor shall be given an opportunity to answer the accusation and to defend himself.

Inquiry into
conduct of
auditors.

(b) After an investigation as aforesaid, the Council may, if it thinks fit so to do in the interests of protecting the public or the good name of the profession, decide on one of the following :

- (1) a warning to the auditor ;
- (2) a reprimand to the auditor ;
- (3) suspension of the licence for a period to be determined by it ;
- (4) cancellation of the licence.

13. The Council may publish, in such form and manner as it may think fit, any decision given by it under section 12 ; provided that where the Council has decided on a warning to the auditor or not to impose any sanctions on him the name of the auditor shall not be published.

Publication.

14. (a) Where the Council has refused to grant a licence, the applicant for the licence is entitled to appeal against its decision.

Appeal.

(b) Where the Council has decided that an auditor is guilty of conduct derogatory to the profession, whether or not it has imposed on him one of the sanctions mentioned in section 12, the auditor is entitled to appeal against the decision.

(c) The State Attorney is entitled to appeal against a decision given by the Council following an investigation under section 12.

(d) An appeal under this section shall be to the Supreme Court and shall be submitted within thirty days from the day on which the decision is given.

(e) A decision of the Council shall not be carried into effect or published in the time during which an appeal may be submitted ; where an appeal has been submitted, the decision shall not be carried into effect or published so long as the appeal is pending.

15. Subsections (4), (4A) and (7) of section 105 of the Companies Ordinance¹⁾ are hereby repealed.

Repeal.

¹⁾ *Laws of Palestine* vol. I, cap. 22, p. 161 (English Edition); *P.G. of 1930*, Suppl. I, No. 902, p. 41 (English Edition).

Transitional provision.

16. A certificate granted under section 105 (4) of the Companies Ordinance and which was in force immediately before the coming into force of this Law shall remain in force as if it had been granted under this Law.

Implementation and regulations.

17. The Minister of Justice is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

MOSHE SHARETT
Prime Minister

PINCHAS ROSEN
Minister of Justice

YITZCHAK BEN-ZVI
President of the State

No. 12

KNESSET ELECTIONS LAW, 5715—1955
(CONSOLIDATED VERSION) *

PART ONE: BASIC PROVISIONS

The right to vote.

1. There shall have the right to vote for the Knesset every person who on the 31st December preceding election day —

- (1) was eighteen years of age or over ; and
- (2) was an Israel national and an inhabitant of Israel.

A person who on the said day was registered as an inhabitant under the Registration of Inhabitants Ordinance, 5709—1949¹⁾, is regarded, for the purpose of this Law, as an inhabitant of Israel.

The right to be elected.

2. There shall have the right to be elected to the Knesset every person who on the day of the submission of the candidates' list containing his name —

- (1) was twenty-one years of age or over ; and
- (2) was an Israel national.

State Judges.

3. A State Judge shall not be a candidate for election to the Knesset.

State officials and soldiers.

4. Where the name of a State official, other than a teacher, or of a soldier in a service under section 6 of the Defence Service Law, 5709—

* Published by the Minister of Justice under section 40 of the Knesset Elections Law, 5715—1955, *Sefer Ha-Chukkim* No. 172 of 5715, p. 18 (*supra*, p. 16); this version was published in *Sefer Ha-Chukkim* No. 174 of the 25th Shevat, 5715 (17th February, 1955), p. 30.

¹⁾ I.R. of 5709, Suppl. I, No. 48, p. 164; LSI vol. II, p. 103.

1949¹⁾, or in the permanent service of the Defence Army of Israel has been included in a candidates' list, his service shall be suspended from the day of submission of such candidates' list until election day and, if he is elected, throughout the time that he is a member of the Knesset.

5. The Knesset shall consist of 120 members.

Number of
Knesset
members.

6. (a) The elections to the Knesset shall be universal, direct, equal, secret and proportional, and shall be held on one and the same day.

Election
system.

(b) The voting shall be for candidates' lists published in accordance with section 32.

(c) A voter may vote only at the polling-station whose voters' list contains his name, and only upon identifying himself in accordance with section 37.

(d) There shall be no voting except within the land area of Israel and in Israel ships.

7. Election day shall be Tuesday in the third week preceding the week in which the term of office of the outgoing Knesset expires ; if that day is a festival or the eve of a festival, the elections shall be held on the Tuesday next following or, if the latter too is a festival or the eve of a festival, on the Tuesday next following the festival.

Election day —
determination
thereof.

8. (a) Election day shall be a public holiday, but transport and other public services shall function normally ; on that day and from 7 o'clock in the evening of the previous day, no election propaganda shall be conducted by means of meetings, processions, loudspeakers or wireless broadcasts.

Election day —
a public
holiday.

(b) (1) Where an employce has worked with an employer for a daily wage for at least fourteen consecutive days immediately prior to election day, the employer shall pay him the wage which he would have earned with him on the public holiday if he had not then observed a rest.

(2) The Minister of Labour, or a person appointed by him in that behalf, may, on the application of the employer submitted to him in writing within thirty days from election day, reduce the amount of wage payable under paragraph (1) if in his opinion the material position of the employer justifies this ; his decision shall be final and shall not be the subject of proceedings before any court whatsoever.

9. (a) For the purpose of the preparation of the elections and the voting, the Central Election Committee shall prescribe election districts and the Minister of the Interior shall prescribe polling districts.

Election
districts
and polling
districts.

¹⁾ *Sefer Ha-Chukkim* No. 25 of 5709, p. 271; *LSI* vol. III, p. 112.

(b) A polling district shall not include more than one inhabited locality ; for the purpose of this provision, the whole of the area of a municipality or of a local council, other than a regional council, shall be regarded as one inhabited locality.

(c) In places in which it is impossible to delimit a polling district, the Minister of the Interior may prescribe that the inhabitants of a particular inhabited locality or the inhabitants of a part of such, listed in the alphabetical order of their surnames, shall be considered as a polling district.

(d) When the Minister of the Interior has prescribed the polling districts, he shall notify this, not later than the 162nd day before election day, to the chairman of the Central Election Committee ; the notification shall describe the polling districts in a measure sufficient for their identification.

(e) The Central Election Committee may alter the boundaries of the polling districts ; a notice of such an alteration, signed by the chairman of the Committee, shall be delivered to the Minister of the Interior not later than the 142nd day before election day ; the notice shall describe the polling districts, as altered, in a measure sufficient for their identification.

(f) The Central Election Committee shall, not later than the 135th day before election day, publish the division of the country into election districts and polling districts.

District for the purpose of the election results.

10. For the purpose of the election results, the whole of the area of Israel shall be regarded as one district.

PART TWO : ELECTION COMMITTEES

Categories of Committees.

11. (a) A Central Election Committee (hereinafter : "the Central Committee") shall be set up for the purpose of conducting the elections.

(b) A District Election Committee (hereinafter : "District Committee") shall be set up in each election district, and a Polling Committee in each polling district ; these Committees shall act in accordance with the directions of the Central Committee.

The Central Election Committee — its composition.

12. (a) The Central Committee shall be formed, not later than the 168th day before election day, of representatives of the party groups of the outgoing Knesset.

(b) The thirty seats on the Central Committee shall be distributed as follows :

(1) each party group shall have one seat in respect of every four of its members ;

(2) the seats remaining after the distribution under paragraph (1) shall be distributed among the party groups according to the size of the surpluses of the number of their members ;

(3) where the number of members of a party group is less than four, the whole of the number of its members shall be considered as a surplus within the meaning of paragraph (2) ;

(4) where two or more party groups have equal surpluses, and not enough seats remain for all of them, the Chairman of the Knesset shall decide between them by lot.

(c) Every party group which has not secured representation under subsection (b) shall have one member on the Central Committee.

(d) Every member of the Central Committee shall have a permanent deputy.

(e) Every party group shall submit to the Chairman of the Knesset, not later than the 175th day before election day, a list of its representatives on the Central Committee and of their deputies, indicating their surnames, first names and addresses ; the Committee is competent to act even if the number of its members is not complete.

(f) A Minister, a Deputy Minister, a State official — other than a teacher — and a soldier in a service under section 6 of the Defence Service Law, 5709—1949, or in the permanent service of the Defence Army of Israel shall not be a member or deputy member of the Committee.

13. (a) The chairman of the Central Committee shall be one of the Judges of the Supreme Court elected by such Judges, and he shall be additional to the members of the Committee under section 12 ; his election shall be held at the request of the Chairman of the Knesset and not later than the 168th day before election day.

Chairman and vice-chairman of Central Election Committee.

(b) If the chairman of the Central Committee is unable to carry out his functions, the Judges of the Supreme Court shall elect another Judge from among themselves to be the deputy of the chairman of the Committee.

(c) Four members of the Committee, one for each of the four largest party groups in the outgoing Knesset, shall be elected by the Committee to be vice-chairmen thereof.

14. The Chairman of the Knesset shall convene the Central Committee for its first meeting not later than the 158th day before election day.

The Central Election Committee — first meeting.

15. (a) The District Committees shall be appointed by the Central Committee not later than the 142nd day before election day.

District Election Committees.

(b) The number of members and party composition of every District Committee shall be the same as those of the Central Committee.

(c) The members of a District Committee shall have deputies to be appointed by the Central Committee at the time of the appointment of the District Committee ; the number and party composition of the

deputies shall be the same as those of the members of the District Committee.

(d) The candidates for a District Committee and their deputies shall be proposed to the Central Committee by the representatives of the party groups or their deputies ; a District Committee is competent to act even if the number of its members is not complete.

(e) The Central Committee shall appoint for every District Committee, from among the members of that Committee, a chairman and two vice-chairmen.

Polling
Committees.

16. (a) The Polling Committees shall be appointed by the District Committees with the approval of the Central Committee. The appointment by the District Committees shall be made not later than the 50th day, and the approval by the Central Committee shall be given not later than the 25th day, before election day.

(b) The number of members and party composition of each Polling Committee shall be prescribed by the District Committee with the approval of the Central Committee ; the members shall be chosen from among all the party groups represented in the Central Committee, provided that not less than three of the party groups of the outgoing Knesset shall be represented in each Polling Committee.

(c) Where the number of members and party composition of a Polling Committee have been fixed as provided in subsection (b), and a particular party has not notified the District Committee of the names of its representatives on the Polling Committee within a period prescribed by the District Committee, the Polling Committee shall be formed without representatives of that party.

(d) Each member of a Polling Committee shall have a permanent deputy appointed by the District Committee.

(e) A District Committee shall appoint for each Polling Committee, from among the members of that Committee, a chairman and a vice-chairman.

Notice of
composition
of Election
Committees.

17. (a) Notice of the composition of the Central Committee shall be given in the Knesset and published in *Reshumot* within 10 days of the day on which the Central Committee is formed.

(b) Notice of the composition of the District Committees shall be published in their respective districts by the Central Committee in such place and in such manner as it shall prescribe.

(c) Notice of the composition of the Polling Committees shall be published by the District Committee in such place and in such manner as it shall prescribe in accordance with the directions of the Central Committee.

Quorum,
majority etc.
in Election
Committees.

18. (a) The quorum at a meeting of the Central Committee and of a District Committee shall be one third of the members of the Committee

including the chairman or a vice-chairman, provided that all the members of the Committee have been invited to the meeting not less than 24 hours in advance. The quorum at a meeting of a Polling Committee shall be one half of the members of the Committee including the chairman or vice-chairman, provided that all the members of the Committee have been duly invited to the meeting. If a quorum as herein provided is not present one hour after the time fixed for the commencement of the meeting, the meeting shall be legal with any number of members present, provided that the chairman or a vice-chairman of the Committee is present.

(b) Resolutions of the Central Committee, a District Committee and a Polling Committee shall be passed by a majority of the votes of the members participating in the voting. Where the votes are evenly divided, the chairman of the meeting shall have a casting vote.

(c) In the absence of a member of a Committee, his deputy may participate in the meetings of the Committee as a member.

(d) At meetings of the Central Committee, of any District Committee and of any Polling Committee, there may be present, as observer only, one representative of each list of candidates published in accordance with the provisions of section 32 and not represented on that Committee.

19. (a) The names of the party groups of the outgoing Knesset, the number of members of each party group and the names of its representatives and of their deputies shall be approved for the purpose of this Law, by the House Committee, not later than the 182nd day before election day.

Determination
of the party
groups of the
Knesset.

(b) Every party group may at any time, by notice in writing to the Chairman of the Knesset, replace its representatives and their deputies.

(c) Where the party composition of the outgoing Knesset has changed, and the House Committee has approved the change before the formation of the Central Committee or before the appointment of a District Committee, the party composition of the Central Committee or of that District Committee, as the case may be, shall be in accordance with the party composition of the Knesset at the time of the formation or appointment of such Committee; where such a change has occurred and been approved as aforesaid after the formation or appointment of a Committee as aforesaid, the change shall not entail a change in the composition of such Committee, but a party group which has no representation on such Committee shall have one member thereon in an advisory capacity.

(d) For the purpose of the candidates' lists, any change in the party composition of the Knesset which has occurred and been approved as aforesaid until two days before the expiration of the time for the submission of those lists shall be taken into account.

(e) The Chairman of the Knesset shall notify the chairman of the

Central Committee of the particulars referred to in this section and of any change therein.

PART THREE: VOTERS' LISTS

Preparation
of voters'
lists.

20. (a) The Minister of the Interior shall prepare lists of the persons entitled to vote (hereinafter: "voters' lists").

(b) For every polling district, a separate list shall be prepared of the voters who on the 31st December preceding election day were registered in the Registration of Inhabitants as inhabitants of that district; but when a person has transferred his residence to another inhabited locality and has notified such fact in accordance with the Registration of Inhabitants Ordinance, 5709—1949, the Minister of the Interior may — and he shall do so if he has been so requested by that person by the 85th day before election day — delete his name from the voters' list in which he is included and include him in the voters' list of the polling district in which his new residence is situated; for the purpose of this provision, the whole of the area of a municipality or of a local council, other than a regional council, shall be regarded as one inhabited locality.

(c) A voters' list shall set out the surnames of the voters in alphabetical order, the first name of each voter, the name of his father or his mother, the year of his birth, his address and his registration number in the Registration of Inhabitants.

(d) A voters' list shall not include more than 800 voters; but where the Minister of the Interior thinks fit to do so he may increase the number in a particular polling district up to 1000.

Exhibition of
voters' lists.

21. (a) The voters' lists shall be exhibited, each within the inhabited locality in which the polling district of the list is situated, in order that every person desiring so to do may inspect them; the exhibition of the lists shall last for ten consecutive days, ten hours each day, having regard to religious requirements concerning the observance of the days of rest.

(b) The exhibition of the lists shall begin simultaneously throughout the country at a time to be prescribed by the Central Committee, but not later than the 103rd day before election day.

(c) The places for the exhibition of the lists, and the hours thereof, shall be prescribed by the District Committees not later than the 124th day before election day, and notice thereof shall be published in such places and in such form as shall be prescribed by the District Committees.

(d) A member of a District Election Committee may, not later than the 114th day before election day, appeal to the Central Election Committee against the determination of the places or hours of exhibition.

Errors in
voters' lists.

22. (a) Not later than the 85th day before election day, any person may apply to the Ministry of the Interior for the correction of errors,

omissions or incorrect particulars in the voters' list or for the registration of the applicant in another voters' list as provided in section 20, and the Ministry of the Interior shall notify the applicant of its decision by the 58th day before election day.

(b) A notice of the exhibition of voters' list shall indicate the last day for the submission of applications under this section.

(c) An application under this section shall set out —

(1) the surname, first name and address of the applicant ;

(2) the surname, first name, father's or mother's name, year of birth, address on the 31st December last, address at the time of submission of the application, and registration number in the Registration of Inhabitants, of every person in relation to whom the correction is requested ;

(3) the requested correction.

(d) The Minister of the Interior may make regulations as to anything relating to the implementation of the provisions of this section.

23. (a) Any person who has applied to the Ministry of the Interior under section 22 and has received a negative or no reply may, until the 48th day before election day, appeal against the voters' list on the ground that he or some other person has been registered, or not registered, otherwise than in accordance with law, or registered with incorrect particulars. The onus of proof shall be on the appellant ; every State authority shall issue free of charge any certificate or confirmation required for the purpose of such an appeal.

Appeal against voters' lists.

(b) The appeal shall be submitted to the District Court in whose area of jurisdiction the polling district concerned is situated.

(c) The appeal shall be heard by a single judge sitting alone ; his judgment shall be final and not subject to appeal.

(d) Judgment shall be given, and be transmitted to the Minister of the Interior, by the 20th day before election day.

24. The Ministry of the Interior shall furnish the Central Committee, not later than the 7th day before election day, with a list of the corrections to be made in the voters' lists by virtue of decisions under section 22 or of judgments under section 23, and the Central Committee shall deliver the lists of corrections to the Polling Committees not later than two days before election day.

Correction of voters' lists.

PART FOUR : CANDIDATES' LISTS

25. (a) Any 750 persons entitled to vote, and any party group of the outgoing Knesset, may submit a candidates' list.

Submission of candidates' lists.

(b) A candidates' list shall contain not more than 120 names of persons entitled to be elected who have consented to the inclusion of

their names in the list ; the names shall each be marked with a serial number ; the list shall specify the surname of each candidate, his first name, occupation, place of residence and address ; where the candidate is a soldier in a service under section 6 of the Defence Service Law, 5709—1949, or in the permanent service of the Defence Army of Israel, the list shall specify his place of residence and address prior to his enlistment and shall indicate, as his occupation, that he is a soldier in the Defence Army of Israel.

(c) A candidates' list, signed by the persons submitting it and accompanied by the candidates' consent, in writing or by telegram, shall be submitted to the Central Committee not less than 53 days before election day, at such place and hours as the Central Committee shall announce ; upon receiving the list, the Committee shall confirm its submission, indicating the day and hour.

Candidates
to appear on
one list only.

26. A person may be a candidate on one candidates' list only, and where a person has consented to the inclusion of his name in two or more candidates' lists, the Central Committee shall delete his name from all such lists.

Representatives
of candidates'
lists.

27. The persons submitting a candidates' list may indicate on it two persons, one as the representative of the list and the other as his deputy ; in the absence of such an indication, the person who has signed first of those submitting the list shall be considered as its representative, and the second as his deputy.

Title and
letter of
voters' lists.

28. (a) Every candidates' list shall bear a title and a letter, or two letters, of the Hebrew alphabet, so as to distinguish it from other candidates' lists ; provided that the title shall not be likely to mislead.

(b) A party group of the outgoing Knesset shall, if it so desires, have the prior right to mark its list with the title or letter with which its candidates' list was marked in the elections to the outgoing Knesset ; in the absence of such a right, the prior right to choose a particular title and letter shall belong to those who submitted their list first.

(c) A candidates' list not given a title or letter by those who submitted it shall be given a title and letter by the Central Committee.

Correction of
candidates'
lists.

29. Where a candidates' list has been submitted otherwise than in accordance with the preceding sections, the Central Committee shall notify the representative of the list and his deputy of the defect not later than the 46th day before election day, and such representative and deputy may correct the defect not later than the 39th day before election day ; where the signatories of a candidates' list include a person who was not entitled to vote, this shall be considered a defect, but insufficiency of the number of signatories invalidates the list.

Confirmation
of candidates'
lists.

30. A candidates' list duly submitted, or corrected in accordance with the previous section, shall be confirmed by the Central Committee, which

shall notify the same to the representative of the list and his deputy not later than the 34th day before election day.

31. (a) Where the Central Committee has refused to confirm a candidates' list, either completely or as to the name of one of the candidates or the title or letter of the list, it shall, not later than the 34th day before election day, notify the same to the representative of the list and his deputy, and they may, not later than the 29th day before election day, appeal to the Supreme Court against such refusal.

Appeal against refusal to confirm candidates' list.

(b) The Supreme Court shall hear an appeal under this section by three judges, and its judgment shall be final. The judgment shall be served on the Central Committee not later than the 22nd day before election day.

32. The Central Committee shall, not less than 19 days before election day, publish in *Reshumot* the candidates' lists as confirmed by the Committee or by the Supreme Court under section 31 ; the publication shall indicate the title and letter of each list.

Publication of candidates' lists.

33. (a) Candidates' lists may join together for the purpose of the distribution of seats, but a list may not join with more than one other list, and the joinder shall have no effect other than that prescribed in section 44.

Joinder of candidates' lists.

(b) A joinder of candidates' lists shall be notified to the Central Committee, not less than 14 days before election day, by notice in writing signed by the representatives of the two lists or their deputies.

(c) The Central Committee shall publish the joinders of candidates' lists in *Reshumot* and in daily newspapers not less than 7 days before election day.

PART FIVE : VOTING AND COUNTING OF VOTES

34. (a) There shall be one polling station for each polling district ; the polling station shall be situated within the polling district, save where the Central Committee, having regard to the circumstances of the district concerned, shall decide upon another place ; the location of the polling station shall be fixed, as far as possible, with the object of keeping short the distance between the polling station and the places of residence of the persons entitled to vote thereat.

Places of voting.

(b) A polling station shall not be situated in a party club or other place set apart for a communal-political institution, nor in a synagogue or other house of prayer, unless all the members of the Polling Committee have agreed thereto and the Central Committee has given its approval.

(c) Notice of the location of the polling station shall be published, not less than 7 days before election day, in such place and in such manner as the Central Committee shall prescribe.

Time of voting.

35. (a) The polling station shall be open for voting on election day from 6.00 a.m. to 11.00 p.m. without recess, but in a *ma'bara* (immigrants' transitional settlement), work village, cooperative settlement or other rural settlement in which the number of persons entitled to vote (as determined by the Ministry of the Interior after making the decisions under section 22) does not exceed 350, from 8.00 a.m. to 9 p.m. only; it shall be closed before the time aforesaid if all the persons entitled to vote therein have already voted.

(b) A person reaching the polling station within the voting hours shall be entitled to vote even if his voting is delayed until after voting hours.

Attendance at polling station.

36. No person shall be present at a polling station during voting hours except members of the Polling Committee, their deputies and observers as provided in section 18 (d); members of the Central Committee and District Committee; voters who have been admitted for the purpose of voting; the Minister of the Interior or his representative; and police required, in the opinion of the Polling Committee, for the preservation of order.

Identification of voters.

37. (a) A person desiring to vote shall identify himself to the Polling Committee.

(b) Only an identification booklet issued in accordance with the Emergency (Registration of Inhabitants) Regulations, 5708—1948¹⁾, or an identity certificate issued in accordance with the Registration of Inhabitants Ordinance, 5709—1949, shall serve as means of identification.

(c) When a person has voted, the Polling Committee shall impress on his identification booklet or identity certificate a stamp attesting that he has voted for the Knesset, shall punch the identification booklet or identity card, and shall delete the voters' name from the voters' list.

Manner of voting.

38. (a) Voting shall proceed in the following manner: in a booth which shall conceal him from the sight of any other person, the voter shall place a voting-slip in a non-transparent envelope given him by the Polling Committee; he shall then put the envelope in the polling-box before the eyes of the Polling Committee.

(b) A person who, by reason of illness or a physical defect, is unable to vote by himself, may bring with him another person to help him with the voting.

Voting slips.

39. Voting slips shall be printed in accordance with a model approved by the Central Committee and shall bear nothing but the letter, or letter and title, of the list concerned.

(b) A candidates' list may add to its Hebrew letter and title the

¹⁾ I.B. of 5708, Suppl. II, No. 16, p. 77.

Arabic letter and title approved by the Central Committee as corresponding to the Hebrew letter and title, and the voter may use a voting slip in Hebrew only or in Hebrew with the Arabic translation.

(c) Instead of a slip printed in accordance with the foregoing provisions, there may be used for voting a blank slip bearing nothing but the letter, or letter and title, in handwriting, of the list concerned ; any voter may receive a blank slip from the Polling Committee.

(d) If a voting slip bears the letter of one of the candidates' lists and a title different from that approved for such list under this Law, the vote shall be assigned in accordance with the letter.

(e) Where a voter places in an envelope more than one voting slip, or a voting slip which does not comply with the provisions of this section, his vote shall be invalid.

40. The Government shall, at the expense of the State, supply the Central Committee with voting slips of all candidates' lists, printed in accordance with the provisions of section 39 (a) and (b), in such number as shall be prescribed by the Central Committee ; the Central Committee shall deliver the voting slips to all Polling Committees not less than 10 days before election day.

Provision of
voting-slips.

41. (a) The counting of the votes shall, at each polling station, be carried out by the Polling Committee immediately after the termination of the voting.

Counting of
votes.

(b) The Polling Committee shall prepare a record, on a standard form prescribed by the Central Committee, of the opening of the polling-box and the counting of the votes, and shall immediately transmit the record, with all the voting material, to the District Committee.

(c) The District Committee shall summarise the counting of the votes by the Polling Committees, shall prepare a record of its work and shall immediately transmit the record, with all the voting material, to the Central Committee.

(d) A record prepared by a Polling Committee or District Committee shall be signed by not less than two members of such Committee, including the chairman or a vice-chairman ; any member of the Committee and any observer under section 18 (d), and any member of the Central Committee or District Committee may add their observations to the record.

42. Notwithstanding as provided in section 18 (a), if the chairman and vice-chairman of the Polling Committee are absent from the polling station on election day, the Polling Committee shall, for the purposes of this part, act with whatever number of members is present at the time, and the oldest of them shall carry out the functions of the chairman until the chairman or vice-chairman arrives ; if only one member is present, he shall act as Polling Committee and, notwithstanding as pro-

Polling
Committees at
polling stations
in the absence
of the chairman
and
vice-chairman.

vided in section 41 (d), the record prepared by him shall not require an additional signature.

PART SIX: ELECTION RESULTS

Distribution of seats.

43. (a) Only candidates' lists which have each received a number of votes representing not less than one per cent of the total valid votes shall participate in the distribution of seats.

(b) The total number of valid votes cast for all the lists participating in the distribution of seats shall be divided by the number of members of the Knesset, and the whole number resulting from such division shall be "the quotient".

(c) Every list participating in the distribution of seats shall be awarded a number of seats equal to the whole number resulting from the division of its valid votes by the quotient.

(d) Every list which has participated in the distribution of seats under subsection (c) shall be assigned a "surplus of votes" by deducting from the number of its valid votes the number resulting from multiplying the quotient by the number of seats received by that list as aforesaid; the lists shall thereupon each be entitled to receive, in the order of the size of their surpluses, one additional seat out of the seats remaining after the distribution of seats under subsection (c).

Distribution of seats in case of joined lists.

44. (a) For the purpose of the distribution of seats under section 43 (d), two candidates' lists which have joined together shall be deemed one list with the number of valid votes received by both of them together and the number of seats awarded to both of them together, provided that each of them separately has received the percentage of votes prescribed in section 43 (a).

(b) The seats awarded to two joined lists shall be divided between them by the method of distribution prescribed in section 43 for the distribution of all seats among all lists.

Who shall become a member of the Knesset.

45. Where a candidates' list has been awarded seats, the persons whose names are included in the list shall become members of the Knesset in the order in which their names appear, starting at the top.

Publication of election results.

46. (a) When the counting of votes has been concluded, and not later than 14 days after election day, the Central Committee shall publish the election results in *Reshumot*; the notice shall specify —

- (1) the number of valid votes cast for each candidates' list;
- (2) the number of votes found to be invalid;
- (3) the number of seats awarded to each candidates' list;
- (4) the names of the persons in each list elected to be members of the Knesset.

(b) Subject to the provisions of section 47, a notice under this

section shall be conclusive evidence of the distribution of seats and the election of the persons registered in the notice.

(c) The Central Committee shall furnish each person elected with a certificate, signed by the chairman of the Committee or by two vice-chairmen, confirming that he has been elected a member of the Knesset.

47. (a) Any person who was entitled to vote may appeal to the Knesset against the election results on the ground —

Appeal against
election results.

(1) that the elections at a particular polling station were not properly conducted ;

(2) that there was a defect in the conduct or in the process of the elections likely to influence the election results, the number of votes or the distribution of seats ;

(3) that the seats were not properly distributed.

(b) The appeal shall be submitted to the Knesset within 14 days of the day of the publication of the election results.

(c) After considering the appeal, the Knesset may —

(1) annul the elections in a particular polling district and order them to be held afresh ;

(2) declare, either immediately or after the holding of fresh elections, that a certain person has not been elected a member of the Knesset and that some other person has been so elected.

The decision of the Knesset shall be final.

(d) An appeal under this section shall not delay the work of the Knesset, and the results of the appeal shall not affect the legality of resolutions which it has adopted.

48. (a) A candidate or a member of the Knesset may resign at any time ; so long as the Knesset has not decided upon another procedure for the submission of registration, a resignation shall be submitted in writing by the candidate or member personally, or shall be sent by him from abroad, by telegram or by another document authenticated by an Israel Consul or notary, to the chairman of the Central Committee or, after the election of the Chairman of the Knesset, to the Chairman of the Knesset ; a letter of resignation submitted in advance shall be void.

Replacement of
candidates and
members of
the Knesset.

(b) Where a member of the Knesset has resigned or died, he shall be succeeded by the candidate whose name appears in the same candidates' list immediately after the name of the person who, at the time, is the last of the persons elected.

(c) Where a candidate has resigned or died after the publication of the candidates' lists and before the elections, the Central Committee shall publish a notice to that effect in *Reshumot* ; where a member of the Knesset has resigned or died, or where changes have occurred under sec-

tion 47 (c) (2), the Chairman of the Knesset shall immediately summon the new member of the Knesset and shall publish a notice of the changes in *Reshumot* ; delay in the summons or publication shall not prevent the new member of the Knesset from taking part in the meetings of the Knesset.

Parliamentary immunity.

49. (a) Persons elected shall enjoy parliamentary immunity from the end of election day ; a person elected who is under arrest or imprisonment shall be released immediately upon publication of the election results ; but if he is under arrest or imprisonment for a felony, he shall, if not released earlier by the competent authorities, be released upon the expiration of 14 days after the opening of the Knesset, unless the Knesset has meanwhile resolved to withdraw his immunity.

(b) A candidate who, under section 47 (c) (2) or section 48 (b), becomes a member of the Knesset after election day shall enjoy parliamentary immunity from the day on which he becomes a member of the Knesset ; if on that day he is under arrest or imprisonment, he shall be released immediately, but if he is under arrest or imprisonment for a felony, he shall, if not released earlier by the competent authorities, be released upon the expiration of 14 days after the day on which he becomes a member of the Knesset, unless the Knesset has meanwhile resolved to willidraw his immunity.

Release from defence service

50. (a) A candidate whose name has been included in one of the published candidates' lists shall not serve on reserve service under the Defence Service Law, 5709—1949, from the day of the publication of the lists until election day ; where on the day of the publication of the candidates' lists a candidate is in a service under section 6 of the Defence Service Law, 5709—1949, or in permanent service, his service shall be postponed from the day of the publication of the lists until election day.

(b) A candidate who becomes a member of the Knesset shall be released from service under the Defence Service Law, 5709—1949, for the whole of the time that he is a member of the Knesset.

PART SEVEN: ELECTION PROPAGANDA

Allocation of paper and other propoganda material.

51. The Government shall allocate to the candidates' lists published under section 32 paper and other controlled materials required for election propoganda ; the total quantity of such paper and materials shall be prescribed upon the proposal of the Central Committee and shall be so apportioned among the candidates' lists as the Central Committee shall deem just.

Size of posters to be prescribed.

52. The Central Committee shall prescribe maximum dimensions for posters containing election propoganda on behalf of candidates' lists.

Election propoganda by officials and soldiers.

53. (a) State officials invested with administrative authority or authority under the Defence (Emergency) Regulations, 1945¹⁾, in a particular area

¹⁾ P.G. of 1945, Suppl. II, No. 1442, p. 1055 (English Edition).

shall not take part in election propaganda in public within such area.

(b) Soldiers in a service under section 6 of the Defence Service Law, 5709—1949, or in the permanent service of the Defence Army of Israel, and persons serving on reserve service under the said Law, shall not take part in election propaganda.

54. No person shall demand or receive for the letting of a hall for election meetings a rental exceeding the average rental which he received during the year preceding the year of elections for the letting of such hall for similar purposes.

Restrictions of rental of halls

55. (a) Communal halls in immigrants' camps ordinarily used for meetings shall be placed by the persons in charge of such camps at the disposal of the party groups of the outgoing Knesset and of the candidates' lists for the purpose of holding election meetings.

Provisions as to immigrants' camps, etc.

(b) Persons in charge of immigrants' camps shall allot to the party groups of the outgoing Knesset and to the candidates' lists a suitable place for exhibiting their election programme, a copy of or extract from their candidates' list and notices concerning election meetings.

(c) District Committees shall issue directions to ensure compliance with subsections (a) and (b).

(d) For the purposes of freedom of entry and freedom of election propaganda, immigrants' camps shall be regarded in like manner as other inhabited localities.

(e) Within immigrants' camps, officials of the Jewish Agency and soldiers of the Defence Army of Israel having care of immigrants shall, for the purpose of section 53 (a), be deemed to be State officials.

(f) In this section, "immigrants' camps" includes immigrants' hostels, immigrants' camps, work camps and *ma'barot* (transitional camps).

56. On election day, and on the day preceding, powers to impose a curfew under the Defence (Emergency) Regulations, 1945, shall not be exercised except with the approval of the Central Election Committee; but this provision shall not apply if, at the time, warlike operations are being carried out in the territory of Israel.

Powers to impose curfew not to be exercised.

57. (a) The Central Committee shall recommend to the persons in charge of areas in which the freedom of movement is restricted under the Defence (Emergency) Regulations, 1945, or the Emergency (Security Zones) Regulations, 5709—1949¹, such active supporters of the groups represented in the outgoing Knesset and of the candidates' lists as should be given permits for free movement in such areas; the recommendation shall be made on the proposal of the representatives of the said groups and lists; the said persons in charge shall grant the permits, which shall be valid from the 52nd day before, until the day following, election day.

Freedom of movement in special areas.

(b) The freedom of movement of members of Polling Committees and of observers under section 18 (d) within their areas of operation on election day, the freedom of written or oral propaganda, and all other election arrangements, in the areas mentioned in subsection (a) shall be the same as in all other areas of Israel.

(c) No restrictions on the freedom of movement in the areas mentioned in subsection (a) shall apply to members of the Central Committee or to members of District Committees within their areas of operation from the day of their election or appointment until the day following election day.

PART EIGHT : SPECIAL PROVISIONS AS TO ELECTIONS AMONG SOLDIERS

Polling stations
for soldiers.

58. (a) Soldiers in a service under section 6 of the Defence Service Law, 5709—1949, or in the permanent service or active reserve service of the Defence Army of Israel (in this part: "soldiers") may vote at polling stations specially provided for soldiers ; the locations of such polling stations shall be fixed by the chairman of the Central Committee on the recommendation of the Chief of the General Staff or his representative, and an announcement as to such localities shall be published in such place and in such manner as the Central Committee shall prescribe.

(b) A soldier wishing to vote at a polling station for soldiers shall not be limited to a particular polling station.

(c) The voting at polling stations for soldiers shall take place during such hours as the Central Committee shall prescribe.

(d) No person shall be present at a polling station for soldiers during voting hours other than members of the Central Committee ; the members of the Polling Committee ; the Chief of the General Staff or his representative ; voters who have been admitted for the purpose of voting ; the Minister of the Interior or his representative ; and soldiers required, in the opinion of the Polling Committee, for the preservation of order.

(e) Polling Committees for polling stations for soldiers shall be appointed by the Central Committee in consultation with the Chief of the General Staff or his representative, and all their members shall be soldiers not above the rank of sergeant ; the soldier of the highest rank shall serve as chairman of the Polling Committee.

Voting
by soldiers.

59. (a) A soldier wishing to vote at a polling station for soldiers shall identify himself in the manner indicated in section 37 and, in addition, by his soldier's book.

(b) A soldier voting at a polling station for soldiers shall place the envelope mentioned in section 38 in a second envelope, and the Polling Committee shall indicate on the outer envelope the name of the voter, his registration number under the Registration of Inhabitants Ordinance, 5709—1949; and such other particulars as may be prescribed by the

Central Committee after consultation with the Minister of Defence or his representative.

(c) The counting of the votes cast at polling stations for soldiers shall be carried out in such manner as the Central Committee shall prescribe after consultation with the Minister of Defence or his representative.

(d) The Minister of Defence may, within 24 hours of the Central Committee's making a decision in any of the matters mentioned in this section, appeal against such decision to the Foreign Affairs and Security Committee of the Knesset if, in his opinion, the decision is likely to prejudice the security of the State; the Foreign Affairs and Security Committee may confirm, annul or vary the decision of the Central Committee, or adopt a different decision instead.

60. (a) Election propaganda in writing shall be permitted among soldiers as among non-soldiers, provided that —

Propaganda
among soldiers.

(1) no such propaganda shall be addressed exclusively to soldiers;

(2) no propaganda material shall be affixed or hung in an army camp otherwise than as provided in subsection (b).

(b) A board, of a standard type, shall be put in the centre of each army camp, and any person who has submitted a candidates' list in accordance with the provisions of this Law may affix thereon his election programme, a copy of or extract from his candidates' list and notices concerning election meetings convened by him; the boards shall be supplied to the Army authorities by the Central Committee with the election programmes of the lists and the copies of or extracts from the candidates' lists already affixed thereto.

(c) Oral election propaganda in public, in whatever form, shall be prohibited in army camps.

(d) During the two months immediately preceding election day, no instructional activities shall be conducted in any army camp other than on military, technical and scientific topics or other than Hebrew language classes.

(e) In this part, "army camp" includes a camp, a post and any other area or place destined solely for the Defence Army of Israel.

61. The General Staff shall issue instructions that, as far as military exigencies permit, soldiers shall be granted leave enabling them to take part in election meetings.

Leave for
soldiers.

62. The chairman of the Central Committee, or a member thereof authorised by the Committee, may, on conditions prescribed by the Committee, visit any army camp for the purpose of ascertaining whether the provisions of this Law have been complied with therein.

Visits to
army camps.

¹⁾ *Kovetz Ha-Takkanot* No. 11 of 5709, p. 169.

PART NINE: OFFENCES

Interference
with elections.

63. (a) (1) Any person who forges or unlawfully destroys or alters any candidates' list as defined in section 20 ;
(2) any person who interferes with the orderly progress of the elections ;
(3) any person who prepares or distributes voting slips not complying with the provisions of this Law ;
(4) any person who interferes with a voter whilst voting or prevents him from voting ;
(5) any person who deals with a polling-box without authority or takes it out of the possession of the persons in charge of it ;
(6) any person who interferes without authority with the opening of a polling-box or the counting of votes,

shall be liable to imprisonment for a term of two years or to a fine of 2,500 pounds or to both such penalties.

(b) Where an offence under this section is committed by a member of an Election Committee or by a person in charge of a polling-box or responsible for keeping order at a polling-station, he shall be liable to imprisonment for a term of 5 years or to a fine of 5,000 pounds or to both such penalties.

Bribery and
intimidation.

64. (1) Any person who gives or offers a bribe for the purpose of inducing a voter to vote or to refrain from voting, whether generally or for a particular candidates' list ;
(2) any person who accepts or agrees to accept a bribe, whether for himself or for any other person, with a view to voting or refraining from voting, whether generally or for a particular candidates' list ;
(3) any person who threatens any voter with inflicting harm on him or any other person, if such voter votes or refrains from voting, whether generally or for a particular candidates' list ;
(4) any person who promises employment to any voter, or threatens to dismiss any voter from his employment or to prevent him from securing employment, if he votes or refrains from voting for a particular candidates' list,

shall be liable to imprisonment for a term of 5 years or to a fine of 5,000 pounds or to both such penalties.

Unlawful voting.

65. (1) Any person who, for the purpose of identifying himself to a Polling Committee, makes use of an identification booklet or identity certificate not his own ;
(2) any person who votes more than once, whether at the same polling station or at different polling stations ;
(3) any person who wilfully places in the polling-box more than one envelope, whether containing a voting slip or empty,

shall be liable to imprisonment for a term of two years or to a fine of 2,500 pounds or to both such penalties.

66. Any person who demands or accepts for a hall for meetings a rental contrary to the provisions of section 54 shall be liable to imprisonment for a term of two years or to a fine of 2,500 pounds or to both such penalties.

Excessive
rental for halls.

67. (1) Any person who interferes with the orderly progress of an election propaganda meeting held by a candidates' list published in accordance with section 32 ;

Other election
offences.

(2) any person who removes, destroys or dirties an advertisement by an Election Committee relating to election matters or an advertisement containing election propaganda by a candidates' list published in accordance with section 32, except if the same was affixed to his house, shop or office without his consent, or is out of date ;

(3) any person who destroys or conceals election propaganda material of a candidates' list published in accordance with section 32, or otherwise prevents such material from reaching its lawful destination ;

(4) any person who prepares, distributes or affixes advertisements containing election propaganda on behalf of a candidates' list and exceeding the measurements prescribed for the same by the Central Committee ;

(5) any person who, on election day, conducts election propaganda in writing, by word or mouth or in any other manner at, or at a distance of less than 25 metres from, a polling station ;

(6) any person who contravenes any provision of this Law not mentioned in this part,

shall be liable to imprisonment for a term of six months or to a fine of 250 pounds or to both such penalties.

68, A State employee, an official of the Central Committee, a District Committee or a Polling Committee, or the person in charge or any of the officials of an immigrants' camp, who fills in an application form for an identity certificate for another person or who receives a registration slip of another person for transmission to a registration office, and who, on this occasion, conducts election propaganda shall be liable to imprisonment for a term of three months or to a fine of one hundred pounds or to both such penalties.

Election
propaganda
while dealing
with matters of
identity
certificates.

69. (a) Jurisdiction to deal with offences under this part and to impose the penalties prescribed therein shall be vested in magistrates' courts.

Jurisdiction,
etc.

(b) In respect of offences under this Law, the Attorney General shall not have authority to order a stay of proceedings.

PART TEN: MISCELLANEOUS PROVISIONS

- Extension of time. 70. Wherever this Law provides that a particular act shall be done a specified number of days before election day, the Central Committee, if it sees sufficient reason so to do, may, by a two-thirds majority of those participating in the voting, extend the time for the doing of such act by not more than five additional days.
- Issue of identity certificates. 71. (a) Registration offices shall not be bound to issue identity certificates to any person who has not applied for the same at least 21 days before election day, but where a person has applied for a certificate, either personally or by registered letter, by the time thus set, the registration office shall issue it not later than the day before election day.
(b) The Ministry of the Interior shall make the necessary arrangements for exchanging temporary identity certificates for identity certificates under the Registration of Inhabitants Ordinance, 5709—1949, for any person entitled to the same.
- Material to be delivered to members of the Central Committee. 72. (a) A copy of the voters' lists shall be delivered not less than 103 days before election day, and a list of the Polling Committees and their members shall be delivered immediately after the appointment of such Committees, to each member of the Central Committee and to every observer on such Committee as provided in section 18 (d).
(b) The Central Committee may resolve that additional written information be delivered.
- Requisitioning of premises for Polling Committee. 73. (a) The Chairman of the Central Committee may, if he deems it necessary, temporarily requisition premises — other than residential premises and private offices — for use as workplaces of Polling Committees during the period of their work or as polling-stations on election day.
(b) Compensation for requisitioning under this section shall be paid as prescribed by the chairman of the Central Committee.
- Complaints and petitions. 74. Any complaint as to an act or omission under this Law shall be within the exclusive jurisdiction of the Central Committee, and, save as otherwise provided in this Law, no court shall entertain a petition for relief relating to any such act or omission or to any resolution or direction of the Central Committee, a District Committee or a Polling Committee.
- Refutation notwithstanding registration. 75. The registration of a person in a voters' list under this Law shall not be a bar to the refutation of his allegation that he is an Israel national or that he is permitted to be in Israel.
- Directions by the Central Committee. 76. (a) The Central Committee may issue directions, so far as none are contained in this Law, as to any matter relating to —

- (1) the preparation and conduct of the elections and the determination of their results ;
- (2) the procedure of Election Committees ;
- (3) the safeguarding of voters' lists in their places of exhibition and the guidance of persons coming to inspect them ;
- (4) the procedure of elections among soldiers.

(b) Such directions may be general or limited to particular election districts or Election Committees ; they shall be published or brought to the notice of the persons concerned in such manner as the Central Committee shall think fit and shall not require publication in *Reshumot*.

(c) The Minister of Defence or his representative shall take part in the deliberations of the Central Committee relating to elections among soldiers or in the areas mentioned in section 57 (a).

77. (a) The Minister of Justice may make regulations as to any matter relating to the consideration of appeals under section 23 and section 31, including the submission of appeals, the joinder of parties, the consolidation of appeals and the service of summonses and other documents.

Procedural regulations.

(b) Appeals under this Law shall be exempt from court fees.

78. (a) The Minister of the Interior is charged with the implementation of this Law ; all Government Ministries shall extend such assistance as the Central Committee may require of them.

Implementation and budget.

(b) The budget of the Central Committee shall be fixed by the Finance Committee of the outgoing Knesset upon the proposal of the Central Committee ; the moneys of this budget shall be placed by the Treasury at the disposal of the chairman of the Central Committee, who shall be in charge of the expenditure thereof.

79. The provisions of this Law shall apply to the elections to the Third Knesset and to every subsequent Knesset.

Application of Law.

80. (a) Where a person was an Israel resident on the 6th Tevet, 5715 (31st December, 1954), and by the 8th Iyar, 5715 (30th April, 1955) became an Israel national by naturalisation, he shall, for the purposes of the elections to the Third Knesset, be deemed to have been an Israel national on the 6th Tevet, 5715 (31st December, 1954).

Special provisions as to the elections to the Third Knesset.

(b) Where a person was an Israel resident on the 6th Tevet, 5715 (31st December, 1954), and by the 7th Adar, 5715 (1st March, 1955), submitted an application for naturalisation under the Nationality Law, 5712—1952¹⁾, and the regulations made thereunder, the Minister of the Interior shall decide upon his application by the 9th Nisan, 5715 (1st April, 1955), and if the decision is favourable, shall give the applicant

¹⁾ *Sefer Ha-Chukkim* No. 95 of 5712, p. 146; *LSI* vol. VI, 50.

an opportunity to make the declaration under section 5 (c) of the said Law by the 8th Iyar, 5715 (30th April, 1955).

(c) For the purpose of the elections to the Third Knesset, the names of the party groups and number of members thereof set out hereunder shall be deemed to have been approved by the House Committee under subsection (a) of section 19.

Names of the Party Groups of the Second Knesset	Number of Members
Israel Labour Party Group	47
General Zionist — Centre Party Group	23
Hapoel Hamizrachi Group	8
Freedom Movement Group	7
United Workers' Party Group	8
Israel Communist Party Group	7
Progressive Group	4
Achdut Ha'avoda — Poale Zion Group	4
Eretz Israel Arabs' Democratic Group	3
Agudat Israel Group	3
Poale Agudat Israel Group	2
Mizrachi Group	2
Agriculture and Development Group	1
Progress and Work Group	1

PINCHAS ROSEN
Minister of Justice

No. 13

TENANTS' PROTECTION (NEW BUILDINGS) LAW, 5715—1955*

Letting of
new
buildings.

1. Where any premises, situated in a building or an addition to a building the construction of which was completed after the 27th Adar Bet, 5714 (1st April, 1954), are let for the first time after the coming into force of this Law, and these particulars are expressly stated in the lease agreement, the provisions of the Rent Restrictions (Dwelling-Houses) Ordinance, 1940¹⁾, the Rent Restrictions (Business Premises) Ordinance, 1941²⁾, and the Tenants' Protection Law, 5714—1954³⁾, shall not apply to such premises for ten years from the day of the first letting thereof.

* Passed by the Knesset on the 30th Shevat, 5715 (22nd February, 1955) and published in *Sefer Ha-Chukkim* No. 175 of the 9th Adar, 5715 (3rd March, 1955), p. 46; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 216 of 5715, p. 3.

¹⁾ P.G. of 1940, Suppl. I, No. 1065, p. 289 (English Edition).

²⁾ P.G. of 1941, Suppl. I, No. 1086, p. 19 (English Edition).

³⁾ *Sefer Ha-Chukkim* No. 151 of 5714, p. 92 — *LSI* vol. VIII, p. 75.

2. A tenant who, on renting premises to which section 1 applies, has paid a substantial part of the cost of construction may, during the period ending one year before the expiration of the lease agreement, notwithstanding any provision to the contrary therein, transfer the lease agreement to another tenant; provided that upon the transfer of a lease agreement of business premises the new tenant may use the business premises only for the purpose for which they were used before the transfer.

Transfer of agreement.

3. Where premises to which section 1 applies have been let for a period ending not later than ten years and one month from the day of the first letting, the letting shall, notwithstanding anything in the Land Transfer Ordinance¹⁾, not be regarded as a transfer of land requiring registration in the Land Registry.

Exemption from registration of lease agreement.

4. The Tenants' Protection (New Buildings) Law, 5713—1953²⁾, shall be amended as follows:

Amendment of Tenants' Protection (New Buildings) Law, 5713—1953.

(1) The following paragraph shall be added to section 2:

"This section shall not apply to a building or an addition to a building to which the Tenants' Protection (New Buildings) Law, 5715—1955, applies.";

(2) in section 4, the words "a substantial amount towards" shall be replaced by the words "a substantial part of", the words "transfer his rights in the lease to a suitable other tenant" shall be replaced by the words "transfer the lease agreement to another tenant", and the words "provided that upon the transfer of the rights of the lease" shall be replaced by the words "provided that upon the transfer of the lease agreement".

5. The Minister of Finance is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

Implementation and regulations.

MOSHE SHARETT
Prime Minister

PINCHAS ROSEN
Minister of Justice

YITZCHAK BEN-ZVI
President of the State

¹⁾ *Laws of Palestine* vol. II, cap. 81, p. 881 (English Edition).

²⁾ *Sefer Ha-Chukkim* No. 182 of 5713, p. 148; *LSI* vol. VII, p. 123.

ASSOCIATIONS OF TOWNS LAW, 5715—1955*

Definitions.

1. In this Law —
“local authority” means a municipality or a local council ;
“association of towns” means an association of local authorities adjacent to one another ;
“area of the association” means the area of all the local authorities associated in an association of towns, unless otherwise defined in the order establishing the association.

Establishment of association of towns.

2. Where one of the following conditions is fulfilled and the provisions of section 3 concerning a draft scheme have been complied with, the Minister of the Interior shall, by order published in *Reshumot* (hereinafter: “the establishing order”), establish an association of towns :

(1) some local authorities, after deciding so to do, and after the Minister of the Interior has approved their decision, have proposed to associate in an association of towns, and no other interested local authority has opposed the draft scheme ;

(2) the Minister of the Interior has proposed to some local authorities to associate in an association of towns, and the local authorities have consented so to do, and no other interested local authority has opposed the draft scheme ;

(3) the Government has decided upon the establishment of an association of towns after one of the local authorities to which it had been proposed to associate, or another interested local authority, had opposed the draft scheme, or after the Government, for any reason whatsoever, had decided to study the draft scheme.

Draft scheme.

3. (a) The originator of the proposal that any local authorities shall associate in an association of towns shall prepare a draft scheme setting out the things which according to section 15 are to be set out in the establishing order.

(b) The Minister of the Interior shall publish in *Reshumot* a notice of every draft scheme for an association of towns, and every local authority concerned in the matter, whether or not it is included in the scheme (hereinafter: “interested local authority”), shall be given an opportunity to inspect the scheme and the documents annexed to it, and the order establishing the association shall not be made before the expiration of forty days from the day of publication.

(c) Every interested local authority may, within forty days from the day of publication of the draft scheme, lodge opposition in writing to its inclusion or non-inclusion in the scheme or to any of its particulars.

* Passed by the Knesset on the 9th Adar, 5715 (3rd March, 1955) and published in *Sefer Ha-Chukkim* No. 176 of the 19th Adar, 5715 (13th March, 1955), p. 48; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 215 of 5714, p. 285.

4. Where an interested local authority has lodged opposition under section 3 (c), or where the Government has decided under section 2 (3) to study the draft scheme, the Government shall decide the matter, and the Minister of the Interior shall not establish the association before the Government has decided upon its establishment.

Decision of the Government.

5. (a) The Minister of the Interior or an interested local authority may demand that the Government shall not give a decision under section 4 before it has received a report of a commission of inquiry appointed by it to investigate any opposition lodged and any other thing which the Government has included within its terms of reference.

Appointment of commission of inquiry.

(b) Notice of the appointment of a commission of inquiry shall be published in *Reshumot*.

6. An association of towns is a corporation and, within the limits of its powers, may enter into contracts, acquire, hold and transfer property, sue and be sued, and do any act required for carrying out its functions.

An association of towns — a corporation.

7. An association of towns shall be a supervised body within the meaning of section 7 of the State Comptroller Law, 5709—1949¹⁾.

An association of towns — a supervised body.

8. (a) An association of towns shall be managed by an association of towns council (hereinafter: "the council").

Association of towns council.

(b) Every local authority within the area of an association is entitled to be represented on the council by at least one representative, nominated by it; the council is authorised to act as soon as the greater part of its members have been nominated.

9. An association of towns shall not be vested with powers and functions other than those with which a local authority within its area has been vested, or may be vested, under any enactment; provided that —

Powers of association of towns.

(1) an association of towns shall not be vested with power to impose rates;

(2) the Minister of the Interior shall not vest an association of towns with a power or function vested in a local authority under a law with the implementation of which another Minister is charged, save after consultation with that Minister;

(3) an association of towns shall not be vested with power to perform within the area of a cooperative settlement acts contrary to the rules of the settlement; in this paragraph, "cooperative settlement" means a settlement situated within the area of jurisdiction of a regional council and most of whose inhabitants of the age of 18 years or over are incorporated in a cooperative society for settlement.

¹⁾ *Sefer Ha-Chukkim* No. 8 of 5709, p. 33; *LSI* vol. III, p. 23.

Status of local authority.

10. The order establishing the association shall not deprive the local authorities within the area of the association of any powers or functions vested in them, or relieve them of any duties resting on them, save as otherwise expressly provided in the order.

Estimate and budgets.

11. (a) An association of towns shall not decide to establish any project unless it has previously prepared an estimate of the income and expenditure of the project, and the estimate has been approved by the Minister of the Interior.

(b) An association of towns shall in every year, at such time and in such form as shall be prescribed by regulations, prepare a draft budget showing an estimate of its revenue and expenditure; the draft budget shall be submitted to the Minister of the Interior for approval.

(c) The Minister of the Interior may refuse to approve any detail of the draft budget; but he shall not refuse to approve a detail as aforesaid before the association of towns has been given an opportunity to be heard.

(d) The budget approved as aforesaid shall be the budget of the association for that year, and no amount shall be paid out of the moneys of the association except under the budget, and the association shall not incur any liability except under it or under a duly passed decision of the association, approved by the Minister of the Interior.

Assignment of quotas to authorities.

12. Subject to any limitation imposed by the establishing order, and subject to the approval of the Minister of the Interior, an association of towns may levy from the local authorities within its area monetary payments for financing its budget, in accordance with quotas fixed by it.

Loans.

13. Subject to any limitation imposed by the establishing order, and subject to the approval of the Minister of the Interior, an association of towns may borrow moneys for the carrying out of its functions and for this purpose charge the whole or a part of its revenue and assets; the purpose of the loan shall be specified in the decision of the association and in the approval of the Minister of the Interior.

Bye-laws.

14. An association of towns may, with the approval of the Minister of the Interior, make bye-laws for the carrying out of its functions or the exercise of its powers; the provisions of section 99 of the Municipal Corporations Ordinance, 1934¹⁾, shall apply *mutatis mutandis* to bye-laws as aforesaid; provided that the association shall not impose fees or charges except to cover the cost of establishing a project the establishment of which belongs to its functions, or for the purpose of maintaining a project as aforesaid so long and in so far as it is maintained by the association.

Things to be set out in the establishing order.

15. The establishing order shall set out —

(1) the area, functions and powers of the association and the modes

¹⁾ P.G. of 1934, Suppl. I, No. 414, p. 1 (English Edition).

of vesting property and imposing obligations in connection with its establishment ;

(2) the modes of constitution and term of office of the council, the term of office of its members, and the functions and powers of the council and of its members and of the other institutions of the association, in so far as there will be such.

16. The Minister of the Interior may enact in the establishing order provisions as to —

Things that may be set out in the establishing order.

(1) the duration of the existence of the association of towns ;

(2) the modes of establishing the committees of the council ;

(3) the modes of settling differences of opinion between the local authorities and between the local authorities and the association ;

(4) subject to the provisions of section 17 and in so far as provisions as aforesaid have not been enacted by regulations — the modes of accession or withdrawal of a local authority to or from the association and, in connection therewith, the vesting of property, imposition of obligations, adjustment of accounts and apportionment of debts between the authorities concerned and between them and the association ;

(5) the modes of appointment and dismissal, terms of employment, functions and powers of the employees of the association ;

(6) the modes of winding up the association ;

(7) such other provisions as he may deem necessary for carrying into effect the order or any matter dealt with therein.

17. Where a local authority has asked to accede to an existent association of towns, and a local authority within the area of the association, or the Minister of the Interior, does not consent to its accession, section 4 and 5 shall apply *mutatis mutandis*.

Accession of local authority to association of towns.

18. The Minister of the Interior is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation, including regulations as to —

Implementation and regulations.

(1) the modes of winding up an association of towns ;

(2) subject to the provisions of section 17 — the modes of accession or withdrawal of a local authority to or from an association of towns, whether upon the establishment of the association or thereafter, and, in connection therewith, the vesting of property, imposition of obligations, adjustment of accounts and apportionment of debts between the local authorities concerned and between them and the association.

MOSHE SHARETT
Prime Minister

ISRAEL ROKACH
Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

No. 15

KNESSET ELECTIONS (AMENDMENT) LAW, 5715—1955*

Amendment
of Law.

1. The Knesset Election Law, 5715—1955 (Consolidated Version¹), shall be amended as follows:

(1) in subsection (a) of section 22, the words "than the 85th day" shall be replaced by the words "than the 75th day", and the words "by the 58th day" shall be replaced by the words "by the 53rd day";

(2) in subsection (a) of section 23, the words "the 48th day" shall be replaced by the words "the 43rd day",

and sections 19 and 20 of the Knesset Elections Law, 5715—1955, shall be amended accordingly.

MOSHE SHARETT
Prime Minister

ISRAEL ROKACH
Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

No. 16

MUNICIPAL ELECTIONS (TEMPORARY PROVISIONS) LAW,
5715—1955**

Application
of Municipal
Corporations
Ordinance.

1. The elections to the municipal councils to be held on the day of the elections to the Third Knesset shall be in accordance with the Municipal Corporations Ordinance, 1934²), (hereinafter: "the Ordinance"), with the variations set out in this Law; these variations shall apply only to those elections.

Register of
voters.

2. In section 10 of the Ordinance, subsections (a) and (b) shall be replaced by the following subsections:

* Passed by the Knesset on the 8th Nisan 5715 (31st March, 1955), and published in *Sefer Ha-Chukkim*, No. 177 of the 18th Nisan, 5715 (10 April, 1955), p. 52; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 235 of 5715, p. 132.

¹) *Sefer Ha-Chukkim* No. 174 of 5715, p. 30; *supra*, p. 30.

** Passed by the Knesset on the 8th Nisan, 5715 (31st March, 1955) and published in *Sefer Ha-Chukkim* No. 177 of the 18th Nisan, 5715 (10th April, 1955) p. 52; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 234 of 5715, p. 128.

²) P.G. of 1943, Suppl. I, No. 414, p. 1 (English Edition); *Sefer Ha-Chukkim* No. 31 of 5710, p. 41 — *LSI* vol. IV, p. 29.

58

“(a) (1) The Minister of the Interior shall prepare for each polling district within the municipal area a list of voters registered in the Registration of Inhabitants under the Registration of Inhabitants Ordinance, 5709—1949¹⁾ as inhabitants of the district.

(2) Each list shall specify the surnames of the voters in alphabetical order, the first name of each voter, the name of his father or mother, the year of his birth, his residential address and his registration number in the Registration of Inhabitants.

(3) These lists shall form the register of voters within the meaning of this Ordinance.

(b) The Minister of the Interior shall deliver the register of voters to the election committee not later than the 13th Nisan, 5715 (5th April, 1955).”

3. In subsection (a) of section 11 of the Ordinance —

(1) paragraph (1) shall be replaced by the following paragraph :

“(1) from the 6th Tevet, 5715 (31st December, 1954) to the 6th Adar, 5715 (28th February, 1955) had his permanent place of residence in the area which at the end of that period was included in the municipal area ; and” ;

(2) the words “the determining day” in the second paragraph shall be replaced by the words “election day”.

Persons qualified to vote.

4. In section 12 of the Ordinance, the words “the determining day” shall be replaced by the words “election day”.

Persons qualified to be elected.

5. In section 13 of the Ordinance —

(1) subsection (a) shall be replaced by the following subsection :

“(a) The election committee shall exhibit the lists of voters referred to in section 10 (a) at the places and times at which the corresponding lists of voters for the Knesset will be exhibited under section 21 of the Knesset Election Law (Consolidated Version), 5715—1955²⁾.” ;

(2) the words “a copy of the register of voters” in subsection (b) shall be replaced by the words “a copy of the lists of those entitled to vote for the council though not entitled to vote for the Knesset” ;

(3) section (c) shall be replaced by the following section :

“(c) The chairman of the election committee shall publish in the municipal area a notice concerning the exhibition of the lists of voters, indicating the right of objection under section 14.”.

Publication of register of voters.

6. In section 14 of the Ordinance, the words “within fourteen days from the day of publication of the notice under section 13 (c)” in sub-

Objection.

¹⁾ I.R. of 5709, Suppl. I, No. 48, p. 164; LSI vol. II, p. 103.

²⁾ *Sefer Ha-Chukkim* No. 174 of 5715, p. 30; *supra*, p. 30.

section (a) shall be replaced by the words "not later than the 75th day before election day".

Dealing with objection.

7. In section 15 of the Ordinance, subsection (d) shall be replaced by the following subsections :

"(d) The election committee shall notify the parties of its decision by the 53rd day before election day.

(e) An objection not determined in accordance with sub-section (d) shall be deemed to be an objection in respect of which it has been decided, in the absence of the parties, that it shall be dismissed."

Appeal against decision of election committee.

8. In section 17 of the Ordinance —

(1) subsection (b) shall be replaced by the following subsection :

"(b) The appeal shall be submitted by the 43rd day before election day." ;

(2) subsections (e) and (f) shall be replaced by the following subsection :

"(e) The judgment shall be given and delivered to the election committee by the 20th day before election day."

Polling districts and polling-stations.

9. In section 19 of the Ordinance, subsection (c) shall be replaced by the following subsections :

"(c) The polling districts for the elections to the Knesset prescribed under section 9 of the Knesset Elections Law (Consolidated Version), 5715—1955, and situated in the municipal area shall be the polling districts for the elections to the council.

(d) For each polling district there shall be one polling-station (in the election statute: "the station") ; the station shall be at or as near as possible to a place assigned for a polling-station for the elections to the Knesset.

(e) Every voter shall vote at the polling-station the list of voters pertaining to which includes his name."

Hours of voting.

10. In subsection (a) (2) of section 23 of the Ordinance, the words "from seven o'clock in the morning" shall be replaced by the words "from six o'clock in the morning", and the words "twelve o'clock at night" shall, wherever appearing, be replaced by the words "eleven o'clock at night".

Commencement.

11. This Law shall come into force on the day on which it is adopted by the Knesset.

MOSHE SHARETT
Prime Minister

ISRAEL ROKACH
Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

No. 17

**JEWISH RELIGIOUS SERVICES BUDGETS (AMENDMENT) LAW,
5715—1955***

1. In section 3 of the Jewish Religious Services Budgets Law, 5709—1949¹⁾, subsection (c) shall be replaced by the following subsection: Amendment of section 3.

“(e) The tenure of a religious council shall terminate not later than the 19th Nisan, 5716 (31st March, 1956).”.

MOSHE SHARETT
Prime Minister

MOSHE SHAPIRA
Minister of Religious Affairs

YITZCHAK BEN-ZVI
President of the State

No. 18

**EMERGENCY REGULATIONS (COMPULSORY PAYMENTS)
(EXTENSION OF VALIDITY) LAW, 5715—1955****

1. The validity of the Emergency Regulations (Compulsory Payments), 5712—1952²⁾, in the form set out in the Emergency Regulations (Compulsory Payments) (Extension of Validity) Law, 5714—1954³⁾, is hereby extended until the 19th Nisan, 5716 (31st March, 1956). Extension of validity.

2. This Law shall have effect retroactively as from the 8th Nisan, 5715 (31st March, 1955). Commencement.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

* Passed by the Knesset on the 8th Nisan, 5715 (31st March, 1955) and published in *Sefer Ha-Chukkim* No. 177 of the 18th Nisan, 5715. (10th April, 1955), p. 54; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 225 of 5715, p. 62.

¹⁾ *Sefer Ha-Chukkim* No. 19 of 5709, p. 150; *LSI* vol. III, p. 66.

** Passed by the Knesset on the 8th Nisan, 5715 (31st March, 1955) and published in *Sefer Ha-Chukkim* No. 177 of the 18th Nisan, 5715 (18th April, 1955), p. 54; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 233 of 5715, p. 124.

²⁾ *Kovetz Ha-Takkanot* No. 260 of 5712, p. 754.

³⁾ *Sefer Ha-Chukkim* No. 149 of 5714, p. 84; *LSI* vol. VIII, p. 69.

INCOME TAX ORDINANCE (AMENDMENT) LAW, 5715—1955*

- Definitions. 1. In this Law, every term shall have the same meaning as it has in the Income Tax Ordinance, 1947¹⁾ (hereinafter: "the Ordinance"), unless the context otherwise requires.
- Tax year instead of year of assessment. 2. The expressions "year of assessment" or "year preceding the year of assessment" or "year immediately preceding the year of assessment" shall, wherever appearing in the Ordinance, be replaced by the expression "tax year".
- Amendment of section 2. 3. In section 2 of the Ordinance —
(1) the following words shall be added at the end of the definition of "Assessing Officer":
"and includes an Assistant Assessing Officer whom the Commissioner has authorised in writing to exercise certain powers or carry out a certain function of an Assessing Officer under this Ordinance; the appointment of every Assessing Officer and of every Assessing Officer authorised as aforesaid shall be published in *Reshumot*";
(2) the definition of "year of assessment" shall be replaced by the following definition:
"tax year" means the period of twelve months commencing on the first day of April, 1954, and each subsequent period of twelve months."
- Amendment of section 5. 4. In section 5 (1) of the Ordinance, the words "for the year of assessment commencing on 1st April, 1947, and for each subsequent year of assessment" shall be replaced by the expression "for each tax year".
- Amendment of section 6. 5. In section 6 of the Ordinance, the words "notwithstanding that the source of income may have ceased before or during the year of assessment" shall be deleted.
- Amendment of section 7. 6. In section 7 of the Ordinance, the words "other than that immediately preceding any year of assessment" shall be replaced by the words "other than the last day of any year".
- Addition of section 8B. 7. The following section shall be added after section 8A:

* Passed by the Knesset on the 9th Nisan, 5715 (1st April, 1955) and published in *Sefer Ha-Chukkim* No. 178 of the 19th Nisan, 5715 (11th April, 1955), p. 58; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 232 of 5715, p. 104.

¹⁾ P.G. of 1947, Suppl. I, No. 1568, p. 93 (English Edition).

"Various exemptions.

8B. (1) The Minister of Finance may, with the approval of the Finance Committee of the Knesset, enact by regulations provisions as to exemption from or reduction of tax on any income derived, in a manner determined by regulations, in an area of new settlement, or a development area, defined in such regulations.

(2) The Minister of Finance may, with the approval of the Finance Committee of the Knesset, direct by regulations that any individual residing in Israel who, in addition to his income chargeable under section 5 (1) (b) had other income, of an amount not exceeding an amount determined by regulations, shall be wholly or partly exempt from tax on the other income.

(3) Where income has been received from a dividend on shares which had been offered to the public in a manner approved by the Minister of Finance, the Minister may exempt such income from such portion of income tax as is payable on that dividend in addition to the tax which has been paid on it by the company distributing it."

8. In section 14A of the Ordinance, the words "before the first of April of the year of assessment" shall be replaced by the words "in the tax year" and the words "prior to credits under section 14 and 15B" shall be deleted.

Amendment of section 14A.

9. In section 14B of the Ordinance, subsection (2) shall be replaced by the following subsection:

Amendment of section 14B.

"(2) For the purpose of this section —

"war injuries" means illness, aggravation of illness or injury befalling an individual during a period and in consequence of military service, within the meaning of the Invalids (Pensions and Rehabilitation) Law, 5709—1949¹⁾, or of war service, within the meaning of the Invalids (War against the Nazis) Law, 5714—1954²⁾;

"work accident" means an accident entitling an individual to compensation under the Workmen's Compensation Ordinance, 1947³⁾, or to injury benefits under Part II of the National Insurance Law, 5714—1953⁴⁾."

10. In section 15C of the Ordinance, the words "45 pounds" shall be replaced by the words "50 pounds", the words "60 pounds" shall be replaced by the words "65 pounds" and the words "80 pounds" shall be replaced by the words "85 pounds".

Amendment of section 15B.

1) *Sefer Ha-Chukkim* No. 25 of 5709, p. 278 — *LSI* vol. III, p. 119.

2) *Sefer Ha-Chukkim* No. 147 of 5714, p. 76 — *LSI* vol. VIII, p. 63.

3) *P.G.* 1947, *Suppl. I*, No. 1604, p. 186 (English Edition).

4) *Sefer Ha-Chukkim* No. 137 of 5714, p. 6 — *LSI* vol. VIII, p. 4.

Amendment of section 15F.

11. In section 15F of the Ordinance, the words "and the credit in his respect for the purpose of section 15C shall be of the amount of 85 pounds" shall be added at the end.

Addition of section 16A.

12. The following section shall be inserted after section 16 of the Ordinance:

"Credit for contributions to special drive of Keren Hayesod.

16A. An individual who has paid any amounts as a contribution to a special drive of the Keren Hayesod B.M. recognised by the Minister of Finance shall be granted a tax credit at the rate of 30 per cent of the said amounts in so far as he has not been granted a tax credit for the same contribution under section 16; provided that no credit shall be granted for such part of the amounts paid by him as aforesaid as is in excess of 10 per cent of his chargeable income."

Amendment of section 16 B.

13. Section 16B of the Ordinance shall be re-marked as section 16B (a), and the following subsection shall be added thereafter:

"(b) Where a company as aforesaid has paid any amounts as a contribution to a special drive of the Keren Hayesod B.M. recognised by the Minister of Finance, it may deduct the said amounts from its chargeable income in so far as they have not been deducted under subsection (a); provided that the amount of the deduction under this subsection shall not exceed 5 per cent of its chargeable income, and provided further that the amount of the deduction under this subsection, together with the amount of the deduction under subsection (a), shall not exceed half the amounts paid by it to a special drive as aforesaid."

Addition of section 16C.

14. The following section shall be added after section 16B of the Ordinance:

"Deduction of contributions to special drive of the Keren Hayesod.

16C. Where a company to which section 16B does not apply has paid any amounts as a contribution to a special drive of the Keren Hayesod B.M. recognised by the Minister of Finance, it may deduct half of such amounts from its chargeable income; provided that the amount of the deduction shall not exceed 5 per cent of such income."

Amendment of section 23.

15. In section 23 of the Ordinance, the figure "15" in subsection 2 (c) shall be deleted.

Amendment of section 26.

16. In section 26 of the Ordinance —

(1) the words "before the end of any year of assessment" in subsection (1) (a) shall be replaced by the words "before the expiration of twelve months after any tax year (in this section: "the said period")";

(2) the words "that year of assessment" in subsection 1 (c) shall be replaced by the words "the said period".

17. In section 29 of the Ordinance —

Amendment of section 29.

(1) subsection (c) shall be replaced by the following subsection :

"(c) Where an individual had any income within the meaning of section 5 (1) (b) from which tax has been deducted under the provisions of section 48, or where at least 90 per cent of the income of an individual prior to exemption under section 8A was income within the meaning of section 5 (1) (h), the tax imposed on him shall be reduced at the rate of 10 per cent of the amount of tax due from him on such income prior to any credit, as if it were his only income ; provided that the reduction under this subsection shall not exceed IL.120 ; for the purpose of this subsection, a *kibbutz* (large collective settlement), within the meaning of section 19A, or a *moshav shitufi* (smallholders' cooperative settlement) or cooperative society for agricultural settlement in respect of which the Commissioner has directed as provided in section 19B shall be deemed to be a number of individuals equal to the number of economic units, within the meaning of section 19A, of which the *kibbutz*, *moshav shitufi* or cooperative society consists."

(2) in subsection (d), the words "otherwise than by way of deduction under section 48" shall be deleted, and the words "provided that any amount granted under subsection (c) shall be deducted from the amount of the reduction under this subsection" shall be added at the end.

18. In section 32 of the Ordinance, the following proviso shall be inserted after the proviso :

Amendment of section 32.

"Provided that the Assessing Officer may defer a set-off of tax under this section so long as the company has not paid any tax on the income from which the dividend has been paid."

19. In section 40 of the Ordinance —

Amendment of section 40.

(1) the words "during the year of assessment or within two years after the expiration thereof" shall be replaced by the words "within three years after the expiration thereof" ;

(2) the proviso shall be deleted.

20. Section 42 of the Ordinance shall be replaced by the following section :

Replacement of section 42.

"Deduction and return of tax on income payable to person not resident in Israel.

42. (1) Whosoever pays to a person not resident in Israel, direct or through another, any income likely to be chargeable with tax under this Ordinance, other than income from which tax has been deducted under section 31 or 48, shall deduct therefrom, at the time

of payment, tax at the rate of 250 prutot per pound — plus, where the recipient of the payment is a company, 250 prutot on account of company profits tax — or at such other rate as the Assessing Officer may prescribe by notice in writing ; but the Assessing Officer may permit the income to be paid without deduction of tax if it has been proved to his satisfaction that the tax has already been paid or that it will be paid in some other manner.

(2) The provisions of subsection (1) shall not apply to a person who pays any income as referred to in that subsection and who under section 35 is himself responsible for the payment of tax thereon.

(3) Where a person has deducted tax under subsection (1), he shall, within seven days from the day on which he did so, pay to the Assessing Officer the amount of tax deducted and shall furnish to him a return indicating the name and address of the person to whom and for whom the income was paid.

(4) The amount of the deduction shall, for the purposes of collection, be set off against the tax that will be imposed on the person who received the said income.

(5) Where a person bound under the provisions of this section to deduct tax has not deducted the whole or a part of the amount, or has not furnished a return, as provided in subsection (3), or has furnished a return as aforesaid, but the Assessing Officer has reasonable grounds for believing that it is not correct, the Assessing Officer may, to the best of his judgment, assess the amount of tax which that person was bound to deduct. An assessment under this subsection shall have the effect of an assessment under section 55 ; it shall not relieve the person from any other responsibility under the Ordinance.”.

Amendment of
section 43A.

21. In section 43A of the Ordinance —

(1) subsections (4) and (5) shall be replaced by the following subsections :

“(4) Notwithstanding anything in subsection (1), the Minister of Finance, with the approval of the Finance Committee of the Knesset, may exempt from the duty of making a return persons whose chargeable income is less than a specific amount ; an exemption under this subsection shall be granted by order, either generally or for particular classes of persons.

(5) Where a person has not made a return by the date prescribed in subsection (1) or by such other date as is prescribed

in the case of a postponement under subsection (3), the Assessing Officer may impose on him, in respect of each month of the delay, a fine of an amount equal to three per cent of the tax for the last tax year in respect of which he became liable to tax under section 55 ; if the person was not liable to tax in a previous tax year, the Assessing Officer may impose on him a fine of 50 pounds for each month of the delay.

(2) Where a fine under subsection (5) has been imposed on any person, and it subsequently appears that the amount of fine paid exceeds 25 per cent of the amount of the tax payable by that person for the tax year in question, the excess shall be refunded to him.

(7) The payment of a fine under this section shall not affect the criminal responsibility of a person under this Ordinance.”.

(2) subsection (6) shall be re-marked as subsection (8).

22. In section 45 of the Ordinance, the words “stock-in-trade, a cash-box, machinery” shall be inserted after the word “examine” in subsection (2). Amendment of section 45.

23. In section 45A of the Ordinance, the words “if, in his opinion, such person has acted” shall be replaced by the words “if, in his opinion, such person is not worthy to be a representative or if such person has acted”.

Amendment of section 45A.

24. The following section shall be added after section 45A :

“Preparation of return by other person. 45B. A person who helps another person, against payment, to prepare any return, notification, form or other document for the purpose of this Ordinance shall declare in such return, notification, form or other document that he has helped to prepare it.”.

Addition of section 45B.

25. In section 47 (1) of the Ordinance —

(1) the words “The Assessing Officer may” shall be replaced by the words “Notwithstanding anything in any other law, the Assessing Officer may” ;

(2) the words “under any statutory obligation” in the proviso shall be replaced by the words “required by the Statistics Ordinance, 1947¹⁾, the Postal Bank Law, 5711—1951²⁾, or the Bank of Israel Law, 5714—1954³⁾).

Amendment of section 47.

26. In section 48 of the Ordinance —

(1) after the words “under section 5 (1) (b) or 5 (1) (e)” in sub-

Amendment of section 48.

¹⁾ P.G. of 1947, Suppl. I, No. 1604, p. 174 (English Edition).

²⁾ *Sefer Ha-Chukkim* No. 79 of 5711, p. 219; *LSI* vol. V, p. 138.

³⁾ *Sefer Ha-Chukkim* No. 164 of 5714, p. 192; *LSI* vol. VIII, p. 163.

section (1), there shall be inserted the words "or any other income which the Minister of Finance, with the approval of the Finance Committee of the Knesset, shall designate by order";

(2) after the words "An assessment under this subsection shall have the effect of an assessment under section 55" in subsection (4), there shall be inserted the words "If the person disputes the correctness of the assessment, he may, within two weeks, deliver to the Assessment Officer a notice of objection in writing; the provisions of sections 59 and 60 shall apply as if the objection had been filed under the said sections, and the amount of tax determined by the assessment, by an order under section 59 or in an appeal under section 60 shall be paid within seven days from the day of delivery of the notice of assessment or the making of the order or the giving of the judgment, as the case may be, or by another date as may be prescribed by regulations."

Addition of
section 48A.

27. The following section shall be added after section 48:

„Agreements
for pay-
ment of net
income.

48A. Where a person has made an agreement under which he is to pay to another an income chargeable under section 5 (1) (b) which is not to be less than a specific amount after deduction of tax under section 48, both the payer and the recipient shall deliver notice thereof to the Commissioner within thirty days from the day of the making of the agreement or, if it was made before the 1st April, 1955, not later than the 31st May, 1955, and shall specify in such notice the details of the agreement and any such other detail relating thereto as the Commissioner may demand, and if the agreement has been made in writing, a copy thereof shall be attached to the notice."

Addition of
section 52A.

28. The following section shall be added after section 52 of the Ordinance:

"Assessments
of certain
companies.

52A. The income of a company which is under the control of not more than five persons — within the meaning of section 26 (5) — or of a company the whole of the assets and business of which is the holding of buildings, shall, on the application of the company, be considered as the income of the members thereof, and the apportionment of such income for the purposes of the assessment among all or any of such members shall be made as the Commissioner may direct; a person who considers himself aggrieved by the direction of the Commissioner may appeal to the Court as provided in section 60."

Amendment of
section 54.

29. In section 54 of the Ordinance, the following subsection shall be added after subsection (2):

“(3) Where notice has been sent as provided in subsection (1) and the addressee has refused to accept it, it shall be deemed to have been duly served.”.

30. Section 62 of the Ordinance shall be replaced by the following section :

Replacement of section 62.

“Quarterly payments on account of tax.

62. (1) Every person shall, on the 10th of June, the 10th of September, the 10th of December and the 10th of March of any tax year, make, on account of the tax for that tax year, a quarterly payment equal to 25 per cent of the amount of the tax for the determining year.

(2) In this section —

(a) “the determining year” means the last tax year in respect of which the income of the assessee has been assessed, whether or not an objection has been filed ;

(b) the amount of the tax for the determining year does not include the amount of tax deductible at source under section 31, 42 or 48.

(3) The Minister of Finance may, by order, increase the rate and change the dates of the quarterly payments under this section ; he may also prescribe different rates of quarterly payments in respect of different determining years and — with the approval of the Finance Committee of the Knesset — in respect of different classes of assesseees.

(4) Where the amount of the tax for the determining year is in dispute, but exceeds the amount of tax last finally determined, the quarterly payment shall be calculated according to such portion of the amount of the tax for the determining year as is not in dispute or according to the amount of tax determined as aforesaid, whichever is more.

“Final determination”, in this subsection, means a determination not open to objection or appeal.

(5) The Assessing Officer may exempt a person from the whole or a part of a quarterly payment under this section if it has been proved to his satisfaction that the income, in the tax year in which the payment is to be made, on which that person is likely to become liable to tax will be less than the income he had in the determining year.

(6) A person who in a particular tax year has a

chargeable income from which no amount is deductible at source under section 31 or 48, and who has not in the past been liable to tax, shall make the quarterly payments under subsection (1) at the rate of 25 per cent of the amount of tax to which, according to his estimate, he is likely to become liable on that income in respect of that tax year, and he shall, at the time of making each payment, submit to the Assessing Officer a declaration of the said estimated tax ; if he does not submit a declaration as aforesaid, or if he submits such a declaration, but the Assessing Officer has reasonable grounds for believing that it is not correct, the Assessing Officer may to the best of his judgment determine the amount of the quarterly payment to be made by that person ; a determination as aforesaid shall, for the purposes of an objection or an appeal, be deemed to be an assessment under section 55.”.

Amendment of section 63.

31. In section 63 of the Ordinance, the words “Where, in an appeal under section 60 (7), the Supreme Court varies” in subsection (6) shall be replaced by the words “Where the District Court in an appeal under section 60 (6), or the Supreme Court in an appeal under section 60 (7), varies”.

Replacement of section 66.

32. Section 66 of the Ordinance shall be replaced by the following section :

“Collection of tax in special cases.

66. (1) Where the Assessing Officer has reason to apprehend that the tax on a particular income will not be collected owing to a certain person's intention to leave Israel, or for any other reason, he may —

(a) if that person has already been assessed in respect of that income — demand by notice in writing that he immediately give security, to the satisfaction of the Assessing Officer, for payment of the tax assessed ;

(b) if that person has not yet been assessed as aforesaid — assess him according to the amount of the income of which a return has been made or, if that person has not made a return, or has made a return which is not satisfactory to the Assessing Officer, according to an amount which the Assessing Officer deems reasonable ;

(c) if that person has not yet been bound to make a return of that income — demand of

him immediately, by notice in writing, that he prepare a return, and the Assessing Officer may thereupon act as provided in paragraph (b).

(2) The Assessing Officer shall deliver notice of an assessment made under sub-section (1) (b), and any tax assessed under that assessment shall be paid immediately upon delivery of the notice.

(3) Where the assessee has not paid the tax or has not given security in accordance with sub-section (1) (a), the competent court may, on the application of the Assessing Officer, make an order, even in the absence of the assessee —

(a) for the delay of his departure from the country ;

(b) for the attachment of his property.

(4) An assessee who has paid the tax or has given security under this section is entitled to file an objection and an appeal under sections 59 and 60, and the amount paid by him shall be adjusted in accordance with the results.”.

33. In section 76 of the Ordinance, the following paragraphs shall be added after paragraph (b) :

Amendment of section 76.

- “(c) refuses to accept a notice sent to him under this Ordinance ;
- (d) does not make in time the return under section 43A.
- (e) destroys or conceals documents which are of value in relation to the assessment.”.

34. In section 77 of the Ordinance —

Amendment of section 77.

- (1) the words “in respect of, or during, which the offence was committed” in subsection (2) shall be replaced by the words “in which the offence was committed” ;
- (2) subsection (3) shall be deleted.

35. In section 78 of the Ordinance, subsection (2) shall be replaced by the following subsection :

Amendment of section 78.

“(2) A person to whom the provisions of section 48 apply and who has not deducted tax as provided in that section, or a person who receives an income under section 5 (1) (b) or (e) and who has consented to the non-deduction of tax from such income under section 48, is liable to imprisonment for a term of six months or to a fine of 1,000 pounds and an amount twice the aggregate of the amounts not deducted or to both such penalties.”.

36. In section 79 of the Ordinance, subsection (2) shall be deleted.

Amendment of section 79.

Addition of sections 79A, 79B and 79C.

37. The following sections shall be added after section 79 of the Ordinance :

"Monetary composition.

79A. Where a person has committed an offence under sections 75 to 79, the Commissioner may, with the consent of that person, take from him a monetary composition not exceeding the highest fine permitted to be imposed for that offence, and upon his doing so, any legal proceeding against that person for that offence shall be discontinued, and if he is under arrest for it he shall be released.

Onus of proof.

79B. (1) Where a person is charged with an offence under section 76 (d), the onus of proving that he is not bound to make a return shall be on him.

(2) Where a person is charged with an offence under section 77 (1) (a), his guilt shall be deemed to be established *prima facie* if one of the following has been proved :

(a) that domestic or other personal expenditure incurred in the tax year exceeded the income of which a return has been made to the Assessing Officer ;

(b) that his capital or the capital of his wife or of his children under 20 years of age has increased by an amount exceeding the amount of the income of which a return has been made to the Assessing Officer.

Responsibility of person helping to prepare return.

79C. A person who helps another person to prepare any return, notice or other document for the purpose of this Ordinance, knowing such return, notice or document to contain incorrect information, or a person who, representing himself as the representative of an assessee, gives information for the purpose of this Ordinance, knowing such information to be incorrect, shall, for the purpose of sections 75, 76, 77 and 79, be deemed to have done the said things."

Addition of sections 81A and 81B.

38. The following sections shall be added after section 81 :

"Provisions as to calculation of amounts.

81A. (1) In calculating an amount of chargeable income for the purpose of this Ordinance, every amount shall be increased or reduced to the nearest whole pound.

(2) In calculating an amount of tax determined for an assessee under this Ordinance, every amount shall be increased or reduced to the nearest half pound.

Designation
of tax year.

81B. A particular tax year shall be designated by the number of the calendar year in which the tax year begins.”.

39. (a) The income of an individual resident in Israel on which he is liable to tax for the tax year 1954 shall be deemed to be an income including a high-cost-of-living allowance, and an order under section 8A of the Ordinance shall apply to it even if it is not income chargeable under section 5 (1) (b) of the Ordinance ; however, where the total income of such an individual exceeds 2,400 pounds, the amount of the exemption under section 8A of the Ordinance shall be reduced by 500 prutot per pound of the excess, provided that it shall not be less than 75 per cent of the amount of the exemption or of the amount that would have been exempt but for the provisions of this subsection, whichever amount of exemption is the larger.

Transitional
provisions.

(b) The income of an individual resident in Israel on which he is liable to tax for the tax year 1955 shall be deemed to be an income including a high-cost-of-living allowance, and an order under section 8A of the Ordinance shall apply to it even if it is not income chargeable under section 5 (1) (b) of the Ordinance.

40. (a) Where an individual resident in Israel is entitled to a credit under section 15 or 15C of the Ordinance, the amount of the tax payable by him under section 29 of the Ordinance shall be reduced prior to its diminution under the provisions of section 29 (c) ; the reduction shall, in respect of each pound of the amount of the tax, be of an amount equal to the aggregate of the following two :

Special
reduction.

(1) 100 prutot ;

(2) a number of prutot equal to the number of pounds resulting from the division by twenty of the amount of his chargeable income in excess of 2,400 pounds ;

provided that the amount of the reduction shall not exceed 25 per cent of the amount of tax payable by him, or 350 pounds, whichever is less.

(b) An individual resident in Israel to whom subsection (a) does not apply shall have the amount of tax payable by him reduced by half the amount referred to in subsection (a).

(c) In this section —

(1) “chargeable income” includes the amount exempt under section 8A of the Ordinance, but does not include income to which a rate of tax under section 5A (9), 5A (11), 29A or 29B of the Ordinance applies ;

(2) “the amount of the tax” does not include an amount of tax determined under section 5A (9), 5A (11), 29A or 29B of the Ordinance.

(d) For the purpose of this section, a *kibbutz*, within the meaning of section 19A of the Ordinance, or a *moshav shitufi* or cooperative

society for agricultural settlement in respect of which the Commissioner has directed as provided in section 19B of the Ordinance shall be deemed to be a number of individuals equal to the number of economic units, within the meaning of the said section 19A, of which the said *kibbutz*, *moshav shitufi* or cooperative society consists.

Application.

41. (a) The provisions of sections 2, 4, 5, 6, 8, 12, 13, 14, 16, 19 and 21 shall apply to the tax year 1954 and thereafter.

(b) The provisions of sections 10, 11, 17, 28 and 40 shall apply to the tax year 1955 and thereafter.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

No. 20

DAYANIM LAW, 5715—1955*

Definitions.

1. In this Law —

“*dayan*” means a member of a Rabbinical Court within the meaning of the Order-in-Council, 1922—1947¹⁾, the Rabbinical Courts (Validation of Appointments) Law, 5712—1952²⁾, and the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, 5713—1953³⁾; “Rabbinical Council” has the same meaning as in the Jewish Community Rules⁴⁾.

Subject of Law.

2. This Law deals with the *dayanim* of the Rabbinical Grand Court, which acts as a court of appeal, and of the Regional Rabbinical Courts.

Eligibility of *dayanim*.

3. A person who has been qualified therefor by the Rabbinical Council within the two years next preceding the appointment is eligible to be appointed as a *dayan*. The conditions and procedure of so qualifying a

* Passed by the Knesset on the 24th Iyar, 5715 (16th May, 1955) and published in *Sefer Ha-Chukkim* No. 197 of the 4th Sivan, 5715 (25th May, 1955), p. 68; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 208 of 5714, p. 254.

1) *Laws of Palestine* vol. III, p. 2569 (English Edition).

2) *Sefer Ha-Chukkim* No. 100 of 5712, p. 242; *LSI* vol. VI, p. 62.

3) *Sefer Ha-Chukkim* No. 134 of 5713, p. 165; *LSI* vol. VII, p. 139.

4) *Laws of Palestine* vol. III, p. 2132 (English Edition).

person shall be prescribed by regulations to be made by the Minister of Religious Affairs with the consent of the Rabbinical Council.

4. The two Presidents of the Rabbinical Council, who are the Chief Rabbis of Israel, and local rabbis holding office in Rabbinical Courts enumerated in the First Schedule to the Rabbinical Courts (Validation of Appointments) Law, 5712—1952, shall be *dayanim ex officio*, without additional appointment.

The Chief
Rabbis,
local rabbis.

5. The *dayanim* shall be appointed by the President of the State upon the proposal of an Appointments Committee, to be submitted to the President by the Minister of Religious Affairs.

Mode of
appointment.

6. (a) The Appointments Committee (hereinafter: "the Committee") shall consist of ten members: the two Chief Rabbis of Israel; two *dayanim* to be elected by the body of *dayanim* for three years; the Minister of Religious Affairs and another member of the Government to be elected by it; two members of the Knesset to be elected by it by secret ballot, holding office so long as they are members of the Knesset and, when the tenure of the Knesset has expired, until the new Knesset elects other members in their stead; two practising advocates, to be elected by the Law Council for three years.

The Appoint-
ments Committee.

(b) The composition of the Committee shall be published in *Reshumot*.

(c) The Minister of Religious Affairs shall act as chairman of the Committee.

(d) The Committee may act even if the number of its members has become less, so long as it has not become less than six.

7. (a) When it appears to the Minister of Religious Affairs that a *dayan* should be appointed, he shall give notice to such effect in *Reshumot* and shall convene the Committee.

Procedure for
the work of
the Committee.

(b) The following may propose candidates: the Minister of Religious Affairs; the two Chief Rabbis of Israel; three members of the Committee jointly.

(c) A proposal of the Committee for the appointment of a *dayan* must be supported by a majority of the members taking part in the voting.

(d) The Committee shall itself prescribe the other rules of procedure for its deliberations and work.

8. (a) The Chief Rabbis of Israel shall *ex officio* act as presiding *dayanim* of the Rabbinical Grand Court, in such order of rotation as they may determine.

Presiding
dayanim.

(b) Presiding *dayanim* shall be appointed, each from among the

dayanim of the Court concerned, by the Minister of Religious Affairs with the consent of the Chief Rabbis of Israel.

(c) Where there is in any town a Regional Rabbinical Court consisting of a number of Courts, the Minister of Religious Affairs shall, with the consent of the Chief Rabbis of Israel, appoint one of the presiding *dayanim* to be senior presiding *dayan* in that town.

Dayanim of the Grand Court.

9. (a) The Minister of Religious Affairs may, with the consent of the candidate and the Chief Rabbis of Israel, appoint a *dayan* of a Rabbinical Court to be a *dayan* of the Rabbinical Grand Court for a specific period.

(b) An appointment for a specific — continuous or non-continuous — period under this section shall not be for more than one year in three years.

(c) A *dayan* appointed for a specific period who has commenced a hearing shall be competent to complete it even after the expiration of the period of his appointment.

Declaration of allegiance.

10. A person appointed to be a *dayan* shall, before taking his seat, make before the President of the State, in the presence of the Chief Rabbis of Israel, the following declaration :

“I pledge myself to bear allegiance to the State of Israel, to dispense justice fairly, not to pervert the law and to show no favour.”

Validity of appointment.

11. Where the appointment of a *dayan* has been published in *Reshumot*, its validity shall not be disputed.

Independence of *dayanim*.

12. A *dayan* shall, in judicial matters, be subject to no authority other than that of the law according to which he judges.

Rules as to administration

13. The Minister of Religious Affairs shall, with the consent of the Chief Rabbis of Israel and in consultation with the Minister of Justice, prescribe rules for the administration of the Rabbinical Courts and shall charge a *dayan*, who shall be responsible to him, with their implementation.

Period of tenure of *dayanim*.

14. A *dayan* shall hold office from the day on which he makes his declaration of allegiance, and his tenure shall not terminate except upon his death, resignation or retirement on pension or his removal from office under this Law.

Resignation.

15. A *dayan* may resign his office by submitting a letter of resignation to the Minister of Religious Affairs, and his tenure shall terminate at the expiration of three months from the submission of the letter of resignation, unless the Minister of Religious Affairs has agreed to an earlier date.

16. (a) The pensionable age of a *dayan* is seventy years ; provided that in the case of a Chief Rabbi of Israel or a senior presiding *dayan* the pensionable age shall be seventy-five years. Pension.

(b) A *dayan* shall retire on pension before the age if —

(1) he so requests in a manner prescribed by regulations ; or

(2) The Appointments Committee, on the strength of a medical opinion, decides that owing to his state of health he is unable to carry out his functions.

17. The salary of a *dayan* and the other payments to be made to him during or after his period of tenure, including those to be made to his dependants after his death, shall be fixed by resolution of the Knesset, which latter may empower the Finance Committee in that behalf. Resolutions under this section shall be published in *Reshumot*. Salary and other payments.

18. A *dayan* shall not be a member of the Knesset or the council of a local authority or a religious council ; he may, however, with his consent and the consent of the Minister of Religious Affairs, temporarily carry out some other function on behalf of the State, or carry out any other public function, if, in his opinion and in the opinion of the Minister of Religious Affairs and the Chief Rabbis of Israel, this will not impair his status as a *dayan*. *Dayan* not to be member of Knesset etc.

19. Where, for administrative reasons, the Minister of Religious Affairs deems it necessary to transfer a *dayan* permanently to a Rabbinical Court in another locality, he shall, before doing so, obtain the consent of the Chief Rabbis of Israel. Transfer of *dayan* to other locality.

20. (a) Every *dayan* shall be subject to the jurisdiction of a Court of Discipline. Court of Discipline.

(b) The Court of Discipline shall consist of five members, including three *dayanim*, or three members, including two *dayanim*, as the Chief Rabbis of Israel may in respect of each case prescribe.

(c) The members of the Court of Discipline shall be appointed in respect of each case by the body of *dayanim* of the Rabbinical Grand Court.

(d) The presiding *dayan* of the Court of Discipline shall be one of the Chief Rabbis of Israel or such other *dayan* as has the greatest length of service, according to the composition of the Court, or, in the case of *dayanim* with equal length of service, the oldest of them.

21. (a) The Minister of Religious Affairs may submit a complaint against a *dayan* to the Court of Discipline on one of the following grounds: Complaint against *dayan*.

(1) that the *dayan* has acted improperly in carrying out his functions ;

(2) that the *dayan* has behaved in a manner unbecoming his status as a *dayan* in Israel ;

(3) that the *dayan* has been convicted of an offence which in the circumstances of the case involves ignominy ;

(4) that the Appointments Committee has found that the *dayan* has obtained his appointment unlawfully.

(b) The complainant may be represented before the Court of Discipline by his representative.

Findings of
Court of
Discipline.

22. (a) The Court of Discipline shall bring its findings, whether favourable or unfavourable, before the Minister of Religious Affairs.

(b) If the Court of Discipline finds that the *dayan* is unworthy to continue in his functions, the Minister of Religious Affairs shall bring the findings of the Court of Discipline before the President of the State, who shall remove the *dayan* from office.

Suspension
of *dayan* from
office.

23. (a) Where a complaint under section 21 has been submitted, or a criminal action brought, against any *dayan*, the Chief Rabbis of Israel may suspend him from office for such period as they may think fit.

(b) The Court of Discipline may, on the application of the *dayan*, rescind his suspension from office.

Publication
in *Reshumot*.

24. Notice of the appointment or termination of tenure of a *dayan* shall be published in *Reshumot*.

Criminal
action.

25. A criminal action against a *dayan* shall not be brought except by the Attorney General before a District Court consisting of three judges.

Transitional
provisions.

26. (a) A person who held office as a *dayan* immediately before the coming into force of this Law —

(1) is deemed to have been appointed under this Law ;

(2) shall make a declaration of allegiance under section 10 within two months from the day of the coming into force of this Law.

(b) The person who held office as Director of the Rabbinate's and Rabbinical Jurisdiction Division of the Ministry of Religious Affairs is eligible to be charged with the implementation of the rules for the administration of Rabbinical Courts under section 13.

Implementation
and regulations.

27. The Minister of Religious Affairs is charged with the implementation of this Law and may make regulations as to such implementation, including regulations prescribing fees payable in Rabbinical Courts ; he also may, having regard to the proposal of the Chief Rabbis of Israel and in consultation with the Minister of Justice, prescribe by regulations the procedure of the Court of Discipline.

28. (a) The Jewish Community Rules and the Election Regulations made thereunder¹⁾ shall not apply to the appointment of *dayanim*. Repeal.

(b) The State President, Government Members, State Judges and State Comptroller (Fixing of Salaries) Law, 5711—1950²⁾ shall not apply to the salary of *dayanim* who are dealt with by this Law.

MOSHE SHARETT
Prime Minister

MOSHE SHAPIRA
Minister of Religious Affairs

YOSEF SPRINZAK
Chairman of the Knesset
Acting President of the State

No. 21

CRIMINAL CODE ORDINANCE (AMENDMENT) (BREAKING INTO BUILDINGS) LAW, 5715—1955*

1. Sections 297 and ~~293~~ of the Criminal Code Ordinance, 1936³⁾ shall be replaced by the following sections:

Replacement of sections 297 and 298 of the Criminal Code Ordinance, 1936.

“Person breaking into building and committing felony therein.

297. A person who breaks and enters a building not used as a dwelling-house or a place of prayer, or a building which though adjacent to and occupied with a dwelling-house, is not part of it and commits theft or a felony therein, or a person who breaks out of a building as aforesaid after committing theft or a felony therein, is liable to imprisonment for a term of seven years.

Person breaking into building with intent to commit felony therein.

298. A person who breaks and enters a building as referred to in section 297 with intent to commit theft or a felony therein is liable to imprisonment for a term of five years.”

MOSHE SHARETT
Prime Minister

PINCHAS ROSEN
Minister of Justice

YITZCHAK BEN-ZVI
President of the State

- 1) *Laws of Palestine* vol. III, p. 2132 (English Edition); *P.G.* of 1936, Suppl. II, No. 582, p. 230 (English Edition); *Kovetz Ha-Takkanot* No. 466 of 5714, p. 1181.
- 2) *Sefer Ha-Chukkim* No. 62 of 5711, p. 10; *LSI* vol. V, p. 10.
- * Passed by the Knesset on the 25th Iyar, 5715 (17th May, 1955) and published in *Sefer Ha-Chukkim* No. 179 of the 4th Sivan, 5715, p. 71; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 216 of 5715, p. 2.
- 3) *P.G.* of 1936, Suppl. I, No. 652, p. 285 (English Edition).

POLICE (INVALIDS AND FALLEN) LAW, 5715—1955*

Definitions.

1. In this Law —
“police officer” means a person belonging to the Police Force, and includes a temporary additional police officer and anyone deemed to be a police officer under Part Four or Part Five of the Police Ordinance¹⁾ ;
“service in the police” means the service of a police officer in the Israel Police ;
“invalidity” means loss or impairment of the ability to perform an ordinary action, whether physical or mental ;
“Invalids Law” means the Invalids (Pensions and Rehabilitation) Law, 5709—1949²⁾ ;
“Soldiers’ Families Law” means the Fallen Soldiers’ Families (Pensions and Rehabilitation) Law, 5710—1950³⁾.

Provisions as to invalid police officer.

2. Where a police officer is afflicted with invalidity as a result of injury sustained in the period of his service in the police and in consequence of such service (such a police officer being hereinafter referred to as an “invalid police officer”), the Invalids Law shall apply to him, and for this purpose every reference in that Law to a soldier or to service or military service shall be read as a reference to a police officer or to service in the police, as the case may be.

Provisions as to family of invalid police officer.

3. Where a police officer or former police officer has died as a result of injury sustained in the period of his service in the police and in consequence of such service, the Soldiers’ Families Law shall apply to the members of his family (hereinafter: “family of a fallen police officer”) and for this purpose every reference in that Law to a soldier or to service or military service shall be read as a reference to a police officer or to service in the police, as the case may be.

Illness and aggravation of illness.

4. (a) There shall be established a board (hereinafter: “the board”) for the conferment of rights under this Law by reason of invalidity or death occurring as a result of illness or aggravation of illness.

(b) The chairman of the Board shall be a district judge or magistrate appointed by the Minister of Justice. The two other members of the board shall respectively be appointed by the Minister of Defence and the Minister of Police.

* Passed by the Knesset on the 25th Iyar, 5715 (17th May, 1955) and published in *Sefer Ha-Chukkim* No. 180 of the 5th Sivan, 5715 (26th May, 1955), p. 74; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 220 of 5715, p. 35.

1) *Laws of Palestine* vol. II, cap. 112, p. 1145 (English Edition).

2) *Sefer Ha-Chukkim* No. 25 of 5709, p. 278; *LSI* vol. III, p. 119.

3) *Sefer Ha-Chukkim* No. 52 of 5710, p. 161; *LSI* vol. IV, p. 115.

(c) Where a police officer has contracted illness or aggravation of illness, the board may, at its discretion, determine that for the purpose of this Law such illness or aggravation of illness shall be regarded as injury.

(d) The board shall not make a determination as specified in subsection (c) in respect of any illness or aggravation of illness unless —

(1) the police officer contracted it in consequence of his service in the police under conditions which, in the opinion of the board, were field conditions or conditions similar to field conditions ; and

(2) the police officer contracted it entirely in the period of such service and in consequence of such service.

(e) The right to apply to the board for a determination under subsection (c) shall lapse —

(1) in the case of a police officer — at the expiration of two years from the day on which he ceased to be a police officer ;

(2) in the case of the family of a fallen police officer — at the expiration of two years from the day on which the death of the deceased occurred.

(f) The board shall have all the powers of an appeal committee under section 25 of the Soldiers' Families Law.

(g) A decision of the board is not appealable under section 17 of the Invalids Law or section 25 of the Soldiers' Families Law.

5. Every reference in any enactment to the Invalids Law or the Soldiers' Families Law shall, unless a contrary intention appears, be deemed to be a reference also to section 2 or section 3, as the case may be, of this Law.

References.

6. Section 3 of the Soldiers' Families Law shall apply to a missing police officer as if the power vested thereby in a competent military authority were vested in the Inspector-General of Police.

Provision as to missing police officer.

7. (a) Every enactment granting, or conferring power to grant, privileges to Army sufferers shall be read as if it conferred power on the Minister charged with its implementation to grant such privileges also to an invalid police officer and to the family of a fallen police officer.

Privileges.

(b) In this section, "privileges to Army sufferers" means exemption or complete or partial relief from a duty imposed by law and any priority or other right granted to a person afflicted with invalidity or having died as a result of injury sustained in consequence of his service in the Defence Army of Israel or granted to a member of the family of such a person.

8. (a) A person entitled to a pension or gratuity under section 2 and entitled also, on the same ground, to a pension or other monetary

Benefits under Police Ordinance.

grant under the Police Ordinance (in this section: "benefit under the Ordinance") may opt for one of them; if he opts for a benefit under the Police Ordinance, the provisions of the Invalids Law, except section 25A thereof, shall not apply to him.

(b) The family of a fallen police officer which is entitled under section 3 shall not by reason of the death of the deceased be entitled also to a benefit under the Ordinance.

(c) Where a person received a benefit under the Ordinance before the publication of this Law in *Reshumot* and he has opted for rights under section 2 by virtue of the option granted by subsection (a), the Invalids Law shall apply to him from the day of the option, even if he has received a one-time payment under the Ordinance; provided that he shall not be entitled to a gratuity under that Law or to a pension or other benefit under that Law for the period before the option.

Rights under this Law and National Insurance Law.

9. The following provisions shall apply to an invalid police officer, or the family of a fallen police officer, who or which has a right of option under section 64 (d) or (e) of the National Insurance Law, 5714—1953¹⁾:

(1) Where he or it opts for rights under that Law, the provisions of the Invalids Law, except section 25A thereof, and of the Soldiers' Families Law, shall not apply to him or it;

(2) where he or it opts for rights under the Invalids Law or the Soldiers' Families Law, the Treasury may claim for the National Insurance Institute compensation for all expenditure incurred or to be incurred by it by virtue of these Laws, up to the amount of the benefits to which the National Insurance Institute would have been liable had the option been as specified in paragraph (1).

(3) a person entitled to a benefit shall extend every aid and do any reasonable act in order to assist the Treasury in realising its right under paragraph (2).

Prescription.

10. Notwithstanding the provisions of the Invalids Law, the right to submit a claim for a gratuity or pension under section 2 shall lapse at the expiration of two years from the day on which the invalid ceased to be a police officer.

Extension of period of prescription.

11. Within one year from the day of publication of this Law in *Reshumot*, a claim for a pension or gratuity may be submitted even where the right to submit it has lapsed by prescription under the other provisions of this Law or the provisions of the Soldiers' Families Law.

Commencement.

12. This Law shall have effect retroactively as from the 5th Iyar, 5708 (14th May, 1948); provided that —

(1) a pension, gratuity, grant, or other benefit shall not be granted

¹⁾ *Sefer Ha-Chukkim* No. 137 of 5714, p. 6; *LSI* vol. VIII, p. 4.

for the period preceding the publication of this Law in *Reshumot* ;
(2) an invalid police officer, or the family of a fallen police officer, who or which before the said publication in *Reshumot* and in connection with the invalidity or the death of the deceased, received money or money's worth on account of the State, otherwise than by way of a loan, shall not be bound to refund it to the Treasury and shall not have it set off against what is due to him or it under this Law after such publication.

MOSHE SHARETT
Prime Minister

DAVID BEN-GURION
Minister of Defence

YITZCHAK BEN-ZVI
President of the State

No. 23

STAMP DUTY ORDINANCE (AMENDMENT) LAW, 5715—1955*

1. The following section shall be added after section 75 of the Stamp Duty Ordinance¹⁾ (hereinafter: "the Ordinance") :

Addition of
section 75A.

"Invoices for
sale of goods
and rendering
of services.

75A. (a) A wholesaler or producer who sells any goods to a retailer for an amount of 50 pounds or over, and a person who renders any of the services which the Minister of Finance, with the approval of the Finance Committee of the Knesset, has determined by order, for the amount determined by such order, shall deliver to the purchaser or the recipient of the service a duly stamped invoice setting out —

- (1) the name and address of the seller or the person rendering the service ;
- (2) the name of the purchaser or the recipient of the service ;
- (3) a description of the goods and the quantity thereof, or the nature of the service ;

* Passed by the Knesset on the 2nd Sivan, 5715 (23rd May, 1955) and published in *Sefer Ha-Chukkim* No. 181 of the 12th Sivan, 5715 (2nd June, 1955), p. 78; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 215 of 5714, p. 284.

¹⁾ *Laws of Palestine* vol. II, cap. 133, p. 1328 (English Edition).

(4) the price of the goods or the remuneration for the service ;

(5) the date on which the invoice is given.

(b) In this section —

“wholesaler” means a person whose main business is selling to the retailer ;

“retailer” means a person whose main business is selling to the consumer.

(c) An invoice under subsection (a) shall be delivered, in the case of a sale of goods, not later than the expiration of thirty days from the day on which the goods are delivered to the purchaser, and in the case of the rendering of a service, at the time prescribed in the order referred to in subsection (a).

(d) A sale of goods to the purchaser, or the rendering of a service to the recipient thereof, by a number of acts which by their nature constitute a single transaction or which are performed on the same day shall, for the purpose of this section, be regarded as a single sale or the rendering of a single service.

(e) A copy or duplicate of the invoice shall be kept by the person delivering the invoice for two years. The copy or duplicate shall be marked as prescribed by regulations.

(f) A person who contravenes the provisions of this section shall pay a fine of 250 pounds in respect of every invoice which he ought to have given but has not given, or in respect of every invoice in relation to which any other offence against the provisions of this section has been committed.

(g) The provisions of this section shall not apply —

(1) to a sale of goods to a producer who uses them as raw material for the manufacture of his product ;

(2) to a sale of goods to a place outside Israel.

(h) The duty on an invoice shall be marked by an adhesive stamp, to be cancelled by the person delivering the invoice at the time of delivering it.”.

Addition
of item 40.

2. In the Schedule to the Ordinance, the following item shall be added after item 39 :

“Invoices. 40. Invoices required to be given under section 75A :

- (1) on sale of goods —
- (a) for less than fifty pounds exempt
- (b) for fifty pounds or over —
on every fifty pounds or part
thereof 50 prutot
- (2) on sale of goods on which
excise has been paid —
- (a) for less than fifty pounds exempt
- (b) for fifty pounds or over —
on every fifty pounds or part
thereof 25 prutot
- (3) on the rendering of a service —
- (a) for less than the amount
determined for that service
by order under section
5 A (a) exempt
- (b) for the said amount or
over —
on every 50 pounds or part
thereof 50 prutot"

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

No. 24

WATER MEASUREMENT LAW, 5715—1955*

1. In this Law —

“water supply” means the supply of water, for a consideration, for the purpose of consumption ;

“measured supply” means water supply the consideration for which is calculated according to units of the quantity of water supplied ;

Definitions.

* Passed by the Knesset on the 9th Sivan, 5715 (30th May, 1955) and published in *Sefer Ha-Chukkim* No. 182 of the 18th Sivan, 5715 (8th June, 1955), p. 82; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 223 of 5715, p. 48.

"Director" means the person appointed by the Minister of Agriculture (hereinafter: "the Minister") to be Director for the purpose of this Law.

Measured Supply.

2. (a) A person shall not supply water save by way of measured supply.

(b) The Minister may, by regulations, exempt a person or a category of consumption from the provision of this section, either subject to conditions or unconditionally.

Separate and joint supply.

3. (a) Measured supply shall be to each consumer separately.

(b) The Minister may permit, subject to conditions or unconditionally, a joint measured supply to a number of consumers ; where he has done so and a part of the consumers demands from the supplier a separate supply, water shall be supplied in accordance with the demand, but the cost or the separation shall fall upon the person who made the demand.

Measuring of water consumed or produced from water resources.

4. The Minister may order a consumer who owns a water resource from which his own supply is effected, or a person who produces water from a water resource, to measure, generally or for a particular purpose, the water consumed or produced from the resource ; the order may be made generally or in respect of particular individuals or categories.

Continuance of non-measured supply.

5. A person who immediately before the coming into force of this Law supplied water otherwise than by way of measured supply may continue to do so until a measuring order is issued to him under section 6 ; provided that he shall not enlarge his system of non-measured supply save under a permit from the Minister or a person empowered by the Minister in that behalf.

Measuring order.

6. (a) The Minister may order a person supplying water otherwise than by measured supply to supply water by way of measured supply ; such a "measuring order" may be general or restricted, and the Minister may prescribe conditions therein and may issue directions as to the manner, stages, times and supervision of the implementation thereof.

(b) A measuring order shall not be issued to a local authority save after consultation with the Minister of the Interior.

Price and quantity of water in measured supply.

7. (a) Where an order under section 6 has been made, water shall be supplied by way of measured supply, and the price of the unit of the quantity of water shall be fixed by agreement between the parties or, in the absence of such agreement, in accordance with section 8.

(b) The making of an order under section 6 shall not prejudice the right of a consumer to receive the quantity of water which he was entitled to receive immediately before the order was made.

8. (a) In the event of disagreement as to the price of the unit of the quantity of water, or as to the quantity of water which the consumer is entitled to receive, each party may apply to the Director for a decision.

Settlement
of disputes.

(b) The Director may appoint another person to decide the matter in his stead.

(c) The Director, or the person appointed by him, shall not decide on the application before he has given the parties an opportunity to submit their contentions and to bring their evidence before him, and he shall act in such manner as appears to him most expedient for clarifying the matter.

(d) The Director, or the person appointed by him under subsection (b), shall have all the powers which may be granted to a commission of enquiry under section 5 of the Commissions of Enquiry Ordinance¹⁾.

(e) In a decision under this section, the Director, or the person appointed by him under subsection (b), may impose the cost of settling the dispute on one of the parties or may divide it among all or some of the parties in such shares as he may think fit.

(f) Each party may, within fourteen days from the day on which the decision of the Director or the person appointed by him under subsection (b) is delivered to him in writing, object thereto by written statement of objection before the Minister.

(g) The decision of the Minister, or a decision of the Director or the person appointed by him under subsection (b) to which no objection has been lodged, shall be final and shall be regarded as an agreement between the parties.

9. The provisions of sections 7 and 8 shall not derogate from the power, under any law, of local authorities supplying water by way of measured supply to fix a price for the unit of water and the quantity of water supplied by them to the consumer.

Power of local
authority.

10. The Director or a person empowered by him in that behalf may enter any place in which he believes that water supply installations are situated with a view to checking compliance with the provisions of this Law or of regulations made thereunder.

Supervision.

11. (a) A person shall not wilfully damage a water meter and shall not do in respect of a water meter anything likely to cause falsification of the measurement.

Offences.

(b) A person shall not obstruct the Director, a person appointed under section 8 (b) or a person empowered by the Director under section 10 in the exercise of his functions.

12. A person who contravenes any of the provisions of this Law or any

Penalties.

¹⁾ *Laws of Palestine* vol. I, cap. 21, p. 151 (English Edition).

regulation made hereunder is liable to imprisonment for a term of six months or to a fine of one thousand pounds or to both such penalties.

Implementation
and
regulations.

13. The Minister of Agriculture is charged with the implementation of this Law and may make regulations as to such implementation, including regulations as to —

(1) the installation, replacement, maintenance and handling of water meters, the mutual duties and rights of suppliers and consumers in connection with the said operations, and their obligation to bear the cost thereof ;

(2) the modes of settling disputes connected with the implementation of regulations under paragraph (1) ; provided that regulations under this paragraph shall not prejudice the right of any party to apply to a court in the matter in question before action for a settlement of the dispute under such regulation has commenced ;

(3) separate measuring for different categories of consumption ;

(4) the imposition on a person of the duty to furnish particulars and submit reports as to the supply and consumption of the water produced by him ;

(5) fees payable in respect of applications under section 8.

However, regulations under this section applying only to local authorities shall not be made save in consultation with the Minister of the Interior.

MOSHE SHARETT
Prime Minister

PERETZ NAPHTALI
Minister of Agriculture

YITZCHAK BEN-ZVI
President of the State

No. 25

WATER DRILLINGS CONTROL LAW, 5715—1955*

Definitions.

1. In this Law —

“well” includes any excavation, drill-hole or structure — whether completed or not — intended for the raising of underground water to the surface ;

* Passed by the Knesset on the 9th Sivan, 5715 (30th May, 1955) and published in *Sefer Ha-Chukkim* No. 182 of the 18th Sivan, 5715 (8th June, 1955), p. 84; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 221 of 5715, p. 40.

“installation of a well” includes any alteration to an installation, a structure or any equipment installed at a well, if such alteration is intended to increase the output of water thereof ;

“Director” means the person appointed by the Minister of Agriculture to be Director for the purpose of this Law.

2. The Minister of Agriculture shall appoint a board for the purpose of this Law (hereinafter “the Board”).

Appointment of board.

3. The Board shall consist of the following :

Composition of Board.

(1) the Director, who shall be the chairman of the Board ;

(2) a representative of the Ministry of Agriculture, a representative of the Ministry of Development and two representatives of the Scientific Council attached to the Prime Minister’s Office ;

(3) seven representatives of representative organisations of owners of agricultural farms and of representative organisations of agriculturists, including at least two from among the Arab citizens.

4. A person shall not install a well save under a licence from the Director (hereinafter : “drilling licence”) and in accordance with the conditions of the licence.

Installation of well.

5. The Director may do one of the following where he is of the opinion that such is necessary to prevent the depletion or salification of the water resources or to ensure a supply of water for domestic purposes :

Drilling licence.

(1) not grant a licence ;

(2) grant a licence subject to conditions as to the diameter, depth or equipment of the well or as to the quantity of water permitted to be produced therefrom ;

(3) not later than one month after the carrying out of the test pumping (as shall be prescribed by regulations) following the installation of the well — cancel the licence or make its continued validity subject to conditions or additional conditions.

6. Where a person who has been granted a prospecting licence, mining right or mining lease under the Mining Ordinance¹⁾ applies to the Director for a drilling licence for the purpose of the prospecting and mining and of the handling of the minerals mined, or for other purposes directly connected therewith, the Director shall not decide upon the application save after consultation with the Controller of Mines.

Drilling licence for the purpose of prospecting, mining and the like.

7. (a) Where an application for a drilling licence has been submitted, the Director shall publish a written notice specifying the name of the applicant and the nature and place of the proposed installation operations.

Publication and opposition.

¹⁾ *Laws of Palestine* vol. II, cap. 94, p. 938 (English Edition).

(b) The notice shall be deposited for seven days at the office of the local authority or — where there is no local authority — of the District Commissioner in whose area the well is proposed to be installed, and any person shall be permitted to inspect the notice.

(c) Any person opposing the grant of a drilling licence as requested may, within seven days from the day of publication of the notice, lodge opposition in writing with the Director, specifying the reasons for such opposition.

Decision of Director.

8. Where the Director decides to grant a licence — whether subject to conditions or unconditionally — he shall notify his decision, in writing, to the applicant and to any person who has lodged opposition. Where the Director decides not to grant a licence, he shall notify his decision, in writing, to the applicant.

Objection to decision of Director.

9. (a) An applicant who considers himself aggrieved by the decision of the Director, and any other person notified under section 8, may, within seven days from the day on which the notification is delivered to him, object to it by statement of objection before the Minister of Agriculture.

(b) Where a statement of objection has been submitted to the Minister of Agriculture, he shall appoint a committee (hereinafter: "committee") which shall investigate the objection and bring its recommendations before him.

(c) A committee shall consist of at least three persons.

(d) The person objecting and the Director, or their representatives, may bring their contentions before the committee.

(e) The Minister of Agriculture may, after studying the recommendations of the committee, confirm the decision of the Director or give another decision instead, and the licence shall be granted or not be granted, according to the decision of the Director and the conditions published therein.

Supervision and inspection.

10. The director or a person empowered by him in that behalf may —

(1) enter any place where a well is situated for the purpose of supervising compliance with the provisions of this Law or the regulations made thereunder or with the conditions attached to a drilling licence ;

(2) inspect any well, carry out measurements and conduct a pumping test therein, take samples of the water therein, and do any such other act of investigation in respect thereof as the Minister of Agriculture may by regulations prescribe.

Restoration to former condition.

11. (a) Where a well has been installed without a licence or otherwise than in accordance with the conditions of a licence, a magistrate may, on

the application of the Director, order the person who has installed the well or the owner of the land in which it is situated, or any such other person as the magistrate may think fit, to block up the well or to restore any alteration made therein to its former condition, as the case may be.

(b) Where a well is being installed otherwise than under a drilling licence, or otherwise than in accordance with the conditions of such a licence, a magistrate may, on the application of the Director, order that the installation operations be discontinued within the time prescribed in the order.

(c) The Minister of Justice shall prescribe, by regulations, the procedure for dealing with applications under this section.

(d) A magistrate who makes an order under this section may there- in entrust the Director or his representative with the enforcement of the order, and when the Director or his representative has enforced it, the cost of the enforcement shall be collected from the person against whom the order was made as if it were a tax to which the Tax (Collection Ordinance¹) — except section 12 thereof — applies.

(e) A person to whom an order under this section has been issued, or a person entrusted with the enforcement of an order as aforesaid, may enter any place where the well is situated and do therein the acts required for the enforcement of the order.

12. A person who contravenes any of the provisions of this Law or a regulation made thereunder or a condition attached to a drilling permit, or a person who obstructs the Director, or a person empowered by the Director in that behalf, in the exercise of his powers under section 10 is liable to imprisonment for a term of six months or to a fine of one thousand pounds.

Offences and penalties.

13. The holder of a petroleum right under the Petroleum Law, 5712—1952²) shall be regarded as the holder of a drilling licence under this Law in respect of the licensed area or area of lease covered by the said right and for the purpose of operations which are petroleum purposes within the meaning of section 44 of the said Law, except paragraph (G) thereof.

Inapplicability.

14. The holder of a drilling licence is subject, in his operations, to the provisions of the Town Planning Ordinance, 1936³), but the Minister of Agriculture may, in consultation with the Minister of the Interior, authorise deviations from that Ordinance.

Application of the Town Planning Ordinance, 1936.

15. There are hereby repealed —

Repeal.

(1) the Safeguarding of Public Water Supplies Ordinance, 1937⁴);

¹) *Laws of Palestine* vol. III, cap. 137, p. 1399 (English Edition).

²) *Sefer Ha-Chukkim* No. 109 of 5712, p. 322; *LSI* vol. VI, p. 129.

³) *P.G.* of 1936, Suppl. I, No. 589, p. 157 (English Edition).

⁴) *P.G.* of 1937, Suppl. I, No. 711, p. 185 (English Edition).

(2) paragraph (d) of section 83 of the Mining Ordinance¹⁾.

Implementation
and
regulations.

16. The Minister of Agriculture is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation, including regulations as to —

- (1) the registration of wells and of installation operations carried out thereat, and the supply of particulars relating thereto ;
- (2) the carrying out and supervision of test pumpings ;
- (3) the keeping of a record of installation operations at a well and the rendering of reports thereon ;
- (4) the carrying out of measurements and the delivery of samples in connection with installation operations at a well ;
- (5) the establishment and maintenance of installations for measuring the water produced from wells and the level of the water therein ;
- (6) the blocking up of wells ;
- (7) fees for licences.

MOSHE SHARETT
Prime Minister

PERETZ NAPHTALI
Minister of Agriculture

YITZCHAK BEN-ZVI
President of the State

No. 26

FOREIGN CURRENCY (PAYMENT OF EXCHANGE RATE
DIFFERENCES) LAW, 5715—1955*

Definitions.

1. In this Law —

“the Defence Regulations” means the Defence (Finance) Regulations, 1941²⁾ ;

“the prohibiting regulation” means regulation 6 of the Defence Regulations ;

“foreign currency” has the same meaning as in the Defence Regulations ;

¹⁾ *Laws of Palestine* vol. II, cap: 94, p. 938 (English Edition).

* Passed by the Knesset on the 10th Sivan, 5715 (31st May, 1955) and published in *Sefer Ha-Chukkim* No. 183 of the 19th Sivan, 5715 (9th June, 1955), p. 88; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 236 of 5715, p. 142.

²⁾ *P.G.* of 1941, Suppl. II, No. 1138, p. 1647 (English Edition).

"holder", in relation to foreign currency, includes a person to whom the provisions of subregulation (1) (b), 2 (b), and 2B (b) of the prohibiting regulation apply ;

"Controller" and "authorised dealer" have the same meaning as in the Defence Regulations.

2. (a) A person who on the 18th Shevat, 5712 (14th February, 1952) (hereinafter: "the determining day") held any foreign currency shall pay to the Treasury the difference between the price of the currency as on the day on which the currency came into his hands and the price thereof calculated at the rate of one Israel pound per dollar of the United States (hereinafter: "the new rate") ; if the currency was acquired at a price permitted by the Controller, he shall pay the difference between the price at which the currency was acquired and the price thereof calculated at the new rate.

Payment of differences.

(b) Whosoever after the determining day received from a person foreign currency which had been given to that person — directly or through another person on his account — before the determining day shall be deemed to have held that amount of foreign currency on the determining day unless that person is liable to pay differences under this section on that amount of foreign currency.

3. (a) A person who on any day, in the period beginning on the 18th Sivan, 5713 (1st June, 1953) and ending on the 6th Tevet, 5715 (31st December, 1954) (hereinafter: "the determining period"), held any foreign currency shall pay to the Treasury the difference between the price of the largest amount of currency held by him on any day as aforesaid (such day being hereinafter referred to as "the difference day") calculated at the new rate, plus eighty per cent of such price, and the price of that amount of currency calculated at the new rate ; if the currency was acquired at a price permitted by the Controller, he shall pay the difference between the price at which the currency was acquired and the price thereof calculated at the new rate, plus eighty per cent of such price.

Payment of special differences.

(b) Whosoever after the expiration of the determining period received from a person foreign currency which had been given to that person — directly or through another person on his account — before the expiration of the determining period shall be deemed to have held that amount of currency within the determining period in addition to the amount held by him on the difference day unless that person is liable to pay differences under this section on that amount of currency ; the provision of this subsection shall not apply where the amount was given to that person after the difference day.

4. The differences payable under section 2 and 3 shall be paid within three months from the day on which this Law comes into force.

Time of payment.

5. The provisions of sections 2 and 3 shall not apply to —

Exemptions.

(1) foreign currency which has been sold to the Minister of Finance ;

(2) the consideration in foreign currency received from the export of goods and situated, with the approval of the Controller, with an authorised dealer who is a bank ;

(3) foreign currency transferred to Israel by a non-resident and deposited by him, with the approval of the Controller, with an authorised dealer who is a bank ;

(4) a person who has entered Israel legally on a visa and permit of transitory residence or visitor's permit of residence or permit of temporary residence in accordance with the Entry into Israel Law, 5712—1952¹⁾, an Israel national permanently resident outside Israel and staying in Israel for a period not exceeding three months from the day of his entry, and an *oleh* under the Law of return, 5710—1950²⁾, to the extent that the Minister of Finance or a person appointed by him under subregulation (3) of the prohibiting regulation has exempted them from the provisions of the said regulation ;

(5) a person whom the Minister of Finance has exempted from the provisions of the prohibiting regulation under section 22 of the Encouragement of Capital Investments Law, 5710—1950³⁾ ;

(6) classes of persons or classes of foreign currency whom or which the Minister of Finance, with the approval of the Finance Committee of the Knesset, has exempted from the payment of all or any of the differences, notice of the exemption having been published in *Reshumot*.

Implementation
and regulations.

6. The Minister of Finance is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

¹⁾ *Sefer Ha-Chukkim* No. 111 of 5712, p. 354; *LSI* vol. VI, p. 159.

²⁾ *Sefer Ha-Chukkim* No. 51 of 5710, p. 159; *LSI* vol. IV, p. 114.

³⁾ *Sefer Ha-Chukkim* No. 41 of 5710, p. 129; *LSI* vol. IV, p. 93.

FEEs (COOPERATIVE CREDIT SOCIETIES) LAW, 5715—1955*

1. In this Law, "cooperative credit society" means a registered society within the meaning of the Cooperative Societies Ordinance¹⁾, classified by the Registrar of Cooperative Societies, under section 10 (3) of the said Ordinance, as a cooperative credit society. Definitions.
2. (a) A cooperative credit society shall pay on the fifteenth of April of every year an annual fee of an amount as specified in the Schedule. Payment of fee.
(b) A list of the cooperative credit societies which have paid the annual fee shall be published in *Reshumot* every year.
3. A cooperative credit society which has not paid an annual fee as provided in section 2 is liable to a fine of twenty pounds in respect of each day of delay in paying the fee, and so is every board member, manager, secretary or responsible official of the society who knowingly and wilfully suffered the payment of the fee to be delayed. Penalties.
4. Notwithstanding the provisions of section 2, the annual fee for the year 1955 shall be paid within 45 days from the day on which this Law is adopted by the Knesset. Transitional provision.
5. The Minister of Finance is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation. Implementation and regulations.

SCHEDULE
(section 2)

(a) The amount of the fee shall be as set out hereunder :

Where the aggregate amount of membership dues paid by the day of payment of the fee —

does not exceed 30,000 pounds	nil
exceeds 30,000 pounds but does not exceed 40,000 pounds	350 pounds
exceeds 40,000 pounds but does not exceed 50,000 pounds	500 pounds
exceeds 50,000 pounds but does not exceed 60,000 pounds	750 pounds

* Passed by the Knesset on the 10th Sivan, 5715 (31st May, 1955) and published in *Sefer Ha-Chukkim* No. 183 of the 19th Sivan, 5715 (9th June, 1955), p. 89; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 233 of 5715, p. 123.

¹⁾ *Laws of Palestine* vol. I, cap. 24, p. 360 (English Edition).

exceeds 60,000 pounds but does not exceed 80,000 pounds	1100 pounds
exceeds 80,000 pounds but does not exceed 100,000 pounds	1500 pounds
exceeds 100,000 pounds but does not exceed 200,000 pounds	3000 pounds
exceeds 200,000 pounds but does not exceed 500,000 pounds	4000 pounds
exceeds 500,000 pounds but does not exceed 1,000,000 pounds	6000 pounds
exceeds 1,000,000 pounds	8000 pounds

(b) An additional fee shall be paid for each branch which a co-operative credit society has on the day of payment of the fee, as follows:
for a branch in Jerusalem, Tel-Aviv—Jaffa or Haifa 375 pounds
for a branch anywhere else in Israel 200 pounds

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

No. 28

KNESSET ELECTIONS (AMENDMENT No. 2) LAW, 5715—1955*

Amendment of
section 23.

1. In section 23 of the Knesset Elections Law, 5715—1955 (Consolidated Version)¹⁾ (hereinafter: "the principal Law"), the words "A person who has made application to the Ministry of the Interior under section 22 and has received a negative or no reply" in subsection (a) shall be replaced by the words "Any person".

Amendment of
section 25.

2. In section 25 of the principal Law, the words "53 days" in subsection (c) shall be replaced by the words "46 days".

Amendment of
section 29.

3. In section 29 of the principal Law, the words "than the 46th day", and the words "than the 39th day" shall be replaced by the words "than

* Passed by the Knesset on the 10th Sivan, 5715 (31st May, 1955) and published in *Sefer Ha-Chukkim* No. 183 of the 19th Sivan, 5715 (9th June, 1955), p. 91; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 239 of 5715, p. 162.

¹⁾ *Sefer Ha-Chukkim* No. 174 of 5715, p. 30; *supra*, p. 30.

shall be replaced by the words "than the 40th day" and the words "than the 39th day" shall be replaced by the words "than the 34th day".

4. In section 30 of the principal Law, the words "than the 34th day" shall be replaced by the words "than the 29th day". Amendment of section 30.
5. In section 31 of the principal Law — Amendment of section 31.
(1) in the first subsection, the words "than the 34th day" shall be replaced by the words "than the 29th day", and the words "than the 29th day" shall be replaced by the words "than the 25th day";
(2) in the second subsection, the words "than the 22nd day" shall be replaced by the words "than the 20th day".
6. In section 32 of the principal Law, the words "19 days" shall be replaced by the words "16 days". Amendment of section 32.
7. The following subsection shall be added in section 76 of the principal Law: Amendment of section 76.
" (d) If the chairman of the Central Election Committee (in this subsection: "the chairman") is satisfied that in any settlement point there will be less than 20 persons qualified to vote, he may, not later than the seventh day before election day, link such settlement point, for the purpose of this Law, to the nearest polling district of the adjacent settlement point; the chairman shall notify such a linking immediately, in such form as he thinks fit, to the two settlement points concerned; any person opposing the linking may, not later than the fourth day before election day, bring his contentions before the chairman, who shall decide the matter finally not later than two days before election day."
8. In subsection (b) of section 77 of the principal Law, the words "from advocate's appearance fee and from stamp duty on powers of attorney" shall be added. Amendment of section 77.
9. The Knesset Election Law, 5715—1955¹⁾, and the Second Knesset Elections Law, 5711—1951²⁾, shall be amended in accordance with the provisions of this Law. Supplementary amendment.
10. (a) This Law shall come into force on the day on which it is adopted by the Knesset. Commencement.
(b) The provision as to voting in Israel ships shall come into force after the Knesset has prescribed by Law the procedure for such voting.

MOSHE SHARETT
Prime Minister

ISRAEL ROKACH
Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

¹⁾ *Sefer Ha-Chukkim* No. 172 of 5715, p. 18; *supra* p. 16.

²⁾ *Sefer Ha-Chukkim* No. 74 of 5711, p. 110; *LSI* vol. V, p. 99.

POPULAR LOAN LAW, 5715—1955*

- Power to borrow. 1. The Government is hereby authorised to accept a loan of an amount not exceeding seven-and-a-half million pounds and to issue for this purpose bearer bonds (hereinafter: "bonds").
- Nominal value. 2. (a) Every bond shall be for an amount of twenty pounds and shall be marked with a serial number.
(b) The Government may issue every bond in two halves of ten pounds each, to be marked with the same serial number.
(c) A half-bond of ten pounds shall be treated like a bond of twenty pounds in all respects, except that the amount of redemption shall be half of the amount of redemption of the whole bond, independently of the other half.
- Redemption of bonds. 3. The following provisions shall apply to the redemption of bonds:
(1) The Government shall redeem the bonds within a period of twenty-five years (hereinafter: "the period of the loan") from the day fixed by the Minister of Finance by notice published in *Reshumot* as the day of issue of the loan;
(2) in each year of the period of the loan, a number of bonds to be fixed by regulations shall be redeemed; redemption shall be by lot;
(3) the bonds drawn by lot shall be redeemed at their nominal value, with an addition, in each year in which a drawing takes place, of an amount (hereinafter: "the prize amount") not less than three per centum of the aggregate amount of the loans;
(4) every drawing shall be held in public and shall comprise all the bonds not yet drawn;
(5) the times and procedure of the drawing and the apportionment of the prize amount among the bonds to be drawn in each year shall be prescribed by regulations; notice of the hour and place of each drawing shall be published, at least one week in advance, in *Reshumot*;
(6) the bonds not redeemed by lot as aforesaid shall be redeemed at their nominal value on the thirtieth of the month immediately following the expiration of the period of the loan.
- Right of Government to bonds not issued. 4. (a) So long as the Government has not issued all the bonds which it is authorised to issue, it shall, for the purpose of every drawing and
- * Passed by the Knesset on the 10th Sivan, 5715 (31st May, 1955) and published in *Sefer Ha-Chukkim* No. 183 of the 19th Sivan, 5715 (9th June, 1955), p. 92; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 237 of 5715, p. 148.

winning of prize amounts and for the purpose of the redemption of the bonds redeemed by lot under this Law, be deemed to have issued and hold as bearer the balance of the bonds not issued by it by the time of the drawing.

(b) The provisions of subsection (a) shall not affect the right of the Government to issue a bond not yet issued so long as it has not been drawn by lot.

5. The bonds shall not bear interest.

Interest.

6. (a) A bond due for redemption shall be redeemed to the person presenting it, upon surrender thereof, at such place as the Minister of Finance shall direct by notice published in *Reshumot*, and shall become void upon redemption.

Redemption and cancellation of bonds.

(b) A bond drawn by lot shall be redeemed after three weeks from the day of the drawing.

7. The bonds shall be transferable by delivery.

Transfer of bonds.

8. The prize amounts which will be paid under this Law shall not be considered as income for the purposes of the Income Tax Ordinance, 1947¹⁾.

Exemption from income-tax.

9. The bonds are exempt from stamp duty.

Exemption from stamp duty.

10. The amounts payable under the bonds and all expenses involved in the implementation of this Law shall be paid by the Minister of Finance out of the general revenue and assets of the State.

Payment and security.

11. (a) The bonds shall have the text prescribed by the Minister of Finance by regulations.

Text of bonds.

(b) Every bond shall bear the facsimile signatures of the Minister of Finance and the Accountant General.

12. The Minister of Finance is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation, including the appointment and determination of functions of a board to supervise the drawings; however, regulations under section 3 shall be made before the issue of the bonds.

Implementation and regulations.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

¹⁾ P. G. of 1947, Suppl. I, No. 1568, p. 93 (English Edition).

No. 30

DEFENCE (FINANCE) REGULATIONS (CONTINUANCE IN
FORCE) LAW, 5715—1955*

Continuance
in force.

1. The Defence (Finance) Regulations, 1941¹⁾ shall continue in force until the 16th Tevet, 5716 (31st December, 1955).

Commencement.

2. This Law shall come into force on the 10th Tammuz, 5715 (30th June, 1955).

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

No. 31

EXCHANGE OF BANK NOTES AND COMPULSORY LOAN
(TEMPORARY PROVISIONS) LAW, 5715—1955**

Definitions.

1. In this Law, every term shall have the same meaning as it has in the Exchange of Bank Notes and Compulsory Loan Law, 5712—1952²⁾ (hereinafter: "the principal Law").

Additional
time for
exchange of
bank notes.

2. Notwithstanding section 3 of the principal Law and section 2 of the Exchange of Bank Notes and Compulsory Loan Law (Temporary Provisions) Law, 5713—1953³⁾, the Minister of Finance may, in his discretion as to each case, direct the Bank of Israel to exchange old bank notes to a person who notifies his desire for the exchange to the Bank of Israel not later than the expiration of seven days from the day of the coming into force of this Law, if the Minister is satisfied that such

* Passed by the Knesset on the 10th Sivan, 5715 (31st March, 1955) and published in *Sefer Ha-Chukkim* No. 183 of the 19th Sivan, 5715 (9th June, 1955), p. 93; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 237 of 5715, p. 147.

¹⁾ P.G. of 1941, Suppl. II, No. 1138, p. 1647 (English Edition).

** Passed by the Knesset on the 11th Sivan, 5715 (1st June, 1955) and published in *Sefer Ha-Chukkim* No. 183 of the 19th Sivan, 5715 (9th June, 1955), p. 94; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 240 of 5715, p. 166.

²⁾ *Sefer Ha-Chukkim* No. 105 of 5712, p. 272; *LSI* vol. VI, p. 83.

³⁾ *Sefer Ha-Chukkim* No. 129 of 5713, p. 124; *LSI* vol. VII, p. 103.

100

person did not have such notes exchanged in time for reasons beyond his control ; provided that one person shall not have exchanged to him old bank notes of an amount exceeding one hundred pounds.

3. All the provisions of the principal Law shall, unless a contrary intention appears, apply to the exchange of notes under this Law. Application.

4. This Law shall come into force on the day on which it is adopted by the Knesset. Commencement.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

No. 32

MUNICIPAL ELECTIONS (TEMPORARY PROVISIONS)

(No. 2) LAW, 5715—1955*

1. The elections to the municipal councils to be held on the day of the elections to the Third Knesset shall be in accordance with the Municipal Corporations Ordinance, 1934¹⁾ (hereinafter: "the Ordinance"), with the variations set out in the Municipal Elections (Temporary Provisions) Law, 5715—1955²⁾, and in this Law ; such variations shall apply only to those elections. Application of the Municipal Corporations Ordinance.

2. In section 17 of the Ordinance —

(1) subsection (a) shall be replaced by the following subsection :

"(a) Any person may appeal against the register of voters on the ground that he or another has improperly been registered or not been registered or has been registered with incorrect particulars ; the appeal shall be submitted to the District Court in whose area of jurisdiction the municipal area is situated." ;

(2) subsection (b) shall be replaced by the following subsection :

Appeal against register of voters.

* Passed by the Knesset on the 17th Sivan, 5715 (7th June, 1955) and published in *Sefer Ha-Chukkim* No 184 of the 26th Sivan, 5715 (16th June, 1955), p. 96 ; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 241 of 5715, p. 168.

1) P.G. of 1934, Suppl. I, No. 414, p. 1 ; *Sefer Ha-Chukkim* No. 91 of 5710, p. 41 — *LSI* vol. IV, p. 29.

2) *Sefer Ha-Chukkim* No. 177 of 5715, p. 52 ; *supra*, p. 58.

“(b) The appeal shall be submitted by the 39th day before election day.” ;

(3) in paragraph (2) of subsection (d), after the words “court fees”, the words “advocate’s appearance fee or stamp duty on powers of attorney” shall be inserted.

Commencement. 3. This Law shall come into force on the day on which it is adopted by the Knesset.

MOSHE SHARETT
Prime Minister

ISRAEL ROKACH
Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

No. 33

LAW OF EVIDENCE REVISION (PROTECTION OF CHILDREN)
LAW, 5715—1955*

Definitions.

1. In this Law —

“child” means a person under fourteen years of age ;

“offence against morality” means any of the offences enumerated in the Schedule.

Hearing of child as a witness.

2. (a) Save with the permission of a youth interrogator, a child shall not be heard as a witness as to an offence against morality committed upon his person or in his presence, or of which he is suspected, and a statement by a child as to such an offence shall not be admitted as evidence.

(b) Where a youth interrogator has permitted a child to be heard as a witness, no person shall be present at the taking of the evidence except the prosecutor, the accused, the advocate of the accused, the youth interrogator and any person whom the Court has permitted to be present.

Appointment of youth interrogators.

3. (a) The Minister of Justice shall appoint youth interrogators for the purpose of this Law.

* Passed by the Knesset on the 17th Sivan, 5715 (7th June, 1955) and published in *Sefer Ha-Chukkim* No. 184 of the 26th Sivan, 5715 (16th June, 1955), p. 96; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 211 of 5714. p. 264.

(b) A youth interrogator may be appointed only after consultation with the Committee.

(c) The Committee shall consist of four members, namely :

(1) a judge of a Magistrate Court currently serving as a judge for the purposes of the Juvenile Offenders Ordinance, 1937¹⁾, appointed by the Minister of Justice ;

(2) a mental hygiene expert appointed by the Minister of Health ;

(3) an educator appointed by the Minister of Education and Culture ;

(4) a child and youth care expert appointed by the Minister of Social Welfare.

(d) The judge shall act as chairman of the Committee.

(e) The Committee shall prescribe the rules for its deliberations and work in so far as they have not been prescribed by regulations.

4. Except for an examination as a witness permitted by a youth interrogator under section 2, a child shall not be examined as to an offence against morality save by a youth interrogator ; but this provision shall not apply —

Examination by youth interrogator only.

(1) to questions put at the time or immediately after the commission of the offence or as soon as a reasonable suspicion arises that such an offence has been committed ;

(2) to questions put by the father, the mother, the guardian, the person having supervision or control of the child, or a physician.

5. No person shall be present at the examination of a child by a youth interrogator, save with the latter's permission.

Presence at examination.

6. (a) A person shall not publish anything calculated to reveal the identity of a child who has been examined as to an offence against morality or has testified in connection with such an offence before a court, save with the permission of the court.

Publication.

(b) A person who contravenes this section is liable to imprisonment for a term of six months or to a fine of 250 pounds or to both such penalties.

7. Where, in the course of a police investigation into an offence against morality, it appears necessary to carry out an act requiring the presence or participation of the child, such act shall not be carried out save in accordance with the directions of a youth interrogator.

Presence of child at investigation operations.

8. (a) Where an examination as to an offence against morality has been held by a youth interrogator at the request of the police, the youth

Report to police.

¹⁾ P.G. of 1937, Suppl. I, No. 667, p. 137 (English Edition).

interrogator shall disclose to the police the particulars of the examination and lay his conclusions before them.

(b) The provisions of section 6 shall apply *mutatis mutandis* to a report of a youth interrogator under this section.

Admissible
evidence.

9. Evidence as to an offence against morality taken and recorded by a youth interrogator and any minutes or report of an examination as to such an offence prepared by a youth interrogator during or after the examination, are admissible as evidence in Court.

Additional
examination.

10. Where evidence as referred to in section 9 has been submitted to the Court, the accused or the prosecutor may require, and the judge may order, that the youth interrogator re-examine the child and ask him a particular question ; but the youth interrogator may refuse to ask all or any questions so required if he is of the opinion that asking them is likely to cause psychical harm to the child.

Supporting
evidence.

11. A person shall not be convicted on evidence under section 9 unless it is supported by other evidence.

Implementation
and regulations.

12. The Minister of Justice is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

Commencement.

13. This Law shall come into force on the 4th Tishri, 5716 (20th September, 1955).

SCHEDULE

(section 1)

Offences against sections 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 165, 166, 167, 168, 170, 171, 173, and 174 of the Criminal Code Ordinance, 1936¹⁾.

MOSHE SHARETT
Prime Minister

PINCHAS ROSEN
Minister of Justice

YITZCHAK BEN-ZVI
President of the State

¹⁾ P.G. of 1936, Suppl. I, 652, p. 285 (English Edition).

No. 34

EMERGENCY REGULATIONS (FOREIGN TRAVEL) (AMENDMENT)
LAW, 5715—1955*

1. In regulation 2 of the Emergency Regulations (Foreign Travel), 5708—1948¹) (hereinafter: "the Regulations"), paragraph (a) shall be replaced by the following paragraph:

Amendment of regulation 2.

"(a) refuse to grant a permit if there is reason to apprehend that the going abroad of the person applying for the permit may prejudice the security of the State ;"

2. In regulation 3 of the Regulations, subregulation (d) shall be replaced by the following subregulation:

Amendment of regulation 3.

"(d) The Minister of the Interior may prescribe by order the fees payable for an exit permit and any exemption from the payment thereof."

3. Section 2 shall come into force on the 15th day from the day on which this Law is published in *Reshumot*.

Commencement of operation of section 2.

MOSHE SHARETT
Prime Minister

ISRAEL ROKACH
Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

No. 35

MUNICIPAL CORPORATIONS ORDINANCE (AMENDMENT) LAW,
5715—1955**

1. In section 58 of the Municipal Corporations Ordinance, 1934²) (hereinafter: "the Ordinance"), the words "duly qualified councillors" in the fifth and sixth lines shall be replaced by the words "duly qualified persons".

Amendment of section 58.

* Passed by the Knesset on the 17th Sivan, 5715 (7th June, 1955) and published in *Sefer Ha-Chukkim* No. 184 of the 26th Sivan, 5715 (16th June, 1955) p. 98; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 217 of 5715, p. 6.

¹) I.R. of 5709, Suppl. I, p. 33 — *LSI* vol. II, p. 16; *Sefer Ha-Chukkim* No. 133 of 5713, p. 156 — *LSI* vol. VII, p. 130.

** Passed by the Knesset on the 17th Sivan, 5715 (7th June, 1955) and published in *Sefer Ha-Chukkim* No. 185 of the 27th Sivan, 5715 (17th June, 1955), p. 100; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 105 of 5712, p. 120.

P.G. of 1934, Suppl. I, No. 414, p. 1 (English Edition).

Replacement of
section 60.

2. Section 60 of the Ordinance shall be replaced by the following sections:

Management
Committee.

60. (a) The council may elect from among its members a permanent management committee, whose functions shall be to advise the mayor as to anything relating to the carrying out of his functions, and which shall serve as a committee for any matter not within the competence of another committee, whether permanent or temporary.

(b) The members of the management committee shall be the mayor, his deputies and other councillors of a number fixed by the council and elected by it.

Tenders
committee.

60A. (a) The council shall have a permanent tenders committee, whose function shall be to supervise and express its opinion on tenders submitted to the council.

(b) The tenders committee shall be elected by the council from among its members.

Agricultural
committee.

60B. (a) In this section —

“agricultural land” means land used for a plantation, a nursery a stock-farm, the cultivation of agricultural produce or flowers or afforestation ;

“agriculturist” means —

(1) a person who is the owner of agricultural land in the municipal area, the area of which is at least two dunams and which is not occupied by another person, except the area of a building within the meaning of section 101 not used for agricultural purposes ;

(2) a person who occupied and regularly worked agricultural land, as described in paragraph (1), for one year immediately prior to the determining day ;

“agricultural matter” means a matter of agricultural importance the regulation of which is in the interest of agriculture or of a branch thereof or, in the interest of persons engaged in agriculture in the municipal area or in a town-planning area including the municipal area, and includes the imposition of rates on agricultural land in the municipal area and of charges and fees on persons engaged in agriculture as aforesaid in respect of agricultural land, and the manner of expending the revenue from these sources ;

"the determining day" has the same meaning as in section 2 or means such later date as the Minister of the Interior has prescribed for the purpose of the first elections to an agricultural committee.

(b) An agricultural committee (hereafter in this section: "committee") shall be established in every municipal corporation which has in its area at least fifty agriculturists, or agricultural land of an area of at least one thousand dunams occupied by at least ten persons, and in a municipal corporation the council of which has decided upon the establishment of a committee or in respect of which the Minister of the Interior has so prescribed.

(c) (1) The committee shall have such number of members divisible by three and not exceeding twelve, as the council may decide or, failing a decision of the council, as the Minister of the Interior may prescribe, in accordance with the provisions of the Second Schedule.

(2) The composition of the committee shall be as follows: two thirds of the members (hereinafter: "the representatives of the agriculturists") shall be elected in accordance with the provisions of the Second Schedule and one third, of whom at least one shall be a member of the council, shall be elected by the council; all the members of the committee shall be agriculturists, except one, who may be a non-agriculturist, provided that he is a member of the council elected by it to the committee.

(3) The elections of the representatives of the agriculturists shall be based on equal suffrage, direct and by secret ballot; upon the demand of thirty-five per cent of the agriculturists the elections shall be also based on the principle of proportional representation; a demand as aforesaid shall be submitted in the manner and at the time prescribed in the Second Schedule.

(4) A representative of the agriculturists who has been absent from the meetings of the committee for three consecutive months or — if there have been less than three meetings in three months — on three consecutive occa-

mittee unless he has been absent by reason of illness or of service in the Defence Army of Israel or with the permission of the committee.

(5) The provisions of section 46 — except paragraph (1) of subsection (a) — shall apply *mutatis mutandis* to the invalidation of the membership of member of the committee.

(d) The committee shall have a chairman and a vice-chairman, who shall both be elected by the council from the list of candidates proposed by the committee; and the council may demand that at least two candidates be proposed to it for each office as aforesaid. In the absence of the chairman, the vice-chairman shall fill his place. Pending the appointment of the chairman of the committee, the election officer shall be the chairman thereof.

(e) A committee whose period of tenure has terminated shall continue in office until a new committee is duly constituted.

(f) The functions and powers of the committee shall be as follows:

(1) advise the council as to any agricultural matter, either on its own motion or at the request of the council;

(2) to propose to the council draft resolutions as to any agricultural matter;

(3) to implement resolutions of the council as to an agricultural matter if the council or the mayor or, if the matter has been the subject of an objection under subsection (h), the Minister of the Interior so demands.

(g) An agricultural matter shall not come for final consideration before the council unless the committee has first considered it and expressed its opinion, or unless fourteen days have passed from the day on which the council submitted the matter, in writing, to the committee; where the committee has proposed to the council a draft resolution as to an agricultural matter, the council shall place the draft resolution on its agenda and shall consider it as soon as possible, and if the draft resolution has not been rejected by the council at the expiration of thirty days from the

day on which it was submitted in writing, it shall be regarded as a resolution of the council.

(h) Where the council has adopted a resolution on an agricultural matter otherwise than in accordance with the draft or opinion of the committee, the committee may object to the resolution before the Minister of the Interior within fourteen days from the day on which it was delivered to it in writing ; the council shall not implement a resolution as aforesaid before the expiration of the period of objection and so long as an objection is pending.

(i) The revenue from rates imposed on agricultural land, and the revenue from charges, fees and other payments which it has been duly decided to impose on agricultural land or on persons engaged in agriculture in respect of agricultural land and which are expressly described in the resolution as imposed in connection with an agricultural matter shall, after deduction of reasonable administrative expenses, be entirely expended on agricultural matters.

Finance committee.

60C. The council shall elect from among its members a permanent finance committee, whose function shall be to advise it on all financial matters of the municipal corporation.

Various committees.

60D. In addition to the committees specified in this Ordinance or in any other Law, the council may elect permanent or temporary committees, whose function shall be to advise it in particular matters or cases.

Composition of committees.

60E. Where no specific composition is prescribed for a committee of the council in this Ordinance or in any other Law, at least half of the members of the committee shall be members of the council, and the remainder shall be persons qualified to be elected to the council and not disqualified under section 45 ; provided that the aggregate party composition of all the said committees shall be in accordance with the party composition of the council.

Chairmen of the committees.

60F. The mayor shall *ex officio* be the chairman of the management committee : the chairman of the committees shall be elected by the council from among its members unless otherwise provided in this Ordinance or in any other Law.

Equality of votes. **60G.** In the event of an equality of votes in a committee, the proposal in question shall be referred to the decision of the council.

Approval of decisions of committee. **60H.** The decisions of the committees of the council require the approval of the council unless a contrary intention appears from this Ordinance.

Period of tenure of committees. **60I.** A committee of the council shall hold office throughout the period of tenure of the council, unless otherwise provided in this Ordinance or in any other Law ; provided that a temporary committee shall dissolve automatically upon completion of its task ; however, the power of the council to abolish at any time a committee wholly elected by it or to alter its composition subject to the provisions of this Ordinance, or to replace its representatives on a committee of the council formed in partnership with other agencies, shall not be affected.

Cessation of membership of committee. **60J.** (a) Where a councillor has been elected by the council to a committee thereof, his membership of the committee shall discontinue upon discontinuance of his membership of the council.

(b) A member of a committee of the council who loses his right to be elected to the council shall cease to be a member of the committee.

(c) A member of a committee of the council may resign his office by written notice to the mayor.

Procedure of committees. **60K.** (a) The chairman of a committee of the council may at any time call a meeting of the committee, and he shall call a meeting upon a decision of the council or at the request of a majority of its members or of the request of the council or the mayor.

(b) Every committee of the council may, having regard to the decisions of the council, and save as otherwise provided, itself regulate its work and deliberations.

(c) A committee of the council may entrust to a subcommittee, to be elected from among its members, the clarification of a specific matter within its competence ; the subcommittee shall bring its findings in the said matter before the committee."

Amendment of section 98.

3. In section 98 of the Ordinance —

(1) the following paragraphs shall be inserted after paragraph (26):

- | | |
|--|--|
| "Services, enterprises and institutions. | (26A) to establish, maintain and manage or to participate in the establishment, maintenance and management of services, enterprises and institutions which in the opinion of the council are beneficial to the public ; |
| Agricultural matters. | (26B) to regulate any agricultural matter within the meaning of section 60B ; |
| Companies and societies. | (26C) to found a company, a cooperative society or any other society for any purpose whatsoever within the scope of the powers and functions of the council, to acquire and deal in the manner of an owner with any shares, securities or other interest in any company, cooperative society or other society the objects of which, in the opinion of the council, assist the achievement of any purpose as aforesaid ;” ; |

(2) the full stop in paragraph (27) shall be replaced by a semicolon, and the following paragraph shall be inserted thereafter :

- | | |
|-----------------------------------|--|
| "Cooperation with other agencies. | (28) to exercise any of its powers and to carry out any of its functions together or in partnership with institutions of the State, other local authorities, companies, cooperative societies and other bodies or individuals.”. |
|-----------------------------------|--|

4. The following Schedule shall be inserted after the First Schedule of the Ordinance :

Addition of Second Schedule.

“SECOND SCHEDULE
(section 60b (c))

1. As soon as the Minister of the Interior is satisfied that the conditions requiring the establishment of an agricultural committee (hereafter in this Schedule: “committee”) exist in a particular municipal area, he shall appoint an election officer to conduct the election of the representatives of the agriculturists ; however, where elections to the municipal council are held, and immediately before these elections there exists in the municipal area a committee whose tenure terminates in consequence of the elections, the election officer appointed for the purpose of the elections to the council shall act also as election officer for the election of the representatives of the agriculturists (hereafter in this Schedule: “elections”).

Election officer.

2. Not later than the 15th day from the day of the appointment of the election officer or from the day of the election of the council, as the case may be, the election officer shall publish in the municipal area a list of agriculturists for the purpose of the elections. The list of agriculturists

List of agriculturists.

shall include every person who was an agriculturist on the day of the election of the council or on the day of the appointment of the election officer, as the case may be.

Provisions as to corporation.

3. A corporation which is an agriculturist shall, for the purpose of the elections, be replaced, by written notice delivered to the election officer not later than two days before the time of the elections, by a person representing the corporation for such purpose.

Provision as to partnership.

4. Where any agricultural land is jointly owned, occupied or cultivated in such circumstances that if there were a single person in the place of the partners he would be regarded as an agriculturist, then, for the purpose of the elections, every partner who would be entitled to at least two dunams of the agricultural land if the ownership or enjoyment thereof were divided among the partners shall be regarded as an agriculturist; where under these circumstances no partner would be entitled to at least two dunams, there shall be regarded as agriculturists for the purpose of the elections those partners — of a number resulting from the division of the number of dunams of the agricultural land by two — whose names all the other partners have notified to the election officer in writing before the publication of the list of agriculturists or, failing notification as aforesaid, those partners — of a number as aforesaid — whom the election officer has chosen.

Objection.

5. Any person inscribed in the list of agriculturists or claiming that he is entitled to be inscribed therein may, within seven days from the day of publication of the list of agriculturists, submit to the election officer a reasoned objection in writing on the ground that he or another has improperly been inscribed or not been inscribed or has been incorrectly inscribed; where a person submits an objection relating to another person, he shall furnish the election officer with an additional copy of the statement of objection, and the election officer shall deliver the copy to the other person.

Decision on objection.

6. The election officer shall decide on the objection not later than the fifth day from the day of its submission, and shall notify his decision to the person interested; if he decides to allow the objection, wholly or in part, he shall amend the list of agriculturists in accordance with his decision. The decision of the election officer on an objection shall be final.

Demand for elections on the principle of proportional representation.

7. A demand under section 60B (c) (3) of the Ordinance for elections on the principle of proportional representation shall be drawn up in writing, signed by all the applicants and submitted to the election officer not later than the 15th day from the day of publication of the list of agriculturists.

Decision as to elections on the principle of proportional representation.

8. The election officer shall decide whether or not the conditions for the holding of elections on the principle of proportional representation

are fulfilled and shall publish a notice of his decision in the municipal area not later than the seventh day from the day of submission of the demand for elections as aforesaid.

9. The council shall determine the number of members of the committee not later than the 10th day from the expiration of the time for submission of a demand for elections on the principle of proportional representation ; if it does not do so, the Minister of the Interior shall determine the number of members of the committee within twenty days from the expiration of the time for submission of a demand as aforesaid.

Determination of number of members of the committee.

10. The elections shall be held not later than the 70th day from the day of the election of the council or the day of the appointment of the election officer, as the case may be ; the election officer shall determine the day of the elections at the expiration of the time for submission of a demand for elections on the principle of proportional representation and after the number of members of the committee has been determined.

Time of elections.

11. The elections shall be held at a general meeting of the agriculturists.

General meeting.

12. The election officer shall publish in the municipal area, not later than the seventh day before the day of the elections, a notice of the time and place of the general meeting.

Notice of time and place of general meeting.

13. The election officer shall preside over the general meeting.

Chairman of meeting.

14. Where a majority of the agriculturists is not present at the time fixed for the general meeting, the meeting shall be postponed for one hour, and shall then be legal with any number of participants.

Quorum.

15. Where the elections are not held on the principle of proportional representation, the representatives shall be elected at the meeting by a show of hands, or by ballot if at least two of those present so demand, and the candidates who receive the greatest numbers of votes shall be the representatives of the agriculturists ; where two or more candidates score an equal number of votes, the decision between them shall be by the drawing of lots, to be held there and then by the election officer ; where the elections are held on the principle of proportional representation, the manner in which the representatives of the agriculturists shall be elected at the general meeting shall be prescribed by the Minister of the Interior by regulations.

Elections and results thereof.

16. Where the elections are not held on the principle of proportional representation, a substitute shall be elected for each representative of the agriculturists, to take his place in the cases referred to in section 18. The substitutes shall be elected on the same occasion and in the same manner as the representatives of the agriculturists.

Election of substitutes.

Election
results.

17. The election officer shall notify the council of the results of the elections and shall call the first meeting of the committee, which shall take place within fourteen days from the day on which the committee is elected.

Replacement
of agricultural
representative.

18. Where a representative of the agriculturists ceases to hold office or becomes disqualified for membership of the committee, the following provisions shall apply:

(1) Where the said representative of the agriculturists has been elected otherwise than in elections on the principle of proportional representation, he shall be replaced by his substitute elected in accordance with section 16. If, in a case as aforesaid, the representative has no substitute, or the substitute, too, ceases to hold office or becomes disqualified for membership of the committee, the Minister of the Interior may appoint a new member upon the proposal of the organisation of the section of the public on whose behalf the member whose place has become vacant had been elected or, if in the opinion of the Minister of the Interior such an organisation does not exist, having regard to the wish of the persons whom the Minister of the Interior regards as the representatives of that section of the public ;

(2) where the said representative of the agriculturists has been elected in elections on the principle of proportional representation, his place shall be filled in such manner as the Minister of the Interior shall prescribe by regulations.

Regulations.

19. The Minister of the Interior may, by regulations, vary the time for the doing of anything under this Schedule."

MOSHE SHARETT
Prime Minister

ISRAEL ROKACH
Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

ENCOURAGEMENT OF CAPITAL INVESTMENTS (AMENDMENT)
LAW, 5715—1955*

1. In section 1 of the Encouragement of Capital Investments Law, 5710—1950¹⁾ (hereinafter: “the Law”) —

Amendment of
section 1.

(1) the definition of “approved undertaking” shall be replaced by the following definition:

“approved undertaking” means an undertaking established after the 6th Iyar, 5708 (15th May, 1948), whether before or after this Law comes into force, and approved by the Director, in pursuance of a resolution of the Investment Centre, as an approved undertaking, and an enlargement, approved as aforesaid as an approved undertaking, of an existing undertaking; such an approval shall be general unless the Investment Centre has therein designated the undertaking as entitled to only one or some or a part of any of the exemptions, reliefs or allowances the grant of which is obligatory under this Law, and the Investment Centre may make the grant of any exemption, relief or allowance dependent upon the fulfilment of specific conditions; in the case of enlargement of an undertaking, the Investment Centre shall determine in the approval the extent of the enlargement in relation to the whole undertaking and the extent of every exemption, relief or allowance to which the undertaking is to be entitled;”.

(2) the definition of “approved investment” shall be replaced by the following definitions:

“investment” means a participation in capital or a loan in foreign currency granted for not less than ten years;

“approved investment” means such an investment in an approved undertaking as has been approved by the Director, in pursuance of a resolution of the Investment Centre, as an approved investment; such an approval shall be general unless the Investment Centre has therein designated the investment as entitled to only one or some or a part of any one of the exemptions, reliefs and allowances the grant of which is obligatory under this Law, but the allowance under section 21 shall not be granted unless it is explicitly mentioned in the text of the approval; the Investment Centre may also make the grant of any exemption, relief or allowance dependent on the fulfilment of specific conditions.”.

2. In section 4 (c) of the Law, the following paragraphs shall be inserted after paragraph (ii):

Amendment of
section 4.

* Passed by the Knesset on the 30th Sivan, 5715, (20th June, 1955) and published in *Sefer Ha-Chukkim* No. 186 of the 10th Tammuz, 5715 (30th June 1955), p. 108; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 224 of 5715, p. 52.

¹⁾ *Sefer Ha-Chukkim* No. 41 of 5710, p. 129; *LSI* vol. IV, p. 93.

“(iii) where any planting took place after the 9th Nisan, 5715, (1st April, 1955) for the purpose of growing industrial crops, and the Investment Centre has approved it for the purposes of this Law, the owner shall be exempt for ten years, from the commencement of the financial year following the year of planting, from payment of the tax imposed by the Ordinance on the area of land on which the planting took place, so long as the area is planted as aforesaid ;
(iv) where any sowing took place after the 9th Nisan, 5715 (1st April, 1955) for the purpose of growing industrial crops of kinds which the Investment Centre, upon the recommendation of the Minister of Agriculture, has approved for the purposes of this Law for a particular year, the owner shall be exempt from payment of the tax imposed by the Ordinance on the area of land on which the sowing took place in that year.”.

Replacement
of section 5.

3. Section 5 of the Law shall be replaced by the following section :

“Special
exemption.

5. Notwithstanding anything contained in the Urban Property Tax Ordinance, 1940¹⁾, the Rural Property Tax Ordinance, 1942²⁾, or any other enactment, the owner of a building, or of an addition to a building, constructed by an approved undertaking for the purposes of that undertaking, and the completion of construction of which took place after the 9th Nisan, 5715 (1st April, 1955), shall be exempt from tax as provided in sections 3 and 4 for an additional five years, from the commencement of the financial year following the expiration of the first five years of exemption under those sections.”.

Amendment of
section 7.

4. Section 7 of the Law shall be re-marked as section 7 (a), the word “law” therein shall be replaced by the word “enactment”, and the following subsection shall be added after subsection (a) :

“(b) Notwithstanding anything contained in the Municipal Corporations Ordinance, 1934³⁾, or the Local Councils Ordinance, 1941⁴⁾, and in any order made thereunder, or in any other enactment, the owner of any building, or of an addition to a building, constructed by an approved undertaking and used directly for the purposes of that undertaking, and the completion of construction of which took place after the 9th Nisan, 5715 (1st April, 1955), shall be exempt from the payment of property rate imposed under any of the said enactments on that building or addition to a build-

- 1) P.G. of 1940, No. 1065, Suppl. I, p. 275 (English Edition).
- 2) P.G. of 1942, No. 1182, Suppl. I, p. 78 (English Edition).
- 3) P. G. of 1934, of 414, Suppl. I, p. 1 (English Edition).
- 4) P.G. of 1941, No. 1154, Suppl. I, p. 144 (English Edition).

ing, for a period of five years from the date of completion of construction of the building or addition to a building.”.

5. In section 3 of the Law, the full stop at the end shall be replaced by a comma, and thereafter shall be added the words : Amendment of section 8.

“unless otherwise expressly provided in this Part.”.

6. In section 10 (a) of the Law, the words “constructed by an approved undertaking for the purposes of that undertaking” shall be inserted after the words “new buildings”, the word “three” shall be replaced by the word “five”, and the words “and in an amount equal to one hundred and fifty per centum of the said rate of depreciation in each of the two years of assessment immediately following the first three years as aforesaid” shall be deleted. Amendment of section 10.

7. Section 11 of the Law shall be replaced by the following section : Replacement of section 11.

“Income tax from an approved undertaking.

11, (a) A person, whether a resident of Israel or a non-resident, shall not be liable to pay on his chargeable income derived from an approved investment, tax at a rate exceeding the lower of the following two rates :

(1) the average rate of tax which that person would have to pay but for the provisions of this section ;

(2) a rate of twenty-five per centum of the said income.

(b) A company which is the owner of an approved undertaking shall be exempt from income tax on its income from that undertaking, but shall be liable to company profits tax.

(c) The allowance under subsection (a) shall be granted in respect of income derived within five years from the year in which the undertaking was put into operation or in which production was begun, as the Director may determine, or within seven years from the year in which the approval for the undertaking was given or — in respect of a citrus, vine or fruit-tree plantation — within five years from the year in which the plantation first bore fruit, whichever is the later time ; provided that in the case of income from a dividend the said allowance shall not be granted unless it reached the assessee not later than the expiration of five years after the expiration of the said period.

(d) The allowance under subsection (b) shall be granted for five years from the date in which the under-

taking was put into operation or in which production was begun, as the director may determine, or for seven years from the year in which the approval for the undertaking was given or — in respect of a citrus, vine or fruit-tree plantation — for five years from the year in which the plantation first bore fruit, whichever is the later time.

(e) Where a company has received income derived from an approved investment, a dividend distributed by the company from such income shall be regarded as income derived from an approved investment.

(f) Where a person to whom subsection (a) or (b) applies had other income liable to be charged with tax, the assessment of the income derived from an approved investment shall be made separately from the assessment of the other income, as though they were incomes of two persons ; provided that the credits under sections 14, 15 and 16 of the Income Tax Ordinance, 1947¹⁾, shall be allowed only in respect of the other income.

Replacement of section 17.

8. Section 17 of the Law shall be replaced by the following section :

"Fees for registration of company.

17, Where the Director certifies that the registration of a company with a share capital, or an increase of its capital, is intended for an approved investment and desirable for that purpose, the payment of a registration fee or capital duty payable under the Companies Ordinance²⁾, or of such part thereof as is payable on the amount in respect of which the certification is given, shall be deferred for five years from the day of the said certification or from the date prescribed by the Director."

Replacement of section 18.

9. Section 18 of the Law shall be replaced by the following section :

"Land registration fees.

18. Where the Director certifies that a transfer of land is intended for an approved investment and desirable for that purpose, and the transfer is subject to a registration fee under the Land Transfer (Fees) Rules, 1939³⁾, the payment of such fee shall be deferred for five years from the day of the certification or from the date prescribed by the Director."

Amendment of section 20.

10. In section 20 of the Law —

- 1) P.G. of 1947, No. 1568, Suppl. I, p. 93 (English Edition).
- 2) *Laws of Palestine* vol. I, cap. 22, p. 161 (English Edition).
- 3) P.G. of 1939, No. 972, Suppl. II, p. 1477 (English Edition).

(1) the words "or building materials or motor-cars, other than passenger cars" shall be inserted after the words "raw materials", wherever appearing ;

(2) the following subsections shall be inserted after subsection (b) :

"(c) A permit under this section may be general or conditional, and shall be liable to cancellation if it has been obtained on the strength of false statements or if any of its conditions or of the conditions of the approval of the undertaking has not been fulfilled.

(d) The Import, Export and Customs Powers (Defence) Ordinance, 1939¹⁾, shall apply to a transfer of capital under this section unless the contrary intention appears from the provisions of this Law or from a permit granted under this section."

11. Section 21 of the Law shall be replaced by the following section :

Replacement of section 21.

"Taking foreign currency out of Israel.

21. (a) Where a non-resident has made an approved investment in foreign currency by way of a participation in capital, he is entitled to receive from the Minister of Finance a permit to take out of Israel foreign currency of the kind used for that investment, in an amount not exceeding 10 per centum per annum of the said investment ; provided that the total amount exported from Israel under this subsection shall not exceed the amount of profits derived from that investment and not yet taken out of Israel under subsection (b) or (c).

(b) Where a non-resident has made an approved investment in foreign currency by way of a participation in capital, and the undertaking in which the investment has been made receives foreign currency from added value accrued from export business, he is entitled, at his option, not to avail himself of subsection (a), but to receive from the Minister of Finance a permit to take out of Israel an amount which that approved undertaking places at his disposal in foreign currency received as aforesaid, but not more than the amount of the profits in that year arising from that investment and not yet taken out of Israel under subsection (a) or (c) ; however, the Minister of Finance may grant a permit to take out of Israel foreign currency as aforesaid in an amount exceeding the amount of the said profits, and even if the undertaking had no such profits, but not more than 10 per centum per annum of the amount of the investment as aforesaid.

(c) A non-resident who has made an approved investment in foreign currency by way of a loan the

1) P.G. of 1939, No. 968, Suppl. I, p. 163 (English Edition).

terms of repayment of which have been approved by the Minister of Finance, is entitled to receive from the Minister of Finance a permit to take out of Israel foreign currency of the kind used for that investment, in an amount not exceeding 10 per centum per annum of the said investment ; provided that the total amount taken out of Israel under this subsection shall not exceed the amount of the profits which the undertaking to which the loan was granted had in that year and which have not yet been taken out of Israel under subsection (a) or (b) ; and if that undertaking has received foreign currency from added value accrued from export business, the investor as aforesaid may opt to receive from the Minister of Finance a permit to take out of Israel an amount which the approved undertaking places at his disposal out of the amount of foreign currency received as aforesaid, but not more than the amount due at that time on account of the loan and not yet paid.

(d) The total amount permitted to be taken out under subsections (b) and (c) shall not exceed the amount of the approved investment or, in the case of an approved investment by way of a loan, the amount of the loan plus interest.

(e) The modes of calculating added value for the purpose of this section shall be prescribed by regulations, either generally or for a particular undertaking or class of undertakings.

(f) In this section —

(1) "approved investment in foreign currency" means an approved investment made with capital transferred to Israel in foreign currency, in machinery or in equipment, or in raw material recognised for the purpose of this paragraph in an approval granted under section 1 ;

(2) "profit" includes the amount which the owner of the undertaking is permitted to deduct under section 10 on account of the depreciation of the approved investment."

Amendment of
section 22.

12. In section 22 of the Law, the words "the Minister of Finance may release him for a period of" shall be replaced by the words "he shall be exempt for", and the words "A release under this section may be general, limited or conditional" shall be replaced by the words "This exemption shall not apply to foreign currency accrued from business in Israel."

13. Section 24 of the Law shall be replaced by the following section :

Replacement of section 24.

"Exemption from import duty and purchase tax.

24. (a) Any goods intended for an approved undertaking and imported by virtue of a permit granted under section 20 shall be exempt from payment of import duty under the Customs Tariff and Exemption Ordinance, 1937¹⁾, and of Purchase Tax under the Purchase Tax Ordinance, 5712—1952²⁾, provided that guarantees have been given to the satisfaction of the Director of Customs and Excise that the goods will be used only for the purposes of the undertaking.

(b) Goods exempted as aforesaid shall be used only for the purposes of the undertaking unless the Director of Customs and Excise has permitted them to be used for another purpose and the duty and tax leviable on their import have been paid.

(c) Where it appears that goods exempted as aforesaid have not been used for the purposes of the undertaking but for another purpose, otherwise than by permission as aforesaid, double the amount of the duty and tax leviable on their import shall be paid."

14. In section 25 of the Law, the following subsection shall be inserted after subsection (b) :

Amendment of section 25.

"(c) An order under this section shall be published in *Reshumot*."

15. The heading "Part Seven : Approved Buildings" shall be inserted after section 25 of the Law, and section 26 shall be replaced by the following section :

Replacement of section 26.

"Approved building.

26. (a) In this section, "approved building" means a building, or an addition to a building, the completion of construction of which, within the meaning of section 2, took place after the 9th Nisan, 5715, (1st April, 1955) and which was constructed or acquired by a non-resident with foreign currency and has been approved by the Director, in pursuance of a resolution of the Investment Centre, as an approved building ; such an approval shall confer the exemptions, reliefs and allowances granted under this Law, to the extent specified in the certificate of approval.

(b) The provisions of this Law relating to an approved undertaking shall apply to an approved building *mutatis mutandis* and with the following adaptations :

1) P.G. of 1937, No. 714, Suppl. I, p. 215 (English Edition).

2) *Sefer Ha-Chukkim* No. 110 of 5712, p. 344; *LSI* vol. VI, p. 150.

(1) Section 5 shall not apply ;

(2) Section 7 (b) shall be read as if the words "constructed by an approved undertaking and used directly for the purposes of that undertaking and the completion of construction of which took place after the 9th Nisan, 5715 (1st April 1955)" had been replaced by the words "which is an approved building" ;

(3) section 10 (a) shall be read as if the words "in respect of new buildings constructed by an approved undertaking for the purpose of that undertaking" had been replaced by the words "in respect of approved buildings", and as if the words "following the erection of the new building" had been replaced by the words "following the giving of the approval for the building as an approved building or following the completion of construction of the approved building, whichever is the later date" ;

(4) section 21 (a) shall be read as if the expression "10 per centum" had been replaced by the expression "7 per centum" ;

(5) section 21 (b) shall not apply ;

(6) section 21 (c) shall be read as if the expression "10 per centum" had been replaced by the expression "7 per centum".

(c) An approval for an approved building may be given until the expiration of three years from the 9th Nisan, 5715 (1st April, 1955) ; however, the Government, with the approval of the Finance Committee of the Knesset, may extend the said period for an additional three years."

Amendment of headings.

16. The heading "Part Seven" after section 26 of the Law shall be replaced by the heading "Part Eight", and the heading "Part Eight" after section 34 shall be replaced by the heading "Part Nine".

Amendment of section 27.

17. In section 27 of the Law —

(1) paragraph 2 of subsection (a) shall be replaced by the following paragraph:

“(2) six members, who shall be appointed by the Government.”.

(2) the following subsection shall be added after subsection (b) ;

“(c) The Director is charged with the implementation of the resolutions of the Investment Centre and shall act in its name.”.

18. In section 28 of the Law —

Amendment of section 28.

(1) paragraph (3) shall be replaced by the following paragraph :

“(3) decide on the approval of an undertaking as an approved undertaking or on the approval of an investment as an approved investment or on the approval of a building as an approved building ;” ;

(2) the following paragraph shall be added after paragraph (5) ;

“(6) encourage the immigration and absorption of capital investors into the country.”.

19. In section 29 of the Law, the words “regarding his application for the approval of an undertaking as an approved undertaking” shall be replaced by the words “under section 28 (3) or section 35A (a)”, the words “appeal against it to” shall be replaced by the words “object to it before”, and the word “appeal” shall be replaced by the word “objection”.

Amendment of section 29.

20. In section 30 of the Law, the words “appointed by the Minister of Finance” shall be replaced by the words “appointed in that behalf by the Ministers charged with the implementation of this Law”.

Amendment of section 30.

21. In section 31 of the Law, in the second subsection, the words “through the Minister of Finance” shall be replaced by the words “through the Ministers charged with the implementation of this Law”.

Amendment of section 31.

22. The following section shall be added after section 35 of the Law :

Addition of section 35A.

“Restriction: 35A. (a) The Investment Centre may cancel the exemptions, reliefs and allowances granted under this Law, and it may also cancel an approval granted under this Law if any of the conditions of the approval has not been fulfilled.

(b) Where an approval has been cancelled under subsection (a), the owner of the undertaking shall, at the expiration of thirty days from the date of the cancellation, pay all the fees the payment of which was deferred under this Law and the duty and tax leviable on the import of goods which were exempt therefrom under section 24.”.

23. In section 38 of the Law, the words “was given on the strength of false or deliberately misleading statements” shall be replaced by the words “or the approval of an investment as an approved investment or the approval of a building as an approved building was given on the strength of false or deliberately misleading statements”.

Amendment of section 38.

Amendment of
section 40.

24. In section 40 of the Law, the full stop at the end shall be replaced by a comma, and the following shall be added thereafter: "including regulations prescribing:

(1) the duty to furnish information, documents and other evidence for the appraisal of an approved investment and the calculation of profits and income in foreign currency;

(2) the checking of compliance with conditions of approvals and permits."

Transitional
provisions.

25. (a) An undertaking which has been approved as an approved undertaking before the coming into force of this Law shall be entitled only to those exemptions, reliefs and allowances to which it would have been entitled if this Law did not exist; however, where the Director, on the application of the undertaking, by certificate under his hand, establishes that an undertaking as aforesaid has been managed in accordance with the plan which served as basis for the giving of the approval, the undertaking shall, from the day of the coming into force of this Law, be entitled to the exemptions, reliefs and allowances granted under this Law. Where the Director refuses to give a certificate under this section, a person who considers himself aggrieved by that decision may object to it, within 60 days from the day on which the notice of the decision was served on him, before the Ministers charged with the implementation of this Law.

(b) If the Ministers charged with the implementation of this Law are of the opinion that an undertaking which has been approved as an approved undertaking before the coming into force of this Law is important to the intensification of production, the increase of exports or the expansion of essential services, they may, notwithstanding the limitations under subsection (a), by order under their hands, apply to that undertaking one or some of any of the exemptions, reliefs and allowances granted under this Law, and they may also make such application dependent on the fulfilment of specific conditions.

MOSHE SHARETT LEVI ESHKOL PERETZ BERNSTEIN
Prime Minister Minister of Finance Minister of Trade and Industry

YITZCHAK BEN-ZVI
President of the State

PAYMENT OF COMPENSATION FROM ITALY LAW, 5715—1955*

1. In this Law, "claimants" means Israel residents whose movable property was, in the Second World War, the subject of measures such as seizure, attachment or control when in transit in Italian territory, including Trieste; and the expression "claim" shall be construed accordingly.

Definitions.

2. (a) The Minister of Justice may appoint a commission of five members (hereinafter: "the commission") for the purpose of this Law; the chairman of the commission shall be a magistrate.

Appointment of commission to determine claims.

(b) The commission shall be a body corporate and is entitled to enter into contracts, acquire, hold and relinquish property and be a party to any legal or other proceeding.

(c) Notice of the appointment, composition and address of the commission shall be published in *Reshumot*.

3. The Minister of Justice may prescribe by regulations the remuneration to be paid to the members of the commission, except the chairman and any such member as is a State employee.

Remuneration.

4. The commission shall determine the claims of the claimants and shall divide among them, in the manner prescribed by this Law and by regulations, the amount of nine hundred thousand pounds which the Minister of Finance will place at its disposal out of Treasury funds.

Function of the commission.

5. A claimant shall submit his claim to the commission in such manner and at such time as shall be prescribed by regulations.

Submission of claims.

6. (a) The commission shall have the powers which may be conferred on a commission of enquiry under sections 5 and 5A of the Commissions of Enquiry Ordinance¹⁾.

The commission — powers and procedure.

(b) The procedure before the commission shall be prescribed by regulations.

7. The commission may deviate from the rules of evidence if it is satisfied that this is necessary for the discovery of the truth and the just handling of the case; where the commission decides to deviate from the rules of evidence as aforesaid, it shall record the reasons which have prompted its decision.

Evidence.

* Passed by the Knesset on the 30th Sivan, 5715 (20th June, 1955) and published in *Sefer Ha-Chukkim* No. 186 of the 10th Tammuz, 5715 (30th June, 1955), p. 114; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 239 of 5715, p. 160.

¹⁾ *Laws of Palestine* vol. I, cap. 21, p. 157 (English Edition).

Advances.	8. Amounts paid to claimants or their representatives, out of Treasury funds, before the coming into force of this Law shall be regarded as advances paid to them on account of their claims under this Law.
Settlement of claims.	9. A claimant whose claim has been approved is entitled to receive from the commission such part of the amount specified in section 4 as bears to the whole of that amount the same proportion as his claim, as approved, bears to the total amount of the approved claims.
Claim only under this Law.	10. (a) A claimant shall not have a right of claim save under the provisions of this Law. (b) This section shall not effect a right of claim under the law of a foreign state.
Decision and appeal.	11. (a) A reasoned decision of the commission on every claim under this Law shall be drawn up in writing and delivered to the claimant. (b) This section shall not affect a right of claim under the law of a commission may, within thirty days from the day on which the decision is delivered to him, appeal against it to the District Court of Jerusalem, and the provisions of the Civil Procedure Rules, 1938 ¹⁾ shall apply <i>mutatis mutandis</i> ; the decision of the District Court shall be final.
Implementation and regulations.	12. The Minister of Justice is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

MOSHE SHARETT
Prime Minister

PINCHAS ROSEN
Minister of Justice

YITZCHAK BEN-ZVI
President of the State

No. 38

STATE GUARANTEES (AMENDMENT) LAW, 5715—1955*

Amendment of section 1.

1. In section 1 of the State Guarantees Law, 5714—1954²⁾ (hereinafter: "the Law"), the words "in the financial year 1954/55" shall be replaced by the words "in each of the financial years 1954/55 and 1955/56".

¹⁾ P.G. of 1938, Suppl. II, No. 755, p. 111 (English Edition).

* Passed by the Knesset on the 30th Sivan, 5715 (20th June, 1955) and published in *Sefer Ha-Chukkim* No. 186 of the 10th Tammuz, 5715 (30th June, 1955), p. 115; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 237 of 5715, p. 148.

²⁾ *Sefer Ha-Chukkim* No. 162 of 5714, p. 171; *LSI* vol. VIII, p. 143.

2. In section 2 of this Law, the words "in the financial year 1954/55" shall be replaced by the words "in each of the financial years 1954/55 and 1955/56".

Amendment
of section 2.

3. In section 4 of the Law, the words "an entry to such effect shall be made in the Land Register in respect of all the land of the borrower" shall be replaced by the words "the Minister of Finance may direct that an entry to such effect be made in the Land Register in respect of all or a part of the land of the borrower".

Amendment of
section 4.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

No. 39

PALESTINE ELECTRIC CORPORATION LTD.
DEBENTURES (GUARANTEE AND EXEMPTION FROM TAX) LAW,
5715—1955*

1. In this Law, every term shall have the meaning which it has in the Income Tax Ordinance, 1947¹⁾ (hereinafter: "the Ordinance").

Definitions.

2. (a) The Minister of Finance is authorised to guarantee on behalf of the State of Israel, to an amount not exceeding twenty thousand pounds, loans which the Palestine Electric Corporation Ltd. will obtain by the issue of debentures (hereinafter: debentures²⁾), to be called bonds.

Power to
guarantee.

(b) A guarantee under subsection (a) shall apply to the amount of the loan — including the interest — as it may from time to time have varied in accordance with the conditions of linking set out in the debentures.

(c) The provisions of sections 3, 4 and 5 of the State Guarantees Law, 5714—1954²⁾, shall apply to a guarantee under this section as if it were a guarantee under that Law.

* Passed by the Knesset on the 30th Sivan, 5715 (20th June, 1955), and published in *Sefer Ha-Chukkim* No. 186 of the 10th Tammuz, 5715 (30th June, 1955), p. 116; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 241 of 5715, p. 168.

¹⁾ P.G. of 1947, Suppl. I, No. 1568, p. 98 (English Edition).

²⁾ *Sefer Ha-Chukkim* No. 162 of 5714, p. 171; *LSI* vol. VIII, p. 148.

Exemption
from income
tax.

3. Where a guarantee under section 2 has been given for the payment of any debentures, the Minister of Finance may, by order published in *Reshumot*, direct that the income from interest payable on the debentures shall be exempt from the payment of such part of the tax as is payable on such interest in addition to the tax at the rate of 25 p. ct. deducted by the said company under section 31 (7) of the Ordinance.

Implementa-
tion.

4. The Minister of Finance is charged with the implementation of this Law.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

No. 40

URBAN PROPERTY TAX (MISCELLANEOUS PROVISIONS)
(AMENDMENT No. 5) LAW, 5715—1955*

Amendment of
section 1.

1. In section 1 of the Urban Property Tax Law, 5709—1949¹⁾ —

(1) in the opening passage, after the words “and the 27th Adar Bet, 5714 (1st April, 1954)”, shall be added the words “and the years beginning, respectively, the 9th Nisan, 5715 (1st April, 1955) and the 20th Nisan, 5716 (1st April, 1956)” ;

(2) the following subsection shall be added after subsection (c) :

“(c1) Notwithstanding anything in subsection (c), in the year beginning the 9th Nisan, 5715 (1st April, 1955) and in the year beginning the 20th Nisan, 5716 (1st April, 1956), the tax on any land on which there is no permanent building shall be 1.2 per cent of the total value of the land (20 per cent of the net annual value) ; but if it is proved to the satisfaction of the Minister of Finance or of a person appointed by him in that behalf that the aggregate value of all the land of that category

* Passed by the Knesset on the 30th Sivan, 5715 (20th June, 1955) and published in *Sefer Ha-Chukkim* No. 186 of the 10th Tammuz, 5715 (30th June, 1955), p. 116; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 242 of 5715, p. 172.

¹⁾ *Sefer Ha-Chukkim* No. 19 of 5709, p. 152 — *LSI* vol. III, p. 68; *Sefer Ha-Chukkim* No. 49 of 5710, p. 154 — *LSI* vol. IV, p. 110; *Sefer Ha-Chukkim* No. 72 of 5711, p. 92 — *LSI* vol. V, p. 89; *Sefer Ha-Chukkim* No. 105 of 5712, p. 276 — *LSI* vol. VI, p. 86; *Sefer Ha-Chukkim* No. 142 of 5714, p. 58 — *LSI* vol. VIII, p. 55.

registered in the name of the owner of the land does not exceed 1000.— pounds, tax shall be paid thereon at the rate of 0.5 per cent of the total value (8 1/3 per cent of the net annual value), and if the aggregate value thereof does not exceed 500.— pounds, the owner thereof shall be exempt from tax.”.

2. The Minister of Finance may, with the approval of the Finance Committee of the Knesset, direct by order that house property and lands situated near the frontier, as may be specified in the order, shall be exempt from the whole or a part of the tax.

Special exemption.

3. This Law shall have effect retroactively as from the 9th Nisan, 5715 (1st April, 1955).

Commencement.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

No. 41

RABBINICAL COUNCIL (MISCELLANEOUS PROVISIONS) LAW,
5715—1955*

1. Notwithstanding the provisions of section 32 of the Interpretation Ordinance¹⁾, the Hebrew text of the Regulations prescribing the System of Election or Appointment of the Rabbinical Council, Rabbinical Offices and Rabbis of the Local Communities, 1936²⁾, as amended by the Religious Communities Regulations (Organisation) (Rabbinical Council of Israel), 5714—1954³⁾, shall be the binding one.

Effect of Hebrew text.

2. The Rabbinical Council, the members of such Council and the Chief Rabbis of Israel notice of whose election was published by the Minister of Religious Affairs in *Reshumot* of the 8th Nisan, 5715 (31st

Validation of elections and tenure.

* Passed by the Knesset on the 2nd Tammuz, 5715 (22nd June, 1955) and published in *Sefer Ha-Chukkim* No. 186 of the 10th Tammuz, 5715 (30th June, 1955), p. 117; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 245 of 5715, p. 194.

1) *Dinei Yisrael (Nusach Chadash)* of 5714, p. 1.

2) P.G. of 1936, Suppl. II, No. 582, p. 198 (Hebrew Edition), p. 230 (English Edition).

3) *Kovetz Ha-Takkanot* No. 466 of 5714, p. 1181.

March, 1955¹⁾), and the Rabbinical Councils, the members of such Councils and the Chief Rabbis who were elected or held office from time to time since the 17th Kislev, 5697 (1st December, 1936), shall be deemed to have been duly elected or duly to have held office as from the day on which such Council, Councils, members or Chief Rabbis was or were elected or began to hold office, as the case may be.

Commencement. 3. This Law shall come into force on the day on which it is adopted by the Knesset.

MOSHE SHARETT MOSHE SHAPIRA
Prime Minister Minister of Religious Affairs

YITZCHAK BEN-ZVI
President of the State

No. 42

MUNICIPAL CORPORATIONS ORDINANCE (AMENDMENT No. 2)
LAW, 5715—1955*

Amendment of
section 61.

1. In subsection (1) of section 61 of the Municipal Corporations Ordinance, 1934²⁾ (hereinafter: "the Ordinance"), the following paragraph shall be inserted after paragraph (b) and before the closing passage beginning with the words "the High Commissioner may":

"(c) has been investigated by a commission of enquiry appointed by the Minister of Interior in consultation with the Minister of Justice and not including a member of the council or a majority of members who are State employees, and such commission has found that the council is not capable of properly performing its functions, and has recommended to the Minister of the Interior to dissolve it,".

Addition of
section 86A.

2. The following section shall be added after section 86 of the Ordinance:

"Prohibition of outside work. 86A. (a) In this section, "outside work" means any business or work outside the municipal service, except—

- (1) public work without remuneration ;
- (2) scientific, artistic or literary work not involving a permanent engagement ;

1) *Yalkut Ha-Pirsumim* No. 407 of 5715, p. 640; *Yalkut Ha-Pirsumim* No. 409 of 5715, p. 684.

* Passed by the Knesset on the 7th Tammuz, 5715 (27th June, 1955) and published in *Sefer Ha-Chukkim* No. 187 of the 16th Tammuz, 5715 (6th July, 1955), p. 120; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 195 of 5714, p. 96.

2) *P.G.* of 1934, Suppl. I, No. 414, p. 1 (English Edition).

(3) the investment of capital, and the receipt of interest therefrom, not involving work or any occupation.

(b) A municipal employee who permanently holds a full-time position (in this section: "municipal employee") shall not carry on or indirectly or directly participate in outside work ; but the mayor may, with the approval of the council, permit a municipal employee to carry on outside work without remuneration and a municipal council may, in special cases, permit a municipal employee to carry on outside work even against remuneration ; provided that, in the case of municipal officials appointed under section 85 the resolution of the council shall require the approval of the Minister of the Interior.

(c) A council may not under this section permit a municipal employee to carry on outside work against remuneration unless —

- (1) such work is in the public interest ;
- (2) such work is not calculated to interfere with the duties of the municipal employee ;
- (3) such work does not constitute unfair competition with a person not being a municipal employee ;
- (4) such work does not create a bond between the employee and a person, corporation or institution who or which is in financial, commercial or factual contact with the municipal corporation ;
- (5) the employee has declared the remuneration which he will receive for such work.

(d) Notwithstanding the provisions of this section, a municipal employee may, with the approval of the mayor, carry on scientific, artistic or literary work outside the municipal service even if it involves a permanent engagement.

(e) A municipal employee who performs outside work against remuneration in contravention of this section is liable to a fine of treble the value of the remuneration which has been given for such work.

(f) The provisions of this section shall not derogate from the provisions of section 91."

MOSHE SHARETT
Prime Minister

MOSHE SHAPIRA
Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

TREATMENT OF MENTALLY SICK PERSONS LAW, 5715—1955*

Definitions.

1. In this Law —

“hospital” has the same meaning as in the Public Health Ordinance, 1940¹⁾ ;

“sick person” and “ill” mean, respectively, a mentally sick person and mentally ill ;

“director” means a medical director of a hospital ;

“district psychiatrist” means a physician appointed by the Minister of Health to be a district psychiatrist for the purpose of this Law, and includes an assistant psychiatrist appointed as aforesaid ;

“relative” means a spouse, a father, a mother, a son, a daughter, a brother, a sister, a grandfather, a grandmother, an adoptive parent and an adoptive child.

Hospitalisation of sick person by virtue of a medical certificate.

2. (a) Except as otherwise provided in this Law, a sick person shall not be admitted to a hospital save under a medical certificate.

(b) The medical certificate shall be valid for fifteen days from the day on which it was issued.

Hospitalisation by director.

3. A director, or another physician empowered by him in that behalf, may admit a sick person to a hospital without a medical certificate if he has examined the sick person and found that his admission to the hospital admits of no delay or if the sick person has asked to be admitted to the hospital of his own accord.

Opposition to admission of sick person.

4. If any person opposes the admission of a sick person to a hospital he shall not be admitted save with the approval of a district psychiatrist.

Sick person dangerous to himself or to the public.

5. Where a district psychiatrist is satisfied that a sick person is likely to endanger himself or another person, he shall direct, in writing, that he be admitted to a hospital.

Hospitalisation of sick person by virtue of Court order.

6. (a) Where an accused person is brought to trial, and the Court is of the opinion, whether on the strength of evidence presented to it on behalf of one of the parties or on the strength of evidence presented to it at its own instigation, that he is not fit to stand trial by reason of his being ill, it may order that he be admitted to a hospital.

(b) Where an accused person is brought to trial, and the Court finds that he has done the criminal act with which he is charged, but

* Passed by the Knesset on the 7th Tammuz, 5715 (27th June, 1955) and published in *Sefer Ha-Chukkim* No. 187 of the 16th Tammuz, 5715 (6th July, 1955), p. 121; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 230 of 5715, p. 90.

1) P.G. of 1940, Suppl. I, No. 1065, p. 239 (English Edition).

decides, whether on the strength of evidence presented to it on behalf of one of the parties or on the strength of evidence presented to it at its own instigation, that by reason of his having been ill at the time of committing that act he is not liable to punishment, and that he is still ill, the Court shall order that he be admitted to a hospital.

(c) A court order under subsection (a) or (b) shall, for the purpose of appeal, be treated like a conviction.

(d) To enable it to decide whether an order under this section should be made, the Court may, on the application of a party or on its own motion, order that the accused be medically examined and, if necessary, that he be admitted to a hospital.

(e) An order under this section shall be carried into effect by a district psychiatrist ; the court shall not specify the hospital to which the sick person is to be admitted ; and the hospital designated for that purpose by or on behalf of the district psychiatrist shall admit the person mentioned in the order.

7. (a) Where a court order under section 6, or a direction of a district psychiatrist, or a medical certificate, for the admission of a sick person to a hospital has been made, and the sick person refuses to be hospitalised, the district psychiatrist may direct that he be hospitalised against his will (such a direction being hereinafter referred to as a "hospitalisation direction").

Hospitalisation direction.

(b) A copy of the hospitalisation direction shall forthwith be sent to the Attorney General.

(c) Where a physician is of the opinion that the hospitalisation of a sick person admits of no delay, and the sick person is hospitalised against his will, the sick person shall be discharged if a hospitalisation direction is not received within five days from the day on which he is hospitalised.

8. In a hospitalisation direction, a district psychiatrist may —

Carrying into effect of hospitalisation direction.

- (1) appoint attendants to carry the direction into effect ;
- (2) direct that persons as aforesaid carrying the direction into effect shall be entitled to police assistance whenever necessary ;
- (3) designate the hospital to which the sick person is to be admitted ;
- (4) empower the persons carrying the hospitalisation direction into effect to enter the house of the sick person or a hospital, or other premises specified in the hospitalisation direction, with a view to carrying the direction into effect ;
- (5) prescribe the conditions of hospitalisation.

9. (a) The admission or discharge of a sick person to or from a hospital shall forthwith be notified by the director to the Minister of

Notification of hospitalisation and discharge.

Health ; the particulars and modes of delivery of the notification shall be prescribed by regulations.

(b) In this section, "discharge" includes tentative discharge.

Notification to
Administrator
General.

10. Where a sick person admitted to a hospital is not capable of looking after his property, the district psychiatrist shall forthwith notify such fact to the Administrator General.

Objection to
hospitalisation.

11. Any person may submit to a psychiatrist board an objection to the admission of a sick person to a hospital otherwise than under a court order.

Psychiatric
board.

12. (a) A psychiatric board shall be appointed by the Minister of Health; and notice of its appointment, specifying its area of jurisdiction, shall be published in *Reshumot*.

(b) A psychiatric board shall consist of three members, viz. —

(1) a person qualified to be appointed magistrate (hereinafter: "legal member"), to be appointed upon the proposal of the Minister of Justice ;

(2) a physician in the State service ;

(3) a psychiatrist to be elected from a list of candidates submitted to the Minister of Health by the Israel Medical Association.

(c) The Minister of Health shall appoint an alternate for each member of the psychiatric board ; the alternate shall have the same qualifications as the member.

(d) The legal member shall act as chairman of the board when it deals with objections, and the physician in the State service shall act as chairman of the board when it deals with other matters.

Powers of
investigation
of district
psychiatrist.

13. A district psychiatrist may enter any hospital and conduct therein any investigation and examination deemed necessary by him for the efficient supervision of the treatment of the sick persons and of compliance with the provisions of this Law, and the director and all the staff of the hospital shall give complete and correct answers to all the questions.

Reports.

14. The Minister of Health may, by regulations, require the directors of hospitals to submit to him, or to a person designated by him in that behalf, reports, in such form and at such times as he shall prescribe, on the treatment of the sick persons admitted to the hospitals under their direction and on the arrangements existing in such hospitals for the treatment of sick persons.

Means of
coercion and
dangerous
drugs.

15. (a) A person who, in a hospital, applies to a sick person means of coercion otherwise than on the orders or with the approval of a physician is guilty of a misdemeanour.

(b) Every application of means of coercion to a sick person shall be recorded in a special register ; the form and mode of keeping of the register shall be prescribed by regulations.

(c) The Minister of Health may, by regulations, issue general directions as to the application of means of coercion, or of medicaments containing dangerous drugs, in the treatment of sick persons.

(d) In this section —

(1) "means of coercion" include isolation, strait jacket and shackling ;

(2) "dangerous drug" has the same meaning as in the Dangerous Drugs Ordinance, 1936¹⁾.

16. Except as provided in section 17, a director may discharge a sick person from a hospital if he has examined him and found that he has recovered or that his hospitalisation is no longer required in the interests of protecting the public.

Discharge of sick person by Director.

17. (a) Where a sick person has been admitted to a hospital under a court order pursuant to section 6, and a medical board is of the opinion that he should be discharged, the Committee shall prescribe the time of his discharge ; notice of the time of the discharge shall be given to the Minister of Health and the District Attorney.

Discharge of sick person hospitalised under a court order.

(b) Where an accused person was admitted to a hospital after the court had found that by reason of his being ill he was not fit to stand trial, and he is discharged from the hospital under subsection (a), the Attorney General may direct that he be brought to trial for the offence with which he was originally charged.

18. Where a relative or the guardian of the person of the sick person opposes his discharge from the hospital, he shall not be discharged save with the approval of a district psychiatrist.

Opposition to discharge of sick person.

19. Where a person has requested that a person be discharged from the hospital and the Director has refused to discharge him, the applicant may submit to the psychiatric board an objection to the decision of the Director.

Objection to non-discharge.

20. A sick person admitted to a hospital shall not be transferred to another hospital save —

Transfer of sick person to another hospital.

(1) with his consent ; or

(2) on the application or with the consent of a relative or of the guardian of his person and with the written consent of the director of the hospital to which he was originally admitted and the director of the hospital to which he is to be transferred ; or

(3) upon the instructions of a district psychiatrist.

¹⁾ P.G. of 1936, Suppl. I, No. 577, p. 132 (English Edition).

Disagreement as to transfer of sick person to another hospital.

21. Where a director is of the opinion that a hospitalised sick person should be transferred to another hospital, and none of the requirements enumerated in section 20 is fulfilled, or where a relative or the guardian of the person of the sick person has requested that the sick person be transferred to another hospital and has not obtained the consent of the director of a hospital as specified in section 20, the matter shall be decided by the district psychiatrist of the district in which the hospital to which the sick person is to be transferred is situated ; the applicant may submit to the psychiatric board an objection to the decision of the district psychiatrist.

Tentative discharge.

22. (a) A director may discharge a sick person tentatively for a specific period, or for a temporary purpose, if in his opinion such a discharge is likely to benefit the sick person.

(b) A sick person hospitalised under a court order pursuant to section 6 shall not be discharged tentatively or for a temporary purpose, save with the approval of a psychiatric board.

(c) Where a sick person has been discharged tentatively, or for a temporary purpose, under this section, the director who discharged him may demand his return to the hospital at any time.

(d) Where a director has demanded the return of a sick person under subsection (c) and the sick person has not returned, a district psychiatrist may, on the application of the director, issue a hospitalisation direction within the meaning of sections 7 and 8.

Powers of psychiatric board.

23. (a) All the powers vested by this Law in a district psychiatrist are also vested in a psychiatric board.

(b) A psychiatric board, when dealing with objections under this Law, shall also have the powers that may be conferred on a commission of enquiry under section 5 of the Commissions of Enquiry Ordinance¹).

Procedure as to objections.

24. (a) A psychiatric board, when dealing with objections under this Law, may do so in the presence or in the absence of the sick person, in public or *in camera*, as it may think fit ; its proceedings shall not be invalidated by reason only that the sick person or his representative or another pleader has not been given an opportunity to attend and plead before it, provided that the sick person has been examined at least once by the majority of the members of the board.

(b) The form of the objection, modes of lodging it and procedure of the board for dealing with the same, so far as not prescribed by this Law, shall be prescribed by regulations, and in default thereof, by the board itself.

Appeal.

25. (a) The Attorney General or his representative, the sick person or a relative or the guardian of the person of the sick person may appeal to

¹ *Laws of Palestine* vol. I; cap. 21, p. 157 (English Edition).

a District Court against the decision of a psychiatric board on an objection under section 11 or 19.

(b) The Minister of Justice shall, by regulations, prescribe the modes and procedure of appeal.

26. (a) A sick person admitted to a hospital may —

- (1) send and receive closed letters and other postal consignments ;
- (2) receive visitors at times prescribed by the director of the hospital.

Rights of sick person.

27. (a) Where a sick person who has no natural guardian has been admitted to a hospital, and the district psychiatrist has informed the Administrator General that the sick person is not capable of looking after his property, the Administrator General is regarded as the administrator of the property of the sick person so long as no guardian of his property has been appointed.

Property of sick person.

(b) The Administrator General may, if he deems necessary so to do, collect and take and hold possession of the property of the sick person, and do in respect thereof any acts that admit of no delay, including the fulfilment of monetary obligations, and may represent the sick person in any legal proceeding concerning his property.

(c) The provisions of sections 7, 8 and 21 of the Administrator General Ordinance, 1944¹⁾, shall apply *mutatis mutandis* to the administration of the property of the sick person.

(d) In this section —

“property” includes immovable and movable property, a right in property, moneys, goodwill and any right in a body of persons or in the management thereof.

28. (a) A person who, in the course of or in connection with the carrying into effect of this Law, has obtained any information as to a sick person, shall treat it as confidential and shall not disclose it save in so far as is necessary for the purpose of carrying this Law or the regulations made thereunder into effect, or if he has been authorised to do so by the Court ; but he is not exempt from the duty to answer questions put to him by a person competent to conduct examinations as to the commission of offences.

Secrecy.

(b) This section shall not prohibit a physician from giving the members of the family of the sick person, and his friends, information as to his condition.

29. (a) A physician who issues a certificate for the purpose of section 2 or 22 knowing that the person mentioned therein is not ill, or having

Penalties.

¹⁾ P.G. of 1944, Suppl. I, No. 1380, p. 151 (English Edition).

done nothing to satisfy himself whether or not he is ill, is liable to imprisonment for a term of ten years.

(b) A person who knowingly causes the admission of a person to a hospital under this Law unnecessarily or unlawfully is liable to imprisonment for a term of five years.

(c) A person who contravenes or fails to comply with a direction lawfully issued by a district psychiatrist or a psychiatric board is liable to imprisonment for a term of two years.

(d) A person who does or refrains from doing any act with a view to depriving a person of a right granted by this Law or impeding the exercise of such a right, or who commits an offence against the provisions of this Law for which no other penalty is provided, is liable to imprisonment for a term of one year.

Saving of
other laws.

30. (a) The provisions of this Law shall add to, and not derogate from, the provisions of any other law, and in particular — but without prejudice to the generality of the saving — this Law shall not derogate from the right of a person to seek relief in the High Court of Justice.

(b) The provisions of sections 6, 16, 17 and 22 shall not apply to a person who has been brought to trial or admitted to a hospital under the law regulating the trial of soldiers by military courts.

Repeal.

31. There are hereby repealed —

(1) the Ottoman Law Concerning Lunatic Asylums of the 19th Safer, 1239 (3rd March, 1892) ;

(2) section 21 of the Magistrates' Courts Jurisdiction Ordinance, 1947¹⁾ ;

(3) section 54 of the Criminal Procedure (Trial Upon Information) Ordinance²⁾.

Implementation
and
regulations.

32. The Minister of Health is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

MOSHE SHARETT
Prime Minister

DOV JOSEPH
Minister of Health

YITZCHAK BEN-ZVI
President of the State

1) P.C. of 1947, Suppl. I, No. 1612, p. 277 (English Edition).

2) *Laws of Palestine* vol. I, cap. 36, p. 475 (English Edition).

WELFARE (PROCEDURE IN MATTERS OF MINORS,
MENTALLY SICK PERSONS AND ABSENT PERSONS) LAW,
5715—1955*

1. In this Law —

Definitions.

“court” includes tribunals, committees and other bodies duly empowered in judicial matters, but does not include a court dealing with criminal matters ;

“minor” means a person under eighteen years of age ;

“matter of a minor” means a matter to be decided by a court and in deciding which the court is required or permitted to take into account the minority of a minor, even though the minor may not be a party ;

“matter of a mentally sick person” means a matter to be decided by a court and in deciding which the court is required or permitted to take into account the mental sickness of the mentally sick person, even though the mentally sick person may not be a party ;

“matter of an absent person” means a matter to be decided by a court and in deciding which the court is required or permitted to take into account the fact that a certain person is absent from Israel or that his place of residence is unknown, even though that person may not be a party ;

“mentally sick person” includes a person of defective intellect.

2. A court may order a welfare officer to investigate a matter of a minor and to express his opinion in a written report.

Order to welfare officer.

3. Where a welfare officer has been ordered as specified in section 2, he may, for the purpose of preparing his report, enter any place where the minor or the mentally sick person is or is likely to be, and examine any person who in his opinion possesses information relating to the minor or the mentally sick person, and the person examined is bound to give the welfare officer correct and complete answers ; provided that he shall not be bound to do so if the answer would tend to incriminate him.

Powers of welfare officer.

4. The report submitted by the welfare officer as aforesaid shall be delivered to the parties, and the court shall hear any argument on their part in connection with the contents thereof, unless, for special reasons, it orders that the whole or a part of such contents shall not be disclosed.

Delivery of welfare officer's report to the parties.

* Passed by the Knesset on the 7th Tammuz, 5715 (27th June, 1955) and published in *Sefer Ha-Chukkim* No. 187 of the 16th Tammuz, 5715 (6th July, 1955), p. 126; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 222 of 5715, p. 44.

Examination of welfare officer.

5. (a) A court may, at any stage of the proceedings, order a welfare officer to attend and be examined before it in any matter of a minor, even if he has not been ordered to submit a report as specified in section 2.

(b) The provisions of section 4 shall apply *mutatis mutandis* to an examination under this section.

Mode of drawing-up of report not to be ground for appeal.

6. The argument that a report submitted by a welfare officer has not been drawn up in accordance with the provisions of this Law shall not be a ground for appeal.

Mentally sick person.

7. The powers vested by this Law in a court and a welfare officer in a matter of a minor are also vested in them, *mutatis mutandis*, in a matter of a mentally sick person.

Powers of Attorney General.

8. The Attorney General or his representative may, if in his opinion the interests of any minor, mentally sick person or absent person so require, institute any proceeding in a court and appear and plead in any trial in which a matter of a minor, a mentally sick person or an absent person is dealt with.

Appointment of welfare officer.

9. The Minister of Social Welfare shall appoint social workers to be welfare officers for the purpose of this Law.

Implementation and regulations.

10. The Minister of Justice is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation.

MOSHE SHARETT
Prime Minister

PINCHAS ROSEN
Minister of Justice

YITZCHAK BEN-ZVI
President of the State

No. 45

NATIONAL INSURANCE (AMENDMENT) LAW, 5715—1955*

1. In section 30 of the National Insurance Law, 5714—1953¹) (hereinafter: "the principal Law"), subsection (a) shall be replaced by the following subsection:

Amendment of section 30.

"(a) An insured person who entered hospital in connection with childbirth, or, if she is no longer alive, her husband or the guardian of the child, as the case may be, is entitled to receive from the Institute a maternity grant of the value of 55 pounds where one child has been born, plus 25 pounds for each further child born alive in the same birth; the grant shall be given for hospitalisation expenses and for the acquisition of equipment for the infant or in equipment for him in kind, as may be prescribed by regulations".

2. In the Fourth Schedule to the principal Law, section 3, shall be replaced by the following section:

Amendment of Fourth Schedule.

"3. Injury benefits shall not be paid in respect of the first two days, after the day of the injury, on which the insured person is incapacitated for his work and for suitable other work as a result of the injury unless he is incapacitated for work as aforesaid for not less than 12 days in addition to the day of the injury."

MOSHE SHARETT
Prime Minister

GOLDA MYERSON
Minister of Labour

YITZCHAK BEN-ZVI
President of the State

* Passed by the Knesset on the 7th Tammuz, 5715 (27th June, 1955) and published in *Sefer Ha-Chukkim* No. 187 of the 16th Tammuz, 5715 (6th July, 1955), p. 127; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 243 of 5715, p. 181.

¹) *Sefer Ha-Chukkim* No. 137 of 5714, p. 6; *LSI* vol. VIII, p. 4.

INVALIDS (PENSIONS AND REHABILITATION) (AMENDMENT)
LAW, 5715—1955*

Amendment of
section 1.

1. In section 1 of the Invalids (Pensions and Rehabilitation) Law, 5709—1949¹⁾ (hereinafter: "the principal Law"), the following definition shall be added after the definition of "gratuity":

"the determining wage", in relation to a particular invalid, means two thirds of the total amount of salary payable to a State employee whose salary grade is 15 and whose family commitments are the same as those of the invalid."

Replacement
of section 4.

2. Section 4 of the principal Law shall be replaced by the following section:

"Gratuity
to invalids
(degree of
invalidity
up to 35
per cent).

4. An invalid whose degree of invalidity is not less than 10 per cent and less than 35 per cent shall be paid a gratuity at the rate of one half per cent of his determining wage in respect of each per cent of invalidity multiplied by thirty-six."

Replacement
of section 5.

3. Section 5 of the principal Law shall be replaced by the following section:

"Invalidity
pay.

5. (a) An invalid whose degree of invalidity is not less than 35 per cent but less than 50 per cent shall, so long as he is an invalid as aforesaid, be paid monthly invalidity pay to cover the special expenses caused to him by his invalidity.

(b) The monthly invalidity pay shall be at the rate of one half per cent of his determining wage in respect of each per cent of invalidity.

(c) For the purpose of sections 6A (b), 9, 11, 13, 15, 16, 18A, 19A, 20, 22, 24 and 28A of this Law and for the purposes of the National Insurance Law, 5714—1954²⁾, the Defence Army of Israel (Permanent Service) (Benefits) Law, 5714—1954³⁾ and the State Service (Benefits) Law, 5715—1955⁴⁾, invalidity pay shall be deemed to be a pension."

* Passed by the Knesset on the 8th Tammuz, 5715 (28th June, 1955) and published in *Sefer Ha-Chukkim* No. 188 of the 18th Tammuz, 5715 (8th July, 1955), p. 180; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 243 of 5715, p. 176.

1) *Sefer Ha-Chukkim* No. 25 of 5709, p. 278; *LSI* vol. III, p. 119.

2) *Sefer Ha-Chukkim* No. 137 of 5714, p. 6; *LSI* vol. VIII, p. 4.

3) *Sefer Ha-Chukkim* No. 163 of 5714, p. 179; *LSI* vol. VIII, p. 149.

4) *Sefer Ha-Chukkim* No. 188 of 5715, p. 135; *infra*, p. 149.

4. Section 6 of the principal Law shall be replaced by the following section :

Replacement of section 6.

"Pensions to invalids (degree of invalidity 50 per cent to 100 per cent).

6. An invalid whose degree of invalidity is not less than 50 per cent shall, so long as he is an invalid as aforesaid, be paid a pension at the rate of one per cent of his determining wage in respect of each per cent of invalidity."

5. Subsection (a) of section 6A of the principal Law shall be replaced by the following subsection :

Amendment of section 6A.

"(a) An invalid whose degree of invalidity is not less than 20 per cent and who is without a livelihood shall, so long as he is without a livelihood, be paid a pension at the rate of one half of his determining wage, in addition to the payments which he has received or is entitled to receive under section 4, 5 or 6."

6. Section 7 of the principal Law shall be replaced by the following section :

Replacement of section 7.

"Special pension.

7. (a) An invalid entitled to a pension who is destitute shall, instead of the pension referred to in section 6 or 6A, be paid a pension at the rate of the total amount of salary payable to a State employee whose salary grade is 13 and whose family commitments are the same as those of the invalid.

(b) An invalid of a special degree of invalidity determined under rules set out in regulations shall, so long as he is of such a degree of invalidity, be paid, in addition to his pension, a special pension at a rate to be fixed under the same rules."

7. Section 8 of the principal Law shall be replaced by the following section :

Replacement of section 8.

"Two parents of the same sex and grand-parents.

8. (a) Where an invalid has a natural parent and a step-parent or adoptive parent, both of the same sex, only one of them shall be regarded as an immediate relative within the meaning of this Law.

(b) A pensions officer may direct that such grandfather or grandmother of an invalid as is dependent on the invalid shall be recognised as a parent within the meaning of this section ; provided that not more than two grandparents shall be so recognised."

8. Section 10 of the principal Law shall be amended as follows :

Amendment of section 10.

(1) The words "a discharged soldier" in subsection (a) shall be replaced by the words "an invalid" ;

(2) the word "powers" shall be inserted between the words "mode of constitution" and the words "and rules of procedure" in subsection (b).

Replacement of section 14.

9. Section 14 of the principal Law shall be replaced by the following section :

"From when pensions and invalidity pay shall be paid.

14. A pension and invalidity pay due to an invalid shall be paid as from the day of his discharge from the military service during which the event which caused his invalidity occurred, if he submits a claim for these payments within six months from the day of his discharge ; in every other case the pension and invalidity money shall be paid as from the day of submission of the claim, unless the medical board has prescribed a later date."

Amendment of section 16.

10. Section 16 of the principal Law shall be amended as follows :

(1) Subsection (b) shall be replaced by the following section :

"(b) A person who has not submitted an application under subsection (a) who claims some other right under this Law shall submit to the pensions officer an application to recognise him as an invalid."

(2) In subsections (d) and (e), the words "entitled to a gratuity or pension" shall be replaced by the words "entitled to a gratuity or pension or to recognition as an invalid".

Replacement of section 16A.

11. Section 16A of the principal Law shall be replaced by the following section :

"Prescription of claims.

16A. The right to submit an application under section 16 (a) or 16 (b) shall lapse at the expiration of two years from the day of the discharge of the invalid from the military service during which the event which caused his invalidity occurred ; provided that where the invalidity arises from an illness in respect of which the Minister of Defence, by regulations, has prescribed a longer period of prescription the right shall lapse at the expiration of such period."

Amendment of section 17.

12. In section 17 of the principal Law, subsection (h) shall be replaced by the following subsections :

"(h) The claimant and a pensions officer may appeal against the decision of an appeal committee to the Supreme Court sitting as a Court of Civil Appeal, but the appeal may only concern a point of law.

(i) The Minister of Justice shall prescribe by regulations the time, mode of submission and procedure of an appeal under subsection (h)."

13. Section 18 of the principal Law shall be deleted.

Repeal of
section 18.

14. Subsection (a) of section 18A of the principal Law shall be amended as follows :

Amendment of
section 18A.

(1) In paragraph (2) the words "for such payment" shall be replaced by the words "for such payment and any other payment to which it may become liable under this Law" ;

(2) in paragraph (3), the words "shall apply to him only to such extent as a pensions officer may think fit" shall be replaced by the words "shall not apply to him, except as regards his right to receive the invalid's badge" ;

(3) the following paragraph shall be inserted after paragraph (3) :

"(4) he shall extend every assistance and take any reasonable step to help the Treasury in realising its right under paragraph (2)."

15. Section 19 of the principal Law shall be amended as follows :

Amendment of
section 19.

(1) Subsection (a) shall be replaced by the following subsection :

"(a) A pensions officer may direct the re-examination of an invalid once a year unless the medical board otherwise directs." ;

(2) the following shall be inserted at the end of subsection (b) :
"However, a pensions officer may make the carrying out of the re-examination conditional upon the invalid's depositing the amount of its estimated cost, as shall be provided in rules prescribed by regulations."

16. Section 19A of the principal Law shall be amended as follows :

Amendment of
section 19A.

(1) the expression "50 per cent" shall, wherever appearing, be replaced by the expression "35 per cent" ;

(2) in paragraph (2) of subsection (a), the closing passage beginning with the words "if the gratuity which he received exceeds" shall be replaced by the words "however, the gratuity which he has received shall be set off against the pension, and the pension shall be regarded as moneys to which section 13 (d) applies, provided that in no month shall an amount exceeding one half of the pension be withheld without his consent" ;

(3) the mark "(a)" at the beginning of the section shall be deleted, and subsection (b) shall be repealed.

17. In subsection (a) of section 25A, the expression "20 per cent" shall be replaced by the expression "10 per cent".

Amendment of
section 25A.

18. The following section shall be added after section 27 :

Addition of
section 27A.

"Adaptation
of salary
scales.

27A. If at any time the scale of salary grades of State employees is different from that obtaining at the time of the coming into force of the Invalids (Pensions and

Rehabilitation) (Amendment) Law, 5715—1955, the determining wage and special pension shall be calculated in accordance with the scale of salary grades in force at such first-mentioned time, under such rules of conversion as the Government shall prescribe.”

Replacement of section 28A.

19. Section 28A of the principal Law shall be replaced by the following section :

“Invalidated Yishuv volunteers.

28A. (a) In this section, “invalidated Yishuv volunteer” means a person who, in response to the call of the National Institutions in Eretz Israel, served in a unit of the armies of the United Kingdom of Great Britain and Northern Ireland and who has proved that the authority competent therefor in that Kingdom has determined that he became an invalid in the period of that service and in consequence of that service.

(b) The service of an invalidated Yishuv volunteer shall, for the purpose of this Law, be regarded as military service, and he shall for the purpose of this Law, except in respect of a pension, be treated as an invalid within the meaning of section 1.

(c) An invalidated Yishuv volunteer shall, for the purpose of any other enactment, be treated as an invalid within the meaning of section 1, and the pension which he receives from the said Kingdom shall be deemed to be a pension payable under this Law.

(d) For the purpose of this section, the degree of invalidity of an invalidated Yishuv volunteer shall be such as shall be determined for him from time to time by the authority referred to in subsection (a).”

Transitional provisions.

20. (a) A gratuity under section 4, as amended by this Law, shall not be paid to a person who has received a gratuity under that section prior to the amendment.

(b) Where a person entitled to invalidity pay has received a gratuity under section 4 before the coming into force of this Law, such gratuity shall be regarded as moneys received by him in advance on account of what is due to him from the day of the coming into force of this Law, and section 13 (d) of the principal Law shall apply thereto, but in no month shall an amount exceeding half of the invalidity pay be withheld without his consent.

(c) Section 18 of the principal Law shall continue to apply, to the extent that such is necessary in order to complete the calculations for the accounting period which began the 1st April, 1955, as if section 13 of this Law had not come into force, but that accounting period shall end the 30th June, 1955, instead of the 30th September, 1955.

(d) A person who in consequence of military service, within the meaning of a declaration of the Minister of Defence under section 1 of the principal Law, became afflicted with invalidity in the period between the 17th Kislev, 5708 (30th November, 1947) and the 29th Kislev, 5709 (31st December, 1948) may submit a claim, notwithstanding the provisions of section 16A of the principal Law, within thirty days from the day of the coming into force of this Law.

(e) Notwithstanding the provisions of section 16A of the principal Law, an application under section 16 of the principal Law may be submitted within six months from the day of the coming into force of this Law —

(1) by a person who became afflicted with invalidity in consequence of an event which occurred while he was on military service under the Defence Service Law, 5709—1949¹⁾, and who after completion of such service was received into military service under an engagement for permanent service ;

(2) by a person who was injured in consequence of his military service and in the time of his service up to the 29th Adar, 5709 (30th March, 1949).

MOSHE SHARETT
Prime Minister

DAVID BEN-GURION
Minister of Defence

YITZCHAK BEN-ZVI
President of the State

No. 47

DEFENCE REGULATIONS (CONTINUANCE IN FORCE)
(TEMPORARY PROVISION) (No. 9) LAW, 5715—1955*

1. The Regulations specified in the Schedule shall continue in force until the 16th Tevet, 5715 (31st December, 1955).

Continuance
in force.

2. (a) Where an order or direction under any of the Regulations referred to in section 1 (in this section: "an order") has been issued to a particular undertaking or persons, or to a number of undertakings or persons specified individually in the order, anyone who considers himself aggrieved by the order may object to it, within fifteen days from the day on which it comes to his knowledge, before an objections committee to be established under section 3.

Right of
objection.

¹⁾ *Sefer Ha-Chukkim* No. 25 of 5709, p. 271; *LSI* vol. III, p. 112.

* Passed by the Knesset on the 8th Tammuz, 5715 (28th June, 1955) and published in *Sefer Ha-Chukkim* No. 188 of the 18th Tammuz, 5715 (8th July, 1955), p. 194; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 238 of 5715, p. 153.

(b) The objection shall be submitted to the committee in at least two copies ; the committee shall forward one copy to the authority who made the order (in this section : "the competent authority").

(c) The submission of an objection shall not stay the carrying into effect of the order unless the chairman of the committee, after hearing the opinion of the competent authority, so directs.

(d) The objections committee may confirm, vary or cancel the order ; its decision shall be final.

Objections committee.

3. (a) There shall be established an objections committee for the purpose of section 2.

(b) The objections committee shall consist of a district court judge to be appointed by the Minister of Justice and two members to be appointed respectively by the Minister of Trade and Industry and the Minister of Agriculture.

(c) The Minister of Justice shall publish in *Reshumot* a notice of the composition and address of the committee.

Practice and procedure.

4. (a) An objections committee shall have all the powers specified in sections 5 and 5A of the Commissions of Enquiry Ordinance.

(b) The Minister of Justice shall make regulations prescribing the procedure and practice of an objections committee, and in so far as these are not prescribed by regulations as aforesaid, the committee itself shall prescribe them.

Commencement.

5. This Law shall come into force on the 10th Tammuz, 5715 (30th June, 1955).

SCHEDULE

(section 2)

1. Defence Regulations, 1939¹⁾ ;
2. Defence (Amendment of Food Control Ordinance, 1942) Regulations, 1942²⁾ ;
3. Defence (Amendment of Food Control Ordinance, 1942) Regulations, 1943³⁾ ;
4. Defence (Amendment of Food Control Ordinance, 1942) Regulations, 1944⁴⁾, except regulation 19 (1) ;
5. Defence (Application of Food Control Ordinance, 1942) Regulations, 1942⁵⁾ ;

1) P.G. of 1939, Suppl. II, No. 914, p. 659 (English Edition).

2) P.G. of 1942, Suppl. II, No. 1200, p. 939 (English Edition).

3) P.G. of 1943, Suppl. II, No. 1260, p. 333 (English Edition).

4) P.G. of 1944, Suppl. II, No. 1312, p. 17 (English Edition).

5) P.G. of 1942, Suppl. II, No. 1227, p. 1535 (English Edition).

6. Defence (Food Control) Regulations, 1942¹⁾ ;
7. Defence (Prevention of Profiteering) Regulations, 1944²⁾.

MOSHE SHARETT
Prime Minister

YITZCHAK BEN-ZVI
President of the State

No. 48

STATE SERVICE (BENEFITS) LAW, 5715—1955*

PART ONE: GENERAL PROVISIONS

1. In this Law —

Definitions.

“State employee” or “employee” means a person employed by the State as an employee and includes a police officer and a prison officer, but does not include a temporary employee ;

“police officer” means a person who belongs to the Police Force ;

“temporary employee” means an employee employed on a day-to-day basis ;

“pension” means an amount payable monthly —

(1) to an employee who has retired from the service (hereinafter : “retirement pension”) ;

(2) to the survivors of an employee or of an employee who had retired from the service (hereinafter : “survivor’s pension”) ;

“gratuity” means a one-time payment ;

“benefit” means a pension or a gratuity ;

“service” means service as an employee ;

“Medical Board” means the board competent to determine the medical fitness of persons being received into the State service ;

“retirement from the service” means retirement on pension, death or dismissal ;

“invalid” means a person whose fitness for work is impaired and who, as a result, is incapable of doing work which a person of his

¹⁾ P.G. of 1942, Suppl. II, No. 1181, p. 576 (English Edition).

²⁾ P.G. of 1944, Suppl. II, No. 1359, p. 939 (English Edition).

* Passed by the Knesset on the 9th Tammuz, 5715 (29th June, 1955) and published in *Sefer Ha-Chukkim* No. 188 of the 18th Tammuz, 5715 (8th July, 1955), p. 135; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 172 of 5713, p. 252.

age and sex is normally capable of doing, such impairment not being temporary ;

“State Service Commissioner” means the person appointed by the Government to be in charge of the employment of State employees (hereinafter : “Service Commissioner”) ;

“State Service Commission” means the Commission appointed by the Government to assist it in matters relating to the employment of State employees (hereinafter : “Service Commission”, ;

“Representation of State Employees” means the organisation of State employees which represents the largest number of State employees.

Continuous period of service.

2. Wherever this Law speaks of a period of service, the reference is to a continuous period of service subsequent to the date when the employee attained the age of 18 years.

Periods which do not break continuity.

3. Continuity of service is not regarded as broken by reason of absence of the employee from his work owing to —

(1) vacation, leave or rest granted in pursuance of the law or with the consent of the person empowered in that behalf in the State service ; or

(2) a strike ; or

(3) a work accident, illness or any other break which occurred in the service and over which the employee had no control ; or

(4) military service, within the meaning of the Discharged Soldiers (Reinstatement in Employment) Law, 5709—1949¹⁾ (hereinafter : “the Discharged Soldiers’ Law”), and any subsequent absence, if it occurred in a period deemed to be service under section 12 of that Law ; or

(5) part-time service, within the meaning of the Discharged Soldiers’ Law, and reserve service, within the meaning of the Defence Service Law, 5709—1949²⁾ ; or

(6) any other absence defined by regulations as absence not breaking continuity of service.

Survivors.

4. The survivors of a deceased person, for the purpose of this Law, are —

(1) in the case of a male deceased person — the person who was his wife at the time of his death, including a person who was commonly reputed to be his wife and was living with him at that time (hereinafter : “widow”) ;

(2) in the case of a female deceased person — the person who was her husband at the time of her death, including a person who was

1) *Sefer Ha-Chukkim* No. 6 of 5709, p. 13; *LSI* vol. III, p. 10.

2) *Sefer Ha-Chukkim* No. 25 of 5709, p. 271; *LSI* vol. III, p. 112.

commonly reputed to be her husband and was living with her at that time (hereinafter: "widower");

(3) his or her not self-supporting child, including a stepchild, an adopted child and a grandchild who were wholly dependent on him or her (hereinafter: "orphan");

(4) another relative whose dependence on the deceased was the reason for an increase of the last salary or pension of the deceased before his or her death, or — if at the death of the deceased the composition of the family had no influence on the amount of a salary payable to employees — whose dependence on the deceased has been recognised in accordance with rules prescribed by regulations (hereinafter: "dependant").

5. A non-self-supporting person, for the purpose of this Law, is a person who has not yet attained the age of 18 years, or a person who has attained the age of 18 years but has not an income sufficient for his livelihood and is incapable of maintaining himself.

Non-self-supporting person.

6. The Minister of Finance shall appoint one or more than one person to be an officer or officers in charge of the payment of benefits (hereinafter: "officer(s)-in-charge"); notice of the appointment and address of an officer-in-charge shall be published in *Reshumot*.

Officer in charge of payment of benefits.

7. (a) The Minister of Justice shall appoint appeal committees for the purpose of this Law.

Appeal committees.

(b) An appeal committee shall consist of three persons, of whom one shall be a representative of the State employees, designated by the Representation of State Employees, and at least one of whom shall be a person who is not in the State service.

(c) Notice of the appointment and address of an appeal committee shall be published in *Reshumot*.

8. An officer-in-charge and an appeal committee shall have all the powers that may be conferred on a commission of enquiry under section 5 of the Commissions of Enquiry Ordinance¹.

Auxiliary powers.

9. The officer-in-charge and an appeal committee shall not be bound by rules of procedure or the rules of evidence, but shall act in such manner as seems to them most useful for clarifying the questions to be decided by them.

Procedure and rules of evidence.

PART TWO: BENEFITS AND AMOUNT THEREOF

10. In this Part —

Definitions.

"the annual salary", in relation to an employee who has retired from the service, means the total amount of salary, including

¹ *Laws of Palestine* vol. I, cap. 21, p. 151 (English Edition).

regular allowances, paid to him in respect of the last twelve salary-carrying months of service preceding his retirement ;

“the determining day” means the first day of a financial year or the first day of the fourth, seventh or tenth month of a financial year ;

“the determining salary”, in relation to a particular person at a particular time, means the amount of salary, including regular allowances, due, on the determining day immediately preceding that time, to an employee of the same grade as that person held immediately before his retirement from the service ;

“regular allowance” means an allowance payable in addition to the basic salary of an employee and recognised by the Government as a regular allowance for the purpose of this Law.

Rules for calculating the determining salary.

11. The following rules shall apply in calculating the determining salary of a particular person at a particular time ;

(1) Where the determining salary includes a family allowance, the allowance shall be calculated in accordance with the composition of the family of that person at that time ;

(2) if at that time the scale of salaries is different from the scale that existed at the time of the retirement of that person from the service, the determining salary shall be calculated in accordance with the scale binding at the time of the calculation, with such adaptations as have been prescribed by the Government.

Calculation of period of service.

12. The following rules shall apply in calculating the period of service for the purpose of this Law.

(1) A fraction of a month, if exceeding fifteen days, shall be deemed to be a whole month, and if not exceeding fifteen days, shall be disregarded ;

(2) in a fraction of a year, each whole month, within the meaning of paragraph (1), shall be reckoned as the twelfth part of the year ;

(3) only a period of service for which salary is due to the employee shall be taken into account ;

(4) where the continuous period of service of an employee has been interrupted, the period of service preceding the interruption may be taken into account if the Service Commissioner, in accordance with rules prescribed by the Service Commission, so decides.

Periods without salary which are to be taken into account.

13. A period of absence which does not break the continuity of the service is, notwithstanding the provision of section 12 (3), reckoned as part of the period of service if —

(1) it is a period deemed to be service under section 12 of the Discharged Soldiers Law ; or

(2) it is a period of part-time service under the Discharged Soldiers

Law or a period of reserve service under the Defence Service Law, 5709—1949 ; or

(3) it is a period for which a maternity allowance or injury benefits is or are due under the National Insurance Law, 5714—1953¹⁾ ; or

(4) it is a period for which no salary was due to the employee, but in respect of which, by him or on his behalf, with the consent of the Service Commissioner and for the purpose of acquiring a right to a benefit, payments were made to the Treasury of an amount calculated in accordance with rules prescribed by regulations on the basis of the salary which would have been due to the employee but for his absence.

14. The following are entitled to a retirement pension :

Right to retirement pension.

(1) a person who has retired on pension under section 15 or 16 ;

(2) a person who was dismissed after five years of service by reason of invalidity or illness, and a person who, while forty years of age or over, was dismissed for any other reason after ten years of service and was not disqualified for State Service by a decision of a Court of Discipline.

15. An employee may retire on pension —

Retirement on pension at the wish of the employee.

(1) if he has attained the age of fifty-five years — after twenty-five years of service ;

(2) if he has attained the age of sixty years or if a Medical Board has found that owing to invalidity he is incapable of working in the State service — after ten years of service.

16. Where an employee has served for not less than ten years, the Service Commissioner may decide that he shall retire on pension if the employee has attained the age of 60 years, and he shall so decide if the employee has attained the age of 65 years ; provided that where the service of an employee is essential to the State the Service Commissioner may, with the approval of the Service Commission, extend his service beyond the age of 65 years.

Retirement on pension by decision of the Service Commissioner.

17. (a) A person entitled to a retirement pension shall be paid for life a pension of an amount equal to the six-hundredth part of his determining salary multiplied by the number of his months of service ; provided that the amount of the pension shall not exceed seventy per cent, and not be less than twenty per cent, of such salary.

Amount of retirement pension.

(b) Where immediately before the retirement of a person a Medical Board found him to be an invalid of a degree of invalidity of 50 per cent or over, or where a person has been dismissed from the service by reason of invalidity of a lower degree, the pension shall not be less than twenty

¹⁾ *Sefer Ha-Chukkim* No. 187 of 5714, p. 6 ; *LSI* vol. VIII, p. 4.

per cent of the determining salary, plus 3 per mille thereof for each per cent of the degree of invalidity.

(c) Where a person was received into the service while being an invalid, his degree of invalidity, for the purpose of this section, shall be taken to be the difference between his degree of invalidity at the time of his reception into the service and his degree of invalidity at the time of his retirement.

Gratuity in addition to pension.

18. An employee dismissed from the service before attaining the age of sixty years and entitled to a retirement pension under section 14 (2) shall, in addition to the pension, be paid a gratuity equal to the twenty-fourth part of his annual salary multiplied by the number of his years of service ; provided that such gratuity shall not exceed the smaller of the following two :

- (1) his annual salary ;
- (2) the amount resulting from the capitalisation of a pension the amount of which is equal to the difference between the pension to which he is entitled at the time of his dismissal and the pension which would be due to him if he had served in his last grade until he attained the age of 60 years.

Person entitled to a retirement pension who has returned to the service.

19. (a) Where a person entitled to a pension has returned to the service —

- (1) he shall be paid his pension in addition to his salary, having regard to the provisions of section 28 ;
- (2) the period of his earlier service shall not be added to the period of his new service ;
- (3) he shall, if he retires from his new service under circumstances entitling him to a pension in respect of the new service, be entitled to both pensions, notwithstanding the provisions of section 26.

(b) A person entitled as aforesaid may, at the time of his return to the service, declare in writing that he chooses the right under subsection (c) in preference to the rights specified in subsection (a).

(c) Where a person has declared as specified in subsection (b) —

- (1) his right to the pension which he receives shall cease, but the period of his earlier service shall be added to the period of his new service ;
- (2) his determining salary — if he retires from the service under circumstances entitling him to a pension — shall be calculated in accordance with his grade at the time of his earlier or his later retirement, whichever grade is the higher.

Pension to survivors of deceased employee.

20. Where an employee, having served for not less than five years, dies during the time of his service, his survivors shall, throughout the

period specified in this section, be paid a pension in percentages of his determining salary, as follows :

- (1) the widow, so long as she has not remarried — forty per cent ;
- (2) the orphans, so long as they are not self-supporting and there is a widow entitled to a pension — ten per cent each, plus five per cent for all of them together or, if there is only one orphan, for that orphan ;
- (3) the orphans, so long as they are not self-supporting and there is not a widow entitled to a pension — fifteen per cent each, plus fifteen per cent for all of them together or, if there is only one orphan, for that orphan ;
- (4) the orphans, so long as they are not self-supporting and there ten per cent each or, where the deceased has not left a widow, or orphan, entitled to a pension — fifteen per cent each.

21. (a) Where an employee dies during the time of his service after serving for less than five years, his survivors shall, by reason of his death, be paid a gratuity of an amount to be prescribed by the Government (in this section : "the gratuity"), provided that it shall not exceed the annual salary of the deceased.

Gratuity upon death of employee.

(b) The gratuity shall be paid to the widow and the orphans of the deceased or, if he has not left a widow or orphans, to his other survivors.

(c) The Service Commission shall prescribe the rules for the apportionment of the gratuity among the survivors and the amount of the deductions to be made from the salary of the employee on account of the gratuity which will become due upon his death.

22. Where a person entitled to a retirement pension dies, his survivors shall, throughout the period specified in this section, be paid a pension in percentages of the pension which would be due to the person entitled but for his death, as follows :

Pension to survivors of person entitled to a retirement pension.

- (1) a widow who had been his wife for not less than three years last preceding his death or who has borne him a child, so long as she has not remarried — fifty per cent ;
- (2) the orphans, so long as they are not self-supporting and there is a widow entitled to a pension — fifteen per cent each ;
- (3) the orphans, so long as they are not self-supporting and there is not a widow entitled to a pension — fifteen per cent each, plus twenty-five per cent for all of them together or, if there is only one orphan, for that orphan ;
- (4) the dependants, so long as they are not self-supporting and the deceased has not left a widow, or an orphan, entitled to a pension— twenty per cent each.

23. (a) In this section —

Pension under this Law and insurance pension.

“insurance pension” means a pension by virtue of old-age insurance or a pension by virtue of survivors’ insurance under the National Insurance Law, 5714—1953 ;

“reduced pension” means a pension due under this Law after deductions of the amount referred to in subsection (b).

(b) Where a person is entitled to a pension under this Law and is also entitled to an insurance pension, there shall be deducted from his pension under this Law an amount equal to half the amount of the insurance pension or one third of the amount of the pension under this Law, whichever is less.

(c) Where the reduced retirement pension, plus the insurance pension due to the person entitled, exceeds his determining salary, the excess shall be deducted from the reduced pension.

(d) The aggregate amount of reduced pensions due to the survivors of a particular deceased person shall not exceed the difference between the determining salary of the deceased person and the aggregate amount of insurance pensions due to the survivors.

(e) Where the aggregate amount of insurance pensions is equal to or exceeds the determining salary, no pension shall be paid to the survivors under this Law.

Survivors’ pension the amount of which is fixed by the officer-in-charge.

24. (a) Where the aggregate amount of the pensions due to the survivors of a deceased person exceeds the maximum amount, or where the deceased has left more than one widow or orphans from several wives, or where the orphans do not live in the same household, the survivors shall, in lieu of pensions of the amounts prescribed in sections 20, 22 and 23 (b), be paid pensions of amounts to be fixed by the officer-in-charge, having regard to the conditions of the survivors and to any agreement between them ; provided that the aggregate amount of the pensions fixed by him shall not exceed the maximum amount or the aggregate amount of the pensions which would be due to the survivors but for the provisions of this section, whichever is less.

(b) The maximum amount, in relation to the survivors of an employee, is seventy per cent of his determining salary or the difference referred to in section 23 (d), and in relation to the survivors of a person entitled to a retirement pension, seventy-five per cent of such pension or the difference referred to in section 23 (d), whichever is less.

Gratuity to widow who remarries.

25. A widow entitled to a pension who remarries shall be paid a gratuity equal to the pension to which she was last entitled before her remarriage, multiplied by thirty-six.

Bar to double benefit.

26. A person entitled to two pensions under this Law or to a pension under this Law and a pension by reason of an industrial injury under the National Insurance Law, 5714—1953, shall be paid only one of them, to be chosen by him.

27. (a) In this section —

“the Rehabilitation Laws” means the Invalids (Pensions and Rehabilitation) Law, 5709—1949¹⁾, the Fallen Soldiers Families (Pensions and Rehabilitation) Law, 5710—1950²⁾, and the Invalids (War against the Nazis) Law, 5714—1954³⁾ ;

“benefit under the Rehabilitation Laws” means a pension, a grant or a gratuity due under the Rehabilitation Laws.

(b) A person entitled to a pension under this Part and to a pension under the Rehabilitation Laws or entitled, in consequence of one event, to a benefit under this Part and to a benefit under the Rehabilitation Laws shall be paid only one of them, to be chosen by him.

(c) If he chooses the benefit under this Part, he shall be entitled to receive also twenty-five per cent of the benefit under the Rehabilitation Laws and all the other rights due thereunder.

Benefit under this Law and under Rehabilitation Laws.

28. Where a person entitled to a pension receives also a salary from the Treasury or from other funds defined by the Government as public funds within the meaning of this Law (hereinafter : “the present salary”), the following provisions shall apply :

Pension and salary.

(1) a person entitled to a retirement pension whose present salary is less than the determining salary on which the pension is calculable shall be paid a pension equal to the difference between his present salary and the determining salary ; provided that it shall not exceed the pension which would be due to him but for the provision of this section ; where the present salary exceeds the determining salary, no pension shall be paid ;

(2) a person entitled to a survivor's pension whose present salary is less than half the determining salary on which the pension is calculable shall be paid a pension equal to the difference between his present salary and half the determining salary ; provided that such pension shall not exceed the pension which would be due to him but for the provision of this section ; where the present salary exceeds the said half, no pension shall be paid.

29. Notwithstanding anything in the foregoing sections, a childless self-supporting widow shall not be paid a survivor's pension so long as she has not attained the age of forty-five years.

Pension to widow under forty-five years of age.

30. (a) A widow who by reason of section 29 or of paragraph (1) of section 22, as far as it concerns the duration of the marriage, does not receive a survivor's pension shall be paid a gratuity equal to the pension to which she would be entitled but for those sections, multiplied by twelve ; provided that, where a widow to whom section 29 applies had,

Gratuity in lieu of pension to widow.

¹⁾ *Sefer Ha-Chukkim* No. 25 of 5709, p. 278 ; *LSI* vol. III, p. 119.

²⁾ *Sefer Ha-Chukkim* No. 52 of 5710, p. 162 ; *LSI* vol. IV, p. 115.

³⁾ *Sefer Ha-Chukkim* No. 147 of 5714, p. 76 ; *LSI* vol. VIII, p. 63.

at the death of the deceased, attained the age of forty-three years, the gratuity shall be equal to the product of half the amount of the said pension and the number of the months by which her age is less than forty-five years.

(b) A widow to whom at the death of the deceased section 28 applies shall be paid a gratuity equal to the difference between the pension which would be due to her but for the provision of section 28 and the pension due to her at that time under that section, multiplied by twelve ; and she shall not be entitled to receive her full pension or a pension of an increased amount until the expiration of fifteen months from the death of the deceased even if she has ceased to receive a salary, or a change has occurred in the amount of her salary, before the expiration of that period.

Wife
entitled to
maintenance.

31. (a) Where a person has been divorced from his wife and in that connection has become liable to pay maintenance, under a judgment or a written agreement, the wife shall, for the purposes of the rights connected with his death under this Law, be deemed not to have been divorced from him ; provided that if a pension is due to her, it shall not exceed the amount of maintenance which that person was bound to pay to her immediately before his death.

(b) The following rules shall apply in the matter of subsection (a) :

(1) where the officer-in-charge has reason to believe that the obligation to pay maintenance, or any change in the amount thereof, was laid down fictitiously, the person claiming a benefit under this section must prove that the obligation or change is genuine ;

(2) where since a divorced woman's right to a pension was created a substantial change has occurred in the determining salary, the officer-in-charge may change her pension on the strength of the same calculations and reasons as would have permitted the Court to change her maintenance, but for the debtor's death.

(c) Where a person has separated permanently from his wife, such wife shall, for the purposes of this Law, be deemed to be a divorced woman, even if that person has not left another wife.

Benefit and
compensation-
on-retirement.

32. (a) Where an employee or his survivor, by reason of the retirement of the employee, is entitled to a benefit under this Law, other than a gratuity under section 21, he shall not, for the same reason, be entitled to compensation-on-dismissal payable to an employee or to his survivors.

(b) A survivor who, by reason of the death of an employee, is entitled to a benefit under this Law shall not for the same reason be entitled to a life-insurance gratuity in the financing of which the Treasury participates.

(c) Where compensation-on-dismissal is due to a person not enti-

itled to a pension under this Law by reason of his choice under section 26 or 27, any period of service subsequent to his first five years of service shall not be taken into account in calculating the compensation.

(d) The provisions of subsections (a) and (b) shall apply even if the person entitled has renounced his benefit or if the benefit is not payable to him in consequence of the provisions of the closing passage of section 14 (2) or the provisions of sections 23 (e), 28, 29, 40 (b), 43, 46, 47, 50 (b), 50 (c) and 51.

33. Where an employee has died after five years' service, his survivors may, if the officer-in-charge is satisfied that it is in their interest so to do, choose a gratuity under section 21 instead of all the other benefits due to them under this Law, as if the employee had served for less than five years ; and if compensation-on-dismissal is due to them, any period of service of the employee subsequent to his first five years of service shall not be taken into account in calculating the compensation.

Gratuity under section 21 in lieu of benefit.

34. The provisions of this Law as to an employee and the survivors of a deceased person shall apply, with the necessary variations, to both a male and female employee and the survivors of both a male and a female deceased person ; provided that a widower shall not be entitled to any pension if he is self-supporting, and shall not be entitled to a pension under section 22 (1) unless he had been the husband of the deceased for not less than three years preceding her death or she had borne him a child.

Law to apply equally to male and female employees.

PART THREE : CLAIMS AND PAYMENTS

35. (a) A person claiming a benefit shall submit his claim to an officer-in-charge.

Claims.

(b) The officer-in-charge shall, on the basis of the claim, decide whether and to what extent the benefit shall be granted, shall serve his decision, by registered post, upon the claimant, and shall indicate therein the reasons thereof and the right of the claimant under section 36.

36. (a) A claimant who considers himself aggrieved by a decision of the officer-in-charge may appeal to an appeal committee (hereinafter : "the committee") within sixty days from the day on which the decision of the officer-in-charge reaches him ; provided that the committee may extend the period of appeal for a further period not exceeding sixty days.

Appeal.

(b) The appeal shall be submitted to the committee in writing in two copies, of which it shall send one to the officer-in-charge.

(c) The committee may confirm or alter the decision of the officer-in-charge, or give another decision instead.

(d) A claimant who has submitted an appeal to the committee may appear before it, personally or through the Representation of State employees or some other representative, and plead his case.

(e) An appeal committee shall give reasons for its decision.

(f) The chairman of the appeal committee shall serve a copy of its decision, by registered post, on the claimant and the officer-in-charge.

Appeal to court.

37. (a) The claimant or the officer-in-charge may, within fifteen days from the day on which the decision of the appeal committee reaches him, appeal to the District Court on a point of law.

(b) The court which deals with the appeal may confirm the decision of the committee or remit it to the committee or, on the strength of the facts established by the committee, give another decision instead.

(c) The Minister of Justice may make regulations concerning the procedure for submitting and the rules of procedure for dealing with, an appeal under this section.

(d) A judgment of the District Court in an appeal under this Law is final and non-appealable.

New decisions.

38. The officer-in-charge may give a new decision as to any matter, either on his own motion or on the application of a person entitled to a benefit, even if a final decision under section 36 or 37 has already been given, if he is satisfied, on the strength of fresh evidence which had not been before the author of the previous decision, that such decision was based on an error ; the new decision shall for all purposes, including the right of appeal, be treated like any other decision, but it shall not be carried into effect until the expiration of the period of appeal under section 36 or, if an appeal has been submitted, until the committee directs, by final or interim decision, that it shall be carried into effect.

Benefits from Treasury.

39. Benefits shall be paid out of Treasury funds.

From when pension shall be paid.

40. (a) A pension shall be paid at the beginning of each month, from the month beginning after the day on which the ground therefor arose.

(b) An employee who retires on pension under section 15 (1) before attaining the age of 60 years shall, notwithstanding the provisions of subsection (a), be paid a retirement pension from the month beginning after the day on which he attains the age of 60 years ; provided that, if the Medical Board finds that he is incapable of earning a living outside the service, he shall be paid the pension from the month beginning after the day on which the ground therefor arose or, if his incapacity to earn as aforesaid began later, from the month beginning after the day on which such incapacity began.

Payment for period prior to submission of application.

41. A pension shall not be paid for a period preceding by more than four months the submission of the claim for it ; provided that the officer-in-charge may extend the period allowed up to one year if the delay in submitting the claim occurred for reasons which, in the opinion of the officer-in-charge, justify the extension.

42. (a) A benefit shall be paid to the person to whom it is due ; provided that a pension due to a person under guardianship shall be paid to the guardian. Payment of benefit to another than the person entitled.
- (b) Where the officer-in-charge is satisfied that the payment of a benefit to the person entitled is not in the latter's interest or in the interest of the members of his family to whom he owes maintenance, or that the payment of the benefit to the guardian is not in the interest of the person entitled, he may, upon not less than fifteen days' advance notice, take over the whole or a part of the pension and use it in the interest of the person entitled or the members of his family, or direct that a person empowered by him in that behalf shall do so.
- (c) A decision of the officer-in-charge under subsection (b) not voided in an appeal under section 36 or 37 shall expire — if the person entitled had no guardian at the time the decision was given — upon the appointment of a guardian or — if the person entitled had a guardian — upon the confirmation of the previous guardian by a competent court or the appointment of another guardian in his stead.
43. The right to submit a claim for a benefit due to a survivor shall lapse at the expiration of two years from the day on which the ground therefor arose ; provided that the officer-in-charge may extend the period allowed if the delay in submitting the claim was due to causes over which the applicant had no control. Prescription of right of claim.
44. Where a person entitled has not collected any benefit moneys within two years from the day when they were placed at his disposal, the officer-in-charge may decide that his right to receive them has lapsed. Accumulation of payments prohibited.
45. Where it has been proved that a person has attempted to obtain a benefit by fraud, the benefit to which he is entitled shall be reduced by twenty-five per cent. Fraudulent act.
46. A survivor who intentionally and unlawfully has caused the death of an employee or a person entitled to a pension or who was an accomplice in such an offence shall not be paid the pension to which he is entitled by reason of the death of that person. Survivor who has caused death of the deceased.
46. Where a person is under imprisonment by virtue of a judgment of a competent court which sentenced him to imprisonment for a term of three months or more, he shall be paid no pension for the time that he is under imprisonment. Pension to person under imprisonment.
48. A right to a benefit cannot be transferred, given as security, pledged or attached in any manner except for the purpose of paying maintenance due from the person entitled to the benefit under a judgment of a competent civil or religious court. Transfer of right to benefit.
49. The Treasury may not set off benefits against a debt due from a person entitled to a benefit, except any of the following debts : Restriction on set-off.

- (1) advances received by him from the Treasury on account of benefits ;
- (2) loans received by him from, or guaranteed by, the Treasury ;
- (3) amounts erroneously paid to him by the Treasury in excess of what was due on account of salary or benefits ;
- (4) amounts received by him from a third party on account of compensation as specified in section 50.

Claims against third party.

50. (a) Where the occurrence which obligated the Treasury to pay a benefit under this Law is a ground also for obligating a third party to pay compensation to the same entitled person under the Civil Wrongs Ordinance, 1944¹⁾, or under Part Two of the National Insurance Law, 5714—1953²⁾, the Treasury may claim from such third party compensation for the benefit paid or to be paid by it to the extent of the compensation to which the third party is liable.

(b) A person entitled to a benefit under this Law shall extend every assistance and do any reasonable act in order to help the Treasury to realise its right under this section, and shall not do any act likely to prejudice the rights of the Treasury under this section or to prevent their realisation ; where a person entitled to a pension contravenes a prohibition imposed by this section, or does not do what he is required to do thereunder, the officer-in-charge may deny him the right to the whole or a part of the benefit.

(c) Where the Treasury is liable to the said compensation, the person entitled may choose between the benefit and the compensation.

(d) For the purpose of section 65 of the Civil Wrongs Ordinance, 1944, a benefit is regarded as a right arising from a contract.

Invalid who acts improperly.

51. The officer-in-charge may reduce, suspend or deny a pension the amount of which has been fixed in accordance with the degree of invalidity of the person entitled if such person —

- (1) has caused his invalidity by gross misconduct on his part ;
- (2) has without sufficient cause infringed a direction of the Medical Board, or of a physician empowered by it in that behalf, intended to speed up his recovery or to reduce his degree of invalidity ;
- (3) has acted in a manner which by common knowledge is likely to raise the degree of invalidity or to prevent recovery in a case like his ;
- (4) has without sufficient cause failed to report for examinations by the Medical Board which he is required to undergo by this Law or by regulations made thereunder.

Payment of benefit for maintenance of members of family.

52. Where a person has been denied a benefit, or where the payment of

- 1) P.G. of 1944, Suppl. I, No. 1380, p. 129 (English Edition).
- 2) *Sefer Ha-Chukkim* No. 187 of 5714, p. 6; LSI vol. VIII, p. 4.

a benefit to a person has been discontinued, by a decision of the officer-in-charge, the officer-in-charge may direct that the whole or a part of the benefit be paid to persons to whom that person owes maintenance.

53. Where a survivor, by virtue of the provisions of sections 23, 25, 26, 27, 28, 29, 33, 34, 41, 43, 44, 46, 47, 50 (b) and 50 (c), and not for any other reason, is not paid a pension, he shall, for the purpose of determining the right of other family members to a pension, and the amount of such a pension, be deemed to be entitled to a pension.

Provision for the purpose of determining the right of family members to a benefit.

PART FOUR: APPLICATION OF LAW TO POLICE OFFICERS

54. (a) This Law shall apply to every police officer with the adaptations and additions provided for in this Part.

Adaptations.

(b) In the case of a police officer or his dependants —

(1) every reference to the Service Commissioner shall be read as a reference to the Inspector General of Police ;

(2) sections 66 and 67 shall not apply to rules, conditions, directions, or recommendations relating to Police officers or the survivors of police officers ;

(3) section 40 (b) shall not apply.

55. Paragraphs (1) and (2) of section 3 shall not apply to a police officer, but the continuity of his service shall not be regarded as broken by reason of absence from service owing to leave or rest granted under the service rules of the Police.

Continuity of service of police officer.

56. Section 7 (b) shall not apply to a police officer and his survivors ; an appeal committee under section 1 which deals with an appeal of a police officer or his survivors shall consist of three members, of whom one shall be a police officer appointed on the recommendation of the Inspector General of Police and at least one a person not in the State service.

Composition of appeal committee.

57. Section 16 shall not apply to a police officer, but where a police officer has served for not less than ten years, the Inspector General of Police may direct his retirement on pension if the police officer has attained the age of 55 years.

Retirement on pension in accordance with direction.

58. (a) Section 14 (2) shall be read as if the words "and not disqualified for State service by a decision of a Court of Discipline" were replaced by the words "and not deprived of the right to a benefit by a decision of the Inspector General of Police".

Denial of benefit by reason of offence.

(b) The Inspector General of Police shall not give a decision as referred to in subsection 14 (2) unless the police officer has been dismissed by reason of an offence committed during the period of service and — such offence being a felony and, in the circumstances of the

case, involving ignominy — has been sentenced for it to imprisonment or or — such offence not being a felony but constituting a grave violation of his duties as a police officer — has been sentenced for it to imprisonment for a term of not less than three months by a Court of Discipline established under section 18 of the Police Ordinance¹).

Pension under this Law in addition to pension under other Law.

59. (a) A police officer who has been dismissed from the service after becoming afflicted with invalidity, his degree of invalidity being at least 50 per cent, and who by reason of such invalidity is entitled to a pension under the Police (Invalids and Fallen) Law, 5715—1955²), shall, in addition to such pension, be paid a retirement pension of the amount of half the difference between the basic pay and the basic pension, within the meaning of these terms in section 17 of the Defence Army of Israel (Permanent Service) (Benefits) Law, 5714—1954³).

(b) Where a police officer has died during the time of his service and his survivors, by reason of his death, are entitled to a pension under the Police (Invalids and Fallen) Law, 5715—1955, the following shall be paid in addition to such pension :

(1) to the widow and the orphans together — a survivor's pension of half the amount of the difference referred to in subsection (a) ;

(2) to all dependants together — a survivor's pension of an amount of one third of the said difference.

(c) A pension under this section shall be paid only to a person who receives a pension under the Police (Invalids and Fallen) Law, 5715—1955, but does not receive a benefit under Part Two.

(d) Survivors for whom subsection (b) prescribes one pension and who have all chosen the full pension under the Rehabilitation Laws in accordance with section 27 shall be paid the whole of the pension prescribed by this section ; where their choice has not been uniform, a pension under this section shall be paid only to a person who has chosen a pension under the Rehabilitation Laws, and the amount of the pension shall be reduced as the officer-in-charge may prescribe.

(e) Where the deceased has left more than one widow, or where the widow and the orphans do not live in the same household, or where the dependants do not live in the same household, the officer-in-charge shall prescribe the mode of apportionment of the pension having regard to the situation of the survivors and to any agreement between them.

PART FIVE: MISCELLANEOUS

60. (a) Where the amount of a person's pension is determined by his degree of invalidity, the officer-in-charge may at any time direct him to

Medical examinations of invalids.

¹) *Laws of Palestine* vol. II, cap. 112, p. 1145 (English Edition).

²) *Sefer Ha-Chukkim* No. 180 of 5715, p. 74; *supra*, p. 80.

³) *Sefer Ha-Chukkim* No. 163 of 5714, p. 179: *LSI* vol. VIII, p. 149.

have himself re-examined by the Medical Board for re-determination of his degree of invalidity.

(b) A person as aforesaid may demand to be examined by the Medical Board for re-determination of his degree of invalidity if not less than six months have passed from the day on which his degree of invalidity was last determined.

61. (a) Where a person, after retiring from a recognised institution, has, within a time fixed by regulations, passed into the State service, then, subject to rules and conditions prescribed by regulations, his employment in that institution shall be regarded as service within the meaning of this Law, and the whole or a part of the period of such employment shall be added to his period of employment in the State service, having regard to any payment received or right acquired by him in consequence of his retirement from the institution.

Provisions as to employment in recognised institution.

(b) In this section, "recognised institution" means an institution or organisation, or a part of such a body, which the Government has approved as a recognised institution for the purpose of this section by reason that all or part of its functions have been taken over by the State.

62. Where a person, after being in a service on behalf of the State in a function to which this Law does not apply, has come to serve the State as an employee to whom this Law applies, then, subject to rules and conditions prescribed by regulations, his earlier service, shall be regarded as service within the meaning of this Law, and the whole or a part of the period of his earlier service shall be added to the period of his service as an employee, having regard to any payment received or right acquired by him in consequence of his retirement from the earlier service.

Transfer from one kind of service to another.

63. In respect of an employee employed under working conditions defined by the Government as special conditions for the purpose of this section, or who entered the State service after attaining the age of 40 years, the Service Commissioner may, by notice published in *Reshumot* and on conditions prescribed by the Government, direct that for the purpose of determining all or any of his rights under this Law the whole or a part of his period of service shall be deemed to have been longer, by a period prescribed by the Government, than it actually was.

Increase of period of service under certain conditions.

64. Where at time of the receipt of an employee into the service, the Medical Board found that his health was impaired, and it was therefore stipulated that his service should not carry a right to benefits, this Law shall nevertheless apply to the employee and to his survivors if he attained the age of 60 years after ten years of service or the age of 55 years of service.

Employee who has been engaged with a reservation.

65. For the purposes of sections 36, 37 and 38, a decision of the Service Commissioner under this Law shall be treated like a decision of the officer-in-charge, and every reference in these sections to the officer-in-

Provisions as to decision of Service Commissioner.

charge shall, in this connection, be deemed to be a reference to the Service Commissioner.

Direction by Service Commission and Service Commissioner after negotiations with employees.

66. (a) Every rule, condition or other general direction which according to this Law is laid down by the Service Commissioner or the Service Commission shall be laid down after negotiations with the Representation of State Employees and with the employees' organisation representing the largest number of employees in the State.

(b) In the event of disagreement between the Service Commission or the Service Commissioner and the Representation of State Employees as to a matter to which subsection (a) applies, the Representation of State Employees may bring the controversial question before a Mediation Committee.

(c) The Mediation Committee shall consist of three members, to be appointed by the Minister of Labour. One member shall be appointed on the recommendation of the Service Commission, another on the recommendation of the Representation of State Employees, and the third member shall act as chairman. A State employee shall not be appointed as a member of the Mediation Committee.

Directions by the Government and the Minister of Finance upon the recommendation of the Service Commission after negotiations with the employees.

67. Every rule, condition or other direction which according to this Law is laid down by the Government or the Minister of Finance, whether by regulations or otherwise, shall be laid down on the recommendation of the Service Commission ; and the duty to negotiate and the right to seek mediation, provided for in section 66, shall apply to the recommendation.

Penalties.

68. (a) A person who wilfully gives to a person who decides upon a matter of his rights under this Law false information as to that matter is liable to imprisonment for a term of six months or to a fine of 500 pounds or to both such penalties.

(b) A person who fraudulently or knowingly by concealing material particulars, procures the grant or increase of a benefit, either for himself or for another person, is liable to imprisonment for a term of one year or to a fine not exceeding 1,000 pounds or to both such penalties.

(c) This section shall not affect the criminal responsibility of a person under any other enactment.

Repeal.

69. (a) The following are hereby repealed with effect from the day of the establishment of the State :

- (1) The Pensions Ordinance, 1944¹⁾ ;
- (2) the Pensions (Nursing Sisters) Ordinance²⁾ ;
- (3) the Pensions (Palestine Gendarmerie) Ordinance, 1937³⁾ ;

¹⁾ P.G. of 1944, Suppl. I, No. 1321, p. 1 (English Edition).

²⁾ *Laws of Palestine*, vol. II, cap. 108, p. 1121 (English Edition).

³⁾ P.G. of 1937, Suppl. I, No. 744, p. 297 (English Edition).

- (4) the Widows' and Orphans' Pensions Ordinance, 1944¹⁾ ;
- (5) the Sharia Courts Pensions Ordinance, 1944²⁾ ;
- (6) the Pensions (Ottoman Service) Ordinance, 1926³⁾ ;
- (7) the Pensions (War Service) Ordinance, 1940⁴⁾ ;
- (8) the Provident Fund Ordinance, 1943⁵⁾.

(b) The provisions of Part Nine of the Police Ordinance and sections 37—51 of the Pensions Ordinance⁶⁾ are hereby repealed ; provided that they shall continue to apply, as if this Law had not come into force, to a person who receives a pension under them and is not entitled to a pension under this Law.

70. (a) The provisions of this Law shall not apply —

Inapplicability.

- (1) to a State employee if the rights connected with his death or retirement on pension are laid down by another enactment ;
- (2) to a State employee lawfully employed under an individual contract, if and as far as so provided in such contract ;
- (3) to an employee in any service, undertaking or institution for the employees of which, immediately before the coming into force of this Law, the Treasury made payments to a pension fund or Provident fund, so long as the Government has not otherwise decided by decision published in *Reshumot*.

(b) The Government shall give a decision under paragraph (3) of subsection (a) after consultation with the Labour Affairs Committee of the Knesset. In the case of an employee to whom a decision under that paragraph applies, section 73 shall be read as if the words "its publication in *Reshumot* were replaced by the words "the publication of a decision under section 70 (a) (3)".

71. Section 58 shall apply also to prison officers subject to disciplinary jurisdiction under section 32 and 33 of the Prisons Ordinance ; provided that —

Application of section 58 to prison officers.

- (1) the power vested by it in the Inspector General of Police shall in their case vest in the Minister of Police ;
- (2) the closing passage of subsection (b), beginning with the words "has been sentenced for such offence to imprisonment for a term of not less than three months" shall be read as if it were replaced by the passage "has been punished for such offence by reduction in rank or by a heavier punishment under section 33 of the Prisons Ordinance".

- 1) P.G. of 1944, Suppl. I, No. 1368, p. 104 (English Edition).
- 2) P.G. of 1934, Suppl. I, No. 445, p. 153 (English Edition).
- 3) Ordinance No. 27 of 1926.
- 4) P.G. of 1940, Suppl. I, No. 1030, p. 139 (English Edition).
- 5) P.G. of 1943, Suppl. I, No. 1281, p. 24 (English Edition).
- 6) P.G. of 1946, Suppl. I, No. 1472, p. 9 (English Edition).

Implementation
and regulations.

72. The Minister of Finance is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation, and as to the following matters :

- (1) the method of capitalising pensions where such is required for the purpose of section 18 or 50 ;
- (2) the conditions on which the capitalisation of any other pension shall be permissible and the method of capitalisation thereof, including the capitalisation of a pension which by virtue of section 40 (b) is not yet payable to the person entitled ; provided that the capitalisation of more than 25 per cent of such pensions shall not be authorised ;
- (3) the rules and tests for the determination of the degree of invalidity by the Medical Board ;
- (4) reports, declarations and certificates which a claimant or recipient of a benefit shall submit for the purpose of preventing excess payments or double payments ;
- (5) the procedure for submitting claims for benefits.

Commencement.

73. This Law shall come into force at the expiration of thirty days from the day of its publication in *Reshumot* ; provided that, on conditions prescribed by the Government, a benefit may be paid by reason of the retirement of an employee even if he has retired before the coming into force of this Law ; for the purpose of determining any right whatsoever under this Law, any period of service prior to the coming into force thereof shall be taken into account.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

No. 49

LAND REQUISITION REGULATION (TEMPORARY PROVISION)
LAW, 5715—1955*

Interpretation.

1. In this Law, every term shall have the meaning which it has in the Emergency Land Requisition (Regulation) Law, 5710—1949¹⁾ (hereinafter "the principal Law").

* Passed by the Knesset on the 9th Tammuz, 5715 (29th June, 1955) and published in *Sefer Ha-Chukkim* No. 168 of the 18th Tammuz, 5715 (8th July, 1955), p. 149; the Bill and Explanatory Note were published in *Hatza'ot Chok* No. 243 of 5715, p. 180.

¹⁾ *Sefer Ha-Chukkim* No. 27 of 5710, p. 1; *LSI* vol. IV, p. 3.

2. Where immediately before the coming into force of this Law any land was under requisition by virtue of a land requisition order, and the competent authority has certified in writing that it is required for the defence of the State, possession thereof may be held until the 15th Av, 5718 (1st August, 1958) even if the period referred to in section 6 (a) of the principal law expires before then.

Land requisitioned for purposes of the defence of the State.

3. A certificate under section 2 of this Law shall, for the purpose of section 17 of the principal Law, be deemed to be an order of a competent authority.

Right of appeal.

4. Notwithstanding the provisions of section 4 of the Compensation (Defence) Ordinance, 1940¹⁾, where any land is held by virtue of this Law after the 24th Av, 5716 (1st August, 1956), the rate of compensation for the holding of possession thereof from that date onwards shall be in accordance with the rules prescribed in section 12 of the Land (Acquisition for Public Purposes) Ordinance, 1943²⁾, as if possession thereof had been acquired under paragraph (b) of section 3 of that Ordinance.

Rate of compensation.

MOSHE SHARETT
Prime Minister

YITZCHAK BEN-ZVI
President of the State

No. 50

KNESSET ELECTIONS (AMENDMENT No. 3) LAW, 5715—1955*

1. In section 76 of the Knesset Elections Law, 5715—1955 (Consolidated Version)³⁾, the following subsection shall be added:

Amendment of section 76.

“(c) Where the chairman of the Central Committee is satisfied, from the list of corrections referred to in section 24, that the number of voters in a particular polling district will exceed 1000, or if he is satisfied that for some other reason a queue of voters to be expected at a particular polling station is likely excessively to delay the voting of those who have come to vote, he may, not later

¹⁾ P.G. of 1940, Suppl. I, No. 1019, p. 117 ; (English Edition).

²⁾ P.G. of 1943, Suppl. I, No. 1305, p. 44 (English Edition).

* Passed by the Knesset on the 9th Tammuz, 5715 (29th June, 1955) and published in *Sefer Ha-Chukkim* No. 188 of the 18th Tammuz, 5715 (8th July, 1955), p. 149; the Bill and an Explanatory Note were published in *Hatza'ot Chak* No. 246 of 5715, p. 198.

³⁾ *Sefer Ha-Chukkim* No. 174 of 5715, p. 30; *supra*, p. 30.

than the 6th day before election day, direct that there shall be a second polling station in that polling district ; where the chairman of the Central Committee has issued a direction as aforesaid, he shall immediately —

- (1) prescribe the location of the second polling-station ;
- (2) prescribe which of the voters of that polling district shall vote at the second polling-station ;
- (3) announce, at such place and in such form as he may think fit, the location of second polling-station and the voters who are to vote thereat ;
- (4) prescribe which of the members of the Polling Committee of that polling district and which of the deputies of such members shall form the Polling Committee of the second polling-station for the purpose of the voting and the counting of the votes, and he may, for that purpose, appoint additional members to the Polling Committee of that polling district ; provided that all the members shall be from the party groups represented on the Central Committee and that not less than three of the party groups of the outgoing Knesset shall be represented on each Committee ;
- (5) prescribe which of the members of the Polling Committee shall respectively be the chairman and the vice-chairman of the second Polling Committee.”.

Supplementary
amendments.

2. The Knesset Elections Law, 5715—1955¹⁾, and the Second Knesset Elections Law, 5711—1951²⁾, shall be amended in accordance with the provisions of this Law.

Comencement.

3. This Law shall come into force on the day on which it is adopted by the Knesset.

MOSHE SHARETT
Prime Minister

MOSHE SHAPIRA
Minister of the Interior

YITZCHAK BEN-ZVI
President of the State

¹⁾ *Sefer Ha-Chukkim* No. 172 of 5715, p. 18 ; *supra*, p. 16.

²⁾ *Sefer Ha-Chukkim* No. 74 of 5711, p. 110 ; *LSI* vol. V, p. 99.

No. 51

RURAL PROPERTY TAX ORDINANCE (AMENDMENT) LAW,
5715—1955*

1. In section 6 of the Rural Property Tax Ordinance, 1942¹⁾ (hereinafter: "the Ordinance"), subsection (8) shall be re-marked as subsection (6). Amendment of section 6.

2. The following section shall be added after section 8 of the Ordinance: Addition of section 8A.

"Preparation of rolls in certain settlements.

8A. (1) Where two or more settlements hold the lands of one village unit, the official valuer may prepare a special roll for each settlement, and, notwithstanding anything provided elsewhere in the Ordinance, the official valuer may subdivide the area.

(2) Every settlement for which a special roll has been prepared as aforesaid shall be deemed to be a village, and every roll prepared as aforesaid shall be deemed to be a roll prepared under section 8.

(3) Where the official valuer has instituted special rolls as aforesaid, the tax shall be paid on the basis thereof in accordance with the division laid down in each of them."

3. Section 2 shall have effect retroactively as from the 8th Nisan, 5715 (31st March, 1955). Commencement.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

* Passed by the Knesset on the 10th Tammuz, 5715 (30th June, 1955) and published in *Sefer Ha-Chukkim* No. 188 of the 18th Tammuz, 5715 (8th July, 1955), p. 150; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 244 of 5715, p. 191.

¹⁾ P.G. of 1942, Suppl. I, No. 1182, p. 11 (English Edition).

TENANTS' PROTECTION LAW, 5715—1955*

PART ONE: DEFINITIONS AND APPLICATION

- Definitions.
1. In this Law —
- “landlord” means the person who has granted the principal lease of any premises, whether or not he is the owner thereof, and includes the successors of the person who has granted the principal lease as aforesaid ;
- “tenant”, in relation to a landlord, means the person who occupies any premises on principal lease under a contract or by virtue of this Law, and in relation to a subtenant, means the person who has sublet any premises and includes the successors of the person who has sublet as aforesaid :
- “subtenant” means a person who occupies any premises on sublease under a contract or by virtue of this Law ;
- “dwelling” means leased premises which according to the terms of the lease are used for residential purposes ;
- “spouse” includes a person commonly reputed to be a spouse ;
- “business premises” means leased premises other than a dwelling ;
- “Tribunal” means a Tenancy Tribunal established under the Tenants’ Protection Law, 5714—1954¹⁾ ;
- “Court” means the Magistrates’ Court.
- General application.
2. This Law applies to the lease of a building or of a part of a building and of a courtyard or garden serving the purpose of the lease.
- Land not built on.
3. This Law does not apply to the lease of land on which there is no building, unless it has been let before the coming into force of this Law and serves the tenant as a source of livelihood.
- Agricultural farm.
4. This Law does not apply to the lease of an agricultural farm, or to the lease of a building, or a part of a building, which forms part of an agricultural farm and has been let together with it.
- Long-term lease.
5. (a) This Law does not apply to a lease for a period exceeding seven years made after the coming into force of this Law, if it is expressly stated in a written contract of lease that the tenant shall not be protected by this Law.

* Passed by the Knesset on the 10th Tammuz, 5715 (30th June, 1955) and published in *Sefer Ha-Chukkim* No. 188 of the 18 Tammuz, 5715 (8th July, 1955), p. 151; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 169 of 5713, p. 236.

¹⁾ *Sefer Ha-Chukkim* No. 151 of 5714, p. 92; *LSI* vol. VIII, p. 75.

(b) This Law does not apply to a lease for a period exceeding fourteen years made before the coming into force of this Law.

6. This Law does not apply to a lease intended for the sole purpose of exhibiting publicity or display material ; but where the lease of any premises includes the right to exhibit publicity or display material on the premises or in the courtyard thereof, such right shall, for the purpose of this Law, be treated like the right in the premises.

Lease for purposes of publicity or display.

7. (a) This Law does not apply to a lease in any hotel, boarding-house or other lodging-house.

Lease in lodging-house.

(b) This section does not derogate from the application of this Law to a lease for the purpose of carrying on lodging-house business.

8. (a) This Law does not apply to the lease of a dwelling which has been let by an employer to his employee in connection with his service for the employer and for the period of his service, unless it is expressly stated in a written contract of lease that the tenant shall be protected under this Law.

Service dwelling.

(b) For the purpose of this section, a dwelling which has been let by the State or one of its institutions to a State employee, including a soldier and a police officer, shall be treated like any dwelling which has been let by an employer to his employee.

9. Where a lease includes the right to use a kitchen, service-rooms*), store-rooms or the like used also by another person, such right of use shall, for the purpose of this Law, be treated like the right in the leased premises.

Joint use.

10. Where any premises are partly a dwelling and partly business premises, this Law shall apply to each part in accordance with the appropriate provisions ; provided that a Court or Tribunal may — each within the scope of its competence — regard the whole of any such premises as a dwelling or as business premises if according to the circumstances and for the purpose of the matter pending before it the parts thereof cannot be separated.

Premises of a mixed character.

11. (a) Where a part of a dwelling is let for a period not exceeding ten months, and the lessor continues to live in another part thereof, this Law shall not apply to the lease if it is expressly stated in a written contract of lease made after the coming into force of this Law that the lease shall be only for that period and that the tenant shall not be protected by this Law.

Stipulation as to protection.

(b) Where a dwelling or a part of a dwelling has been let for a specific period during which the lessor is to live outside the dwelling and the circumstances testify to the lessor's intention to live again in the

* The other "usual offices" (Tr.).

dwelling, this Law shall not apply to the lease if it is expressly stated in a written contract of lease made after the coming into force of this Law that the lease shall be only for the period during which the lessor is to live outside the dwelling and that the tenant shall not be protected by this Law.

Principal lease and sublease.

12. (a) This Law shall, unless the contrary intention appears, apply both to a principal lease and to a sublease.

(b) In so far as this Law applies between a tenant and a subtenant, it is immaterial whether or not it applies also between the landlord and that tenant.

Application to the State.

13. For the purpose of this Law, the State shall be treated like any other person.

Application of Tenants' Protection Law, 5714—1954.

14. For the purpose of sections 1 to 7, 9, 10, 12 and 13, "this Law" includes the Tenants' Protection Law, 5714—1954.

PART TWO: STATUTORY TENANTS

Tenant after expiration of period of lease.

15. (a) Where a tenant occupies any premises after the period of the lease has expired, the terms of the lease shall apply to him as obtaining by agreement at the expiration of the period of lease or as last altered by agreement or law.

(b) Notwithstanding the provision of subsection (a), the tenant may not sublet the whole of the premises, either at one time or in parts, save with the consent of the landlord.

Deceased tenant of dwelling.

16. (a) Where the tenant of a dwelling has died, his spouse shall become tenant, provided they had been spouses for not less than six months immediately preceding the death of the tenant and had lived together during that period.

(b) Where there is no spouse as specified in subsection (a), the children or, where there are no children, the other relatives of the tenant shall become tenants, provided they had lived with him in the dwelling for not less than six months preceding his death, and at the time of his death had no other dwelling to live in.

Tenant of dwelling who has separated or been divorced from his spouse.

17. Where the tenant of a dwelling has separated or been divorced from his spouse or where their marriage has been annulled after they had been spouses for not less than six months and had lived together during that period, such spouse shall become tenant as is to occupy the dwelling by virtue of a written agreement made between the spouses in connection with the separation or divorce or by virtue of the judgment under which they separated or were divorced or under which their marriage was annulled, even if the tenant had ceased to occupy the dwelling.

18. (a) Where the tenant of a dwelling has ceased to occupy it because he has deserted his spouse, his spouse shall become tenant, provided they had been spouses for not less than six months preceding the day on which the tenant ceased to occupy the dwelling and had lived together during that period.

Tenant of dwelling who has deserted his family.

(b) Where the tenant of a dwelling has ceased to occupy it because he has deserted his children or parents, and his spouse does not become tenant, has children or, where there are no children, his parents shall become tenants, provided they had lived with him in the dwelling for not less than six months immediately preceding the day on which he ceased to occupy the dwelling, and on that day had no other dwelling to live in.

(c) The Court may, on the application of the landlord, determine that the said children and parents shall become tenants only in respect of a part of the dwelling, provided that if a kitchen and service rooms* were included in the dwelling, that part shall include the kitchen and service rooms.

19. (a) Where the tenant of business premises has died, his spouse shall become tenant, provided they had been spouses for not less than six months immediately preceding the death of the tenant and had lived together during that period.

Deceased tenant of business premises.

(b) Where there is no spouse as specified in subsection (a), the children of the tenant or, where there are no children, such heirs-by-law as had worked with the tenant in his business for not less than six months immediately preceding his death shall become tenants.

20. Where the tenant of a dwelling has separated or been divorced from his spouse or where their marriage has been annulled after they had been spouses for not less than six months and had lived together during that period, such spouse shall become tenant as is to occupy the business premises by virtue of a written agreement made between the spouses in connection with the separation or divorce or by virtue of the judgment under which they separated or were divorced or under which their marriage was annulled.

Tenant of business premises who has separated or been divorced from his wife.

21. (a) Where the tenant of business premises has ceased to occupy them because he has deserted his spouse, his spouse shall become tenant, provided they had been spouses for not less than six months preceding the day on which the tenant ceased to occupy the business premises and had lived together during that period.

Tenant of business premises who has deserted his family.

(b) Where the tenant of business premises has ceased to occupy them because he has deserted his children or parents, and his spouse does not become tenant, his children shall become tenants; where there are no children, there shall become tenants the parents of the tenant who had worked with him in his business for not less than one year immediately preceding the day on which he ceased to occupy the business premises.

* See note to section 9 (Tr.).

Continuance
of business.

22. A person shall not become tenant under sections 19 to 21 unless he continues to carry on on the premises, either himself or through others, the business which the previous tenant carried on there, and does not let the premises either wholly or in part.

Cessation of
protection

23. Where a person who had become tenant under sections 16 to 22 dies or ceases to occupy the premises, another person shall not become tenant under those sections ; however —

(1) a person fulfilling the requirements of section 16 or 18 shall become tenant even if another person had become tenant before him under those sections, provided he has continued to live in the dwelling and at the time the previous tenant died or ceased to occupy the premises he had no other dwelling to live in ;

(2) a person fulfilling the requirements of section 19 or 21 and of section 22 shall become tenant even if another person had become tenant before him under those sections ; provided that heirs and parents as specified there shall not become tenants unless they have continued to work in the business, and the business is required for their subsistence ;

(3) the Court may, if in the circumstances of the case it is just so to do, direct that children of a tenant who are under 18 years of age and were dependent on him at the time he died or ceased to occupy the premises shall occupy the premises for such period and on such conditions as it may determine.

Definition of
"children".

24. For the purpose of this Part, "children" includes a child of a spouse, an adopted child and a grandchild orphaned of his parents.

Powers of
Court.

25. (a) The Court may, if in the circumstances of the case it is just so to do, declare that a person has become a tenant under sections 16 to 24 even if the requirements of those sections as to periods of time have not been fulfilled.

(b) Where under sections 16 to 24 two or more persons have become tenants, and they are not all willing or able to occupy the premises jointly, the Court may determine that one or several of them shall become tenants and it may award compensation to the others and attach other conditions to that determination.

Application
during period
of lease.

26. Sections 16 to 25 apply also before the expiration of the period of lease.

Subtenant who
becomes a
tenant of the
landlord.

27. Where any premises have been sublet, and the tenant has ceased to occupy them or has died, and no other person has become tenant by virtue of this Law, the subtenant shall, in respect of the part occupied by him, become a tenant of the landlord, provided —

(1) that at the time the tenant ceased to occupy the premises or immediately before the death of the tenant the subletting did not give the landlord a ground for eviction of the tenant ;

(2) that the subletting did not take place after the landlord had instituted legal proceedings for the eviction of the tenant from the premises.

28. Where a person has become a tenant under section 27, the landlord may re-let the whole of the premises, including the part occupied by that person, and that person shall thereupon become a subtenant of the new tenant.

Tenant who again becomes a subtenant.

29. The terms of the lease — both where a person becomes a tenant under section 27 and where a person again becomes a subtenant under section 28 — shall be the same as those which applied between him and the tenant who has ceased to occupy the premises or has died, or shall be as last altered by agreement or law.

Term of a lease under sections 27 and 28.

30. (a) Where a person occupied any property while being the owner or one of the owners thereof, and his ownership has ceased owing to the sale of the property or of his share therein in the execution of a judgment or the realisation of a mortgage or in a bankruptcy, or owing to the partition of the property in a partition proceeding or a land settlement, the occupier shall become a tenant of the new owner of the property.

Landlord who becomes a tenant.

(b) The provisions of subsection (a) shall not apply —

(1) to the realisation of a mortgage registered before the coming into force of this Law ;

(2) if it is expressly stated in the mortgage deed that the occupiers shall not be protected by this section.

(c) Where a person occupied any property while being one of the owners thereof, and his right in the property has ceased owing to the sale of the share of his partner, whether voluntary or in the execution of a judgment or the realisation of a mortgage or in a bankruptcy, the occupier shall become a tenant of the new owner of the property.

31. A person who becomes a tenant under section 30 shall occupy the property as he occupied it immediately before he became a tenant ; in the event of disagreement, the Tribunal may determine the manner of occupation as aforesaid ; the other terms of the lease shall be determined by agreement between the tenant and the new owner of the property or, in the absence of agreement, by the Tribunal.

Terms of a lease under section 30.

32. Where a registered partnership is the tenant of business premises, the tenancy shall not be affected by the withdrawal or accession of a partner unless otherwise expressly provided in a written contract of lease.

Partnership.

33. The Tribunal may —

(1) upon the application of a tenant permit him to use the premises for another purpose than the one for which they are used according to the terms of the lease, if the change is required in the interests of the tenant's subsistence ;

Change of purpose.

(2) upon the application of a person who has become a tenant under section 19, 20, 21 or 23 (2) permit him to carry on on the premises another business than was carried on there by the preceding tenant ;

(3) upon the application of a person declare that he has become a tenant under section 19, 20, 21 or 23 (2) even if he is unable to carry on on the premises the previous business, either himself or through others, because the preceding tenant pursued an occupation requiring a personal licence based on special vocational qualifications, provided the application is submitted within one year from the coming into force of this Law or within one year from the day on which the preceding tenant died or ceased to occupy the premises, whichever is the later ;

(4) upon the application of a tenant permit him to sublet a part of the premises ;

(5) upon the application of a tenant permit him to carry out repairs or alterations on the premises,

if the landlord refuses his consent without reasonable cause or makes unreasonable conditions ; and the Tribunal may, if in the circumstances of the case it is just so to do, award compensation to the landlord and attach other conditions to its permission.

Change of times
of payment.

34. The Tribunal may, upon the application of the tenant, change the times of payment of the rent if the contract of lease prescribes payment in advance for a period of one year or more and that period has elapsed, provided the application is submitted before payment is due.

Change in regard
to equipment.

35. The Tribunal may order changes in regard to furniture, implements or other equipment the use of which is included in the lease ; and it may, if in the circumstances of the case it is just so to do, award compensation and impose other conditions in connection with such changes.

PART THREE : GROUNDS FOR EVICTION

Grounds for
eviction.

36. Notwithstanding anything in any contract or agreement, but without prejudice to the provisions of any other enactment, the following only shall be grounds for eviction :

(1) The tenant has discontinued paying the rent due from him ;

(2) the tenant has not fulfilled any of the conditions of the lease the non-fulfilment of which, according to the terms of the lease, gives the landlord the right to claim eviction ;

(3) the premises have suffered considerable damage through a wilful act on the part of the tenant, whether he did it himself or through others ;

(4) the tenant, or another person with his permission, habitually uses the premises for an unlawful purpose ;

(5) the tenant, or another person with his permission, habitually molests or annoys his neighbours, including the landlord who is his neighbour ;

(6) the tenant has sublet the premises or a part thereof — excluding subletting in the course of the operation of a lodging-house business — and has derived from the subletting a profit which, having regard to the rent paid by him and to the other circumstances of the case, is unfair ;

(7) the premises are required by the landlord for his own use, and he has notified the tenant in writing of his willingness to place alternative accommodation at his disposal ; however, if the premises are business premises —

(a) there shall be no ground for eviction unless the premises are required by the landlord for his subsistence ;

(b) the Court may refuse to give a judgment for eviction if the claim was filed with the object of deriving, by the eviction, a benefit from the goodwill acquired by the tenant on the premises, and the loss of goodwill is not susceptible of compensation ;

(8) the landlord is the State or a local authority, and the premises are required by it for an essential public purpose, and it has notified the tenant in writing of its willingness to place alternative accommodation at his disposal ;

(9) the landlord is a public body approved by the Minister of Justice for the purpose of this Law, and the premises are intended to be let to persons of limited means and are required by the landlord for that purpose, and the conditions which prompted their letting to the tenant have ceased to exist, and the landlord has notified the tenant in writing of his willingness to place alternative accommodation at his disposal ;

(10) the landlord wishes to demolish the premises or the building in which they are situated with a view to erecting another building in their or its stead, or to affect a substantial alteration or thorough repair of the premises, and he has obtained the required building permit and has notified the tenant in writing of his willingness to place alternative accommodation at his disposal ;

(11) in the case of premises which are a courtyard or garden of a dwelling or of business premises, or which are a part of such a courtyard or garden — the premises are required by the landlord for the purpose of erecting a building or an addition to a building, and he has obtained the required building licence and has notified the tenant in writing of his willingness to place alternative accommodation at his disposal.

37. (a) Notwithstanding the existence of a ground for eviction, the Court may refuse to give a judgment for eviction if it is satisfied that in the circumstances of the case it would not be just so to do.

General
restriction
on eviction.

(b) Where a judgment on a claim for eviction has been given and an appeal has been filed, the court of appeal may again consider whether it was just to give the judgment.

Restriction on
eviction in
certain cases.

38. (a) In the cases specified in section 36, paragraphs (7) to (11), a judgment for eviction shall not be given unless alternative accommodation, to be at his disposal at the time he is to vacate the premises, is ensured to the tenant, and the judgment shall not be enforced unless the alternative accommodation was in fact at his disposal at that time.

(b) The Court may prescribe that the alternative accommodation be made available by the provision of another dwelling or other business premises or by the payment of compensation or in some other manner ; provided that in the case of business premises the Court shall not prescribe that it be made available only by the payment of compensation unless the tenant has consented or has refused his consent without reasonable cause.

(c) In the case specified in section 36, paragraph (10), the Court may, besides as provided in subsection (b), designate another dwelling or other business premises which will be in the building to be erected or altered or repaired under the building permit, and prescribe provisional alternative accommodation for the interim period.

(d) Where a claim for eviction under section 36 (10) or (11) is pending, and during the time of the proceedings the building permit in question expires, the Court may adjourn the proceedings until the landlord again holds a valid permit.

Period of grace
for vacation.

39. (a) The Court — including a court of appeal — giving a judgment for eviction may grant the tenant a period of grace not exceeding one year if it deems just so to do ; and the judgment shall thereupon not be enforced before the expiration of the period of grace.

(b) Where a judgment for eviction has been given in respect of business premises the tenant of which has died, the judgment shall not be enforced so long as the business of the deceased is being wound up on the premises ; this bar shall exist for six months from the day of the death of the tenant, but this provision shall not derogate from the power of the Court to grant a longer period of grace under subsection (a).

Compensation
where judgment
was obtained
by fraud.

40. (a) Where a judgment for eviction has been given on one of the grounds enumerated in section 36 (7) to (11), and after its enforcement it is proved that it was obtained by false pretences or by concealing material facts, the Court may require the landlord to pay the tenant any amount it may think fit as compensation for damage or loss caused to him as a result of the judgment.

(b) The Court may also require the landlord as aforesaid if within a reasonable time he has not used the premises for his own requirements or has not commenced building, as the case may be, unless it appears to

the Court that the failure is due to a cause not dependent upon the landlord or to some other reasonable cause.

(c) This section shall add to, and not derogate from, the power of the Court to quash a judgment obtained by fraud.

41. Where a tenant occupies a part of a dwelling and uses the kitchen or service rooms jointly with the landlord, the Court may void the right of the tenant to such joint use if alternative accommodation is ensured to the tenant and the circumstances of the case justify the termination of the joint use.

Voidance of right of joint use.

42. Notwithstanding the provisions of any Ottoman enactment, no eviction from leased premises shall be carried out except under a judgment of a Court.

No eviction except under judgment.

PART FOUR: MISCELLANEOUS PROVISIONS

43. Where a non-resident has built or acquired — by purchase or long-term lease — a building or a part of a building for himself or members of his family to live in upon immigration to Israel (hereinafter: "residential building"), and has let the residential building and stipulated in a written contract of lease that the tenant must vacate it upon immigration of the lessor or members of his family as aforesaid, he may demand the vacation of the residential building, provided —

Dwelling destined for an immigrant.

(1) that he has given the tenant six months' advance notice in writing ;

(2) that the claim for eviction was filed after the expiration of the period of lease and not later than five years from the day on which the residential building was first let as aforesaid ;

(3) that at the time the judgment is given he or the members of his family has or have immigrated to Israel and settled therein and has or have no other dwelling to live in.

44. (a) Where a matter has been brought before a Court and the Court finds that it is within the competence of a Tenancy Tribunal, the Court shall refer it to a Tenancy Tribunal, and the Tribunal shall deal with it, and may continue the proceedings from the stage which the Court had reached ; the same applies, *mutatis mutandis*, where a matter has been brought before a Tenancy Tribunal and the Tribunal finds that it is within the competence of a Court.

Competence.

(b) A matter within the competence of a Tenancy Tribunal may be dealt with by a Court if arising incidentally to dealing with a matter within the latter's competence.

45. In the Tenants' Protection Law, 5714—1954, the following section shall be inserted after section 27 :

Amendment of Tenants' Protection Law, 5714—1954.

"Rent of institutions.

27A. (a) A religious, educational, cultural, medical or social welfare institution, or a youth club, not operated for profit shall, for the purpose of this Law, be deemed to be an office as referred to in section 17 (a).

(b) Where a courtyard or garden or an area not built on is used specially for the purpose of the lease of any institution or club as aforesaid, the landlord may demand rent for it separately ; this rent shall be fixed as provided in section 29."

Amendment of Tenants' Protection (New Buildings) Law.

46. Wherever in the Tenants' Protection (New Buildings) Law, 5713—1953¹⁾, or the Tenants' Protection (New Buildings) Law, 5715—1955²⁾, the words "Tenants' Protection Law, 5714—1954" occur, the words "and the Tenants' Protection Law, 5715—1955" shall be inserted thereafter.

Repeal.

47. (a) The Rent Restrictions (Dwelling-Houses) Ordinance, 1940³⁾, except sections 6 and 7, is hereby repealed.

(b) The Rent Restrictions (Business Premises) Ordinance, 1941⁴⁾, is hereby repealed.

(c) The Subtenants of Business Premises (Protection) Law, 5715—1955⁵⁾, is hereby repealed.

(d) A person who, by another enactment, has been given the status of a tenant or subtenant under the Rent Restrictions (Dwelling-Houses) Ordinance, 1940, or the Rent Restrictions (Business Premises) Ordinance, 1941, shall, unless the contrary intention appears from this Law, be regarded as a tenant or subtenant under this Law.

(e) Any reference in any other enactment to a provision repealed by this section shall be construed as a reference to the corresponding provision or provisions of this Law.

Transitional provisions.

48. (a) Where on the day on which this Law comes into force a matter is pending before a Court or Tribunal, the provisions of this Law shall apply to it.

(b) A court which has given or made a judgment or order for eviction (hereinafter : "the order") may, on the application of the person required to vacate, rescind or vary the order with a view to giving effect to this Law, if it appears to it that the order would not have been made had this Law been in force at the time it was made, provided that the said application was submitted before the vacation was completed.

(c) Where an application as referred to in subsection (b) has been

¹⁾ *Sefer Ha-Chukkim* No. 182 of 5713, p. 148 ; *LSI* vol. VII, p. 123.

²⁾ *Sefer Ha-Chukkim* No. 175 of 5715, p. 46 ; *supra*, p. 52.

³⁾ *P.G.* of 1940, Suppl. I, No. 1065, p. 289 (English Edition).

⁴⁾ *P.G.* of 1941, Suppl. I, No. 1086, p. 19 (English Edition).

⁵⁾ *Sefer Ha-Chukkim* No. 169 of 5715, p. 8 ; *supra*, p. 7.

submitted, the order for eviction shall not be enforced before the application has been determined.

(d) The Execution Officer who has made an order for eviction otherwise than under a judgment of a Court shall have all the powers of a Court under subsection (b).

MOSHE SHARETT
Prime Minister

PINCHAS ROSEN
Minister of Justice

YITZCHAK BEN-ZVI
President of the State

No. 53

CUSTOMS AND EXCISE DUTIES (VARIATION OF TARIFF)
(AMENDMENT) LAW, 5715—1955*

1. In subsection (b) of section 1 of the Customs and Excise Duties (Variation of Tariff) Law, 5709—1949¹⁾ (hereinafter: "the Law"), the words "by any of the following Ordinances" shall be replaced by the words "under any of the following Ordinances".

Amendment of
section 1.

2. In section 2 of the Law —

Amendment of
section 2.

(1) subsection (a) shall be replaced by the following subsection:

"(a) Any provision in an order under section 1 which results in an increase of duty or in an imposition of a duty on goods previously exempt therefrom shall expire at the expiration of two months from the day of publication of the order in *Reshumot* unless such provision is confirmed or rescinded by a decision of the Knesset before the expiration of the two months."

* Passed by the Knesset on the 10th Tammuz, 5715 (30th June 1955) and published in *Sefer Ha-Chukkim* No. 188 of the 18th Tammuz, 5715 (8th July, 1955), p. 159; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 244 of 5715, p. 192.

¹⁾ *Sefer Ha-Chukkim* No. 19 of 5709, p. 154 — *LSI* vol. III p. 69; *Sefer Ha-Chukkim* No. 103 of 5712, p. 264 — *LSI* vol. VI, p. 78.

(2) the following subsection shall be added after subsection (b) :

“(b1) Where a provision in an order under section 1 expires in pursuance of the provisions of this subsection, any law repealed by such provision shall come into force again.”.

Definition of
“dealer”.

3. For the avoidance of doubt it is hereby declared that for the purpose of section 1A “dealer” includes a person who uses the goods to which an order under section 1 applies as raw material.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

No. 54

MILITARY JUSTICE LAW, 5715—1955*

Translator's Note :

Owing to the particular structure of the Israel Defence Forces, their scale of officers' ranks is different from that of other armies. Since it is thus impossible to give exact foreign-language equivalents of Israeli officers' ranks, this translation contents itself with transliterations of the Hebrew terms. The following *approximate* renderings may serve for the guidance of the reader :

SAMAL	— Sergeant
SAMAL RISHON	— Staff Sergeant
SEREN	— Captain
RAV SEREN	— Major
SCAN ALUF	— Lieutenant-Colonel

* Passed by the Knesset on the 1st Tammuz, 5715 (21st June, 1955) and published in *Sefer Ha-Chukkim* No. 189 of the 1st Av, 5715 (20th July, 1955), p. 171; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 203 of 5714, p. 159.

ARRANGEMENT OF SECTIONS

PART ONE: GENERAL PRINCIPLES.....Pp. 195—199

Chapter One: Interpretation.....P. 195

1. Definitions
2. Terms from Criminal Code Ordinance, 1936
3. Provision as to Army Orders

Chapter Two: Application of Law.....P. 197

- | | |
|--|---|
| 4. Application of Law until discharge from the Army | 10. Application of Law to prisoners of war |
| 5. Commencement of service of volunteer in reserve forces | 11. Application of Law to reservist not on service |
| 6. Application of Law to person who has ceased to be a soldier | 12. Offender who was outside the State |
| 7. Application of Law to person to whom arms have been delivered on behalf of the Army | 13. Power to try military offences |
| 8. Application of Law to persons in Army custody or employed by the Army | 14. Power to try soldier for non-military offences |
| 9. Notice of order | 15. Power to try Army employees for non-military offences |
| | 16. Provisions as to non-soldier to whom this Law applies |

PART TWO: OFFENCES AND PENALTIES.....Pp. 199—217

Chapter One: Responsibility for Offence.....P. 199

- | | |
|--|--|
| 17. Application of Criminal Code Ordinance, 1936 | 19. Restriction on justification on grounds of constraint or necessity |
| 18. Procurement, solicitation and incitement | 20. Additional justification |

Chapter Two: Penalties.....P. 201

- | | |
|---|---|
| 21. Grading of Penalties | 33. Decision to enforce conditional penalty |
| 22. Disciplinary Penalties | 34. Cumulative and concurrent imprisonment and detention |
| 23. Period of confinement and detention | 35. Requirement to pay compensation |
| 24. Choice and combination of penalties | 36. Saving of civil liability |
| 25. Penalty for offence other than military offence | 37. Civil party not to be joined |
| 26. Grading of certain penalties | 38. Imprisonment in lieu of fine |
| 27. Expulsion from the Army | 39. Detention-in-lieu-of-fine imposed by disciplinary officer |
| 28. Effect of expulsion from the Army | 40. Reduction of period of penalty imposed in lieu of fine |
| 29. Amount of fine | 41. Prescription of offences |
| 30. Reduction in rank | 42. Prescription of penalties |
| 31. Conditional penalty | |
| 32. Enforcement of conditional penalty | |

Chapter Three: Offences.....P. 205

43. Treason
44. Assistance to the enemy
45. Shameful conduct in connection with military operations
46. Mutiny
47. Abetting mutiny
48. Insubordination
49. Demonstration detrimental to discipline
50. Incitement to insubordination
51. Spreading of panic or despondency among soldiers
52. Spreading of panic or despondency
53. Propaganda detrimental to the regime of or to discipline in the Army
54. Propaganda detrimental to good order in the Army
55. Presumption of intention to disseminate
56. Offences in connection with captivity
57. Disclosure of secrets
58. Abandonment of post
59. Violence against commander
60. Violence against persons on duty
61. Violence against soldier
62. Threat or insult to commander
63. Threat to persons on duty
64. Resistance to lawful act
65. Maltreatment
66. Detention of property without justification
67. Abuse of authority over subordinates
68. Excess of authority
69. Damage to good name of the Army by excess of authority
70. Damage to property by excess of authority
71. Disciplinary officer exceeding his authority
72. Excess of authority to the extent of endangering life or health
73. Excess of authority to the extent of endangering the security of the State
74. Looting
75. Rape
76. Destruction of property
77. Removal of property from control of Army
78. Removal of arms from control of Army
79. Use of Army property otherwise than for purposes of the Army
80. Failure to take care of military property
81. Presumption of negligence
82. Unlawful taking or detention of equipment or supplies
83. Cruelty to animals
84. Theft from soldiers
85. Illegal use of arms
86. Causing attachment, detention or forfeiture of aircraft, vessel or other means of transport
87. Abandonment of aircraft or vessel
88. Handling of aircraft or vessel carelessly or contrary to instructions
89. Unauthorised flight
90. Prohibited flying
91. Non-compliance with instructions of commander of aircraft or vessel
92. Desertion
93. Presumption of intent not to return
94. Absence from service without leave
95. Re-enlistment in the regular forces
96. Fraudulent enlistment
97. Obtaining post by fraud
98. Fraudulent discharge
99. Fraudulent exemption from defence service
100. Infliction of disability
101. Malingering
102. Evading particular operation
103. Bribery
104. Interest in transaction effected by the Army

- 105. Offence in respect of military document
- 106. Negligence in respect of certificates
- 107. False accusation
- 108. False information
- 109. Offences in respect of courts martial
- 110. Offences with regard to examining judge and others
- 111. False evidence in court
- 112. False evidence otherwise than in court
- 113. Conflicting evidence
- 114. Unlawful arrest
- 115. Offences in connection with arrest
- 116. Refusal to hold in custody
- 117. Refusal to assist in holding in custody
- 118. Interference with holding in custody
- 119. Use of improper means for the purpose of an examination
- 120. Release from custody
- 121. Escape from custody
- 122. Refusal to comply with order
- 123. Non-compliance with order
- 124. Negligence
- 125. No obligation to comply with illegal order
- 126. Obstructing a military policeman
- 127. Refusal to assist military policeman
- 128. Disorderly conduct
- 129. Disgraceful conduct
- 130. Unbecoming conduct
- 131. Personation
- 132. Breach of Discipline
- 133. Non-compliance with instructions which have to be obeyed in the Army
- 134. Non-prevention of offence
- 135. Conspiracy to commit an offence

PART THREE: DISCIPLINARY TRIAL.....Pp. 218—223

- 136. Application of disciplinary law
- 137. Disciplinary trial of officer
- 138. Disciplinary trial of soldier other than officer
- 139. Power of disciplinary officer
- 140. Disciplinary trial by direction of C.G.S.
- 141. Complaint brought before junior disciplinary officer
- 142. Power of senior disciplinary officer
- 143. Complaint which disciplinary officer is not competent to try
- 144. Restriction on power to quash complaint
- 145. Rehearing of quashed complaint
- 146. Transfer of case
- 147. Provision as to transferred complaint
- 148. Reference of case to senior disciplinary officer by request
- 149. Transfer of case at the request of an officer
- 150. Reference of case to court martial at the request of the accused
- 151. Remittal of complaint for disciplinary trial
- 152. Punitive powers of junior disciplinary officer
- 153. Punitive powers of senior disciplinary officer
- 154. Fine in lieu of forfeiture of pay
- 155. Requirement to pay compensation
- 156. Conditional detention
- 157. Enforcement of conditional penalty
- 158. Restrictions on power
- 159. Procedure of disciplinary trial
- 160. Judgment in disciplinary trial
- 161. Inapplicability of law of evidence
- 162. Enforcement of judgment given in disciplinary trial
- 163. Objection to judgment
- 164. Lodging of objection
- 165. Powers of disciplinary officer who hears objection
- 166. Penalty the enforcement of which has begun prior to objection
- 167. Mitigation of disciplinary penalties

- 168. Powers of Military Advocate General in respect of judgment in disciplinary trials
- 169. Disciplinary responsibility not to be borne twice
- 170. Prescription
- 171. Disciplinary trial and trial by court
- 172. Trial by court voids disciplinary judgment
- 173. Former soldier
- 174. Disciplinary trial of reservist for offence committed while on service
- 175. Disciplinary trial of reservist for offence committed while not on service
- 176. Disciplinary trial only during service

PART FOUR: THE LEGAL INSTITUTIONS..... Pp. 223—230

Chapter One: The Legal Personnel..... P. 223

- 177. Appointment of military advocates and Military Advocate General
- 178. Powers of Military Advocate General
- 179. Powers of military advocate
- 180. Legal officers
- 181. Military prosecutors
- 182. Military defence counsel

Chapter Two: Courts Martial.....P. 224

Article One: General Provisions

- 183. Courts martial
- 184. Independence of judges

Article Two: Permanent Judges of Courts Martial

- 185. President of Appeal Court Martial
- 186. Presidents of special and district courts martial
- 187. Appointment of legally qualified military judges
- 188. Eligibility
- 189. Permanency after probationary period
- 190. Termination of appointment
- 191. Court of discipline
- 192. Discharge of judge for health reasons
- 193. Judicial proceedings against legally qualified judge

Article Three: District Court Martial and Special Court Martial

- 194. Jurisdictional district
- 195. Chief of jurisdictional district
- 196. Power of district court martial
- 197. Special court martial
- 198. Appointment of military judges

- 199. Administrative arrangements of special and district courts martial
- 200. President to select bench
- 201. Number of members of court
- 202. Inclusion of legally qualified military judge
- 203. Judge of the rank of an accused person who is a private
- 204. Convening authority

Article Four: Naval Court Martial

- 205. Power of naval court martial
- 206. When naval court martial shall be constituted
- 207. Power of flotilla commander
- 208. Bench of naval court martial

Article Five: Field Court Martial

- 209. Field courts martial

Article Six: Appeal Court Martial

- 210. Appeal Court Martial
- 211. Administrative arrangements of Appeal Court Martial
- 212. Judges of Appeal Court Martial
- 213. Selection of benches of Appeal Court Martial

- 214. Bench of three
- 215. Bench of five
- 216. Inclusion of legally qualified military judges
- 217. Convening of bench of Appeal Court Martial
- Article Seven: Miscellaneous Provisions
- 218. Ranks of judges in courts

- 219. Inapplicability of section 218
- 220. President may be included in bench
- 221. Presiding judge
- 222. Several benches of the same court
- 223. Disqualification for acting as a military judge
- 224. Court to be legal despite changes

PART FIVE: JUDICIAL PROCEEDINGS... Pp. 230—266

Chapter One: Proceedings Prior to Trial..... P. 230

Article One: Complaint, Arrest and Search

- 225. Restriction
- 226. Complaint
- 227. Military policeman and powers of military policeman
- 228. Arrest by soldier of higher rank
- 229. Arrest for disturbance
- 230. Saving of other provisions
- 231. Arrest by military policeman without a warrant of arrest
- 232. Handing over person other than a soldier to civil authority
- 233. Arrest by other soldier without a warrant of arrest
- 234. Warrant of arrest by disciplinary officer
- 235. Confirmation of warrant of arrest
- 236. Validity of warrant of arrest by disciplinary officer
- 237. Extension of warrant of arrest
- 238. Objection to warrant of arrest
- 239. Cancellation of warrant of arrest
- 240. Extension of arrest on the strength of opinion
- 241. Extension of arrest beyond two months
- 242. Warrant of arrest by examining judge
- 243. Warrant of arrest by court
- 244. Open arrest
- 245. Power to issue search warrant

- 246. Military policeman may enforce search warrant of magistrate
- 247. Search by military policeman without a warrant
- 248. Search of arrested person
- 249. No search without witnesses
- 250. Application of further provisions

Article Two: Investigation

- 251. Investigation of inquiry prior to trial
- 252. Who is competent to be an investigating officer
- 253. Notice of transfer of complaint for trial before court martial
- 254. Carrying out of investigation by officer
- 255. Investigation and preliminary inquiry even where there is no suspect
- 256. Powers of investigating officer
- 257. Duty to testify and tell the truth
- 258. Recording of evidence
- 259. Statement by the accused
- 260. Evidence not given before the officer
- 261. Accused person who has been arrested
- 262. Accused to be informed of his right
- 263. Power to take statement at any stage
- 264. Rights of the accused during an investigation
- 265. Witnesses of the accused
- 266. Cautioning the accused
- 267. Contents of caution

- 268. Cautioning accused person who expresses the desire to make a statement
- 269. Person making statement not to be examined
- 270. Statement by an accused person where there are several accused persons
- 271. Statement made in writing
- 272. Statement made orally
- 273. Investigating officer not bound by rules of evidence
- 274. Other particulars of investigation
- 275. Investigation material not originally received by investigating officer
- 276. Termination of investigation
- 277. Forwarding investigation material to military advocate
- 278. Reference of complaint to military advocate
- 279. Matter within the competence of a special court martial
- 280. Other complaint received by military advocate
- 281. Other complaint received by military advocate together with investigation material
- 282. Complaint received by Military Advocate General
- 283. Appointment of examining judge
- 284. Prosecution in preliminary inquiry
- 285. Commencement of preliminary inquiry
- 286. Taking evidence of prosecution witnesses
- 287. Statement by the accused
- 288. Defence witnesses and evidence of the accused
- 289. Validity of admissions and statements made by the accused otherwise than in the preliminary inquiry
- 290. Verification of records of evidence
- 291. Validity of statement made by the accused in preliminary inquiry
- 292. Record of evidence of witness to be valid evidence
- 293. Evidence given before examining judge otherwise than in military inquiry
- 294. Holding of preliminary inquiry in the absence of the accused
- 295. Publicity of preliminary inquiry
- 296. Other rules as to inquiry
- 297. Decision of examining judge
- 298. Termination of preliminary inquiry
- 299. Preliminary inquiry material received by Military Advocate General
- 300. Instructions to military prosecutor
- 301. Release from arrest on quashing of complaint or plaint
- 302. Investigation and preliminary inquiry material remitted for completion
- 303. Drawing up of information
- 304. Contents of information
- 305. Filing of information
- 306. Selection of bench
- 307. Delivery of copy of information to the accused
- 308. Quashing of information
- 309. Summoning of court

Chapter Two : Defence and Publicity.....P. 243

Article One : Eligibility of Judges

- 310. Ineligibility to sit as a judge
- 311. Further disqualifications at appeal stage
- 312. Plea of disqualification
- 313. Objection to judge
- 314. Legality of bench
- 315. Objection to new judge

Article Two : Defence

- 316. Defence counsel at the choice of the accused
- 317. Defence counsel authorisation committee
- 318. Authorisation by the committee
- 319. Refusal to postpone trial
- 320. Disqualification of defence counsel chosen by the accused

- 321. Appointment of military defence counsel
- 322. From when is defence counsel empowered to represent
- 323. Defence before examining judge

Article Three: Publicity of Trial

- 324. Publicity of military trial
- 325. Decision of court to hold trial *in camera*
- 326. Minutes of proceedings

Chapter Three: Ordinary Procedure.....P. 246

- 327. Delivery of information to the accused
- 328. Removal of accused from courtroom
- 329. Proceedings taken in the absence of the accused
- 330. Conduct of proceedings
- 331. Immediate trial for contempt of court martial
- 332. Interpreter for the accused
- 333. Evidence not given in Hebrew
- 334. Interpreter to be treated as witness
- 335. Keeping of minutes
- 336. Contents of minutes
- 337. Attachment of documents to minutes
- 338. Correction of minutes before passing of sentence
- 339. Correction of minutes after passing of sentence
- 340. Record of correction
- 341. Identification of accused
- 342. Identification incumbent on prosecution
- 343. Reading of constituent document and objection
- 344. Plea allowed
- 345. Appeal
- 346. Postponement of hearing where appeal is filed
- 347. Continuation of hearing where no appeal is made
- 348. Suspension of hearing after decision on the appeal
- 349. Plea of disqualification and objection after reading of information
- 350. Plea of disqualification after judgment in the first instance has been given

- 351. Reading of information and preliminary pleas
- 352. Consideration of preliminary plea
- 353. Decision on preliminary plea
- 354. Plea of guilty or not guilty
- 355. Provision as to person under capital charge
- 356. Abstention from answering deemed to be plea of not guilty
- 357. Change of answer
- 358. Decision of court as to plea of guilty
- 359. Decision of court after plea of not guilty
- 360. Decision of court after admission of facts
- 361. Procedure after plea of guilty by part of the accused persons
- 362. Separate trial
- 363. Procedure in separate trial
- 364. Case for the prosecution
- 365. Plea of no case
- 366. Opening of case for the defence
- 367. Case for the defence
- 368. Evidence on behalf of the court
- 369. Additional evidence on behalf of the prosecution
- 370. Evidence on behalf of the defence after additional evidence on behalf of the prosecution
- 371. Power of court to hear evidence on its own behalf
- 372. Evidence on oath
- 373. Sequence of taking evidence
- 374. Witnesses at the trial of several accused persons
- 375. Right of cross-examination in particular cases

- 376. Production of evidence prior to dealing with the substance of the case
- 377. Power to refuse the summoning of witnesses
- 378. Variation of information
- 379. Restriction on variation of information
- 380. Quashing of information
- 381. Date of bringing to trial upon a new charge
- 382. Variation of charge without variation of information
- 383. Continuance of warrant of arrest upon variation of charge
- 384. Summings-up
- 385. Determination of the case
- 386. Accused person who is exempt from criminal responsibility
- 387. Accused person of unsound mind at the time of the proceedings
- 388. Quashing of case
- 389. Deliberations of the court
- 390. Sequence of deliberations
- 391. Duty to take part in the vote
- 393. Decisions of the court
- 393. Statement of reasons of decision
- 394. Minority opinion
- 395. Communication of minority opinion to parties
- 396. Reasons of adjudication
- 397. Reading of adjudication
- 398. Acquitting judgment
- 399. Evidence for determining the measure of the penalty
- 400. Summings-up in the matter of the measure of the penalty
- 401. Sentence
- 402. Non-reading of reasons
- 403. Additional provisions in sentence
- 404. Period of appeal
- 405. Application of Chapter

Chapter Four: Special Proceedings.....P. 257

Article One: Special Proceedings in Naval Court Martial

- 406. Prosecution
- 407. Defence Counsel
- 408. Information
- 409. Delivery of convening order to the accused

Article Two: Summary Trial

- 410. Permission for summary trial
- 411. Summary trial begun
- 412. Procedure of summary trial

Chapter Five: Appeal.....P. 258

- 413. Sentenced persons' right of appeal
- 414. Appeal against penalty only
- 415. Appeal against decision under section 386 or 387
- 416. Appeal against requirement to pay compensation
- 417. Appeal against setting up of naval court martial
- 418. Period for filing appeal
- 419. Filing of appeal
- 420. Appeal by telegram
- 421. To whom statement of appeal is to be submitted
- 422. Transmission of judgment to Appeal Court Martial
- 423. Automatic appeal
- 424. Appeal by prosecution
- 425. Selection of bench
- 426. Withdrawal of appeal
- 427. Extension of period of appeal
- 428. Provisional extension of period of appeal
- 429. Grounds of appeal not mentioned in statement of appeal
- 430. Appeal to be heard in the presence of the parties

- 431. Rescission of dismissal of appeal
- 432. Hearing of appeal in the absence of the parties
- 433. Pleadings of the parties
- 434. Hearing of appeal in the absence of the parties where imprisonment for one year or a lighter penalty has been imposed
- 435. Taking of evidence in an appeal
- 436. Decision of Appeal Court Martial in an appeal against a judgment
- 437. Decision of Appeal Court Martial in appeal against decision other than judgment
- 438. Evidence in case remitted for rehearing
- 439. Reading of judgment in appeal
- 440. Dismissal of appeal in spite of legal defect in judgment

Chapter Six : Confirmation of Sentence..... P. 263

- 441. Confirmation of sentence
- 442. Powers of confirming authority
- 443. Procedure of confirming authority
- 444. Confirmation void

Chapter Seven : Retrial..... P. 263

- 445. Retrial for the benefit of the accused
- 446. Retrial — at any time
- 447. Application for retrial
- 448. Decision on application
- 449. Investigation and preliminary inquiry for the purpose of preparing an opinion
- 450. Court sitting in retrial
- 451. Selection of bench
- 452. Processes of law in retrial
- 453. Judgment without hearing evidence
- 454. Judgment in retrial in which evidence has been heard
- 455. Admission of evidence given in the original trial
- 456. Appeal
- 457. Publication of acquittal in retrial

Chapter Eight : General Provisions..... P. 265

- 458. Replacement of military judge
- 459. Competence of successor of commander
- 460. Unforeseen matters

PART SIX : FIELD COURT MARTIAL..... Pp. 266—268

- 461. Introduction of field courts martial
- 462. Power to set up field courts martial
- 463. Scope of competence of commander empowered to set up field court martial
- 464. Jurisdiction of field court martial
- 465. Composition of field court martial
- 466. Convening of field court martial
- 467. Empowerment to set up and summon field court martial
- 468. Prosecutor and defence counsel
- 469. Defence counsel chosen by the accused
- 470. Information
- 471. Procedure
- 472. Case not yet determined
- 473. Appeal against judgment of field court martial
- 474. Carrying out of sentence of field court martial
- 475. This part to prevail over other provisions

PART SEVEN: RULES OF EVIDENCE.....Pp. 268—270

- | | |
|--|---|
| 476. General rules of evidence | 482. Certificate by policeman as evidence of arrest |
| 477. Confession of accused person as evidence | 483. Other military documents |
| 478. Voluntary confession of accused person | 484. Document presumed to be publication |
| 479. Statement by accused person against other accused persons | 485. Transcripts |
| 480. Printed copies of official military publications | 486. Minutes of court martial |
| 481. Military documents as evidence | 487. Submission of documents to a court martial |
| | 488. Military documents as evidence in other courts |

PART EIGHT: CARRYING OUT OF JUDGMENT.....Pp. 270—274

Chapter One: Carrying out.....P. 270

- | | |
|---|---|
| 489. Carrying out of judgment | 499. Carrying out of penalty of imprisonment or detention imposed by field court martial or naval court martial |
| 490. Compensation to sentenced person who has undergone his penalty and is subsequently acquitted | 500. Prisoner of unsound mind |
| 491. Calculation of periods of imprisonment, detention and confinement | 501. Prisoner again of sound mind |
| 492. Commencement of penalty in case of appeal | 502. Discharge from the Army not to relieve from penalty |
| 493. Carrying out of death penalty | 503. Prison regulations |
| 494. Place of carrying out of penalty of imprisonment | 504. Statute for guardrooms and detention camps |
| 495. Person sentenced by court martial in civil prison | 505. Declaration of places as prisons or detention camps |
| 496. Carrying out of penalty of detention | 506. Publication of statute and orders |
| 497. Collection of fines and compensation | 507. Declaration of place as military guardroom |
| 498. Compensation awarded to private person | 508. Direction by C.G.S. |

Chapter Two: Review of Penalty.....P. 273

- | | |
|---|--|
| 509. Penalty Review Board | 512. Submission of judgments for review by the Board |
| 510. Mitigation or commutation of penalty | 513. Saving of other laws |
| 511. Provision as to proceedings of Board | |

PART NINE: SPECIAL OFFENCES.....Pp. 274—275

- | | |
|---|--|
| 514. Contempt of court martial | 517. Penalty for publication of proceedings of court martial |
| 515. Contempt of court with regard to an examining judge and others | 518. Personation of soldier |
| 516. Evasion of giving evidence before investigating officer | 519. Retention of documents |
| | 520. Soldier refusing to obey orders |
| | 521. Jurisdiction |

PART TEN: MISCELLANEOUS PROVISIONS.....Pp. 276—280

- | | |
|--|--|
| 522. Ranks for the purpose of this Law | 535. Collection of payments imposed on group |
| 523. Confiscation of instruments of offence | 536. Refund of amounts collected |
| 524. Directions of the court as to the restoration of property | 537. Commissions of inquiry |
| 525. Restoration of property otherwise than by sentence | 538. Material of commission of inquiry not to be evidence in court |
| 526. Saving of rights | 539. Right of soldier in an investigation involving his good name |
| 527. Summoning of soldiers as witnesses | 540. Delegation of powers |
| 528. Summoning of other witnesses | 541. Application of Penal Law Revision (Modes of Punishment) Law, 5714--1954 |
| 529. Order to produce witness who has been summoned but has not appeared | 542. Implementation and regulations |
| 530. Order to produce in lieu of summons | 543. Repeal |
| 531. Effect of order to produce | 544. Transitional provisions |
| 532. Summoning of witnesses by examining judge | 545. Saving of regulations with regard to absentees and deserters |
| 533. Deprivation of rank consequent upon conviction by civil court | 546. Commencement |
| 534. Requirement to pay compensation for damage to installation | |

PART ONE: GENERAL PRINCIPLES

CHAPTER ONE: INTERPRETATION

1. In this Law —

Definitions.

“Army” means the Israel Defence Forces ;

“soldier” means —

(1) a person who belongs to the regular forces of the Army by virtue of the Defence Service Law, 5719—1949¹⁾ (hereinafter referred to as a “soldier in compulsory service”) or on a voluntary basis, whether under an engagement for permanent service or in any other manner ;

(2) a person who belongs to the reserve forces of the Army by virtue of the Defence Service Law, 5709—1949, or on a voluntary basis (hereinafter referred to as a “reservist”), while he is on service ;

“the C.G.S.” means the Chief of the General Staff of the Army ;

“act” includes omission ;

“commander”, in relation to any person to whom this Law applies, means a person superior to him in rank and includes a person who, according to Army Orders or Army usage, is authorised to give

¹⁾ *Sefer Ha-Chukkim* No. 25 of 5709, p. 271; *LSI* vol. III, p. 112.

him an order, even though he may not be superior to him in rank ;

“Army property” includes property being used by, or in the possession of the Army ;

“enemy” includes armed rioters and armed rebels and any person who takes part in an armed operation against the Army or against armed forces operating in conjunction with the Army ;

“arms” includes parts and accessories of arms, ammunition, explosives and other combat equipment, and instruments used as aids to the operation or adjustment of arms, whether the arms are serviceable or not ;

“Army Orders” means instructions of the High Command which the C.G.S. has been empowered by the Minister of Defence to issue, orders of the General Staff, orders of the Air Force Command and orders of the Naval Command ;

“disciplinary officer” means a junior disciplinary officer and a senior disciplinary officer ;

“junior disciplinary officer” means a unit commander of a rank not below *seren*, or any other officer in whom the C.G.S. has vested the power of a junior disciplinary officer ;

“senior disciplinary officer” means a unit commander of a rank not below *sgan aluf* or any other officer in whom the C.G.S. has vested the power of a senior disciplinary officer ;

“person with a legal training” means a person enrolled, or entitled to be enrolled, on the Roll of Advocates, or a person who has completed his legal studies at a university, a law school or any other professional institution, approved in that behalf by the Law Council ;

“person with legal experience” of specified length means a person with a legal training who has served or been engaged, for the time specified, in one of the functions or occupations mentioned in paragraphs (1) and (2) of section 2 of the Judges Law, 5713—1953¹⁾, or in regulations made for the purpose of that section, if the said service or engagement has been for at least half of its duration in this country ;

“military offence” means an offence under Part Two.

Terms from
Criminal Code
Ordinance, 1936.

2. In this Law, the terms “harm”, “knowingly”, “false pretence”, “publication”, “publish”, “possession” and “to be in possession of” have the same meaning as in the Criminal Code Ordinance, 1936²⁾.

Provision as to
Army Orders.

3. For the purpose of this Law, Army Orders are regarded as laws.

1) *Sefer Ha-Chukkim* No. 132 of 5713, p. 149; *LSI* vol. VII, p. 124.

2) *P.G.* of 1936, Suppl. I, No. 652, p. 285 (English Edition).

CHAPTER TWO: APPLICATION OF LAW

4. Where a person has been duly received, or is assumed in good faith to have been duly received, into the regular forces of the Army or into service in the reserve forces of the Army, this Law shall apply to him so long as he has not received a discharge from the regular forces or from that reserve service.

Application of Law until discharge from the Army.

5. A person who belongs to the reserve forces on a voluntary basis and who has been called upon to report for a specific reserve service in accordance with his voluntary enlistment shall, for the purpose of this Law, be deemed to be on service from the time prescribed for his reporting for that service.

Commencement of service of volunteer in reserve forces.

6. (a) Where a person has committed an offence while being a soldier, and after committing it has ceased, permanently or temporarily, to be a soldier, this Law shall apply to him as respects any matter relating to that offence.

Application of Law to person who has ceased to be a soldier.

(b) Where an information in respect of such an offence as aforesaid, other than an offence under section 43, 92, 98 or 99, has not been filed with a court martial within one hundred and eighty days from the day on which the person concerned ceased to be a soldier as aforesaid, this Law shall cease to apply to him in respect of that offence.

7. Where arms have been delivered to a person on behalf of the Army in order that he may have possession thereof under a certificate of authorisation pursuant to section 5B (c) of the Firearms Law, 5709—1949¹, and he has done therewith or in respect thereof an act constituting an offence under section 45 (3), 76 (c), 78, 79, 80, 85 or 133 of this Law, this Law shall apply to him as to any matter relating to that act.

Application of Law to person to whom arms have been delivered on behalf of the Army.

8. This Law shall apply to the following persons, even though they may not be soldiers as defined in section 1:

Application of Law to persons in Army custody or employed by the Army.

(1) a person in the lawful custody of the Army;

(2) a person employed in the service of the Army, or a person employed in an undertaking which serves the Army and which the Minister of Defence has defined, by order, as a military service for the purpose of this section;

(3) a person employed on a mission on behalf of the Army.

9. (a) An order under section 8 (2) may be general, restricted or personal, and shall not require publication in *Reshumot*.

Notice of order.

(b) An order as aforesaid shall come into force at the expiration of two months from the day on which it is made, but it shall not apply to a person until it has been notified to him; and in the case of a person

¹) *Sefer Ha-Chukkim* No. 18 of 5709, p. 149 — *LSI* vol. III, p. 61;

Sefer Ha-Chukkim No. 159 of 5714, p. 149 — *LSI* vol. VIII, p. 124.

who is in a service affected by the order at the time the order is made, the order shall not apply before the expiration of two months from the day of the notification.

Application of Law to prisoners of war.

10. This Law shall apply to a prisoner of war, subject to any provision enacted by regulations made by the Minister of Defence, with the consent of the Minister of Justice, for the purpose of adapting the provisions of this Law to the international conventions to which Israel is a party.

Application of Law to reservist not on service.

11. (a) Where a reservist has committed one of the offences enumerated hereunder, this Law shall apply to him as respects any matter relating to that offence even though he may have ceased to belong to the reserve forces :

(1) an act constituting an offence under section 57, 99, 100, 101, 102 or 104 ;

(2) an act constituting an offence under section 59 or 62, committed against his commander *qua* his commander ;

(3) an act constituting an offence under section 64, committed against a soldier about to take him into custody under this Law ;

(4) an act constituting an offence under section 65, committed against his subordinate *qua* his subordinate ;

(5) an act constituting an offence under section 85, in respect of arms received by him on behalf of the Army ;

(6) an act constituting an offence under regulations made by the Minister of Defence under the Defence Service Law, 5709—1949, imposing duties on reservists while not on service.

(b) Where an information in respect of an offence as aforesaid, other than an offence under section 99, is not filed against a reservist with a court martial within one year from the day on which the offence was committed, this Law shall cease to apply to him in respect of that offence.

Offender who was outside the State.

12. Where an information is not filed with a military court by reason of the accused's being outside Israel, the time during which he is outside Israel shall not be taken into account in calculating the period of one hundred and eighty days under section 6 or of one year under section 11.

Power to try military offences.

13. (a) A court martial is competent to try a soldier who has committed an act constituting a military offence, whether he committed it in the State or outside it ; this provision shall not derogate from the power of any other court in the State to try the soldier for that act if it constitutes an offence under another law.

(b) Where this Law applies to a person by virtue of section 8 (2), then, in addition to the military offences for which, by reason of their nature, he cannot be tried because he is not a soldier as defined in section 1, he shall not, in a period other than a period of actual fighting, be tried by a court martial for the following offences :

(1) an offence under section 61, 92, 94, 100, 108 (3), 128, 129 or 132 ;

(2) an offence under section 49, unless he intended by the criminal act to demonstrate disrespect for a commander ;

(3) an offence under section 109, 111, 112, or 113, unless the evidence which is the subject-matter of the offence is connected with a matter which came to his knowledge in connection with his employment in the Army ;

(4) an offence under section 126 or 127, unless it was committed in a place occupied by the Army ;

(5) subject to such conditions and restrictions as the Minister of Defence may prescribe, any other offence in respect of which the Minister of Defence has prescribed by regulations that such a person shall not be tried for it as aforesaid.

14. A court martial is competent to try a soldier, other than a person to whom this Law applies by virtue of section 8 (2) or (3), who has committed, whether in the State or outside it, any offence whatsoever which is not a military offence :

Power to try soldier for non-military offences.

Provided that if the Attorney General is of the opinion that the offence was not committed within the framework of the Army or in consequence of the accused's belonging to the Army, he may at any time, until the decision as to conviction or acquittal (such decision being hereinafter referred to as "determination of the case"), order that the accused be tried by another court.

15. A court martial is competent to try a person to whom this Law applies by virtue of section 8 (2) or (3) and who, whether in the State or outside it, has committed, within the framework of the Army or in consequence of his belonging to the Army, any offence whatsoever which is not a military offence :

Power to try Army employees for non-military offences.

Provided that the Attorney General may at any time, until the determination of the case, order that such person be tried by another court.

16. Save as otherwise provided, where this Law applies to a person who is not a soldier as defined in section 1, such a person shall, for the purpose of this Law, be treated as a soldier, and, save as otherwise provided, wherever this Law refers to a soldier, it shall be deemed to refer also to such a person.

Provisions as to non-soldier to whom this Law applies.

PART TWO OFFENCES AND PENALTIES

CHAPTER TWO: RESPONSIBILITY FOR OFFENCES

17. The provisions of the following sections of the Criminal Code Ordinance, 1936, shall apply *mutatis mutandis* to military offences :

Application of Criminal Code Ordinance, 1936.



משרד המשפטים
מסמך זה הינו העתק שנסרק בשלמותו ביום ובשעה המצוינים,
בסריקה ממוחשבת מהימנה מהמסמך המצוי בתיק,
בהתאם לנוהל הבדיקות במשרד המשפטים.
על ההתום

Geode User
22 Apr 2014 01:04:25 +03:00

משרד המשפטים (חתימה מוסדית).

- (1) section 8 (ignorance of law) ;
- (2) section 10 (*bona fide* claims of right) ;
- (3) section 11 (intention, motive) ;
- (4) section 12 (mistake of fact) ;
- (5) section 13 (presumption of sanity) ;
- (6) section 14 (insanity) ;
- (7) section 15 (intoxication) ;
- (8) section 16 (protection of judicial officers) ;
- (9) section 17 (*constraint*) ;
- (10) section 18 (necessity) ;
- (11) section 19 (justification) ;
- (12) section 20 (compulsion by husband) ;
- (13) section 21 (person not to be twice criminally responsible for same offence) ;
- (14) section 23 (principal offenders) ;
- (15) section 24 (offences committed in prosecution of common purpose) ;
- (16) section 25 (mode of execution immaterial) ;
- (17) section 26 (accessories after fact) ;
- (18) section 27 (trial of accessory after the fact) ;
- (19) section 29 (attempts) ;
- (20) section 30 (attempt defined) ;

Procurement,
solicitation and
incitement.

18. A soldier who attempts to procure, solicit or incite another soldier to commit a military offence shall be treated as if he had himself attempted to commit that offence.

Restriction
on justification
on grounds of
constraint or
necessity.

19. Where a soldier commits an offence in order to protect his life or body, or the life or body of any other person, or any thing of value whatsoever, such fact shall not, notwithstanding anything contained in any other law, be a ground for relief from criminal responsibility or remission of punishment if, according to the circumstances in which the offence was committed, he was in duty bound to sacrifice such life, body or thing.

Additional
justification.

20. It shall be a justification for a soldier if an act done by him and constituting an offence was done in order to prevent a mutiny in the Army or the continuance of such a mutiny or in order to prevent, during a combat operation, a refusal or failure to comply with a lawful order relating to that operation, so long as it was impossible otherwise to prevent the same and in doing the act the soldier did not go beyond what was necessary for the achievement of that purpose.

CHAPTER TWO: PENALTIES

21. The following are the penalties — in order of gravity, beginning with the lightest — which a military court may, within the limits of its competence, impose for a military offence: Grading of penalties.
- (1) any of the disciplinary penalties enumerated in section 22;
 - (2) a fine;
 - (3) detention;
 - (4) reduction in rank;
 - (5) imprisonment for a determinate period;
 - (6) imprisonment for life;
 - (7) the death penalty.
22. (a) The disciplinary penalties are the following: warning, confinement to camp or ship, forfeiture of pay, reprimand and severe reprimand. Disciplinary penalties.
- (b) A court martial which imposes forfeiture of pay may do so to the extent of not more than one quarter of the pay of the sentenced person each month, and for not more than six months.
- (c) A court martial may impose a fine in lieu of forfeiture of pay, if it is of the opinion that in the circumstances of the case it is proper so to do, and if it does so, it shall so state in its judgment; such a fine shall, as respects the gravity of the penalty, be deemed to be forfeiture of pay.
23. (a) A penalty of detention shall not exceed thirty-five days. Period of confinement and detention.
- (b) A penalty of confinement to camp or ship shall not exceed twenty-eight days.
24. Where a person has been convicted by a court martial of a military offence, the court may impose the penalty prescribed therefor by this Law, or a lighter penalty from among those enumerated in section 21, and it may also add to any penalty a lighter penalty as aforesaid. Choice and combination of penalties.
25. (a) Where a person has been convicted by a court martial of an offence other than a military offence, the court may impose the penalty which a civil court would have been competent to impose for such offence or any of the penalties enumerated in section 21: Penalty for offence other than military offence.
- Provided that such latter penalty shall not be heavier than the penalty which a civil court would have been competent to impose.
- (b) Where a court martial, in accordance with subsection (a), has imposed a penalty of imprisonment, or imprisonment and a fine, or a heavier penalty, it may add thereto a penalty of reduction in rank.
26. For the purpose of section 25 — Grading of certain penalties.

(1) the penalties enumerated in paragraphs (1), (2) and (4) of section 21 shall be regarded as lighter than a penalty of imprisonment for any period whatsoever ;

(2) detention shall be regarded as a lighter penalty than imprisonment where the period of detention does not exceed the period of imprisonment.

Effect of expulsion
the Army.

27. Where a soldier of a rank not below *samal* has been sentenced by a court martial for an offence punishable with imprisonment or for an offence under section 129 or 130, the court may impose, in addition to or in lieu of the penalty prescribed for that offence, the penalty of expulsion from the Army.

Effect of expulsion
from the Army.

28. Where a person has been sentenced to expulsion from the Army, he shall automatically be deprived of his military rank.

Amount of fine.

29. A fine imposed for an offence under this Law shall not exceed three hundred pounds or — if the sentenced person is a soldier in compulsory service — fifty pounds.

Reduction in
rank.

30. (a) Where a court martial has sentenced a person to reduction in rank, it shall prescribe in its sentence the rank to which that person shall be reduced. Where the court has not prescribed such rank, the sentenced person shall be reduced to the rank next below that which he held when the sentence was passed.

(b) Nothing in this Law shall derogate from the power of the C.G.S. or a person empowered by him in that behalf to deprive a soldier of his temporary rank.

Conditional
penalty.

31. Where a court martial may impose detention or imprisonment for a determinate period, it may direct that the whole or a part of the penalty shall be conditional.

Enforcement
of conditional
penalty.

32. (a) A person sentenced to conditional detention or imprisonment shall not undergo the penalty unless, within a period fixed in the sentence, he commits an offence which is a felony or which is any of the misdemeanours specified in the sentence, and he is convicted of such offence either during or after that period.

(b) A court martial shall not impose a conditional penalty for the new offence if it was committed within the period fixed under subsection (a) :

Provided that it may impose conditional imprisonment for such offence if the accused was at the time under a sentence of conditional detention only.

(c) The period referred to in subsection (a) shall not exceed two years from the day of the sentence in the case of a military offence, and shall not be less than one year and not exceed three years in the case of any other offence.

33. (a) Where a conditional penalty has been imposed and the sentenced person is convicted of a further offence as specified in section 32 (a), the conditional penalty shall be enforced by a decision of the court which has tried that offence.

Decision to enforce conditional penalty.

(b) Where it has been decided to enforce a conditional penalty, the sentenced person may appeal against the decision to the Appeal Court Martial on the sole ground that the condition on which the penalty had been made dependent has not been fulfilled ; but if he appeals against the judgment convicting him of the further offence as specified in section 32 (a), he shall not appeal separately against the enforcement decision.

(c) Where the sentenced person has appealed against the decision to enforce a conditional penalty, the enforcement shall be deferred pending determination of the appeal.

(d) Conditional detention shall not be enforced where the sentenced person has ceased to be a soldier within the meaning of section 1.

34. (a) Where different periods of imprisonment or detention have been imposed by one sentence, and the court has not directed that the sentenced person shall serve all or any of them successively, all of them shall begin on the same day ; provided that a period of detention or imprisonment imposed in lieu of a fine under section 38 or 39 shall always be in addition to any other period of imprisonment or detention imposed on the sentenced person.

Cumulative and concurrent imprisonment and detention.

(b) Where a person has been sentenced to imprisonment or detention, and before he has undergone the whole of his penalty he is again sentenced to imprisonment or detention for another offence, then, unless the court which imposes the second penalty otherwise directs, the period of the second penalty shall begin at once and shall run concurrently with the first, and if it extends beyond the first, he shall subsequently serve the balance.

(c) Unless the court otherwise directs, where a sentenced person, under subsection (a) or (b), is to undergo imprisonment and detention simultaneously, he shall undergo only imprisonment, but if the period of detention extends beyond the period of imprisonment, he shall serve the whole period of imprisonment and the balance of the period of detention.

35. A court martial which has convicted a soldier may, in addition to the penalty, require him to pay to a person who has sustained damage through the offence an amount of money not exceeding five hundred pounds as compensation for the damage or suffering caused to him.

Requirement to pay compensation.

36. Acquittal or conviction by a court martial or a requirement to pay compensation under section 35 shall not relieve from liability for damage under any other law.

Saving of civil liability.

37. A civil party shall not be joined to a criminal proceeding in a court martial.

Civil party not to be joined.

Imprisonment
in lieu of fine.

38. (a) A court martial which has imposed a fine may in its sentence impose on the sentenced person imprisonment for a term not exceeding three months should the fine not be paid in time.

(b) Conditional imprisonment shall not be imposed under this section.

Detention in-
lieu-of-fine
imposed by
disciplinary
officer.

39. A disciplinary officer who has imposed a fine on a soldier may impose detention on him, at the rate of one day for every two pounds of the fine, should the fine not be paid in time :

Provided that the total period of the penalty under this section shall not exceed the period of detention which that disciplinary officer is competent to impose on that soldier.

Reduction of
period of
penalty
imposed in lieu
of fine.

40. Where imprisonment or detention in lieu of a fine has been imposed under section 38 or 39 and, before the sentenced person has undergone the whole of the penalty, a part of the fine is paid, the period of imprisonment or detention shall be reduced in accordance with the ratio between the amount paid and the total fine.

Prescription
of offences.

41. (a) A military offence shall be prescribed if the time specified hereunder opposite the description of such offence has elapsed since the date of its commission ;

- (1) treason — fifteen years ;
- (2) desertion — ten years ;
- (3) any other offence — three years.

(b) A non-military offence shall be prescribed if the time fixed by law for its prescription has elapsed since the date of its commission.

(c) Where within the period of prescription an information is filed with or a proceeding commenced on behalf of a court martial, the period of prescription shall begin on the date of the filing or commencement.

Prescription of
penalties.

42. (a) A penalty imposed by a court martial for a military offence shall be prescribed, and its enforcement shall not be begun or, where it has been interrupted, shall not be resumed, if the time specified hereunder opposite the description of such penalty has elapsed since the date of the confirmation of the sentence or the date of the interruption of the enforcement :

- (1) imprisonment for a term exceeding three years, or a heavier penalty — twenty years ;
- (2) imprisonment for a term exceeding one year and not exceeding three years — ten years ;
- (3) a lighter penalty than referred to in paragraph (2) — five years.

(b) A penalty imposed by a court martial for a non-military offence shall be prescribed as provided in subsection (a) if the time fixed by law for its prescription has elapsed since the date of the confirmation of the sentence or the date of the interruption of the enforcement.

CHAPTER THREE: OFFENCES

43. A soldier who —

Treason.

- (1) shamefully surrenders to or shamefully abandons in the face of the enemy any place the defence of which has been entrusted to him ; or
- (2) knowingly assists the enemy with arms, equipment, supplies or the like ; or
- (3) knowingly shelters or knowingly conceals an enemy other than a prisoner or knowingly does any other act to prevent the capture of such an enemy ; or
- (4) being in enemy captivity, voluntarily serves in or voluntarily assists the armed forces of the enemy ; or
- (5) treacherously gives a sign of surrender to the enemy or treacherously leaves the battle ; or
- (6) treacherously contacts the enemy ; or
- (7) knowingly transmits to or for the enemy any code, pass or distinctive sign or any information as to the number, positions, whereabouts, supplies or installations of the forces of the Army or as to preparations or orders relating to their operations or movements or any other material particular concerning the Army ; or
- (8) with intent to assist the enemy or to endanger a military operation against the enemy or operations of armed forces operating against the enemy in conjunction with the Army, does any act likely to achieve one of the objects mentioned in this paragraph —

is liable to the death penalty :

Provided that a court martial shall not impose the death penalty unless the offence was committed during a period of actual fighting.

44. A soldier who knowingly does any act likely to assist the enemy or to endanger a military operation against the enemy or operations of armed forces operating in conjunction with the Army is liable to imprisonment for a term of ten years.

Assistance to the enemy.

45. A soldier who —

- (1) shamefully abandons any place the defence of which has been entrusted to him ;
- (2) does any act aimed at compelling or inducing a person to

Shameful conduct in connection with military operations.

abandon shamefully, or to surrender shamefully to the enemy, any place the defence of which has been entrusted to that person ; or

(3) shamefully surrenders his arms to the enemy or shamefully abandons them in the face of the enemy, or otherwise behaves shamefully in the face of the enemy ; or

(4) without authority so to do — contacts the enemy or gives him information or a sign of surrender ; or

(5) shamefully leaves the battle otherwise than by order of his commander ; or

(6) voluntarily surrenders himself to the enemy or does any other act with intent to fall into enemy captivity,

is liable to imprisonment for a term of fifteen years.

Mutiny.

46. (a) A soldier who takes part in, or instigates, a mutiny, or conspires with another person to instigate a mutiny, is liable to imprisonment for a term of fifteen years ; and if the offence is committed during a time of actual fighting or involves the use of arms or the threat thereof, he is liable to imprisonment for life.

(b) "Mutiny", within the meaning of this Law, is committed where three or more soldiers —

(1) in joint disobedience to orders seize arms or use arms in their possession, or use means of coercion against their commander ; or

(2) jointly refuse to carry out an order during a military operation or an order relating to such an operation.

Abetting mutiny.

47. (a) A soldier who —

(1) does any act aimed at inducing a soldier to join a mutiny ;

(2) being present at a mutiny of his subordinates, or having learnt of such a mutiny or of a conspiracy for such a mutiny, does not act to the best of his ability to frustrate the mutiny,

is liable to imprisonment for a term of ten years.

(b) A soldier who —

(1) being present at a mutiny does not act to the best of his ability to frustrate it or to assist its frustration ;

(2) on learning of a mutiny or of a conspiracy for a mutiny does not immediately report the matter to a commander,

is liable to imprisonment for a term of three years.

Insubordination.

48. A soldier who does any act contrary to the regime or discipline of, or good order in, the Army, intending by such act to arouse or demonstrate opposition to, or protest against, an instruction which has to be obeyed in the Army or against any law, or who abets any such act, is liable to imprisonment for a term of three years.

49. A soldier who does any act contrary to the regime or discipline of or good order in the Army, intending by such act to demonstrate disrespect for a commander or identification with a demand, grievance or contention of another soldier, or who abets any such act, is liable to imprisonment for a term of seven years. Demonstration detrimental to discipline.
50. A soldier who knowingly causes or attempts to cause three or more soldiers to contravene section 48 or 49 is liable to imprisonment for a term of seven years. Incitement to insubordination.
51. A soldier who during or before any operation of the Army does any act, or disseminates any information (whether correct or incorrect), likely to cause such panic or despondency among the soldiers as may impair the success of that operation is liable to imprisonment for a term of seven years. Spreading of panic or despondency among soldiers.
52. A soldier who, in a matter connected with the security of the State does any act, or disseminates any information (whether correct or incorrect), likely to cause panic or despondency among the public is liable to imprisonment for a term of three years. Spreading of panic or despondency.
53. A soldier who prepares, keeps for dissemination, publishes or disseminates, in written or any other form, propaganda material the bringing of which to the knowledge of a soldier may have an effect detrimental to the regime of, or subversive of discipline in, the Army, or who makes among soldiers oral propaganda likely to have an effect as aforesaid, is liable to imprisonment for a term of three years. Propaganda detrimental to the regime of or to discipline in the Army.
54. A soldier who prepares, keeps for dissemination, publishes or disseminates, in written or any other form, propaganda material the bringing of which to the knowledge of a soldier may have an effect detrimental to good order in the Army, or who makes among soldiers oral propaganda likely to have an effect as aforesaid, is liable to imprisonment for a term of one year. Propaganda detrimental to good order in the Army.
55. A soldier in whose possession more than one copy of propaganda material as referred to in section 53 or 54 is found shall, so long as the contrary is not proved, be deemed to have kept the same for the purpose of dissemination. Presumption of intention to disseminate.
56. A soldier who falls into enemy captivity through lack of proper caution, disobedience to orders or neglect of duty, or who does not return from captivity when he has an opportunity of doing so, is liable to imprisonment for a term of seven years. Offences in connection with captivity.
57. A soldier who without authority discloses or transmits any of the following:
 (1) a code, a password or a distinctive sign, or any information as to the number, positions, whereabouts, supplies or installations Disclosure of secrets.

of the forces of the Army or as to preparations or orders relating to their operations or movements ;

(2) any material particular relating to his duty, service or place of service in the Army, or to the duty, service or place of service of another soldier in the Army, or any material particular concerning the Army which according to Army Orders or military usage is not to be transmitted save to a person competent to receive it,

is liable to imprisonment for a term of five years, whether or not the information supplied by him is correct.

Abandonment
of post.

58. (a) A soldier who abandons his post is liable to imprisonment for a term of three years ; and if the offence is committed in the face of the enemy he is liable to imprisonment for a term of seven years.

(b) A sentry who leaves his post before being duly relieved or who in contravention of Army Orders or instructions conducts himself at his post in a manner preventing him from discharging the duty for which he has been posted as a sentry is liable to imprisonment for a term of five years ; and if the offence is committed in the face of the enemy he is liable to imprisonment for a term of ten years.

Violence against
commander.

59. A soldier who strikes, or uses violence against, a commander is liable to imprisonment for a term of two years ; if he does the act while the commander is on duty he is liable to imprisonment for a term of five years.

Violence against
persons on duty.

60. A soldier who strikes, or uses violence against, a sentry, a military policeman in connection with his duty or while he is on duty, or a soldier appointed to guard any person, property or place is liable to imprisonment for a term of five years.

Violence against
soldier.

61. A soldier who strikes, or uses violence against, another soldier is liable to imprisonment for a term of one year.

Threat or insult
to commander.

62. A soldier who threatens or insults a commander or does any other act derogatory to his honour or his status as a commander is liable to imprisonment for a term of one year ; if he does the act while the commander is on duty he is liable to imprisonment for a term of three years.

Threat to persons
on duty.

63. A soldier who threatens violence to a sentry, a military policeman in connection with his duty or while he is on duty or a soldier appointed to guard any person, property or place is liable to imprisonment for a term of three years.

Resistance to
lawful act.

64. A soldier who forcibly resists a soldier who in the discharge of his duty is about to take him into custody, or who refuses to comply with the directions of such a soldier, is liable to imprisonment for a term of two years.

Maltreatment.

65. A soldier who strikes or otherwise maltreats a person committed

to his custody or a soldier inferior to him in rank is liable to imprisonment for a term of three years.

66. A soldier who in the discharge of his duty receives any money or article destined for another soldier and without justification detains or omits to pay or deliver it is liable to imprisonment for a term of two years.

Detention of property without justification.

67. A soldier who abuses his authority over a subordinate is liable to reduction in rank ; and if in doing the act he maltreats the subordinate he is liable to imprisonment for a term of three years.

Abuse of authority over subordinates.

68. A soldier who does any act which he is not competent to do while holding himself out to be so competent (hereafter in this chapter referred to as "a soldier who exceeds his authority") is liable to imprisonment for a term of one year.

Excess of authority.

69. A soldier who exceeds his authority and in so doing damages the good name of the Army is liable to imprisonment for a term of two years.

Damage to good name of the Army by excess of authority.

70. A soldier who exceeds his authority and in so doing causes, or is likely to cause, damage to property is liable to imprisonment for a term of two years.

Damage to property by excess of authority.

71. A soldier who exceeds his authority in acting as a disciplinary officer, whether he is or holds himself out to be a disciplinary officer, is liable to imprisonment for a term of four years.

Disciplinary officer exceeding his authority.

72. A soldier who exceeds his authority and in so doing causes, or is likely to cause, injury to the body or damage to the health of another person is liable to imprisonment for a term of three years.

Excess of authority to the extent of endangering life or health.

73. A soldier who exceeds his authority and in so doing prejudices, or is likely to prejudice, the security of the State or the operations of the Army or the operations of armed forces operating in conjunction with the Army is liable to imprisonment for a term of five years ; if he does so knowingly, he is liable to imprisonment for a term of ten years.

Excess of authority to the extent of endangering the security of the State.

74. A soldier who loots or who breaks into a house or another place in order to loot is liable to imprisonment for a term of ten years.

Looting.

75. A soldier who commits an offence under section 152 (1) (a) of the Criminal Code Ordinance, 1936¹⁾, is liable to imprisonment for a term of twenty years ; where three or more soldiers are accomplices in such an offence and each of them commits the criminal act, each of them is liable to imprisonment for life.

Rape.

¹⁾ P.G. of 1936, Suppl. I, No. 652, p. 285 (English Edition).

Destruction of property.

76. (a) A soldier who wilfully destroys property of another soldier, or wilfully and directly causes damage to, or deterioration or loss of, such property, is liable to imprisonment for a term of four years.

(b) A soldier who wilfully destroys military property, or wilfully and directly causes damage to, or deterioration or loss of, such property, is liable to imprisonment for a term of seven years.

(c) A soldier who wilfully destroys any arms, aircraft, vessel or means of transport which are or is military property or who wilfully and directly causes damage to, or deterioration or loss of, such property, is liable to imprisonment for a term of fifteen years.

Removal of property from control of Army.

77. A soldier who knowingly and unlawfully removes any military property from the control of the Army is liable —

(1) if the value of the property does not exceed one hundred pounds — to imprisonment for a term of three years ;

(2) if the value of the property exceeds one hundred pounds — to imprisonment for a term of five years ;

(3) if he was charged with the custody of the property and the value thereof does not exceed one hundred pounds — to imprisonment for a term of seven years ;

(4) if he was charged with the custody of the property and the value thereof exceeds one hundred pounds — to imprisonment for a term of twelve years.

Removal of arms from control of Army.

78. A soldier who knowingly and unlawfully removes arms from the control of the Army is liable to imprisonment for a term of ten years ; and he was charged with the custody thereof he is liable to imprisonment for a term of fifteen years.

Use of Army property otherwise than for purposes of the Army.

79. (a) A soldier who uses Army property otherwise than for purposes of the Army is liable to imprisonment for a term of one year ; and if he was charged with the custody of the property he is liable to imprisonment for a term of three years.

(b) A soldier who uses arms which are military property otherwise than for purposes of the Army is liable to imprisonment for a term of five years.

Failure to take care of military property.

80. (a) A soldier who does not at the proper time take all reasonable steps to protect from damage, deterioration or loss any military property which has come into his hands or under his control, or for the safekeeping of which he is responsible, whether or not it actually is damaged, deteriorated or lost, is liable to imprisonment for a term of six months ; and if the property is arms or an aircraft, a vessel or any other means of transport, he is liable to imprisonment for a term of two years.

(b) Where a soldier as referred to in subsection (a) was charged with the custody of the property, then —

- (1) if the property is lost, he is liable to imprisonment for a term of three years or, in the case of arms or an aircraft or a vessel or any other means of transport, seven years ;
- (2) if the property is damaged or deteriorated or was likely to be damaged, deteriorated or lost, he is liable to imprisonment for a term of two years or, in the case of arms or an aircraft, a vessel or any other means of transport, five years.

81. Where military property as referred to in section 80 is damaged, deteriorated or lost, then, so long as the contrary is not proved, the soldier in question is deemed not to have taken, at the proper time, all reasonable steps to protect such property. Presumption of negligence.
82. A soldier who unlawfully takes any Army equipment or supplies for the purposes of a unit for which such equipment or supplies is or are not intended, or who unlawfully detains any Army equipment or supplies, is liable to imprisonment for a term of two years. Unlawful taking or detention of equipment or supplies.
83. A soldier who is cruel to an animal being used by the Army is liable to imprisonment for a term of one year. Cruelty to animals.
84. A soldier who knowingly and unlawfully removes money or other property from the control of another soldier is liable to imprisonment for a term of two years. Theft from soldier.
85. A soldier who without authority or without taking appropriate precautionary measures carries, handles or otherwise uses arms is liable to imprisonment for a term of two years ; if he operates the arms as aforesaid he is liable to imprisonment for a term of three years. Illegal use of arms.
86. A soldier who wilfully or by any unlawful act directly causes any aircraft, vessel or other means of transport, being military property, to be attached or detained in a foreign state is liable to imprisonment for a term of five years ; and if he causes as aforesaid the forfeiture of the means of transport he is liable to imprisonment for a term of ten years. Causing attachment, detention or forfeiture of aircraft, vessel or other means of transport.
87. A soldier of the crew of any aircraft or vessel who without authority abandons such aircraft or vessel when it is threatened with loss is liable to imprisonment for a term of three years ; and if he is the commander of the vessel or aircraft, he is liable to imprisonment for a term of seven years. Abandonment of aircraft or vessel.
88. A soldier who handles, flies or sails any Army aircraft or vessel carelessly or in contravention of any of the rules for handling, flying or sailing, and thereby causes or is likely to cause death or injury to a person, is liable to imprisonment for a term of three years. Handling aircraft or vessel carelessly or contrary to instructions.
89. A soldier who flies an Army aircraft while not being permitted so to do under Army Orders is liable to imprisonment for a term of two years. Unauthorised flight.

- Prohibited flying.** 90. A soldier who flies an Army aircraft at a height less than that prescribed by Army Orders for that kind of aircraft or for that stage or kind of flight is liable to imprisonment for a term of two years.
- Non-compliance with instructions of commander of aircraft or vessel.** 91. A soldier of any rank whatsoever who, being in an Army aircraft or vessel, does not comply with the lawful instructions of the person in charge of the aircraft or vessel as to any matter relating to the navigation, safety or internal regime thereof — whether or not such person is a soldier, and even if such person is not superior to him in rank — is liable to imprisonment for a term of two years.
- Desertion.** 92. A soldier who deserts from the Army is liable to imprisonment for a term of fifteen years.
 “Desertion” for the purpose of this section, means absence from Army service with intent not to return to the Army.
- Presumption of intent not to return.** 93. A soldier who has been absent from Army service without leave for twenty-one successive days shall, so long as the contrary is not proved, be deemed to have left the service with intent not to return.
- Absence from service without leave.** 94. A soldier who is absent from his service in the Army, or from the place where he is lawfully required for the time being to be, is liable to imprisonment for a term of two years unless it is proved that he had permission or some other reasonable justification therefor.
- Re-enlistment in the regular forces.** 95. A soldier belonging to the regular forces who re-enlists in the regular forces of the Army before being discharged from his previous service, and who does not disclose such fact upon re-enlistment, is liable to imprisonment for a term of three years.
- Fraudulent enlistment.** 96. A person who has been received into the regular forces or the reserve forces and who, prior to being so received, used false pretences, concealed material particulars or used other means of deceit in respect of his fitness to be so received shall be regarded as a soldier as from the time of the offence and is liable to imprisonment for a term of one year.
- Obtaining post by fraud.** 97. A soldier who, in order to be appointed to a post in the Army, uses false pretences or conceals material particulars or uses other means of deceit in connection with his fitness to be appointed to such post is liable to imprisonment for a term of two years.
- Fraudulent discharge.** 98. A soldier who secures his discharge from the regular forces of the Army by false pretences, by concealing material particulars or by other means of deceit is liable to imprisonment for a term of ten years.
- Fraudulent exemption from defence service.** 99. A soldier who secures for himself exemption from defence service, within the meaning of the Defence Service Law, 5709—1949¹⁾, by false

¹⁾ *Sefer Ha-Chukkim* No. 25 of 5709, p. 271; *LSI* vol. III, p. 112.

pretences, by concealing material particulars or by other means of deceit is liable to imprisonment for a term of ten years.

100. A soldier who inflicts upon his body a disability or disease or permits any other person to inflict a disability or disease on him, or who does any act in order to become afflicted with a disability or disease or to aggravate an existing disability or disease, with intent thereby to disqualify himself for military service or to make himself unsuitable for any duty in the Army for which he would have been suitable but for the disability or disease is liable to imprisonment for a term of ten years.

Infliction of disability.

101. A soldier who pretends to be ill or disabled with intent to disqualify himself for service or for carrying out any duty is liable to imprisonment for a term of two years.

Malingering.

102. A soldier who does any of the acts specified in section 94 or 100, or uses false pretences or other means of deceit, in order to evade any operation, take-off or sailing, or in order to evade any reserve service or part thereof is liable to imprisonment for a term of three years ; and if he does an act as aforesaid in order to evade any combat duty, he is liable to imprisonment for a term of fifteen years.

Evading particular operation.

103. A soldier who commits an offence under the Penal Law Revision (Bribery) Law, 5712—1952¹⁾, in connection with a transaction involving arms, supplies or other property of or intended for the Army is liable to imprisonment for a term of five years.

Bribery.

104. A soldier who, in connection with his duty in the Army, is involved in any transaction effected by, for or on behalf of the Army, and who receives, or is likely to receive, directly or indirectly, any benefit in such a transaction, and who does not give the C.G.S., or a person appointed by him in that behalf, timely written notification of his interest in the transaction, is liable to imprisonment for a term of two years.

Interest in transaction effected by the Army.

105. A soldier who —

(1) knowingly makes or permits any other person to make a false statement in a document relating to the Army, such document being drawn up or signed by him ; or

Offence in respect of military documents.

(2) makes or permits any other person to make a false statement in a document relating to the Army and the correctness of the contents of which it is his duty to check, by not taking reasonable steps to fulfil such duty ; or

(3) with intent to mislead conceals or permits any other person to conceal any particular in a document as referred to in paragraph (1) or (2) ; or

(4) conceals, mutilates, alters or removes a document which it is his duty to safeguard or produce,

is liable to imprisonment for a term of three years.

¹⁾ *Sefer Ha-Chukkim* No. 92 of 5712, p. 126; *LSI* vol. VI, p. 32.

Negligence in respect of certificates.

106. A soldier who gives a document defined by Army Orders as a certificate within the meaning of this section without taking reasonable steps to check the correctness and accuracy of any material particular attested by such certificate is liable to imprisonment for a term of two years.

False accusation.

107. A soldier who accuses another soldier of an offence, knowing the accusation to be false, is liable to imprisonment for a term of three years.

False information.

108. A soldier who knowingly gives any false particular or conceals any material particular —

- (1) in a complaint submitted by him in the Army ;
- (2) in a matter in which, according to Army Orders, it is his duty to make a statement ;
- (3) in order to obtain leave or an extension of leave ;
- (4) in any other matter defined by Army Orders as a matter to which this section applies,

is liable to imprisonment for a term of one year.

Offences in respect of courts martial.

109. (a) A soldier who —

- (1) having been lawfully summoned to appear before a court martial, has not so appeared or, having appeared, has left the court before receiving permission so to do, and has not given a sufficient reason for his absence ;
- (2) having been lawfully required by a court martial to take an oath or make an affirmation, has failed to do so ;
- (3) having been lawfully required by a court martial to produce a document in his possession, wilfully has not produced it ;
- (4) being a witness in a court martial, has not answered a question which he had been lawfully required to answer, or has knowingly given an evasive answer ; or
- (5) has caused any disturbance or interruption in the proceedings of the court,

is liable to imprisonment for a term of one year.

(b) A soldier who commits contempt of a court martial by using insulting or threatening language is liable to imprisonment for a term of two years.

Offences with regard to examining judge and others.

110. For the purpose of section 109, "court" includes an examining judge ; and for the purposes of paragraphs (1), (3) and (4) of subsection (a) thereof and of subsection (b) thereof, it includes also a commission of inquiry under section 537 and an investigating officer.

- | | |
|---|---|
| <p>111. A soldier who knowingly, on oath or affirmation, gives false evidence before a court martial or an examining judge is liable to imprisonment for a term of seven years.</p> | <p>False evidence in court.</p> |
| <p>112. A soldier who knowingly gives false evidence before a disciplinary officer hearing a disciplinary case, a commission of inquiry under section 537 or any other person competent under this Law to take the evidence of that soldier is liable to imprisonment for a term of two years.</p> | <p>False evidence otherwise than in court.</p> |
| <p>113. Where a soldier, in his evidence before a court martial, contradicts in a material particular evidence previously given by him before another court martial or before any other court or before an examining judge or an investigating officer, or, in his evidence before an examining judge, contradicts in a material particular evidence previously given by him before an investigating officer, and it is proved to the court that an intention was involved to deceive the authority before which or whom any of the evidence as aforesaid was given, the soldier is liable to imprisonment for a term of two years ; and it shall be immaterial which of the recipients of the evidence the accused intended to deceive.</p> | <p>Conflicting evidence.</p> |
| <p>114. A soldier who unlawfully arrests a person or unlawfully holds a person in custody is liable to imprisonment for a term of three years.</p> | <p>Unlawful arrest.</p> |
| <p>115. A soldier who does not comply with the provisions of this Law or of Army Orders applying to the arrest of a person or the holding of a person in custody and the bringing of a person to trial is liable to imprisonment for a term of eighteen months.</p> | <p>Offences in connection with arrest.</p> |
| <p>116. A soldier who has been lawfully required to hold or take another soldier in or into custody and does not do so is liable to imprisonment for a term of two years.</p> | <p>Refusal to hold in custody.</p> |
| <p>117. A soldier who has been lawfully required to assist in holding or taking another soldier in or into custody and does not do so is liable to imprisonment for a term of one year.</p> | <p>Refusal to assist in holding in custody.</p> |
| <p>118. A soldier who interferes with the holding or taking of another soldier in or into custody is liable to imprisonment for a term of three years.</p> | <p>Interference with holding in custody.</p> |
| <p>119. A soldier who uses or threatens to use violence against another person in order to compel him to give evidence or make a statement concerning an offence is liable to imprisonment for a term of three years ; a soldier who uses other improper means in order to compel a person to admit himself guilty of an offence is liable to imprisonment for a term of one year.</p> | <p>Use of improper means for the purpose of an examination.</p> |
| <p>120. A person who without authority releases a person who is in his</p> | <p>Release from custody.</p> |

custody or in the custody of another soldier, or who suffers such a person to escape, is liable to imprisonment for a term of three years.

Escape from custody.

121. A soldier who, being in the lawful custody of the Army, escapes or attempts to escape therefrom before being released therefrom is liable to imprisonment for a term of two years.

Refusal to comply with order.

122. A soldier who wilfully does not comply with an order given him by a commander in the execution of his duty, or refuses, by words or behaviour, to comply with such an order, is liable to imprisonment for a term of three years ; if he commits the offence during a combat operation of his unit, he is liable to imprisonment for a term of seven years ; and if he commits it during a combat operation in the face of the enemy, he is liable to imprisonment for a term of fifteen years.

Non-compliance with order.

123. A soldier who does not comply with an order given him by a commander is liable to imprisonment for a term of two years ; if he commits the offence during a combat operation of his unit, he is liable to imprisonment for a term of ten years.

Negligence.

124. A soldier who complies negligently with any order or direction given him or is negligent in the discharge of his duty in the Army is liable to imprisonment for a term of one year ; a unit commander or a soldier of or above the rank of *samal* who commits an offence as aforesaid is liable to imprisonment for a term of two years.

No obligation to comply with illegal order.

125. A soldier shall not bear criminal responsibility under section 122, 123 or 124 when the order given him is manifestly illegal.

Obstructing a military policeman.

126. A soldier who obstructs a military policeman in the discharge of his duty is liable to imprisonment for a term of two years.

Refusal to assist military policeman.

127. A soldier who, having been required to assist a military policeman in the discharge of his duty, does not do so is liable to imprisonment for a term of one year.

Disorderly conduct.

128. A soldier who takes part in a brawl, or conducts himself in disorderly fashion in a public place, is liable to imprisonment for a term of one year.

Disgraceful conduct.

129. A soldier who conducts himself disgracefully is liable to reduction in rank.

Unbecoming conduct.

130. A soldier of or above the rank of *samal* who conducts himself in a manner unbecoming his rank or his status in the Army is liable to reduction in rank and, notwithstanding anything contained in this Law, this penalty shall not be replaced by a penalty of detention.

131. A soldier who, without being permitted to do so, holds himself out to have a rank which he has not or to have a particular assignment in the Army, or who wears any military insignia or badge which he is not authorised to wear, is liable to imprisonment for a term of one year. Personation.
132. A soldier who does any act, or conducts himself, in such a manner as to impair or be likely to impair good order or discipline in the Army, such doing of that act, or such conduct, not constituting any other military offence, is liable to imprisonment for a term of one year. Breach of discipline.
133. A soldier who does not comply or is negligent in complying with any provision of Army Orders, standing orders, routine orders or other general orders published in writing in accordance with military usage is liable to imprisonment for a term of one year. For the purpose of section 8 of the Criminal Code Ordinance, 1936¹⁾, the orders, other than Army Orders, enumerated in this section shall be likewise deemed to be laws. Non-compliance with instructions which have to be obeyed in the Army.
134. (a) A soldier who knows that another soldier is planning or attempting to commit a military offence the penalty for which exceeds three years' imprisonment, and who does not take reasonable action with a view to preventing its commission or completion, is liable —
- (1) if the penalty prescribed for the offence is death or imprisonment for life — to imprisonment for a term of ten years ;
 - (2) if the penalty prescribed for the offence is imprisonment for a determinate period — to imprisonment not exceeding half of the period of imprisonment to which the perpetrator of the offence is liable, but not for a term of more than three years.
- (b) Without prejudice to the generality of the provisions of subsection (a), and without excepting other cases of relationship, it is hereby provided that a spouse, parent, descendant, brother or sister of a soldier planning or attempting to commit an offence as specified in subsection (a) who does not notify the competent authorities of the plan or attempt shall not be regarded as not having taken action as required by that subsection.
135. A soldier who conspires with another person to commit a military offence is liable — Conspiracy to commit an offence.
- (1) to imprisonment for life if the penalty awaiting a soldier who commits the offence for the purpose of which the conspiracy is made (such penalty being hereinafter referred to as "the principal penalty") is death ;
 - (2) to imprisonment for a term of twenty years if the principal penalty is imprisonment for life ;
 - (3) to half the principal penalty if the principal penalty is imprisonment for a determinate period ;
 - (4) to the principal penalty if the principal penalty is any other.
- ¹⁾ P.G. of 1936, Suppl. I, No. 652, p. 285 (English Edition).

PART THREE — DISCIPLINARY TRIAL

Application of disciplinary law.

136. Where a soldier below the rank of *sgan aluf* is charged with a military offence the penalty for which does not exceed three years' imprisonment, a disciplinary officer shall have power to try him disciplinarily under the provisions of this Part.

Disciplinary trial of officer.

137. An officer shall be brought for disciplinary trial before a disciplinary officer at least two ranks above him, unless the C.G.S., or a person empowered by him in that behalf, otherwise directs.

Disciplinary trial of soldier other than officer.

138. A soldier, other than an officer, shall be brought for disciplinary trial before a junior disciplinary officer, unless the C.G.S., or a person empowered by him in that behalf, directs that he shall be brought before a senior disciplinary officer.

Power of disciplinary officer.

139. A disciplinary officer shall not try a complaint against a soldier unless —

- (1) the soldier belongs to a unit under his command ; or
- (2) the C.G.S. has vested him with the power of a disciplinary officer within the meaning of section 1 in respect of the soldier or offence in question.

Disciplinary trial by direction of C.G.S.

140. A person to whom this Law applies by virtue of section 8 (2) or (3) shall not be put on disciplinary trial unless the C.G.S., either generally or in respect of a particular class of offences or persons, so directs.

Complaint brought before junior disciplinary officer.

141. A junior disciplinary officer before whom a complaint is brought against a soldier charged with an offence which the junior disciplinary officer is competent to try shall —

- (1) quash the complaint ; or
- (2) try it himself ; or
- (3) so long as he has not sentenced or acquitted the accused — refer the complaint for trial to a senior disciplinary officer, in accordance with Army Orders.

Power of senior disciplinary officer.

142. A senior disciplinary officer before whom a complaint is brought against a soldier charged with an offence which the senior disciplinary officer is competent to try shall —

- (1) quash the complaint ; or
- (2) try it himself ;
- (3) so long as he has not sentenced or acquitted the accused — refer the complaint for trial to his commander, in accordance with Army Orders, or to a court martial.

- | | |
|---|--|
| <p>143. A disciplinary officer before whom a complaint is brought which he is not competent to try shall refer it to a senior disciplinary officer in accordance with Army Orders ; and if he is himself a senior disciplinary officer, he shall refer it for trial to a court martial.</p> | <p>Complaint which disciplinary officer is not competent to try.</p> |
| <p>144. A disciplinary officer shall not quash a complaint under section 141 or 142 unless he is satisfied that there is no room for a charge, or unless there are other circumstances which, in his opinion, justify its quashing ; where a disciplinary officer quashes a complaint as aforesaid, he shall specify his reasons for doing so and communicate them to his superiors, in accordance with Army Orders.</p> | <p>Restriction on power to quash complaint.</p> |
| <p>145. The quashing of a complaint by a disciplinary officer shall not be a bar to a rehearing thereof, in accordance with Army Orders.</p> | <p>Rehearing of quashed complaint.</p> |
| <p>146. A senior disciplinary officer may transfer to himself for disciplinary trial any complaint which another disciplinary officer belonging to a unit under his command is competent to try, except a complaint which the other disciplinary officer is competent to try by virtue of paragraph (2) of section 139.</p> | <p>Transfer of case.</p> |
| <p>147. A commander to whom a complaint has been referred under section 142 (3) or a senior disciplinary officer who has transferred a complaint under section 146, shall have all the powers vested in a senior disciplinary officer, except the power to refer the complaint to a higher commander.</p> | <p>Provision as to transferred complaint.</p> |
| <p>148. A soldier who is brought for disciplinary trial before a junior disciplinary officer may request that his case be referred to a senior disciplinary officer, in accordance with Army Orders, and the junior disciplinary officer shall comply with the request.</p> | <p>Reference of case to senior disciplinary officer by request.</p> |
| <p>149. An officer who is brought for disciplinary trial before a senior disciplinary officer may request that his case be referred to the commander of that disciplinary officer, in accordance with Army Orders, and the commander so requested shall comply with the request.</p> | <p>Transfer of case at the request of officer.</p> |
| <p>150. A soldier who is brought for disciplinary trial before a senior disciplinary officer, otherwise than at his request, may request that the complaint be referred to a court martial, and the senior disciplinary officer shall comply with the request.</p> | <p>Reference of case to court martial at the request of the accused.</p> |
| <p>151. Where a complaint has been referred for trial to a court martial, whether at the request of the accused or otherwise, and the offence is amenable to disciplinary trial, the chief of the jurisdictional district may, after receiving the opinion of a military advocate, direct that the complaint be tried disciplinarily by the commander of the officer who directed its reference or by another senior disciplinary officer to whom the complaint shall be referred.</p> | <p>Remittal of complaint for disciplinary trial.</p> |

Punitive powers of junior disciplinary officer.

152. A junior disciplinary officer may impose any of the following penalties :

- (1) a warning ;
- (2) confinement to camp or ship for a term not exceeding seven days ;
- (3) forfeiture of pay, not exceeding one quarter of the pay of the sentenced person each month for six months ; but the total amount forfeited shall not exceed forty pounds or, if the sentenced person is a soldier in compulsory service, three pounds ;
- (4) a reprimand ;
- (5) detention for a term not exceeding seven days.

Punitive powers of senior disciplinary officer.

153. A senior disciplinary officer may impose any of the following penalties :

- (1) a warning ;
- (2) confinement to camp or ship for a term not exceeding twenty-eight days ;
- (3) forfeiture of pay, not exceeding one quarter of the pay of the sentenced person each month for six months ; but the total amount forfeited shall not exceed forty pounds or, if the sentenced person is a soldier in compulsory service, six months ;
- (4) a reprimand ;
- (5) a severe reprimand ;
- (6) detention for a term not exceeding thirty-five days ;
- (7) reduction in rank where the rank of the accused is not above *samal rishon*.

Fine in lieu of forfeiture of pay.

154. A disciplinary officer may impose a fine in lieu of forfeiture of pay if he is of the opinion that in the circumstances of the case it is proper so to do ; but the fine shall not exceed the maximum amount which he is competent to declare forfeited.

Requirement to pay compensation.

155. A disciplinary officer before whom a soldier has been brought for trial and who finds that soldier guilty of an offence may require him, in addition to any penalty, to pay compensation for the damage caused by the offence ; but a junior disciplinary officer shall not require an accused person to pay compensation of an amount exceeding six pounds, and a senior disciplinary officer shall not require an accused person to pay compensation of an amount exceeding forty-five pounds.

Conditional detention.

156. A disciplinary officer who has imposed detention on a soldier may order in his judgment that the penalty shall be conditional and shall be pending for a period fixed in the judgment ; but such period shall not exceed two years from the day of the judgment.

- 157.** Where a person on whom a conditional penalty has been imposed is, within the period fixed in the judgment, convicted of an offence of the same kind as that for which he has been punished, or of another offence amenable to disciplinary trial and on which the disciplinary officer, in his judgment, has made the enforcement of the penalty conditional, the conditional penalty shall be enforced under a judgment of the disciplinary officer who has tried the offence last committed. Enforcement of conditional penalty.
- 158.** The C.G.S. may impose in writing, generally or in respect of a particular case, restrictions on the powers vested in a disciplinary officer; and such restrictions shall thereupon be deemed to have been imposed by this Law. Restrictions on power.
- 159.** A disciplinary officer shall not try an accused person and shall not take evidence except in the presence of the accused person; at the beginning of the trial, he shall read to the accused person the text of the complaint, and before giving judgment, he shall give him an opportunity to be heard. Procedure of disciplinary trial.
- 160.** Where the trial has been completed and the disciplinary officer has not decided to quash the complaint, he shall give judgment and, if the accused has been found guilty, shall determine the penalty. Judgment in disciplinary trial.
- 161.** Save as otherwise provided in this Law or in Army Orders, a disciplinary officer shall not be bound by the law of evidence and shall act in such manner as seems to him most expedient for clarifying the complaint. Inapplicability of law of evidence.
- 162.** A disciplinary officer who has awarded, or confirmed upon objection, a penalty other than a conditional penalty shall not interrupt or stay the enforcement of the penalty save if such is necessary owing to a combat operation or the departure of a vessel or for another similar reason, or if an objection has been lodged under section 163; where a disciplinary officer interrupts or stays the enforcement of a penalty, he shall prescribe the date for the continuance of such enforcement, but such date shall not be later than ninety days from the day of the interruption or stay. Enforcement of judgment given in disciplinary trial.
- 163.** A soldier on whom a penalty has been imposed in a disciplinary trial may, within three days from the day on which the judgment is notified by him, lodge objection thereto with a senior disciplinary officer who according to Army Orders is the superior of the officer who imposed the penalty. Objection to judgment.
- 164.** An objection shall be delivered to the objector's immediate superior, who shall transmit it to its destination. Lodging of objection.
- 165.** A disciplinary officer with whom an objection is lodged may — Powers of disciplinary officer who hears objection.
 (1) dismiss the objection; or

- (2) quash the conviction and the penalty ; or
- (3) confirm the conviction and reduce the penalty or increase it within the limits of his power as a disciplinary officer ; but he shall not increase the penalty so long as he has not given the objector an opportunity to be heard.

Penalty the enforcement of which has begun prior to objection.

166. Where the enforcement of a penalty has begun under a judgment against which objection has been lodged, and the penalty is confirmed upon the objection, the enforcement shall be deemed to have begun under the judgment given upon the objection.

Mitigation of disciplinary penalties.

167. Where a penalty has been imposed in a disciplinary trial, the C.G.S. may quash it or may vary it as follows :

- (1) Where the penalty is reduction in rank, he may replace it by detention or by another of the penalties enumerated in section 22 ;
- (2) where the penalty is detention, he may reduce the period thereof or may replace it by another of the penalties enumerated in section 22 ;
- (3) where the penalty is forfeiture of pay or a fine, he may reduce the amount of such forfeiture or fine ;
- (4) where the penalty is confinement to camp or ship, he may reduce the period thereof or may replace it by another of the penalties enumerated in section 22.

Powers of Military Advocate General in respect of judgments in disciplinary trials.

168. The Military Advocate General may quash any judgment given in a disciplinary trial if, in his opinion —

- (1) the disciplinary officer was not competent to try the offence ; or
- (2) the disciplinary officer was not competent to impose the penalty ; or
- (3) the disciplinary officer was not competent to try the accused ; or
- (4) the disciplinary trial was conducted in a manner contrary to the procedure prescribed by this Part.

Disciplinary responsibility not to be borne twice.

169. A person who has been tried disciplinarily for a particular act and has been convicted or acquitted shall not again be tried disciplinarily for such act unless the judgment has been quashed under section 168.

Prescription.

170. A soldier shall not be tried disciplinarily if three years have elapsed since the day on which the offence was committed, and a judgment given in a disciplinary trial shall not be enforced if three years have elapsed since the day on which it was given.

Disciplinary trial and trial by court.

171. (a) A person who has been tried by a court martial or by any other court for a particular act shall not be tried disciplinarily for such act.

(b) A judgment in a disciplinary trial shall not be regarded as *res judicata* in respect of a court martial or any other court ; but a person shall not be brought to trial before a court martial for an offence for which he has been tried disciplinarily, save by written direction of the chief of the jurisdictional district issued after receipt of the opinion of a military advocate, and shall not be brought to trial for an offence as aforesaid before any other court, save with the consent of the State Attorney.

172. Where, after an act has been adjudged by disciplinary trial, the accused is brought to trial before a court martial or any other court, the judgment given in the disciplinary trial shall be void.

Trial by court voids disciplinary judgment.

173. A person who has committed an offence while belonging to the regular forces of the Army and after the commission thereof has ceased three months after the service during which he committed the offence.

Former soldier.

174. A reservist shall not be tried disciplinarily for an offence committed by him while on service unless he is brought to trial not later than three months after the service during which he committed the offence

Disciplinary trial of reservist for offence committed while on service.

175. A reservist shall not be tried disciplinarily for an offence committed by him while not on service, unless he is brought to trial for it not later than twelve months from the day on which the offence was committed.

Disciplinary trial of reservist for offence committed while not on service.

176. A reservist shall not be tried disciplinarily save while on service and before a commander who is also on service.

Disciplinary trial only during service.

PART FOUR: THE LEGAL INSTITUTIONS

CHAPTER ONE: THE LEGAL PERSONNEL

177. (a) There shall be appointed in the Army military advocates, one of whom shall be the Military Advocate General.

Appointment of military advocates and Military Advocate General.

(b) There shall not be appointed as Military Advocate General a person other than an officer with at least six years' legal experience ; and there shall not be appointed as military advocate a person other than an officer with at least two years' legal experience.

(c) The Military Advocate General shall be appointed by the Minister of Defence upon the recommendation of the C.G.S. ; the other military advocates shall be appointed by the C.G.S. upon the recommendation of the Military Advocate General.

178. The Military Advocate General —

(1) is the adviser of the C.G.S. and the other Army authorities in all legal and judicial matters ;

Powers of Military Advocate General.

- (2) supervises the enforcement of justice in the Army, not including the supervision and administration of the courts martial ;
- (3) exercises legal supervision over disciplinary jurisdiction ;
- (4) may order a preliminary inquiry in every case in which in his opinion an offence which a court martial is competent to try has been committed ;
- (5) shall carry out any other function assigned to him by any law or by Army Orders.

In all the above, the Military Advocate General shall be assisted by the military advocates, the Chief Military Prosecutor, the Chief Military Defence Counsel and the other legal officers.

Powers of military advocate.

179. A military advocate shall carry out any function assigned to him by any law and by Army Orders and, if he carries out his functions in a particular jurisdictional district, he shall also be the adviser of the commander of that district in all legal and judicial matters.

Legal officers.

180. The C.G.S. shall, on the recommendation of the Military Advocate General, appoint officers with a legal training to be legal officers.

Military prosecutors.

181. (a) The C.G.S. or a person empowered by him in that behalf shall, on the recommendation of the Military Advocate General, appoint officers to be military prosecutors ; one of them, who shall have had at least two years' legal experience shall be appointed by him to be Chief Military Prosecutor.

(b) A military prosecutor shall draw up and file informations and appeals under this Law, shall prosecute before courts martial and examining judges and shall carry out any other function assigned to him by any law and by Army Orders.

Military defence counsel.

182. The C.G.S. shall, on the recommendation of the Military Advocate General, appoint legal officers to be defence counsel in courts martial (such legal officers being hereinafter referred to as "military defence counsel") ; one of them, who shall have had at least two years' legal experience, shall be appointed by him to be Chief Military Defence Counsel.

CHAPTER TWO: COURTS MARTIAL

ARTICLE ONE: GENERAL PROVISIONS

Courts martial.

183. The following are the courts martial for the purpose of this Law :

- (1) Courts of first instance :
 - (a) a district court martial,
 - (b) a naval court martial,
 - (c) a special court martial,

- (d) a field court martial ;
- (2) the Appeal Court Martial.

184. In judicial matters, a military judge is not subject to any authority save that of the law, and is not subject in any way to the authority of his commanders.

Independence of judges.

ARTICLE TWO: PERMANENT JUDGES OF COURTS MARTIAL

185. The President of the State shall, on the recommendation of the C.G.S., which shall be brought before him by the Minister of Defence, appoint an officer to be the President of, and to head, the Appeal Court Martial.

President of Appeal Court Martial.

186. (a) The C.G.S. shall, on the recommendation of the President of the Appeal Court Martial, appoint an officer to be the president of, and to head, the special court martial, and appoint an officer to be the president of, and to head, a district court martial.

Presidents of special and district courts martial.

(b) The same officer may be appointed as aforesaid to be president of more than one district court martial, and may be president both of courts as aforesaid and of the special court martial.

187. The C.G.S. shall, on the recommendation of the President of the Appeal Court Martial —

Appointment of legally qualified military judges.

- (1) appoint legally qualified military judges to act as legally qualified judges in the Appeal Court Martial ;
- (2) appoint legally qualified judges to act as legally qualified judges in the special court martial and in the district courts martial.

188. A soldier shall not be appointed to act as any of the following unless he has had legal experience for the period set out hereunder beside the description of the appointment :

Eligibility.

- (1) legally qualified judge in the Appeal Court Martial — six years ;
- (2) president of a district court martial or the special court martial — four years ;
- (3) legally qualified judge in the special court martial or in the district courts martial — two years.

189. Where a person has been appointed for the first time to any of the functions referred to in section 188, his appointment may be terminated at any time within two years from the day on which it was made. At the expiration of that period, every appointment, whether first or subsequent, to any of the said functions shall become a permanent appointment for a period as stated hereunder :

Permanency after probationary period.

(1) in the case of a legally qualified judge in the Appeal Court Martial — ten years ;

(2) in the case of the president of a district court martial or the special court martial — seven years ;

(3) in the case of any other judge — five years.

Termination of appointments.

190. Where a person holds a permanent appointment, his appointment shall not be terminated, save with his consent, before the expiration of the period prescribed in section 189, unless —

(1) he has retired from his service in the Army in accordance with the provisions of the Defence Army of Israel (Permanent Service) (Benefits) Law, 5714—1954¹⁾ ; or

(2) the C.G.S. has removed him from office upon the recommendation of a court of discipline under section 191 ; or

(3) he has been discharged from the Army for health reasons under section 192.

Court of discipline.

191. (a) A court of discipline, the members of which shall be a Judge of the Supreme Court, appointed in that behalf by the President thereof, and two judges of the Appeal Court Martial, appointed by the President thereof and at least one of whom shall be a legally qualified military judge, may recommend to the C.G.S. the removal from office of a person holding one of the appointments enumerated in section 188.

(b) The court of discipline shall make its decision on the basis of a complaint filed by the Military Advocate General and shall bring its recommendation, whether favourable or unfavourable, before the C.G.S. ; in hearing the complaint, the court of discipline shall have all the powers which a district court martial has under this Law.

(c) The Military Advocate General may file a complaint in the court against an officer holding one of the appointments enumerated in section 188 on any of the following grounds :

(1) that the officer has acted improperly in carrying out his functions ;

(2) that the officer has conducted himself in a manner unbecoming his status as a judge in Israel or as an officer in the Army ;

(3) that the officer has been convicted of an offence which in the circumstances of the case involves ignominy ;

(4) that the officer has obtained the appointment to his post unlawfully.

Discharge of judge for health reasons.

192. Where a person holds any of the appointments enumerated in section 188, the C.G.S. may, with the approval of the Minister of Defence, order his discharge from the Army on the strength of a medical opinion

¹⁾ *Sefer Ha-Chukkim* No. 163 of 5714, p. 179; *LSI* vol. VIII, p. 149.

of three physicians appointed in that behalf by the Minister of Health at the request of the C.G.S., to the effect that the officer is unable to carry out his functions owing to his state of health.

193. A person holding any of the appointments enumerated in section 188 —

Judicial proceedings against legally qualified judge.

(1) shall not be subject to disciplinary jurisdiction under Part Three ;

(2) shall not be criminally tried save by a special tribunal, after a preliminary inquiry, or in accordance with section 26 of the Judges Law, 5713—1953¹⁾.

ARTICLE THREE : DISTRICT COURT MARTIAL AND SPECIAL COURT MARTIAL

194. The C.G.S. may from time to time prescribe that a part of the forces of the Army, defined according to station or affiliation or otherwise, shall be a jurisdictional district for the purpose of this law.

Jurisdictional district.

195. The chief of a jurisdictional district shall be an officer appointed in that behalf by the C.G.S. Where an officer has not been appointed as aforesaid, the chief of the jurisdictional district shall be an officer designated in accordance with Army Orders.

Chief of jurisdictional district.

196. In every jurisdictional district, there shall be a district court martial, which shall be competent to try any soldier, other than an officer of or above the rank of *sgan aluf*, charged with an offence which a court martial is competent to try under this Law, other than an offence punishable with death.

Power of district court martial.

197. There shall be in the Army a special court martial, which shall be competent to try any officer of or above the rank of *sgan aluf* for any offence which a court martial is competent to try under this Law, and any other soldier charged with an offence punishable with death.

Special court martial.

198. The C.G.S. — in the case of a special court martial — or the chief of the jurisdictional district — in respect of a district court martial of his district — shall, upon the recommendation of the president of the court concerned, appoint a sufficient number of soldiers to act as military judges in that court ; but he shall not appoint himself.

Appointment of military judges.

199. The president of the special court martial and the president of a district court martial shall prescribe the administrative arrangements of their respective courts.

Administrative arrangements of special and district courts martial.

¹⁾ *Sefer Ha-Chukkim* No. 132 of 5713, p. 144; *LSI* vol. VII, p. 124.

President to select bench.

200. A bench of the special court martial or a district court martial shall be selected by the president of that court from among the military judges thereof and from among the legally qualified military judges appointed under section 187 (2).

Number of members of court.

201. A district court martial shall, at any trial, consist of three members, and the special court martial of three or five members ; the majority of the members of the court shall be officers.

Inclusion of legally qualified military judge.

202. Where the president of a district court martial or the special court martial selects a bench, he shall include therein at least one legally qualified military judge unless, after studying the opinion of a military advocate, he decides not to include a judge as aforesaid : where he so decides, he shall set out the reasons for his decision in the constituent document.

Judge of the rank of an accused person who is a private.

203. (a) An accused person who is a private may request, in the manner prescribed in section 327 (c), that the special or district court martial include at least one soldier of his own rank.

(b) Where a bench of the special court martial or a district court martial is selected for the trial of an accused person who is a private, and a military judge who is a private is not included, the president may, on selecting the court, designate a candidate judge of the rank of private who shall replace one of the judges of the court — who shall be indicated for replacement by the president — if the accused requests that a judge of his own rank be included in the court.

Convening authority.

204. A bench of the special court martial shall be convened by the C.G.S., and a bench of a district court martial shall be convened by the chief of the jurisdictional district.

ARTICLE FOUR: NAVAL COURT MARTIAL

Power of naval court martial.

205. A naval court martial shall have the same judicial power as is vested in a district court martial.

When naval court martial shall be constituted.

206. Where, while an Army vessel is outside Israel coastal waters, one of the subordinates of the commander of the vessel is charged with an offence for which a naval court martial is competent to try him; and the commander is satisfied that the vessel will not return to Israel coastal waters before the expiration of twenty-one days, and he is of the opinion that a postponement of the trial is likely seriously to impair discipline in the vessel, he may select and convene a naval court martial.

Power of flotilla commander.

207. Where a number of Army vessels, being outside Israel coastal waters, are under the command of one commander, who is in one of the vessels, the power to select and convene a naval court martial for any of these vessels shall vest in that commander only.

208. A naval court martial shall consist of three soldiers, at least one of them an officer.

Bench of naval court martial.

ARTICLE FIVE: FIELD COURT MARTIAL

209. Field courts martial shall be established and function in accordance with Part Six.

Field courts martial.

ARTICLE SIX: APPEAL COURT MARTIAL

210. The Appeal Court Martial shall hear appeals from the courts martial of first instance.

Appeal Court Martial.

211. The President of the Appeal Court Martial is in charge of the administrative arrangements of that Court, and shall enact rules prescribing administrative arrangements under section 199.

Administrative arrangements of Appeal Court Martial.

212. The C.G.S. shall, on the recommendation of the President of the Appeal Court Martial, appoint not less than twenty-one officers to act as military judges of the Appeal Court Martial ; but he shall not appoint himself.

Judges of Appeal Court Martial.

213. A bench of the Appeal Court Martial shall be selected by the President thereof from among the military judges of that court and from among the legally qualified military judges appointed under section 187 (1).

Selection of benches of Appeal Court Martial.

214. The Appeal Court Martial shall, at any trial, consist of three members, except in the cases enumerated in section 215.

Bench of three.

215. In any of the following cases, the Appeal Court Martial shall consist of five members :

Bench of five.

(1) where the appeal is against a judgment imposing the death penalty ;

(2) where the Military Advocate General is of the opinion that a bench of five is necessary because the appeal involves a legal question of a novel character or of general importance, or for any other reason ;

(3) where a bench of three, on the application of the appellant or the respondent or on its own motion, has so decided.

216. Whenever the court consists of three members, at least two of them shall be legally qualified military judges ; where the court consists of five members, at least three of them shall be legally qualified military judges.

Inclusion of legally qualified military judges.

217. A bench of the Appeal Court Martial shall be convened by the President thereof by order signed by him or on his behalf.

Convening of bench of Appeal Court Martial.

ARTICLE SEVEN: MISCELLANEOUS PROVISIONS

- Ranks of judges in courts. 218. There shall not sit in a court martial a judge whose rank is lower than that of the accused ; where there are several accused of different rank, there shall not sit a judge whose rank is lower than that of the accused whose rank is the highest.
- Inapplicability of section 218. 219. The provision of section 218 shall not apply where the accused is a person to whom this Law applies by virtue of section 7 or 8.
- President may be included in bench. 220. The president of a court martial may include himself in the benches thereof.
- Presiding judge. 221. The member of a bench whose rank is the highest shall be the presiding judge ; where there are several judges of the same rank, such rank being higher than that of the other members of the bench, or where all the judges are of the same rank, the person who selected the bench shall determine which of them shall be the presiding judge ; where the president of the court is included in the bench, he shall always be the presiding judge.
- Several benches of the same court. 222. The president of every court may select several benches of his court, which may sit simultaneously.
- Disqualification for acting as a military judge. 223. A soldier convicted by a civil court, a court martial or any other court of an offence involving ignominy, or against whom an investigation for such an offence is pending, shall not be appointed as a military judge.
- Court to be legal despite changes. 224. Where a bench of a court martial has been duly selected, no change occurring after its selection in the status or rank of a judge or the accused shall impair the legality of its composition.

PART FIVE: JUDICIAL PROCEEDINGS

CHAPTER ONE: PROCEEDINGS PRIOR TO TRIAL

Article One: Complaint, Arrest and Search

- Restriction. 225. Wherever in this article reference is made to a soldier vested with powers of arrest, the term "soldier" does not include a person to whom this Law applies by virtue of section 6, 7, 8, 10 or 11.
- Complaint. 226. A commander who knows, or has reason to believe, that one of his subordinates has committed an offence for which he may be tried by a court martial shall draw up or direct the drawing up of a complaint in respect of such offence, and shall sign it and bring it before a disciplinary officer, as may be prescribed by Army Orders.

227. A soldier who has been appointed, in accordance with Army Orders, to be a military policeman (such a soldier being hereinafter referred to as a "military policeman") may, having regard to Army Orders —

Military policeman and powers of military policeman.

(1) exercise, in respect of any soldier and in respect of any other person who is in a place in the possession of the Army or who interferes with an Army operation, the powers vested by law in a police officer in respect of any person ;

(2) arrest without a warrant of arrest any soldier, as defined in section 1, who does not give information sufficient to identify him ;

(3) arrest any soldier, as defined in section 1, for whom he has a warrant of arrest under any law, and any other person for whom he has a warrant of arrest issued under this Law.

228. A soldier who knows, or has reason to believe, that another soldier, of a lower rank than himself, has committed an offence for which he may be tried by a court martial, may arrest that soldier without a warrant of arrest, unless he knows that the commander of a unit to which the soldier of lower rank belongs, or a military policeman, is present in the place.

Arrest by soldier of higher rank.

229. An officer may arrest without a warrant of arrest any soldier who takes part in a quarrel, a brawl or a disturbance even if that soldier is of a higher rank than himself.

Arrest for disturbance.

230. The provisions of sections 228 and 229 shall not derogate from the provisions of the Criminal Procedure (Arrest and Searches) Ordinance¹⁾, or from the powers vested in a military policeman by section 227.

Saving of other provisions.

231. Where a soldier has been arrested by a military policeman and is held under arrest, a warrant for his arrest shall be obtained within a reasonable time ; if a warrant of arrest has not been issued by the expiration of forty-eight hours from his arrest, he shall be released.

Arrest by military policeman without a warrant of arrest.

232. A military policeman who arrests a person, other than a soldier, under this Law shall hand him over to a civil authority as soon as possible, but not later than twenty-four hours after the arrest.

Handing over person other than a soldier to civil authority.

233. A person who has been arrested under section 228 or 229 shall be put in a military place of arrest, and if he is held under arrest, a warrant for his arrest shall be obtained within a reasonable time ; if a warrant of arrest is not issued within twenty-four hours after the arrest, he shall be released.

Arrest by other soldier without a warrant of arrest.

234. A disciplinary officer may issue a warrant of arrest against a soldier of a lower rank than himself who is suspected of or charged with an offence ; the warrant of arrest shall be drawn up in writing and shall be signed by the disciplinary officer.

Warrant of arrest by disciplinary officer.

¹⁾ *Laws of Palestine* vol. I, cap. 33, p. 459 (English Edition).

Confirmation of warrant of arrest.

235. (a) A disciplinary officer who has issued a warrant of arrest under section 234 shall submit it forthwith, in accordance with Army Orders, for confirmation by another disciplinary officer of a rank not below *sgan aluf*.

(b) A disciplinary officer who has confirmed a warrant of arrest shall notify such fact forthwith, in accordance with Army Orders, to a military advocate.

Validity of warrant of arrest by disciplinary officer.

236. A warrant of arrest issued under section 234 shall expire ninety-six hours after issue unless it has been confirmed before then under section 235.

Extension of warrant of arrest.

237. A soldier shall not be held under arrest under a confirmed warrant of arrest by a disciplinary officer for more than fifteen days after the issue of the warrant. But if the disciplinary officer who issued the warrant is of the opinion that the arrest should be extended, he may, in accordance with Army Orders, after confirmation by a disciplinary officer not below the rank of *sgan aluf*, extend the validity of the warrant for an additional period not exceeding ten days each time.

Objection to warrant of arrest.

238. A person who has been arrested under a warrant of arrest may lodge an objection to the warrant with a military advocate, as shall be prescribed by Army Orders.

Cancellation of warrant of arrest.

239. A military advocate may cancel any warrant of arrest by a disciplinary officer, whether upon an objection or on his own motion, and order the release of the arrested person ; but where a warrant of arrest has been extended under section 237, this power shall vest in the Military Advocate General only.

Extension of arrest on the strength of opinion.

240. A disciplinary officer shall not confirm a second or any further extension of a warrant of arrest under section 237 before he has received a written opinion from a military advocate.

Extension of arrest beyond two months.

241. A period of arrest under a warrant of arrest by a disciplinary officer shall not in the aggregate exceed two months unless the accused has been brought before a legally qualified judge of the Appeal Court Martial, and the latter has issued a warrant of arrest for an additional period, to be fixed by him each time.

Warrant of arrest by examining judge.

242. An examining judge may, at any time after the beginning of the preliminary inquiry, issue a warrant of arrest against an accused person to whom the inquiry relates, which shall be valid until the termination of the inquiry ; however, if at the termination of the inquiry the examining judge decides to recommend that the accused be put on trial, the warrant of arrest shall remain in force until the beginning of the trial or until the quashing of the plaint under section 299.

Warrant of arrest by court.

243. Where a bench of a court martial has been selected, the presiding

judge may, at any time, issue a warrant of arrest against the accused, to be valid until the termination of the proceedings in that instance unless it is cancelled before then.

244. A person competent to issue or confirm a warrant of arrest may, instead, order that the accused be held under open arrest.

Open arrest.

245. (a) A court martial, an examining judge and a senior disciplinary officer shall, in respect of a military place, have the powers vested in a magistrate by sections 16 and 17 of the Criminal Procedure (Arrest and Searches) Ordinance, except that a search warrant under this section shall be addressed to military policemen.

Power to issue search warrant.

(b) A junior disciplinary officer shall have the powers mentioned in subsection (a) in respect of a place under his command.

(c) For the purpose of this section, "military place" includes —

(1) any installation or undertaking of the State which the Minister of Defence, by publication in such manner as he thought fit, has designated as a military place for the purpose of this section ;

(2) the dwelling of a soldier, as defined in section 1, if it is in a place in the possession of the Army or is in the possession of a soldier or of the soldier and his spouse.

(d) The power under this section shall add to the power of a commander, *qua* commander, to search a soldier, or a place, under his command in order to ensure compliance with a lawful order.

246. A magistrate who issues a search warrant may make it out in the name of a military policeman or of military policemen if he is of the opinion that the warrant is necessary for the purpose of any proceeding under this Law.

Military policeman may enforce search warrant of magistrate.

247. The power of a police officer under section 18 of the Criminal Procedure (Arrest and Searches) Ordinance shall be vested also in a military policeman in respect of a person who evades arrest or lawful custody under this Law, and in respect of an act for which a person may be brought to trial before a court martial, in addition to the powers conferred by section 227.

Search by military policeman without a warrant.

248. A military policeman who has arrested a person or received an arrested person into his custody may search the arrested person in accordance with section 11 of the Criminal Procedure (Arrest and Searches) Ordinance.

Search of arrested person.

249. Except in extremely urgent cases, a search under this Law shall only be carried out in the presence of two witnesses, in addition to the searcher.

No search without witnesses.

Application of further provisions.

250. Sections 20, 21, 22, 26, 27, 28 and 29 of the Criminal Procedure (Arrest and Searches) Ordinance shall apply to a search under this Law.

Article Two: Investigation

Investigation or inquiry prior to trial.

251. Save as otherwise provided in this Law, a person shall not be put on trial before a court martial until the offence has been investigated by an investigating officer or inquired into by an examining judge, according to the offence.

Who is competent to be an investigating officer.

252. (a) The following may act as investigating officers :

- (1) a senior disciplinary officer who has received a complaint concerning an offence ;
- (2) an officer appointed in writing by a senior disciplinary officer as aforesaid to investigate the offence concerned ;
- (3) a military policeman whom the Military Advocate General has empowered in writing, generally or in respect of a particular case, to hold an investigation.

(b) A defect in the instrument of appointment or empowerment shall not invalidate any evidence taken in an investigation held thereunder or derogate from the powers of a person appointed or empowered thereby under this Law.

Notice of transfer of complaint for trial before court martial.

253. Where a complaint has been transferred under section 142, 143 or 150 for trial before a court martial, notice of such fact shall be given to a military advocate in accordance with Army Orders.

Carrying out of investigation by officer.

254. (a) Where a senior disciplinary officer has received a complaint, and a military advocate has not directed that it be referred to him, the senior disciplinary officer shall himself investigate the offence complained of or shall refer the complaint to another investigating officer.

(b) If the complaint is amenable to disciplinary jurisdiction, the officer shall not act as aforesaid unless he has decided to transfer it for trial before a court martial or the accused has requested that his case be referred to a court martial, as provided in Part Three.

Investigation and preliminary inquiry even where there is no suspect.

255. It shall be lawful to investigate an offence and to hold a preliminary inquiry even if no person has as yet been found suspect of committing the offence.

Powers of investigating officer.

256. (a) An investigating officer may take evidence from any person whose evidence is, in his opinion, likely to assist in clarifying the facts and circumstances of the act constituting the offence being investigated, and he may examine the witness and take down his statements.

(b) An investigating officer may, for the purpose of discovering the truth, take possession of or photograph, as he may think fit, real

evidence or any other material or article, and take any witness's fingerprints or photograph him. But a person may refuse a demand of an investigating officer under this section if by complying with it he might lay himself open to a criminal charge or furnish incriminating material against himself.

257. A witness examined by an investigating officer shall tell the truth and shall answer every question put to him in the course of the investigation, provided the answer is not calculated to lay him open to a criminal charge.

Duty to testify and tell the truth.

258. The investigating officer shall prepare a record of every act done by him for the purpose of the investigation, and the provisions of section 3 of the Criminal Procedure (Evidence) Ordinance¹⁾ shall apply to every statement contained therein as if that section referred to an investigating officer instead of a police officer.

Recording of evidence.

259. For the purpose of section 258, a statement by the accused shall be deemed to be evidence.

Statement by the accused.

260. (a) An investigating officer who, for any reason whatsoever, is unable to take the evidence of any person, may empower another officer, in writing, to take such evidence ; a defect in the instrument of empowerment shall not invalidate the evidence taken thereunder.

Evidence not given before the officer.

(b) The empowered officer shall, for the purpose of that evidence, be deemed to be an investigating officer, and evidence given before him shall be deemed to be evidence given before an investigating officer.

261. (a) Where any suspected or accused person has been arrested, an investigating officer may photograph him and take his fingerprints, as may be required for the purpose of the investigation.

Accused person who has been arrested.

(b) Where any suspected or accused person has been arrested, the investigating officer shall inform him of the nature of the suspicion or charge ; and before the termination of an investigation as a result of which he is of the opinion that a person should be charged with an offence, the investigating officer shall inform the accused of the nature of the charge and of the evidence obtained against him.

262. Where the investigating officer has informed the accused of the nature of the charge, and the accused has not yet made a statement or called witnesses in his defence, the investigating officer shall inform the accused that he is permitted to do so.

Accused to be informed of his right.

263. The provisions of section 261 shall not derogate from the power of the investigating officer to take statements from or evidence on behalf of the accused, or to permit him to be present at the examination of

Power to take statements at any stage.

¹⁾ *Laws of Palestine* vol. I, cap. 134, p. 467 (English Edition).

witnesses or to examine witnesses, at any stage of the investigation and at the discretion of the investigating officer.

Rights of the accused during an investigation.

264. The accused may, whether or not he has been informed of the charge, request the investigating officer to hear him and to call and hear witnesses in his defence, and also to give him an opportunity to cross-examine any witness who has testified against him, unless the evidence was taken in the presence of the accused and he was given an opportunity to cross-examine the witness.

Witnesses of the accused.

265. Where an accused person wishes to make a statement or to call witnesses, the investigating officer shall take his statement, and thereafter shall take the evidence of the witnesses brought by the accused, and of the witnesses whom the investigating officer has summoned to the investigation at the request of the accused, to the extent that the investigating officer is of the opinion that their evidence will be useful in discovering the truth.

Cautioning the accused.

266. An investigating officer shall not take the evidence of or a statement from any person who in his opinion should be charged with an offence unless he has cautioned him, in a language which he understands and in simple words, and is satisfied that the caution has been understood by him.

Contents of caution.

267. The caution shall be worded as follows: "I propose to charge you with such-and-such an offence. Do you wish to say anything in answer to the charge? You are not obliged to say anything if you do not wish to do so, but whatever you say will be taken down and may be used as evidence at your trial."

Cautioning accused person who expresses the desire to make a statement.

268. Where an accused or arrested person expresses the desire to make a statement, the investigating officer shall first caution him; where a statement is made before the investigating officer has had time to caution the person, or before he has reached the conclusion that the person should be charged with an offence, the investigating officer shall caution him at the earliest opportunity.

Person making statement not to be examined.

269. An accused or arrested person who makes a statement shall not be examined by an investigating officer and shall be asked only such questions as are necessary to clarify his statement.

Statement by an accused person where there are several accused.

270. Where several persons are charged with one offence and one of them makes a statement, such statement may be brought to the knowledge of the other accused persons, but they shall not be required to answer or react; if one of them wishes to answer or react, the investigating officer shall first caution him.

Statement made in writing.

271. An accused or arrested person who expresses the desire to make

a statement and who is able to write it down himself, shall write it down himself — after being cautioned as aforesaid — in the language chosen by him.

272. Where an accused or arrested person makes an oral statement, the investigating officer shall, in his presence, record the fact that he has been warned and the text of his statement, in the language in which it is made, shall read the record to him, shall give him an opportunity to correct it, and shall cause him to sign it ; where the person who has made the statement refuses to sign, the investigating officer shall record the fact of the refusal ; where the statement is made in a language which the investigating officer does not understand, it shall be taken down verbatim by a person whom the investigating officer shall appoint in that behalf.

Statement made orally.

273. An investigating officer is not, in his investigation, bound by the rules of evidence obtaining in the courts martial and may admit evidence at his discretion.

Investigating officer not bound by rules of evidence.

274. Such particulars of the investigation as are not prescribed by this Law shall be prescribed by regulations.

Other particulars of investigation.

275. Inquiry or investigation material received by a person competent to hold an inquiry or investigation under this Law or any other law may be used by an investigating officer as material for his investigation and shall be treated as if it had been received by him directly.

Investigation material not originally received by investigating officer.

276. An investigating officer appointed under section 252 (a) (2) shall, immediately after the termination of the investigation, forward the investigation material to the senior disciplinary officer who appointed him ; and a military policeman appointed under section 252 (a) (3) who has held an investigation shall, immediately after the termination thereof, forward the investigation material to a senior disciplinary officer, in accordance with Army Orders.

Termination of investigation.

277. Material of an investigation which a senior disciplinary officer has terminated himself or investigation material which a senior disciplinary officer has received under section 276 shall be forwarded by him, with the complaint, to a military advocate.

Forwarding investigation material to military advocate.

278. A military advocate may direct that a complaint be referred to him without an investigation having been held or while the investigation is in progress.

Reference of complaint to military advocate.

279. Where a complaint which is within the competence of a special court martial reaches a military advocate, under section 278 or in any other manner, or where he receives a complaint accompanied by investigation material, as provided in section 277, and such investigation material shows that the matter is within the competence of a special court martial, he shall refer the complaint to the Military Advocate General.

Matter within the competence of a special court martial.

Other complaint received by military advocate.

280. Where a military advocate, under section 278 or in any other manner, receives a complaint to which section 279 does not apply, he may —

- (1) direct that an investigation be held or that the investigation be terminated (by the same or by another investigating officer), as the case may be ; or
- (2) quash the complaint ; or
- (3) recommend to the chief of the jurisdictional district that the complaint be tried disciplinarily, as provided in section 151 ; or
- (4) direct a military prosecutor to file an information on the strength of the complaint even without holding an investigation.

Other complaint received by military advocate together with investigation material.

281. Where a military advocate receives a complaint accompanied by investigation material, as specified in section 277, then, if section 279 does not apply thereto, he may —

- (1) return the investigation material to a senior disciplinary officer for completion, or arrange for its completion in any other manner, if in his opinion it requires completion ; or
- (2) quash the complaint if in his opinion the investigation material, for any reason whatsoever, affords no basis for drawing up an information ; or
- (3) recommend to the chief of the jurisdictional district that the complaint be tried disciplinarily, as provided in section 151 ;
- (4) direct a military advocate to file an information on the strength of the investigation material.

Complaint received by Military Advocate General.

282. Where a complaint reaches the Military Advocate General, under section 278 or 279 or in any other manner, he may do any one of the things mentioned in section 280 or may direct the holding of a preliminary inquiry even if an investigation of the complaint has already been held: Provided that if the complaint relates to an offence punishable by death and he does not decide to quash it, he shall direct the holding of a preliminary inquiry.

Appointment of examining judge.

283. Where the Military Advocate General directs the holding of a preliminary inquiry, he shall appoint a legal officer, in writing, to hold it (such a legal officer being hereinafter referred to as "examining judge").

Prosecution in preliminary inquiry.

284. Where an examining judge has been appointed, a military prosecutor shall submit to him a plaint under his hand against the accused, and shall represent the prosecution in the preliminary inquiry.

Commencement of preliminary inquiry.

285. At the beginning of the preliminary inquiry, the examining judge shall read the plaint to the accused, and after being read it shall be attached to the record of the preliminary inquiry and shall form a part thereof.

286. After the reading of the plaint, the examining judge shall take the evidence of the prosecution witnesses.

Taking evidence of prosecution witnesses.

287. (a) As soon as the taking of the evidence of the prosecution witnesses is terminated, the examining judge shall explain to the accused, in language sufficiently simple for him to understand, the nature of the charge against him, and shall inform him that he is entitled to bring witnesses in his favour, and himself to make a statement, on oath or not on oath.

Statement by the accused.

(b) Before the accused announces his decision as to making a statement, the examining judge shall explain to him, in such a manner that he understands, —

(1) that it is not his duty but his right to say something, but that everything he says will be taken down and may be used as evidence at his trial ;

(2) that he is not to place any hope in any promise, or let himself be frightened by any threat, that may have been made to him in order to induce him to admit himself guilty, and that notwithstanding any such promise or threat anything he may say may be used as evidence at his trial.

288. (a) When the investigating judge has given the accused the explanations referred to in section 287, he shall take the evidence of the witnesses summoned by the accused who are able to testify as to the circumstances of the matter on which the plaint is based or as to the innocence of the accused, and the statement of the accused.

Defence witnesses and evidence of the accused.

(b) If the accused makes a statement on oath, he shall be treated as a defence witness.

289. The provisions of sections 287 and 288 shall not impair the fitness of any admission or statement made by the accused otherwise than in the preliminary inquiry to be used as evidence under any other law.

Validity of admissions and statements made by the accused otherwise than in the preliminary inquiry.

290. Evidence taken in a preliminary inquiry shall be read to the witness and be signed by him and the examining judge. Where a witness refuses to sign the evidence, the examining judge shall make an entry of such fact in the record of the evidence and shall sign such entry. For the purpose hereof, an unsworn statement by the accused shall be treated as evidence.

Verification of records of evidence.

291. (a) A statement made by the accused in a preliminary inquiry is admissible as evidence at his trial, and the production of the record of the preliminary inquiry, duly signed by the examining judge, shall be sufficient proof of such statement.

Validity of statement made by the accused in preliminary inquiry.

(b) A statement by the accused as specified in subsection (a) shall

not be used as evidence against another accused person unless it was made on oath.

Record of evidence of witness to be valid evidence.

292. Where a witness who gave evidence in a preliminary inquiry cannot be produced at a trial in a court martial because he has died or owing to infirmity, illness or absence from Israel, the record of his evidence, duly signed by the examining judge, shall be valid evidence of its contents if the Court is satisfied, from the record itself or otherwise, that the evidence was taken in the presence of the accused, or was read to him before he was committed for trial, and that he was given an opportunity to cross-examine the witness.

Evidence given before examining judge other wise than in preliminary inquiry.

293. Where there is reason to believe that it will not be possible for some evidence to be taken during the trial in a court martial owing to apprehensions regarding the death of the witness, or owing to his infirmity, illness or absence from Israel, and it is not taken in the preliminary inquiry, the Military Advocate General may appoint an examining judge, in writing, to take that evidence only, and it shall thereupon be deemed to be evidence under section 292.

Holding of preliminary inquiry in the absence of the accused.

294. (a) In any of the following cases, the Military Advocate General may direct that a preliminary inquiry be held in the absence of the accused :

(1) if the Army is unable to produce the accused for the preliminary inquiry, and it appears to the Military Advocate General that it is desirable to take the evidence of the witnesses notwithstanding the absence of the accused ;

(2) where the Military Advocate General has reason to believe that an offence has been committed, but no person has been charged with it.

(b) Evidence taken in a preliminary inquiry under this section shall be attached to the record of the inquiry, and an examining judge may rely on it for the purpose of his decision under section 297 after it has been read to the accused.

(c) In a preliminary inquiry under this section, evidence may be taken notwithstanding the provisions of section 285 ; but the plaint shall be read to the accused immediately upon his appearance at the inquiry.

(d) In a preliminary inquiry under this section without an accused person, the plaint shall be submitted as provided in section 284 without an accused person being indicated.

(e) Save as provided in the above subsections, a preliminary inquiry under this section shall, as far as possible, be conducted in accordance with the provisions of this Law, as if the accused were present at the inquiry.

Publicity of preliminary inquiry.

295. There is no obligation to hold a preliminary inquiry in public, and the examining judge may, at his discretion, order that any person

whose presence is not essential under this Law be removed from the place where the inquiry is held.

296. To the extent that the procedure of the preliminary inquiry, and of the taking of evidence therein, is not prescribed in this article, it shall be the same, *mutatis mutandis*, as the procedure in a district court martial, and for this purpose the examining judge shall be deemed to be the presiding judge or the court, as the case may be.

Other rules as to inquiry.

297. At the termination of the preliminary inquiry, the examining judge shall decide whether or not there is a sufficient amount of *prima facie* evidence to justify the committal of the accused for trial.

Decision of examining judge.

298. An examining judge who has terminated a preliminary inquiry shall forward the plaint, together with the inquiry material and his decision, to the Military Advocate General.

Termination of preliminary inquiry.

ARTICLE THREE : INFORMATION AND FILING THEREOF

299. Where the Military Advocate General has received the inquiry material in accordance with section 298, he may, without being bound by the decision of the examining judge —

Preliminary inquiry material received by Military Advocate General.

- (1) return the preliminary inquiry material to an examining judge for completion if in the opinion it requires completion ; or
- (2) quash the plaint if in his opinion the preliminary inquiry material, for any reason whatsoever, does not afford a basis for drawing up an information ; or
- (3) direct a military prosecutor to file an information on the strength of the preliminary inquiry material.

300. Where a military advocate, under section 280, 281, 282 or 299, directs a military prosecutor to file an information, he shall transmit to him the complaint or plaint and the preliminary inquiry or investigation material, and shall indicate to him for what offence or offences — having, in his opinion, a basis in the inquiry or investigation material — the accused shall be brought to trial, whether or not the examining judge has so recommended.

Instructions to military prosecutor.

301. Where a complaint or plaint against a person has been quashed under section 280, 281, 282 or 299, any warrant of arrest pending against that person by reason of that complaint or plaint shall become void.

Release from arrest on quashing of complaint or plaint.

302. Where investigation material remitted for completion under paragraph (1) of section 281 has been completed, it shall be dealt with as provided in sections 276 and 277 ; where preliminary inquiry material remitted for completion under paragraph (1) of section 299 has been completed, it shall be dealt with as provided in section 298.

Investigation and preliminary inquiry material remitted for completion.

Drawing up
of information.

303. A military prosecutor shall draw up an information against an accused person and shall file it in a district court martial or a special court martial.

Contents of
information.

304. (a) An information shall contain the particulars enumerated hereunder and shall as far as possible be worded in accordance with the forms set out in the Schedule to this Law.

The particulars are as follows :

- (1) Name of the court in which the information is filed ;
- (2) name and surname of the accused ; personal number, rank and unit of the accused or, if these are non-existent or unknown, other particulars sufficient for his identification ; it shall not be necessary to state the exact name of the accused, and he may be described as a person unknown ;
- (3) specification of the offence or offences imputed to the accused and the sections of the law creating it or them ;
- (4) particulars required in order to explain the nature of the charge ;
- (5) facts proving that the court has jurisdiction in the matter ;
- (6) the names of the witnesses who have testified in the preliminary inquiry and of other witnesses whom the prosecution will call at the trial ; but an information shall not be invalidated by reason that the names of witnesses as aforesaid have not been included ;
- (7) other particulars prescribed by regulations.

(b) The Minister of Defence may, by regulations, vary the Schedule to this Law.

Filing of
information.

305. An information for a district court martial or a special court martial shall be handed in to the president thereof or to a person appointed by him for that purpose, and the fact of the handing-in shall be verified by his signature ; the date of the handing-in shall be taken to be the date of the filing of the information in the court.

Selection of
bench.

306. Where an information has been received, a bench shall be selected.

Delivery of
copy of
information to
the accused.

307. Upon delivery of a copy of the information to the accused, he shall be notified that he and his defence counsel are permitted to inspect the investigation or preliminary inquiry material and to copy details therefrom, except details the inspection of which as aforesaid has been prohibited by a military advocate for security reasons.

Quashing of
information.

308. An information filed in a court martial may, so long as the case has not been determined, be quashed by the chief of the jurisdictional district with the consent of a military advocate or by the Military Advocate General.

309. Where a bench has been selected, the court shall be convened by convening order signed by or on behalf of the convening authority ; the convening order shall prescribe the place of meeting of the court and the date of the hearing, and shall obligate all participants in the trial mentioned in the order to attend at the place and time prescribed therein ; the convening order may contain any such other direction, and any such further particular, as the convening authority may deem necessary.

Convening of court.

CHAPTER TWO : JUDGES, DEFENCE AND PUBLICITY

Article One : Eligibility of Judges

310. The following shall not sit as military judges in the trial of any offence :

Ineligibility to sit as a judge.

- (1) a spouse, parent, descendant, brother or sister of the person charged with the offence ;
- (2) a person who has dealt with the offending act as a disciplinary officer ;
- (3) a person who has taken part in an investigation or inquiry under this Law in connection with the offending act ;
- (4) a person who has filed the complaint against the person charged with the offence ;
- (5) a person who was a witness to the offending act.

311. In an appeal in the Appeal Court Martial, there shall also not sit as a military judge a person who was a military judge, a prosecutor or a defence counsel or who otherwise performed a function in the trial of the same offence in the first instance.

Further disqualifications at appeal stage.

312. Any military judge, accused person or military prosecutor who is of the opinion that one of the judges appointed to sit in the case concerned is disqualified for one of the reasons mentioned in section 310 or 311 shall notify the court accordingly.

Plea of disqualification.

313. Any accused person or military prosecutor may object before the court to any military judge for any reason not mentioned in section 310 or 311 which justifies the fear of partiality if that military judge should sit.

Objection to judge.

314. Where a judge disqualified under section 310 or 311, or in respect of whom a reason for objection exists under section 313, has been included in the bench, and a plea of disqualification, or objection, as provided by this Law, has not been made, or having been made has been finally rejected, the disqualification of the judge or the reason for objection shall not affect the legality of the composition of the court.

Legality of bench.

Objection to
new judge.

315. Objection under section 313 is permitted also in respect of a military judge appointed in place of a judge found to be disqualified or the objection to whom has been sustained.

ARTICLE TWO: DEFENCE

Defence counsel
at the choice
of the accused.

316. A person charged before a court martial may conduct his own defence or choose as his defence counsel a person authorised under section 318 to act as defence counsel before courts martial and who has paid in that year the prescribed fee, or any soldier who has agreed to act as his defence counsel ; however, where the court is of the opinion that the proceedings before it are likely to lead to the disclosure of military secrets, a soldier as aforesaid shall not act as defence counsel unless he has been approved by the court.

Defence counsel
authorisation
committee.

317. (a) There shall be established a committee to authorise advocates to act as defence counsel in courts martial.

(b) The members of the Committee shall be :

(1) a judge of the Supreme Court, to be elected by the body of judges thereof ;

(2) two practising advocates, to be elected by the council of the Israel Bar Association ; if a law is adopted establishing a Chamber of Advocates to organise the profession of advocacy, the two advocates shall be elected by the Chamber of Advocates ;

(3) the Attorney General ;

(4) the Military Advocate General.

(c) The composition of the committee shall be published in *Reshumot*.

(d) The Judge of the Supreme Court elected under sub-section (b) (1) shall be the chairman of the committee.

(e) The committee shall itself prescribe the procedure for its work in so far as it is not prescribed by this Law or by regulations made by the Minister of Justice with the consent of the Minister of Defence.

Authorisation
by the
committee.

318. (a) Where a person is authorised to practise the profession of advocacy in Israel, the committee may, at its discretion, grant or refuse to grant him an authorisation as referred to in section 317, and it may, at the request of the C.G.S., withdraw at any time an authorisation granted.

(b) The Minister of Justice may prescribe by regulations that an annual fee not exceeding ten pounds shall be paid for an authorisation granted under this section.

Refusal to
postpone trial.

319. Where the accused has chosen a defence counsel who is unable to attend at the trial at the time fixed for the beginning thereof, and he requests that the trial be postponed on that account, the court may refuse the request.

320. (a) Where a soldier has been chosen by an accused person as defence counsel, the commander of such soldier may object to the choice for reasons which he shall make known to the court ; if the court sustains the objection, the soldier shall not be defence counsel.

Disqualification of defence counsel chosen by accused.

(b) A decision under this section and an authorisation under section 316 cannot serve as grounds of appeal.

321. Where the accused has not chosen a defence counsel, the authority who convened the court may, before the beginning of the trial, appoint a military defence counsel to defend the accused before that court, and when the trial has begun, the court itself may do so if it deems it necessary in the interests of justice ; however, a military defence counsel shall not be appointed as aforesaid if the accused has intimated that he refuses to entrust him with his defence, unless it appears to the court that the accused is mentally defective and that a decision under section 386 or 387 should be given in his respect or the trial takes place in the absence of the accused under section 328.

Appointment of military defence counsel.

322. (a) A defence counsel chosen by an accused person may represent him before the court if he has submitted to the court a letter of empowerment signed by the accused, or if the accused has declared before the court and the defence counsel that he has empowered him to be his defence counsel ; a defence counsel who has been appointed may represent the accused immediately after the appointment.

From when is defence counsel empowered to represent.

(b) A letter of empowerment as aforesaid is exempt from stamp duty.

323. The provisions of this article shall apply to a preliminary inquiry before an examining judge as if every reference therein to a court martial were a reference to an examining judge.

Defence before examining judge.

ARTICLE THREE : PUBLICITY OF TRIAL

324. A trial before a court-martial shall be held in public unless the convening authority has decided that it shall be held *in camera* because in his opinion such a course is necessary to prevent infringement of the security of the State.

Publicity of military trial.

325. (a) A court may decide at any stage of the proceedings, for reasons to be recorded in its decision, to hold the whole or a part of the trial *in camera* if in its opinion such a course is necessary to prevent infringement of the security of the State, public morality or Army discipline.

Decision of court to hold trial *in camera*.

(b) Where the court has decided to hold the trial *in camera*, it may permit any person, or particular classes of persons, to be present at the whole or a part of the proceedings.

326. (a) The Military Advocate General may, for the purpose of safeguarding the secrecy of information connected with the security of the

Minutes of proceedings.

State, direct, generally or in respect of a particular case, that no copy of the minutes of any proceedings, or of a judgment, except the sentence, shall be taken out of a court martial unless certain parts or words are omitted therefrom.

(b) A copy of a judgment shall not be invalidated as evidence in any legal matter by reason only that parts or words have been omitted therefrom under subsection (a).

CHAPTER THREE: ORDINARY PROCEDURE

Delivery of information to the accused.

327. (a) A copy of the information shall be delivered to the accused as soon as possible, and when a convening order has been made, the copy shall be delivered to him forthwith.

(b) An accused person is entitled to demand that his trial be not held before the expiration of ten days from the day on which a copy of the information is delivered to him.

(c) The person who delivers to the accused a copy of the information shall inform him of his right under subsection (b) and of his being permitted to choose a defence counsel and to call witnesses in his defence. Where the accused is a private, he shall, upon delivery of the copy of the information, be informed of his right under section 203, and the accused may exercise his right by written application, to be delivered to the presiding judge before the time fixed for the beginning of the trial.

(d) Notwithstanding a demand of an accused person under subsection (b), the convening authority may, if he deems it necessary owing to special circumstances to be set out in the convening order, direct that the trial be held earlier; but it shall not be held earlier than twenty-four hours from the time that the copy of the information is delivered to the accused.

(e) The provisions of this section shall not derogate from the power of the court to postpone the trial for such reasons as it may think fit, and *inter alia*, in order to enable the accused to prepare his defence.

Removal of accused from courtroom.

328. A court martial may remove, for such time as it may deem appropriate, an accused person who disturbs the progress of the hearing or behaves in a manner offending the dignity of the court.

Proceedings taken in the absence of the accused.

329. Any proceeding taken in the absence of the accused by reason of his having been removed under section 328 shall be deemed to have been taken in his presence, and the court shall prescribe arrangements for bringing such proceedings to the knowledge of the accused.

Conduct of proceedings.

330. The presiding judge shall conduct the proceedings at the sessions of the court, and he may give any direction required for the maintenance of order at the place of the trial, including a direction to remove from the place of the trial or the vicinity thereof any person who disturbs the progress of the hearing or behaves in a manner offending the dignity of the court.

331. Where a person has contravened the provisions of section 109, except paragraph (1) of subsection (a) thereof, or the provisions of section 514, except paragraph (1) of subsection (a) thereof, the court in respect of which the accused has committed the offence may try him for it immediately ; but it shall not impose on him a heavier penalty than thirty days' detention if he is sentenced under section 109, or thirty days' imprisonment if he is sentenced under section 514 ; the provision shall not derogate from the provisions of any law concerning the prosecution of an offender for an offence as aforesaid.

Immediate trial for contempt of court martial.

332. Where an accused person does not know Hebrew, the presiding judge shall appoint an interpreter to translate for him what is said in the course of the proceedings and the decisions of the court ; an accused person may waive the translation of any part of what is said in the course of the proceedings or of decisions as aforesaid.

Interpreter for the accused.

333. Evidence which, with the permission of the court, is given otherwise than in Hebrew shall be translated by an interpreter.

Evidence not given in Hebrew.

334. An interpreter shall be treated as a witness unless a different intention appears from a provision of this Law relating to witnesses.

Interpreter to be treated as a witness.

335. At every trial, minutes shall be kept by the presiding judge or by a recorder appointed by the presiding judge, and shall be signed by the person who has kept them ; where the minutes have been kept by a recorder, the presiding judge shall likewise sign them, after he has examined them and found them correct.

Keeping of minutes.

336. The minutes of the trial shall indicate :

Contents of minutes.

(1) the name of the court and the names of the members of the court, the prosecutor, the recorder and the translator who have taken part in the trial.

(2) the date and place of every session ;

(3) the name of the accused and the name of his defence counsel, if any ;

(4) the words by which the accused was asked whether he pleaded guilty and his reply, which shall, as far as possible, be recorded in the words used by him ;

(5) requests made by the parties and the gist of their contentions ;

(6) the name of the witnesses ; whether they testified on oath or otherwise ; and the contents of the testimonies ;

(7) the decisions of the court and the reasons therefor, if given ;

(8) any other thing which in the opinion of the presiding judge should be indicated in the minutes.

337. The information, documents submitted and accepted by the court

Attachment of documents to minutes.

	and any other document relating to the bench concerned shall be attached to the minutes and shall form a part thereof.
Correction of minutes before passing of sentence.	338. Either party may request the court, in the presence of the other party, to correct an entry in the minutes with a view to ensuring its accuracy.
Correction of minutes after passing of sentence.	339. Where the sentence has been passed, but the period for filing an appeal against it has not yet elapsed, either party may request the president of the court to correct an entry in the minutes with a view to ensuring its accuracy, and the president of the court, after giving the other party an opportunity to be heard, shall correct the entry if he has obtained the consent of the majority of the judges who sat in the case.
Record of correction.	340. Any correction of minutes, and the dissenting view of a judge concerning a correction, shall be recorded in the minutes and shall be signed by the presiding judge or the president of the court, as the case may be.
Identification of accused.	341. The hearing shall open with the identification of the accused by the court ; for this purpose, the presiding judge shall ask the accused particulars by which he may be identified, such as his name, surname, personal number, rank, unit and father's name.
Identification incumbent on prosecution.	342. Where the accused refuses to give a particular asked of him under section 341, the court may proceed with the hearing, and the prosecutor shall prove — before the close of the case for the prosecution — such particulars of identification as are necessary to prove the guilt of the accused.
Reading of constituent document and objection.	343. After the identification, the presiding judge shall read out the constituent document of the bench and shall ask the accused, or his defence counsel, and the prosecutor whether they wish to prefer a plea of disqualification, or an objection, against the judges of the court, or against any one of them, in accordance with section 312 or 313.
Plea allowed.	344. A court before which a plea of disqualification or an objection is made against any judge shall consider the same, and if it allows the plea or objection, it shall suspend the hearing until the judge in question has been replaced by another judge by the authority who selected the bench.
Appeal.	345. Where a court of first instance rejects a plea of disqualification, or an objection, made before it, the person who has made the plea or objection may appeal against the decision to the Appeal Court Martial within three days from the date on which the decision is given, and shall notify the court of his intention of doing so immediately upon its being given.
Postponement of hearing where appeal is filed.	346. (a) Where a notification under section 345 is given, the court may

postpone the continuation of the hearing pending the decision on the appeal if it is of the opinion that it is proper so to do.

(b) If the court does not postpone the continuation of the hearing, the right of the accused to file the appeal within the time allowed in section 346 shall not be affected thereby.

347. Where a plea of disqualification or an objection has been rejected, and the person who made it has not notified his intention to appeal, or the period for filing the appeal has elapsed without the appeal being filed, the rejection decision shall be regarded as final.

Continuation of hearing where no appeal is made.

348. Where, in an appeal, a plea of disqualification or an objection against a judge has been allowed, the court of first instance shall suspend the hearing until the judge has been replaced by another judge by the authority who selected the bench.

Suspension of hearing after decision on the appeal.

349. A court shall not consider a plea of disqualification or an objection against a judge made after the information has been read, unless it is satisfied that the facts on which the plea of disqualification or the objection is based were not known to the person making the plea at a previous stage of the hearing and that he made the plea or objection as soon as the said facts came to his knowledge.

Plea of disqualification and objection after reading of information.

350. Where the ineligibility of a judge becomes known after the judgment in the first instance has been given, it shall serve the accused or the prosecutor as a ground for appeal against the judgment, and such an appeal shall be treated like an appeal under Chapter Five of this Part, except that, notwithstanding the provisions of section 418, it may be filed at any time.

Plea of disqualification after judgment in the first instance has been given.

351. (a) When the matter of the composition of the bench has been finally dealt with, the presiding judge shall read out the information and shall explain to the accused the nature of the charge.

Reading of information and preliminary pleas.

(b) Thereafter, the court shall inform the accused of his right to make the following preliminary pleas:

- (1) lack of jurisdiction ;
- (2) previous acquittal or conviction ;
- (3) prescription of the offence ;
- (4) failure of the information to disclose an offence ;
- (5) a defect or invalidating feature in the information.

(c) If the accused or his defence counsel has not made a preliminary plea at this stage, this shall not prevent him from doing so at any other stage of the trial ; provided that he shall not then make one of the preliminary pleas set out in paragraph (4) and (5) of subsection (b) save with the permission of the court.

Consideration of preliminary plea.	352. A court before which a preliminary plea has been made, shall decide on it after giving the prosecutor an opportunity to answer it ; however, the court may reject the plea even without giving such an opportunity. The court may also defer its decision on a preliminary plea until another stage of the proceedings.
Decision on preliminary plea.	353. Where the court decides to allow a preliminary plea, it may order the information to be corrected or quash it, as the case may be ; where it quashes the information, it may order the release of the accused from arrest imposed on him in connection with the charge in question. Where the court decides otherwise, it shall continue the hearing.
Plea of guilty or not guilty.	354. (a) Where no preliminary plea has been made, or where a preliminary plea has been made and considered and the court has not quashed the charge, the presiding judge shall ask the accused whether or not he pleads guilty. (b) To this question, the accused may answer — (1) that he pleads guilty ; or (2) that he does not plead guilty ; or (3) that he does not plead guilty, but admits the facts, or part of the facts, alleged in connection with the act which is the subject of the charge.
Provision as to person under capital charge.	355. Where a person is charged with an offence carrying the death penalty, the provisions of section 354 shall not apply and such person shall be deemed to have pleaded not guilty.
Abstention from answering deemed to be plea of not guilty.	356. Where an accused does not answer the question of the presiding judge under section 354, he shall be deemed to have pleaded not guilty.
Change of answer.	357. With the permission of the court the accused may, at any stage of the proceedings until the adjudication, retract the answer given by him under section 354 (b).
Decision of court as to plea of guilty.	358. Where the accused has pleaded guilty, the court may, for reasons which shall be recorded, not accept the plea and continue the hearing as if the accused had pleaded not guilty, or as if he had pleaded not guilty but had admitted the facts indicated by the court ; where the court does not so decide, the charge shall be deemed to have been proved, and the court shall convict the accused on the strength of his plea of guilty.
Decision of court after plea of not guilty.	359. Where the accused has pleaded not guilty, or where, according to this Law, he is deemed to have pleaded not guilty, the case for the prosecution shall be opened.
Decision of court after admission of facts.	360. (a) Where the accused has pleaded not guilty but has admitted the facts, as specified in paragraph (3) of section 354 (b), or where the

court, under section 358, has decided to deem him to have done so, such facts shall be deemed to have been proved in respect of that accused.

(b) Where the accused in his answer has admitted any fact, the court may, notwithstanding the provision of subsection (a), demand that the prosecutor prove it ; and such fact shall thereupon not be regarded as proved until the prosecutor has proved it.

361. Where part of several accused persons in a case have pleaded guilty, the court may convict the one or ones whose plea has been accepted in accordance with section 358 and forthwith impose a penalty on him or them, or may defer conviction pending determination of the cases of all the accused ; but if an accused person as aforesaid is to be called as a witness in the case, the court shall convict him and impose a penalty on him before he is called as a witness.

Procedure after plea of guilty by part of the accused persons.

362. Where there are several accused persons in a case, the court may, at any stage of the proceedings prior to the determination of the case, direct a separate trial of one or several of them, and continue the trial of the remaining accused persons.

Separate trial.

363. Where a court has directed a separate trial, the court constituted for the purpose of the separate trial may hold it either upon the original information or upon a new information ; where a new information is filed, the date on which the original information was filed in the court which directed the separate trial shall be deemed to be the date of the filing of the new information.

Procedure in separate trial.

364. Where the case for the prosecution is opened in accordance with section 359, the prosecutor may produce to the court the prosecution witnesses, whether or not their names appear in the information, and his other evidence, and he may, before producing witnesses, introduce the case for the prosecution with an opening address.

Case for the prosecution.

365. (a) Upon the close of the case for the prosecution, the accused, or his defence counsel, may plead that there is not even *prima facie* evidence of guilt.

Plea of no case.

(b) Where a plea under subsection (a) has been made, the prosecutor may answer it.

(c) Where a plea under subsection (a) has been made, and the court is of the opinion that there is not even *prima facie* evidence of guilt, it shall discharge the accused ; and the court may do so even if the accused or his defence counsel has not pleaded as aforesaid.

366. Where the accused has not been discharged under section 365, the presiding judge shall explain to him that while the case for the defence is open he may —

Opening of case for the defence.

(1) remain silent ; or

(2) make a statement from his place ; and if he does so, he shall not be examined as to his statement ; or

(3) testify from the witness stand ; and if he does so he shall be treated as a defence witness.

Case for the defence.

367. After the explanation of the presiding judge under section 366, the accused or his defence counsel may produce to the court defence witnesses and other evidence of the defence ; and he may, before producing witnesses, introduce the case for the defence with an opening address.

Evidence on behalf of the court.

368. (a) The court may, if it deems it necessary so to do in the interests of the trial, summon any witness as a witness of the court, even if his testimony has already been heard in the same instance.

(b) Where the court does as aforesaid after the close of the case for the defence, the defence may produce evidence to refute evidence obtained against the accused under subsection (a).

Additional evidence on behalf of the prosecution.

369. (a) The court may permit the prosecution, both after the close of the case for the defence and after witnesses have been heard under section 368 (b), to produce evidence to refute points arising out of the evidence of the defence and which the prosecution could not have foreseen.

(b) Where the prosecution has been permitted to produce evidence after evidence has been taken on behalf of the court, the evidence of the prosecution shall be heard first, and thereafter, if the defence so wishes, the evidence of the defence.

Evidence on behalf of the defence after additional evidence on behalf of the prosecution.

370. Where the prosecution has produced evidence under section 369 (a), the defence may produce evidence to refute the evidence of the prosecution produced as aforesaid even if it has exercised its right under section 368 (b).

Power of court to hear evidence on its own behalf.

371. The court may re-exercise its power under section 368 (a) at any time until the adjudication.

Evidence on oath.

372. (a) Every witness shall give evidence on oath unless the court is satisfied that the religious belief of the witness forbids him to take an oath, or that he has no religious belief, in which cases he shall give evidence on affirmation.

(b) In the case of a minor who in the opinion of the court does not understand the nature of an oath, the court may, if satisfied that it is necessary to hear his evidence, take the evidence unsworn.

(c) A witness about to give evidence shall swear or affirm that he will tell the truth, the whole truth and nothing but the truth.

373. The sequence in which evidence shall be taken is as follows :

Sequence of taking of evidence.

(1) the witness shall first be examined by the party who asked for him to be heard ; thereafter the opposing party may — subject to section 374 — cross-examine the witness, and thereafter the party who asked for him to be heard may re-examine him ; when the parties have terminated their examination, the court may examine the witness, but for the purpose of clarifying a point it may ask him questions even before the parties have terminated their examination ; where the court has examined a witness after the parties have examined him, it may permit them to examine him additionally on their own behalf for the purpose of clarifying a point which has arisen during his examination by the court.

(2) A witness who has been summoned upon a decision of the court, as provided in section 368 (a), shall first be examined by the court, and thereafter the parties, in an order to be determined by the court, may cross-examine him.

374. Where there are several accused persons at one trial, the witnesses shall be examined —

Witnesses at the trial of several accused persons.

(1) in a cross-examination — by the accused (or their defence counsel) in the order in which the names of the accused appear in the information ;

(2) in a principal examination — first by the accused who has asked for the witness to be heard, or by his defence counsel, and thereafter by the other accused or their defence counsel in the order indicated in paragraph (1).

375. Where the court is of the opinion that a witness of one of the accused is likely to testify against another of the accused, it may deviate from the order prescribed in section 374 and permit that other accused or his defence counsel to subject the witness, not to a principal examination, but to a cross-examination after the other accused have subjected him to a principal examination and before the military prosecutor cross-examines him.

Right of cross-examination in particular cases.

376. The court may permit the parties to produce also evidence required for considering a plea of disqualification or an objection to a judge or a preliminary plea or a statement by the accused made outside the court and submitted as evidence.

Production of evidence prior to dealing with the substance of the case.

377. The court may refuse a request to summon a witness if it is of the opinion that his testimony is irrelevant or that the contents of his testimony can be proved otherwise.

Power to refuse the summoning of witnesses.

378. The court may, at any stage of the proceedings until the adjudication, vary the information by amending or replacing it, as it may think fit : Provided that it shall not thereby include in the information a charge relating to an offence carrying a heavier penalty.

Variation of information.

Restriction on variation of information.

379. A court shall not, by amendment or replacement under section 378, include in the information a charge relating to an offence which it is not competent to try: Provided that a special court may do so in respect of an offence which another court martial is competent to try.

Quashing of information.

380. Where the court finds that an accused person ought to be charged with an offence which it is not competent to try or with an offence carrying a heavier penalty than the offence included in the information, it shall quash the proceedings before it in order that the accused may be brought to trial upon a new information.

Date of bringing to trial upon a new charge.

381. Where an information has been amended or replaced, the accused shall be deemed to have been brought to trial on the amended or new information on the date on which he was brought to trial on the original information.

Variation of charge without variation of information.

382. A court may, without varying the information, convict an accused person of an attempt to commit the offence with which he is charged, or of being an accessory to the offence after the fact, or of another offence, even if he is not charged accordingly in the information, provided that the charge on which he is convicted as aforesaid has been proved by the evidence brought before the court in the course of the proceedings, and that the penalty prescribed by law for the other offence is not heavier than the penalty prescribed by law for the offence included in the information.

Continuance of warrant of arrest upon variation of charge.

383. Where a court has decided to quash an information under section 380 or 353 and has not ordered the release of the prisoner, the warrant of arrest issued against the accused under section 243 shall remain in force until a warrant of arrest is issued against him under section 234 or 242 or until the expiration of fifteen days from the date of the decision, whichever is the earlier date.

Summings-up.

384. When the case for the defence has been closed, the military prosecutor, and after him the accused or his defence counsel, may make their summings-up.

Judication.

385. After the summings-up or, if there have been no summings-up, after the conclusion of the case for the defence, the court shall, by a reasoned decision in writing in accordance with section 396, decide whether the accused shall be convicted or acquitted.

Accused person who is exempt from criminal responsibility.

386. Where the court has ruled that the elements of the offence indicated in the information have been proved, but has found, on the strength of evidence brought before it, whether by the accused or by the prosecutor or on its own behalf, that the accused is exempt from criminal responsibility therefor under section 14 of the Criminal Code Ordinance, 1936¹⁾, it shall order the accused to be detained in an institution for the

¹⁾ P.G. of 1936, Suppl. I, No. 652, p. 285 (English Edition).

treatment of mentally sick persons or some other suitable place to be determined by the Minister of Health and to be held there so long as the Minister of Health is of the opinion that he is of unsound mind.

387. Where it appears in the course of the proceedings that the accused is not fit to stand trial by reason of his being of unsound mind, the court shall order him to be detained and held as specified in section 386 until he is fit to stand trial.

Accused person of unsound mind at the time of the proceedings.

388. When an information is quashed before the accused has been called upon to answer the charge, or where an information for an offence carrying the death penalty is quashed before the case for the prosecution has been opened, the court shall quash the case ; where the information is quashed thereafter, the court may quash the case or acquit the accused.

Quashing of case.

389. The deliberations of the court shall be secret and shall be attended only by the military judges who have sat in the case.

Deliberations of the court.

390. At the deliberations, the presiding judge shall ask the opinion of the military judges in the order of their ranks, beginning with the lowest; the presiding judge shall express his opinion last.

Sequence of deliberations.

391. Every military judge shall express his opinion and vote on every question arising in the deliberations of the court and requiring decision.

Duty to take part in the vote.

392. A court martial shall take its decisions by majority vote ; where there is no majority of votes as to the kind or measure of the penalty, a judge who has proposed the severest kind or measure shall be deemed to have acceded to the opinion of a judge who has made the proposal nearest to his own ; where the bench consists of five judges and a majority is not obtained on such a matter after the first adjustment of votes, the votes shall be adjusted a second time on the basis of the result of the first adjustment.

Decision of the court.

393. (a) Save as otherwise provided by this Law, a decision of a court martial need not be reasoned.

Statement of reasons of decision.

(b) Where a decision of the court is required to be reasoned, the minority opinion, if any, shall be reasoned also.

394. Where a decision of the court, including the judgment, involves a minority opinion, the majority decision shall be signed by all the judges, but shall indicate that it was given by a majority of votes, without, however, disclosing the name of the holder of the minority opinion.

Minority opinion.

395. The court may communicate the minority opinion to the parties, but without disclosing the name of the holder thereof.

Communication of minority opinion to parties.

396. The reasons of the adjudication shall indicate the facts which have

Reasons of adjudication.

been proved to the court and the considerations which have prompted its decision ; where the accused has been convicted, the adjudication shall indicate also, whether expressly or by reference to the information, the section of the law under which he has been convicted.

Reading of adjudication.

397. The adjudication shall be dated and shall be read in public.

Acquitting judgment.

398. Where the accused is acquitted, this adjudication shall be the judgment and, if he is under arrest, he shall be released forthwith, unless he has to be held under arrest for other reasons.

Evidence for determining the measure of the penalty.

399. Where the court has convicted the accused, the prosecutor shall bring to the knowledge of the court the conduct sheet, if any, of the accused, and the list of his earlier convictions, and he may produce evidence likely to influence the determination of the measure of the penalty ; thereafter, the accused may make a statement or testify, and produce evidence of facts or circumstances in mitigation of the penalty.

Summings-up in the matter of the measure of the penalty.

400. Where the proceedings referred to in section 399 have been terminated, the prosecutor, and thereafter the accused or his defence counsel, may make their summings-up in the matter of the measure of the penalty ; where the defence counsel has delivered the summing-up, the court shall permit the accused to make a final statement.

Sentence.

401. The penalty of an accused person who has been convicted shall be fixed in the sentence, which shall be attached to the adjudication and with it shall form the judgment ; the sentence shall be dated and shall be read in public.

Non-reading of reasons.

402. Where the trial is held *in camera*, the court may prescribe that the whole or a part of the reasons of the adjudication or the sentence shall not be read in public ; but in that case the prosecutor and the accused and his defence counsel may read them.

Additional provisions in sentence.

403. Provisions as to making the penalty conditional, the duty to pay compensation, the restoration of property, the confiscation of tools used in committing the offence, a stay of the enforcement of the judgment and any other provision permitted to be included the judgment, except the adjudication, shall be included in the sentence.

Period of appeal.

404. Where a judgment is appealable, the court shall bring to the knowledge of the accused his right to appeal and the time allowed by law for the filing of appeal.

Application of Chapter.

405. (a) Save as otherwise provided or as a contrary intention appears, the provisions of this Chapter shall apply to the proceedings in every court martial of first instance.

(b) The provisions of the sections enumerated hereunder shall

apply *mutatis mutandis* to the proceedings in the Appeal Court Martial :

- (1) 328 to 331, 335 to 344, 368 (a), 386, 387, 389 to 395 and 402 ;
- (2) 332 to 334, 369, 372 to 376 — where the court hears witnesses ;
- (3) 396 to 401 and 403 — where the court varies the adjudication.

CHAPTER FOUR: SPECIAL PROCEEDINGS

ARTICLE ONE: SPECIAL PROCEEDINGS IN A NAVAL COURT MARTIAL

406. A commander who has set up a naval court martial (in this article referred to as "the commander") shall, in accordance with Army Orders, appoint a soldier from among his subordinates to the office of prosecutor at the trial.

Prosecution.

407. Where the accused has not chosen a defence counsel from among the persons in the vessel in which he himself is, or another defence counsel who can attend before the court without the trial being postponed, the commander shall, in accordance with Army Orders, appoint a soldier from among his subordinates to the office of defence counsel.

Defence counsel.

408. An information for a naval court martial shall be submitted to the presiding judge, and the commander may direct that it be submitted even where an investigation in accordance with the first chapter of this Part has not been held.

Information.

409. Notwithstanding the provisions of section 327, a convening order for a naval court martial may be delivered to the accused upon the direction of the commander at any time before the trial: Provided that the trial shall not be held before the expiration of twenty-four hours from the time of delivery unless the accused has consented to its being held earlier.

Delivery of convening order to the accused.

ARTICLE TWO: SUMMARY TRIAL

410. (a) Summary trials may be held in the courts martial of the whole Army or of any part thereof if a direction under section 461 concerning the introduction of field courts martial is in force in respect of the whole Army or of that part thereof, as the case may be.

Permission for summary trial.

(b) With regard to any military operations, the Minister of Defence may direct that all or any courts martial may, in connection with such military operations, hold summary trials.

(c) A direction under subsection (b) shall expire at the expiration of fourteen days from the day on which it is issued unless it is confirmed before then by the Foreign Affairs and Security Committee of the Knesset.

Summary trial begun.

411. Where a case has begun to be tried by summary trial, and the direction permitting such a trial becomes void, the summary trial may be continued until the termination of the case.

Procedure of summary trial.

412. (a) A summary trial shall follow the ordinary procedure, save as provided in subsection (b).

(b) At a summary trial, the ordinary procedure may be deviated from, as specified hereunder :

(1) An information may be filed even if an investigation or a preliminary inquiry in accordance with the first chapter of this Part has not been held.

(2) The summoning order shall be delivered to the accused not later than twelve hours before the time fixed for the beginning of the trial.

(3) It shall not be necessary to appoint an interpreter, provided that the court sees to it in some other manner that the parties and the court understand everything that is said in the course of the proceedings ; where the court decides under this paragraph not to appoint an interpreter, it shall record the reasons for such decision in the minutes and shall indicate the manner in which it has seen to it that the parties and the court understand what is said in the course of the proceedings.

(4) The court may direct that only its decisions, including the judgment, and a summary of the testimonies shall be recorded in the minutes.

(5) An appeal under section 345 shall be filed, immediately upon notification as provided in that section, through the court only.

(6) The court may refuse to admit evidence under section 399, except the statement or testimony of the accused ; where the court so decides, it shall record the reasons for such decision in the minutes.

(7) The court may limit the time for the summings-up of the prosecutor and of the accused or his defence counsel.

CHAPTER FIVE: APPEAL

Sentenced person's right of appeal.

413. A person who has been convicted by a court martial of first instance may appeal against the judgment to the Appeal Court Martial.

Appeal against penalty only.

414. An appellant may, either in the statement of appeal or at any stage of the appeal proceedings, limit his appeal to the measure of the penalty.

Appeal against decision under section 386 or 387.

415. A decision under section 386 or 387 is appealable.

416. For the purpose of an appeal, a requirement to pay compensation under section 35 shall be deemed to be a penalty.

Appeal against requirement to pay compensation.

417. A decision to set up a naval court martial is appealable together with the judgment of the court ; but the Appeal Court Martial shall not quash a judgment of a naval court martial by reason that the conditions prescribed in section 206 for its setting up have not been fulfilled if it is of the opinion that had the said conditions been fulfilled the appellant would have been convicted of the same offence and would have received a penalty not lighter than that which has been imposed on him.

Appeal against setting up of naval court martial.

418. The period for filing an appeal is fifteen days from the day of the reading of the judgment if it is read in the presence of the accused ; where the accused has been removed under section 328, the said period shall run from the day on which notice of the judgment is given to him.

Period for filing appeal.

419. An appeal to the Appeal Court Martial shall be by statement of appeal under this chapter, signed by the appellant or his defence counsel. The respondent in the appeal shall be the Chief Military Prosecutor.

Filing of appeal.

420. A statement of appeal submitted by telegram shall be deemed to be a statement of appeal submitted in accordance with section 419, provided that the telegram or a copy thereof is confirmed by the signature of the appellant or his defence counsel before the hearing of the appeal begins.

Appeal by telegram.

421. (a) The statement of appeal shall be delivered, within the time allowed by section 418, to the Appeal Court Martial or to the president of the court by which the accused has been sentenced, or to the commander of the place where the accused is held in custody, or to another person designated by Army Orders as competent to receive appeals for transmission to the Appeal Court Martial.

To whom statement of appeal is to be submitted.

(b) Where a statement of appeal is not delivered direct to the Appeal Court Martial, the person who receives it shall transmit it to the Appeal Court Martial in accordance with Army Orders.

422. Where an appeal has been filed, the judgment and all the other material in the case shall be transmitted to the Appeal Court Martial in accordance with rules laid down in Army Orders.

Transmission of judgment to Appeal Court Martial.

423. Where a judgment of a court martial of first instance has imposed the death penalty, and an appeal against it has not been filed by the person on whom it has been imposed, an appeal against it shall be deemed to have been filed on his behalf, and the Military Advocate General shall direct a military defence counsel to submit a statement of appeal.

Automatic appeal.

Appeal by prosecution.	424. The Chief Military Prosecutor or a military prosecutor empowered by him in that behalf may appeal to the Appeal Court Martial against any judgment of a court martial of first instance within fifteen days from the day on which the judgment is read, and he shall do so if the chief of the jurisdictional district so directs ; the provisions of sections 419, 420, 421 and 422 shall apply to the appeal <i>mutatis mutandis</i> .
Selection of bench.	425. Where a statement of appeal has been received, a bench of the Appeal Court Martial shall be selected.
Withdrawal of appeal.	426. The person who has filed an appeal, except an appeal against a judgment imposing the death penalty, may withdraw it until the beginning of the hearing thereof.
Extension of period of appeal.	427. (a) Where an appeal is filed after the time allowed for filing it has passed, and the President of the Appeal Court is satisfied that the delay was due to circumstances over which the accused had no control and that the delay was not greater than was unavoidable under those circumstances, he shall extend the period of appeal, and he may extend if he is of the opinion that there is some other justification for the delay. Where the period of appeal has been extended, the President shall select the bench. (b) The President may extend the period of appeal as provided in subsection (a) either on his own motion or on the application of the appellant. (c) For the purpose of the extension, the President of the Appeal Court Martial may hear contentions and testimonies, and his decision shall be final.
Provisional extension of period of appeal.	428. Where an appeal has been filed and, before the bench has been selected, a doubt arises as to whether the appeal has been filed in time; the President of the Appeal Court Martial may extend the period of appeal provisionally and select a bench ; but the presiding judge may decide that the appeal was submitted out of a time and dismiss it.
Grounds of appeal not mentioned in statement of appeal.	429. (a) Subject as provided in subsection (b), and except for an appeal against a judgment imposing the death penalty, the court shall not, when hearing an appeal, entertain any argument not included in the statement of appeal unless it is satisfied that the omission was not due to any fault of the appellant, or that the hearing of the additional argument is necessary in the interests of justice. In an appeal against a judgment imposing the death penalty, the appellant may prefer any argument even though it may not have been included in the statement of appeal. (b) Where the court is of the opinion that the statement of appeal has not been drawn up by or in consultation with a person with a legal training, it shall give the appellant time to consult such a person and shall permit him to vary or replace the statement of appeal.

430. The appeal shall be heard in the presence of the parties ; where one of them does not appear, the court may hear the appeal in his absence ; if the appellant does not appear, the court may dismiss the appeal for that reason only.

Appeal to be heard in the presence of the parties.

431. (a) Where the appeal of an accused person has been dismissed under section 430 in his and his defence counsel's defence, and it has been proved to the court that their absence was due to circumstances over which they had no control, the court may, on the application of the accused or his defence counsel, rescind the dismissal and rehear the appeal.

Rescission of dismissal of appeal.

(b) An application under this section shall be submitted within fifteen days from the day on which the dismissal decision is notified to the appellant, and section 421 and 425 shall apply thereto as if it were a statement of appeal.

432. On the application of a party, the court may, with the consent of the other parties, consider the appeal in the absence of the parties ; where the court has decided so to do, it shall set the respondent a time for the submission of his answer in writing, and after the expiration of such time it may consider and determine the appeal on the strength only of the material brought before it in writing, without hearing the parties.

Hearing of appeal in the absence of the parties.

433. (a) Where the appeal is heard in the presence of the parties, the contentions of the appellant shall be heard first, thereafter the answer of the respondent, and finally the replication of the appellant.

Pleadings of the parties.

(b) Where appeals have been filed by several sentenced persons, the court constituted to deal with the appeals may join them and hear them together.

(c) Where both the sentenced person and the prosecutor have filed an appeal, their appeals shall be joined, and the contentions shall be heard in the order prescribed for the appeal of a sentenced person.

434. Where the appeal is against a judgment imposing a penalty of imprisonment for one year or a lighter penalty, the court shall, notwithstanding section 430, hear the appeal in the absence of the parties, on the basis only of the material brought before it in writing ; the court shall direct the hearing of the parties if one of them so requests or if, after studying the written material, it is of the opinion that the interests of justice so require.

Hearing of appeal in the absence of the parties where imprisonment for one year or a lighter penalty has been imposed.

435. In an appeal, the court may hear witnesses or take other evidence even if the witness has already been heard, or the evidence submitted, in the first instance, if it is of the opinion that the interests of justice so require.

Taking of evidence in an appeal.

436. The Appeal Court Martial which deals with an appeal against a judgment may decide —

Decision of Appeal Court Martial in an appeal against a judgment.

- (1) in the case of any appeal —
- (a) to dismiss the appeal ; or
 - (b) to quash the conviction and acquit the accused ; or
 - (c) to mitigate the penalty ; or
 - (d) to increase the penalty ;
 - (e) to quash the judgment appealed against and remit the case for rehearing to the district court or special court, as the case may be, with the direction, if necessary, to hold the accused under arrest — such direction to have the effect of a warrant of arrest — and with such other direction as the Appeal Court Martial may deem necessary, including a direction that a military judge who took part in the passing of the quashed sentence shall not take part in the rehearing.
- (2) in the case of an appeal of an accused person — convict the accused of an offence other than that of which he has been convicted, with or without variation of the penalty, so long as the conviction arises out of the evidence taken at the trial and that the penalty for such offence is not heavier than the penalty for the offence of which he was convicted in the judgment ;
- (3) in the case of an appeal of a prosecutor — quash the acquittal, convict the accused and impose a penalty on him, or convict the accused of an offence other than that of which he has been convicted, so long as the conviction arises out of the evidence taken at the trial and that the penalty for such offence is not heavier than the penalty for the offence with which he was charged in the information.

Decision of Appeal Court Martial in appeal against decision other than judgment.

437. The Appeal Court Martial which deals with an appeal against a decision other than a judgment may dismiss the appeal or may allow the appeal and give another decision instead of the decision appealed against.

Evidence in case remitted for rehearing.

438. Where a case has been remitted to the first instance for rehearing, the court shall, unless the Appeal Court Martial otherwise prescribes, hear the testimonies and take evidence afresh.

Reading of judgment in appeal.

439. The judgment in an appeal shall be read in public in the presence of the parties ; where an appeal has been heard in the absence of the parties, a certified copy of the judgment shall be delivered to them in such manner as the court may direct.

Dismissal of appeal in spite of legal defect in judgment.

440. The court may dismiss an appeal even if it has found that there is a legal defect in the judgment if it is satisfied that the defect involves no injustice towards the appellant.

CHAPTER SIX : CONFIRMATION OF SENTENCE

441. (a) For the purpose of this Law, "final judgment" means a judgment the period of appeal against which has elapsed without an appeal having been filed or, where an appeal has been filed, the judgment given in the appeal. The right of appeal under section 350 shall not prevent the finality of a judgment.

Confirmation of sentence.

(b) Every sentence imposed in a final judgment of a court martial shall be brought before the confirming authority.

(c) The confirming authority is —

(1) in the case of a sentence imposing the death penalty — the Minister of Defence ;

(2) in the case of a sentence of the Appeal Court Martial, or of a special military court, not imposing the death penalty — the C.G.S. ;

(3) in the case of a sentence of a naval court martial or of a field court martial — the chief of the jurisdictional district under whose command the person is who has set up the court ;

(4) in the case of every other judgment — the chief of the jurisdictional district of the court in question.

442. (a) A confirming authority before whom a sentence is brought shall confirm the sentence or mitigate the penalty ; and he may mitigate the penalty even if the whole or a part thereof has been imposed conditionally.

Powers of confirming authority.

(b) Where the court has imposed a non-conditional penalty, the confirming authority shall not replace it by a conditional penalty.

443. (a) The Minister of Defence and the C.G.S. shall, prior to their decision under section 442, take the opinion of the Military Advocate General.

Procedure of confirming authority.

(b) Every other confirming authority shall, prior to his decision as aforesaid, take the opinion of a military advocate.

444. Where the Appeal Court, in accordance with this Part, deals with an Appeal against a final judgment, the confirmation of the sentence, if already given, shall be regarded as void.

Confirmation void.

CHAPTER SEVEN : RETRIAL

445. In any of the following cases, the President of the Appeal Court Martial may direct the retrial of a person in respect of whom a final judgment has been given :

Retrial for the benefit of the accused.

(1) if after the original trial a court martial or another court establishes by judgment in a criminal case that any of the evidence produced at the original trial was based on a falsehood or forgery,

and there is reason to believe that had that part of the evidence not been before the court at the original trial this might have changed the outcome of the trial in favour of the accused ;

(2) if new facts or new evidence have or has come to light which are or is likely, by themselves or itself or in conjunction with material which was before the court at the original trial, to change the outcome of the case in favour of the accused, and which were or was not in the possession of or known to the accused at the time of the original trial ;

(3) if in the meantime another person has been convicted of committing the criminal act dealt with at the original trial, and it appears from the circumstances revealed at the trial of such other person that the person originally convicted of the offence was not a perpetrator of the criminal act ;

(4) if in the judgment in the original trial the person was sentenced for military treason, and there is reason to believe that the judgment was based on an error.

Retrial —
at any time.

446. A retrial under section 445 shall be held even if the penalty imposed in the original trial has already been enforced or the person sentenced in the first trial has died or has ceased to be a soldier.

Application
for retrial.

447. A retrial under section 445 may be applied for by the sentenced person and by the Chief Military Prosecutor ; where the sentenced person has died, a retrial as aforesaid may also be applied for by his spouse and by any of his descendants, parents, brothers and sisters.

Decision on
application.

448. (a) An application for a retrial shall be submitted in writing to the President of the Appeal Court and shall specify the reasons on which it is based.

(b) For the purpose of deciding on an application as aforesaid, the President may ask the Military Advocate General for a written opinion.

(c) Where an application as aforesaid has been submitted otherwise than by the Chief Military Prosecutor, the President shall decide thereon after giving the applicant and the Chief Military Prosecutor an opportunity to be heard.

Investigation
and preliminary
inquiry for the
purpose of
preparing an
opinion.

449. (a) For the purpose of an opinion as referred to in section 448 (b), the Military Advocate General may direct an investigation or a preliminary inquiry.

(b) Where an opinion of the Military Advocate General has been given as aforesaid, a copy thereof shall be delivered to the applicant, who may, within the time allowed by the President, reply thereto in writing.

Court sitting in
retrial.

450. Where the President of the Appeal Court Martial directs a retrial, a bench of a district court martial shall be selected before which the

retrial shall be held ; provided that if the original trial was held before a special court, a bench of a special court shall be selected for the retrial.

451. For the purpose of selecting a bench under section 450, the application together with the decision of the President, shall have the effect of an information submitted to the President of the court in question.

Selection of bench.

452. The ordinary processes of law shall apply to a retrial : Provided that the court may deviate therefrom if it decides so to do in view of the circumstances of the case.

Processes of law in retrial.

453. The court sitting in a retrial may, without hearing additional evidence, on the strength of the application referred to in section 448 and any other material attached thereto in accordance with that section and on the strength of the contentions of the parties, render a judgment confirming the judgment in the original trial or quashing it and acquitting the accused.

Judgment without hearing evidence.

454. Where the court decides that for the purpose of determining the case it must hear evidence, it shall quash the judgment given in the original trial and shall conduct the retrial as if it were the first trial of the case, on the information which was before the court in the original trial, and shall render judgment accordingly : Provided that it shall not convict the sentenced person of a graver offence than that of which he was convicted in the original trial, that the penalty imposed by it shall not be heavier than that imposed by the judgment in the original trial, and that the penalty enforced in consequence of the original trial shall be set off against the new penalty.

Judgment in retrial in which evidence has been heard.

455. Notwithstanding the provisions of section 454, a court in a retrial may admit evidence given and recorded before the court at the original trial if it has been proved to its satisfaction that it is impossible to produce the witness who gave that evidence, or if it is of the opinion that owing to the passage of time the witness has forgotten particulars which he gave at the original trial.

Admission of evidence given in the original trial.

456. The provisions as to appeal against military judgments apply also to a judgment given in a retrial.

Appeal.

457. Where the accused has been acquitted in a retrial, the quashing of the original judgment and the acquittal shall be published in such manner as the C.G.S. may direct.

Publication of acquittal in retrial.

CHAPTER EIGHT : GENERAL PROVISIONS

458. (a) Where any of the judges of a court martial dies after the bench has been selected, or for some other reason becomes unable to act as a judge, the authority who selected the bench shall include another mili-

Replacement of military judge.

tary judge therein in his stead, and the court in its new composition shall continue the proceedings from the point which it had reached in its previous composition.

(b) Where the presiding judge becomes unable to act for "some other reason", as aforesaid, after the information has been read, the accused or the prosecutor may demand that the presiding judge be not replaced, but that the trial be postponed until he is no longer unable to act, and the trial shall be postponed as aforesaid unless the court in its incomplete composition decides to refuse the request, giving reasons for its decision.

(c) A decision to refuse a request as referred to in subsection (b) may be appealed by the applicant to the Appeal Court Martial.

(d) The authority who selected the court shall not appoint another military judge in place of the presiding judge —

(1) where the court has decided to grant a request as referred to in subsection (b) ; or —

(2) where, a decision to refuse such a request having been appealed, the appeal has not yet been decided upon.

Competence of
successor of
commander.

459. Where a commander, by virtue of his power under this Law, has done a particular act, and in consequence of such act he is competent to do further acts, his successor shall likewise be competent to do such further acts.

Unforeseen
matters.

460. In any procedural matter for which no provision is made in this Law or in regulations made thereunder, a court martial shall act in such manner as seems best to it in the interests of justice, on condition that it shall give reasons for its decision in the matter.

PART SIX : FIELD COURT MARTIAL

Introduction
of field courts
martial.

461. (a) The following may, in a period of actual fighting, direct the introduction of field courts martial in the Army :

(1) the Government, by direction published in *Reshumot* ;

(2) the Minister of Defence, by direction published in the Army in such manner as he deems fit, if he is of the opinion that the circumstances so require.

(b) A direction under subsection (a) may be issued in respect of the whole Army or in respect of a part thereof.

(c) A direction under subsection (a) shall expire at the expiration of fourteen days from the day of its issue unless it is confirmed before then by the Foreign Affairs and Security Committee of the Knesset.

(d) A direction confirmed as specified in subsection (c) shall expire on being revoked by the authority who issued it or where three months have elapsed from the day on which it was confirmed and its

validity has not been extended by the Foreign Affairs and Security Committee of the Knesset ; an extension as aforesaid shall not exceed three months each time.

462. So long as a direction as referred to in section 461 is in force, the C.G.S. may empower commanders, generally or in respect of a particular case, to set up field courts martial.

Power to set up field courts martial.

463. On empowering a commander as specified in section 462, the C.G.S. may restrict the scope of competence of the court to be set up by such commander as to the service arm, the place or the offence or in any other respect.

Scope of competence of commander empowered to set up field court martial.

464. A field court martial is competent to try any offence which a court martial is competent to try under this Law and to impose any penalty which a court martial is authorised to impose for that offence, if the accused is subject to the jurisdiction of the field court martial in accordance with section 463.

Jurisdiction of field court martial.

465. A field court martial shall consist of three soldiers from among the subordinates of the commander empowered to set up the court ; at least two of them shall be officers and, if possible, at least one shall be a soldier with a legal training, even though he may not be a subordinate of that commander ; the provision of section 218 shall not apply to a field court martial.

Composition of field court martial.

466. A field court martial shall be convened by a commander whom the C.G.S. has empowered in that behalf, generally or in respect of a particular case, and who shall not be the commander who has set up the court.

Convening of field court martial.

467. A commander shall not be empowered to set up or convene a field court martial unless he is of or above the rank of *rav seren* ; provided that the C.G.S. may empower a commander of the rank of *seren* to set up a court as aforesaid if he is of the opinion that the conditions of the unit in which the court is to be set up so require.

Empowerment to set up and convene field court martial.

468. The person who sets up a field court martial shall appoint an officer to be prosecutor and another officer to be defence counsel at the trial in question ; if it is not possible to appoint officers, he shall appoint other soldiers, and if it is not possible to appoint more than one officer, he shall appoint him defence counsel.

Prosecutor and defence counsel.

469. The accused may choose another defence counsel instead of the defence counsel appointed under section 468 if this does not involve a delay in the proceedings.

Defence counsel chosen by the accused.

470. (a) An information shall be submitted by the prosecutor to the presiding judge and shall contain the following particulars :

Information.

- (1) the name of the court in which it is submitted ;
- (2) the name and surname of the accused ;
- (3) the Army number and rank of the accused, if any and if known ;
- (4) a description of the offence and sufficient particulars to explain the nature of the charge ;
- (5) the names of the witnesses for the prosecution.

(b) A field court martial may hear prosecution witnesses in addition to those mentioned in the information if it is of the opinion that the hearing thereof is necessary in the interests of justice.

Procedure.

471. A field court martial may adopt a summary procedure.

Case not yet adjudicated

472. Where the direction under section 461 is revoked, every proceeding before a field court martial in which the case has not yet been adjudicated shall be quashed, but this shall not be a bar to bringing the accused to trial for the same act in another court martial.

Appeal against judgment of field court martial.

473. (a) The Minister of Defence may direct, by order published in the Army Court in such manner as he may deem fit, that the hearing of appeals against judgments of field courts martial, in the whole Army or in part thereof, shall be postponed until the direction issued under section 461 is revoked or until such earlier date as he may prescribe.

(b) Where the Minister of Defence has directed as aforesaid, the accused may file his appeal until the fifteenth day after the expiration of the period of postponement.

(c) The Appeal Court Martial dealing with an appeal against a judgment of a field court martial, other than a judgment imposing the death penalty, may not vary the sentence unless it has decided to vary the conviction.

Carrying out of sentence of field court martial.

474. (a) A sentence of a field court martial, other than a judgment imposing the death penalty, shall be carried out forthwith, even though it may not be a final judgment.

(b) A sentence of a field court martial imposing the death penalty shall not be carried out until it has been confirmed in an appeal and by the confirming authority.

This Part to prevail over other provisions.

475. Save as provided in this Part, the provisions applying to every special or district court martial and the judgment thereof shall apply to a field court martial and the judgments thereof.

PART SEVEN: RULES OF EVIDENCE

General rules of evidence.

476. Save as otherwise provided in this Law, the rules of evidence binding in criminal matters in the law courts of the State are binding also in a court martial and before an examining judge.

477. A court martial shall not admit a confession of an accused person as evidence unless it is satisfied that he has made it voluntarily.

Confession of accused person as evidence.

478. The fact that a statement by an accused person containing a confession has been taken otherwise than in accordance with the rules set out in sections 266 to 272 shall not prevent the court from ruling that the accused has made the confession voluntarily.

Voluntary confession of accused person.

479. A statement by an accused person is not admissible as evidence against other accused persons.

Statement by accused person against other accused person.

480. A printed copy of Army Orders, or any printed copy of another publication issued by the C.G.S. or on behalf of the Army and certified by the C.G.S. as an official publication within the meaning of this section, which contains any order, direction or appointment shall be *prima facie* evidence of the giving, issuing or making of the order, direction or appointment and of the contents thereof.

Printed copies of official military publications.

481. A document purporting to be a document signed by an officer in execution of his duty and containing particulars as to the matters enumerated below shall be *prima facie* evidence of such particulars:

Military documents as evidence.

- (1) service in the Army or absence from such service ;
- (2) the Army unit to which a person belongs ;
- (3) offences of which a person has been convicted during his service in the Army ;
- (4) date of reception into or discharge from the Army ;
- (5) rank or assignment in the Army, or the time of receiving the same ;
- (6) other personal particulars relating to the membership of a person in the Army ;
- (7) the presence of a vessel outside the coastal waters of the State of Israel.

482. A document purporting to be signed by a police officer or military policeman certifying that a person was arrested or imprisoned on a specified day in a specified place shall be *prima facie* evidence of such fact ; but the court shall not admit as evidence a document as aforesaid if the accused demands that the signatory testify in court and the court is of the opinion that it is desirable in the interests of justice that such person so testify.

Certificate by policeman as evidence of arrest.

483. (a) A document purporting to be a standing order or routine order of an Army unit or a register, diary or other record kept in the Army by virtue of law or a lawful military order, or of custom, may be admitted by the court as *prima facie* evidence of its contents.

Other military documents.

- (b) The court shall not admit as evidence any other record as speci-

fied in subsection (a) if the accused demands that the person who prepared it testify in court and the court is of the opinion that it is desirable in the interests of justice that such person so testify.

Document presumed to be publication.

484. A printed document which according to the tenor thereof is one of the publications mentioned in section 480 and which bears any of the emblems of the Army shall be presumed to be such publication.

Transcripts.

485. Where a document has been prepared or certified by a soldier in execution of his duty, a transcript thereof, certified correct by his signature or the signature of the person in charge of keeping the document shall have the effect of the original document and shall be presumed correct.

Minutes of court martial.

486. (a) Minutes of a court martial signed by the presiding judge shall be conclusive evidence of anything recorded therein unless it is proved that they have been falsified.

(b) Minutes of a court martial purporting to be signed by the presiding judge shall be presumed to be so signed.

Submission of documents to a court martial.

487. A party to a proceeding in a court martial wishing to rely in the proceeding on a document admissible as evidence under the provisions of any law shall submit such document to the court.

Military documents as evidence in other courts.

488. Sections 480 to 486 shall apply also to a proceeding before any other court or tribunal in the State.

PART EIGHT : CARRYING OUT OF JUDGMENTS

CHAPTER ONE : CARRYING OUT

Carrying out of judgment.

489. (a) Unless the court otherwise directs, a convicting judgment shall not be carried out so long as a decision of the confirming authority under section 442 has not been given in respect of the sentence :

Provided that a judgment imposing a penalty of imprisonment, detention or confinement to camp or ship shall be carried out upon being read.

(b) An order under section 386 or 387 shall be carried out immediately upon being read.

Compensation to sentenced person who has undergone his penalty and is subsequently acquitted.

490. Where a sentenced person has undergone the whole or a part of a penalty of detention or confinement to camp or ship, and in an appeal against the judgment imposing such penalty he is acquitted, the Appeal Court may order that he be given leave or similar compensation, as the court may direct.

- 491.** Where a court martial imposes a penalty of imprisonment, detention or confinement to camp or ship, it may include in the period of imprisonment any period for which the sentenced person was under arrest before the sentence in connection with the same case. Calculation of periods of imprisonment, detention and confinement.
- 492.** Notwithstanding the provisions of section 489, a penalty of imprisonment, detention or confinement to camp or ship shall, unless the Appeal Court Martial otherwise directs, commence on the day on which the judgment in the appeal is read. Commencement of penalty in case of appeal.
- 493.** (a) The penalty of death imposed under this Law shall be carried out by shooting. Carrying out of death penalty.
- (b) A person under sentence of death shall, whether or not the judgment is final, be held under arrest until the penalty is carried out or commuted ; if the penalty has been imposed by a field court martial, section 499 shall apply to the arrest and, so long as the person is held otherwise than in a prison, every means may be adopted which in the circumstances of the case is necessary to ensure his being held in custody.
- 494.** A penalty of imprisonment imposed by a court martial shall be carried out in a military detention camp or military prison or in a prison within the meaning of the Prisons Ordinance, 1946¹⁾, or partly in one and partly in another of these. Place of carrying out of penalty of imprisonment.
- 495.** A person sentenced to imprisonment by a court martial who undergoes his penalty in a prison within the meaning of the Prisons Ordinance, 1946, shall be treated therein in every respect as if he were a prisoner undergoing a penalty of imprisonment imposed by a civil court. Person sentenced by court martial in civil prison.
- 496.** A penalty of detention shall be carried out in a detention camp or a guard-room, or partly in one and partly in the other. Carrying out of penalty of detention.
- 497.** (a) Where a person has been required by a court martial or in a disciplinary trial to pay a fine or compensation for damage to Army property or State property, and he has not paid it in cash, the requirement shall be enforced in one or both of the following ways : Collection of fines and compensation.
- (1) by deduction, as shall be prescribed by regulations, from the moneys due to the sentenced person from time to time by reason of his service in the Army ;
- (2) in the manner prescribed in the Taxes (Collection) Ordinance²⁾, except section 21 thereof.
- (b) Where a penalty of forfeiture of pay has been imposed, and at any stage of the carrying out of the penalty the sentenced person ceases to receive pay for his service in the Army, he shall be deemed to have

¹⁾ P.G. of 1946, Suppl. I, No. 1972, p. 3 (English Edition).

²⁾ Laws of Palestine vol. II, cap. 137, p. 1399 (English Edition).

been fined an amount equal to the amount which would have to be forfeited out of his pay until the completion of the carrying out of the sentence if he continued until then to receive pay at the rate of his last pay.

Compensation awarded to private person.

498. Where a person has been required by a court martial or in a disciplinary trial to pay compensation for damage other than damage to Army property or State property, the compensation shall be deemed to be an amount awarded to the injured party by a judgment of a civil court in a civil action.

Carrying out of penalty of imprisonment or detention imposed by field court martial or naval court martial.

499. Where a penalty of imprisonment or detention has been imposed by a naval court martial or a field court martial, and in the opinion of the commander who set up the court it is impossible to carry out the penalty in a place as prescribed by this chapter, the penalty shall be carried out in a place prescribed by the commander.

Prisoner of unsound mind.

500. Where a person is undergoing a penalty of imprisonment in a military prison or military detention camp, and two physicians attest that there is reason to believe that he is of unsound mind, he shall be transferred to an appropriate institution for appropriate examination ; if the physician at the head of that institution certifies that the person is of unsound mind, he shall be transferred to an institution for the care of mentally sick persons or to some other appropriate institution.

Prisoner again of sound mind.

501. (a) Where a person has been transferred to an institution as specified in section 500, and the physician at the head of that institution certifies that he is again of sound mind, a committee appointed under subsection (b) shall, after hearing or studying the opinion of experts, decide whether that person shall undergo the whole or a part of the remainder of his penalty.

(b) The committee for the purpose of this section shall be appointed by the C.G.S., and its members shall be a judge of the Appeal Court Martial, a physician and a military prosecutor.

Discharge from the Army not to relieve from penalty.

502. A person who has been sentenced to imprisonment or detention, whether by a court martial or in a disciplinary trial, shall undergo his penalty in the place prescribed therefor even if he has ceased to be a soldier or has ceased to be liable to service.

Prison regulations.

503. (a) The Minister of Defence may prescribe by regulations the procedure for the administration, guarding and regime of military prisons and the measures which may be adopted with regard to prisoners and detainees for the purpose of maintaining and encouraging discipline in a prison, including rules for the reduction of the penalty and the procedure for the admission and discharge of prisoners and detainees.

(b) The Military Prisons Regulations made under the Emergency

Regulations (Army Code, 5708), 5708—1948¹⁾, before the coming into force of this Law shall be deemed to have been made under this section, and this section shall be deemed to have been in force on the day they were made.

504. The C.G.S. may prescribe, in a statute, the procedure for the administration, guarding and regime of guardrooms and detention camps and the measures which may be adopted with regard to prisoners and detainees for the purpose of maintaining and encouraging discipline in such places, including rules for the reduction of the penalty and the procedure for the admission and discharge of prisoners and detainees.

Statute for guardrooms and detention camps.

505. The Minister of Defence may, by order under his hand, declare the place described in the order to be a military prison or military detention camp.

Declaration of places as prisons or detention camps.

506. A statute enacted under section 504 and an order under section 505 shall be published in Army Orders and shall not require publication in *Reshumot*.

Publication of statute and orders.

507. A disciplinary officer may, by direction under his hand, declare a place to be a military guardroom.

Declaration of place as military guardroom.

508. The C.G.S. shall lay down directions as to —

Directions by C.G.S.

- (1) the places in which the detention of persons under this Law shall be effected ;
- (2) the modes of effecting open detention ;
- (3) the procedure for carrying out judgments for reduction in rank, confinement to camp or ship and forfeiture of pay ;
- (4) the procedure for transferring prisoners from one place to another ;
- (5) rules for entering penalties imposed under this Law in the conduct sheet of the sentenced person and for deleting entries relating to offences amenable to disciplinary trial ;
- (6) rules for deleting entries relating to offences for which a pardon has been granted ;
- (7) the supply to public authorities of information concerning offences for which persons have been sentenced under this Law.

CHAPTER TWO: REVIEW OF PENALTY

509. There shall be established a Penalty Review Board (in this chapter referred to as "the Board"), the members of which shall be the Mili-

Penalty Review Board.

¹⁾ I.R. of 5708, Suppl. II, No. 20, p. 105.

tary Advocate General or a legal officer of or above the rank of *sgan aluf* appointed by him as his representative, and two officers of or above the rank of *sgan aluf* appointed by the C.G.S.

Mitigation or commutation of penalty.

510. The Board may review any penalty of imprisonment imposed by a court martial and may mitigate it or replace the whole or a part of it by a conditional penalty ; and it may do so again in respect of a penalty which has been mitigated.

Provisions as to proceedings of Board.

511. (a) The Board shall not decide upon the case of a prisoner unless it has given him an opportunity to appear before it and to be heard.

(b) The Board shall receive the opinion of an Army welfare officer or a probation officer and of a physician, in writing or orally, as the Board may determine, and it may, for the purpose of giving a decision upon the case of a prisoner, inspect such other material as it may think fit.

Submission of judgments for review by the Board.

512. Where a judgment imposing a penalty of imprisonment for a term exceeding one year has begun to be carried out, the Military Advocate General shall submit it for review by the Board once in six months, provided that he may submit it as aforesaid at an earlier date ; where a judgment imposes a penalty of imprisonment for a shorter period, the Military Advocate General shall submit it as aforesaid whenever he thinks fit.

Saving of other laws.

513. The provisions of this chapter shall not derogate from the power to pardon offenders and to reduce penalties under section 6 of the Transition Law, 5709—1949¹⁾.

PART NINE : SPECIAL OFFENCES

Contempt of court martial.

514. (a) A non-soldier who has committed any of the following offences :

(1) having been duly summoned to appear before a court martial has not so appeared, or has appeared, but has left the court before receiving permission to do so, and has not given a sufficient reason for his absence ;

(2) having been lawfully required by a court martial to take an oath or make an affirmation has failed to do so ;

(3) having been lawfully required by a court martial to produce a document in his possession wilfully has not produced it ;

(4) being a witness in a court martial has not answered a question which he has been lawfully required to answer or has knowingly given an evasive answer ;

¹⁾ *Sefer Ha-Chukkim* No. 1 of 5709, p. 1; *LSI* vol. III, p. 3.

(5) has caused any disturbance or interruption in the proceedings of the court,
is liable to imprisonment for a term of one year.

(b) A non-soldier who commits contempt of a court martial by using insulting or threatening language is liable to imprisonment for a term of two years.

515. For the purpose of section 514, "court" —

(1) includes an examining judge ;

(2) as regards paragraphs (1), (3) and (4) of subsection (a) of that section — includes a commission of inquiry ;

(3) as regards paragraphs (3) and (4) of subsection (a) of that section — includes an investigating officer.

Contempt of court with regard to an examining judge and others.

516. A non-soldier who evades being examined by an investigating officer under section 256 is liable to imprisonment for a term of one year.

Evasion of giving evidence before investigating officer.

517. A person who has published such words or parts of minutes of the proceedings, or of a judgment, of a court martial as should have been omitted in accordance with section 326 shall be deemed to be a person who has published information in contravention of section 4 of the Official Secrets Ordinance¹⁾.

Penalty for publication of proceedings of court martial.

518. A non-soldier who, by wearing insignia looking like insignia of rank or other military insignia, or a uniform looking like an Army uniform, or by false pretences or in any other manner, holds himself out to be a soldier is liable to imprisonment for a term of three years or to a fine of one thousand pounds or to both such penalties.

Personation of soldier.

519. A non-soldier who knowingly receives or retains, as a pledge to secure a debt, any article or document which was given to a soldier on behalf of the Army is liable to imprisonment for a term of one year or to a fine of five hundred pounds or to both such penalties.

Retention of documents.

520. A soldier who has committed any of the following offences :

(1) having been lawfully required to hand over to a civil authority another soldier under his command has wilfully failed to do so ;

(2) has obstructed the arrest of a soldier, or has wilfully refrained from assisting the arrest of a soldier under his command, by a non-soldier duly authorised to make such arrest,

is liable to imprisonment for a term of two years.

Soldier refusing to obey orders.

521. A person who commits an offence under this Part shall be tried for it by a civil court, but this provision shall not derogate from the power of the court martial under section 331.

Jurisdiction.

¹⁾ Laws of Palestine vol. II, cap. 100, p. 1023 (English Edition).

PART TEN: MISCELLANEOUS PROVISIONS

Ranks for the purpose of this Law.

522. A soldier who holds ranks of different categories or no rank shall, for the purpose of this Law, be deemed to hold the rank determined in accordance with Army Orders.

Confiscation of instruments of offence.

523. Where a person has been convicted by a court martial, the court may order that an instrument used by the offender in committing the offence shall be confiscated, even if his ownership thereof has not been proved.

Directions of the court as to the restoration of property.

524. Where a person has been convicted by a court martial of an offence in respect of property not his own, and the property or part thereof or a thing acquired in exchange therefor has been found in his possession, the court may in its sentence direct that what has been found in the possession of the offender as aforesaid shall be handed over to the person who appears to be the owner of the property.

Restoration of property otherwise than by sentence.

525. Where any property has come into the hands of a soldier in connection with an investigation or inquiry or other proceedings under this Law in respect of an offence, and a direction under section 524 has not been issued in respect of such property, that soldier or a person claiming a right to the property may request the president of a district court martial to direct how the property shall be disposed of, and the president shall decide upon the request after hearing the opinion of a military prosecutor.

Saving of rights.

526. The provisions of sections 523, 524 and 525 shall not derogate from the right of a person who has not been convicted to claim from the State property which has been confiscated, or to claim from a person property which has been handed over to him, under those sections.

Summoning of soldiers as witnesses.

527. A witness who is a soldier, not being a person to whom this Law applies by virtue of section 6 or 7, shall be summoned by the court in such manner as shall be determined in Army Orders, and his obedience to the summons may be enforced as therein provided.

Summoning of other witnesses.

528. (a) A witness who is not a soldier, or a witness to whom this Law applies by virtue of section 6 or 7, shall be summoned in like manner as witnesses are summoned to a magistrate's court, with the following modifications:

- (1) the summons shall be signed by the president of the court or a person empowered by him in that behalf or by the presiding judge;
- (2) the server of the summons may be a soldier;
- (3) the summons shall be on a form of a pattern prescribed by regulations.

(b) The rates of payments to be made to witnesses as aforesaid by

way of travel allowance, loss-of-working-time allowance and lodging allowance shall be the same as are in force in the civil courts.

529. Where a witness as referred to in section 528 has been summoned to appear but has not appeared, and it is proved to the court that he has been duly summoned, the presiding judge may give a police officer an order under his hand to arrest the witness and to produce him to the court.

Order to produce witness who has been summoned but has not appeared.

530. Where the presiding judge is satisfied, on the strength of sworn evidence, that a witness whom he proposes to summon under section 528 will not answer the summons, he may give an order as referred to in section 529 in lieu of a summons.

Order to produce in lieu of summons.

531. An order as referred to in section 529 shall, with regard to a police officer and any other person, have the effect of a warrant of arrest for the purpose of compelling attendance, made under section 21 of the Criminal Procedure (Trial upon Information) Ordinance¹).

Effect of order to produce.

532. The provisions of sections 527 to 531 relating to a court or a presiding judge shall apply *mutatis mutandis* to an examining judge.

Summoning of witnesses by examining judge.

533. Where a person has been convicted by a civil court or any other court, other than a court martial, or any tribunal of an offence involving ignominy, and such person holds a rank (whether or not he is serving in the Army), the C.G.S. may, with the approval of the Minister of Defence, deprive him of his rank.

Deprivation of rank consequent upon conviction by civil court.

534. Where damage has been caused to an installation in the Army, or to the furniture of or any other article situated in or belonging to such an installation, and a commission of inquiry has established —

Requirement to pay compensation for damage to installation.

(1) that the damage has been wilfully caused by a particular group of soldiers encamped or situated in or near the installation ;

(2) the extent of the damage caused as aforesaid ;

(3) that it is impossible to establish which of those soldiers has caused the damage,

an officer empowered in that behalf by the C.G.S. may require all the soldiers belonging to that group to pay damages in equal shares ; provided that a soldier shall not be required to pay an amount exceeding five pounds.

535. A payment imposed on a soldier under section 534 shall be collected in the manner prescribed in section 497.

Collection of payments imposed on group.

536. Section 534 shall not apply to damage for causing which a particular person has been convicted ; and if a person is convicted as aforesaid

Refund of amounts collected.

¹) Laws of Palestine vol. I, cap. 36, p. 475 (English Edition).

	after moneys have been collected from another person under that section, the moneys shall be refunded to the person who has paid them.
Commissions of inquiry.	537. The Minister of Defence or the C.G.S. may appoint a commission of inquiry for the purpose of investigating any matter relating to the Army, and such a commission shall be competent to summon witnesses and to take evidence on oath or otherwise.
Material of commission of inquiry not to be evidence in court.	538. Nothing uttered in the course of an investigation of a commission of inquiry, whether by a witness or otherwise, and no report of a commission of inquiry, shall be admitted as evidence in court, except where a person is on trial for giving false testimony before that commission of inquiry.
Right of soldier in an investigation involving his good name.	539. Where a commission of inquiry has been appointed to investigate, or in the course of its work has come upon, a matter involving the good name of a soldier, such soldier shall be given an opportunity to be present at the investigation, to examine witnesses and to be heard.
Delegation of powers.	540. The C.G.S. may from time to time delegate to another commander all or any of his powers under this Law, except the powers referred to in the definition of "Army Orders" in section 1 and his powers under section 158, 177 (c), 185, 186, 187, 191, 192, 198, 212, 441 (c) (2), 462 and 504.
Application of Penal Law Revision (Modes of Punishment Law, 5714-1954.	541. (a) The Penal Law Revision (Modes of Punishment) Law, 5714—1954 ¹⁾ , except sections 1 to 5 and 7 to 11 thereof in respect of non-military offences, shall not apply to a matter to which this Law applies. (b) This section shall apply also in relation to the Emergency Regulations (Army Code, 5708), 5708—1948 ²⁾ , as if it had come into force upon the coming into force of the Penal Law Revision (Modes of Punishment) Law, 5714—1954.
Implementation and regulations.	542. The Minister of Defence is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation; provided that he shall not make regulations as to the procedure in courts martial save with the consent of the Minister of Justice.
Repeal.	543. There are hereby repealed — (1) the Emergency Regulations (Army Code, 5708), 5708—1948 ²⁾ (hereinafter: "the Code"); (2) section 20A of the Firearms Law, 5708—1949 ³⁾ ; (3) the Civil Trial of Members of the Forces Ordinance, 1947 ⁴⁾ .

¹⁾ *Sefer Ha-Chukkim* No. 166 of 5714, p. 234; *LSI* vol. VIII, p. 206.

²⁾ *I.R.* of 5708, Suppl. II, p. 105.

³⁾ *Sefer Ha-Chukkim* No. 18 of 5709, p. 143; *LSI* vol. III, p. 61.

⁴⁾ *P.G.* of 1947, Suppl. I, No. 1604, p. 171 (English Edition).

544. (a) Notwithstanding the repeal of the Code —

Transitional provisions.

(1) where a court has been set up to try an accused person under the Code, and the case is pending on the day of the coming into force of this Law (hereinafter referred to as "the determining date"), all proceedings in such case shall continue in accordance with such procedure and before such institution of the legal system as is prescribed in the Code :

Provided that where the Supreme Court Martial has remitted a case to a court of first instance, it shall be dealt with in accordance with this Law ;

(2) where a judgment of a court martial, or of a commander competent to be a judge, given under the Code has imposed a penalty the whole or a part of which has not yet been carried out, the penalty or the remaining part thereof shall be carried out as if it had been imposed under this Law ; for the purpose of this provision, a penalty of detention or a penalty of full detention in camp shall be deemed to be detention imposed under this Law¹⁾ ;

(3) an investigation or preliminary inquiry held under the Code before the determining date shall be deemed to be an investigation or preliminary inquiry held under this Law ;

(4) a warrant of arrest which was in force immediately before the determining date shall be deemed to have been issued under this Law, and its validity may be extended thereunder even if it had already been extended under the Code ;

(5) a place which was declared under the Code to be a military guardroom, detention camp or military prison, and which immediately before the determining date was used as such, shall be deemed to have been so declared under this Law.

(b) (1) The person who immediately before the determining date acted as President of the Supreme Court Martial shall be deemed to have been appointed President of the Appeal Court Martial under this Law ;

(2) a person with a legal training who immediately before the determining date acted as Vice-President of the Supreme Court Martial shall be deemed to have been appointed under this Law as a legally qualified military judge of the Appeal Court Martial ;

(3) a person with a legal training who immediately before the determining date held an appointment under Army Orders as presiding judge of a district court martial shall be deemed to have been appointed a legally qualified military judge of a special or district court martial ;

¹⁾ *Translator's Note:* In the original, the Code and the present Law use different terms for "detention".

(4) a person who immediately before the determining date acted as Military Advocate General, military advocate, Chief Military Prosecutor or military prosecutor shall be deemed to have been appointed as such under this Law ;

(5) a person who immediately before the determining date held an appointment under Army Orders as Chief Military Defence Counsel or military defence counsel shall be deemed to have been appointed as such under this Law.

Saving of regulations with regard to absentees and deserters.

545. Where a person has committed an offence under regulation 80 or 94 of the Code, and the act in question constitutes an offence also under this Law, and the person has not returned to the service by the determining date, the said regulations shall continue to apply to him as if they had not been repealed under section 543.

Commencement

546. (a) Notwithstanding the provision of section 2 (d) of the Transition Law, 5709—1949¹⁾, this Law shall be published in *Reshumot* within one month from the day of its adoption by the Knesset.

(b) This Law shall come into force on the 17th Tevet, 5716 (1st January, 1956).

(c) Notwithstanding the provision of subsection (b), section 189 shall come into force on the 4th Iyar, 5718 (24th April, 1958) ; and any appointment to one of the functions referred to in section 188 which will be in force immediately before that day shall expire on that day.

(The Schedule, containing model texts of informations, is omitted in this translation).

MOSHE SHARETT
Prime Minister

DAVID BEN-GURION
Minister of Defence

YITZCHAK BEN-ZVI
President of the State

¹⁾ *Sefer Ha-Chukkim* of 5709, p. 1; *LSI* vol. III, p. 3.

No. 55

BANK OF ISRAEL (TEMPORARY PROVISION) LAW, 5715—1955*

1. Notwithstanding the provisions of the Bank of Israel Law, 5714—1954¹⁾, section 78 of the said Law shall come into force only on a date to be determined by the Government with the approval of the Finance Committee of the Knesset, but not later than the 21st Shevat, 5716, (3rd February, 1956).

Commencement
of operation of
section 78.

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Prime Minister

YITZCHAK BEN-ZVI
President of the State

BUDGET LAWS

BUDGET (1954/55) (AMENDMENT) LAW, 5714—1954**

1. In the Second Schedule to the Budget (1954/55) Law, 5714—1954¹⁾ (hereinafter: "the Budget Law") —

Amendment of
Schedule.

(a) the figure "168,000,000" in head of expenditure 48, "Expenditure for the Development Budget", shall be replaced by the figure "196,000,000" ;

(b) the figure "26,000,000" in head of expenditure 50, "Subsidies to Reduce the Prices of Essential Commodities", shall be replaced by the figure "10,000,000" ;

(c) the figure "25,000,000" in head of expenditure 51, "Funds for Short-Term Financing (Purchase of Foreign Currency, Commercial Agreements and Stocks for Government Stores)", shall be replaced by the figure "13,000,000".

*) Passed by the Knesset on the 14th Elul, 5715 (1st September, 1955) and published in *Sefer Ha-Chukkim* No. 190 of the 17th Elul, 5715 (4th September, 1955), p. 242; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 247 of 5715, p. 200.

1) *Sefer Ha-Chukkim* No. 164 of 5714, p. 192; *LSI* vol. VIII, p. 163.

**) Passed by the Knesset on the 9th Elul, 5714 (7th September, 1954) and published in *Chukkei Taktziv* No. 8 of the 9th Tishri, 5715 (6th October, 1954), p. 100; the Bill was published in *Chukkei Taktziv (Hatza'ot)* No. 7 of 5714, p. 16.

2) *Chukkei Taktziv* No. 7 of 5714, p. 2; *LSI* vol. VIII, p. 220.

Breakdown of expenditure for the Development Budget.

2. The breakdown of the amount appropriated by the Budget Law, as amended by this Law, under head of expenditure 48, "Expenditure for the Development Budget" (hereinafter: "the Development Budget") into heads, subheads and items of expenditure shall be as specified in the Schedule to this Law.

Variations in Development Budget.

3. The Minister of Finance may —

(a) with the approval of the Finance Committee of the Knesset transfer —

(1) any amount from one head of expenditure of the Development Budget to another ;

(2) any amount from one subhead of expenditure of the Development Budget to another subhead of the same head of expenditure ;

(b) transfer any amount from one item of the Development Budget to another item of the same subhead.

Use of General Reserve of Development Budget.

4. The Minister of Finance may from time to time prescribe the purposes for which the amounts of the General Reserve of the Development Budget shall be used.

Use of surpluses of Development Budget.

5. (a) If at the expiration of the financial year 1954/55 a surplus remains under any of the heads of expenditure of the Development Budget, the Minister of Finance, or a person appointed by him in that behalf, may permit such surplus to be used within six months from the expiration of that financial year for the purpose to which it was appropriated or, having regard to the provisions of section 3, for another purpose within the scope of that Budget.

(b) If at the expiration of six months from the expiration of the financial year 1954/55 a surplus remains under any of the heads of expenditure of the Development Budget, the Minister of Finance may, with the prior approval of the Finance Committee of the Knesset, permit such surplus to be used within nine months from the expiration of that financial year for a purpose within the scope of that Budget.

Publication.

6. (a) Notwithstanding the provision of section 2 (d) of the Transition Law, 5709—1949¹⁾, this Law shall be published in *Reshumot* within one month from the day on which it is adopted by the Knesset.

(b) The Minister of Finance shall publish in *Reshumot* the expenditure incurred under the Development Budget for the financial year 1954/55, together with the publication of the revenue and expenditure under section 9 of the Budget Law.

Commencement.

7. This Law shall have effect retroactively as from the 27th Adar Bet, 5714 (1st April, 1954).

¹⁾ *Sefer Ha-Chukkim* No. 1 of 5709, p. 1; *LSI* vol. III, p. 8.

SCHEDULE

(section 2)

EXPENDITURE FOR DEVELOPMENT BUDGET

	IL.
Grand Total	196 000 000
401 Agriculture	59 575 000
415 Development of the Arava (Steppe Region)	2 000 000
420 Industry and Handicraft	12 440 000
425 Minerals and Mines	9 450 000
430 Electricity	10 450 000
435 Jordan Canal	1 500 000
440 Transport	25 500 000
450 Post	5 270 000
460 Housing	20 150 000
470 Loans to Local Authorities	7 700 000
475 Buildings for Medical Institutions, Schools and Government Institutions	8 250 000
480 Various Funds and Enterprises	1 050 000
485 Public Companies	840 000
490 Public Works	6 970 000
495 Works to Increase Employment	13 875 000
498 Consolidation Enterprises	10 000 000
499 Reserve	980 000

(The remaining part of the Schedule, containing the further breakdown of the Development Budget, is omitted in this translation).

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

DEVELOPMENT BUDGET (1953/54) (No. 2) LAW, 5715—1954*

1. In addition to the amounts which the Government is authorised to expend under the Development Budget (1953/54) Law, 5713—1953¹⁾, the amount of IL.27,888,000 (hereinafter: "the Additional Budget") shall be deemed to have been authorised for expenditure under that Law.

Additional
Budget for the
year 1953/54.

* Passed by the Knesset on the 12th Kislev, 5715 (7th December, 1954) and published in *Chukkei Taktziv* No. 9 of the 28th Kislev, 5715 (23rd December, 1954), p. 120; the Bill was published in *Chukkei Taktziv (Hatza'ot)* No. 8 of 5715, p. 20.

¹⁾ *Chukkei Taktziv* No. 5 of 5714, p. 70; *LSI* vol. VIII, p. p. 216.

- Additional revenue. 2. The additional revenue of the State to cover the Additional Budget is as set out in the First Schedule.
- Details of Additional Budget. 3. The breakdown of the amount of the Additional Budget into heads, subheads and items of expenditure shall be as set out in the Second Schedule to this Law.
- Application. 4. The provisions of sections 4, 6 (b) and 7 of the Development Budget (1953/54) Law, 5713/1953, shall apply to the Additional Budget.
- Commencement. 5. This Law shall have effect retroactively as from the 16th Nisan, 5713 (1st April, 1953).

FIRST SCHEDULE

(section 2)

ESTIMATED REVENUE

	<i>IL.</i>
Grand Total	27 888 000
A. Reparations Counterpart Fund	22 700 000
B. Grant-in-Aid Counterpart Fund	5 188 000

SECOND SCHEDULE

(section 3)

EXPENDITURE BUDGET

	<i>IL.</i>
Grand Total	27 888 000
A. Agriculture	7 636 220
C. Industry	4 419 780
D. Minerals and Mines	2 185 000
E. Electricity	4 880 000
F. Transport	300 000
G. Post	150 000
H. Housing	3 995 000
I. Loans to Local Authorities and Public Companies	455 000
J. Buildings for Medical Institutions, Schools and Government Institutions	17 000
M. Public Works	2 750 000
P. Jordan Canal	1 100 000

(The remaining part of the Second Schedule, containing the further breakdown of the Expenditure Budget, is omitted in this translation).

MOSHE SHARETT
Prime Minister

PERETZ NAPHTALI
*Minister of Agriculture
Acting Minister of Finance*

BUDGET (1954/55) (No. 2) Law, 5715—1955*

- | | |
|--|--|
| <p>1. In addition to the amounts which it is authorised to expend under the Budget (1954/55) Law, 5714—1954¹), as amended by the Budget (1954/55) (Amendment) Law, 5714—1954²), the Government may, in the financial year 1954/55, expend an amount of IL.11,423,000 (hereinafter: "the Additional Budget").</p> | <p>Additional Budget for the year 1954/55.</p> |
| <p>2. The estimated additional revenue of the State in the financial year 1954/55 to cover the Additional Budget is as set out in the First Schedule to this Law.</p> | <p>Estimated additional revenue.</p> |
| <p>3. The apportionment of expenditure under the Additional Budget shall be as set out in the Second Schedule to this Law.</p> | <p>Apportionment of Additional Budget.</p> |
| <p>4. The provisions of sections 3, 5 and 6 of the Budget (1954/55) (Amendment) Law, 5714—1954, shall apply also to the Additional Budget.</p> | <p>Application.</p> |
| <p>5. The Minister of Finance is charged with the implementation of this Law.</p> | <p>Implementation.</p> |
| <p>6. This Law shall have effect retroactively as from the 27th Adar Bet, 5714 (1st April, 1954).</p> | <p>Commencement.</p> |

FIRST SCHEDULE

(section 2)

REVENUE

44 — Revenue from the Development Authority (from the sale of lands to the Keren Kayemet Le-Israel B.M).	<p>IL. 11 423 000</p>
--	---------------------------

SECOND SCHEDULE

(section 3)

EXPENDITURE	IL. 11 423 000
401,01 207 Loans to Settlers through the Jewish Agency	11 008 000
440,16, 104 Acquisition of Railway Carriages	415

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

* Passed by the Knesset on the 8th Nisan, 5715 (31st March, 1955) and published in *Chukkei Taktziv* No. 10 of the 7th Iyar, 5715 (29th April, 1955), p. 124; the Bill and an Explanatory Note were published in *Chukkei Taktziv (Hatzva'ot)* No. 10 of 5715, p. 44.

1) *Chukkei Taktziv* No. 7 of 5714, p. 2; *LSI* vol. VIII, p. 220.

2) *Chukkei Taktziv* No. 8 of 5715, p. 100; *supra*, p. 281.

BUDGET (1954/55) (No. 3) LAW, 5715—1955*

- Additional Budget for the year 1954/55.
- Estimated additional revenue.
- Details of Additional Budget.
- Application.
- Implementation.
- Commencement.
1. In addition to the amounts which it is authorised to expend under the Budget (1954/55) Law, 5714—1954¹⁾, as amended by the Budget (1954/55) (Amendment) Law, 5714—1954²⁾, and under the Budget (1954/55) (No. 2) Law, 5715—1955³⁾, the Government may expend in the financial year 1954/55 an amount of 41,316,000 pounds (hereinafter: “the Additional Budget”),
 2. The estimated additional revenue of the State in the financial year 1954/55 to cover the Additional Budget is as set out in the First Schedule to this Law.
 3. The breakdown of the amount of the Additional Budget into heads, subheads and items of expenditure shall be as set out in the Second Schedule to this Law.
 4. The provisions of sections 5, 8 and 9 of the Budget (1954/55) Law, 5714—1954, shall apply also to this additional Budget, except the “Expenditure for the Development Budget” in part D, serial number 16, of the Second Schedule to this Law.

The provisions of sections 3, 5 and 6 of the Budget (1954/55) (Amendment) Law, 5714—1954, shall apply also to the “Expenditure for the Development Budget” in Part D, serial number 16, of the Second Schedule to this Law.
 5. The Minister of Finance is charged with the implementation of this Law.
 6. This Law shall have effect retroactively as from the 27th Adar Bet, 5714 (1st April 1954).

* Passed by the Knesset on the 8th Nisan, 5715 (31st March, 1955) and published in *Chukkei Taktziv* No. 10 of the 7th Iyar, 5715 (29th April, 1955), p. 125; the Bill and an Explanatory Note were published in *Chukkei Taktziv (Hatzat'ot)* No. 11 of 5715, p. 46.

1) *Chukkei Taktziv* No. 7 of 5714, p. 2; *LSI* vol. VIII, p. 220.

2) *Chukkei Taktziv* No. 8 of 5715, p. 100; *supra*, p. 281.

3) *Chukkei Taktziv* No. 10 of 5715, p. 124; *supra*, p. 285.

FIRST SCHEDULE

(section 2)

REVENUE	<i>IL.</i>
<i>Part</i>	Grand Total
A Ordinary Revenue	41 316 000
B Transferred Revenue	17 100 000
C Revenue from Ministry of Posts and Ministry of Transport	760 000
D Revenue from Counterpart Funds, Loans and Collections — for Development Budget, Payment of Debts and Special Expenditure	2 956 000
	20 500 000

Serial Number

PART A

<i>Ordinary Revenue</i>		17 100 000
1.	01 — Income Tax	11 500 000
2.	06 — Property Tax — Urban	100 000
3.	Rural	250 000
4.	11 — Land Betterment Tax	200 000
5.	12 — Estate Duty	150 000
6.	02 — General Customs Duty	2 000 000
7.	04 — Excise on Liquors	1 500 000
8.	Cement	4 000 000
9.	Tyres	250 000
10.	05 — Classified Tax (Purchase Tax)	3 700 000
11.	11 — Foreign Travel Tax	350 000
12.	07 — Revenue Stamp Duty from Entertainments	150 000
13.	Stamp Duty	100 000
14.	08 — Licence Fees — Miscellaneous	1 700 000
15.	09 — Land Registry	700 000
16.	Fees for Sundry Services	500 000
17.	10 — Collections o/a Interest and Sundry Revenue	550 000

PART B

<i>Transferred Revenue</i>		760 000
18.	01 — Income Tax (earmarked for education)	300 000
19.	05 — Classified Tax (Purchase Tax)	500 000
20.	07 — Stamp Duty on Entertainments	150 000
21.	16 — From War Damage Compensation Tax Fund	63 000
22.	18 — From Development Authority	7 000
23.	20 — From Custodian of Absentees' Property	1 000
24.	21 — From Custodian of Enemy Property	3 500
25.	19 — From Compulsory Loan and Property Tax	35 500

PART C

*Revenue from Ministry of Posts and
Ministry of Transport*

		2 956 000
	From Ministry of Posts	
26.	34 — Post	2 000 000
	From Ministry of Transport	
27.	30 — 15 Haifa Port	956 000

PART D

*Revenue from Counterpart Funds, Loans
and Collections for Development Budget,
Payment of Debts and Special Expenditure*

		20 500 000
28.	Reparations Counterpart Fund	10 000 000
29.	Independence-Loan-and-Development-Loan Counterpart Fund	6 400 000
30.	Internal Loans from Insurance, Pension and Provident Institutions	2 750 000
31.	Special Loan	1 350 000

SECOND SCHEDULE

(section 3)

EXPENDITURE		IL.
Part	Grand Total	
		41 316 000
A	Ordinary Revenue	17 100 000
B	Transferred Revenue	760 000
C	Expenditure of Ministry of Posts and Ministry of Transport	2 956 000
D	Expenditure for Development Budget, Payment of Debts and Special Expenses	20 500 000

Number
Serial

PART A

Ordinary Revenue

		17 100 000
1.	05 — Ministry of Finance	2 500 000
2.	30 — Special Budgets	4 000 000
3.	33 — Pensions and Compensation to Employees	600 000
4.	50 — Subsidies for the Reduction of the Prices of Essential Foodstuffs (Transfer from Part D)	10 000 000

PART B

Transferred Revenue

		760 000
5.	10 — Ministry of Education and Culture	500 000
6.	20 — Ministry of the Interior — Local Authorities	150 000
7.	28 — War Damage Compensation Tax Fund	63 000
8.	2910- Development Authority	7 000
9.	2911- Custodian of Absentees' Property	1 000
10.	2912- Custodian of Enemy Property	3 500
11.	31 — Compulsory Loan and Property Tax	35 500

PART C

*Expenditure of Ministry of Posts and
Ministry of Transport*

		2 956 000
34 —	Ministry of Posts	2 000 000
12.	Operational Expenses	800 000
13.	Write-offs o/a Earlier Investments (Depreciation and Interest)	1 200 000
22 —	Ministry of Transport	956 000
14.	Ports and Aerodromes Operational Expenses	484 000
15.	Railways Operational Expenses	472 000

PART D

*Expenditure for Development Budget,
Payment of Debts and Special Expenses*

		20 500 000
16.	Expenditure of Development Budget	12 500 000
17.	Payment of Debts	18 000 000
18.	Subsidies for the Reduction of the Prices of Essential Foodstuffs (Transfer to Part A)	10' 000 000

(The remaining part of the Schedule, which contains
the further breakdown of the Additional Budget,
is omitted in this translation).

MOSHE SHARON
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

BUDGET (1955/56) LAW, 5715—1955*

1. The Government is authorised to expend in the financial year beginning the 9th Nisan, 5715 (1st April, 1955) and ending the 19th Nisan, 5716 (31st March, 1956), hereinafter called "the financial year 1955/56", an amount of 631,100,000 pounds (hereinafter: "the Budget").
Budget for the year 1955/56.
2. The estimated revenue of the State to cover the Budget in the financial year 1955/56 is as set out in the First Schedule to this Law.
Estimated revenue.
3. (a) The breakdown of the amount of the Budget into parts, and of each part into heads, subheads and items of expenditure shall be as set out in the Second Schedule to this Law.
Breakdown of Budget.

* Passed by the Knesset on the 8th Nisan, 5715 (31st March, 1955) and published in *Chukkei Taktziv* No. 11 of the 10th Sivan, 5715 (31st May, 1955), p. 2; the Bill was published in *Chukkei Taktziv (Hatza'ot)* No. 9 of 5715, p. 24.

(b) In this section and thereafter —

(1) "head of expenditure" means every amount of expenditure marked with two figures in the Second Schedule ;

(2) "subhead of expenditure" means every amount of expenditure marked with four figures in the Second Schedule ;

(3) "item" means every amount of expenditure within a subhead of expenditure.

Special
Budgets.

4. (a) The Finance Committee of the Knesset (hereinafter : "the Committee") shall, upon the proposal of the Government, decide on the apportionment of the amount appropriated under section 30, "Special Budgets", and determine the amounts to be allocated therefrom —

(1) to the Security Budget ;

(2) to the Special Reserve.

(b) The amount to be allocated under subsection (a) to the Security Budget, together with the amount appropriated under head of expenditure 06, "Ministry of Defence", is hereinafter called "the Security Budget" ; the division of the Security Budget into subheads and items of expenditure shall be determined by the Committee upon the proposal of the Government.

(c) The Minister of Finance may, with the approval of the Committee, prescribe the purposes for which the amounts to be allocated to the Special Reserve under subsection (a) shall be used.

Variations.

5. (a) Upon the proposal of the person in charge of any head of expenditure, other than the head of expenditure of the Knesset or the State Comptroller's Office, the Minister of Finance or a person appointed by him in that behalf may —

(1) with the approval of the Committee transfer any amount from one subhead to another subhead of that head of expenditure ;

(2) transfer any amount from one item of that head of expenditure to another item of the same subhead or to a new item added to that subhead ; provided that an amount exceeding 100,000 pounds shall not be transferred from one item to another without the approval of the Committee.

(b) For the purpose of subsection (a), the person in charge of a head of expenditure is —

(1) in the case of the Office of the President of the State — the person appointed in that behalf by the President ;

(2) in the case of any other head of expenditure — the Minister designated in that behalf by the Government or the person appointed in that behalf by that Minister.

(c) In the case of the head of expenditure of the Knesset, the Committee may, upon the proposal of the Chairman of the Knesset, transfer

any amount from one subhead or item to another or to a newly added item.

(d) In the case of the head of expenditure of the State Comptroller's Office, the Committee may, upon the proposal of the State Comptroller, transfer any amount from one subhead or item to another or to a newly added item.

(e) To the extent required by changes in the structure or functions of Government Ministries, the Minister of Finance may, by notice to the Committee, transfer any amount from one head or subhead of expenditure set out in the Second Schedule to others.

6. The Minister of Finance may, by notice to the Committee, prescribe from time to time the purpose for which the amounts of the General Reserve shall be used.

Use of General Reserve.

7. In addition to the amount of the Budget which it is authorised to expend under section 1, the Government may expend the amounts of revenue set out in the Third Schedule to this Law to the extent that such amounts of revenue will have been received; if the said amounts of revenue exceed the estimate given in the Third Schedule, the Minister of Finance shall, with the prior approval of the Committee, prescribe the purposes for which the surplus shall be used.

Conditional expenditure.

8. (a) If at the expiration of the financial year 1955/56 a surplus remains under any head of expenditure, the Minister of Finance or a person appointed by him in that behalf may permit such surplus to be used within one month from the expiration of that financial year for the purpose to which it was appropriated or, having regard to the provisions of section 5, for another purpose within the scope of that head of expenditure.

Use of surpluses.

(b) If at the expiration of one month from the expiration of the financial year 1955/56 a surplus remains under any head of expenditure, the Minister of Finance may, with the prior approval of the Committee, permit such surplus to be used within three months from the expiration of that financial year for a purpose within the scope of that head of expenditure.

(c) In respect of head of expenditure 47, "Expenditure for the Development Budget", subsections (a) and (b) shall be read as if the words "one month" and "three months" had respectively been replaced by the words "six months" and "nine months".

9. The Minister of Finance shall publish in *Reshumot* the revenue collected and expenditure incurred under the Budget for the financial year 1955/56 within eleven months from the termination of that financial year. This publication shall be effected in a form permitting a comparison of the revenue collected with the heads of estimated revenue in the First and Third Schedules, and of the expenditure incurred with

Publication of revenue and expenditure.

the heads and subheads of expenditure in the Second Schedule, to this Law.

- Publication of Law. 10. Notwithstanding the provision of section 2 (d) of the Transition Law, 5709—1949¹⁾, this Law shall be published in *Reshumot* within two months from the day on which it is adopted by the Knesset.
- Implementation. 11. The Minister of Finance is charged with the implementation of this Law.
- Commencement. 12. This Law shall come into force on the 9th Nisan, 5715 (1st April, 1955).

FIRST SCHEDULE

(section 2)

REVENUE	IL.
	Grand Total 631 100 000
<i>Part</i>	
A Ordinary Revenue	311 625 000
B Transferred Revenue	17 275 000
C Revenue from Ministry of Posts and Ministry of Transport	39 700 000
D Revenue from Counterpart Funds, Loans and Collections for the Development Budget, the Payment of Debts and Special Expenditure	262 500 000
PART A	
<i>Ordinary Revenue</i>	311 625 000
<i>Serial Number</i>	
from Taxes, Licence Fees and Services	295 625 000
1. 01 — Income Tax (not including local authorities)	125 500 000
2. 06 — Property Tax — Urban	3 000 000
3. Rural	500 000
4. 11 — Land Betterment Tax	500 000
5. 12 — Estate Duty	500 000
6. 02 — Customs — General	49 000 000
7. 03 — Fuel	39 000 000
8. 04 — Excise — Tobacco	15 500 000
9. — Liquors	8 500 000
10. — Cement	16 000 000
11. — Tyres	1 500 000
12. 05 — Purchase Tax (95 p.ct.)	26 125 000
13. Foreign Travel Tax	1 200 000
14. 07 — Revenue Stamp Duty — from Entertainments (50 p.ct.)	1 500 000
15. — from Stamp Duty	4 000 000
16. 08 — Licence Fees — Vehicles (50 p.ct.)	2 200 000
17. — Driving	600 000

¹⁾ *Sefer Ha-Chukkim* No. 1 of 5709, p. 1 ; *LSI* vol. III, p. 3.

Serial Number		IL.
18.	— Sundry	5 000 000
19.	09 — Land Registry	1 500 000
20.	Fees for Sundry Services	6 000 000
21.	10 — Collections o/a Interest and Sundry Revenue	16 000 000
PART B		
	<i>Transferred Revenue</i>	17 572 000
22.	01 — Income Tax (Earmarked for Education)	9 500 000
	Taxes to Local Authorities :	
23.	05 — Purchase Tax (5 p.ct.)	1 375 000
24.	07 — Revenue Stamp Duty from Entertainments (50 p. ct.)	1 500 000
25.	08 — Licence Fees for Vehicles (50 p. ct.)	2 200 000
	Receipts to Cover Expenditure Budgets :	
26.	16 — From War Damage Compensation Tax Fund	450 000
27.	18 — From Development Authority	1 587 200
28.	20 — From Custodian of Absentees' Property	257 000
29.	21 — From Custodian of Enemy Property	30 800
30.	19 — From Compulsory Loan — Tax Payment in Lieu of Loan	375 000
PART C		
	17 — <i>Revenue from Ministry of Posts and Ministry of Transport</i>	39 700 000
	34 — From Ministry of Posts	23 700 000
31.	01-10 Post	23 500 000
32.	35 — Postal Bank	200 000
	22 — From Ministry of Transport	16 000 000
	Ports and Aerodromes :	10 600 000
33.	15-30 Haifa Port	7 625 000
34.	36-41 Jaffa Port	2 500 000
35.	60-67 Shipping and Aviation	475 000
36.	71 — Railways	5 400 000
PART D		
	<i>Revenue from Counterpart Funds, Loans and Collections — for Development Budget, Pay- ment of Debts and Special Expenses</i>	262 500 000
37.	Reparations Counterpart Fund	72 000 000
38.	Grant-in-Aid Counterpart Fund	72 000 000
39.	Independence-Loan-and-Development-Loan Counterpart Fund	45 000 000
40.	Collection o/a of Loans (Principal) and Government Property	23 200 000
41.	From Development Authority	8 000 000
42.	From Sale of Houses	2 000 000
43.	Compulsory Loan — Property Tax	0 000 000
44.	Internal Loans from Insurance, Pension and Provident Institutions	30 000 000
45.	Installation of Telephones	1 300 000

SECOND SCHEDULE

(section 3)

<i>Part</i>	EXPENDITURE	<i>IL.</i>
	Grand Total	631 100 000
A	Ordinary Expenditure	311 625 000
B	Transferred Expenditure	17 275 000
C	Expenditure of Ministry of Posts and Ministry of Transport	39 700 000
D	Expenditure for the Development Budget, the Payment of Debts and Special Expenses	262 500 000

PART A		
<i>Serial Number</i>	<i>Ordinary Expenditure</i>	311 625 000
	Expenditure for Ministries :	210 225 000
1.	01 — President of the State and Office of the President	84 400
2.	02 — Knesset	1 106 000
3.	03 — Members of the Government	95 000
4.	04 — Prime Minister's Office	3 885 000
5.	05 — Ministry of Finance	13 700 000
6.	06 — Ministry of Defence	56 000 000
7.	07 — Ministry of Health	20 050 000
8.	08 — Ministry of Religious Affairs	2 508 000
9.	09 — Ministry of Foreign Affairs	10 159 000
10.	10 — Ministry of Education and Culture	26 870 000
11.	11 — Ministry of Agriculture	5 588 000
12.	13 — Ministry of Trade and Industry	4 010 000
13.	15 — Ministry of Police	21 075 000
14.	16 — Ministry of Justice	3 248 000
15.	17 — Ministry of Social Welfare	9 327 500
16.	18 — Ministry of Labour	18 125 000
17.	19 — Ministry of Development	565 000
18.	20 — Ministry of the Interior	2 149 000
19.	20 — Ministry of the Interior — Local Authorities	1 325 000
20.	21 — State Comptroller's Office	1 290 000
21.	23 — Pensions to, and Rehabilitation of, Invalids and Fallen Soldiers' Families	4 534 000
22.	32 — Technical Aid	1 500 000
23.	33 — Pensions and Compensation to Employees and Government Members' Families	390 000
24.	25 — General Reserve	2 701 000
25.	26 — Subsidies for the Reduction of the Prices of Essential Commodities	10 000 000
26.	30 — Special Budgets	66 000 000
27.	24 — Payment of Interest	25 400 000
	o/a of Internal Loans	8 500 000
	o/a of Foreign Loans	16 900 000

Serial Number		IL.
PART B		
	<i>Transferred Expenditure</i>	17 275 000
28.	10 — Ministry of Education and Culture	9 500 000
29.	20 — Ministry of Interior — Local Authorities	5 075 000
	Administrative and Organisational Expenses:	
30.	28 — War Damage Compensation Tax Fund	450 000
31.	2910- Development Authority	1 587 200
32.	2911- Custodian of Absentees' Property	257 000
33.	2912- Custodian of Enemy Property	30 800
34.	31 — Compulsory Loan — Tax Payment in Lieu of Loan	375 000
PART C		
	<i>Expenditure of Ministry of Posts and Ministry of Transport</i>	39 700 000
34.	Ministry of Posts	23 700 000
35.	Operational Expenses	16 735 000
36.	Payment o/a Foreign Loans	2 650 000
37.	Write-Offs o/a Earlier Investments (Deprecia- tion and Interest)	3 880 000
38.	35 — Postal Bank	435 000
	22 — Ministry of Transport	16 000 000
	Head Office and Various Departments	1 905 000
39.	Operational Expenses	1 004 530
40.	Payment o/a Foreign Loans	470
	Ports and Aerodromes	7 395 000
41.	Operational Expenses	5 855 210
42.	Payment o/a Foreign Loans	413 710
43.	Write-Offs o/a Earlier Investments (Depreciation and Interest)	1 126 080
	Railways	6 700 000
44.	Operational Expenses	6 368 030
45.	Payment o/a Foreign Loans	45 270
46.	Write-Offs o/a Earlier Investments (Depreciation and Interest)	285 800
Part D		
	<i>Expenditure for the Development Budget, Payment of Debts and Special Expenses</i>	262 500 000
47.	Expenditure for the Development Budget	192 500 000
48.	Payment of Debts	50 000 000
	Foreign Debts	44 200 000
	Internal Debts	5 800 000
49.	Funds for Short-Term Financing	20 000 000
		295

(The remaining part of the Second Schedule, which contains the further breakdown of the expenditure side of the Budget, is omitted in this translation ; so is the Third Schedule, for the subject-matter of which see section 7 of the Law).

MOSHE SHARETT
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

LIST OF LAWS IN THE ORDER OF THEIR DATES OF PUBLICATION

<i>No.</i>	<i>Title</i>	<i>Date of Passage</i>	<i>Date of Publication</i>
1	Municipal Courts Ordinance (Amendment) Law	4th Kislev, 5715 (9th December, 1954)	14th Kislev, 5715 (9th December, 1954)
2	Emergency Regulations (Army Code, 5708), (Extension of Validity) Law	2nd Tevet, 5715 (27th December, 1954)	6th Tevet, 5715 (31st December, 1954)
3	Emergency Regulations (Traffic Offences — Military Personnel) (Extension of Validity) Law	2nd Tevet, 5715 (27th December, 1954)	6th Tevet, 5715 (31st December, 1954)
4	Emergency Regulations (Provisions as to the Registration and Mobilisation of Equipment) (Extension of Validity) Law	2nd Tevet, 5715 (27th December, 1954)	6th Tevet, 5715 (31st December, 1954)
5	Sale of Intoxicating Liquors Ordinance (Amendment) Law	2nd Tevet, 5715 (27th December, 1954)	6th Tevet, 5715 (31st December, 1954)
6	Emergency Regulations (Security Zones) (Extension of Validity) Law	3rd Tevet, 5715 (28th December, 1954)	6th Tevet, 5715 (31st December, 1954)
7	Subtenants of Business Premises (Protection) Law	4th Tevet, 5715 (29th December, 1954)	13th Tevet, 5715 (7th January, 1955)
8	Wild Animals Protection Law	16th Tevet, 5715 (10th January, 1955)	26th Tevet, 5715 (20th January, 1955)
9	Archives Law	23rd Tevet, 5715 (17th January, 1955)	4th Shevat, 5715 (27th January, 1955)
10	Knesset Elections Law	1st Shevat, 5715 (24th January, 1955)	11th Shevat, 5715 (3rd February, 1955)
11	Auditors Law	8th Shevat, 5715 (31st January, 1955)	18th Shevat, 5715 (10th February, 1955)
12	Knesset Elections Law (Consolidated Version)		
13	Tenants' Protection (New Buildings) Law	30th Shevat, 5715 (22nd February, 1955)	9th Adar, 5715 (3rd March, 1955)
14	Association of Towns Law	9th Adar, 5715 (3rd March, 1955)	19th Adar, 5715 (13th March, 1955)
15	Knesset Elections (Amendment) Law	8th Nisan, 5715 (31st March, 1955)	19th Nisan, 5715 (10th April, 1955)
16	Municipal Elections (Temporary Provisions) Law	8th Nisan, 5715 (31st March, 1955)	18th Nisan, 5715 (10th April, 1955)
17	Jewish Religious Services - Budgets (Amendment) Law	8th Nisan, 5715 (31st March, 1955)	18th Nisan, 5715 (10th April, 1955)
18	Emergency Regulations (Compulsory Payments) (Extension of Validity) Law	8th Nisan, 5715 (31st March, 1955)	18th Nisan, 5715 (10th April, 1955)
19	Income Tax Ordinance (Amendment) Law	9th Nisan, 5715 (1st April, 1955)	19th Nisan, 5715 (11th April, 1955)
20	Dayanim Law	24th Iyar, 5715 (16th May, 1955)	4th Sivan, 5715 (25th May, 1955)
21	Criminal Code Ordinance (Amendment) (Breaking into Houses) Law	25th Iyar, 5715 (17th May, 1955)	4th Sivan, 5715 (25th May, 1955)

No.	Title	Date of Passage	Date of Publication
22	Police (Invalids and Fallen) Law	25th Iyar, 5715 (17th May, 1955)	4th Sivan, 5715 (25th May, 1955)
23	Stamp Duty Ordinance (Amendment) Law	2nd Sivan, 5715 (23rd May, 1955)	12th Sivan, 5715 (2nd June, 1955)
24	Water Measurement Law	9th Sivan, 5715 (30th May, 1955)	18th Sivan, 5715 (8th June, 1955)
25	Water Drillings (Control) Law	9th Sivan, 5715 (30th May, 1955)	18th Sivan, 5715 (8th June, 1955)
26	Foreign Currency (Payment of Exchange Rate Differences) Law	10th Sivan, 5715 31st May, 1955	19th Sivan, 5715 (9th June, 1955)
27	Fees (Cooperative Credit Societies) Law	10th Sivan, 5715 (31st May, 1955)	19th Sivan, 5715 (9th June, 1955)
28	Knesset Elections (Amendment No. 2) Law	10th Sivan, 5715 (31st May, 1955)	19th Sivan, 5715 (9th June, 1955)
29	Popular Loan Law	10th Sivan, 5715 (31st May, 1955)	19th Sivan, 5715 (9th June, 1955)
30	Defence (Finance) Regulations (Continuance in Force) Law	10th Sivan, 5715 (31st May, 1955)	19th Sivan, 5715 (9th June, 1955)
31	Exchange of Bank Notes and Compulsory Loan (Temporary Provisions) Law	11th Sivan, 5715 (1st June, 1955)	19th Sivan, 5715 (9th June, 1955)
32	Municipal Elections (Temporary Provisions) (No. 2) Law	17th Sivan, 5715 (7th June, 1955)	26th Sivan, 5715 (16th June, 1955)
33	Law of Evidence Revision (Protection of Children) Law	17th Sivan, 5715 (7th June, 1955)	26th Sivan, 5715 (16th June, 5715)
34	Emergency Regulations (Foreign Travel) (Amendment) Law	17th Sivan, 5715 (7th June, 1955)	26th Sivan, 5715 (16th June, 5715)
35	Municipal Corporations Ordinance (Amendment) Law	17th Sivan, 5715 (7th June, 1955)	27th Sivan, 5715 (17th June, 1955)
36	Encouragement of Capital Investments (Amendment) Law	30th Sivan, 5715 (20th June, 1955)	10th Tammuz, 5715 (30th June, 1955)
37	Payment of Compensation from Italy Law	30th Sivan, 5715 (20th June, 1955)	10th Tammuz, 5715 (30th June, 1955)
38	State Guarantees (Amendment) Law	30th Sivan, 5715 (20th June, 1955)	10th Tammuz, 5715 (30th June, 1955)
39	Palestine Electric Corporation Ltd. Debentures (Guarantee and Exemption from Tax) Law	30th Sivan, 5715 (20th June, 1955)	10th Tammuz, 5715 (30th June, 1955)
40	Urban Property Tax (Temporary Provisions) (Amendment No. 5) Law	30th Sivan, 5715 (20th June, 1955)	10th Tammuz, 5715 (30th June, 1955)
41	Rabbinical Council (Temporary Provisions) Law	2nd Tammuz, 5715 (22nd June, 1955)	10th Tammuz, 5715 (30th June, 1955)
42	Municipal Corporations Ordinance (Amendment No. 5) Law	7th Tammuz, 5715 (27th June, 1955)	16th Tammuz, 5715 (16th July, 1955)
43	Treatment of Mentally Sick Persons Law	7th Tammuz, 5715 (27th June, 1955)	16th Tammuz, 5715 (6th July, 1955)

<i>No.</i>	<i>Title</i>	<i>Date of Passage</i>	<i>Date of Publication</i>
44	Welfare (Procedure in Matters of Minors, Mentally Sick Persons and Absent Persons) Law	7th Tammuz, 5715 (27th June, 1955)	16th Tammuz, 5715 (6th July, 1955)
45	National Insurance (Amendment) Law	7th Tammuz, 5715 (27th June, 1955)	16th Tammuz, 5715 (6th July, 1955)
46	Invalids (Pensions and Rehabilitation) (Amendment) Law	8th Tammuz, 5715 (28th June, 1955)	18th Tammuz, 5715 (8th July, 1955)
47	Defence Regulations (Continuance in Force) (Temporary Provision) (No. 9) Law	8th Tammuz, 5715 (28th June, 1955)	18th Tammuz, 5715 (8th July, 1955)
48	State Service (Benefits) Law	9th Tammuz, 5715 (29th June, 1955)	18th Tammuz, 5715 (8th July, 1955)
49	Land Requisition Regulation (Temporary Provision) Law	9th Tammuz, 5715 (29th June, 1955)	18th Tammuz, 5715 (8th July, 1955)
50	Knesset Elections (Amendment No. 3) Law	9th Tammuz, 5715 (29th June, 1955)	18th Tammuz, 5715 (8th July, 1955)
51	Rural Property Tax Ordinance (Amendment) Law	10th Tammuz, 5715 (30th June, 1955)	18th Tammuz, 5715 (8th July, 1955)
52	Tenants' Protection Law	10th Tammuz, 5715 (30th June, 1955)	18th Tammuz, 5715 (8th July, 1955)
53	Customs and Excise Duties (Variation of Tariff) (Amendment) Law	10th Tammuz, 5715 (30th June, 1955)	18th Tammuz, 5715 (8th July, 1955)
54	Military Justice Law	1st Tammuz, 5715 (21st June, 1955)	1st Av, 5715 (20th July, 1955)
55	Bank of Israel (Temporary Provision) Law	14th Elul, 5715 (1st September, 1955)	17th Elul, 5715 (4th September, 1955)



משרד המשפטים
מסמך זה הינו העתק שנסרק בשלמותו ביום ובשעה המצוינים,
בסריקה ממוחשבת מהימנה מהמסמך המצוי בתיק,
בהתאם לנוהל הבדיקות במשרד המשפטים.
על ההתום

Geode User
22 Apr 2014 01:04:25 +03:00

משרד המשפטים (חתימה מוסדית).

ALPHABETICAL INDEX OF LAWS

<i>Title</i>	<i>Page</i>
A	
Archives Law, No. 9 of 5715—1955	12
Association of Towns Law, No. 14 of 5715—1955	54
Auditors Law, No. 11 of 5715—1955	27
B	
Bank of Israel (Temporary Provision) Law, No. 55 of 5715—1955 ...	281
C	
Criminal Code Ordinance (Amendment) (Breaking into Houses) Law, No. 21 of 5715—1955	79
Customs and Excise Duties (Variation of Tariff) (Amendment) Law, No. 53 of 5715—1955	183
D	
<i>Dayanim</i> Law, No. 20 of 5715—1955	74
Defence (Finance) Regulations (Continuance in Force) Law, No. 30 of 5715—1955	100
Defence Regulations (Continuance in Force) (Temporary Regulation) (No. 9) Law, No. 47 of 5715—1955	147
E	
Emergency Regulations (Army Code, 5708) (Extension of Validity) Law, No. 2 of 5715—1955	4
Emergency Regulations (Compulsory Payments) (Extension of Validity) Law, No. 18 of 5715—1955	61
Emergency Regulations (Foreign Travel) (Amendment) Law, No. 34 of 5715—1955	105
Emergency Regulations (Provisions as to the Registration and Mobili- sation of Equipment) (Extension of Validity) Law, No. 4 of 5715— 1954	5
Emergency Regulations (Security Zones) (Extension of Validity) Law, No. 6 of 5715—1954	6
Emergency Regulations (Traffic Offences — Military Personnel) (Exten- sion of Validity) Law, No. 3 of 5715—1954	5
Encouragement of Capital Investments (Amendment) Law, No. 36 of 5715—1954	115
Exchange of Bank Notes and Compulsory Loan (Temporary Provisions) Law, No. 31 of 5715—1955	100

Title	Page
F	
Fees (Cooperative Credit Societies) Law, No. 27 of 5715—1955	95
Foreign Currency (Payment of Exchange Rate Differences) Law, No. 26 of 5715—1955	92
I	
Income Tax Ordinance (Amendment) Law, No. 19 of 5715—1955	19
Invalids (Pensions and Rehabilitation) (Amendment) Law, No. 46 of 5715—1955	142
J	
Jewish Religious Services Budgets (Amendment) Law, No. 17 of 5715—1955	61
K	
Knesset Elections Law, No. 10 of 5715—1955	16
Knesset Elections (Amendment) Law, No. 15 of 5715—1955	15
Knesset Elections (Amendment No. 2) Law, No. 28 of 5715—1955	96
Knesset Elections (Amendment No. 3) Law, No. 50 of 5715—1955	169
Knesset Elections Law (Consolidated Version), No. 12 of 5715—1955	80
L	
Land Requisition Regulation (Temporary Provision) Law, No. 49 of 5715—1955	168
Law of Evidence Revision (Protection of Children) Law, No. 33 of 5715—1955	102
M	
Military Justice Law, No. 54 of 5715—1955	54
Municipal Corporations Ordinance (Amendment) Law, No. 35 of 5715—1955	105
Municipal Corporations Ordinance (Amendment No. 2) Law, No. 42 of 5715—1955	130
Municipal Elections (Temporary Provisions) Law, No. 16 of 5715—1955	58
Municipal Elections (Temporary Provisions) (No. 2) Law, No. 32 of 5715—1955	101
Municipal Courts (Amendment) Ordinance, No. 1 of 5715—1954	3
N	
National Insurance (Amendment) Law, No. 45 of 5715—1955	141

Title	Page
P	
Palestine Electric Corporation Ltd. Debentures (Guarantee and Exemption from Tax) Law, No. 39 of 5715—1955	127
Payment of Compensation From Italy Law, No. 37 of 5715—1955 ...	125
Police (Invalids and Fallen) Law, No. 22 of 5715—1955	80
Popular Loan Law, No. 29 of 5715—1955	98
R	
Rabbinical Council (Temporary Provisions) Law, No. 41 of 5715—1955	129
Rural Property Tax Ordinance (Amendment) Law, No. 51 of 5715—1955	171
S	
Sale of Intoxicating Liquors Ordinance (Amendment) Law, No. 5 of 5715—1954	6
Stamp Duty Ordinance (Amendment) Law, No. 23 of 5715—1955 ...	83
State Guarantees (Amendment) Law, No. 38 of 5715—1955	126
State Service (Benefits) Law, No. 48 of 5715—1955	149
Subtenants of Business Premises (Protection) Law, No. 7 of 5715—1955	7
T	
Tenants' Protection Law, No. 52 of 5715—1955	172
Tenants' Protection (New Buildings) Law, No. 13 of 5715—1955 ...	52
Treatment of Mentally Sick Persons Law, No. 43 of 5715—1955 ...	132
U	
Urban Property Tax (Temporary Provisions) (Amendment No. 5) Law, No. 40 of 5715—1955	128
W	
Water Drillings (Control) Law, No. 25 of 5715—1955	88
Water Measurement Law, No. 24 of 5715—1955	85
Welfare (Procedure in Matters of Minors, Sick Persons and Absent Persons) Law, No. 44 of 5715—1955	139
Wild Animals Protection Law, No. 8 of 5715—1955	8



משרד המשפטים
מסמך זה הינו העתק שנסרק בשלמותו ביום ובשעה המצוינים ,
בסריקה ממוחשבת מהימנה מהמסמך המצוי בתיק,
בהתאם לנוהל הבדיקות במשרד המשפטים.
על ההתום

Geode User
22 Apr 2014 01:04:25 +03:00

משרד המשפטים (חתימה מוסדית).