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No. 25

**LAND ACQUISITION (VALIDATION OF ACTS AND COMPENSATION) LAW,
5713-1953***

1.

- (a) In this Law --
 - "the Minister" means the member of the Government whom the Government shall authorise for the purposes of this Law by notice published in *Reshumot*;
 - "Development Authority" means the Development Authority established under the Development Authority (Transfer of Property) Law, 5710-1950(1);
 - "property" means land;
 - "acquired property" means property vested in the Development Authority in pursuance of section 2;
 - "date of acquisition" means the date on which property vests in the Development Authority in pursuance of section 2;
 - "owners", in relation to acquired property, means the persons who immediately before the date of acquisition were the owners of, or had a right or interest in such property, and includes their successors;
 - "the Court" means the District Court in the area of whose jurisdiction acquired property is situated.
- (b) In the case of a person who has a right or interest in property, any reference in this Law to property shall be deemed to be a reference to such right or interest.

Interpreta-
tion.

2.

- (a) Property in respect of which the Minister certifies by certificate under his hand--
 - (1) that on the 6th Nisan, 5712 (1st April, 1952) it was not in the possession of its owners; and
 - (2) that within the period between the 5th Iyar, 5708 (14th May, 1948) and the 6th Nisan, 5712 (1st April 1952) it was used or assigned for purposes of essential development, settlement or security; and .
 - (3) that it is still required for any of these purposes--
 shall vest in the Development Authority and be regarded as free from any charge, and the Development Authority may forthwith take possession thereof.
- (b) The property shall vest in the Development Authority as from the date specified in the said certificate; the certificate may only be issued within one year from the day of the coming into force of this Law, and shall be published in *Reshumot* as early as possible after the day of its issue.
- (c) Property vested in the Development Authority as aforesaid shall be registered in the Land Register in its name, but non-registration shall not affect the validity of

Acquisition
of land for
purposes of
development,
settlement,
or security.

the vesting of the property in the Development Authority.

- (d) A certificate under this section shall not constitute an admission that acquired property is not or was not State property or that the State has not or had not a right or interest therein.

3.

Right to
Compensa-
tion.

- (a) The owners of acquired property are entitled to compensation therefore from the Development Authority. The compensation shall be given in money, unless otherwise agreed between the owners and the Development Authority. The amount of compensation shall be fixed by agreement between the Development Authority and the owners or, in the absence of agreement, by the Court, as hereinafter provided.
- (b) Where the acquired property was used for agriculture and was the main source of livelihood of its owner, and he has no other land sufficient for his livelihood, the Development Authority shall, on his demand, offer him other property, either for ownership or for lease, as full or partial compensation. A competent authority, to be appointed for this purpose by the Minister, shall, in accordance with rules to be prescribed by regulations, determine the category, location, area, and, in the case of lease, period of lease (not less than 49 years) and the value of the offered property, both for the purpose of calculating the compensation and for determination of the sufficiency of such property for a livelihood.
- (c) The provisions of subsection (b) shall add to, and not derogate from, the provisions of subsection (a).

4. In the following cases, the right to and amount of compensation shall, on the application of the Development Authority or the owner of the acquired property, be determined by the Court:

Determina-
tion of
compensa-
tion by the
court.

- (1) in the absence of agreement between the Development Authority and the owner of the acquired property as to the grant or amount of compensation;
- (2) where the owner of the acquired property did not file a claim for compensation with the Development Authority within one year from the day of publication of a certificate under section 2;
- (3) where a claim as aforesaid was filed but was not supported by sufficient evidence;
- (4) where different or conflicting claims were filed in relation to the acquired property.

5.

Rules for
determining
compensa-
tion.

- (a) In fixing the amount of compensation, the Court shall follow *mutatis mutandis* the rules laid down in section 12 of the Land (Acquisition for Public Purposes) Ordinance, 1943(2); provided that the 12th Tevet, 5710 (1st January, 1950) shall be regarded as the day on which notice of the intended acquisition was published for the purposes of the said section.

- (b) Any amount fixed by the Court as aforesaid shall be increased by an addition of three per centum per annum as from the 12th Tevet 5710 (1st January, 1950).

6.

- (a) The decision of the Court or, in the case of appeal, of the Court of Civil Appeal shall be final with regard to all parties to whom notices of an application under section 4 have been sent or who have attended and claimed compensation either personally or by attorney.
- (b) A person to whom notice as aforesaid has not been sent or who has not attended and claimed as aforesaid may file a claim within one year from the date of the final decision.
- (c) Where the Court has awarded compensation, but has not issued directions as to the mode of payment thereof, the compensation shall be deposited with the Court, and the Court shall pay it only upon the expiration of one year, or such shorter period as it may decide, from the date of the final decision, and after application has been made to it by a person claiming the compensation; and the compensation shall be paid as the Court may direct.
- (d) Deposit of the compensation with the Court has the effect of full discharge, and relieves the Development Authority from liability as to any claim in relation to the property, unless the Court otherwise orders in connection with a claim under subsection (b).
- (e) A person who alleges that he has a right to compensation deposited with the Court and the whole or any part of which has not been paid, may, within three years from the date of the final decision, apply to the Court for payment of the whole or any part thereof; and any person who alleges that he has a better right to the whole or any part of the compensation, may file a claim against the person to whom compensation has been paid.

Decision of the Court in the case of deposit of compensation.

Relief from liability for use of compensation.

7. The giving of compensation, whether in money or in land, and whether by agreement or under a decision of the Court, or the deposit of compensation under section 6, relieves the Development Authority from any liability for the manner in which such compensation is used or for the misuse thereof.

Inapplicability.

8. Section 3(4)(a) of the Development Authority (Transfer of Property) Law, 5710-1950, shall not apply to property of the Development Authority offered or given to the owner of acquired property as full or partial compensation for the acquired property.

Immunity.

9. Where the Minister certifies by certificate under his hand that an act done on behalf of the State or the Development Authority in respect of any property was done after such property had first been used or assigned for purposes of essential development, settlement or security, and before it became acquired property, such act shall not serve as cause for an action on the part of the owner of the property or of his predecessor in title, or as basis for a charge.

Regulations.

10. The Minister may make regulations as to any matter relating to the implementation of this Law.

DAVID BEN-GURION
Prime Minister

YITZCHAK BEN-ZVI
President of the State

* Passed by the Knesset on the 23rd Adar, 5713 (10th March, 1953) and published in *Sefer Ha-Chukkim* No. 122 of the 4th Nisan, 5713 (20th March, 1953), p. 58; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 118 of the 2nd Sivan, 5712 (26th May, 1952), p. 232.

(1) *Sefer Ha-Chukkim* No. 57 of the 26th Av; 5710 (9th August, 1950), p. 278.

(2) *P.G.* No. 1305 of the 10th December, 1943, Suppl. 1, p. 44 (English Edition).

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SOURCE: "*Laws of the State of Israel: Authorized Translation from the Hebrew, Volume 7*". Government Printer, Jerusalem, Israel (1948-1987), p. 43-45.

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