

LAW AND ADMINISTRATION ORDINANCE

No. 1 of 5708—1948*

BY VIRTUE of the power conferred upon the Provisional Council of State by the Declaration of the Establishment of the State of Israel, of the 5th Iyar, 5708 (14th May, 1948) and by the Proclamation of that date, the PROVISIONAL COUNCIL OF STATE hereby enacts as follows:—

Chapter One: The Administration

1. (a) The Provisional Council of State consists of the persons whose names are set out in the Schedule to this Ordinance. Representatives of Arabs being residents of the State who recognise the State of Israel will be co-opted on the Provisional Council of State, as may be decided by the Council; their non-participation in the Council shall not derogate from its power.

**The
Provisional
Council of
State.**

(b) The Provisional Council of State itself prescribes the procedure for its meetings and business.

2. (a) The Provisional Government consists of the persons whose names are set out in the Schedule to this Ordinance. Representatives of Arabs being residents of the State who recognise the State of Israel will be co-opted on the Provisional Government, as may be decided by the Provisional Council of State; their non-participation in the Provisional Government shall not derogate from its power.

**The
Provisional
Government.**

(b) The Provisional Government shall act in accordance with the policy laid down by the Provisional Council of State, shall carry out its decisions, shall report to it on its activities and shall be answerable to it for its activities.

(c) The Provisional Government shall elect one of its members to be Prime Minister, and shall prescribe the functions of each of its members. A member of the Provisional Government shall be called "Minister".

(d) The Provisional Government may confer any of its powers upon the Prime Minister and upon any of the Ministers, in so far as that is not repugnant to any of the Ordinances of the Provisional Council of State.

(e) Decisions of the Provisional Government in respect of the func-

* Published in the *Official Gazette*, No.2 of the 12th Iyar, 5708 (21st May, 1948).

tions of its members and in respect of the division of powers among the Ministers shall be published in the *Official Gazette*.

(f) The Provisional Government itself prescribes the procedure for its meetings and business.

District ad-
ministration.

3. The Provisional Government may divide the area of the State into districts and subdistricts and shall demarcate their boundaries.

Local
authorities.

4. The municipal corporations, local councils and other local authorities shall continue to act within the areas of their jurisdiction and scope of their authority.

Chapter Two: Budget and Taxes

Budget.

5. The budget of the Provisional Government shall be fixed by an Ordinance of the Provisional Council of State.

Taxes etc.

6. No Government taxes or other obligatory payments to Government the imposition whereof has not yet been authorised by law may be imposed, and no Government taxes or obligatory payments to Government the imposition whereof is authorised by law may be increased, save in accordance with an Ordinance of the Provisional Council of State.

Chapter Three: Legislation

Ordinances.

7. (a) The Provisional Council of State is the legislative authority. The laws shall be called "Ordinances".

(b) Every Ordinance shall be signed by the Prime Minister, the Minister of Justice and the Minister or Ministers charged with the implementation of the Ordinance.

Regulations.

8. Each Minister may make regulations for the implementation of the Ordinances which are within the scope of his authority, insofar as such Ordinances confer power to make regulations.

Emergency
regulations.

9. (a) If the Provisional Council of State deems it expedient so to do, it may declare that a state of emergency exists in the State, and upon such declaration being published in the *Official Gazette*, the Provisional Government may authorise the Prime Minister or any other Minister to make such emergency regulations as may seem to him expedient in the interests of the defence of the State, public security and the maintenance of supplies and essential services.

(b) An emergency regulation may alter any law, suspend its effect or modify it, and may also impose or increase taxes or other obligatory payments.

(c) An emergency regulation shall expire three months after it is made, unless it is extended, or revoked at an earlier date, by an Ordinance of the Provisional Council of State, or revoked by the regulation-making authority.

(d) Whenever the Provisional Council of State thinks fit, it shall declare that the state of emergency has ceased to exist, and upon such declaration being published in the *Official Gazette*, the emergency regulations shall expire on the date or dates prescribed in such declaration.

10. (a) Every Ordinance shall come into force on the date of its publication in the *Official Gazette*, unless it has been provided therein that it shall come into force on an earlier or a later date than the date of publication. The date of the *Official Gazette* is deemed to be the date of publication.

Official Gazette.

(b) The publication of an Ordinance in the *Official Gazette* shall be evidence that such Ordinance has been duly enacted and signed.

(c) The provisions of this section apply also to regulations and emergency regulations.

Chapter Four: The Law

11. The law which existed in Palestine on the 5th Iyar, 5708 (14th May, 1948) shall remain in force, insofar as there is nothing therein repugnant to this Ordinance or to the other laws which may be enacted by or on behalf of the Provisional Council of State, and subject to such modifications as may result from the establishment of the State and its authorities.

Existing law.

12. (a) Any privilege granted by law to the British Crown, British officials or British subjects, is hereby declared to be null and void.

Termination of dependence on Britain.

(b) Any provision in the law whereunder approval or consent of any of the Secretaries of State of the King of England is required or which imposes a duty to do anything in pursuance of his directions, is hereby declared to be null and void.

(c) Any power assigned by the law to judges, officers or members of the Police Force by reason of their being British, shall henceforth vest in judges, officers or members of the Police Force who are holders of the same office or rank in the State of Israel.

13. (a) Sections 13 to 15 of the Immigration Ordinance, 1941, and regulations 102 to 107C of the Defence (Emergency) Regulations, 1945, are hereby repealed. Any Jew who at any time entered Palestine in contravention of the laws of the Mandatory Government shall, for all intents and purposes, be deemed to be a legal immigrant retroactively from the date of his entry into Palestine.

Repeal of enactments of the White Paper of 1939.

(b) The Land Transfers Regulations, 1940, are hereby repealed retroactively from the 29th Iyar, 5699 (18th May, 1939). No judgment given on the basis of such Regulations shall be a bar to the lodging of a new claim in the same matter.

14. (a) Any power vested under the law in the King of England or in any of his Secretaries of State, and any power vested under the

Devolution of powers.

law in the High Commissioner, the High Commissioner in Council, or the Government of Palestine, shall henceforth vest in the Provisional Government, unless such power has been vested in the Provisional Council of State by any of its Ordinances.

(b) Any power vested under the law in British consuls, British consular officers or British passport control officers, shall henceforth vest in consuls and officers to be appointed for that purpose by the Provisional Government.

Further adaptations of law.

15. (a) "Palestine", wherever appearing in the law, shall henceforth be read as "Israel".

(b) Any provision in the law requiring the use of the English language is repealed.

Authorised text.

16. The Minister of Justice may issue a new text of any law which existed in Palestine on the 5th Iyar, 5708 (14th May, 1948) and which is still in force in the State. Such text shall contain all the modifications resulting from the establishment of the State and its authorities, and upon its publication in the *Official Gazette* no other text of such law shall have effect.

Chapter Five: Law Courts

Law courts.

17. So long as no new law concerning law courts has been enacted, the law courts existing in the territory of the State shall continue to function within the scope of the powers conferred upon them by law.

Chapter Six: Armed Forces

Armed forces.

18. The Provisional Government may establish armed forces on land, on the sea and in the air, which shall have authority to do all lawful and necessary acts for the defence of the State.

Chapter Seven: Transitional Provisions

Saving of orders, etc.

19. (a) Any order, direction, notice, demand, certificate, instrument, authorisation, licence, patent, design, trade mark and any other right or concession, and any debt, obligation or liability made, given or imposed by the High Commissioner, the High Commissioner in Council, the Government of Palestine or its authorities or officers, and which was in force in the territory of the State on the 5th Iyar, 5708 (14th May, 1948), shall continue in force until varied, amended or revoked, unless otherwise provided in any of the Ordinances of the Provisional Council of State.

(b) Regulations, orders, notices and directions published between the 16th Kislev, 5708 (29th November, 1947) and the date of publication of this Ordinance, by the Jewish Agency for Palestine, the General Council (Vaad Leumi) of the Jewish Community in Palestine, the People's Administration, or by any of their departments, in order to

secure the maintenance of supplies and essential services or other economic objects, shall continue in force until varied, amended or revoked by or on behalf of the Provisional Council of State.

20. (a) Any company, partnership or cooperative society which on the 5th Iyar, 5708 (14th May, 1948) was registered in Palestine and which had on that date a registered office or place of business in the territory of the State, shall henceforth be deemed to be registered in the State.

Companies,
etc.

(b) Any company, partnership or cooperative society which on the 5th Iyar, 5708 (14th May, 1948) was registered in Palestine but did not have on that date a registered office or place of business in the territory of the State, may apply for its registration in the State without payment of fees within three months from the date of publication of this Ordinance.

(c) This section also applies *mutatis mutandis* to societies under the Ottoman Law of Societies, registered business names, and registered ships.

(d) The Minister of Justice shall make regulations for the implementation of this section.

21. The taxes and payments of every kind whatsoever which had not been paid to the Government of Palestine by the 5th Iyar, 5708 (14th May, 1948) shall be paid to the Provisional Government.

Payment of
taxes, etc.

22. This Ordinance may be cited as the Law and Administration Ordinance, 5708—1948.

Title.

23. This Ordinance shall have effect retroactively as from the eve of the Sabbath, 6th Iyar, 5708 (15th May, 1948), and its provisions amplify and interpret the provisions of the Proclamation of the Provisional Council of State of the 5th Iyar, 5708 (14th May, 1948).

Commence-
ment.

SCHEDULE

Members of the Provisional Council of State:

Dr. Chaim Weizmann

David Ben-Gurion

| | |
|-----------------------|---------------------------|
| Daniel Auster | Eliyahu Dobkin |
| Mordekhai Bentov | Herzl Vardi |
| Yitzchak Ben-Zvi | Zerach Wahrhaftig |
| Eliyahu Berligne | Rachel Cohen |
| Fritz Bernstein | Rabbi Kalman Kahana |
| Rabbi Wolf Gold | Saadia Kobashi |
| Meir Grabovsky | Rabbi Yitzchak Meir Levin |
| Yitzchak Gruenbaum | Meir David Loewenstein |
| Dr. Abraham Granovsky | Zvi Luria |

| | |
|---------------------------|------------------------|
| Golda Myerson | Dr. Abraham Katznelson |
| Shmuel Mikunis | Felix Rosenblueth |
| Nachum Nir-Rafalkes | David Remez |
| Zvi Segal | Berl Repetur |
| Rabbi Yehuda Leib Hacohe- | Mordekhai Shattner |
| Fishman | Ben-Zion Sternberg |
| David Zvi Pinkas | Bekhor Shalom Shitreet |
| Aharon Zisling | Moshe Shapira |
| Moshe Kolodny | Moshe Shertok |
| Eliezer Kaplan | |

Members of the Provisional Government:

David Ben-Gurion

| | |
|---------------------------|------------------------|
| Mordekhai Bentov | Eliezer Kaplan |
| Fritz Bernstein | Felix Rosenblueth |
| Yitzchak Gruenbaum | David Remez |
| Rabbi Yitzchak Meir Levin | Bekhor Shalom Shitreet |
| Rabbi Yehuda Leib Hacohe- | Moshe Shapira |
| Fishman | Moshe Shertok |
| Aharon Zisling | |

10th Iyar, 5708 (19th May, 1948)

DAVID BEN-GURION
Prime Minister

FELIX ROSENBLUETH
Minister of Justice