

INVALIDS (NAZI PERSECUTION) LAW, 5717—1957*

1. In this Law —

Definitions.

“invalid” means a person who was afflicted with invalidity as a result of illness, aggravation of illness or injury and who, but for the provisions of the Agreement between the State of Israel and the Federal Republic of Germany dated the 20th Elul 5712 (10th September, 1952) and of Letter No. 1A therein, would be entitled, by reason of his invalidity, to a pension or other compensation from the Federal Republic of Germany ;

“invalidity” means loss or impairment of the ability to perform an ordinary physical or mental action.

2. The Minister of Finance shall appoint a competent authority for the purpose of this Law (hereinafter referred to as “the competent authority”). Notice of the appointment and address of such authority shall be published in *Reshumot*.

Competent authority.

3. An invalid shall be entitled to a pension under this Law if —

Invalid, entitled to a pension.

(1) he immigrated into Israel before the 22nd Tishri 5714 (1st October, 1953) and on the 29th Adar Bet, 5717 (1st April, 1957) was, and thereafter remained, a national and resident of Israel ; and

(2) his degree of invalidity is not less than 25 p. ct. ; and

(3) he has not received and is not entitled to receive any pension or other compensation by reason of his invalidity from any other source.

4. (a) An invalid entitled to a pension shall be paid by the Treasury, for life, a monthly pension of an amount consisting of the following two :

Pension.

(1) 500 prutot for each per cent of invalidity ;

(2) the high-cost-of-living allowance payable in the period in respect of which the pension is payable on wages the amount of which is equal to the amount payable to the invalid under paragraph (1).

(b) The pension shall be paid as from the 27th Adar Bet, 5714 (1st April, 1954).

* Passed by the Knesset on the 8th Nisan, 5717 (9th April, 1957) and published in *Sefer Ha-Chukkim* No. 226 of the 18th Nisan, 5717 (19th April, 1957), p. 103 ; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 286 of 5717, p. 112.

Reduction of pension.	5. Where an invalid entitled to a pension is maintained free of charge in a public institution for invalids or elderly persons, or in another similar public institution, recognised by the Ministry of Social Welfare for the purposes of this Law, the monthly pension to which he is entitled under section 4 shall be reduced by 75 per cent so long as he is maintained in an institution as aforesaid.
Applications.	6. (a) A person claiming a pension under this Law shall submit to the competent authority an application accompanied by proofs necessary to establish his claim, as shall be prescribed by regulations. (b) The right to claim a pension as aforesaid shall be prescribed upon the expiration of two years from the day of publication of this Law in <i>Reshumot</i> .
Decision of competent authority.	7. (a) The competent authority shall consider the application as soon as possible and shall decide whether the conditions set out in section 3, except paragraph 2 thereof, are fulfilled in respect of the claimant. (b) Notice of the decision of the competent authority shall be sent to the applicant by registered post ; if the decision is negative, the competent authority shall state the reasons thereof.
Determination of degree of invalidity.	8. Where an application has been approved under section 7, the competent authority shall, within thirty days, forward all the documents to a medical board appointed for the purpose of section 8 of the Fifth Schedule to the National Insurance Law, 5714—1953 ¹⁾ (hereinafter referred to as the "Insurance Law") with a view to determining his degree of invalidity by such tests and in accordance with such principles as the Minister shall prescribe by regulations.
Objection.	9. The invalid or the competent authority may, on conditions to be prescribed by regulations, object to a decision of a medical board before the medical board of appeal appointed for the purpose of section 9 of the Fifth Schedule to the Insurance Law.
Re-determination of degree of invalidity.	10. (a) The competent authority or the invalid may, upon the expiration of every three years from the day on which the degree of invalidity was last determined, demand that the invalid's degree of invalidity be re-determined, and the pension shall be paid to the invalid in accordance with the re-determination as from the date thereof. (b) The provisions of sections 8 and 9 shall apply to the re-determination of a degree of invalidity under subsection (a).
Protection of pension.	11. A pension cannot be transferred, charged, pledged or attached save for the purpose of ensuring the payment of maintenance of a wife or children or the repayment of loans given to the invalid out of Treas-

¹⁾ *Sefer Ha-Chukkim* No. 137 of 5714, p. 6; *LSI* vol. VIII, p. 4.

surety funds or on the guarantee of the State or out of a fund the losses of which are guaranteed by the State and to an amount not exceeding half of the pension payable to the invalid.

12. Where an invalid has been paid an amount of pension exceeding the amount due to him, the competent authority may retain a part of his pension, at a rate not exceeding half of the amount payable, until the amount of the excess is covered. Overpayment of pension.

13. Where an invalid has not collected any pension within two years from the day on which it was offered for payment, his right to receive it shall lapse unless the competent authority otherwise directs. Time for collection of pension.

14. (a) A pension shall not be paid to an invalid in respect of a period during which he is abroad, otherwise than for purposes of recuperation, if such period exceeds six months. Withholding of pension.

(b) An invalid undergoing a penalty of imprisonment shall not be paid a pension for the period during which he is imprisoned, but the competent authority may direct that the pension, or part thereof, be paid to a person to whom the invalid owes maintenance.

15. The competent authority may, with the consent of the invalid, if it is of the opinion that such will assist his rehabilitation, convert his pension into a one-time grant not exceeding the pension which, at the rate obtaining on the day of the conversion, an invalid of his degree of invalidity is entitled to receive in the course of five years, and from the day of the conversion onwards the invalid shall no longer be entitled to a pension under this Law ; the competent authority may prescribe conditions as to the modes of investing a grant as aforesaid. Conversion of pension.

16. (a) The Minister of Justice shall appoint an objections committee or objections committees for the purpose of this Law. Objections committee.

(b) An objections committee shall consist of three persons ; the chairman of the committee shall be a judge.

(c) Notice of the appointment and address of an objections committee shall be published in *Reshumot*.

17. (a) A person who considers himself aggrieved by a decision of the competent authority may object to it before the objections committee within fourteen days from the day on which the notice of the decision of the competent authority reaches him ; but the committee may extend the time for objection by an additional period not exceeding fourteen days. Objection.

(b) The objection shall be lodged with the committee in writing in two copies, of which the committee shall forward one to the competent authority.

(c) The objections committee may confirm or vary the decision of the competent authority.

(d) A person who has lodged objection may, personally or by proxy, attend before the objections committee and present his arguments.

(e) A person who attends before an objections committee as the proxy of an objector shall not be entitled to a fee, save with the approval of the objections committee upon his application and to the amount fixed by the committee.

(f) The objections committee shall give reasons for its decision.

(g) The chairman of the committee shall forthwith send a copy of the committee's decision, by registered post, to the objector and the competent authority.

New decision.

18. The competent authority may at any time make a new decision on any matter, different from the previous decision, where the previous decision was obtained by any act or omission constituting a criminal offence or where it appears, on the basis of evidence, that it is founded on an error.

Extension of times.

19. The competent authority may, for a special reason which shall be indicated by it, extend any time prescribed in this Law or in regulations made thereunder for the doing of any thing, other than the lodging of objection.

Auxiliary powers.

20. (a) The competent authority, an objections committee, a medical board and the medical board of appeal shall have all the powers which may be conferred upon a commission of enquiry under section 5 of the Commissions of Enquiry Ordinance¹).

(b) The competent authority, an objections committee, a medical board and the medical board of appeal shall not be bound by rules of procedure or the rules of evidence, but shall act in such manner as seems to them most conducive to the clarification of the question to be decided by them.

Medical treatment.

21. An invalid entitled to a pension shall, whenever necessary, receive at the expense of the State, on such conditions and in accordance with such rules as shall be prescribed by regulations, treatment for the invalidity by reason of which he has been recognised as an invalid entitled to a pension.

In this section, "treatment" means medical treatment, including surgical treatment, medical examinations, hospitalisation, home treatment, the supply of medicaments, medical instruments, artificial limbs, orthopaedic appliances, movement appliances for the legless and paralysed and guide-dogs for the blind, and a contribution to the maintenance of all these.

¹) *Law of Palestine* vol. I, cap. 21, p. 157 (English Edition).

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| 22. A person who wilfully gives false information to the competent authority, a medical board, the medical board of appeal or an objections committee is liable to imprisonment for a term of six months or to a fine of three hundred pounds. | Offences. |
| 23. The right to a pension under this Law is not transmissible by inheritance. | Pension not inheritable. |
| 24. 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. |
| 25. The Minister of Finance may prescribe by regulations — | Modes of payment. |
| <p>(1) the procedure and times for the payment of pensions due to invalids under this Law in respect of the time prior to its coming into force ;</p> <p>(2) the payment of pensions or grants under this Law through the National Insurance Institute.</p> | |

DAVID BEN-GURION
Prime Minister

LEVI ESHKOL
Minister of Finance

YITZCHAK BEN-ZVI
President of the State

(No. 44)

EMERGENCY REGULATIONS (MAINTENANCE OF ESSENTIAL SUPPLIES AND SERVICES) (EXTENSION OF VALIDITY) LAW, 5717---1957*

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| 1. The validity of the Emergency Regulations (Maintenance of Essential Supplies and Services), 5717---1957 ¹) (hereinafter referred to as "the Regulations"), in the amended version set out in the Schedule to this Law, is hereby extended until the 1st Tammuz, 5717 (30th June, 1957). | Extension of validity. |
| 2. (a) Any such power under the Regulations or under any other enactment as immediately before the coming into force of this Law was | Transitional provisions. |
- * Passed by the Knesset on the 10th Nisan, 5717 (11th April, 1957) and published in *Sefer Ha-Chukkim* No. 227 of the 20th Nisan, 5717 (21st April, 1957), p. 108 ; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 299 of 5717, p. 174.
- ¹) *Kovetz Ha-Takkanot* No. 671 of 5717, p. 764.