

## LAWS

### (No. 1) PUBLIC SERVICE (GIFTS) LAW, 5740-1979 \*

#### 1. In this Law —

“public servant” means the holder of a post or assignment on behalf of the State and includes a soldier within the meaning of the Military Justice Law, 5715—1955<sup>1</sup>;

“gift” means the transfer of any asset without consideration or the rendering of any service or other benefit without consideration.

Definitions.

2. (a) Where a gift is made to a public servant *qua* public servant — whether in Israel or abroad and whether to himself or to his spouse living with him or his child maintained by him — and he does not refuse it and does not return it immediately to the giver, it shall become the property of the State; and where the gift is not property, the public servant shall pay its value to the Treasury.

How to deal with gift to public servant.

#### (b) Subsection (a) shall not apply to —

(1) a reasonable gift of little value made in accordance with what is customary in the circumstances of the case;

(2) a gift from fellow workers, colleagues in the service or persons on the same assignment;

(3) a prize awarded to a public servant, for his achievements, out of the Treasury or a prize so awarded otherwise than out of the Treasury if the award is published in a manner prescribed by regulations.

(c) A gift which has become the property of the State and an amount paid under subsection (a) shall be returned to the giver or made over to the public servant or otherwise dealt with, as shall be prescribed by regulations.

3. (a) Where a public servant receives a gift to which section 2 applies, he shall report it and shall deal with it within the time and in the manner prescribed by regulations.

Duty of public servant.

(b) A public servant who knowingly fails to fulfil a duty imposed on him by subsection (a) shall be liable to a fine of treble the value of the gift on the date of its receipt or the date of the convicting judgment, whichever is more.

\* Passed by the Knesset on the 3rd Cheshvan, 5740 (24th October, 1979) and published in *Sefer Ha-Chukkim* No. 944 of the 11th Cheshvan, 5740 (1st November, 1979), p. 2; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 1323 of 5738, p. 86.

<sup>1</sup> *Sefer Ha-Chukkim* of 5755, p. 171; *LSI* vol. IX, p. 184.

(c) The Minister of Justice may prescribe by regulations cases in which a monetary composition may be accepted from a public servant who has failed or is suspected of having failed to fulfil a duty imposed on him by subsection (a). The amount of the composition shall not exceed the maximum fine which may be imposed for the offence. Where a composition is accepted, any legal proceeding in respect of the offence shall be discontinued; where an information has been filed, a composition shall not be accepted so long as the Attorney-General has not announced a stay of the proceedings.

Applicability  
to other public  
servants.

4. (a) This Law shall also apply to the holder of a post or assignment on behalf of a local authority or a religious council.

(b) The Minister of Justice may, by order, with the approval of the Constitution, Legislation and Juridical Committee of the Knesset, make this Law applicable to the holder of a post or assignment on behalf of a body established by Law or on behalf of any of the various categories of Government companies, within the meaning of the Government Companies Law, 5735—1975<sup>1</sup>.

(c) In relation to the holder of a post or assignment on behalf of a local authority or religious council or a body to which this Law has been made applicable under this section, the State and the Treasury shall, for the purposes of this Law, be respectively replaced by the local authority, religious council or body on behalf of which he holds the post or assignment and by the fund thereof.

Saving of  
laws.

5. This Law shall not derogate from Article Five of Chapter Nine of the Penal Law, 5737—1977<sup>2</sup>, or from any obligation or prohibition imposed on a public servant by some other enactment or in any other manner.

Amendment of  
Penal Law.

6. In the Penal Law, 5737—1977, the following paragraph shall be added at the end of section 5 (b):

“(15) the Public Service (Gifts) Law, 5740—1979”.

Implementation  
and regulations.

7. The Minister of Justice is charged with the implementation of this Law and may, with the approval of the Constitution, Legislation and Juridical Committee of the Knesset, make regulations for its implementation and, *inter alia*, regulations concerning —

(1) matters which according to this Law are to be dealt with by regulations;

<sup>1</sup> *Sefer Ha-Chukkim* of 5735, p. 132; *LSI* vol. XXIX, p. 162.

<sup>2</sup> *Sefer Ha-Chukkim* of 5737, p. 226; *LSI Special Volume: Penal Law, 5737-1977*.

(2) rules of conduct for public servants as to the acceptance, refusal and immediate return of gifts;

(3) the expenses of delivering up a gift to the State and conditions under which a gift shall be left with the recipient or another person as a deposit.

8. This Law shall come into force six months from the date of its publication.

Commencement.

MENACHEM BEGİN  
*Prime Minister*

SHMUEL TAMİR  
*Minister of Justice*

YITZCHAK NAVON  
*President of the State*