

(No. 22)

UNJUST ENRICHMENT LAW, 5739-1979\*

Duty of  
restitution.

1. (a) Where a person obtains any property, service or other benefit from another person without legal cause (the two persons hereinafter respectively referred to as "the beneficiary" and "the benefactor"), the beneficiary shall make restitution to the benefactor, and if restitution in kind is impossible or unreasonable shall pay him the value of the benefit.

(b) It shall be immaterial whether the benefit was obtained through an act of the beneficiary or an act of the benefactor or in any other way.

Exemption from  
restitution.

2. The Court may exempt the beneficiary from the whole or part of the duty of restitution under section 1 if it considers that the receipt of the benefit did not involve a loss to the benefactor or that other circumstances render restitution unjust.

Deduction of  
expenses.

3. The beneficiary may, in making restitution, deduct what he has reasonably expended or undertaken to expend or invested in order to obtain the benefit.

Person who pays  
another person's  
debt.

4. A person who pays another person's debt without being under duty towards him to do so is not entitled to restitution unless the other person has no reasonable cause to object to the payment of the whole or part of the debt and not beyond the amount paid.

Person who acts  
to protect  
another  
person's interest.

5. (a) Where a person, in good faith and reasonably, does any act to protect the life, physical integrity, health, honour or property of another person without being under duty towards him to do so and in that connection incurs or undertakes to incur any expenses, the beneficiary shall indemnify the benefactor for his reasonable expenses, including obligations incurred by him towards a third party, and if damage is caused to the property of the benefactor in consequence of the act, the Court may order the beneficiary to pay compensation

\* Passed by the Knesset on the 23rd Tevet (22nd January, 1979) and published in *Sefer Ha-Chukkim* No. 924 of the 4th Shevat, 5739 (1st February, 1979) p. 42; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 1353 of 5738, p. 267.

to the benefactor if it considers it just to do so in the circumstances of the case.

(b) For the purposes of the requirement of compensation under subsection (a), a person whose property is used for the protection of any of the aforesaid values shall be treated as a person who does an act for the protection thereof.

(c) The duty of indemnification or compensation under this section shall not fall on a beneficiary who objects or has reasonable cause to object to the act or the use of the property or the amount of the expenses unless the act is done or the property used to protect his life, physical integrity or health.

6. (a) The provisions of this Law shall apply where no other Law contains special provisions as to the matter in question and no agreement between the parties provides otherwise.

Scope of application and saving of remedies.

(b) This Law shall apply also to the State.

(c) This Law shall not derogate from any other available remedy.

7. Section 3 of the Law of Torts Amendment (Repair of Bodily Harm) Law, 5724-1963<sup>1</sup>, is hereby repealed.

Repeal

MENACHEM BEGIN  
*Prime Minister*

SHMUEL TAMIR  
*Minister of Justice*

YITZCHAK NAVON  
*President of the State*

<sup>1</sup> *Sefer Ha-Chukkim* of 5724, p. 77; *LSI* vol. XVIII, p. 64.