

DEFENCE SERVICE LAW, 5709—1949 **

Interpreta-
tion.

1. In this Law —

“defence service” means —

(a) service in the Regular Forces of the Defence Army of Israel (hereinafter: “regular service”);

(b) service in the Reserve Forces of the Defence Army of Israel (hereinafter: “reserve service”);

“ordinary resident” means a person whose ordinary place of residence is within the territory in which the law of the State of Israel applies;

“person of military age” means an ordinary resident of an age as specified hereunder:

(a) in the case of a male person — any age from eighteen to forty-nine years inclusive;

(b) in the case of a female person — any age from eighteen to thirty-four years inclusive.

* Passed by the Knesset on the 12th Elul, 5709 (6th September, 1949) and published in *Sefer Ha-Chukkim* No. 24 of the 18th Elul, 5709 (12th September, 1949), p. 270.

1) I.R. No. 6 of the 16th Sivan, 5708 (23rd June, 1948), Suppl. I, p. 15; *LSI* vol. I, p. 22.

2) *P.G.* No. 1608 of the 29th August, 1947, Suppl. I, p. 208 (English Edition).

** Passed by the Knesset on the 14th Elul, 5709 (8th September, 1949) and published in *Sefer Ha-Chukkim* No. 25 of the 21st Elul, 5709 (15th September, 1949), p. 271; the Bill was published in *Hatza'ot Chok* No. 21 of the 21st Av, 5709 (16th August, 1949), p. 185.

2. For the purposes of this Law, a person attaining a particular age in a particular year of the Hebrew calendar shall be deemed to attain such age on the 1st of Nisan of such year. Calculation of age.
3. (a) The Minister of Defence may appoint a calling-up officer or calling-up officers for the purpose of this Law. Calling-up officers.
- (b) The appointment of a calling-up officer may be either general or restricted.
- (c) Notice of the appointment of a calling-up officer shall be published in *Reshumot*.
4. (a) A calling-up officer may, by order, call upon any person of military age to report for registration at such place and time as shall be fixed in the order. Registration.
- (b) A person of military age who has been called upon to report as aforesaid shall report at the place and time fixed in the order and give the calling-up officer, or a person appointed by him in that behalf, such particulars relating to himself as shall be determined by regulations.
- (c) Where a person of military age is called upon to report as aforesaid and, after he has fulfilled his obligations under subsection (b), a change occurs in one of the particulars referred to in subsection (b), such particular having been defined by regulations as a material particular, such person shall notify the calling-up officer of such change within thirty days of the day on which it occurred.
- (d) A calling-up officer may, by order, call upon an ordinary resident of seventeen years of age to report for registration at such place and time as shall be fixed in the order. Upon such order being issued, subsections (b) and (c) shall apply to such ordinary resident as though he were a person of military age.
5. (a) A calling-up officer may, by order, call upon any person of military age to report, at such place and time as shall be fixed in the order, for medical examination with a view to ascertaining his medical fitness for defence service. Medical fitness.
- (b) A person of military age who has been called upon to report as aforesaid shall report at the place and time fixed in the order and be subjected by a medical board to any examination which, in the opinion of the board, is necessary to ascertain his medical fitness for defence service. The tests for the various grades of medical fitness shall be prescribed by regulations.
- (c) When a medical board has completed the examination of a person of military age, it shall state whether it finds such person medically fit for defence service (hereinafter: "fit for service") or medically unfit for defence service (hereinafter: "unfit for service").
- (d) A person of military age whom a medical board has found fit for service or unfit for service, as the case may be, may, on such conditions as may be prescribed by regulations, request that a higher medical board subject him to a further medical examination and state whether it finds him fit for service or unfit for service.
- (e) The mode of constitution and rules of procedure of a medical board and a higher medical board shall be prescribed by regulations.
6. (a) A calling-up officer may, by order, call upon — Regular service.
- (1) a male of military age who has been found fit for service and is of any age from eighteen years to twenty-nine years inclusive, and
- (2) a female person of military age who has been found fit for service and who is of any age from eighteen years to twenty-six years inclusive.
- to report, within the periods specified in subsection (d) and at such place and time

as shall be fixed in the order, for regular service, and such person shall report accordingly.

(b) A male person of military age who has been called upon to report for regular service under subsection (a), shall be liable to regular service —

(1) if he was called upon to report for regular service while being of any age from eighteen years to twenty-six years inclusive — for a period of twenty-four months;

(2) if he was called upon to report for regular service while being of any age from twenty-seven years to twenty-nine years inclusive — for a period of eighteen months.

(c) A female person of military age who has been called upon to report for regular service under subsection (a) shall be liable to regular service for a period of twelve months.

(d) A person of military age shall not be called upon to report for regular service unless the time fixed for such reporting is within a period as specified hereunder: —

(1) if on the date of the coming into force of this Law such person is of any age from eighteen years to twenty-five years inclusive — within twenty-four months of the date of the coming into force of this Law;

(2) if on the date of the coming into force of this Law such person is of any age from twenty-six years to twenty-nine years inclusive — within twelve months of the date of the coming into force of this Law;

(3) if such person attains the age of eighteen years after the coming into force of this Law — within twenty-four months after his attaining the age of eighteen years;

(4) if such person arrives in the country as an immigrant (*oleh*) after the coming into force of this Law — within such period as shall be fixed by regulations.

(e) Notwithstanding anything contained in subsection (d), a person of military age whose regular service has been postponed upon his application in accordance with section 12 may be called upon to report for regular service if the time fixed for such reporting is within twelve months of the date of expiration of the period of postponement.

(f) The first twelve months of the regular service of a male person and the twelve months of the regular service of a female person shall, after basic military training, be devoted mainly to agricultural training, as shall be prescribed by regulations; provided that the Minister of Defence may, in respect of a person of military age who has stated his desire to serve, and has been accepted for service, in the Air Force or the Navy, direct that the period of service of such person assigned for agricultural training shall be devoted, wholly or in part, to service in the Air Force or the Navy, as the case may be. The branches of farming the training in which shall be considered as agricultural training, and the order and regime of agricultural training, shall be prescribed by regulations.

(g) The Minister of Defence shall make regulations with a view to safeguarding, in carrying into effect the provisions of this section, the integrity of settlement nuclei.

(h) The Minister of Defence shall make regulations with a view to regulating the fulfilment of the obligation of regular service by persons of military age who arrive in the country as immigrants (*olim*) after the coming into force of his Law.

(i) Notwithstanding anything contained in this section —

(1) any person of military age who, immediately before the coming into

force of this law, was serving on full-time service in the Defence Army of Israel, shall be liable to regular service for a period of twenty-four months or such shorter period as the Minister of Defence may direct;

(2) a person of military age who, before the coming into force of this Law, was discharged from full-time service in the Defence Army of Israel after military service of one year or over, shall not be called upon to report for regular service under this section.

(j) Where a person of military age liable to regular service has served on military service during the period from the 19th Tevet, 5708 (1st January, 1948) to the date of the coming into force of this Law, the period of his military service shall be deducted from the period of regular service to which he is liable.

(k) In this section "military service" means —

(1) in respect of the period from the 19th Tevet, 5708 (1st January, 1948) to the 21st Iyar, 5708 (30th May, 1948) — any service which the Minister of Defence may, by declaration published in *Reshumot*, declare to be military service for the purpose of this section;

(2) in respect of the period from the 22nd Iyar, 5708 (31st May, 1948) to the date of the coming into force of this Law — full-time service in the Defence Army of Israel.

7. (a) A person of military age who has been found fit for service and who is not serving on regular service, shall belong to the Reserve Forces of the Defence Army of Israel and shall be liable to reserve service as specified hereunder:

Reserve
service.

(1) in the case of a male person of any age from eighteen years to thirty-nine years inclusive, and in the case of a female person of any age from eighteen years to thirty-four years inclusive — for a period not exceeding thirty-one consecutive days of service each year plus one day of service each month; provided that such day shall not fall on a Sabbath or Jewish religious holiday;

(2) in the case of a male person of any age from forty years to forty-nine years inclusive — for a period not exceeding fourteen consecutive days of service each year plus one day of service each month; provided that such day shall not fall on a Sabbath or Jewish religious holiday;

(3) in the case of a commander — for a period not exceeding seven consecutive days of service in addition to the consecutive days of service referred to in paragraphs (1) and (2); in this paragraph, "commander" means any person of military age, whether male or female, of or above the rank of full corporal in the Land Forces or of or above the corresponding rank in the Air Force or the Navy.

(b) A calling-up officer may, by order, call upon a person of military age liable to reserve service as aforesaid to report for reserve service at such place and time as shall be fixed in the order, and such person of military age shall report accordingly.

8. (a) The Minister of Defence may, if he is satisfied that the security of the State so requires, call, by order, upon any person of military age who belongs to the Reserve Forces of the Defence Army of Israel to report for regular service or reserve service, as shall be specified in the order, at such place and time as shall be fixed therein, and to serve so long as the order shall be in force; and such person of military age shall report and serve accordingly.

Special
service.

(b) An order issued under subsection (a) shall, as soon as possible after it is issued, be brought by the Minister of Defence to the notice of the Knesset Committee on Security and Foreign Affairs. The Committee may confirm the order, with or without modifications, or refuse to confirm it or place it before the Knesset.

The order shall expire fourteen after the date of its issue, except if and as confirmed by the Committee or the Knesset prior to the termination of the said period.

Procedure of reporting.

9. Rules to be followed by calling-up officers when issuing orders calling upon persons of military age to report under this Law, and rules as to the procedure for such reporting, shall be prescribed by regulations.

Application of military law.

10. (a) A person of military age liable to report for regular service shall belong to the Regular Forces of the Defence Army of Israel from the time fixed by order for his so reporting; if he fails to report without sufficient excuse, he shall be deemed to have left the service without permission at such time.

(b) A person of military age liable to report for reserve service shall be deemed to be on service from the time fixed by order for his so reporting; if he fails to report, without sufficient excuse, he shall be deemed to have left the service without permission at such time.

Exemption.

11. (a) Where the Minister of Defence is satisfied that a particular ordinary resident does not intend to settle within the territory in which the law of the State of Israel applies, he may, by certificate under his hand, exempt such person from the obligations imposed by this Law upon an ordinary resident.

(b) The following persons shall be exempt from the obligations of defence service:

- (1) the mother of a child;
- (2) a pregnant woman.

(c) A married woman shall be exempt from the obligations of regular service.

(d) A female person of military age who has declared that reasons of conscience or religious conviction prevent her from serving on defence service, shall, in such manner as shall be prescribed by regulations, be exempted from the obligations of defence service.

Release from obligation and postponement of service.

12. If the Minister of Defence considers that reasons connected with the size of the Regular Forces or the Reserve Forces of the Defence Army of Israel or with the requirements of education, settlement or the national economy, or family reasons, or other similar reasons, so require, he may by order direct —

- (a) that a person of military age shall be released from the obligation of regular service or that the period of regular service of such a person shall be reduced;
- (b) that the regular service of a person of military age shall be postponed for a specific period upon his application;
- (c) that a person of military age liable to reserve service shall be released, for a specific period or entirely, from the obligation of reserve service.

Leaving the country.

13. (a) A person of military age shall not leave the country during the period in which he is liable to be called up for regular service as provided in section 6(d) and (e), save under a permit from the Minister of Defence.

(b) A person of military age whose regular service has been postponed upon his application, in accordance with section 12, shall not leave the country during the period of postponement, save under a permit from the Minister of Defence.

Supply of information.

14. The Minister of Defence may, by regulations, require any class of persons to supply the calling-up officer, at the latter's demand, with such particulars relating to a person of military age as may be determined by regulations, to the full extent of their knowledge of such particulars.

15. (a) An order under section 12 may be either personal or to a particular class of persons. Any other order under this Law may be either general or to a particular class of persons.

Orders —
general
provision.

(b) It shall not be necessary for an order under this Law to be published in *Reshumot*.

(c) An order shall be binding upon the person to whom it applies from the time at which it comes to his notice.

(d) An order published in *Reshumot* shall be deemed to have come to the notice of the person to whom it applies at noon on the day following the day of its publication.

(e) An order which has not been published in *Reshumot* shall be deemed to have come to the notice of the person to whom it applies —

(1) if delivered to such person or to a member of his family living with him and not being under eighteen years of age — at the time of delivery;

(2) if sent by registered post to such person at the address of his ordinary place of residence — upon the expiration of seventy-two hours from the time at which it was delivered to the post office for despatch.

16. (a) A person who commits any of the following offences:

Offences and
penalties.

(1) fails to fulfil an obligation imposed on him by this Law;

(2) knowingly supplies to the authority to which he is bound to supply particulars under this Law, false information as to any particular as aforesaid;

(3) contravenes section 13,

shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding six hundred pounds or to both such penalties.

(b) A person who commits any of the following offences:

(1) does any of the acts specified in subsection (a) with the intention of evading defence service;

(2) injures or maims, or suffers any other person to injure or maim, his body with the intention of thereby impairing his medical fitness for defence service,

shall be liable to imprisonment for a term not exceeding five years.

(c) In any criminal proceedings for failure to fulfil an obligation to report under section 4(b) or section 5(b), the prosecutor need prove only that the accused is under such obligation, and upon his having proved this, the onus shall be upon the accused to prove that he fulfilled the obligation.

(d) Where an order has been issued under this Law requiring a person to fulfil some obligation at a time fixed in such order and such person has not fulfilled such obligation at such time, the order shall remain in force, in respect of such person, until he has fulfilled the obligation. Nothing contained herein shall affect the criminal liability of a person for failure to fulfil an obligation at a time fixed in an order, and his conviction for such failure to fulfil an obligation imposed on him shall not relieve from such obligation.

17. (a) A person of military age who commits an offence under this Law shall be answerable for such offence whether he committed it within the State or abroad.

Persons of
military age
abroad.

(b) The manner of carrying this Law into effect in respect of persons of military age being abroad shall be prescribed by regulations.

18. The Minister of Defence may appoint advisory boards for the purpose of implementing this Law.

Advisory
boards.

Delegation
of powers.

19. (a) The Minister of Defence may delegate to any other person all or any of the powers conferred upon him by this Law, with the exception of the following:

- (1) the power to make regulations;
- (2) the power to appoint calling-up officers under section 3;
- (3) the power to issue orders under section 8;
- (4) the power to appoint advisory boards under section 19.

(b) A notice of any delegation of powers under this section shall be published in *Reshumot*.

Implementa-
tion and
regulations.

20. The Minister of Defence is charged with the implementation of this Law and may make regulations as to any matter relating to its implementation.

Revocation
and saving.

21. (a) Any order, declaration, regulation and direction validated by section 5 of the Defence Army of Israel Ordinance, 5708—1948¹⁾ and any order made under that Ordinance, are hereby revoked.

(b) Save as provided in subsection (a), this Law shall not derogate from the provisions of the Defence Army of Israel Ordinance, 5708—1948.

Transitional
provisions.

22. A person of military age who immediately before the coming into force of this Law was serving on full-time service in the Defence Army of Israel and who before the coming into force of this Law was medically examined upon enlistment for military service within the meaning of section 6 and found fit for military service as aforesaid, shall be deemed —

(a) to have been examined by a medical board and found fit for service in accordance with section 5, and

(b) to have reported for regular service in compliance with an order under section 6(a),

on the date of the coming into force of this Law.

Commence-
ment.

23. This Law shall come into force on the 8th Tishri, 5710 (1st October, 1949).

DAVID BEN-GURION
Prime Minister
Minister of Defence

YOSEF SPRINZAK
Chairman of the Knesset
Acting President of the State

¹⁾ *Iton Rishmi* No. 3, of the 22nd Iyar, 5708 (31st May, 1948), Supplement I, p. 9.