

WATER LAW, 5719-1959*

CHAPTER ONE: PRELIMINARY

1. The water resources in the State are public property; they are subject to the control of the State and are destined for the requirements of its inhabitants and for the development of the country.

Water resources
and purpose
thereof.

2. For the purposes of this Law, "water resources" means springs, streams, rivers, lakes and other currents and accumulations of water,

What are
water
resources.

* Passed by the Knesset on the 28th Tammuz, 5719 (3rd August, 1959) and published in *Sefer Ha-Chukkim* No. 288 of the 9th Av, 5719 (13th August, 1959), p. 169; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 326 of 5718, p. 58.

whether above ground or underground, whether natural, regulated or made, and whether water rises, flows or stands therein at all times or intermittently, and includes drainage water and sewage water.

Private person's right to water.

3. Every person is entitled to receive and use water, subject to the provisions of this Law.

Relationship between land and water.

4. A person's right in any land does not confer on him a right in a water resource situated therein or crossing it or abutting thereon; but the provision of this section shall not derogate from the right of any person under section 3.

Water resource must not be depleted.

5. A person's right to receive water from a water resource is valid so long as the receipt of water from that water resource does not lead to the salination or depletion thereof.

Linking of right to purpose.

6. Every right to water is linked to one of the water purposes enumerated hereunder; the right to water ceases upon the cessation of the purpose. The purposes are —

- (1) domestic purposes;
- (2) agriculture;
- (3) industry;
- (4) handicraft, commerce and services;
- (5) public services.

Applicability.

7. For the purposes of this Law, it shall be immaterial whether a right to water was created by law — including this Law — or by agreement or custom or in any other manner, or whether it was created before or after the coming into force of this Law.

CHAPTER TWO : REGULATION OF USE OF WATER

Article One : Preservation of Water

Definitions.

8. In this chapter —

“depletion of water resource” includes the lowering of the level of water, whether above ground or underground, and the impairment of the possibility of raising water to the surface or of conveying water from place to place;

“pollution of water” means whatever makes water less fit for the use for which it is intended, and includes salination and deterioration of the properties of water.

Rules for the preservation of water.

9. A person shall —

- (1) deal efficiently and sparingly with water coming under his control;

- (2) keep any water installations under his control in proper condition, so as to prevent waste and pollution of water;
- (3) refrain from blocking up, depleting or polluting any water resource;
- (4) prevent the blocking up, depletion and pollution of the water resource from which he produces water.

10. The provisions of section 9 shall not derogate from the permission to mix water of different quality under a permit from the Water Commissioner.

Permit to mix water.

11. Where the Water Commissioner appointed under section 138 (hereinafter referred to as "the Water Commissioner") is satisfied that any of the provisions of section 9 is not being complied with, he may —

Powers of Water Commissioner in respect of preservation of water.

(1) order the person bound to comply with the provision to rectify the position in accordance with the order and, if the position is not rectified within a reasonable time, do whatever is necessary to rectify it and order the discontinuance or restriction of the production, supply or consumption of water, as the circumstances may require, pending rectification of the position;

(2) take steps to prevent immediate serious damage to a water resource if such damage cannot be prevented in any other way.

12. The Water Commissioner may, by order, charge the expenditure incurred by him for the purposes of action under section 11 to the person who was bound to comply with the provisions of section 9, and upon his doing so such expenditure shall be recovered as if it were a tax to which the Taxes (Collection) Ordinance¹, except section 12 thereof, applies.

Charging of expenditure.

13. A person who considers himself aggrieved by an order under section 11 or by the charging of expenditure under section 12 may lodge objection with the Tribunal established under section 140 (hereinafter referred to as "the Tribunal"). The objection shall not stay the enforcement of the order unless the Tribunal orders the stay thereof; but expenditure shall not be recovered under section 12 until the Tribunal has determined the objection.

Objection.

14. The Minister of Agriculture may, after consultation with the Water Board appointed under section 125 (hereinafter referred to as "the Water Board") prescribe rules concerning the width and area of protective strips, and upon his doing so, the Water Commissioner shall not prescribe a protective strip save within the scope of those rules and not beyond what is necessary for the achievement of the purpose for which the protective strip has been prescribed.

Dimensions of protective strips.

15. Where the Water Commissioner deems it necessary so to do for the

Prescribing of protective strips.

¹ *Laws of Palestine* vol. II, cap. 136, p. 1399 (English Edition).

purpose of preserving any water, water resource, water supply system or installation for the production, storage or conveyance of water he may, by order, prescribe around or at the sides of the water resource or installation a protective strip, entry to and passage through which shall be prohibited except under a permit from the Water Commissioner and in accordance with the conditions of the permit.

- Objection. 16. A person who considers himself aggrieved by the prescribing of a protective strip, by the refusal of the Water Commissioner to grant a permit under section 15 or by the conditions of such a permit may lodge objection with the Tribunal.
- Right of entry, inspection etc. 17. The Water Commissioner, or any person authorised by him in that behalf in writing, may enter any place upon written advance notice to the occupier thereof, and do therein any act required for the supervision of a water resource or for the preservation of water; he may also act with a view to uncovering, or to measuring the yield and properties of, any water resources or to inspecting land, vegetation and other local conditions for the purpose of determining water requirements.
- Compensation. 18. A person to whom damage has been caused by the prescribing of a protective strip or by any act under section 17 is entitled to compensation from the Treasury; in the absence of agreement between the person demanding compensation and the Water Commissioner concerning the compensation or the amount or terms of payment thereof, the Tribunal shall decide.
- Depleted water resource. 19. (a) Where the Water Commissioner is satisfied that a water resource is being depleted to the extent that its yield, on regular production is not sufficient for the maintenance of the supply of the ordinary quantity of water therefrom, he may, with the approval of the Minister of Agriculture, order the water producer to restrict production from that source or order the regulation of production or the adoption of other emergency measures to ensure the supply of water, as he may think fit in the circumstances of the case.
- (b) The approval of the Minister of Agriculture for an order under subsection (a) shall be given after consultation with the Water Board unless in the opinion of the Minister immediate action is required; in that case, the matter shall be brought to the knowledge of the Water Board within a reasonable time after the making of the order.
- (c) If the order is not complied with within a reasonable time prescribed therein, the Water Commissioner may, after written warning, himself do whatever is necessary and, upon doing so, recover the expenditure involved from the person to whom the order is addressed.
- Unutilised water conduit. 20. Where the Water Commissioner is satisfied that a water resource of a supplier or producer has become depleted or that the use of any resource or installations being under the control of a supplier or producer

is impaired to such extent that the yield of the resource is not sufficient for the maintenance of the supply of the ordinary quantity of water therefrom, he may demand of the owner of any such pipeline, canal or other installation for the conveyance of water as is not utilised by such owner that he convey water for the supplier or producer affected as aforesaid or for the consumers of the said supplier; the quantity of water and the conditions of the conveyance thereof and the payments connected with such conveyance, shall, in the absence of agreement between the parties, be prescribed by the Water Commissioner.

Article Two : Norms and Rules for the Use of Water

21. The Minister of Agriculture may, after consultation with the Water Board, prescribe norms for the quantity, quality, price, conditions of supply and use of water within the scope of the purpose thereof and rules for the efficient and economic utilisation of water, and upon his doing so, a person shall not supply or use water otherwise than in accordance with such norms and rules.

Prescribing norms and rules.

22. The prescribing of norms and rules as provided in section 21 shall not be a ground for any claim for compensation; but where a consumer, having made an investment in the system of a supplier who supplies water to him for a consideration, is, in consequence of such prescribing, no longer permitted to use the quantity of water to which he was entitled according to his investment in the system, such consumer may recover from the supplier such part of his said investment as is proportionate to the quantity of water which he is no longer permitted to use.

Person whose right is prejudiced by norms and rules.

Article Three : Control of Production and Supply of Water

23. A person shall not produce water from a water resource, whether for his own consumption or for supply to others, and shall not supply water, whether produced by him from a water resource or received by him from another supplier, otherwise than under a licence from the Water Commissioner and in accordance with the conditions of that licence (such a licence being hereinafter referred to as a "production licence").

Production licence.

24. A production licence shall indicate the quantity of water which the holder is permitted to produce and supply per hour, per day, per season or within any other period, and other particulars prescribed by regulations.

Particulars of licence.

25. Except as otherwise provided by regulations, the Water Commissioner may prescribe in a production licence any condition which seems to him necessary in order to ensure efficiency of the supply, storage, conveyance or distribution of water or to prevent the depletion of water resources.

Conditions of licence.

Existing water supply.

26. (a) Where a person has produced or supplied water on the day on which this Law comes into force or within one year prior to such day, the Water Commissioner shall grant him a production licence for the quantity of water previously produced or supplied by him and for the same consumers to whom he supplied water.

(b) An application for a production licence under this section shall be submitted to the Water Commissioner within ninety days from the day on which this Law comes into force, and the provisions of this article shall not apply to the applicant so long as the licence has not been granted to him; the Water Commissioner shall not refuse to receive an application under this section even if it is submitted after the period of ninety days if there have been special reasons for the delay.

Registration of licences.

27. (a) A production licence, with all the conditions thereof, and all the consumers of a supplier and the conditions on which water is supplied to them, shall be entered in the Water Register.

(b) Every consumer may, on demand, receive a copy of entries in the Water Register which concern him and which relate to the supply of water, including all the conditions of such supply.

(c) The provisions of subsections (a) and (b) shall not apply to consumers of a local authority, except consumers receiving water for industrial or agricultural purposes or for other uses designated by the Minister of Agriculture by order.

Transfer of production licence.

28. The holder of a production licence may transfer it to another person, provided that he notifies the Water Commissioner of the transfer.

Production licence in rationing area.

29. Where the Minister of Agriculture has declared water rationing under section 36, the Water Commissioner may, in accordance with regulations under section 37, cancel any production licence, limit the quantity of water permitted to be produced or supplied thereunder, or vary the licence.

Cancellation and variation of production licence.

30. The Water Commissioner may cancel, suspend or vary a production licence if the holder has produced or supplied water otherwise than in accordance with the provisions of the licence or of this Law or of regulations made under this Law and has continued to do so after the Water Commissioner had warned him in writing and has given him reasonable time to rectify the position.

Objection.

31. (a) A person who considers himself aggrieved by the refusal of the Water Commissioner had warned him in writing and had given him prescribed in such a licence or by the suspension, variation or cancellation thereof may lodge objection with the Tribunal within 21 days from the day on which notice of the decision of the Water Commissioner was delivered to him.

(b) The due lodging of objection shall stay the cancellation, suspension or variation of the licence.

32. (a) The Tribunal which confirms the decision of the Water Commissioner to cancel a production licence may prescribe that the cancellation shall not become effective unless the holder of the licence, within a period fixed by the Tribunal, has again produced or supplied water otherwise than in accordance with the provisions of the licence or of this Law or of regulations made under this Law, and the Tribunal, on the application of the Water Commissioner, has given an appropriate decision.

Deferment of
cancellation of
licence.

(b) The cancellation of a production licence shall have effect for two years from the date of the decision of the Tribunal, and the licence shall be automatically renewed upon the expiration of that period unless the Tribunal, on the application of the Water Commissioner, extends the validity of the cancellation for an additional year.

33. (a) Where as a result of the cancellation, suspension or variation of a production licence under section 30 the owner of a water supply undertaking is unable to supply to his consumers the full quantity of water which they were accustomed to receive from him, the Minister of Agriculture may direct the Water Commissioner to manage the said undertaking, in such manner and on such conditions as the Minister of Agriculture may prescribe, until a new production licence has been granted to the owner of the undertaking in respect of the undertaking or until the undertaking has been transferred by its owner to another holder of a production licence who maintains a proper supply of water to the consumers concerned or until a water supply is otherwise ensured to the consumers on reasonable conditions.

Continuance of
supply after
cancellation of
production
licence.

(b) Where the Minister of Agriculture has directed the Water Commissioner, in accordance with subsection (a), to manage a water undertaking, the Water Commissioner may, on the conditions prescribed by the Minister, delegate all or any of his powers in this matter to another person, including the owner of the undertaking.

(c) A person who manages a water undertaking in accordance with the provisions of this section shall be deemed to have been appointed receiver and manager by a court.

34. The Water Commissioner may order the holder of a production licence to supply water to a particular person in so far as such supply does not substantially impair the satisfaction of the requirements of the holder of the licence and his consumers, but the cost of the basic investment for the arrangement of such supply shall not fall on the holder of the licence; in the absence of agreement between the parties as to the quantity, price and conditions of supply of the water, these shall be prescribed by the Water Commissioner; a person who considers himself aggrieved by his decision may lodge objection with the Tribunal.

Order to
supply water.

Continuance of supply of water in certain cases.

35. (a) Where on the day of the coming into force of this Law a duty exists under an agreement terminating within one year after that day or under the provisions of the Emergency (Use and Supply of Water) Order 5717-1957¹⁾, the supplier shall, on the demand of the consumer, supply water to the land in question, on the same conditions of supply and for the same purpose as he did immediately before the coming into force of this Law, for one year from the day of the coming into force thereof or from the day on which the agreement terminates, whichever is the later date, or, if the contract is for a period exceeding five years, for two years from the day of the coming into force of this Law.

(b) A supplier who intends to discontinue the supply of water to a consumer after the aforesaid time, shall give not less than three months' written advance notice of such fact to the consumer and the Water Commissioner.

(c) The Water Commissioner may order the continuance of the water supply after the expiration of the said time and may prescribe the conditions thereof.

(d) A person who considers himself aggrieved by an order of the Water Commissioner or by his refusal to grant an order or by the conditions contained in an order, may lodge objection with the Tribunal; and the supplier shall not discontinue the supply of water to the consumer so long as the Tribunal has not decided on the objection.

(e) For the purpose of this section, the conditions of supply are the conditions relating to the quantity of water, to the land to which the water is supplied, to the supply point, to the pressure, to the times and rates of supply, to the quality of the water having regard to the use for which it is intended, and the conditions relating to the price of the water and to the mode of payment thereof.

Article Four : Rationing Areas

Declaration of rationing area.

36. Where the Minister of Agriculture is satisfied that the water resources in a particular area are not sufficient for the maintenance of the existing consumption of water, he may, after consultation with the Water Board and the supply committees, declare, in *Reshumot*, such area to be an area in which the consumption of water shall be rationed (such an area to be hereinafter referred to as a "rationing area").

Power to regulate use of water in rationing area.

37. (a) Where the Minister of Agriculture has declared a rationing area and it appears to him that there is no reasonable possibility of ensuring to the area a supply of water sufficient for the maintenance of the consumption which existed therein immediately before the declaration, he may, after consultation with the Water Board and the supply committees, regulate the supply and consumption in the rationing area by regulations prescribing —

¹⁾ *Kovetz Ha-Takkanot* No. 703 of 5717, p. 1403; *Kovetz Ha-Takkanot* No. 854 of 5719, p. 408.

(1) maximum consumption quantities, standards for the quality of the water and conditions for the supply thereof; and he may grade the allotted quantities, the standards of quality and the conditions of supply according to the use of the water within the scope of a particular water purpose, to the seasons of the year, to the hours of the day, to the quality and category of the land and to geographical, health or other data;

(2) water purposes, or uses of water within the scope of a particular purpose, which, in the event of a water shortage, shall have priority over other purposes or uses.

(b) Regulations under subsection (a)(1) shall — in so far as the hydrological situation permits — ensure that the reduction of the quantities of water applies to the affected consumers in the area proportionately and with due regard to their water rights recognised by the competent authorities, whether or not those rights have yet been exercised.

38. Where the Minister of Agriculture sees fit to regulate the supply and consumption of water in a rationing area, he shall prepare a detailed draft arrangement and shall deposit a copy thereof at the offices of the Water Commissioner, at the offices of the local authorities the area of which is wholly or partly situated in the rationing area, at the offices of representative agricultural organisations and at the offices of consumers' organisations, and every person shall be permitted to inspect the arrangement free of charge and to receive a copy thereof against a payment prescribed by the Water Commissioner; notice of the deposit of an arrangement shall be published in *Reshumot*, in daily newspapers and in any such other manner as the Water Commissioner may direct.

Publication of
draft
arrangement.

39. Every person interested in land or other property likely to be affected by a draft arrangement deposited as aforesaid, and every water consumer in a rationing area who is to have the price of his water supply increased as a result of the arrangement may, within 60 days from the publication of notice of the deposit of the draft, lodge reasoned written opposition with the Water Commissioner.

Opposition to
draft
arrangement.

40. The Minister of Agriculture shall not make regulations under section 37 until every opponent has been given an opportunity to bring his contentions before the Water Board or before a committee of the Water Board designated by it in that behalf and until he has studied the findings of the Board or committee concerning the oppositions.

Decision upon
arrangement.

41. The provisions of sections 37–40 shall apply *mutatis mutandis* to any variation of a supply and consumption arrangement.

Variation of
arrangement.

42. The Water Commissioner may, if he deems it necessary so to do for the purpose of implementing directions under this article —

Powers of
Water Commis-
sioner in ration-
ing area.

(1) open, close, or regulate the flow of water in, any water conduit,

and operate or close wells and water installations situated within the rationing area;

(2) direct that a particular consumer shall not receive water from the resource from which he was accustomed to receive it, but from another water resource; provided that the quality of the water shall be adequate to the purpose for which the water is intended.

Objection.

43. A person who considers himself aggrieved by an act of the Water Commissioner or by his directions under section 42 may lodge objection before the Tribunal. The objection shall not stay the carrying out of operations unless the Tribunal otherwise directs.

Compensation in connection with rationing.

44. (a) Where the value of any wells or water installations under the control of a supplier or consumer has decreased as a result of water rationing under this section, or where damage has been caused to any supplier or consumer in consequence of directions of the Water Commissioner under section 42(2), such supplier or consumer is entitled to compensation from the Treasury, unless the rationing has been imposed because of depletion of the water resources in the area as a result of present exploitation.

(b) In the absence of agreement between the person demanding compensation and the Water Commissioner as to the amount, form and terms of payment of the compensation, the Tribunal shall decide.

(c) The Minister of Agriculture may, after consultation with the Water Board, prescribe rules for the calculation of compensation under this section.

CHAPTER THREE: WATER SUPPLY SYSTEMS

Article One: Supply Systems and Authorities

Water supply systems.

45. For the purposes of this chapter, a water supply system is an undertaking the object of which is to produce, store, convey and supply water and which has been established in accordance with a scheme approved under this chapter, whether it operates on a country-wide scale (in which case it is hereinafter referred to as "the National System") or in a particular part of the country (in which case it is hereinafter referred to as a "regional system").

National Water Authority.

46. The Minister of Agriculture may, with the approval of the Government, empower a corporation to be the National Water Authority, provided that a majority of the controlling shares of such corporation shall be held by the State and by the World Zionist Organisation or its institutions; the empowerment shall require the approval of the Knesset. Notice of the empowerment shall be published in *Reshumot*.

Right of decision of Minister of Agriculture.

47. (a) The memorandum of association, articles and rules of the National Water Authority shall ensure to the Minister

or to a person appointed by him the right to decide on every matter relating to the management, and the conduct of affairs, of the National Water Authority; to ensure this right, a company may vary its memorandum of association notwithstanding the provisions of any other law.

(b) The right of decision referred to in subsection (a) cannot be affected by any variation of the memorandum of association, articles, or rules of the National Water Authority.

(c) The memorandum of association, articles and rules of the National Water Authority shall be published in *Reshumot*, and any variation thereof shall require the approval of the Government and publication in *Reshumot*.

48. The functions of the National Water Authority shall be: to establish and manage the National System, to supply water therefrom, to maintain it in proper condition, to improve and enlarge it, and to do any other act necessary for the supply of water therefrom.

Functions of
National
Water
Authority.

49. The Minister of Agriculture may, after consultation with the Water Board, empower a corporation to be a regional water authority; the Minister may so empower --- after consultation with the Minister of the Interior --- a local authority or an association of towns; notice of the empowerment shall be published in *Reshumot*.

Regional
water
authority.

50. The functions of a regional water authority shall be: to establish and manage a regional system, to supply water therefrom, to maintain it in proper condition, to improve and enlarge it, and to do any other act necessary for the supply of water therefrom.

Functions of
regional water
authority.

51. The Minister of Agriculture may, instead of empowering a regional water authority in that behalf, empower the National Water Authority to carry out the functions of a regional water authority in respect of a particular regional system.

Empowerment
of National
Authority in
respect of
regional system.

52. A water authority shall not begin to carry out its functions in respect of a particular water supply system until the Minister of Agriculture has authorised it to do so by notice in *Reshumot*.

Authorisation
to carry out
functions.

53. An authorisation under section 52 shall not be granted to any water authority unless the Minister of Agriculture is satisfied that the moneys required for the carrying out of its functions in respect of the water supply system, including the amounts of compensation payable under this chapter, are available to it or unless, in his opinion, there are reasonable prospects that they will be available to it at the appropriate time, and the Minister may make the grant of authorisation dependent on the provision of security, in such form and to such amount as he may prescribe, for the payment of such compensation as aforesaid.

Conditions for
the grant of
authorisation.

Restriction on financing.	54. A water authority shall not issue a series of bonds, and shall not accept a loan for a period of more than three years, except with the approval of the Minister of Agriculture; this provision shall not derogate from the provisions of any other enactment.
Inspected body.	55. A water authority shall be an inspected body, within the meaning of the State Comptroller Law, 5719-1959 (Consolidated Version) ¹⁾ .
Powers of Water Commissioner.	56. The Water Commissioner, or a person empowered by him in that behalf in writing, may be present at every general meeting of a water authority and at every meeting of its management and its institutions.
Supervision by Minister of Agriculture and Water Commissioner.	57. A water authority shall submit to the Minister of Agriculture, once a year, a report on its activities and shall give to him or to the Water Commissioner, at any time, any information he may demand in connection with its activities.
Report to Knesset.	58. The Minister of Agriculture shall submit to the Knesset, once a year, a report on the activities of the water authorities.
Regional water authority not operating properly.	59. Where a regional water authority not owned by the State manages a water supply system otherwise than in accordance with the provisions of this Law, including regulations thereunder and the project scheme, the Minister of Agriculture may, after warning the authority in writing, do all or any of the following : (1) do everything necessary to remedy the position and, upon doing so, recover the cost from the water authority; (2) order the transfer of the water supply system to another water authority or, with the approval of the Minister of the Interior, to a final authority, or to the State. (3) cancel the employment of the water authority; and upon his doing so, he may direct the Water Commissioner to manage the water supply system, in such manner and on such conditions as he may prescribe, until it is transferred to another water authority, to a local authority or to the State or until the scheme is cancelled and the supply system is transferred to a water supplier who is to supply water from it to all the consumers who received their supply from the said water authority.
Restriction on National Water Authority.	60. The Minister of Agriculture may, with the approval of the Government, exercise his powers under section 59 also in respect of the National Water Authority.
Objection.	61. A person who considers himself aggrieved by the transfer of a water supply system or by the cancellation of an empowerment under section 59 may lodge objection with the Tribunal.

¹⁾ Sefer Ha-Chukkim No. 248 of 5718, p. 92; LSI vol. XII, p. 107.

Article Two: Planning of Water Supply Systems

62. A scheme for a water supply system (in this Law referred to as a "supply scheme") shall set out, *inter alia*: Supply scheme.

- (1) the functions of the system;
- (2) the area of operation of the system;
- (3) the works required for the establishment and management of the system;
- (4) an estimate of the cost of the system and the manner of its financing;
- (5) the land destined for permanent requisition;
- (6) the land on which pipes are to be laid or operations to be carried out, without permanent requisition being required;
- (7) the strips of land on which building and planting is to be limited under the provisions of sections 84 and 85;
- (8) an economic survey of the system.

The scheme shall be accompanied by plans of the area of operation of the system and of the area of the supply scheme.

63. A draft supply scheme shall first be submitted to the planning Commission established under section 133 for examination from a technical and economic point of view and—in the case of a regional supply scheme—for adaptation to the National Water Scheme. Examination of draft scheme.

64. The Planning Commission may demand the carrying out of surveys, excavations, borings and other reasonable operations likely to assist in the examination of the scheme; such a demand, approved by the Minister of Agriculture, shall serve as an authorisation for the Water Commissioner to enter any place and to do everything necessary in connection with the operations specified in the demand. Power to examine scheme.

65. Where the Planning Commission has recommended a draft scheme, the draft shall be published in such form and places as the Water Commissioner may direct, and notice thereof shall be published in *Reshumot* and in daily newspapers. Publication of draft scheme.

66. Any person interested, whether as an owner or otherwise, in any land, building or other property likely to be affected by a scheme the draft of which has been published may lodge opposition with the Planning Commission within 60 days from the day of publication of the notice under section 65 or within a longer period fixed by the Water Commissioner in that notice. Objection to scheme.

67. (a) Upon the expiration of the period referred to in section 66, the draft scheme, with the findings of the Planning Commission concerning the oppositions lodged and with the observations of the initiators Approval of scheme.

of the scheme and of the Water Commissioner, shall be submitted for the approval of the Minister of Agriculture.

(b) The Minister of Agriculture, after consultation with the Water Board, may approve the Scheme, with or without changes, or reject it.

(c) The Minister of Agriculture shall not reject any opposition until it has been heard by him or by the Water Board or by a committee appointed in that behalf by the Board.

Coordination of
scheme with
town planning
scheme.

68. (a) The Minister of Agriculture shall not approve a supply scheme until he has brought it before the district building and town planning commission of the district in which the area of operation of the supply scheme is situated, and the commission may approve the scheme notwithstanding the provisions of the Town Planning Ordinance, 1936¹⁾, concerning the procedure for the approval of a town planning scheme.

(b) The said commission shall not refuse to approve the scheme except on grounds on which it may refuse to approve a town planning scheme under the Town Planning Ordinance, 1936.

(c) Where the commission has not approved the scheme, the Minister of Agriculture may bring the scheme before the Government, which may approve it, with or without changes, or reject it.

Overriding
effect of
supply scheme.

69. A supply scheme approved under this Law shall prevail over any town planning scheme.

Holy places.

70. Where the implementation of a supply scheme will affect a holy place, within the meaning of the Palestine (Holy Places) Order in Council, 1924²⁾, or a place of religious worship, the Minister of Agriculture shall not approve the scheme except with the consent of the Minister of Religious Affairs.

In this section, "place of religious worship" includes a cemetery.

Historical
places.

71. Where the implementation of a supply scheme will affect a historical site, within the meaning of the Antiquities Ordinance³⁾, the Minister of Agriculture shall not approve it save with the consent of the Minister of Education and Culture.

Publication and
coming into
force of supply
scheme.

72. (a) Notice of the approval or rejection of a supply scheme shall be published in *Reshumot*, and the scheme shall come into force on the day on which the notice of its approval is published or on a later date fixed in that notice; an approved scheme shall be published in the manner specified in section 65.

(b) A copy of an approved supply scheme shall, together with a

¹⁾ P. G. of 1936, Suppl. I, No. 589, p. 157 (English Edition).

²⁾ *Laws of Palestine* vol. III, p. 2625 (English Edition).

³⁾ *Laws of Palestine* vol. I, cap. 5, p. 28.

town planning scheme, be deposited at the offices of the local town planning commission in the area of which the area of operation of the supply system is situated.

73. The provisions of sections 62 to 72 shall apply also to variations in a water supply scheme, but where the variation does not affect any rights, the Water Commissioner may grant exemption from publication under section 65.

Variations in water supply scheme.

74. (a) A person who manages a water supply undertaking established before the coming into force of this Law may apply for the approval of the undertaking as a water supply system within the meaning of this chapter.

Existing systems.

(b) The application shall first be brought before the Planning Commission for examination from a technical and economic point of view and from the point of view of its adaptability to the National Water Scheme.

(c) Where the Planning Commission has recommended the approval of any undertaking, the Minister of Agriculture may, after consultation with the Water Board and after hearing the opinion of the consumers of the undertaking, approve, or refuse to approve, the undertaking as a water supply system.

(d) The Minister of Agriculture shall not refuse to approve an undertaking until the applicant has been given an opportunity to state his case before him or before a person whom the Minister of Agriculture has authorised in that behalf in writing.

(e) Where there are in any area several water supply undertakings each of which, in the opinion of the Minister of Agriculture, qualifies for approval under this Law, the Minister shall not approve one of them until he has given them reasonable time to amalgamate into one undertaking or to reach some other agreement between them.

(f) Notice of the approval of an undertaking under this section shall be published in *Reshumot*.

75. A supplier who considers himself aggrieved by the approval of an undertaking under section 74 may lodge objection with the Tribunal.

Objection.

76. The provisions of sections 74 and 75 shall apply *mutatis mutandis* to a water supply undertaking the establishment of which was begun, but not completed, before the day of the coming into force of this Law.

Undertakings the establishment of which has been begun.

Article Three: Establishment of Water Supply Systems

77. (a) For the purpose of implementing a duly approved supply scheme, the water authority, or a person authorised by it in that behalf in writing, may, *inter alia* —

Powers for the execution and management of water supply system.

(1) in accordance with the supply scheme and to the extent required for its implementation enter any place, drill, dig and lay pipes, erect or remove structures, dams and installations, and remove plantations and crops;

(2) take possession of the land intended, under the supply scheme, for permanent requisition, and prevent access thereto;

(3) in accordance with the approved supply scheme take possession, with the approval of the Minister of Agriculture, of the water resources intended for the scheme or require those producing water therefrom to supply to the water authority or to its consumers, on reasonable conditions of supply, the whole or a part of the quantity of water produced by them; provided that the quantity of water which a water producer or his consumers is or are entitled to receive in accordance with a production licence granted under section 26 shall not be reduced as a result of acts of the water authority under this section.

(b) Where a water supply has been established under an approved supply scheme, the water authority or a person authorised by it in that behalf in writing may enter any place and do any work required for the efficient management of the system.

Power to
grant permits.

78. Where any of the acts enumerated in section 77 requires a permit, licence or exemption under any enactment, including a bye-law made in pursuance of any enactment, the Minister of Agriculture may grant such permit, licence or exemption jointly with the Minister charged with the implementation of the enactment; this provision shall not derogate from any other provision of the enactment.

Vacation of
land destined
for permanent
requisition.

79. (a) Where any structure or other immovable property are or is destined, under the supply scheme, for permanent occupation, the water authority may demand the vacation thereof after giving the occupiers thereof advance notice of at least 90 days.

(b) For the purpose of this section, an approved supply scheme shall have the effect of a court judgment for eviction which is no longer appealable, and may be enforced by the execution office of the district court in the area of jurisdiction of which the structures or other immovable property are or is situated.

However ---

(1) if the structure is a dwelling, within the meaning of the Tenants' Protection Ordinance, 5715-1955¹), and the occupier is protected against eviction by that Law or is the owner of the structure, the occupier shall not be evicted until alternative accommodation has been placed at his disposal, or until compensation has been paid to him sufficient for the obtaining of alternative accommodation, to the satisfaction of the chief execution officer;

¹) *Sefer Ha-Chukkim* No. 188 of 5715, p. 151 ; *LSI* vol. IX, p. 172.

(2) if the structure is used as premises for a business which is the occupier's main source of livelihood, the occupier shall not be evicted until the water authority has offered him appropriate compensation; in the absence of agreement between the occupier and the water authority as to the amount, form and terms of payment of the compensation, the Tribunal shall decide, and the occupier shall not be evicted until the Tribunal has fixed the time for eviction either ordering it to take place immediately or allowing a period of grace; if the Tribunal orders immediate eviction, it shall take such fact into account in fixing the compensation.

80. Where any land is destined, under the supply scheme, for permanent occupation, the water authority may, without prejudice to the right to compensation under article 4 of this chapter, acquire, or take on lease, such land forthwith free from any charge, attachment or other right, and the land or lease shall be registered in the name of the State on the strength of a certificate from the Minister of Agriculture.

Acquisition
of land.

81. Where the supply scheme or its implementation prevents the owner of any land from access thereto, the water authority shall provide for him, within a reasonable time and at its expense, a reasonable free way of access to such land; and for that purpose it may insert suitable provisions in the supply scheme and may use all the powers vested in it in respect of its implementation.

Reasonable
alternative
access.

82. Upon the demand of an inhabited locality which is situated in the area of operation of the supply system and the inhabitants of which can, in consequence of the establishment of the system, no longer obtain water for drinking, or for the watering of animals, in the places in which they were accustomed to obtain it before the establishment of the system, the water authority shall enable the inhabitants to obtain water for such purpose on such conditions, in such places, and according to such plan, as the water commissioner may prescribe.

Alternative
water supply.

83. (a) Where the water authority carries out excavation work, or any other operation within the scope of its powers, on land not destined for permanent requisition, it shall, as soon as possible, and not later than six months after the completion of the operation, restore the land, as far as possible, to its previous condition.

Carrying out
of temporary
works.

(b) Where the water authority has not done what it is required to do under subsection (a), the owner or lawful occupier of the land may, after warning the water authority in writing, do so and recover the cost from the water authority.

84. (a) The establishment and enlargement of buildings and installations, and the planting of plantations, on both sides of a water line to a distance to be prescribed by the supply scheme, shall require a permit from the Water Commissioner.

Restrictions on
building and
planting in the
area of a

water line
and on the sides
thereof.

(b) For the purpose of this article, "water line" means any pipe, line, canal or other installation for the conveyance, regulation, storage or measurement of water, established or to be established in accordance with an approved supply scheme and, if the installation traverses a strip of land destined, under the supply scheme, for permanent requisition, it means the whole of such strip.

Temporary
restrictions.

85. When a notice of a draft scheme has been published under section 65, the erection and enlargement of structures and buildings and the planting of plantations on land destined under the scheme for permanent requisition and expressly mentioned therein for the purpose of this provision, or in the area of a water line, within the meaning of section 84, shall require a permit from the Water Commissioner so long as the scheme has not been rejected or the land excluded from the scheme by changes therein, but not for longer than two years, or, in the case of land added by a variation of the scheme under section 73, one year, from the day on which the notice was published.

Restriction
on Water
Commissioner's
refusal.

86. The Water Commissioner shall not refuse to grant a permit under section 84 or 85 unless the buildings, installations or plantations are likely to endanger the water line or to interfere with the use thereof or with access thereto.

Exemption
from taxes
and other
payments.

87. Where the rights of a person in any land have been restricted by virtue of section 84 or 85, the Minister of Finance shall exempt him from the payment of any tax due on that land to the Treasury, and a local authority shall exempt him from the payment of any rate, tax or other compulsory charge due to it as aforesaid, to the extent that the area of the land is affected and in respect of the period of the restrictions, and having regard to the curtailment of the enjoyment of the land in consequence of the said restrictions; this section shall not derogate from the provisions of any other enactment.

Unauthorised
building and
planting.

88. Where any buildings or installations have been constructed or begun to be constructed, or where any plantations have been planted or begun to be planted, without a permit or otherwise than in accordance with a permit, the Water Commissioner may, after warning the owners or occupiers in writing, remove or demolish such buildings, installations or plantations and recover the cost from the person who constructed or planted them.

Objection.

89. A person who considers himself aggrieved by the refusal of the Water Commissioner to grant a permit under section 84 or 85 or a person likely to be prejudicially affected by the removal or demolition of any buildings, installations or plantation under section 88, may lodge objection with the Tribunal; the objection shall not stay the carrying out of the removal or demolition unless the Tribunal otherwise directs.

Article Four : Compensation

90. The following shall be entitled to compensation from the water authority :

Compensation in connection with establishment of supply system.

(1) the owners and lessees of land permanently requisitioned by the water authority and any person who immediately before the requisition had a charge, attachment or other right in respect of such land as aforesaid;

(2) any person to whom damage has been caused by any act in the establishment or management of a water supply system or by defects or breakdowns in the installations of the system;

(3) any person to whom damage has otherwise been caused through the denial of the enjoyment, or the diminution of the value, of any land as a result of the establishment of the system;

(4) any person to whom damage has been caused by the denial of a water resource on which his livelihood depended or by his being cut off from a water resource from which he was accustomed to receive water or as a result of the replacement of one water resource by another.

91. Compensation shall be paid in money or by placing alternative land at the disposal of the person entitled or by the construction of structures or installations or by the removal of the causes of the damage or in some other reasonable manner, in so far as such is likely to afford suitable compensation to the injured party.

Compensation in kind.

92. In calculating compensation under this article, there shall not be taken into account any buildings, installations or plantations added to the land in consequence of an infringement of the prohibition of building or planting imposed by section 84 or 85.

Restriction on compensation.

93. (a) Within two years from the coming into force of this Law, the Minister of Agriculture shall, after consultation with the Water Board and with the approval of the Finance Committee of the Knesset, prescribe rules for the calculation of compensation under this article, including compensation in kind for the expropriation or requisition of land.

Rules for the calculation of compensation.

(b) So long as such rules as aforesaid have not been prescribed, the rules for the calculation of compensation prescribed by the Land (Acquisition for Public Purposes) Ordinance, 1943¹⁾ shall apply to the expropriation and requisition of land; for the purposes of section 12 of that Ordinance, the date of publication of the draft scheme under section 65 shall be deemed to be the date of publication of a notice concerning the intention to acquire possession of the land.

94. In the absence of agreement between the water authority and a person claiming compensation as to the grant, amount, form and terms of

Decision as to compensation.

¹⁾ P. G. of 1943, Suppl. I, No. 1305, p. 44 (English Edition).

payment thereof, the Tribunal shall decide. However, the Tribunal shall only be invoked after the matter has been brought before the Water Commissioner and he has not succeeded, within three months from the day on which the matter was brought before him, to bring about agreement between the parties. The provisions of this section shall apply also to the terms of a lease under section 80.

Prescription.

95. A water authority shall be at liberty not to allow a claim for compensation under this article, other than compensation in respect of the permanent requisition of land, if such claim has not been filed within five years after the ground thereof arose or after the supply scheme was approved, whichever is the later event, and the claimant has not shown reasonable cause for the delay.

Article Five: Supply of Water by Water Authority

Supply in area of system.

96. A water authority shall, itself or through other suppliers, supply water to all consumers in the area of operation of the water supply system.

Temporary supply outside area of operation of system.

97. (a) A water authority may, under a permit from the Water Commissioner, supply water itself or through other suppliers, for a period not exceeding three years, to consumers outside the area of operation of the water supply system, and it shall do so under an order from the Water Commissioner; the quantity, price, terms of supply and period of supply of the water shall be fixed by the permit or order.

(b) The supply of water to individual consumers outside the area of operation of the water supply system for a period exceeding three years, the quantity supplied being less than 10 per cent of the output of the system, shall require the approval of the Minister of Agriculture, which shall be given after consultation with the Water Board and after hearing the water authorities concerned; where such an approval as aforesaid has been given, the authority or one of its suppliers shall supply water to the consumers included in the approval and in accordance with the conditions thereof.

Objection.

98. A person who considers himself aggrieved by any permit, order or approval under section 97 may lodge objection with the Tribunal.

Prolonged supply outside the area of the system.

99. The supply of water outside the area of operation of the system, for a period exceeding three years, to consumers situated in a continuous area, the quantity supplied exceeding 10 per cent of the output of the system, shall be regarded as a variation of the scheme, within the meaning of section 73.

General provisions as to the supply of water.

100. A water authority may, with the approval of the Water Commissioner, and subject to the provisions of any other enactment, enact general provisions as to the following:

- (1) the measuring of the quantity of water which the water authority is to supply to its consumers;
- (2) technical conditions connected with the supply of water;
- (3) measures which the consumers are to adopt in order to ensure the efficient and economical use of the water supplied to them and in order to prevent any waste or pollution of water;
- (4) the procedure for the collection of water charges.

101. The Water Commissioner shall not approve general provisions under section 100 until he has given the persons concerned an opportunity to voice arguments and proposals in such manner as shall be prescribed by regulations.

Opposition
to general
provisions.

102. The Minister of Agriculture may, after consultation with the Water Board, determine by regulations the cases and conditions in or on which a water authority shall have the right to temporarily discontinue or restrict the supply of water to its consumers.

Regulations
concerning
discontinuance
of water
supply.

103. General provisions under section 100 and regulations under section 102 shall be published in such manner as the Minister of Agriculture shall prescribe, and shall have effect from the date of publication or from a later date, notice of which shall be published in *Reshumot*.

Publication
and
commencement.

Article Six: Transfer of Water Supply Systems

104. A water authority may enter into an agreement with another water authority or with a local authority concerning the transfer of a water supply system from one of them to the other, or concerning the amalgamation of two or more systems. The agreement shall require the approval of the Minister of Agriculture and, if a local authority is a party to the agreement, the approval of the Minister of the Interior.

Transfer of
systems from
one authority
to another.

105. The Minister of Agriculture may, after consultation with the Water Board and with the approval of the Government, enter on behalf of the State into an agreement with a regional water authority or a local authority concerning the transfer of a regional water supply system to the State.

Transfer of
system to
the State.

106. Agreements made under section 104 or 105 shall require the approval of the district court in the area of jurisdiction of which the area of operation of the water supply system is situated. The court shall first examine whether the transfer of the system is likely to affect the rights of any members, consumers or creditors, and may prescribe such conditions as it may think fit with a view to protecting those rights.

Approval of
agreements by
court.

107. Notice of an approved agreement under section 104 or 105 shall be published in *Reshumot* by the Water Commissioner, and the transfer

Publication
and
commencement.

shall come into force upon the expiration of 60 days from the date of publication or from such later date as shall be prescribed in the notice.

Effect of
transfer.

108. The transfer of a water supply system under this article shall confer upon the transferee all the assets, rights, liabilities and obligations which the transferor had in respect of the system in question; however, the agreement may stipulate otherwise in so far as the rights of members, creditors or consumers have been otherwise ensured.

CAPTER FOUR : WATER CHARGES

Article One : Control of Water Charges

Definition.

109. "Water charges", for the purposes of this chapter, means the price of water and any other consideration in respect of the supply of water.

Giving
information.

110. A person who supplies water -- whether to a consumer or to another supplier -- shall give to the Water Commissioner, upon his demand, full particulars concerning the water charges for the water supplied by him, and the manner in which they are calculated.

Rules for the
calculation of
water charges.

111. The Minister of Agriculture may, after consultation with the Water Board, prescribe rules for the calculation of water charges. Such rules shall be based on the actual expenses of the production and supply of the water, including interest, depreciation and other expenses.

Prescribing of
tariffs for water
and grading
of charges.

112. The Minister of Agriculture may, after consultation with the Water Board, prescribe tariffs for water charges, either generally or in respect of a particular area or in respect of a particular class of suppliers, and he may grade the water charges according to water purposes, uses of water, other than agricultural uses, seasons of the year and times of day, and geographical, topographical and other data, having regard to the profitability of the water supply system to which the tariffs are to apply, to the financial position of the persons consuming water for the purpose in question and to the quantity of water required for that purpose.

Hearing of
arguments
prior to
prescribing
tariffs.

113. (a) Before the Minister of Agriculture prescribes a tariff for water charges, he shall give the suppliers and consumers to which it is to apply an opportunity to voice arguments and proposals in such manner as shall be prescribed by regulations.

(b) The Minister of Agriculture shall not prescribe a tariff for water supplied to a local authority save after consultation with the Minister of the Interior, and shall not prescribe a tariff for water supplied by a local authority save with the consent of the Minister of the Interior.

114. (a) Where the Minister of Agriculture has prescribed a tariff for water charges, a supplier shall not supply water otherwise than in accordance with the prescribed tariff.

Effect of
tariff.

(b) A person who has paid to a supplier water charges in excess of those prescribed by the tariff may, within one year from the day of payment, demand the refund of the excess or, notwithstanding anything contained in any agreement, deduct it from what is due from him to the supplier.

(c) Where before a tariff was prescribed an agreement was made between a supplier and a consumer for the payment of water charges lower than those prescribed by the tariff, the supplier may vary the agreement in accordance with the tariff.

115. Rules under section 111 and tariffs under section 112 shall be published in *Reshumot* and in such other manner as the Minister of Agriculture may direct, and shall come into force on the day on which they are published in *Reshumot* or on such other day as the Minister of Agriculture may prescribe.

Publication
and coming
into force.

Article Two: Water Charges Adjustment Fund

116. (a) There shall be a water charges adjustment fund the purpose of which shall be to reduce the differences between water charges in different parts of the country and which shall not be used for any other purpose (such fund is hereinafter referred to as "the Adjustment Fund").

The Adjustment
Fund - a
corporation.

(b) The Adjustment Fund shall be a corporation and shall be managed by the Water Commissioner.

117. The resources of the Adjustment Fund shall accrue from adjustment levies under section 118 and from receipts from other sources; provided that not more than twenty per cent of all its income shall accrue from levies on water used for agriculture or industrial production and from reductions granted in respect of such water.

Resources of
Adjustment
Fund.

118. (a) The Minister of Agriculture may, after consultation with the Water Board and with the approval of the Finance Committee of the Knesset, designate areas, and classes of water supply systems, in which suppliers and producers shall make a payment to the Adjustment Fund (such a payment being hereinafter referred to as an "adjustment levy"), calculated according to units of the quantity of water supplied, and he may grade the adjustment levy according to water purposes and water uses, the totality of the conditions of production which determine the quantity of water necessary for the production of a particular commodity, and geographical and topographical data, and having regard to the price of water to the consumer.

Adjustment
levies.

(b) Before an adjustment levy is approved, suppliers, producers and consumers in the areas, and the classes of water supply system, in

which the levy is to be paid shall be given an opportunity to voice arguments and proposals in such manner as shall be prescribed by regulations.

(c) Notice of an adjustment levy shall be published in *Reshumot*, and the levy shall come into force on the day of publication or on such later date as may be prescribed in the notice.

Objection.

119. (a) A person of whom the payment of an adjustment levy has been demanded may lodge objection with the Tribunal within sixty days from the day on which notice of the demand was delivered to him.

(b) The objection shall not stay the collection of the payment in accordance with the demand unless the Tribunal otherwise directs.

Shifting of adjustment levy to consumer.

120. A supplier on whom an adjustment levy has been imposed may collect from the consumer, together with the water charge for every unit of water supplied to him, an amount equal to the amount of adjustment levy proportionate to the unit.

Subsidies for the reduction of the price of water.

121. The Minister of Agriculture may, after consultation with the Water Board, designate regions, and classes of water supply systems in which suppliers and producers shall be entitled to receive subsidies out of the Adjustment Fund for the purposes of reducing the price of water to the consumer (such subsidies being hereinafter referred to as "subsidies"); the calculation, grading and public announcement of subsidies shall be, *mutatis mutandis*, as provided in section 118.

Deduction from water charges.

122. A supplier who has received a subsidy from the Adjustment Fund shall deduct from the water charges collected by him from a consumer in respect of every unit of water supplied to him an amount equal to the amount of subsidy proportionate to the unit.

Reserves for adjustment.

123. The Minister of Agriculture may, after consultation with the Water Board, create out of moneys of the Adjustment Fund, reserves for the adjustment of water charges over a number of years; provided that there shall not be allocated for that purpose, in respect of any budget year, an amount exceeding ten per cent of the income of the Adjustment Fund for that year, and provided further that the aggregate of the amounts of such reserves as aforesaid shall not in any budget year exceed fifty per cent of the income of the Adjustment Fund for the preceding budget year.

Regulations of Fund.

124. The Minister of Agriculture may, after consultation with the Water Board, make regulations concerning the management and budget of the Adjustment Fund and concerning the modes of collecting the adjustment levy and the times of the payment thereof to the Adjustment Fund.

CHAPTER FIVE : ORGANISATION

Article One : The Water Board and Other Bodies

125. The Government shall appoint a national board to advise the Minister of Agriculture on questions of water policy and to carry out the functions assigned to it by this Law (the said board is in this Law referred to as "the Water Board"); notice of the appointment and composition of, and of any change in, the Board shall be published in *Reshumot*.

The Water Board.

126. (a) The Water Board shall consist of not less than 27 and not more than 36 members, including the Minister of Agriculture, who shall be the chairman of the Board, the Water Commissioner, who shall be the vice-chairman of the Board, representatives of the public, representatives of the Government and a representative of the World Zionist Organisation and its institutions.

Composition of Water Board.

(b) The number of the representatives of the public on the Water Board shall be not less than two thirds of the membership of the Board, and the number of the representatives of the Government, together with the representative of the World Zionist Organisation, shall not exceed one third of the membership of the Board.

(c) The representatives of the public shall include representatives of the consumers, appointed with reference to the volume of consumption for the different water purposes, and representatives of the suppliers; the number of the representatives of the consumers shall not be less than half of the total number of the members of the Board.

127. (a) A member of the Water Board, other than the Minister of Agriculture and the Water Commissioner, shall be appointed for a period of three years and shall hold office until another member is appointed in his stead, and he may be re-appointed.

Tenure of members.

(b) An act of the Water Board or of any of its committees shall not be invalidated by reason only that at the time the act was done the place of any of the members of the Board was vacant for any reason whatsoever.

128. (a) The Minister of Agriculture shall convene the Water Board as may be necessary or upon the demand of one third of its members, but at least once in two months, and during the first year for at least twelve meetings.

Convening of Board.

(b) The Minister of Agriculture shall prescribe the agenda of the meetings of the Board, other than meetings convened by him on the demand of members.

129. The Water Board shall itself prescribe its procedure and that of its committees, including the quorum at their meetings, in so far as such procedures have not been prescribed by regulations.

Procedure.

Regulations under this section shall be made after consultation with the Water Board.

Committees.

130. (a) The Water Board may elect from its midst committees and may delegate powers to them; the Board shall not delegate powers relating to the following matters :

- (1) questions of water policy, under section 125;
- (2) the prescribing of norms and rules for the use of water, under section 21;
- (3) the declaration of rationing areas, under section 36;
- (4) the prescribing of rules and the rates of compensation payable in a rationing area, under section 44;
- (5) the approval of project schemes, under section 67;
- (6) the approval of existing undertakings as water supply systems, under section 74;
- (7) the prescribing of rules for the calculation of compensation due from a water authority, under section 93;
- (8) the prescribing of rules for the calculation of water charges, under section 111;
- (9) the prescribing of tariffs for water charges, under section 112;
- (10) the imposition of adjustment levies, under section 118;
- (11) the prescribing of rules for subsidies out of the Adjustment Fund, under section 121;
- (12) the making of regulations for the management of the Adjustment Fund, under section 124;
- (13) the definition of areas for the purposes of this Law, under section 155;
- (14) the preparation of the list of the representatives of the public on the Tribunal, under section 141.

(b) Notice of the election of a committee of the Water Board and of the powers delegated to it shall be published in *Reshumot*.

Regional committees.

131. The Water Board may, with the consent of the Minister of Agriculture, elect regional committees the members of which shall be members of the Board and non-members of the Board; the number of the former shall be greater than that of the latter. The Water Board shall not delegate to a regional committee powers other than such as relate to matters affecting the area in question.

Supply committees.

132. The Water Board shall, with the consent of the Minister of Agriculture and having regard to the bodies concerned in agriculture, appoint a water supply committee for agriculture, which shall deal with matters

lating to the supply and use of water for agriculture, and a supply committee for the other water purposes, which shall deal with the supply and use of water for other purposes. A member of a supply committee may be a non-member of the Board.

33. (a) The Minister of Agriculture shall appoint a commission of not more than eleven members to be a Planning Commission for the examination of supply schemes under the provisions of this Law; notice of the appointment and composition of, and of any change in, the commission shall be published in *Reshumot*.

Planning
Commission.

(b) The Planning Commission shall itself prescribe its procedure, including the quorum at its meetings, in so far as such procedure has not been prescribed by regulations.

(c) An act of the Planning Commission shall not be invalidated by reason only that at the time the act was done the place of any of the members of the Committee was vacant for any reason whatsoever.

134. (a) The Minister of Agriculture may, by order in *Reshumot*, establish with a regional water authority a board the function of which shall be to represent the consumers of the water authority before it and before the Water Board (a board under this section is hereinafter referred to as a "representation of consumers").

Representation
of consumers
before water
authority.

(b) A representation of consumers may bring before the water authority contentions and proposals, as to any matter relating to the development or enlargement of the water supply system or to the supply of water therefrom, and the water authority shall give the representation of consumers an opportunity to voice contentions and proposals before it prior to any decision concerning the development of the system or concerning a change in the conditions of the supply of water therefrom.

135. Where a regional committee of the Water Board has been established for any area in accordance with section 131, the Minister of Agriculture may, by order in *Reshumot*, establish in that area a representation of consumers the function of which shall be to represent the consumers of the area, before the said committee and before the Water Board.

Representation
of consumers
before regional
committee.

136. A representation of consumers shall consist of representatives of the local authorities, other than those which have been empowered as water authorities, of representatives of corporations supplying water for a consideration and receiving water from the water authority, and of representatives of agricultural and industrial organisations. The Minister of Agriculture may add to a representation of consumers a representative of water consumers whose water purpose, in the opinion of the Minister of Agriculture, is not represented by the other members of the representation.

Composition of
representation
of consumers.

137. The composition and procedure of a representation of consumers shall be prescribed by the order establishing it, and the representation shall be convened by the Water Commissioner or by a person authorised by him in that behalf in writing.

Composition
and procedure
of representation
of consumers.

Article Two: The Water Commissioner

Appointment
of Water
Commissioner.

138. The Government shall appoint a Water Commissioner to manage water affairs in the State. Notice of the appointment shall be published in *Reshumot*.

Report of
Water
Commissioner.

139. At least once a year, the Water Commissioner shall submit to the Water Board a report on his activities.

Article Three: Tribunal for Water Affairs

Establishment,
area of
jurisdiction
and powers of
the Tribunal.

140. (a) The Minister of Justice shall establish, by order, a tribunal, or tribunals, for water affairs, and shall prescribe its or their place or places of sitting and area or areas of jurisdiction.

(b) In addition to the matters assigned on it by this Law, a Tribunal shall be competent to deal with all the matters assigned to the jurisdiction and determination of a judicial committee under the Drainage and Flood Control Law, 5718-1957¹⁾.

Composition
of Tribunal.

141. (a) A tribunal for water affairs (in this Law referred to as a "Tribunal") shall, at any sitting, consist of three members: a judge appointed by the Minister of Justice and two representatives of the public from a panel nominated by the Minister of Agriculture after consultation with the Water Board and with organisations of local authorities.

(b) The representatives of the public who shall sit in a particular matter shall be designated by the president of the district court in the area of jurisdiction of which the place of sitting of the Tribunal is situated.

(c) The judge shall be the presiding member of the Tribunal.

Power of
presiding
member.

142. (a) With the consent of the parties, the presiding member, sitting alone, may hear them and give the force of a judgment to a compromise agreement between them.

(b) The presiding member, sitting alone, may make interim orders and restraining orders.

Powers of
Tribunal.

143. The Tribunal shall, within the scope of its jurisdiction, have the powers of a district court in a civil case.

Evidence.

144. The Tribunal may, for reasons which it shall set forth in its decision, admit evidence even if it would not be admissible in a court of law.

Decisions of
the Tribunal.

145. A Tribunal which deals with an objection may confirm, with or

¹⁾ Sefer *Ha-Chukkim* No. 236 of 5718, p. 4; *LSI* vol. XII, p. 5.

without variations, or annul, the decision or act objected to, and may also make interim orders.

146. A judgment or other decision of a Tribunal is enforceable in like manner as a judgment or other decision of a district court in a civil case

Appeal and enforcement.

147. The Minister of Justice may make regulations concerning the procedure before the Tribunal, including the times for objection, in so far as it is not prescribed by this Law, the holding of sittings of the Tribunal outside its place of sitting, appeals against its decisions and the fees payable in the Tribunal, and he may also prescribe the remuneration payable to the representatives of the public on the Tribunal.

Rules of procedure of Tribunal.

Article Four : Water Register

148. (a) The Water Commissioner shall keep a water register (hereinafter referred to as "the Water Register") in which determinations and apportionments made, and rights of use of water recognised, under this Law shall be entered.

Keeping of Water Register.

(b) The Minister of Agriculture shall make regulations concerning the keeping of the Water Register, the particulars to be included therein and the filing of opposition to entries made therein.

149. The Water Register shall be *prima facie* evidence of the particulars entered therein.

Register to be *prima facie* evidence.

150. The Water Register shall be open, free of charge, for inspection by any person.

Inspection of Register.

CHAPTER SIX : MISCELLANEOUS PROVISIONS

151. The provisions of this Law shall not affect an existing custom of occasionally taking water, in a vessel, for drinking, for the watering of animals or for the operation of vehicles, so long as private property is not trespassed upon.

Water for drinking and the like.

152. The provisions of this Law shall not derogate from any right under section 45 of the Petroleum Law, 5712-1952¹⁾.

Saving of provisions of Petroleum Law.

153. Wherever this Law empowers the Tribunal to order the stay of any act, such act shall not be carried out until five days after the person concerned has been notified it is proposed to carry it out.

Deferment of carrying out of acts.

154. The service of any notice or other document by the Water Commissioner or a water authority or any other authority established under this Law or under regulations made thereunder shall be valid if the

Service of notices.

¹⁾ *Sefer Ha-Chukkim* No. 109 of 5712, p. 322; *LSI* vol. VI, p. 129.

notice or other document has been sent to the person for whom it is intended, by registered post, to his ordinary or last place of residence or business; where the address of such person is not known, the notice shall be published in daily newspapers.

Definition
of areas.

155. Save as otherwise provided in this Law, the areas required for the implementation of this Law shall be defined by the Minister of Agriculture after consultation with the Water Board.

Penalties.

156. (a) Any person who —

(1) contravenes any of the provisions of section 9, 15 or 21 after a warning from the Water Commissioner has been served upon him; or

(2) contravenes a general provision enacted by a water authority under section 100 after a warning from the water authority has been served upon him; or

(3) contravenes any of the provisions of section 84, 85, 96, 110, 114(a) or 122; or

(4) contravenes any order or direction of the Water Commissioner made or issued to him under any of the provisions of this Law; or

(5) obstructs the Water Commissioner, the water authority or a person acting in his or its name in carrying out his or its activities under this Law,

is liable to a fine of 3000 pounds and, in the case of a continuing offence, to an additional fine of 100 pounds in respect of every day on which the offence continues.

(b) A person who, after being convicted of an offence under subsection (a), commits such offence again is liable to a fine of 6000 pounds and, in the case of a continuing offence, to an additional fine of 200 pounds in respect of every day on which the offence continues.

(c) A person who has contravened any of the provisions of section 23 or 35, or any regulations made under section 37, is liable to imprisonment for a term of three months or to a fine of 6000 pounds and, in the case of a continuing offence, to a fine of 200 pounds in respect of every day on which the offence continues.

Repeal.

157. There are hereby repealed —

(1) articles 1235 to 1239, 1251, 1262, 1263, 1264, 1268, 1269, 1280 to 1288, 1290, 1291 and 1321 to 1327 of the *Mejelle*;

(2) articles 123 and 124 of the Ottoman Land Code;

(3) the Water Survey Ordinance, 1938¹⁾;

¹⁾ P. G. of 1938, Suppl. I, No. 757, p. 4 (English Edition).

(4) section 3(d) of the General Agricultural Council Ordinance, 5708-1948¹⁾;

(5) sections 54-58 of the Drainage and Flood Control Law, 5718-1957.

158. (a) Articles 1015 to 1234 of the Mejlle shall not apply to water.

Amendments.

(b) In section 3 of the General Agricultural Council Ordinance, 5708-1948, the words "and irrigation" in paragraph (b) shall be deleted.

159. The Minister of Agriculture is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation, including the imposition of fees for licences and permits issued, and for services rendered, under this Law; the Minister of Agriculture shall not make regulations concerning fees as aforesaid save after consultation with the Water Board.

Implementation and regulations.

DAVID BEN-GURION
Prime Minister

KADISH LUZ
Minister of Agriculture

YITZCHAK BEN-ZVI
President of the State

(No. 58)

STATE SERVICE (RESTRICTION ON PARTY-POLITICAL ACTIVITY AND FUND-RAISING) LAW, 5719-1959*

1. The Government shall, in consultation with the Labour Affairs Committee of the Knesset, by notice published in *Reshumot*, designate classes of State employees or holders of offices in the State Service who, either generally or for such period as the Government may prescribe, shall be forbidden —

Restriction on party-political activity.

(1) to be members of the active management of a party or political body;

(2) to organise a public meeting of a political character or to sit at the presidium's table, or to make a speech, at a meeting as aforesaid;

¹⁾ I. R. of 5708, Suppl. I, No. 16, p. 41; LSI vol. I, p. 44.

* Passed by the Knesset on the 29th Tammuz, 5719 (4th August, 1959) and published in *Sefer Ha-Chukkim* No. 289 of the 10th Av, 5719 (14th August, 1959), p. 190; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 365 of 5719, p. 90.