

LAND LAW, 5729-1969*

CHAPTER ONE : INTERPRETATION

1. In this Law —

Definitions.

“immovable property” or “property” means land, everything built or planted on land and every other thing permanently fixed to land, except severable fixtures;

“settled property” means immovable property registered after settlement under the Land (Settlement of Title) Ordinance (New Version), 5729-1969²);

“registration” or “entry” means registration or entry in the Land Registers maintained under this Law or the regulations made thereunder;

“Registrar” means a registrar appointed under section 116 for the Office in the area of operation of which the property in question is situated;

1) *Sefer Ha-Chukkim* of 5711, p. 52; *LSI* vol. V, p. 45.

* Passed by the Knesset on the 2nd Av, 5729 (17th July, 1969) and published in *Sefer Ha-Chukkim* No. 575 of the 12th Av, 5729 (27th July, 1969), p. 259; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 612 of 5724, p. 178.

2) *Dinei Medinat Yisrael (Nusach Chadash)* No. 13, p. 292.

“Inspector” means an inspector appointed under section 117 in whose area of jurisdiction the property in question is situated; “lease” includes a sublease.

- Ownership. 2. Ownership of immovable property is the right to possess and use it, and to do anything and effect any transaction in respect thereof, subject to the restrictions imposed by any law or by agreement.
- Lease. 3. The lease of immovable property is the right, granted in consideration of a rent, to possess and use it otherwise than permanently. A lease for a period of more than five years shall be called “tenancy”. A lease for a period of more than twenty-five years shall be called “long-term tenancy”.
- Mortgage. 4. A mortgage is a pledge of immovable property.
- Easement. 5. An easement is a charge on immovable property conferring a right of enjoyment, but not the right of possession of the property.

CHAPTER TWO : TRANSACTIONS AND REGISTRATION THEREOF

- Transaction in immovable property. 6. A transaction in immovable property is the grant of the ownership thereof or of any other right therein at the grantor’s volition, except transmission by way of inheritance under a will.
- Completion of transaction. 7. (a) A transaction in immovable property requires registration. The transaction is completed by registration, and the time at which the Registrar approves the transaction for registration shall be regarded as the time of registration.
(b) A transaction which has not been completed by registration shall be regarded as an undertaking to effect a transaction.
- Form of undertaking. 8. An undertaking to effect a transaction in immovable property requires a written document.
- Conflicting transactions. 9. Where a person has undertaken to effect a transaction in immovable property, and before it is completed by registration he undertakes towards another person to effect a conflicting transaction, the right of the party to the first transaction shall prevail: Provided that if the party to the second transaction has acted in good faith and for consideration, and such transaction is registered while he is still in good faith, his right shall prevail.
- Acquisition in good faith. 10. Where a person acquires a right in settled property for consideration and in *bona fide* reliance on the registration, his right shall be valid even if the registration was not correct.

CHAPTER THREE : OWNERSHIP AND POSSESSION

ARTICLE ONE : EXTENT OF OWNERSHIP

11. The ownership of an area of land extends to the whole of the depth below the surface of the land, subject to any law relating to water, petroleum, mines, minerals and the like, and to the airspace above the surface of the land; however, subject to any law, this provision shall not prevent passage through such airspace. Depth and height.
12. The ownership of any land extends also to what is built or planted thereon and to every other thing permanently fixed thereto, except severable fixtures, and it shall be immaterial whether the fixture was built, planted or otherwise fixed by the owner of the property or by any other person. Things fixed to land.
13. Save as otherwise provided in this Law, a transaction in immovable property extends to the land together with everything enumerated in sections 11 and 12, and a transaction in respect of a specific part of the property is invalid. Scope of transaction in immovable property.
14. Ownership and other rights in immovable property shall not by themselves justify the doing of anything that causes damage or inconvenience to another. Restriction as to rights.

ARTICLE TWO : PROTECTION OF OWNERSHIP AND POSSESSION

15. In this article, "possessor" means a person who has direct control of the property and a person who has no direct control thereof, direct control being exercised by a person having possession under him. Possession.
16. The owner of any immovable property and a person entitled to possession thereof may demand the surrender of the property from a person who has possession thereof unlawfully. Claim for surrender of property.
17. The possessor of any immovable property may demand from any person who has no right to have possession thereof that he refrain from any act calculated to interfere with the use of the property and that he remove anything calculated so to interfere. Claim for abstinence from interference.
18. (a) The lawful possessor of any immovable property may use a reasonable amount of force to prevent trespass thereon or the unlawful denial of his control thereof. Use of force against trespassers.
- (b) Where a person occupies any property unlawfully, the lawful possessor thereof may use a reasonable amount of force to take it from the occupier, provided he does so within what, in the circumstances of the case, is a reasonable time.
19. A person who takes any immovable property from the possessor thereof otherwise than as specified in section 18(b) shall return it to the possessor. However, this provision shall not derogate from the power of Return of unlawfully seized property.

the Court to deal with the rights of both parties simultaneously, and the Court may regulate possession, as it may deem just and on such conditions as it may think fit, pending a decision as to such rights.

Saving of remedies.

20. The provisions of sections 16 to 19 shall not derogate from the right to compensation or from any other remedy or relief under law.

CHAPTER FOUR : BUILDING AND PLANTING ON ANOTHER'S PROPERTY

Owner's option.

21. (a) Where a person has erected any structure or planted any plantation (either operation hereinafter referred to as "installation of fixtures") on the property of another person without being entitled to do so by law or under an agreement with the owner of the property, such owner shall have an option either to retain the fixtures or to demand from the person who installed them that he remove them and restore the property to its former condition.

(b) If the owner of the property elects to retain the fixtures, he shall pay to the person who installed them an amount equal to the amount invested by him in installing them or to the amount of their value at the time of the exercise of the option under subsection (a), whichever is less.

(c) Where the owner of the property demands the removal of the fixtures and the person who installed them does not remove them within a reasonable time, the owner of the property may remove them at the expense of that person.

(d) Where the fixtures have been removed, what has been removed shall pass to the ownership of the person who installed it. If the owner of the property has removed the fixtures, he may recover out of them what is due to him in respect of the removal.

Constructive exercise of option.

22. If the owner of the property does not elect either of the alternatives mentioned in section 21(a) within six months after receiving a written request to do so from the person who installed the fixtures, he shall be deemed to have elected to retain the fixtures.

Right of person who installed fixtures to acquire property.

23. (a) Where fixtures have been installed on unsettled property, the person who installed them may acquire the property at a price equal to the value thereof without the fixtures at the time of payment of the price if —

(1) at the time of installing the fixtures he honestly believed that he was the owner of the property; and

(2) the amount invested by him in the fixtures exceeded, at the time of their installation, the value of the property without the fixtures at that time; and

(3) the acquisition by him of the property is not likely to cause the owner of the property such serious damage as cannot be made good by payment of the value of the property.

(b) The expenses involved in the acquisition of property under this section — including any tax, fee and other compulsory payment leviable in connection with the transfer of the property, but not including any payment due in respect of the period prior to the installation of the fixtures — shall, notwithstanding anything provided in any law, be borne by the person who installed the fixtures.

(c) The rights under this section of the person who installed the fixtures shall prevail over the rights of the owner of the property under section 21.

24. The Court may, if it deems it just so to do under the circumstances, require the person who installed the fixtures to pay the owner of the property suitable recompense in respect of the period for which he had unlawful possession of the fixtures. Payment for use.

25. The Court may permit the owner of the property to pay to the person who installed the fixtures the amount of his investment or the value of the fixtures in such instalments and on such conditions, including interest and security for payment, as it may prescribe. The same applies, *mutatis mutandis*, to the amounts due to the owner of the property under section 23 or 24. Terms of payment.

26. The mutual debts under this chapter of the owner of the property and the person who installed the fixtures may be set off. Set-off.

CHAPTER FIVE : JOINT OWNERSHIP OF IMMOVABLE PROPERTY

ARTICLE ONE : JOINT OWNERSHIP RELATIONS

27. Where any immovable property belongs to several owners, the ownership of each of them extends according to his share over the whole of the property, and no joint owner shall have a specific part thereof. Joint ownership of immovable property.

28. The shares of all the joint owners of any immovable property are presumed to be equal. Size of share of joint owner.

29. (a) An agreement between the joint owners as to the management and use of the joint property and as to their rights and duties concerning everything relating to the property (hereinafter referred to as a "joint ownership agreement") is capable of registration and upon being registered shall be effective also with regard to a person who thereafter becomes a joint owner and every other person. Joint ownership agreement.

(b) The provisions of sections 30 to 36 shall apply unless otherwise provided in the joint ownership agreement.

30. (a) The owners of a majority of the shares in any joint property may determine all matters relating to the ordinary management and use of the property. Management and use.

(b) A joint owner who considers himself aggrieved by a determination under subsection (a) may apply to the Court for directions, and

the Court shall decide as seems to it just and expedient in the circumstances of the case.

(c) Any matter outside the scope of ordinary management and use requires the consent of all the joint owners.

Right of individual joint owner.

31. (a) Unless otherwise determined under section 30, every joint owner may without the consent of the other joint owners—

(1) make reasonable use of the joint property, provided that he does not prevent such use by another joint owner;

(2) do any urgent and unforeseen act required for the proper maintenance and management of the property;

(3) do anything reasonably required for preventing damage likely to occur to the property and protecting the ownership and possession thereof.

(a) Where a joint owner has done as provided in subsection (a), he shall as soon as possible notify the other joint owners to such effect.

Expenses.

32. (a) Each joint owner shall contribute, according to his share in the property, to the expenses required for its proper maintenance and management.

(b) A joint owner who has contributed to expenses as aforesaid in excess of his share may recover from the other joint owners in accordance with their shares in the property.

Payment for use.

33. A joint owner who has used the joint property shall pay to the other joint owners, according to their shares in the property, suitable recompense for the use thereof.

Right of joint owner to deal with his share.

34. (a) Every joint owner may transfer his share in the joint property, or effect any other transaction in respect thereof, without the consent of the other joint owners.

(b) Any stipulation in a joint ownership agreement which denies or restricts any right as referred to in subsection (a) shall not be valid for a period exceeding five years.

Right to proceeds.

35. Every joint owner is entitled to a share in the proceeds of the joint property in accordance with his share in the property.

Set-off.

36. The mutual debts of the joint owners resulting from the joint ownership may be set off.

ARTICLE TWO : SEVERANCE OF JOINT OWNERSHIP

Right to claim severance of joint ownership.

37. (a) Every joint owner of immovable property is entitled at any time to demand the severance of the joint ownership.

(b) Where the joint ownership agreement contains a stipulation denying or restricting the right to demand the severance of the joint ownership for a period exceeding three years, the Court may, at the

expiration of three years, notwithstanding the stipulation, order the severance of the joint ownership if it deems it just so to do in the circumstances of the case.

38. (a) The severance of the joint ownership shall be by agreement between the joint owners. Where the agreement provides for the partition of the property, it shall require the approval of the Inspector, certifying that the partition is in conformity with the Planning and Building Law, 5725-1965¹⁾, and with every other relevant enactment.

Severance under agreement or court order.

(b) In the absence of agreement as provided in subsection (a), the severance of the joint ownership shall be by court order in accordance with sections 39 to 43.

39. (a) In the case of property capable of partition, the severance of the joint ownership shall be by way of partition.

Severance by way of partition.

(b) Where partition is possible only if equalisation payments are made between the joint owners, the Court may require the making of such payments if it deems it expedient and just so to do. The provisions of section 25 shall apply *mutatis mutandis* to such equalisation payments.

(c) Where the Court deems it necessary so to do, it may order the registration of an easement between the parcels.

40. (a) In the case of property not capable of partition, and also if the Court is satisfied that partition will cause considerable loss to all or some of the joint owners, the severance of the joint ownership shall be by way of sale of the property and division of the proceeds of the sale.

Severance by way of sale.

(b) The property shall be sold in the manner in which attached immovable property is sold in execution proceedings, unless the Court directs it to be sold in some other manner deemed by it to be more expedient and just in the circumstances of the case.

41. (a) Where some matter prevents the partition of the property in respect only of one of the joint owners, and that joint owner has property abutting on the joint property and consents to the incorporation of his share in the abutting property, the joint property shall be partitioned accordingly.

Severance in special cases.

(b) Where some matter prevents partition among all the joint owners, but nothing prevents partition if some of the joint owners take their shares jointly, and those joint owners have agreed to do so, the property shall be partitioned accordingly.

(c) Where some matter prevents partition in respect only of some of the joint owners, the others may retain the property jointly or partition it among them, provided that they pay those first-mentioned joint owners what would have fallen to their share had the property been sold as provided in section 40.

1) *Sefer Ha-Chukkim* of 5725, p. 307; *LSI* vol. XIX, p. 330.

Winding-up by way of conversion into cooperative house.

42. (a) Where the joint property consists mainly of a house eligible for registration as a cooperative house, the Court may, after receiving an opinion of an Inspector, order the severance of the joint ownership by way of registration of the house in the Register of Cooperative Houses and the allocation of dwellings to the joint owners according to their shares.

(b) Where the severance of joint ownership under subsection (a) is possible only if equalisation payments are made between the joint owners, the Court may require the making of such payments if it deems it expedient and just so to do in the circumstances of the case. The provisions of section 25 shall apply *mutatis mutandis* to such equalisation payments.

Wishes of joint owners.

43. The Court shall, as far as possible, have regard to a request by some of the joint owners to maintain the joint ownership between them and to other wishes of joint owners.

Management and use pending severance.

44. The Court may make a temporary order concerning rules for the management and use of the property pending termination of the severance proceedings.

Joint holding of other rights.

45. The relevant provisions of the preceding article and of this article shall also apply, *mutatis mutandis*, to other rights in immovable property which are vested in several persons.

ARTICLE THREE : BUILDING AND PLANTING ON IMMOVABLE PROPERTY

Severance of joint ownership by reason of unlawful installation of fixtures.

46. Where a joint owner has installed fixtures on the joint property without being entitled to do so under law or by agreement with the other joint owners, each of the other joint owners may, notwithstanding any restriction in the joint ownership agreement, demand the severance of the joint ownership in accordance with the provisions of Article Two. Where severance is not demanded, the provisions of Chapter Four shall apply *mutatis mutandis*.

Severance of joint ownership by way of partition.

47. In severing the joint ownership by way of partition of the property, the Court shall, as far as possible, determine the parcel of the joint owner who installed the fixtures in such a way that it includes the fixtures.

Severance of joint ownership by way of sale.

48. Where the joint ownership is severed by way of sale of the joint property, and the price obtained exceeds the price which would have been obtained from the sale of the property without the fixtures, the joint owner who installed the fixtures shall be entitled to be reimbursed for his investment therein, but not to an extent exceeding the difference between the two prices; where the price obtained is less than the price which would have been obtained from the sale of the property without the fixtures, the joint owner who installed the fixtures shall pay the difference to the other joint owners in accordance with their shares in the property.

ARTICLE FOUR : BOUNDARY FIXTURES

49. (a) Walls, fences, trees and other similar fixtures situated on the boundary of adjoining properties (such fixtures hereinafter referred to as "boundary fixtures") shall, pending proof to the contrary, be regarded as jointly owned by the owners of the adjoining properties.

Ownership and use.

(b) Each of the owners may use the boundary fixtures for the purpose for which they were installed. They shall bear the expense of maintaining them in proper condition according to the ratio agreed between them, or, in the absence of agreement, in equal shares, unless the extent of the use is different.

50. Where trees or other plants grow near a boundary, any produce thereof which falls onto neighbouring property shall belong to the neighbour. If any produce thereof falls in a place to which the public has free access, any passer-by may take it for himself.

Produce which has fallen onto another's property.

51. Where the branches or roots of trees or other plants growing near a boundary spread into neighbouring property, the owner or possessor of the neighbouring property (hereinafter referred to as "the neighbour") may not demand the removal of the branches or roots unless they are calculated to damage the property or to interfere to an unreasonable extent with his enjoyment thereof. If the neighbour demands that the owner of the plants remove such branches or roots and they are not removed within a reasonable time, he may remove them himself at the expense of the owner of the plants.

Plants growing near boundary.

CHAPTER SIX : COOPERATIVE HOUSES

ARTICLE ONE : GENERAL PROVISIONS

52. In this chapter and in Article Four of Chapter Nine —

Definitions.

"house" means a permanent structure and includes the land on which it is built ;

"dwelling" means a room or compartment, or a set of rooms or compartments, intended to be used as a complete and separate unit for habitation, business or any other purpose ;

"cooperative house" means a house containing two or more dwellings which is registered in the Register of Cooperative Houses ;

"owner of dwelling" in relation to a dwelling held on long-term tenancy, means the long-term tenant or long-term subtenant, as the case may be, unless the tenancy contract provides that he shall not be regarded as the owner of the dwelling for the purposes of this chapter ;

"common property" means all the parts of the cooperative house other than the parts registered as dwellings, and includes the land, the roofs, the outer walls, the foundations, the staircases, the lifts and the shelters, as well as the heating, water and other similar

installations intended to serve all or most of the owners of the dwellings even if such installations are situated within a particular dwelling.

Applicability of laws relating to immovable property.

53. Every provision of this Law, and every other law applying to immovable property, shall apply *mutatis mutandis* to dwellings in a cooperative house ; and every reference to registration in the Land Registers shall, in that connection, be deemed to be a reference to registration in the Register of Cooperative Houses.

Separate ownership of dwellings.

54. Notwithstanding the provisions of section 13, a dwelling in a cooperative house shall be a separate subject of ownership, rights and transactions.

ARTICLE TWO : DWELLINGS AND COMMON PROPERTY

Parts of common property which are linked to dwellings.

55. (a) An unspecified part of the common property of a cooperative house is linked to each dwelling therein.

(b) A transaction in respect of a dwelling shall extend also to such part of the common property as is linked to that dwelling, and a transaction in respect of the common property separately from the dwelling shall be invalid. This provision shall not prevent an act designed to diminish or enlarge the area of the land which forms part of the common property.

(c) The owners of the dwellings may stipulate in the rules, within the meaning of Article Three of this chapter (hereinafter referred to as "the rules"), that a specific part of the common property shall belong to a particular dwelling : Provided that they shall not so stipulate in respect of staircases, lifts, shelters or installations intended to serve all the owners. Where a specific part of the common property has been linked to a particular dwelling, the provisions of this Law relating to the common property shall not apply to that part, and that part shall for all purposes be treated like the dwelling to which it has been linked.

Inapplicability of Chapter Five.

56. (a) The provisions of Chapter Five shall not apply to the common property.

(b) The provision of subsection (a) shall not prevent joint ownership of a dwelling or the severance of such joint ownership.

Size of share in common property.

57. (a) The size of such share in the common property as is linked to any dwelling shall correspond to the ratio between the floor space of that dwelling and the aggregate floor space of all the dwellings in the cooperative house unless the rules fix a different size. In calculating the size of a share as aforesaid, fractions smaller than a hundredth shall be disregarded.

(b) In calculating floor space for the purposes of subsection (a), the area of the balconies and of the outer walls shall not be taken into account, unless the rules otherwise provide.

(c) Where a specific part of the common property has been linked to a particular dwelling, the area of such part shall, for the purposes of subsection (a), be taken into account to the extent determined by the rules or, in the absence of such determination, to the extent determined by the Inspector according to the circumstances.

58. The owner of a dwelling shall participate in the expenses necessary for the proper maintenance and management of the common property, and for ensuring the services prescribed by law or customary, according to his share in the common property, unless a different rate of participation is prescribed by the rules.

Expenses.

59. (a) Where a cooperative house consists of several structures or wings each of which has a separate entrance or separate installations, and the owners of the dwellings have stipulated in the rules that the common property, or part thereof, situated in each structure or wing shall only be linked to the dwellings situated therein, the duty of participating in the expenses of the maintenance and management of the common property linked as aforesaid shall be borne by the owners of the dwellings situated in the structure or wing in question.

Cooperative house consisting of several structures or wings.

(b) Where common property has been linked as specified in subsection (a), the owners of the dwellings may stipulate in the rules that each structure or wing shall have a separate general meeting and a separate representation.

60. (a) If a cooperative house is destroyed, wholly or in part, from whatever cause, and the owners to whose dwellings not less than three quarters of the common property is linked decide to rebuild or repair the house (such owners hereinafter referred to as "the rebuilders"), the owner of each dwelling shall participate in the expenditure involved in respect of his dwelling, and the owners of all the dwellings shall participate in the expenditure involved in respect of the common property, each according to the share of the common property linked to his dwelling.

Destruction of cooperative house.

(b) If the owner of any dwelling refuses to participate in the rebuilding or repair of the common property, the Inspector may, on the application of the rebuilders and on being satisfied that it is not practicable to rebuild the cooperative house in respect only of the other dwellings, order the owner of that dwelling to transfer his right therein, within a period not less than six months prescribed by the Inspector, to a person designated by the owner of the dwelling and who shall take his place as to everything relating to the duty of rebuilding or repair.

(c) If the owner of the dwelling fails to transfer his right as provided in subsection (b), the Inspector may, on the application of the rebuilders, order that the right shall be transferred to a person proposed by the rebuilders or, in the absence of a proposal from them, to a person designated by the Inspector and that it shall be registered in the name of that person after its value has been paid to the owner of the dwelling or deposited with the Inspector.

(d) In the event of disagreement as to the value of the right, such value shall be determined by the Inspector on the application of the rebuilders or of the owner of the dwelling.

(e) Any application to the Inspector to exercise any of his powers under this section shall be treated as a claim before the Inspector under Article Four.

ARTICLE THREE : MANAGEMENT OF COOPERATIVE HOUSE

- Rules.** 61. A cooperative house shall be managed in accordance with rules regulating relations between the owners of the dwellings and their rights and duties with regard to the cooperative house.
- Agreed rules.** 62. (a) The owners of the dwellings may draw up rules and vary the provisions thereof by a majority of owners to whose dwellings two thirds of the common property is linked ; however, no rights of owners shall be determined or varied by the rules, and no duty or payments of a type or at a rate not specified in this Law shall be imposed on them, save with their consent, and the linking of a specific part of the common property to a particular dwelling shall not be prescribed save with the consent of all the owners.
- (b) For the purposes of subsection (a), "owner" includes the lessor of a dwelling leased on long-term tenancy and the sublessor of a dwelling leased on long-term subtenancy.
- (c) The rules and any variation thereof are capable of registration, and upon being registered, are effective with regard to every person who subsequently becomes the owner of a dwelling.
- Rules drawn up by single person.** 63. Rules are capable of registration even while the cooperative house, with all its dwellings, is owned by one person.
- Model rules.** 64. Where no rules have been registered under section 62 and where rules so registered make no provision for the matter in hand, the model rules set out in the Schedule shall be deemed to be rules registered by the owners of the dwellings.
- Representation of cooperative house.** 65. Every cooperative house shall have a representation for the management of the affairs of the cooperative house. The representation shall be constituted and act in accordance with the provisions of the rules.
- First representation.** 66. (a) Upon the registration of the house in the Register of Cooperative Houses, the Inspector who made the registration order shall appoint a provisional representation for that house pending the constitution of the first representation under the rules. The composition of the provisional representation shall be in accordance with the recommendation of the owners of dwellings who applied for the registration ; in the absence of such a recommendation, the Inspector shall, at his

discretion, appoint a provisional representation from among the owners of the dwellings in the cooperative house or, if this is impracticable, otherwise than from among such owners, and may fix a remuneration for it, which shall be paid by such owners.

(b) A representation appointed under subsection (a) shall for all purposes be treated as a representation constituted under the provisions of the rules.

67. (a) Where a representation has not been constituted in a cooperative house under the provisions of the rules, or where the representation is not functioning, the Inspector may appoint a representation for that house, and the provisions of section 66 shall apply *mutatis mutandis* to the appointment of the representation, to the fixing of its remuneration and to its status.

Procedure in the absence of representation.

(b) Where the rules of the cooperative house provide for the election of the representation by a general meeting, the Inspector shall not exercise his power under subsection (a) until he has convened the owners of the dwellings in a general meeting for the election of the representation, and the representation has not been elected at that meeting, or until he is satisfied that the convening of the meeting is unpractical in the circumstances of the case.

68. The remuneration fixed by the Inspector for a representation appointed under section 66 or 67 shall be treated as an expense in which the owners of the dwellings must participate under section 58.

Remuneration of representation.

69. The representation shall act as an agent of all the owners in respect of every matter relating to the proper maintenance and management of the cooperative house, and it shall be entitled to enter into contracts, and be a party to any legal or other proceeding, on behalf of all the owners in respect of any such matter as aforesaid.

The representation — an agent of the owners of the dwellings.

70. (a) Where the rules of a cooperative house provide for the holding of a general meeting of the owners of the dwellings, and the meeting does not convene in due time in accordance with the provisions of the rules, the Inspector may convene it and prescribe its agenda, and the provisions of the rules relating to a general meeting shall thereupon apply as if the meeting had been convened in accordance with such provisions.

General meeting.

(b) Where the rules permit attendance at a general meeting by proxy, the authorisation of a proxy shall be exempt from stamp duty.

71. A resolution of the owners of the dwellings passed in accordance with the rules and recorded in the register of resolutions shall bind every owner of a dwelling, whether he was the owner of a dwelling at the time the resolution was passed or became the owner of a dwelling thereafter. The register of resolutions shall be open for inspection by every owner of a dwelling at any reasonable time.

Resolutions of owners of dwellings.

ARTICLE FOUR : SETTLEMENT OF DISPUTES
BETWEEN OWNERS OF DWELLINGS

Power to decide disputes.

72. (a) A dispute between the owners of dwellings in a cooperative house as to their rights or duties under the rules or under section 58 shall be decided by the Inspector.

(b) Where a dispute between the owners of dwellings in a cooperative house concerns trespass by the owner of a dwelling upon another dwelling or upon the common property, the plaintiff may, at his option, bring it before a competent court or before the Inspector.

(c) The provisions of subsection (a) and (b) shall also apply where the occupier of a dwelling on behalf of the owner thereof or, where a dwelling is held on long-term tenancy or long-term subtenancy, the long-term lessor or long-term sublessor, is a party to the dispute.

(d) The provisions of this section shall not affect the validity of an agreement to refer disputes as aforesaid to an arbitrator.

Right to sue in case of dispute.

73. The following are entitled to submit a dispute for the decision of the Inspector :

(1) every owner of a dwelling or other party to a dispute, as defined in section 72 ;

(2) the representation of the cooperative house.

Powers of Inspector.

74. An Inspector who hears a dispute shall have all the powers of a Judge of a Magistrates' Court trying a civil action.

Hearing of dispute.

75. (a) An Inspector who hears a dispute may deviate from the rules of evidence if he is satisfied that it is expedient so to do in the interests of discovering the truth and doing justice. If he decides to deviate from the rules of evidence, he shall record the reasons which prompted his decision.

(b) Where an Inspector has begun to hear a dispute and is unable to complete the hearing thereof, another Inspector shall continue the hearing from the stage which his predecessor had reached, but he may permit all or part of the evidence to be produced again.

(c) The decision of the Inspector shall be in writing and reasoned, and shall be served upon each of the parties.

Enforcement of decisions and orders.

76. The decision of the Inspector in a dispute and an interim order made by him shall, for the purposes of enforcement and execution and for the purposes of section 6 of the Contempt of Court Ordinance¹⁾, be treated as a judgment or interim order of a Magistrates' Court.

Appeal.

77. (a) Any party who considers himself aggrieved by the decision of the Inspector may, within a period prescribed by regulations, appeal to the District Court in the area of jurisdiction of which the cooperative house is situated.

1) *Laws of Palestine* vol. I, cap. 23, p. 356 (English Edition).

(b) The filing of appeal shall not stay the carrying out of the decision unless the Inspector or the court with which the appeal is filed so orders.

(c) The District Court shall hear an appeal against a decision of the Inspector under section 72(b) by a bench of three judges.

(d) The judgment of the Court in an appeal under subsection (a) is appealable by leave as provided in section 19(b) of the Courts Law, 5717-1957¹).

CHAPTER SEVEN : RIGHTS IN IMMOVABLE PROPERTY OF ANOTHER PERSON

ARTICLE ONE : LEASE

78. Notwithstanding the provisions of section 13, a specific part of immovable property may be leased. Lease of specific part of property.

79. (a) Notwithstanding the provisions of sections 7 and 8, a lease for a period not exceeding five years does not require registration, and an undertaking to effect such a transaction does not require a written document. Provisions as to short-term lease.

(b) The provisions of subsection (a) shall not apply to a lease carrying an option to extend its period to an aggregate period exceeding five years or to a lease the period of which falls, wholly or in part, after the expiration of five years from the completion of the lease contract.

(c) The provisions of this section shall not prevent the registration of a lease not requiring registration, if the parties apply for it.

80. Where any property has been leased under a lease not requiring registration and which has not been registered, and before it is delivered to the lessee the lessor leases it to another person under a lease not requiring registration and which is adverse to the first lease, the right of the first lessee shall prevail : Provided that if the second lessee has taken the lease and received the property in good faith, his right shall prevail. Adverse short-term lease.

81. (a) Where a lease has been registered, the lessee may, subject as agreed in the terms of the lease, mortgage it without the consent of the lessor, and the provisions of Article Two shall apply *mutatis mutandis*. Lease charged with mortgage or easement.

(b) Where a lease has been registered, the lessee may, subject as agreed in the terms of the lease, charge it with an easement without the consent of the lessor, and the provisions of Article Three shall apply *mutatis mutandis*.

82. Where the lease contract negatives or restricts the right of the lessee to transfer the lease or to sublease the property, and the lessor refuses his consent to such a transaction on unreasonable grounds or Bar to unreasonable refusal.

1) *Sefer Ha-Chukkim* of 5717, p. 148; *LSI* vol. XI, p. 157.

attaches unreasonable conditions to his consent, the Court may permit the transaction on such conditions as it may think fit if it considers that no harm will thereby be caused to the lessor.

Gratuitous grant of possession and use.

83. The provisions of this chapter, except section 82, shall apply *mutatis mutandis* to a right assigned otherwise than for consideration to possess and use immovable property otherwise than permanently.

Law of hire and Tenants' Protection Law.

84. (a) Subject to the provisions of this chapter, the general law of hire shall apply to the lease of immovable property.

(b) The provisions of this Law shall not derogate from the provisions of the Laws dealing with the protection of tenants, including the Key-Money Law, 5718-1958¹).

ARTICLE TWO : MORTGAGE

Mortgagor's right in mortgaged property.

85. (a) Subject as agreed in the terms thereof, a mortgage shall not affect the right of the owner to possess and use the property and to enter into any transaction in respect thereof.

(b) A transaction entered into by the owner of any property after it has been mortgaged shall not affect the right of the mortgagee to realise the mortgage, and such a transaction shall be of no effect with regard to a person who acquires the property upon execution of the mortgage.

Substitution of mortgage of equal rank.

86. Where any property has been charged with mortgages of different rank and one of them is redeemed, the owner of the property may replace the redeemed mortgage with a mortgage of the same rank if the terms of the mortgage next in rank provide for such a right.

Transfer of mortgage.

87. (a) Subject as agreed in the terms of the mortgage, the mortgagee may transfer it, or part of it, to another person, together with the whole or part of the debt secured by it, without the consent of the owner of the property.

(b) Where a mortgage has been transferred without the knowledge of the debtor, he is discharged by payment of the debt to the former mortgagee.

Redemption of mortgage before time of fulfilment of obligation.

88. The terms of a mortgage cannot derogate from the right to redeem the mortgaged property before the time for the fulfilment of the obligation in accordance with the provisions of section 13 (b) of the Pledges Law, 5727-1967²). The provision of this section shall not affect terms stipulated before the coming into force of this Law.

Deposit of amount due at Office.

89. If the owner of the property wishes to pay what is due from him under a mortgage but the mortgagee does not accept it, the owner of the property may deposit the whole or part of what is due from him

1) *Sefer Ha-Chukkim* of 5718, p. 177; *LSI* vol. XII, p. 197.

2) *Sefer Ha-Chukkim* of 5727, p. 48; *LSI* vol. XXI, p. 44.

with the Registrar and request the Registrar to discharge the mortgage to the extent that it has been redeemed. The Minister of Justice may make regulations for the purpose of this section.

90. The realisation of a mortgage shall be effected under a court judgment or under an order of the Chief Execution Officer and in the manner specified in section 18 of the Pledges Law, 5727-1967.

Realisation of mortgage.

91. Subject to the provisions of this chapter, the provisions of the Pledges Law, 5727-1967, shall apply to a mortgage: Provided that immovable property or a registered lease of immovable property shall not be pledged except by mortgage.

Applicability of Pledges Law.

ARTICLE THREE : EASEMENT

92. An easement may be for the benefit of some property (hereinafter referred to as the "dominant property") or for the benefit of a particular person or class of persons or for the benefit of the public.

Holders of easement.

93. (a) An easement may provide —

Forms of easement.

(1) that the owner of the dominant property or the person for whose benefit the easement has been granted shall be entitled to some specific use of the other property ("the servient property") ;

(2) that the owner of the servient property shall refrain from carrying out a specific act in respect of that property.

(a) An easement for the benefit of property may also provide that the owner of the servient property shall carry out a specific act in respect thereof or shall not be entitled to prevent the carrying out of a specific act in respect of the dominant property.

94. (a) A person who has exercised a right capable of being an easement for a period of thirty consecutive years has acquired the easement and is entitled to demand its registration.

Easement by prescription.

(b) Notice in writing by the owner of the property to the person exercising such a right as aforesaid, or to the public, that he opposes the exercise of the right interrupts the period referred to in subsection (a).

95. Where an easement is for the benefit of a person or a class of persons, then, unless otherwise provided in the terms of the easement, the holder or holders of the easement shall not transfer his or their right, save with the consent of the owner of the servient property.

Transfer of easement.

96. An easement shall be for an unlimited period unless a period has been fixed for it in the terms of the easement: Provided that the Court may, on the application of an interested party or of the Attorney-General, terminate the easement or vary its terms if it sees fit to do so by reason of the non-exercise of the easement or by reason of a change in the circumstances of the use thereof or in the condition of

Period and terms of easement.

the dominant or servient property ; and the Court may award compensation to a person to whom damage is caused by the termination or variation.

Partition of property.

97. If the dominant or servient property is partitioned, the easement shall be attached to the parcel for the benefit of which or over which, as the case may be, the easement existed.

Easement as between parcels of property of the same owner.

98. (a) The owner of two parcels of property may charge one of them with an easement for the benefit of the other.

(b) Where the dominant property and the servient property come to be owned by the same person, the easement shall not be terminated for that reason only.

(c) Where the dominant property and the servient property have been amalgamated into one parcel, the easement terminates.

ARTICLE FOUR : PRE-EMPTION

Pre-emption by agreement.

99. (a) The owner of any immovable property or the owner of an unspecified part of jointly owned immovable property may register a right of pre-emption in respect of the property, or in respect of his share in the property, in favour of a particular person; and upon his doing so, he shall not be entitled to transfer the property or share to another person unless he has first offered it to the holder of the right of pre-emption.

(b) The provisions of sections 102—105 shall apply to a right of pre-emption under this section, subject as agreed in the terms of pre-emption.

Pre-emption as between heirs.

100. (a) Where any immovable property, being an agricultural farm within the meaning of section 114 of the Succession Law, 5725-1965¹⁾, has passed by way of succession, whether testate or intestate, into the joint ownership of several heirs, an heir shall not be entitled to transfer his share to another person unless he has first offered it to an heir having a right of pre-emption.

(b) During the first two years after the making of the succession order or order of probate, every heir shall be regarded as having a right of pre-emption with regard to the share of any other heir. Thereafter, there shall only be regarded as having a right of pre-emption an heir who during the first two years registered a right of pre-emption for himself with regard to the share of another heir.

Pre-emption as between spouses.

101. Where any immovable property jointly owned by spouses is an agricultural farm, or a business, managed by them jointly or a dwelling used by them as residence, one spouse shall not transfer his or her share to another person unless he or she has first offered it to the other spouse.

1) *Sefer Ha-Chukkim* of 5725, p. 63; *LSI* vol. XIX, p. 58.

102. (a) An offer to the holder of a right of pre-emption shall be in writing and be sent by registered post, and shall indicate the price asked for the property offered. A copy of the offer shall be sent to the Registrar.

Acquisition by right of pre-emption.

(b) Within thirty days from the date of receipt of the offer, the holder of the right of pre-emption may pay the price asked, plus any tax or other compulsory payment due from him in connection with the acquisition, or deposit the same with the Registrar, and upon his doing so, the parties shall be deemed to have entered into an agreement for the transfer of the property at the price specified in the offer. If the price has been deposited, it shall be paid to the offerer upon completion of the transaction.

(c) The holder of a right of pre-emption who does not pay or deposit the amounts referred to in subsection (b) within the time prescribed in that subsection shall, upon the expiration of that time, be considered to have refused to acquire the property.

(d) Where there are two or more holders of a right of pre-emption, the offer shall be sent to all of them. If all or some of them agree to acquire the property offered, the provisions of subsection (b) shall be followed in accordance with the share of each of them in the right of pre-emption. If one of them refuses to acquire, his share shall accrue to the others.

103. (a) Where the holder of a right of pre-emption has refused to acquire the property offered at the price asked, the offerer may, within six months from the date of the refusal, transfer the property as he wishes: Provided that he shall not transfer it at a price lower than that stated in the offer.

Transfer of property.

(b) If the offerer transfers the property within the six-month period referred to in subsection (a), the right of pre-emption shall terminate and, if it has been registered, it shall be struck out. If the offerer does not transfer the property within the said period, he shall not transfer it before he has again offered it to the holder of the right of pre-emption.

104. The obligation to offer any property to the holder of a right of pre-emption as provided in this chapter shall not apply in the case of a transfer without consideration; however, the right of pre-emption shall not terminate in such a case and shall apply *vis-à-vis* the person who has acquired the property without consideration.

Inapplicability to gifts.

105. A transfer of property in respect of which a right of pre-emption exists shall not be registered until the Registrar is satisfied that the provisions of this chapter have been complied with.

Non-registration of transfers.

106. The provisions of this article relating to a transfer of ownership shall, in so far as relevant, apply also to the transfer of a long-term tenancy.

Right of pre-emption in respect of long-term tenancy.

CHAPTER EIGHT : PUBLIC LAND AND RESERVED LAND

- Definitions. 107. In this chapter —
“public land” means Israel lands within the meaning of the Basic Law : Israel Lands¹⁾ and immovable property of a local authority or of a body corporate established by any enactment;
“reserved land” means public land intended for use in the public interest, namely —
- (1) the seashore, including property within the area of a port ;
 - (2) rivers, streams, canals and the banks thereof ;
 - (3) roads and railways, including property used for railway-stations ;
 - (4) airports ;
 - (5) such other classes of public property as have been defined by regulations, with the approval of the Economic Committee of the Knesset, as reserved land within the meaning of this chapter.
- Submarine property. 108. Property situated under the territorial waters of Israel and property situated under the waters of lakes in Israel belong to the State and are public property.
- Registration of reserved land. 109. The registration of reserved land shall indicate that it is reserved land.
- Conversion of reserved land into public land. 110. Reserved land shall not be converted into public land other than reserved land unless the Government or the Minister designated by it in that behalf has certified that it has ceased to serve its intended purpose. Notice of the certification shall be published in *Reshumot* and the indication of the property being reserved land shall be deleted.
- Prohibition of transactions in reserved land. 111. No such transaction in respect of reserved land as requires registration shall have effect, no order shall be made enforcing an undertaking to enter into such a transaction, and no note of such an undertaking shall be entered, unless the transaction or undertaking has been approved by the Government or the Minister designated by it in that behalf.
- Inapplicability. 112. Section 23 shall not apply to public land.
- Prescription. 113. (a) There shall be no prescription with regard to reserved land.
(b) To the extent that prescription applies under this Law to public land other than reserved land, the period of prescription shall not begin before the day on which the land is registered in the name of its owner.
(c) Section 94 shall not apply to public land.

1) *Sefer Ha-Chukkim* of 5720, p. 56; *LSI* vol. XIV, p. 48.

114. The provisions of this chapter shall be in addition to, and not in derogation of, the provisions of the Basic Law: Israel Lands, the Israel Lands Law, 5720-1960¹), or any other Law applying to public land or a class of public land. Saving of laws.

CHAPTER NINE : THE LAND REGISTRY

ARTICLE ONE : GENERAL PROVISIONS

115. The Minister of Justice shall establish Land Registration Offices and shall define their areas of operation. Registration Offices.

116. The Minister of Justice shall appoint a Registrar for every Office, and he may appoint one Register for several Offices. Registrars.

117. (a) The Minister of Justice shall appoint Land Registration Inspectors and shall define their areas of jurisdiction. Inspectors.

(b) An Inspector may assume every power of a Registrar in his area of jurisdiction.

118. (a) The Minister of Justice shall appoint a person qualified to be a Judge of a Magistrates' Court as Director of the Land Registry. Director of Land Registry.

(b) The Director of the Land Registry may assume every power of an Inspector or Registrar.

119. Notice of the establishment of an Office and the definition of its area of operation, of every appointment under this chapter and of the definition of the area of jurisdiction of an Inspector shall be published in *Reshumot*. Publication in *Reshumot*.

120. The Director of the Land Registry and every Inspector shall, to the extent required for carrying out their functions, have the powers conferred upon a commission of inquiry by sections 9 to 11 of the Commissions of Inquiry Law, 5729-1968²). Powers of examination.

121. (a) A person who considers himself aggrieved by a decision of a Registrar or Inspector, except a decision of an Inspector under Article Four of Chapter Six, may lodge objection with the Director of the Land Registry within a period prescribed by regulations. Lodging objection with Director.

(b) The Director of the Land Registry may decide upon the objection on the basis of the documents which were before the Registrar or Inspector, without hearing the parties, and he may hear the parties and any other person, as he deems appropriate for determining the matter.

(c) Notwithstanding subsection (a), no objection shall lie against approval for the registration of a transaction after such registration has been effected; but this provision shall not derogate from any other relief in connection with the registration.

1) *Sefer Ha-Chukkim* of 5720, p. 56; *LSI* vol. XIV, p. 49.

2) *Sefer Ha-Chukkim* No. 5729, p. 28; *supra*, p. 32.

Appeal to court.

122. A person who considers himself aggrieved by a decision of the Director of the Land Registry, including a decision upon an objection under section 121, may, within a period prescribed by regulations, appeal to the District Court in whose area of jurisdiction the property in question is situated.

Registers

123. (a) Registers prescribed by this Law or by regulations thereunder shall be kept at every Office, and property situated in the area of operation of the Office shall be registered therein.

(b) There shall be recorded in the Registers, in respect of the property concerned —

(1) the transactions which the Registrar has approved for registration ;

(2) judgments, decisions and orders given or made by a court or by any other authority competent by law, and submitted to the Registrar ;

(3) any other matter requiring or capable of registration under any enactment.

Inspection of Registers.

124. The registers kept at an Office shall be open for inspection by the public, and any person may inspect them and obtain copies of entries therein.

Probative force of registration.

125. (a) An entry in the Registers in respect of settled property shall be conclusive evidence of its contents, but this shall not derogate from the provisions of sections 93 to 97 of the Land (Settlement of Title) Ordinance (New Version), 5729 — 1969.

(b) An entry in the Registers in respect of unsettled property shall be *prima facie* evidence of its contents.

ARTICLE TWO :NOTES

Caution.

126. Where it is proved to the satisfaction of the Registrar that the owner of any property or the holder of a right in any property has undertaken in writing to effect or to refrain from effecting a transaction in respect thereof, the Registrar shall, on the application of the person who has given the undertaking or the person entitled under the undertaking (such last-mentioned person hereinafter referred to as "the person entitled"), enter a note to such effect. For this purpose, it shall be immaterial whether the undertaking is entered into by an agreement, an irrevocable authorisation or some other document or whether it is explicit or implied, absolute or conditional.

Prohibition of registration contrary to note.

127. (a) Where application for the entry of a note under section 126 is made by the owner of any property or the holder of a right therein or, if the undertaking provides that entry of the note can be made upon the application of the person entitled, by the person entitled, no transaction repugnant to the contents of the note shall be registered save with the consent of the person entitled or by court order.

(b) Where application is made by the person entitled although the undertaking does not provide that entry of the note can be made upon his application, no transaction repugnant as aforesaid shall be registered unless the Registrar has notified the person entitled in advance and has given him reasonable time to apply to the Court.

(c) A prohibition of registration under this section shall have effect for the period fixed in the undertaking or, if no period has been so fixed, for one year from the entry of the note.

128. Where it has been proved to the satisfaction of the Registrar that the effectuation of a transaction by the owner of the property or the holder of a right in the property is subject — by virtue of any enactment, court order or written undertaking by the owner — to the consent of a third party, the Registrar shall, upon the application of the third party, enter a note to such effect.

Note of requirement of consent.

129. Where it has been proved to the Registrar, by court order or by a public document within the meaning of section 20 of the Evidence Ordinance¹⁾ that the legal capacity of the owner of any property or the holder of a right in any property has been denied or restricted under law, the Registrar shall, upon the application of an interested party or of the Attorney-General, enter a note to such effect.

Note of limitation of capacity.

130. The Court may, in any proceeding before it concerning a right in immovable property, direct the entry of a note as it may prescribe.

Note by court order.

131. Where a note has been entered under section 128, 129 or 130, no transaction repugnant to the contents of the note shall be registered so long as the note has not been struck out.

Effect of entry of note.

132. (a) A note entered under section 126, 128 or 129 shall be struck out by court order or if one of the following has been proved to the satisfaction of the Registrar :

Striking out of note.

(1) The interested parties have consented to the striking out ;

(2) the ground for the note has ceased to exist, provided that the Registrar has notified the interested parties, in advance, of his intention to strike out the note and has given them reasonable time to apply to the Court ;

(3) the period referred to in section 127 (c) has passed and no application has been made for its extension ; the provisions of section 127 shall apply *mutatis mutandis* to such an application.

(b) A note entered under section 130 shall be struck out by court order.

1) *Laws of Palestine* vol. I, cap. 54, p. 670 (English Edition).

Other notes.	133. The Minister of Justice may, to the extent required for the operation of this Law or the prevention of its infringement, prescribe by regulations other notes which the Registrar shall be bound to enter, and he may, by regulations, prescribe the modes of the entry and striking out thereof. The provisions of section 131 shall apply <i>mutatis mutandis</i> to such notes.
ARTICLE THREE : FIRST REGISTRATION AND RENEWAL OF REGISTRATION	
Right of first registration.	134. Where any property is not yet registered in the Land Registers, any person claiming a right therein may apply for the registration of such property.
Right to renew registration.	135. Where the entry of any property has been destroyed or become obliterated, any person claiming a right in such property, as well as the Attorney-General or his representative, may apply for renewal of the registration.
Publication and opposition.	136. (a) Notice of an application for registration under this chapter shall be published in <i>Reshumot</i> . (b) Every interested person, as well as the Attorney-General or his representative, may, if he has not filed the application, lodge opposition to the registration with the Inspector within sixty days from the date of publication of the notice.
Decision on application for registration or renewal of registration.	137. (a) The Inspector shall decide upon an application for registration under this chapter after giving the parties an opportunity to state their cases and produce evidence. He may deviate from the rules of evidence if he is satisfied that it is expedient so to do the interest of discovering the truth. If he decides to deviate from the rules of evidence, he shall record the reasons which prompted his decision. (b) The decision of the Inspector shall be in writing and reasoned, and shall be served upon each of the parties.
Registration of ownerless property.	138. Property which is not yet registered in the Land Registers and in respect of which the Director of the Land Registry, after clarification with the Administrator-General, has certified that it is ownerless shall be registered in the name of the State ; but this shall not prevent any person from claiming a right therein and applying for rectification of the registration.
Effect of registration.	139. Registration under this chapter shall be <i>prima facie</i> evidence of the contents thereof. It shall not prevent settlement under the Land (Settlement of Title) Ordinance (New Version), 5729---1969.
Restriction on applicability.	140. The provisions of this chapter shall not apply to property in respect of which no entries may be made in pursuance of section 35 of the Land (Settlement of Title) Ordinance (New Version), 5729-1969.

ARTICLE FOUR : REGISTRATION OF COOPERATIVE HOUSES
AND CANCELLATION OF REGISTRATION THEREOF

141. A Register of Cooperative Houses (hereafter in this article referred to as "the Register") shall be kept at every Office.

Register of
Cooperative
Houses.

142. (a) A house containing two or more dwellings each of which is identifiable as a separate unit is capable of registration in the Register.

Houses eligible
for registration
in Register.

(b) Two or more houses each containing one or more dwellings and situated on a parcel or parcels which cannot be partitioned in such a manner that each house stands on a separate parcel are capable of registration in the Register as a cooperative house.

143. (a) An order for the registration of a house in the Register shall be made by the Inspector on the application of the owners of dwellings the aggregate floor space of which exceeds one half of the aggregate floor space of all the dwellings in the house. In the case of a dwelling leased on long-term tenancy or long-term subtenancy, the application must be filed also by the long-term lessor or long-term sublessor.

Registration
order.

(b) The registration order shall indicate, separately in respect of each dwelling, the particulars to be included in the registration in the Register.

(c) Where immediately before the registration a dwelling is held in tenancy, the parties may, in connection with the registration, terminate the tenancy and transfer the ownership of the dwelling to the tenant, and if they have agreed to do so, the registration order shall be made out accordingly.

144. (a) Where a house has been registered in the Register, and immediately before the registration the whole of the house, or an unspecified part thereof, was let under a registered lease, the lease shall be registered in the Register in respect of each dwelling or in respect of an unspecified part of each dwelling, as the case may be. Where one of the dwellings was let as aforesaid, the lease shall be registered in respect of that dwelling unless the parties agree between them as specified in section 143(c).

Registration
of leasehold
and other rights.

(b) Where immediately before the registration the whole of the house, or an unspecified part thereof, was mortgaged or validly attached, then, unless otherwise agreed with the creditor, the mortgage or attachment shall be registered in respect of each dwelling or in respect of an unspecified part of each dwelling, as the case may be.

(c) Where immediately before the registration a lease as referred to in subsection (a) was mortgaged or validly attached, the mortgage or attachment shall be registered in respect of the lease as registered under subsection (a). If the lease is terminated under section 143 (c), the mortgage or attachment shall be registered in respect of the ownership of the dwelling.

(d) Where immediately before the registration the house was dominant or servient property, the easement shall be registered for the benefit of or as a charge on the dwellings in accordance with the subject-matter of the easement.

Amendment of registration order.

145. (a) The Inspector may, on the application of the owner of a dwelling, or the holder of any right in a dwelling, amend an order for registration in the Register, provided that he has given every owner of a dwelling and every holder of a right in a dwelling, other than the owner or holder who made the application, advance notice and an opportunity to state their cases.

(b) An order amending a registration order shall in all respects have the effect of a registration order.

Cancellation of registration of cooperative house.

146. (a) The Inspector may order the cancellation of the registration of a house in the Register if the owners of all the dwellings have applied for the cancellation or if he is satisfied that the house is no longer eligible for registration in the Register, provided that he has given every owner of a dwelling and every holder of a right in a dwelling advance notice and an opportunity to state their cases.

(b) The cancellation order shall indicate the particulars to be included in the registration of the property in the Land Registers.

New registration in Registers.

147. Where a cancellation order has been made, the Registrar shall cancel the registration of the house in the Register and shall renew the registration thereof in the Land Registers as the joint property of the persons who immediately before the making of the cancellation order were registered in the Register as the owners of the dwellings. Each of them shall, unless the rules otherwise provide, be the owner of an unspecified part in proportion to the share he had in the common property of the cooperative house.

Registration of lease and other rights.

148. (a) Where the registration of a house in the Register has been cancelled, and immediately before the cancellation a dwelling therein was let under a registered lease, the lease shall be registered in the Land Registers in respect of that dwelling.

(b) Where immediately before the cancellation of the registration a dwelling was mortgaged or validly attached, the mortgage or attachment shall be registered in respect of the unspecified part of the person who immediately before the cancellation was the owner of the dwelling.

(c) Where a lease as referred to in subsection (a) was mortgaged or validly attached, the mortgage or attachment shall be registered in respect of the lease as registered under subsection (a).

(d) Where immediately before the cancellation of the registration a dwelling was dominant or servient property, the easement shall be registered in respect of the house in accordance with the subject-matter of the easement.

ARTICLE FIVE : FEES

149. (a) The Minister of Justice may prescribe by regulations fees for the purposes of this Law, and he may also prescribe who shall pay the fee. Power of Minister of Justice.

(b) The Minister of Justice may, with the approval of the Finance Committee of the Knesset, prescribe by regulations conditions on which particular classes of persons or acts shall be exempt from payment of a fee or shall enjoy a reduction of a fee or on which the payment of a fee shall be deferred.

(c) The rate of the reduction or the period of the deferment shall, within limits prescribed by regulations, be prescribed by the Minister of Justice or a person empowered by him in that behalf.

(d) A fee the payment of which has been deferred shall be a charge on the property in question, and the Registrar shall register the charge.

150. (a) The Minister of Justice may prescribe a fee of a specific amount or rates of fees according to the value of the property or transaction. *Ad valorem* rates of fee.

(b) Where a fee according to the value of the property or transaction has been prescribed, the Minister of Justice shall prescribe by regulations who shall make the valuation, and the provisions of sections 121 and 122 shall apply *mutatis mutandis* to the valuation decision.

151. Notwithstanding anything provided in this Law, no registration act shall be performed without the fee prescribed for such act having first been paid, unless the person liable to the fee is exempt or has obtained a reduction thereof or payment of the fee has been deferred in accordance with regulations. Payment of fee a condition of registration.

CHAPTER TEN : MISCELLANEOUS

ARTICLE ONE : ABOLITION OF CATEGORIES OF IMMOVABLE PROPERTY

152. The classification of immovable property in different categories, which existed immediately before the coming into force of this Law by virtue of Ottoman legislation, is hereby abolished. Abolition of classification.

153. The ownership of property which immediately before the coming into force of this Law belonged to the *miri* category shall be full ownership in accordance with the provisions of this Law. *Miri* property.

154. (a) Property which immediately before the coming into force of this Law belonged to the *matruka* category shall be registered in the name of the State : Provided that if it is situated within the area of a local authority and immediately before the coming into force of this Law it consisted of roads or open spaces, other than the seashore, used mainly by residents of that local authority it shall be registered in the name of that local authority. *Matruka* property.

(b) Where property has been registered in the name of a local authority under subsection (a), and it is subsequently put to a use which would not have justified its registration in the name of that local authority, it shall pass into the ownership of the State.

Mawat property. 155. Property which immediately before the coming into force of this Law belonged to the *mawat* category shall be registered in the name of the State: Provided that where a person has received a title-deed for any such property under article 103 of the Ottoman Land Code of A.H. 1274 or under the Land Transfer Ordinance¹⁾, he or his successor shall be entitled to registration of the property in his name.

Saving of rights. 156. The provisions of sections 153, 154, and 155 shall not derogate from rights which immediately before the coming into force of this Law existed in property referred to in those sections.

Fixtures registered separately from land. 157. (a) Where immediately before the coming into force of this Law any structures or plantations, (both hereinafter referred to as "fixtures") were registered separately from the land in the name of one person, they and the land shall be registered in his name as one unit, and the separate registration shall be cancelled.

(b) Where immediately before the coming into force of this Law any land and fixtures thereto were registered separately in the name of different persons, they shall be dealt with as follows:

(1) both items shall be registered as one unit, and the separate registration shall be cancelled;

(2) the Inspector shall value the land without the fixtures, and the fixtures; the provisions of sections 121 and 122 shall apply to the valuation;

(3) the owner of the item the value of which is higher may, within ninety days from the day on which the valuation was notified to him, acquire the other item by paying its value to its owner or depositing such value with the Inspector;

(4) if the other item is not acquired under paragraph (3), its owner may, within ninety days from the expiration of the first ninety days, acquire the first item as aforesaid;

(5) if neither item is acquired under paragraph (3) or (4), the property shall be registered as jointly owned by the two owners in the ratio of the value of the land to the value of the fixtures.

ARTICLE TWO : REPEAL OF LAWS — TRANSITIONAL PROVISIONS

Repeal. 158. There are hereby repealed —

(1) the Ottoman Land Code of A.H. 1274 and all other Ottoman legislation relating to immovable property;

1) *Laws of Palestine* vol. II, cap. 81, p. 881 (English Edition).

- (2) articles 882—886, 905—909, 950—956, 1008—1044, 1051, 1052, 1192—1233, 1241—1246, 1270—1291, 1328, 1644—1646, 1673 and 1675 of the *Mejelle* ;
- (3) articles 24—33 of the Ottoman Provisional Law of Magistrates of A.H. 1331;
- (4) the Land Transfer Ordinance ;
- (5) the Mortgage Law (Amendment) Ordinance¹;
- (6) the *Mahlul Land Ordinance*, 1920²;
- (7) the Land (*Mawat*) Ordinance³;
- (8) the Courts Ordinance⁴;
- (9) the Correction of Land Registers Ordinance, 1926⁵;
- (10) sections 44 and 45 of the Land (Settlement of Title) Ordinance⁶;
- (11) the Land Law (Amendment) Ordinance⁷;
- (12) the Land Registers Ordinance, 1940⁸;
- (13) the Land Law Amendment (Conversion of *Matruka*) Law, 5720-1960⁹;
- (14) the Cooperative Houses Law, 5721-1961 (Consolidated Version¹⁰).

159. (a) The Tenth Book of the *Mejelle* shall not apply to immovable property.

Inapplicability of certain provisions.

(b) The Prescription Law, 5718-1958¹¹), shall not apply to claims for the enforcement of a right in settled property: Provided that this provision shall not bar a plea of prescription which a person was entitled to set up before the coming into force of this Law.

160. Article 46 of the Palestine Order in Council, 1922-1947¹²), shall not apply in matters of immovable property.

Autarky of Law.

161. From the coming into force of this Law, there shall be no right in immovable property except under Law.

No equitable rights.

- 1) *Laws of Palestine* vol. II, cap. 85, p. 1011 (English Edition).
- 2) *Official Gazette* No. 31 of 1920, p. 2 (English Edition); *Official Gazette* No. 36 of 1921, p. 28 (English Edition).
- 3) *Laws of Palestine* vol. II, cap. 79, p. 852 (English Edition).
- 4) *Laws of Palestine* vol. II, cap. 75, p. 828 (English Edition).
- 5) *P.G.* of 1926, Suppl. I, No. 175, p. 75 (English Edition).
- 6) *Laws of Palestine* vol. II, cap. 80, p. 853 (English Edition).
- 7) *Laws of Palestine* vol. II, cap. 78, p. 848 (English Edition).
- 8) *P.G.* of 1944, Suppl. I, No. 1359, p. 80 (English Edition).
- 9) *Sefer Ha-Chukkim* of 5720, p. 92; *LSI* vol. XV, p. 92.
- 10) *Sefer Ha-Chukkim* of 5721, p. 201; *LSI* vol. XIV, p. 219.
- 11) *Sefer Ha-Chukkim* of 5718, p. 112; *LSI* vol. XII, p. 129.
- 12) *Laws of Palestine*, vol. III, p. 2569 (English Edition).

- Saving of laws. 162. Notwithstanding the provisions of sections 152 and 158 to 161, the provisions of this Law shall not void or vary —
- (1) any special law which immediately before the coming into force of this Law existed in respect of immovable property of the *mawqufa* category and in respect of endowments;
 - (2) any law which immediately before the coming into force of this Law existed in respect of prescription in the case of unsettled property.
- Applicability. 163. The provisions of this Law shall apply where no other Law contains special provisions in respect of the matter in question.
- Amendment of Interpretation Ordinance. 164. In the Interpretation Ordinance¹⁾, the definition of “immovable property” shall be replaced by the following definition :
- “immovable property” means land, everything built or planted on land and everything else permanently fixed to land, except severable fixtures: Provided that where the expression “immovable property” occurs in any enactment made before the coming into force of the Land Law, 5729—1969, it shall have the meaning which it would have if the said Law had not been enacted ;”.
- Amendment of Civil Wrongs Ordinance (New Version). 165. In the Civil Wrongs Ordinance (New Version)²⁾, the following section shall be inserted after section 48 :
- “Prevention of support. 48 A. Where any property provides support to neighbouring property, the doing of anything which prevents or denies such support shall be a civil wrong.
- Use required in the public interest. 48 B. Any such use of immovable property as is required in the public interest shall not constitute a nuisance within the meaning of this article even if it causes damage to neighbouring property or deprives the owner of neighbouring property of the full enjoyment thereof, provided that the damage remains within tolerable proportions and that the user takes reasonable steps to reduce it as far as possible. However, the Court may award compensation — either in the form of a one-time payment or of recurrent payments — if the owner of the property has suffered pecuniary damage.”.
- Transitional provisions. 166. (a) A transaction in respect of immovable property, and an undertaking to effect such a transaction, entered into before the coming into force of this Law, and a right in immovable property held immediately before the coming into force of this Law and not recognised by this Law, shall continue to be governed by the earlier law.

1) *Dinei Medinat Yisrael (Nusach Chadash)* No. 1, p. 2; *NV* vol. I, p. 5.

2) *Dinei Medinat Yisrael (Nusach Chadash)* No. 10, p. 266.

(b) Any such right in immovable property as is dealt with by this Law shall be governed by this Law even if it was created before the coming into force thereof.

167. (a) A person who immediately before the coming into force of this Law held office as Director of the Land Registry, Inspector or Registrar shall be deemed to have been appointed under this Law.

Confirmation of appointments, registrations, etc.

(b) Registration Offices established, areas of operation defined therefor and registers properly kept therein before the coming into force of this Law shall be deemed to have been established, defined or kept under this Law.

(c) Entries validly made in the Registers before the coming into force of this Law shall be deemed to have been made under this Law.

ARTICLE THREE : CARRYING INTO EFFECT OF LAW

168. The Minister of Justice is charged with the implementation of this Law and may make regulations as to everything relating to such implementation, and *inter alia*, as to —

Implementation and regulations.

(1) the Registers to be kept, rules for keeping them and rules for and particulars of entries therein ;

(2) rules for the inspection of the Registers and the receipt of copies therefrom ;

(3) procedure for hearings and objections under this Law ;

(4) proceedings in connection with the registration of co-operative houses and with the amendment and cancellation of such registration ;

(5) proceedings in connection with first registration and the renewal of registration ;

(6) proceedings in connection with the registration of the amalgamation and division of parcels, including the re-registration of any such rights in parcels as were registered immediately before the amalgamation or division ;

(7) the powers of Registrars and Inspectors and of the Director of the Land Registry.

169. This Law shall come into force on the 23rd Tevet, 5730 (1st January, 1970).

Commencement.

SCHEDULE

(Section 64)

MODEL RULES FOR THE OWNERS OF THE DWELLINGS IN A COOPERATIVE HOUSE

1. In these Rules —

“owner of dwelling”, in relation to a dwelling held in tenancy for a period exceeding twenty-five years, means the tenant or subtenant, as the case may be, unless the tenancy contract provides that the tenant or subtenant shall not be regarded as the owner of the dwelling for the purposes of these Rules ;

Definitions.

“common property” means all the parts of the cooperative house other than the parts registered as dwellings, and includes the land, roof, outer walls, foundations, staircases, lifts and shelters, as well as heating and water installations and the like intended to serve all or most of the owners of dwellings, even if such installations are situated within a particular dwelling.

Alterations
and repairs
to dwellings.

2. (a) The owner of a dwelling shall not make any alterations or repairs in his dwelling prejudicially affecting, or endangering or likely to endanger the existence of or altering or likely to alter the value of the common property unless he has first obtained the consent of the general meeting of the owners of dwellings.

(b) The owner of a dwelling shall not make any alterations or repairs in his dwelling prejudicially affecting or endangering or likely to endanger the existence of, or altering or likely to alter the value of another dwelling unless he has first obtained the consent of the owner of the other dwelling.

(c) The owner of a dwelling may make any other alteration or repair in his dwelling on his own authority.

Right to demand
repairs.

3. The owner of a dwelling is entitled to request the representation to execute any repair in the house or the common property the non-execution of which may prejudicially affect his dwelling or the value thereof.

Maintenance.

4. (a) The owner of a dwelling shall permit the carrying out in his dwelling of any work necessary for the proper maintenance of the common property, and for that purpose the members of the representation and persons acting on its behalf may enter his dwelling and carry out therein any such work as aforesaid.

(b) Where any such work as aforesaid prejudicially affects the dwelling, the owners of all the dwellings shall share in the expense of restoring the former position in the same proportion as they share in the expense of maintaining the common property.

Ordinary
general
meeting.

5. (a) Once a year, the owners of the dwellings shall hold a general meeting to lay down the modes of managing and using the common property, to determine the expenses involved, to appoint a representation, to approve the accounts and to regulate other matters arising out of neighbourhood in the cooperative house.

(b) The representation shall fix the time for the general meeting and shall convene it. The first meeting shall be held within three months from the date of registration of the house in the Register of Cooperative Houses. Thereafter, a meeting shall be held not later than fifteen months from the date of the preceding meeting.

Extraordinary
general meeting.

6. (a) In addition to the general meetings under section 5, the representation may convene a general meeting whenever it sees fit, and it shall convene a general meeting if the owners of at least one third of the dwellings so request.

(b) If the representation does not convene a meeting within fourteen days from the day on which a request under subsection (a) is submitted to it, the owners of dwellings who made the request may convene the meeting.

7. (a) Notice of the time and place of a general meeting shall be given to the owners of all the dwellings at least four days in advance.

Convening
of meeting.

(b) A notice displayed in a conspicuous position upon or within the cooperative house shall be deemed to have been delivered to every owner of a dwelling one day after it was first displayed.

8. (a) A general meeting shall be regarded as legal if notice thereof has been given as provided in section 7 and it is attended, personally or by proxy, by the owners of at least one half of the dwellings.

Quorum at
meeting.

(b) The notice of the general meeting may provide that if a quorum is not present at the time fixed for the opening of the meeting, the meeting shall be held at another time on the same day, and if such is provided, the meeting convened at the other time shall be legal with any number of participants.

9. (a) The notice of the time of a general meeting shall specify the agenda thereof.

Agenda of
meeting.

(b) The owner of a dwelling may add an item to the agenda of the meeting, provided that notice thereof is given to the owners of all the other dwellings at least two days before the time of the meeting in the same manner in which notice of such time is given.

(c) A general meeting shall not deal with an item not included in the agenda unless the owners of all the dwellings agree that it shall be dealt with thereat.

10. A general meeting shall elect a chairman and a secretary of the meeting.

Chairman and
secretary of
meeting.

11. The chairman of the general meeting may, with the consent of the meeting, adjourn its continuation to such date as he sees fit, and he shall adjourn it if a majority of those present at the meeting so request.

Adjournment of
meeting.

12. (a) Decisions of the general meeting shall be passed by a majority of votes.

Decisions.

(b) A decision imposing on the owner of a dwelling obligations or payments of a kind or extent not specified in Chapter Six of the Land Law, 5729 --- 1969, or in these Rules, or altering his rights, shall be of no effect with regard to that owner unless he consents thereto.

13. (a) Voting at a general meeting shall be by a show of hands: Provided that at the request of at least one quarter of the owners of dwellings present it shall be by ballot.

Voting.

(b) At the voting, the owner of each dwelling shall have one vote.

(c) In the event of an equality of votes, the chairman shall have a casting vote.

Proxies.

14. (a) Every owner of a dwelling may attend and vote at a general meeting either personally or by proxy.

(b) A proxy appointed to represent the owner of a dwelling at a general meeting shall, shortly before the opening of the meeting, submit to the representation a letter of appointment signed by the owner of a dwelling who appointed him.

(c) An owner of a dwelling who is a body corporate shall take part in a meeting and voting by a proxy appointed in accordance with the rules of the body corporate. A certificate signed by the manager or secretary of the body corporate, attesting that the proxy has been appointed in accordance with its rules, shall be conclusive evidence of such fact.

(d) Where a dwelling has more than one owner, the owners shall appoint one of them, or another person, to be their proxy at the general meeting. A proxy appointed as aforesaid shall, shortly before the opening of the meeting, submit to the representation a letter of appointment signed by all the owners of the dwelling.

The representation.

15. (a) The ordinary general meeting shall elect a representation consisting of one or more, but not more than five, members. Where the representation consists of more than one member, one member shall be elected treasurer.

(b) An extraordinary general meeting may replace, or vary the composition of, the representation or bring it up to full strength if the number of its members has decreased for any reason. Where the number of members has been fixed and the representation has fallen short of that number for any reason, the remaining members shall, within ten days, convene an extraordinary general meeting to bring the representation up to full strength.

(c) The representation, including members elected under subsection (b), shall hold office until the election of the new representation at the next ordinary general meeting.

(d) Decisions of the representation shall be passed by a majority of votes. Where the votes are evenly divided in respect of a particular proposal, the proposal shall be regarded as rejected.

Accounts.

16. (a) The treasurer shall keep a record of income and expenditure and shall submit it, together with all the relative receipts and vouchers, to the ordinary general meeting for approval.

(b) The owner of a dwelling may at any reasonable time inspect the record of income and expenditure and the relative receipts and vouchers.

(c) The financial year of the cooperative house shall begin on the first of January and end on the thirty-first of December in every year. The first financial year shall begin on the date of registration of the house in the Register of Cooperative Houses and end on the thirty-first of December of the same year.

GOLDA MEIR
Prime Minister

GOLDA MEIR
Prime Minister
Acting Minister of Justice

SHNEUR ZALMAN SHAZAR
President of the State

BUDGET (1969/70) LAW, 5729-1969*

1. The Government is authorised to expend in the financial year beginning the 13th Nisan, 5729 (1st April, 1969) and ending the 23rd Adar Bet, 5730 (31st March, 1970) (hereinafter referred to as "the financial year 1969/70") an amount of 8,148,900,000 pounds (hereinafter referred to as "the Budget").

Budget for the
year 1969/70.

2. Notwithstanding the provision of section 1, the Government may expend in the financial year 1969/70, with the prior approval of the Finance Committee of the Knesset (hereinafter referred to as "the Committee"), additional amounts for purposes prescribed by the Committee, provided that it appears to the Committee that amounts of revenue additional to the amount of 8,148,900,000 pounds will be received.

Additional
expenditure.

3. (a) The breakdown of the amount of the Budget into parts, and of each part into heads, subheads and items of expenditure, shall be as set out in the First Schedule.

Breakdown of
Budget.

(b) In this section and thereafter in this Law —

(1) "head of expenditure" means every amount of expenditure marked with two figures ;

(2) "subhead of expenditure" means every amount of expenditure or reduction of expenditure marked with four figures ;

(3) "item of expenditure" means every amount of expenditure or reduction of expenditure within a subhead of expenditure.

* Passed by the Knesset on the 6th Nisan, 5729 (25th March, 1969) and published in *Chukkei Taktziv* No. 49 of the 4th Sivan, 5729 (21st May, 1969), p. 3; the Bill and an Explanatory Note were published in *Chukkei Taktziv (Hatza'ot)* No. 46 of 5729, p. 2.