

**PLANNING AND BUILDING LAW, 5725—1965\***

**CHAPTER ONE: INTERPRETATION**

**1. In this law--**

Definitions.

- "building" means any structure, whether of stone or of concrete mud, iron, wood or any other material, and includes -
  - (1) any part of, and any thing permanently fixed to, a structure as aforesaid;
  - (2) any wall, earthwork, fence and the like enclosing or delimiting, or intended to enclose or delimit, any area of land or any space;
- "flight safety" includes the abatement of nuisances caused by flying;
- "local authority" means a municipality or a local council;
- "non-conforming building" means a building not complying with any of the provisions of a scheme or other regulation under this Law applicable to it, whether such scheme or regulation was enacted for a particular class of buildings or whether it applies to the building by reason that it is situated in a particular zone or area, and a building not complying with any provision of a permit issued for its construction under any Law dealing with planning and building;
- "non-conforming use", in relation to any land or building, means the use thereof for a purpose for which its use is not permitted - either specifically or by virtue of its being situated in a particular zone or area-according to any scheme or regulation under this Law applicable to it or according to a permit under any Law dealing with planning and building;
- "owner" includes a lessee for a period of twenty-five years or over;
- "planning agency" means any authority empowered with regard to schemes or permits;
- "relaxation" means an authorisation to carry out work requiring a permit under section 145 in deviation from the provisions of a scheme or other regulation applicable in the place in question, such work not constituting non-conforming use;
- "road" includes borders, rainwater channels and ditches and the like, whether beside or below the road, roadside trees and hedges, and retaining walls, railings, barriers and parapets; and it shall be immaterial whether the road is public or private, existing or proposed in any scheme, or whether it has an outlet to only one or to more than one other road as aforesaid;
- "scheme" means any of the schemes dealt with in Chapter Three.

CHAPTER TWO: PLANNING AGENCIES  
ARTICLE ONE: THE NATIONAL BOARD

2.

- (a) There shall be established a National Board for Planning and Building (hereinafter referred to as "the National Board") to advise the Government as to everything relating to general policy in the implementation of this Law, including matters of legislation, and to carry out the other functions assigned to it by this Law and by any other law.
- (b) The National Board shall consist of -
  - (1) the Minister of the Interior or his representative, as chairman;
  - (2) seven members of the Government, decided upon by the Government from time to time, or their representatives;
  - (3) a person with professional training in planning and building, appointed by the Minister of the Interior;
  - (4) a person with professional training in housing and building, appointed by the Minister of Housing;
  - (5) a person with professional training in matters of parks and nature reserves, appointed by the Minister of the Interior in consultation with the National Parks and Nature Reserves Council;
  - (6) the Mayors of Jerusalem, Tel Aviv-Jaffa and Haifa;
  - (7) the mayor of one other municipality, the chairman of one local council, other than a regional council, and the chairman of one regional council; the Minister of the Interior shall designate such municipal corporation, local council and regional council;
  - (8) one member appointed by the Minister of the Interior from among the persons registered in the Register of Engineers and Architects under the Engineers and Architects Law, 5718-1958<sup>(1)</sup>;
  - (9) one representative of a women's organisation, appointed by the Minister of the Interior upon the recommendation of a national organisation of women's organisations which, in the opinion of the Minister of the Interior, is representative and concerned;
  - (10) a representative of the Technion, Israel Institute of Technology;
  - (11) a representative of the settlement institutions, appointed by the Minister of the Interior upon the recommendation of the Jewish Agency;
  - (12) a person with professional training in sociology, appointed by the Minister of the Interior;
- (c) The head of a local authority may be replaced as a member of the National Board by one of his deputies appointed by him in that behalf.

National Board.

Publication in Reshumot. **3.** The appointment of a member of the National Board shall be published in Reshumot.

Replacement **4.** If a member of the Board is unable for a certain period to carry out his functions

of  
absent  
member.

because he is absent or is incapacitated through illness or from any other cause, the person who appointed him may appoint a substitute for him for that period. The substitute shall be appointed in the same manner and on the same conditions as the member whose place he takes was appointed.

**5.**

Secretary and  
advisers to  
National  
Board.

- (a) The Minister of the Interior shall appoint a secretary for the National Board.
- (b) The National Board may appoint for itself technical advisers.

**6.**

Subcommittees

- (a) The National Board may -
  - (1) appoint from among its members permanent committees and committees for specific matters and determine their powers and functions;
  - (2) appoint technical advisers for committees as aforesaid;
  - (3) delegate to committees as aforesaid any of its powers, except powers relating to a National Outline Scheme or to advice on legislation as to planning and building.
- (b) Where a member of a committee to which any power has been delegated under this section dissents from a decision of the committee, the committee shall, on his request, refer the matter to the Board for final decision.

ARTICLE TWO: DISTRICT COMMISSION

**7.**

District  
Commission.

- (a) Every district shall have a District Planning and Building Commission (hereinafter referred to as a "District Commission"), which shall consist of the following:
  - (1) the District Commissioner or, in his absence, another representative of the Minister of the Interior, as chairman;
  - (2) a representative of the Minister of Housing;
  - (3) a representative of the Minister of Labour;
  - (4) a representative of the Minister of Defence;
  - (5) a representative of the Minister of Health;
  - (6) a representative of the Minister of Agriculture;
  - (7) a representative of the Minister of Transport;
  - (8) a representative of the Minister of Justice;
  - (9) a person with professional training in planning and building, appointed by the Minister of the Interior;
  - (10) five members appointed by the Minister of the Interior upon the



relating to building by or on behalf of the State and the power relating to the making of regulations under Chapter Eleven. Subject to the provisions of this chapter, a decision of the subcommission shall have the effect of a decision of the District Commission.

- (b) The decisions of the subcommission shall be attached to the record of the meeting of the District Commission, and any member of the District Commission may, within a week from the delivery of the record to him, demand that the matter be reconsidered by the District Commission.
- (c) Subsection (b) shall not apply to decisions requiring the approval of the National Board or to which objection may be lodged with the National Board.

## 12.

District  
planning  
area.

- (a) Any such area in any district as is not a local planning area under Article Three or a special planning area under Article Two shall be a local planning area, and in that area, the District Commission of that district shall, in addition to its other powers under this Law, have all the powers the Local Commission would have had if that area had been declared a local planning area.
- (b) Where, on the day of the coming into force of this law or on any later date, an area as referred to in subsection (a) is included in the area of a local authority, the provisions of subsection (a) shall no longer apply to it upon the expiration of a period of five years from the day of the coming into force of this Law or from the date on which the area is included in the area of a local authority, whichever is later. The Minister of the Interior may, in respect of a particular area, extend the period by another five years.

## ARTICLE THREE: LOCAL COMMISSION

## 13.

Local planning  
area.

- (a) The Minister of the Interior may, after consultation with the National Board, the District Commission and the local authority concerned, declare, by order, an area situated within one district to be a local planning area (an order as aforesaid hereinafter referred to as a "planning order").
- (b) Any such planning order in respect of a local planning area as includes the area of a regional council shall not include areas of a local authority other than a regional council or of a municipality.

Contents and  
publication of  
planning order.

**14.** A planning order shall specify the boundaries or extent of the planning area. It shall be published in Reshumot, on the notice-boards of each local authority situated within the area and in the office of each such local authority.

Coming into force of planning order. **15.** A planning order shall come into force on the date prescribed in it or, in the absence of such a date, on the fifteenth day from the date of its publication in Reshumot.

Variation of planning area. **16.** The Minister of the Interior may vary the extent or boundaries of a local planning area on the same conditions and in the same manner as he may declare such an area.

Local commission. **17.** Every local planning area shall have a Local Planning and Building Commission (hereinafter referred to as a "Local Commission").

**18.**

Commission for only one local authority.

- (a) In the case of a local planning area which includes the area of only one local authority, the council of that local authority shall be the Local Commission.
- (b) The representatives of the Minister of the Interior, the Minister of Health and the Minister of Housing on the Local Commission shall be regularly invited to its deliberations; they shall attend in an advisory capacity. On the recommendation of a representative of the Minister of the Interior, the chairman of the Commission shall invite a representative of any other Minister concerned in the matter dealt with by the Committee.
- (c) The representatives of the Ministers of the Interior, Health and Housing may jointly object to any decision of the Local Commission before the District Commission, which may confirm the decision of the Local Commission, with or without variations, or rescind it.
- (d) A Local Commission which is a municipal council shall establish a Planning and Building Subcommittee (hereafter in this section referred to as "the Subcommittee") consisting of -
  - (1) the mayor or a deputy mayor;
  - (2) in the case of a municipal council the number of whose members is less than twenty-one - not more than six council members or in the case of a municipal council the number of members of which is twenty-one or more - not more than ten council members; where the council has a management committee on which not all the party groups are represented or where any party group or party groups voted against the mayor at his election, the party group shall have the same proportionate representation on the Subcommittee as they have on the council, but not less than one representative.
- (e) A representative of the Minister of the Interior, being a person with a professional training in planning and building, shall be regularly invited to the deliberations of the Subcommittee, at which he shall attend in an advisory capacity.
- (f) Where the Local Commission is a municipal council, the following matters shall be reserved to it, and only to it:
  - (1) a decision introducing, varying or rescinding a Local Outline Scheme and a decision to submit a Local Outline Scheme to the District Commission for approval;

- (2) the exercise of a right of objection given to the Local Commission in respect of a decision of the District Commission;
- (3) the expropriation of immovable property and the performance of any act connected with an expropriation under this Law;
- (4) the consideration of and decision upon claims for compensation under Chapter Nine;
- (5) generally any function or power not assigned to the Subcommission by subsection (g).
- (g) The following functions of a Local Commission are hereby assigned to the Subcommission :
  - (1) The preparation of and decision upon Detailed Schemes;
  - (2) the partition and combination of lands under Chapter Four;
  - (3) the consideration of and decision upon applications for the approval of non-conforming use and the grant of a relaxation under section 146 or 147;
  - (4) application for, and the carrying out of, a demolition order under Chapter Ten;
  - (5) the consideration of and decision upon applications for permits under section 145;
  - (6) the filing of a civil claim, under section 219, for the recovery of profits accrued from unlawful building;
- (h) The powers conferred on the Local Commission under section 258 shall vest also in the Subcommission.
- (i) Where the Subcommission has given a decision as to one of the matters referred to in paragraphs (1) to (4) of subsection (g). a notice of the decision shall be attached to the record of a meeting of the Local Commission. Any members of the Local Commission may, within fifteen days from the delivery of the record to him, demand that the determination of the matter be referred to the Local Commission, and upon his doing so, the matter shall be considered at the next meeting of the Local Commission. Where no demand as aforesaid has been made, the decision of the Subcommission shall in all respects be deemed to be a decision of the Local Commission.
- (j) A decision of the Subcommission as to one of the matters referred to in paragraphs (5) and (6) of subsection (g) and in subsection (h) shall in all respects be deemed to be a decision of the Local Commission.

**19.** In the case of a local planning area in which more than one local authority is situated (the local authorities in that case hereinafter referred to as the "area authorities"), the Local Commission shall consist of the following :

Commission  
for  
several local  
authorities.

- (1) The District Commissioner or his representative;
- (2) seven members appointed by the Minister of the Interior from a list of persons recommended by the area authorities, ensuring, as far as possible, that all the area authorities are represented and that the number of residents of each of them is taken into account; no employee of any of those authorities shall be appointed and at least two of the appointees shall not be

- members of the council of an area authority;
- (3) a representative of the Minister of the Interior;
- (4) a representative of the Minister of Health;
- (5) a representative of the Minister of Housing;
- (6) a representative of the District Commission.

The representatives of the Ministers shall serve only in an advisory capacity.

**20.**

Secretary of  
Local  
Commission.

- (a) In the case of a local planning area to which section 18 applies, the engineer, if any, of the local authority, or his representative, shall act as secretary to the Local Commission.
- (b) In the case of a planning area to which section 19 applies, the Local Commission shall appoint the secretary.

Period of  
tenure of  
members of  
Local  
Commission.

**21.** The tenure of a member of a Local Commission in whose area more than one local authority is situated - other than the District Commissioner or the representative of a Minister - shall cease at the expiration of four years from his appointment, but not before another member has been appointed in his stead or before he himself has been re-appointed. However, the person who appointed a member of a Local Commission as aforesaid may remove him from office before the expiration of the said period, on the same conditions and in the same manner as he appointed him, if he sees a reason justifying this. Where a member of a Local Commission was appointed upon the recommendation of the council of a local authority, the council succeeding such council may recommend the appointment of another member in his stead.

Publication in  
*Reshumot*.

**22.** Notice of the appointment of any such member of a Local Commission as is dealt with in section 21 shall be published in *Reshumot*.

Disqualification  
from  
participation  
in proceedings.

**23.** A member of a Local Commission in any planning area shall not take part in the proceedings of any other planning agency in any matter dealt with by the Local Commission of which he is a member, except in the capacity of applicant, objector or opponent, and shall not in any other planning agency vote on any matter relating to that Commission.

**24.**

Budget.

- (a) If its planning area includes the area of only one local authority, the revenue and expenditure estimates of a Local Commission shall be included in the budget of that local authority.
- (b) If its planning area includes the areas of several local authorities, the Local Commission shall, in every year, prepare a budget proposal showing its revenue and expenditure estimates, and it may, in a budget as aforesaid, impose on the local authorities within its area monetary payments to finance that budget, in such quotas as it may prescribe.
- (c) A date for the preparation of the budget may be set by regulations.

- (d) The budget shall be submitted for the approval of the Minister of the Interior, and no amount shall be paid out of the moneys of the Local Commission otherwise than under a budget approved as aforesaid, and the Local Commission shall assume no liability otherwise than under a budget or decision approved as aforesaid.

Collection of fees.

**25.** Fees payable by virtue of regulations under this Law in respect of lands or buildings situated in the area of a local authority shall be paid into the exchequer of that local authority and shall be a part of its revenue. Fees payable in respect of lands or buildings situated elsewhere shall be paid into the exchequer of the Local Commission and shall be a part of its revenue.

**26.**

Vesting of immovable property.

- (a) Immovable property expropriated by, or otherwise to be vested in the Local Commission by virtue of, or under, this Law shall be registered in the land registers in the name of the local authority in whose area it is situated or, if expressly so provided in the scheme or if there is no local authority as aforesaid, in the name of the State.
- (b) The person in whose name property vested as aforesaid is registered shall effect any transaction in respect thereof under directions of the Local Commission issued in accordance with this Law and shall effect no transaction as aforesaid save under directions as aforesaid.

**27.**

Implementation of Law by Local Commission.

- (a) It shall be the duty of the Local Commission, and of every local authority within a planning area including the areas of more than one local authority, to ensure compliance with the provisions of this Law and of every regulation made thereunder.
- (b) Where a Planning and Building Subcommittee exists, both the Local Commission and the Subcommittee shall be liable for implementation as aforesaid.

**28.**

District Commission may enforce implementation.

- (a) The District Commission may direct a Local Commission, in writing, to do everything necessary for the fulfilment of the tasks assigned to the Local Commission by or under this Law either generally or in respect of a particular place.
- (b) Where the Local Commission has not complied with a direction or demand of the District Commission under this Law, including a direction as to the preparation of schemes and the expropriation of lands or buildings, within the time prescribed by the District Commission, the District Commission may, with the approval of the Minister of the Interior, itself do everything necessary for the implementation of the direction or demand, at

the expense and in place of the Local Commission, and may collect the expenses from it. For this purpose, the District Commission shall have all the powers of the Local Commission and whatever it does shall be deemed to have been done by the Local Commission.

- (c) For the purposes of this section, a Planning and Building Subcommission shall be deemed to be a Local Commission.

## 29.

Delegation of powers in the case of local council.

- (a) A Local Commission which is a local council may, to the extent determined by the Minister of the Interior by regulations, delegate any of its powers to a Subcommission selected from among its members. Where the council has a management committee on which not all the party groups are represented, or where any party group or groups voted against the head of the council at his election, the party groups shall have the same proportionate representation among the council members on the Subcommission as they have on the council, but not less than one representative.
- (b) A representative of the Minister of the Interior, being a person with a professional training in planning and building, shall be regularly invited to attend the deliberations of the Subcommission, at which he shall attend in an advisory capacity.
- (c) A decision of the Subcommission under this section shall in all respects be deemed to be a decision of the Local Commission.

Delegation of powers to engineer.

**30.** A Local Commission may, on conditions prescribed by regulations, delegate to the engineer of a local authority the power to grant permits conforming to the Detailed Schemes and Outline Schemes which apply to the locality. A notice of the decision of the engineer shall be attached to the record of a meeting of the Local Commission, and any member of the Commission may, within seven days from delivery to him of the record, demand that the determination of the matter be referred to the Local Commission; in the absence of such a demand, the decision of the engineer shall in all respects be deemed to be a decision of the Local Commission.

Supply of particulars and information to District Commission.

**31.** A Local Commission shall from time to time supply to the District Commission, on its demand, any information which, in the opinion of the District Commission, is necessary in order to determine -

- (1) the requirements of the planning area with regard to the layout and widening of roads and open spaces;
- (2) the requirements of the planning area as to any other matter within the jurisdiction of the Local Commission;
- (3) the estimated direction and character of the development of the planning area;

- (4) any other matter relating to the functions of the District Commission.

#### ARTICLE FOUR: SPECIAL COMMISSION

### 32.

Special  
planning  
area.

- (a) The Minister of the Interior may, upon the recommendation of the Minister of Housing, declare, by order, that any area situated area-within one district shall be a special planning area if -
  - (1) there is as yet no settlement in the area, and the area is assigned for the establishment of a new settlement; or
  - (2) on the date of the coming into force of this Law and immediately before the publication of the order at least 75 per cent of the aggregate number of dwelling units existing or under construction in the area are dwelling units erected or being erected by or on behalf of the State, and a consultation concerning the making of the order has been held with the local authority within whose area the area is situated.
- (b) The Minister of the Interior may, upon the recommendation of the Minister of Housing and with the consent of the local authority concerned, declare, by order, that any area within the area of that local authority shall be a special planning area if the State has prepared a scheme to establish a new quarter therein under which at least 75 per cent of the total number of dwelling-units in that area are to be erected by or on behalf of the State.
- (c) Sections 14 to 16 shall apply, *mutatis mutandis*, to the contents, publication, coming into force and variation of the order, and, save as otherwise expressly provided in this Article or in Article Five of Chapter Three, the provisions of this Law shall apply to a special planning area.
- (d) In this section, "dwelling-unit" means a set of rooms, with domestic offices, intended as a dwelling for one family.

### 33.

Period of  
validity  
of order  
declaring  
special  
planning area.

- (a) An order declaring a special planning area shall have effect for the period prescribed therein, but not for more than five years from the date of its coming into force.
- (b) The Minister of the Interior may, in the manner specified in section 32, extend the validity of an order as aforesaid for an additional period not exceeding five years, and he also may, upon the recommendation of the Minister of Housing, revoke any such order.

Special  
Commission  
and

**34.** Every special planning area shall have a Special Planning and Building Commission (hereinafter referred to as a "Special Commission"), consisting of -

composition thereof.

- (1) two representatives of the Minister of the Interior, one of whom shall act as chairman and one of whom shall be a person with a professional training in planning and building;
- (2) two representatives of the Minister of Housing, one of whom shall be a person with a professional training in housing and building;
- (3) one representative of the Minister of Health;
- (4) one representative of the Minister of Justice;
- (5) one representative of the Minister of Labour;
- (6) one representative of the Minister of Transport;
- (7) one representative of the Minister of Defence;
- (8) two representatives of the local authority within which the area to which the deliberation relate is situated.

Secretary of

Commission **35.** The Minister of Housing shall appoint a secretary for the Special Commission.

Powers and functions.

**36.** In the case of a special planning area, all the powers and functions of a District Commission shall vest in the Special Commission alone, as if the special planning area were a district. Also, the Special Commission shall, with regard to that area, have all the powers of a Local Commission, as if that area were a local planning area to which section 13 applies. Any provision of or under this Law requiring the approval of the District Commission for anything done by the Local Commission shall not apply in a special planning area.

#### ARTICLE FIVE: JOINT COMMISSION

Establishment of Joint Commission.

**37.** The Minister of the Interior, after consultation with the National Board and the planning agencies concerned, may, by order, establish a Joint Planning and Building Commission for more than one district or more than one planning area (hereinafter referred to as a "Joint Commission).

**38.**

Composition of Joint Commissions.

- (a) The Minister of the Interior shall prescribe the composition of the Joint Commission, and shall appoint its members, upon the recommendation of the planning agencies concerned.
- (b) Where the planning agencies have not made uniform recommendations as to the composition or the members, or have made no recommendations at all, within such time as the Minister of the Interior shall have directed, the Minister may prescribe the composition and appoint the members.
- (c) The Minister of the Interior may appoint to a Joint Commission additional members, whose number shall not exceed one fifth of the total number of its members.

Powers of Joint Commission. **39.** The Joint Commission shall, within the area prescribed for it, have such powers and functions of a District Commission, or a Local Commission, as the case may be, as have been assigned to it by order of the Minister of the Interior, and the Minister of the Interior may, by order, prohibit or restrict the exercise of those powers and functions by the planning agencies concerned.

Publication in *Reshumot*. **40.** Every order under this Article shall be published in *Reshumot*.

## ARTICLE SIX: GENERAL PROVISIONS

Vacancy on agency. **41.** No act of a planning agency shall be invalidated by reason only that at the time it was done the place of a member of the agency was vacant for any reason whatsoever.

Quorum. **42.** The quorum at the meetings of the planning agencies shall be one half of the members.

Equality of votes. **43.** Where in voting at a meeting of a planning agency the votes are evenly divided, the chairman of the next following meeting shall have a casting vote in the matter.

Rules for deliberations business. **44.** Unless otherwise provided in this Law, meetings of the planning agencies shall be presided over by the chairman of the agency or, in his absence, by whoever is elected by the agency from among its members. The other rules for the deliberations and business of a planning agency, including the deliberations and business of a subcommission thereof, shall, in so far as they are not prescribed by this Law, be prescribed by the agency itself.

Resignation of member. **45.** Members of a planning agency who hold office by appointment - except the District Commissioner, the representative of a Minister and a member of a Joint Commission under Article Five who is not a member of a District Commission - may resign by written notice of resignation delivered to the chairman of the planning agency on which they serve. The resignation becomes effective upon delivery of the notice.

Secrecy. **46.** A member of a planning agency who, in the course of proceedings of the agency or a subcommission thereof, learns something which the agency or subcommission has decided to keep secret shall not disclose it to anyone to whom he is not bound to disclose it under any law.

**47.**

- Member of agency who is interested in scheme.
- (a) A member of a planning agency who, directly or indirectly, himself or through a relative, agent or partner or a relative of any such, has any share or interest in any scheme or matter to be considered by the agency or a subcommission thereof -
    - (1) shall notify the chairman to such effect, in writing or orally, immediately upon learning that the scheme or matter is due to be considered; if the notification is made orally, it shall be entered in

the record of the next following meeting of the agency or subcommission;

- (2) shall not be present at the deliberations of the agency or subcommission on that scheme or matter and shall not vote on any decision as to any question connected therewith.
- (b) In this section, "relative", in relation to a particular person, has the same meaning as in the Land Appreciation Tax Law, 5723-1963<sup>(2)</sup>.

Penalties.

**48.** A person who contravenes the provisions of section 47 shall be liable to imprisonment for a term of one year or to a fine of five thousand pounds. This provision shall not derogate from the criminal or civil responsibility of a person under any other law.

## CHAPTER THREE: SCHEMES

### ARTICLE ONE: NATIONAL OUTLINE SCHEME

**49.** The National Outline Scheme shall lay down the planning for the whole of the area of the State and, *inter alia* -

- (1) prescribe the purposes to which land shall be assigned, and the use thereof, while safeguarding the assignment to agricultural purposes of land suitable therefor;
- (2) set aside industrial zones, and areas for the production of minerals;
- (3) determine the layout of the main highway system and provide for railway lines, national supply routes, ports, national water-supply arteries, dams, reservoirs, power-stations, the electricity network, aerodromes and the aerial approach routes thereto, including the delimitation of the areas in which restrictions in the interest of flight safety shall apply; but it shall not provide for an aerodrome save with the approval of the Minister of Transport or the Minister of Defence;
- (4) enact provisions as to recreation areas, afforestation and soil conservation;
- (5) enact provisions as to the preservation of antiquities, holy places, landscape features, and areas which shall be left in their natural condition;
- (6) designate places for public enterprises and purposes of national importance;
- (7) make a forecast of changes in the distribution of the population of the State; determine the stages in which those changes should proceed and the desirable timing of those stages; estimate the future size of existing settlements; and determine the location, type and size of new settlements; and it may enact provisions as to matters which may be the subject of a District Outline Scheme.

Provisions of  
National  
Outline  
Scheme.

Partial Scheme.	<b>50.</b> The National Board may direct that the National Outline Scheme be prepared in instalments according to different areas of the State or according to matters which are the subject of the Scheme, and each such instalment shall be dealt with in the same manner as the National Outline Scheme.
Preparation of Scheme.	<b>51.</b> The National Board shall, in such manner as it may think fit, publish the subject of the scheme proposed to be prepared and shall issue directions for its preparation, and those directions shall be implemented by the person appointed in that behalf by the Minister of the Interior or whose bid has been accepted in a public competition.
Delivery of copy to District Commissions.	<b>52.</b> When a National Outline Scheme has been prepared, the National Board shall deliver a copy thereof to the District Commissions, and every District Commission may, within the period allowed by the National Board, submit its comments on the Scheme to the Board.
Approval of Scheme.	<b>53.</b> The National Board shall submit to the Government the Scheme prepared in accordance with its directions, together with the comments of the District Commissions, and the Government may approve the Scheme without alterations or, after reconsideration thereof by the Board, approve it with alterations or reject it.
Publication.	<b>54.</b> When the Government has approved the Scheme, it shall notify such fact in <i>Reshumot</i> . The Scheme shall be published in such manner and to such extent as the National Board shall direct.

## ARTICLE TWO: DISTRICT OUTLINE SCHEME

Objects of Scheme.	<b>55.</b> The objects of a District Outline Scheme are the determination of the details necessary for the implementation of the National Outline Scheme in the district and any matter of general importance to the district and likely to form the object of a Local Outline Scheme, including the creation of appropriate conditions for the district in regard to security and employment.
Preparation of Scheme.	<b>56.</b> Every District Commission shall, within five years from the date of the coming into force of this Law, prepare and submit for the approval of the National Board a District Outline Scheme, as the National Board may specify by direction. If it fails to do so, the National Board may direct a person appointed in that behalf by the Minister of the Interior to prepare the Scheme.
Provisions of Scheme.	<b>57.</b> The District Commission may, after consultation with the Local Commissions in the District, lay down in a District Outline Scheme provisions as to any matter capable of being the subject of a Local Outline Scheme, including, <i>inter alia</i> - <ul style="list-style-type: none"> <li>• (1) areas and boundaries for urban and rural development;</li> <li>• (2) agricultural areas;</li> <li>• (3) different classes of industrial zones;</li> <li>• (4) afforestation areas and archaeological areas;</li> <li>• (5) a district transport and road network;</li> <li>• (6) cemeteries to serve more than one locality;</li> </ul>

- (7) "frozen" areas, not to be assigned to any specific purpose;
- (8) the preservation of the seashore;
- (9) the conditions for the grant of relaxations in regard to the provisions of the Scheme.

**58.**

Directions by National Board.

- (a) The National Board may require the District Commission to enact in a District Outline Scheme provisions which the District Commission is authorised to enact in the Scheme according to this section, and provisions as to matters for which the National Board is competent in respect of the National Outline Scheme.
- (b) If the District Commission fails to comply with one of the directions of the National Board under this Article within the time prescribed by the National Board, the National Board may direct that it be carried out by a person appointed in that behalf by the Minister of the Interior.

Powers of person appointed to carry out direction.

**59.** A person appointed by the Minister of the Interior under section 56 or 58 shall; in respect of his duties under the appointment, have all the powers of the District Commission, and what is done by him shall be deemed to have been done by the District Commission.

Documents accompanying Scheme.

**60.** The District Commission shall submit to the National Board, with every District Outline Scheme, survey documents necessary for the explanation and elucidation of the Scheme, including a map, certified by a person appointed in that behalf by the Minister of Agriculture, showing the character of the lands comprised in the Scheme from the point of view of agricultural exploitation.

ARTICLE THREE: LOCAL OUTLINE SCHEME

**61.** The objects of a Local Outline Scheme are -

Objects of Scheme.

- (1) to control the development of the land in the local planning area, while safeguarding the assignment to agricultural purposes of lands suitable therefor;
- (2) to ensure appropriate conditions from the point of view of health, sanitation, cleanliness, safety, security, transport and convenience, and to abate nuisances, by the planning and use of the land, including the setting aside of zones for residential, industrial and commercial purposes;
- (3) to protect every building or thing of architectural, historical or archeological importance and the like;
- (4) to protect and develop places important from the point of view of nature or beauty.

Preparation of **62.**

Scheme.

- (a) In the case of a local planning area for which a Local Outline Scheme does not exist, the Local Commission shall prepare such a Scheme. Scheme and shall submit it to the District Commission for deposit within three years from the date of the coming into force of this Law or from the date of the coming into force of the planning order declaring the area, whichever is the later date.
- (b) Every Local Commission may also prepare and submit an Outline Scheme as aforesaid on its own initiative.
- (c) The District Commission shall decide upon the approval of the Local Outline Scheme within one year from the date on which it was submitted to it. If it fails to decide within that period, the Local Commission may submit the Scheme to the National Board for approval, and for that purpose, the National Board shall have all the powers of the District Commission.
- (d) If the National Board considers that the District Commission's delay in giving the decision was justified, it shall return the Scheme to the District Commission, which shall decide upon it within one year from the date of return. If the District Commission fails to decide within one year as aforesaid, the Scheme shall be deemed to have been approved by the District Commission.

**63.** In a Local Outline Scheme, the Local Commission may, while safeguarding the assignment to agriculture of lands suitable therefor, enact provisions as to any matter capable of being the subject of a District Scheme and, in addition, as to the following matters:

- (1) The delimitation of areas and the conditions of the use of the land and buildings in each area, including provisions as to-
  - (a) areas of land, or buildings, which shall not be used for a particular purpose or shall be used solely for a particular purpose;
  - (b) places for refuse dumps and for the disposal and utilisation of refuse, manure and waste matter;
  - (c) networks and installations for the supply of water and electricity and other similar services;
  - (d) land for open spaces - whether public or private - and lands intended to be preserved in their natural condition,
  - (e) land for aerodromes, ports, railway-stations, bus stations, markets, abattoirs or other public services;
  - (f) land for cemeteries, including the discontinuance of the use of existing cemeteries;
  - (g) land where it shall be permitted to quarry stone or excavate earth or sand or crush stone, the conditions on which these operations may be carried out, and land where the carrying out of these operations shall be prohibited;
  - (h) prohibitions, restrictions or conditions as to advertising on land or buildings;

Provisions of  
Local Outline  
Scheme.

- (2) the laying out of new roads, and the diversion, widening, alteration and abolition of existing roads;
- (3) setbacks and building lines;
- (4) conditions or restrictions as to the size of the area on which a building may be erected, as to the open space about any building, and as to the height, safety and character of a building in any particular zone or place;
- (5) the permitted building density;
- (6) conditions and modes of carrying out of housing schemes;
- (7) conditions for the grant of relaxations from the provisions of the Scheme, subject to the provisions of sections 147 to 153;
- (8) the obligation of the owners of, or persons having a right in, land or a building to grant to the owners of, or persons having a right in, adjoining buildings or land, or to a local authority, the right to convey or run through the land or building drainage-water and sewage-water, water-supply pipes and surface-water channels, and the conditions of the grant of a right as aforesaid;
- (9) the roads or public areas to be vested in and registered in the name of the State or a local authority, as provided in section 26;
- (10) the stages in which different provisions of the Scheme shall be implemented.

Directions by District Commission.

**64.** The District Commission may require the Local Commission to enact in a Local Outline Scheme provisions which the Local Commission is authorised to enact in a Scheme under this Article, and provisions as to matters for which the District Commission is competent with regard to a District Outline Scheme under section 57.

Documents accompanying Scheme.

**65.** The Local Commission shall submit to the District Commission, with every Local Outline Scheme, survey documents necessary for the explanation of the Scheme, including a map, certified by a person appointed in that behalf by the Minister of Agriculture, showing the character of the lands from the point of view of agricultural exploitation, and any such other document as the District Commission may demand for the elucidation of the Scheme.

#### ARTICLE FOUR: DETAILED SCHEME

**66.**

Detailed Scheme of Local Commission.

- (a) The Local Commission may, at any time, prepare a detailed Scheme for any land situated within the local planning: area.
- (b) Where a District Commission sees need for the preparation of a Detailed Scheme for any land situated within a local planning area and in respect of which an application has been submitted for a permit under the provisions of Chapter Five, it shall direct the Local Commission to prepare, and submit to it for deposit, within a period prescribed by it not exceeding two years, a Detailed Scheme in accordance with its directions and to implement it when

it has been approved. This provision shall not derogate from the power of the District Commission under section 28.

**67.**

Detailed Scheme by persons interested in land.

- (a) A Local Commission may accept, with or without variations, or reject a Detailed Scheme proposed to it for any land within the local planning area by the owners of, or by a person interested in, the land or by the State or by the local authority in whose area the land is situated.
- (b) The Local Commission shall decide upon the acceptance of a Detailed Scheme as aforesaid within six months from the date of the proposal thereof. If the Commission fails to decide within that period, the proponent may submit the Scheme to the District Commission, which shall, for that purpose, have the powers of the Local Commission.
- (c) A person who considers himself aggrieved by the rejection of a Detailed Scheme as aforesaid may lodge objection with the District Commission within thirty days from the date on which the rejection was notified to him.

Approval of Detailed Scheme.

**68.** A Detailed Scheme shall require the approval of the District Commission : Provided that a Detailed Scheme relating to an area for which a Local Outline Scheme does not exist shall, pending the approval of the Outline Scheme, require approval as if it were a Local Outline Scheme.

**69.** So long as appropriate provisions in an Outline Scheme do not exist, a Detailed Scheme may enact provisions as to any matter which may be the subject of a Local Outline Scheme under section 63 and in addition, provisions as to the following:

Provisions of Detailed Scheme.

- (1) The division of land into plots or building sites, the shape of such plots or building sites and the length of the frontage thereof;
- (2) the assignment of land for roads, open spaces, gardens, schools, places for religious, welfare, health, cultural, assembly, recreational and sports purposes, public parking areas, public air-raid shelters and refuges, or other public purposes;
- (3) parking places at sites where motor vehicles concentrate;
- (4) the location of buildings assigned for special purposes and the delimitation of areas in which special restrictions shall apply;
- (5) the protection of places, structures and other things of national, religious, historical, archaeological, scientific or aesthetic importance;
- (6) the demolition or rehabilitation of dilapidated buildings which constitute a danger to life or are unfit for habitation for health reasons;
- (7) the rehabilitation of buildings in overpopulated or over-built areas or in areas where any additional building may, in the opinion of the Local Commission, lead to excessive population density or building density, and the attachment of special conditions to building permits for such areas;
- (8) the allocation of land to the owner of any land, or a person having a right in any land, whose rights have been adversely affected by the

- implementation of the Scheme;
- (9) the location, cubic space, height, shape and external appearance of buildings;
- (10) the planting of trees and installation of seats and other similar accessories in roads and open spaces;
- (11) the number of buildings permitted to be erected on a plot, the number of flats in each building and the number of rooms in a building or flat;
- (12) the cost of the Scheme, including the cost of its preparation and implementation.

## 70.

Adjustment  
of plots.

- (a) Where a Detailed Scheme includes land not meeting the conditions of the Scheme as to the area or shape of plots, the Scheme may enact provisions -
  - (1) enabling the owner of that land to be vested, on his demand, with land (hereinafter referred to as "supplementary land") abutting on his land, on condition that such is necessary in order that his land, together with the supplementary land, meet the conditions of the Scheme as to the area and shape of plots and on condition that the remainder of the abutting land meets those conditions;
  - (2) regulating the modes of vesting the supplementary land, and the registration of the vesting in the Land Registers, in accordance - *mutatis mutandis* - with the provisions of Article Seven and in accordance with regulations.
- (b) The recipient of the supplementary land shall pay the value thereof to the former owner thereof and shall compensate him for any damage caused to the remainder of the abutting land as a result of the separation.
- (c) In this section, "owner" does not include a lessee.

## ARTICLE FIVE: SPECIAL SCHEME

Special  
Scheme.

**71.** A Special Commission may prepare at any time, in respect of the whole or part of the special planning area, an Outline Scheme or Detailed Scheme, as it may think fit. However, any Scheme which was in force within the special planning area immediately before the coming into force of the order declaring the special planning area shall remain in force unless it is varied or rescinded by the Special Commission as provided in this Law.

Approval of  
Special Outline  
Scheme.

**72.** An Outline Scheme prepared by a Special Commission shall require the approval of the Minister of the Interior, given upon the recommendation of the Minister of Housing, and, for that purpose, the Minister of the Interior shall have all the powers conferred by section 112. An Outline Scheme as aforesaid for a new settlement or against which opposition has been filed under section 100 shall be approved only after consultation with the National Board.

Opposition and objection to Special Detailed Scheme.	<b>73.</b> Opposition to a Detailed Scheme of a Special Commission shall be filed with the Commission, which shall consider it and decide upon it. The Commission's decision to dismiss or allow the opposition and to confirm or set aside the Scheme may be objected to before the Ministers of the Interior and Housing jointly or before their representatives jointly, at such times and in such manner as shall be prescribed by regulations, and such Ministers or representatives shall, for that purpose, have the powers of the National Board under section 116. With the permission of the Special Commission, objection as aforesaid may be filed with the National Board instead of the Ministers.
Objection to other decisions.	<b>74.</b> Wherever under this Law a right of objection exists against a decision of a Local Commission or District Commission to which sections 72 and 73 do not apply, and the decision was given by a Special Commission, objection shall be filed with the Ministers of the Interior and Housing jointly, and each of the Ministers may delegate his power under this section, either generally or for a particular case or class of cases; but a member of the Special Commission shall not consider or decide upon an objection as aforesaid.
Law applicable to Special Scheme.	<b>75.</b> Subject as provided in this Article, the provisions applying to a Scheme prepared by a District Commission shall apply to a Scheme of a Special Commission.
Regulations.	<b>76.</b> The Minister of the Interior may, in consultation with the Minister of Housing, make regulations as to the exercise of the powers of a Special Commission to the extent that no provisions in that respect are laid down by this Law.

#### ARTICLE SIX: GENERAL PROVISIONS AS TO SCHEMES

Notice of preparation of Scheme.	<b>77.</b> Where a Local Commission has decided to prepare a Local Outline Scheme or a Detailed Scheme, or where a District Commission has decided to prepare a variation of any such Scheme as aforesaid, the Local Commission or District Commission, as the case may be, shall publish a notice to such effect in <i>Reshumot</i> , in the offices of the local authorities and in two daily newspapers, and shall specify therein the area of the proposed Scheme or variation.
Permits and partition during interim period.	<b>78.</b> When the notice has been published, the District Commission, or the Local Commission with the approval of the District Commission, as the case may be, may prescribe conditions on which building permits, permits for the use of land, or approval of a plan for the partition of land, shall be granted in respect of the area of the scheme or variation, and such conditions shall be in force until the approval of the Scheme, or until the deposit or rejection of the Scheme or variation, or until such conditions are cancelled by the body which prescribed them, whichever occurs first.
Exemption from compulsory payments.	<b>79.</b> Where the rights of a person in any land are restricted by virtue of section 77 or 78, the Minister of Finance may exempt him, wholly or in part, from the payment of any tax due to the Treasury in respect of that land, or may postpone the time for the payment thereof, and a local authority may grant full or partial exemption from

the payment of any rate, tax or other compulsory payment due to it from that person or may postpone the time for the payment thereof, all as far as concerns the period during which the rights are restricted and having regard to the curtailment of the enjoyment of the land by virtue of the restrictions.

Special functions with regard to flight safety.

**80.** The National Board shall direct the District Commissions to lay down in the Outline Schemes provisions which, in the opinion of the Minister of Defence or the Minister of Transport, are necessary in the interest of flight safety.

Initiation of schemes for flight safety.

**81.** A person empowered by the Minister of Defence or the Minister of Transport may propose to any planning agency a scheme, or the variation, suspension or cancellation of a scheme if, in his opinion it is necessary so to do in the interest of flight safety. This power shall not derogate from any other power under this Law.

**82.**

Objection to rejection of flight safety scheme.

- (a) Where a proposal under section 81 has been rejected, the proponent may object to the rejection before a committee consisting of the Minister of the Interior, the Minister of Finance, the Minister of Defence and the Minister of Transport, and the decision of the committee shall take the place of the decision of the planning agency which rejected the proposal.
- (b) The filing of objection shall, in a manner satisfactory to the committee of Ministers, be brought to the notice of the holders of rights in, and occupiers of, immovable property who are likely to be adversely affected by the acceptance of the objection, and they shall be given a suitable opportunity to submit their arguments to the committee in writing or to present them orally to representatives of the Ministers of whom the committee consists.

Plan.

**83.** Every Scheme shall be accompanied by a plan of the area to which it applies (hereinafter referred to as "the area of the Scheme").

Stages of implementation.

**84.** Every Scheme shall indicate the estimated date of its implementation and, if necessary, shall determine stages of implementation and the dates for the implementation of each stage.

Deposit.

**85.** Any Scheme, other than a National Outline Scheme, submitted to a planning agency competent to approve it shall be deposited by the planning agency in the manner prescribed in this Article : Provided that a Scheme not submitted upon the demand of the planning agency or not conforming to its requirements may be rejected by it without being deposited.

Variations prior to deposit.

**86.** Before the planning agency deposits a Scheme, it may require the body which submits it to make such variations therein as the planning agency may direct.

Variations by the approving agency.

**87.** Where the body which submitted the Scheme does not, within the prescribed time introduce the variations required under section 86, the planning agency to which the Scheme has been submitted for approval may introduce them at the expense of, and instead of, that body. This power shall not derogate from the power to reject a scheme under section 85.

Place of deposit.	<b>88.</b> A District Outline Scheme shall be deposited at the office of the District Commission, at the Subdistrict Offices and at the Ministry of the Interior. Every other Scheme shall be deposited at the office of the District Commission and at the office of the Local Commission.
Notice of deposit of Scheme.	<b>89.</b> Notice of the deposit of any Scheme shall be published in <i>Reshumot</i> and in two daily newspapers and at the offices of the local authorities whose planning area is included in the area of the Scheme or, where there is no such local authority, at the place where public notices for the area of the Scheme are usually displayed.
Notice of deposit of District Outline Scheme.	<b>90.</b> Notice of the deposit of a District Outline Scheme shall be published as provided in section 89 and, in addition, at the office of the District Commission and at the office of every Local Commission in the district.
Notice to planning agencies and Government Ministries.	<p><b>91.</b></p> <ul style="list-style-type: none"> <li>• (a) Notice of the deposit of a District Outline Scheme shall be given - <ul style="list-style-type: none"> <li>◦ (1) to the District Commission of each district bordering on a planning area included, wholly or in part, in the area of the Scheme;</li> <li>◦ (2) to the Local Commission of each local planning area bordering on a planning area included, wholly or in part, in the area of the Scheme.</li> </ul> </li> <li>• (b) Notice of the deposit of a Local Outline Scheme shall be given to the Local Commission of each local planning area bordering on the planning area to which the Scheme relates and to any Government Ministry concerned which is not represented on the District Commission.</li> <li>• (c) Notice of the deposit of a Detailed Scheme shall be given to the Local Commission of each local planning area bordering on any land included in the area of the Scheme.</li> </ul>
Address for filing opposition.	<b>92.</b> The notice of the deposit shall indicate an address for filing opposition to the Scheme.
Special notice of deposit.	<b>93.</b> The Minister of the Interior may direct notice of the deposit of any Scheme to be given to public bodies concerned with the preservation of nature and scenery or with antiquities and historical, aesthetic and architectural values and to religious and general cultural institutions.
Notice of Schemes affecting aviation.	<b>94.</b> Notice of the deposit of any Scheme affecting civil or military aviation shall be given also to a person empowered in that behalf by the Minister of Transport or the Minister of Defence, as the case may be.
Bar to pleas.	<b>95.</b> The plea that notice of deposit under section 91 or 93 has not been given to the body entitled to receive it shall not be heard save from that body.
Inspection of Scheme.	<b>96.</b> Any person interested in a deposited Scheme may inspect it free of charge at the place of deposit.
Temporary effect of	<b>97.</b> Where a Local Outline Scheme, a Detailed Scheme or any variation of either

provisions. has been deposited and has not yet been given effect, a permit under section 145 in respect of immovable property in the area of the Scheme or variation shall not be granted otherwise than in accordance with the Scheme or variation, save with the approval of the District Commission.

Restriction on acts during period of deposit. **98.** After the deposit of a Scheme or of a variation of a Scheme and until the Scheme or variation is given effect, the District Commission may prohibit the grant of any permit under section 145 in respect of any immovable property within the area of the Scheme or variation or may attach conditions to the grant of any permit as aforesaid.

Holy and historical places; cemeteries. **99.** Any such provision in a District or Local Outline Scheme as concerns the protection of a holy place, or as concerns cemeteries, shall be drafted in consultation with the Minister of Religious Affairs. Any such provision as aforesaid which concerns the protection of buildings or sites of historical or archeological importance shall be drafted in consultation with the Minister of Education and Culture.

**100.** Any person interested in any land, building or other planning item who considers himself aggrieved by a deposited Scheme may file opposition to the Scheme, and the following may also file opposition to a deposited Scheme -

- Opposition.
- (1) in the case of a District Outline Scheme-
    - (a) a Local Commission whose planning area is included in, or borders on, the area of the Scheme;
    - (b) a local authority, including a local committee within the meaning of section 3 of the Local Councils Ordinance<sup>(3)</sup>, whose area of jurisdiction is included in, or borders on, the area of the Scheme;
    - (c) any public or professional body generally approved in that behalf by the Minister of the Interior, by order published in *Reshumot*, and which has some public interest in the Scheme.
  - (2) in the case of any other Scheme - the engineer of a local authority whose planning area is included in, or borders on, the area of the Scheme.

### **101.**

- Opposition for reasons of flight safety.
- (a) A person empowered in that behalf by the Minister of Transport or the Minister of Defence may file opposition to a deposited Scheme if he finds that it affects civil or military aviation and that the filing of opposition is necessary in the interest of flight safety.
  - (b) Where any opposition under this section has been rejected, the opponent may, within fifteen days from the date on which notice of the rejection was delivered to him, object to the rejection before the committee of Ministers referred to in section 82, and the provisions of that section shall apply *mutatis mutandis*.

Date for filing opposition. **102.** Opposition shall be filed within two months from the date on which notice of

the deposit of the Scheme was published in *Reshumot*: Provided that, in the case of a Local Outline Scheme or a Detailed Scheme, the District Commission may allow a longer period, not exceeding four months, for the filing of opposition, both in a particular case and in respect of a class of Schemes.

**103.** Opposition shall be filed-

- Place for filing opposition.
- (1) in the case of a District Outline Scheme - with the District Commission;
  - (2) in the case of any other Scheme - at the offices of the Local Commission of the local planning area in which the area of the Scheme is situated.

Inspection of opposition.

**104.** An opposition may be inspected by any person likely to be affected by its acceptance: Provided that the Minister of the Interior, in consultation with the Minister of Defence, may prescribe by regulations whether and to what extent an opposition under section 101 shall be open for inspection.

Bodies deciding upon opposition.

**105.** The National Board shall consider and decide upon any opposition to a District Outline Scheme. The District Commission shall hear and decide upon opposition to any other Scheme.

Hearing of, and decision upon opposition.

**106.** The planning agency with which any opposition has been filed shall forward it, with its opinion, to the planning agency competent to consider and decide upon it, and the latter may reject it, or may allow it, wholly or in part, and may so vary the provisions of the Scheme as in its opinion, is necessitated by allowing the opposition; however, if, in its opinion, a person entitled to oppose the Scheme is likely to be adversely affected by allowing the opposition, it shall not decide before giving that person a suitable opportunity to be heard.

**107.**

- Hearing of opposition to be in public.
- (a) The opponent and the body which submitted the Scheme shall be summoned to the hearing of the opposition, and the hearing shall be in public.
  - (b) The Minister of the Interior may prescribe by regulations that oppositions or particular classes of oppositions shall be heard by an examiner appointed by him and whose powers he shall prescribe, and he may also prescribe by regulations other procedure for the hearing of opposition.

Notice of decision.

**108.** Notice of the decision upon any opposition shall be given, in writing, to the opponent and to anyone who has been heard under section 106.

Approval of Local Outline Scheme.

**109.** Where a District Commission has decided to approve a Local Outline Scheme, it shall notify the Minister of the Interior to such effect before publishing the approval, and the Minister may, within fifteen days from the date of delivery of the notice, demand that the Commission reconsider the approval of the Scheme, either generally or in respect of certain provisions specified in the demand.

Objection to rejection of

**110.** A Local Commission and any member of the National Board may object

Local Outline Scheme.	<p>before the National Board to the rejection of a Local Outline Scheme by the District Commission.</p> <p><b>111.</b> Any member of a District Commission may attach a reasoned <i>Votum separatum</i> to an application of the Commission for the approval of a District Outline Scheme, and may object before the National Board to the decision of the District Commission to approve a Local Outline Scheme; the objection shall be filed within fifteen days from the expiration of the period during which the Minister of the Interior may demand reconsideration under section 109 or, if he has so demanded, within fifteen days from the date on which the District Commission decides upon the matter a second time.</p>
<i>Votum separatum</i> and objection.	
Final decision on Outline Scheme.	<p><b>112.</b> The authority competent to approve an Outline Scheme may, at its discretion, approve the Scheme without variations, or with such variations as result from any opposition or <i>votum separatum</i> that has been allowed, or reject the Scheme.</p>
Decision on Detailed Scheme.	<p><b>113.</b> The District Commission may, at its discretion, approve a Detailed Scheme without variations, or with such variations as result from opposition being allowed, or reject it.</p>
Objection to rejection of Detailed Scheme.	<p><b>114.</b> A Local Commission, and any member of the National Board, may object before the National Council to the rejection of a Detailed Scheme by the District Commission, and the decision of the National Board shall be final.</p>
Objection to approval of Detailed Scheme.	<p><b>115.</b> A person whose opposition to a Detailed Scheme has been rejected, or a person who, under section 106, had advocated the rejection of opposition which has been allowed, may, with the permission of the District Commission, at the time and in the manner prescribed by regulations, object to the approval of the Scheme before the National Board.</p> <p><b>116.</b></p> <ul style="list-style-type: none"> <li>• (a) In deciding upon an objection under this Article, the National Board may allow it, wholly or in part, or reject it.</li> <li>• (b) Where the National Board has allowed an objection to the approval of a Scheme, it may vary the Scheme or set it aside.</li> <li>• (c) Where the National Board has allowed an objection to the rejection of a Scheme, it may approve the Scheme instead of the District Commission, with or without variations.</li> </ul>
Powers of National Board with regard to objection.	
Publication of approval or rejection of Scheme.	<p><b>117.</b> Notice of the approval or rejection of a Scheme under this Article shall be given and published in the same manner in which notice of the deposit of that kind of Scheme is given and published; it shall be given to whoever is entitled to receive notice of a deposit as aforesaid.</p> <p><b>118.</b> After being approved under this Article, a Scheme shall be kept-</p>
Safekeeping of approved Scheme.	<ul style="list-style-type: none"> <li>• (1) in the case of a District Outline Scheme - at the Ministry of the Interior and at the office of the District Commission;</li> <li>• (2) in the case of a Local Outline Scheme - at the Ministry of the Interior, at</li> </ul>

the office of the Local Commission, at the Subdistrict Office and at the office of the Local Commission;

- (3) in the case of a Detailed Scheme - at the office of the District Commission and at the office of the Local Commission.

Coming into force of Scheme.

**119.** A Scheme approved under this Article shall come into force at the expiration of fifteen days after its approval. The Scheme shall not require publication in *Reshumot*.

## ARTICLE SEVEN: REPARTITION

Definition.

**120.** In this Article, "plot" includes a road.

**121.** A Detailed Scheme may enact provisions also --

Combinations and partition with or without consent.

- (1) as to the combination of plots, both with and without the consent of the owners thereof;
- (2) as to the repartition among the owners thereof of plots combined as aforesaid, both into jointly owned plots and into severally owned plots, and both with and without the consent of the owners (such a repartition hereinafter referred to as "repartition").

**122.** The following special provisions shall apply to a partition for which the consent of all the owners concerned has not been obtained:

Partition otherwise than by consent.

- (1) Every plot allotted shall be as near as possible to the place where the allottee's previous plot was situated;
- (2) the value of the plot allotted shall, as far as possible, bear to the value of the aggregate of the new plots created by the partition the same proportion as the allottee's previous plot bore to the value of all the previous plots;
- (3) where it is impossible to maintain the exact ratio, the allottee the value of whose new plot is relatively less than that of his previous plot shall be entitled to have the difference paid to him by the Local Commission, and the allottee the value of whose new plot is relatively greater than that of his previous plot shall pay the difference to the Local Commission;
- (4) the District Commission shall decide whether and to what extent the relative equivalence, or the proximity, of the new plot to the previous plot can be ensured, and its decision shall be final;
- (5) nothing in this section shall be construed as meaning that a repartition scheme may deviate from the provisions of an Outline scheme binding in the locality in question.

Entry of note in Land Registers.

**123.** Where a partition scheme has been deposited, the chairman of the Local Commission shall forward a copy thereof to the Land Registration Office concerned, and the Registrar of Lands shall enter a note in the Land Registers

beside the entry of every registered parcel likely to be affected by the scheme.

Commencement. **124.** The repartition shall come into force on the date of the coming into force of the Detailed Scheme in which it is included.

Registration of partition in Land Registers. **125.** Within two months from the date of the coming into force of the repartition, the chairman of the District Commission shall forward to the Land Registration Bureau concerned a copy of the scheme, signed by him, with the relative plans, and the Registrar of Land shall, within two months from the date on which the copy of the scheme is forwarded to him as aforesaid, register the partition in accordance with the scheme. However, non-adherence to the aforesaid times shall not affect the validity of the repartition nor any rights acquired by virtue of section 124.

**126.**

Effect of repartition on charges.

- (a) A charge which immediately before the coming into force of a repartition encumbered one of the parcels involved shall follow the former owner thereof and shall encumber the parcel or parcels allotted to him in the repartition.
- (b) Where the charge is a right of way, water right or other similar right not capable of being transferred to a parcel situated elsewhere, the land shall remain subject to the charge after the partition : Provided that the scheme may contain provisions as to the expropriation or variation of any such right; and the provisions of this Law as to expropriation or as to any other impairment of ownership shall apply *mutatis mutandis* to any such expropriation or variation as aforesaid.
- (c) In this section, "charge" means a mortgage and any other right *in rem* restricting the ownership of land, and also a lease, a prohibition of transfer, an attachment and a note in the Land Register.

**127.**

Combination of plots otherwise than with the consent of the owners.

- (a) Where any plots have been combined under a Detailed Scheme otherwise than with the consent of all the owners, and they are not repartitioned into separate plots among the owners, or all or part of consent of them are partitioned into jointly-owned plots, the owner of a plot who did not consent to the combination may demand of the Commission that it acquire his share in the combined or jointly-owned plots.
- (b) Where the owner of a plot has not consented to the combination, the Local Commission may, by notice, set him a period of not less than six months in which to submit to it a demand as referred to in subsection (a). If the demand is not submitted within the set period, the owner of the land shall no longer be permitted to submit it.
- (c) The provisions of section 125 shall apply *mutatis mutandis* to the registration of a combination of plots otherwise than with the consent of all the owners.
- (d) A combination of plots under a Detailed Scheme shall not affect the rights of a person who prior to the combination had a right under a lease, or

a right of way or a water right or any other similar right, in one of the combined plots: Provided that the Scheme may contain provisions as to the expropriation or variation of any such right; and the provisions of this Law as to expropriation or as to any other impairment of ownership shall apply *mutatis mutandis* to any such expropriation or variation as aforesaid.

Safeguarding of rights of mortgagee.

**128.** Where a payment is due to the owner of a plot from the Local Commission by virtue of section 122 or 127, and the plot is subject to a mortgage, the Local Commission shall deposit the amount due from it with the District Court in whose area of jurisdiction the plot is situated, and the Court shall decide to whom the amount shall be paid, having regard to the rights of the owner of the plot and of the mortgagee.

#### ARTICLE EIGHT: ORDER OF PRECEDENCE OF SCHEMES

Local Outline Scheme.

**129.** A Local Outline Scheme shall prevail over a Detailed Scheme unless otherwise provided in the Outline Scheme.

District Outline Scheme.

**130.** A District Outline Scheme shall prevail over a Local Outline Scheme and a Detailed Scheme unless otherwise provided in the District Outline Scheme.

National Outline Scheme.

**131.** A National Outline Scheme shall prevail over any other Scheme unless otherwise provided in the National Outline Scheme.

Regulations under this Law.

**132.** Regulations under Chapter Eleven shall prevail over any Scheme unless otherwise provided in the Regulations: Provided that such Regulations shall not affect a Scheme validly approved before they were made.

#### ARTICLE NINE: CANCELLATION, VARIATION AND SUSPENSION OF SCHEMES

Powers of National Board.

**133.** The National Board may, after giving the District Commission an opportunity to be heard, or on the application of the District Commission, cancel, suspend or vary a District Outline Scheme.

**134.**

Power of District Commission.

- (a) The District Commission may, with the approval of the Minister of the Interior, after giving the Local Commission an opportunity to be heard, or on the application of the Local Commission, cancel, suspend or vary any Detailed Scheme.
- (b) The District Commission may, on its own motion and after consultation with the Local Commission, or on the application of the Local Commission
  - (1) cancel, suspend or vary a Local Outline Scheme with the approval of the Minister of the Interior;

- (2) cancel, suspend or vary a District Outline Scheme with the approval of the National Board.

Notice to initiator of Scheme.

**135.** Before deciding to cancel, suspend or vary a Detailed Scheme, a District Commission shall, as far as possible, give also the initiator of the Scheme an opportunity to be heard.

Applicability of Article Five.

**136.** The provisions of Article Five concerning deposit, opposition, approval, objection, publication, notices and coming into force, in relation to Schemes, shall apply *mutatis mutandis* to the variation, cancellation or suspension of a Scheme :  
 Provided that, unless the District Commission otherwise decides, it shall not be necessary to attach a plan to a decision concerning a cancellation, variation or suspension as aforesaid which does not require a variation of the plan of the original Scheme. The variation, cancellation or suspension of a Scheme shall, from the date of its coming into force, have, in all respects, the effect of a Scheme from the date of its coming into force.

#### CHAPTER FOUR: PARTITION AND COMBINATION OF LAND

Land partition plan.

**137.** The owner of any land to which an approved Scheme relates which does not include the partition of land may submit for the approval of the Local Commission a plan for the partition of that land. A permit for building on that land shall not be granted otherwise than in accordance with an approved land partition plan (hereafter in this Article referred to as a "plan") or, in the absence of such a plan, with the consent of the District Commission.

Details of plan.

**138.** A plan shall clearly indicate the boundaries of the land, the boundaries of the proposed plots, the ways of access, as appearing in the approved Scheme, to each plot, and any particular demanded by the Local Commission in order to be able to check the conformity of the partition with the approved Scheme.

Deviation from approved Scheme.

**139.** Where a plan involves a deviation from an approved Scheme, the Local Commission shall not approve the plan without the consent of the District Commission.

Objection.

**140.** Where a Local Commission refuses to approve a plan, the owner of the land may, not later than two months from the date on which notice of the refusal is given him, lodge objection with the District Commission, whose decision shall be final.

Registration of partition in Land Registers.

**141.** The Registrar of Lands shall, on the application of the owner of the land and after payment of the fees prescribed under any Law register in the Land Registers a plan bearing on it an endorsement by the chairman of the District Commission, attesting that the plan involves no deviation from an approved Scheme and that the Local Commission has approved the Scheme, or that the District Commission has approved or consented to the plan.

Variation, cancellation or suspension of land partition

**142.** So long as a plan has not been registered, the Local Commission may, with the approval of the District Commission, cancel, vary or suspend the approval thereof, provided that the owner of the land has been given an appropriate

plan. opportunity to be heard before the District Commission within two months after being notified of the proposed cancellation, variation or suspension.

Restriction on partition of land. **143.** A partition of land shall not be registered in the Land Registers otherwise than on the basis of a plan approved under this Chapter or under Article Seven of Chapter Three. A judgment for the partition of any land between its joint owners shall not be given otherwise than on the basis of a plan and approval as aforesaid, and a registration effected in contravention of this section after the coming into force of this Law shall be of no effect.

Combination. **144.** The provisions of this Chapter shall apply *mutatis mutandis* to a combination of plots and its registration in the Land Registers.

## CHAPTER FIVE: LICENSING

### 145.

- Works requiring permit.
- (a) A person shall not carry out or begin to carry out any of the following save after the Local Commission has granted him a permit therefor, and shall not carry them out save in accordance with the conditions of the permit:
    - (1) the laying out, construction and closing of a road;
    - (2) the erection, demolition or re-erection of the whole or part of a building, or an addition, or any repair, to an existing building (except an internal repair which is not a structural repair and which does not infringe the permit for the construction of the building) ;
    - (3) any such other work on, or any such use of, any land or building as, in order to ensure the implementation of any Scheme, is designated by regulations as work or use requiring a permit.
  - (b) The Local Commission shall not grant the permit unless the work or use in respect of which it is applied for conforms to any and other regulation under this Law applying to the land or building in question.
  - (c) Where a Scheme applying to any land or building prescribes different stages of implementation, the Local Commission shall not grant a permit for the work or use where the work or use does not fit the conditions laid down by the District Commission for the purpose of adapting the work or use to the stage which the implementation of the Scheme has reached.

Non-conforming use. **146.** The Local Commission may, with the approval of the District Commission, permit non-conforming use.

Relaxations. **147.** The Local Commission may, with the approval of the District Commission, grant a relaxation to a person applying for a permit under section 145.

Non-conforming use, and relaxations, **148.** A permit for non-conforming use, or a relaxation, may be granted for a period limited in advance.

subject to conditions.

**149.** The Local Commission shall not permit non-conforming use, and shall not grant a relaxation, and shall not approve a deviation from a Scheme in a land partition plan, unless the following conditions have been fulfilled:

Conditions for the grant of a permit for non-conforming use or of relaxations.

- (1) A notice has been published, at the expense of the applicant, in three daily newspapers, setting forth the nature of the application for the relaxation, or for permission for the non-conforming use, or for the approval of the land partition plan in deviation from a Scheme, and allowing reasonable time for the filing of opposition,
- (2) the notice has been displayed in a conspicuous position on the front of the land or building to which the application relates, during the time allowed for the filing of opposition and in the manner prescribed by the Local Commission or a person appointed by it generally in that behalf;
- (3) the Commission has decided upon any opposition by the owner or occupier of any land or building and has notified the opponent of its decision by registered letter;
- (4) in the case of a relaxation from, or use not conforming to, the National Outline Scheme or a District Outline Scheme - the approval of the National Board has been obtained.

Observations by engineer of Local Commission.

**150.** Where a Local Commission submits for the approval of the District Commission a decision concerning the grant of a relaxation or a permit for non-conforming use or approval of a land partition plan in deviation from a Scheme, the engineer of the Local Commission may attach his observations to the decision after giving notice thereof to the Local Commission.

**151.**

Conditions of approval by District Commission.

- (a) A District Commission shall not approve a decision to grant a relaxation or a permit for non-conforming use unless -
  - (1) every owner or occupier of land or a building who, in the opinion of the District Commission, will be or is likely to be adversely affected by the approval has received notice, at the applicant's expense, of the submission of the application and of the time for the filing of opposition with the Local Commission;
  - (2) the relaxation or non-conforming use does not involve a considerable deviation from any Scheme applying to the land or building.
- (b) The Minister of the Interior, in consultation with the National Board, may prescribe by regulations what shall be regarded as a considerable deviation for the purposes of this section.

Objection.

**152.** A person who considers himself aggrieved by the refusal of the Local Commission to grant a permit under this Chapter or by the rejection of opposition

under section 149 (3) may lodge objection with the District Commission within thirty days from the date on which he was notified of the refusal or rejection. The decision of the District Commission shall take the place of the decision of the Local Commission and shall be final.

**153.**

Procedure in objection.

- (a) The objector and a representative of the Local Commission shall be summoned to the hearing of an objection under this Chapter, and when they have appeared, the hearing shall be held in their presence and they may state their cases before the District Commission.
- (b) The Minister of the Interior may prescribe, by regulations, the modes of filing objection and the procedure for the hearing thereof.

Referral of decision to District Commission.

**154.** Upon the demand of a member of the Local Commission or the joint demand of the representatives of the Ministers on the Local Commission, such member or such representative dissenting from a decision of the Commission to grant or not to grant a permit under this Chapter, the Local Commission shall refer the application for the permit to the District Commission. The demand shall be submitted within thirty days from the date on which the decision of the Local Commission was given. The decision of the District Commission to grant or not to grant the permit shall take the place of the decision of the Local Commission and shall be final.

Rights under other laws.

**155.** A right of objection under this Chapter shall not derogate from any right of a person having a right of objection under any other law.

**156.**

Restrictions as to agricultural land and territorial waters.

- (a) A person shall not use agricultural land save in accordance with the provisions of the First Schedule.
- (b) A person shall not do in territorial waters anything that requires a permit under this Chapter, save in accordance with the provisions of the Second Schedule.

**157.**

Time for decision on applications.

- (a) If the Local Commission does not decide upon an application for a permit under this Chapter within four months from the date of its submission, the applicant may submit it to the District Commission, which shall proceed as if the decision upon the application had been referred to it or, if it considers that the Local Commission's delay in giving the decision was justified, shall re-transfer the hearing of the application to the Local Commission, which shall decide upon it within four additional months.
- (b) This section shall not derogate from the powers conferred by section 28.

Special provisions as to national

**158.** A permit under this Chapter shall not be granted in respect of any land or building situated in a national park or nature reserve unless notice of the

parcs and  
nature  
reserves.

submission of the application for the permit has been given to the National Parks Authority or the Nature Reserves Authority, as the case may be, and, notwithstanding the provisions of sections 146 and 147, a permit as aforesaid shall be granted only in accordance with the Scheme applying in the locality.

## CHAPTER SIX: DEFENCE INSTALLATIONS AND FLIGHT OBSTRUCTIONS

### 159. In this Chapter-

Definitions.

- "District Commission" or "Local Commission" includes a Special Commission and a Joint Commission wherever and as far as this Law grants them the powers of a District Commission or a Local Commission, as the case may be;
- "defence installation" means any building, camp or road occupied or intended to be occupied by the Defence Army of Israel or by any such other branch of the Defence Establishment as has been approved by the Minister of Defence for the purposes of this Chapter, but does not include any building, camp or road not used or intended to be used for a defence purpose or in respect of which the Minister of Defence or a person empowered by him in that behalf has directed that it shall be open to the public.

**160.** Notwithstanding anything provided in this Law or in regulations made thereunder, the following provisions shall apply to an application for a permit under Chapter Five in respect of a defence installation:

Procedure of  
submission of  
application for  
permit and  
contents of  
permit.

- (1) The power to grant the permit shall vest in a subcommission contents of the District Commission, consisting of three members of the District Commission (such a subcommission hereinafter referred to as a "Defence Installations Commission").
- (2) two members of the Defence Installations Commission shall be appointed by the Minister of the Interior in consultation with the Minister of Defence, and the representative of the Minister of Defence on the District Commission shall be the third member; the Minister of the Interior, in consultation with the Minister of Defence, shall appoint the chairman of the Defence Installations Commission;
- (3) the application for a permit shall contain only particulars as to the location of the site of the defence installation and a specification of the restrictions intended to be imposed on any other person in consequence of the establishment of the installation and shall be accompanied by a plan of the site;
- (4) the Defence Installations Commission shall, on its demand, be notified of the kind of general purpose for which the installation is intended; kinds of general purpose shall be designated by a person empowered in that behalf by the Minister of Defence:

- (5) sections 149 to 154 shall not apply.

Regard for architectural directives.	<b>161.</b> Where the defence installation to which an application under Regard for Chapter Five relates is situated within a municipal area or in a residential area not within a municipal area, the applicant shall, as far as possible, have regard to the architectural directives of the District Commission and shall observe the building line fixed by it.
Quorum.	<b>162.</b> The quorum at a meeting of the Defence Installations Commission shall be two members, one of whom shall be the representative of the Ministry of Defence.
Matters of civil aviation.	<b>163.</b> In matters affecting civil aviation, the Defence Installations Commission shall, prior to its decision, invite a person empowered in that civil aviation. behalf by the Minister of Transport in consultation with the Minister of Defence.
Agricultural lands.	<b>164.</b> The First Schedule to this Law shall not apply in respect of defence installations. However, in matters relating to agricultural land the Defence Installations Commission shall, prior to its decision, invite the chairman of the Agricultural Land Preservation Commission.
Application of Chapter Seven.	<b>165.</b> The exercise of powers under Chapter Seven in respect of a defence installation shall require the approval of the Defence Installations Commission.
Objections Committee.	<p><b>166.</b></p> <ul style="list-style-type: none"> <li>• (a) Where the Defence Installations Commission rejects an application under section 160, the applicant may, within fifteen days from the date on which he was notified of the rejection, object to the decision of the Commission before a subcommittee of the National Board, consisting of five members of the National Board (such subcommittee hereinafter referred to as the "Defence Installations Objections Committee").</li> <li>• (b) The Minister of the Interior shall, in consultation with the Minister of Defence, appoint the members of the Defence Installations Objections Committee.</li> <li>• (c) The Defence Installations Objections Committee may allow the objection or confirm, with or without variations, the decision objected to. Where it does not allow the objection, wholly or in part, it may reconsider it if the Minister of Defence so demands.</li> </ul>
Hearing of objection by three members.	<b>167.</b> The chairman of the Defence Installations Objections Committee may direct that, in hearing a particular objection, the Committee shall consist of only three members, to be designated by him.
Chairman.	<b>168.</b> The chairman of the Defence Installations Objections Committee shall be elected by the Committee.
Quorum of Objections Committee.	<b>169.</b> The quorum at a meeting of the Defence Installations Committee shall be three members or, in a case in which the Committee consists of only three members, two members.
Secrecy of	<b>170.</b> Notwithstanding the provision of section 46, a member of the Defence

proceedings. Installations Commission or a member of the Defence Installations Objections Committee shall not pass any information which reaches him in the course of the proceedings of the Commission or Committee to a person not competent to receive it.

Procedure. **171.** The Defence Installations Commission and the Defence Installations Objections Committee shall themselves prescribe the procedure for their deliberations and work to the extent that it is not prescribed by this Law or by regulations made thereunder.

**172.** The Defence Establishment shall not need a permit from the Defence Installations Commission or from any other planning agency in respect of --

- Exemption.
- (1) a defence installation the location of which was approved on behalf of the Planning Department of the Ministry of the Interior before the coming into force of this Law;
  - (2) an additional defence installation within the area of an existing defence installation, provided that the establishment of the additional defence installation does not entail the imposition of restrictions on any other person that no changes are made in restrictions as aforesaid which already exist, and that the general purpose for which the additional defence installation is intended is not of a kind different from the. general purpose of the existing defence installation.

Regulations. **173.** The Minister of the Interior may, with the consent of the Minister of Defence, enact, by regulations, in respect of a defence installation, special provisions as to any matter for which he is authorised to make regulations under section 265 and provisions as to the conditions for the grant of a relaxation, or a permit for non-conforming use, under Chapter Five.

**174.**

- Prevention of flight obstructions.
- (a) A person empowered by the Minister of Defence or the Minister of Transport, as the case may be, may, at any reasonable time, enter upon any immovable property and carry out thereon any act and make thereon or thereover any arrangement, including lighting, painting and marking, all in order to prevent flight obstructions : Provided that a building actually used as a dwelling-house shall not be entered as aforesaid without the consent of the occupier save during daytime hours and after giving the occupier three days' advance notice in writing.
  - (b) Whosoever prevents a person acting by virtue of subsection (a) from carrying out his functions or exercising his powers shall be liable to imprisonment for a term of six months or to a fine of 2,500 pounds. This provision shall not derogate from criminal liability under any other law.
  - (c) A person empowered as specified in subsection (a) may direct the owner or occupier of the land or building to carry out any such act or make any such arrangement as referred to in subsection (a) at such time and on such conditions as he may prescribe.

- (d) A person who has been directed to carry out any such act or make any such arrangement as provided in subsection (c) shall comply with the direction. When he has complied with it, he shall be entitled to have his expenses paid to him out of the Treasury. This provision shall not affect his responsibility for non-fulfilment of the obligation under any other Law.
- (e) The provisions of this section shall not affect any obligation which has been or may in the future be imposed on the owner of any land or building by the terms of any permit granted under an enactment dealing with planning and building.
- (f) In this section, "immovable property" includes any crane or derrick over four metres high, even if not fixed to land.

## 175.

Variation.

- (a) The Defence Installations Commission may, upon the demand of the Minister of Defence or the Deputy Minister of Defence, direct the Local Commission, District Commission or Territorial Waters Commission to introduce a variation into the Scheme if such is necessary in order to ensure the proper operation or proper use of a defence installation, to prevent an infringement of its secrecy or to prevent damage to persons or property likely to result from its operation or use.
- (b) A variation under subsection (a) which consists in the prohibition of the establishment of an electric installation, within the meaning of the Electricity Law, 5714-1954<sup>(4)</sup> of an electronic installation or of any other installation designated by the Minister of Posts by order, or in the discontinuance of the operation or the attachment of conditions to the use thereof, may be demanded also by the Minister of Posts.
- (c) A variation which consists in the prohibition, or in a considerable and material restriction, of the use of a residential building shall not, on the strength only of the provisions of this section, be carried into effect in respect of a person occupying the building by virtue of a statutory or equitable right until reasonable alternative accommodation has been placed at his disposal or, if he so desires, until compensation sufficient to secure reasonable alternative accommodation has been paid to him or in his favour.
- (d) The institution of judicial proceedings to determine whether reasonable alternative accommodation or an appropriate amount of compensation has been placed at the disposal of the occupier of the building, as provided in subsection (c), shall not stay the carrying into effect of the variation in respect of such occupier.
- (e) The Defence Installations Commission shall bring any demand for a variation to the knowledge of any such owners of, or holders of rights in, lands and buildings as, in its opinion, are likely to be affected by the variation, and any such owner or holder may, within ten days from the date on which the demand comes to his knowledge, file opposition to the variation with the Commission in such manner as the Minister of Defence shall prescribe by regulations with the consent of the Minister of the Interior.

- (f) The Defence Installations Commission may reject or allow the opposition, wholly or in part, and may direct that the variation be introduced to such an extent as, in its opinion, is rendered necessary by allowing the opposition. If the Commission rejects the opposition, wholly or in part, it shall refer it to the Defence Installations Objections Committee for consideration and final determination.
- (g) In dealing with the opposition, the Defence Installations Commission and Defence Installations Objections Committee shall be guided by the considerations set out in subsection (a).
- (h) Upon the demand of a member of the Defence Installations Commission who dissents from its decision concerning a variation, the Commission shall refer the determination of the matter to the Defence Installations Objections Committee. The demand shall be made within fifteen days from the date on which the decision of the Defence Installations Commission was given. The decision of the Committee shall take the place of the decision of the Commission and shall be final.
- (i) Where the periods for the filing of opposition and for the submission of a demand for determination by the Defence Installations Objections Committee have elapsed or where the opposition has been finally determined, the Scheme shall be deemed to have been validly varied by the variation, and the variation shall come into force on the date prescribed by the Defence Installations Commission.
- (j) The provisions of Article Nine of Chapter Three shall not apply to a Scheme into which a variation has been introduced.
- (k) Wherever a variation conflicts with a permit under this Law, the variation shall prevail, and the permit shall be amended, varied or cancelled accordingly.
- (l) In this section, "variation" means-
  - (1) the prohibition or restriction of building, or the attachment of conditions thereto; or
  - (2) the prohibition or restriction of, or the attachment of conditions to, the use of any land or building, and includes a direction to introduce any of these into a Scheme.

**176.** Any person prejudiced by a direction under section 174 or a variation under section 175 shall be entitled to compensation from the Treasury in accordance -  
 Compensation. *mutatis mutandis* - with the provisions of Chapter Nine. For that purpose, a direction issued or provision made under one of those sections shall be deemed to be included among the provisions enumerated in section 200.

**177.** Where opposition to a Scheme is filed on behalf of the Minister of Defence because an existing defence installation or a defence installation the establishment of which has been approved is likely to be adversely affected by the Scheme, the provisions of this Law shall apply to the opposition with the following modifications :  
 Opposition to Scheme in the interest of defence installation.

- (1) The opposition shall be filed with the Defence Installations

Commission;

- (2) if the opposition relates to a District Outline Scheme, it shall be heard and determined by the Defence Installations Objections Committee; in any other case, it shall be heard and determined by the Defence Installations Commission;
- (3) the opposition shall not be open to inspection under section 104;
- (4) the Defence Installations Commission shall notify the District Commission of the filing and determination of the opposition.

## CHAPTER SEVEN: NON-CONFORMING USE

**178.** From the date of the coming into force of a Scheme, the Local Commission, with the approval of the District Commission, may, and upon the demand of the District Commission, shall -

Maximum period of non-conformity.

- (1) prepare a list of buildings within the area of the Scheme which are non-conforming buildings, or which are put to non-conforming use, within the meaning of the Scheme, and a list of lands within the area of the Scheme which are put to non-conforming use, within the meaning of the Scheme.
- (2) prescribe the period during which it shall still be permitted to put the aforesaid buildings and lands to non-conforming use or to maintain the aforesaid buildings as non-conforming buildings (such period hereinafter referred to as "maximum period of non-conformity").

Publication and approval of list.

**179.** Where a list of buildings and lands under section 178 has been prepared, it shall, as regards the deposit thereof, opposition thereto, the approval thereof, the coming into force thereof and any other matter, be dealt with, *mutatis mutandis*, like a Detailed Scheme; and every notice of the deposit of a list shall state that the Local Commission is about to prescribe the maximum period for the non-conforming use of the buildings and lands included in the list and for the maintenance of the buildings included in the list as non-conforming buildings.

Criteria for fixing maximum periods for the non-conformity of buildings.

**180.** The Local Commission shall determine a maximum period for every non-conforming building as referred to in section 178, having regard to all the circumstances and, *inter alia* -

- (1) the estimated period of the continued actual existence of the building, having regard to its age and present condition;
- (2) the estimated period of the continued effective existence of the building from an economic point of view and as a source of income;
- (3) the extent and nature of the non-conformity;
- (4) the public character of the building.

Criteria for fixing

**181.** The Local Commission shall determine a maximum period of non-conformity

maximum periods for the non-conformity in the case of lands.

for all land put to non-conforming use, having regard to all the circumstances and, *inter alia*, to the extent and character of the non-conformity.

Approval of maximum period.

**182.** Where the Local Commission, by virtue of this chapter, has determined the maximum period for the non-conformity of any building or land, the determination shall, for the purposes of the deposit thereof, opposition thereto, the approval thereof, the coming into force thereof and any other matter, be dealt with, *mutatis mutandis*, like a Detailed Scheme.

Discontinuance of non-conformity upon expiration of maximum period.

**183.** Not later than the expiration of the maximum period, the non-conforming use of the building shall cease, or the building shall be so altered as to be no longer non-conforming or shall be demolished or removed. In default, the Magistrate's Court may, on the application of the Local Commission or the Attorney-General or his representative, order the user of, or a person having a right in, the building to implement the above, all as the case may be and as the Court may deem just in the circumstances of the case.

#### **184.**

Discontinuance of non-conformity before expiration of maximum period.

- (a) The Local Commission may, if it deems it necessary so to do for the purposes of planning, in writing direct the user of, or a person having a right in, any building to discontinue the non-conforming use thereof, or, if it is a non-conforming building, to alter, demolish or remove it, as the case may be, before the expiration of the maximum period.
- (b) A person who considers himself aggrieved by a direction of the Local Commission may object to it before the District Commission within ninety days from its delivery to him, and the District Commission may allow the objection or may confirm the direction of the Local Commission, with or without variations.
- (c) When the direction has been carried out, the person having a right in the building shall be entitled to compensation from the Local Commission. However, in calculating the compensation, it shall be taken into account that upon the expiration of the maximum period the non-conforming use would have been discontinued, or the building would have had to be demolished, removed or altered, without compensation being paid.

Failure to effect discontinuance before expiration of maximum period.

**185.** Where the user of, or the person having a right in, any building to whom the Local Commission has issued a direction under section 184 fails to comply with it after the period of objection has expired or after the direction has been confirmed by the District Commission, the Magistrate's Court may, on the application of the Local Commission or the Attorney-General or his representative, order him to comply with the direction.

Implementation by Local

**186.** Where an order of the Court under section 183 or 185 has not been complied with and is no longer appealable, the Court may, if the circumstances so require, impose its implementation on the Local Commission, and it may also authorise the

Commission. Local Commission to collect the expenses of the implementation, in the same manner in which a civil debt is collected, from the person obligated to comply with the order. This section shall not derogate from the power of the Court under the Contempt of Court Ordinance<sup>(5)</sup> or from any right to compensation under this Law.

Alternative accommodation. **187.** Where the non-conforming building is a dwelling-house, or where a residential building is put to non-conforming use, such use as is based on a legal or equitable right shall not be discontinued by virtue only of the provisions of this Chapter unless reasonable alternative accommodation has been placed at the disposal of the holder of the right or, if he so desires, unless compensation sufficient to secure reasonable alternative accommodation has been paid to him or in his favour.

## CHAPTER EIGHT: EXPROPRIATION

### 188.

Object of expropriation. 

- (a) By virtue of this Law, a Local Commission may expropriate immovable property intended for public purposes under any Scheme.
- (b) In this section, "public purposes" means roads, parks, recreation and sports areas, nature reserves, antiquities, parking sites, aerodromes, harbours, jetties, railway-stations, bus stations, markets, abattoirs, cemeteries, structures for educational, religious and cultural purposes, communal institutions, hospitals, clinics, public air-raid shelters and refuges, sewerage installations, refuse dumps, water supply installations, and any other public purpose approved by the Minister of the Interior for the purposes of this section.

Power of Local Commission. **189.** The Local Commission may, at any time after the coming into force of a Local Outline Scheme or a Detailed Scheme, expropriate immovable property within the area of the Scheme if, in the opinion of of the District Commission, the expropriation is necessary in the interest of the public purpose for which the property is intended under the Scheme, and it shall do so if the District Commission, after consultation with it, so demands. Where any property is intended for expropriation under the Scheme, the consent of the District Commission to the expropriation shall not be required.

### 190.

Carrying out of expropriation. 

- (a) As far as no special provisions are laid down in this Law; the expropriation shall be carried out in accordance with the Land (Acquisition for Public Purposes) Ordinance, 1943<sup>(6)</sup>, as if the Local Commission had been authorised, by notice published in *Reshumot*, to exercise the powers and carry out the functions of the Government and the Attorney-General under that Ordinance with regard to the property to be expropriated, all with the following modifications and adaptations:

- (1) Section 20 of the said Ordinance shall apply also to the expropriation of property for parks, sports and recreation areas and buildings serving educational, cultural, religious and health purposes; and every reference in the said section to one quarter shall be taken to be a reference to four tenths; however, a part of a plot shall not be expropriated, whether with or without payment, if the value of the remainder of the plot is reduced in consequence thereof;
- (2) the Minister of the Interior may direct the Local Commission to pay compensation in circumstances in which it is authorised to pay it under section 20 (2) (c) of the said Ordinance;
- (3) compensation shall not have to be paid in respect of the expropriation of any structure, crop, tree or other thing fixed to land if it was erected, planted or fixed in contravention of this Law; but the Local Commission may pay compensation to the claimant if it finds that he acted in good faith and that special circumstances exist which justify the payment of compensation;
- (4) for the purposes of section 12 of the said Ordinance, the date of publication of the notice of intention to acquire the property shall be replaced by the sixtieth day after such publication;
- (5) the Local Commission shall immediately pay that part of the compensation which is not in dispute;
- (6) section 21 of the said Ordinance shall not apply.
- (b) The Local Commission may enter upon, and take possession of, that part of the property which it is authorised to expropriate without payment of compensation after giving the owner of the property thirty days' advance in writing. The notice shall be given in any such manner, including publication in a daily newspaper, as the Local Commission may think fit, and it shall be deemed to have been received on the date on which it is given or published. The right of entry and taking possession shall not be conditional upon an order of the Court.

Exchange of land.

**191.** The Local Commission may, with the consent of the District Commission, make an agreement with the owner of property expropriated by it to the effect that, instead of the payment of money in consideration therefor, other property, within or outside the area of the Scheme, shall be transferred to him in full or partial settlement of his claims arising out of the expropriation.

Agreement no warrant for non-conformity.

**192.** Nothing contained in an agreement for an exchange of property under this Chapter shall be construed as permitting the use of property otherwise than in accordance with the Scheme.

How to deal with expropriated property.

**193.** Property expropriated under this Chapter shall be dealt with as provided in the Scheme applicable thereto.

Alternative housing.

**194.** In expropriation proceedings under this Chapter, a dwelling-house assigned for demolition in the Scheme shall not be evacuated before reasonable alternative

accommodation has been placed at the disposal of the person who lived in the house by virtue of a legal or equitable right on the date of publication of the notice of the intention to acquire the property or, if that person so desires, before compensation sufficient to secure reasonable alternative accommodation has been paid to him or in his favour.

**195.** Property acquired by agreement, or expropriated against payment of compensation, in the implementation of a Scheme shall be subject to the following special provisions :

Special provisions as to property acquired for valuable consideration.

- (1) So long as the purpose to which the property is assigned has not been changed under the provisions of this Law, the property may be leased to a public body or other person, for the purpose to which it is assigned in the Scheme, provided that the Minister of the Interior, in consultation with the District Commission, has approved the lease;
- (2) If the purpose to which the property is assigned has been changed under the provisions of this Law, the property may, subject to approval and consultation as aforesaid, be sold, leased or otherwise disposed of, provided that the person from whom it was acquired, or his successor, has been given notice that he may purchase it, within thirty days, at a price not exceeding the price at which it was acquired from him, plus the amount of any appreciation thereof resulting from the Scheme. If the recipient of the notice notifies within the said period that he is prepared to purchase the property, it shall be transferred to him as aforesaid.

**196.**

Change of purpose to which property expropriated without payment is assigned.

- (a) Where any property has been expropriated under this Law without payment of compensation, and the purpose to which that property is assigned is changed into a purpose for which property must not be expropriated under this Law without payment of compensation, the Local Commission shall pay compensation to the person who would have been entitled thereto at the time of the expropriation if the expropriation had been subject to compensation at that time or, if that person so desires, shall return the property to him.
- (b) In respect of an act under this section, the date of publication of the notice of the intention to acquire the property shall, for the purposes of section 12 of the Land (Acquisition for Public Purposes) Law, 1943, be replaced by the date of the change of purpose, and the value of the property shall, for the purposes of the said section 12, be determined having regard to the new purpose.

## CHAPTER NINE: COMPENSATION

Claim for

**197.**

compensation.

- (a) Subject to the provisions of section 200, where any property is prejudicially affected by a Scheme, otherwise than by expropriation, the person who on the date of the coming into force of the Scheme was the owner of, or the holder of any right in, that property shall be entitled to compensation from the Local Commission.
- (b) The claim for compensation shall be filed with the offices of the Local Commission within one year from the date of the coming into force of the Scheme. The Minister of the Interior may grant an extension on reasonable grounds even if the aforesaid year has already expired.

## 198.

Report by  
Local  
Committee.

- (a) Where a claim for compensation under this Chapter has been filed with the Local Commission, the Local Commission shall deliver a report thereon to the District Commission and, unless it proposes to reject the claim, an estimate of the amount proposed to be paid as compensation.
- (b) The District Commission may confirm or vary the decision of the Local Commission or may return the matter to the Local Commission for reconsideration.

Determination  
of claim for  
compensation.

**199.** Subject to the provisions of section 256, if the whole or part of the claim of the injured party is not allowed, the Court shall decide the matter.

**200.** Land shall be deemed not to be prejudicially affected where it is affected by a provision of the Scheme of any of the following kinds, provided that the harm does not exceed what is reasonable in the circumstances of the case and the payment of compensation to the injured party is not required in the interests of justice:

Exemption  
from  
payment of  
compensation.

- (1) A change in the delimitation of, or the conditions of the use of land in, any zones;
- (2) the determination of set-backs around and between buildings;
- (3) a restriction of the number of buildings in a particular area;
- (4) the regulation of the sites, size and height, and the planning of the shape and external appearance, of buildings;
- (5) a permanent or temporary prohibition or restriction of building in a place where the erection of buildings on the land may, owing to the location or nature thereof, cause a danger of flooding or soil erosion or danger to health or life or excessive expenditure of public money for the construction of roads or drains or for water-supply or other public services;
- (6) a prohibition or restriction of the use of the land, otherwise than by way of the prohibition or restriction of building, if such use is likely to involve danger to health or life or any other serious disadvantage to the vicinity;
- (7) a restriction on the modes of using buildings;
- (8) the fixing of a line, parallel to the road, beyond which no building shall project;

- (9) the imposition of the duty to provide, near a building intended for any business, trade or industry, a place for the loading, unloading and refuelling of vehicles, so as to avoid obstruction of traffic;
- (10) the imposition of the duty to provide, in or near a building intended for any business, trade or industry or for residential purposes or for a lodging-house or for use by the public, a place for the parking of vehicles or a shelter or refuge against air-raids.
- (11) a provision of a Scheme to which section 81 applies.

No compensation in respect of acts done after deposit of Scheme.

**201.** Compensation under this Chapter shall not be paid in respect of any building erected or road constructed or other thing done in the area of a Scheme after notice of the deposit thereof has been published in *Reshumot* in accordance with section 89.

Compensation in respect of discontinuance of non-conformity.

**202.** A person who, at the expiration of the maximum period fixed for non-conforming use, or a non-conforming building, under Chapter Seven, is the holder of a right in the property in respect of which the period has been prescribed shall not be entitled to compensation for damage caused to him by the discontinuance of the use, or by the alteration, demolition or removal of the building, as the case may be, unless special circumstances exist and it is just that compensation as aforesaid be paid.

## CHAPTER TEN: OFFENCES AND PENALTIES

**203.** In this Chapter-

- "the Court" means the Magistrate's Court or a Municipal Court; however, a Municipal Court shall not be competent to impose a fine or imprisonment save within the limits of its powers under the Municipal Courts Ordinance<sup>(7)</sup>;
- "work in considerable deviation from the conditions of the permit" means any of the following :
  - (1) building involving a substantial change in the purpose and use of the building as determined in the permit, such as the conversion of a building or part thereof not intended for residential purposes into a dwelling;
  - (2) a deviation from the static calculations attached to the application for the permit and which have become a condition of the permit;
  - (3) building on specifications otherwise than in accordance with the conditions of the permit;
  - (4) the building of a living-room of a height less than that prescribed in the permit;
  - (5) the non-provision of a shelter or water-cistern in a place where

Definitions.

- the conditions of the permit require its provision;
- (6) the non-provision of a kitchen, bathroom, shower-room, lavatory and other similar facilities in a place where the conditions of the permit require their provision, or the setting up of sanitary and other installations, in contravention of the conditions of the permit, in a manner likely to endanger public health;
  - (7) the non-demolition of existing buildings in the building area when the conditions of the permit require their demolition;
  - (8) non-compliance with the conditions of the permit designed to ensure the safety of passersby and persons working on the building site, and the carrying out of earthworks in contravention of the conditions of the permit if public safety is endangered thereby;
  - (9) building beyond the lines fixed in the conditions of the permit as the limits of building;
  - (10) the addition of a storey, room or other parts of a building in excess of what is permitted by the conditions of the permit;
  - (11) building otherwise than in accordance with the special architectural requirements laid down in the permit by virtue of a scheme for imparting a uniform appearance to a particular locality;
  - (12) non-compliance with the conditions of the permit designed to abate nuisances caused by noise, smell or smoke;
  - (13) building in contravention of the conditions of the permit designed to prevent the impairment of religious, historical or scenic values;
  - (14) non-compliance with, or building in contravention of, the conditions of the permit in a manner interfering with traffic or restricting the field of vision of drivers of vehicles on the road;
  - (15) non-compliance with the conditions of the permit relating to parking sites for vehicles.

## 204.

### Penalties.

- (a) A person who carries out any work, or uses any immovable property, without a permit, such carrying out or use being subject to a permit under this Law or any regulation made thereunder, shall be liable to a fine of 2,500 pounds or imprisonment for a term of one year, and in the case of a continuing offence, to an additional fine of 500 pounds or additional imprisonment of seven days in respect of every day on which the offence continues after the accused has received written notice of the offence from the Local Commission or after his conviction.
- (b) A person who carries out any work in considerable deviation from the conditions of the permit, such carrying out being subject to a permit under this Law or any regulation made thereunder, shall be liable to a fine of 1,500 pounds or to imprisonment for a term of six months, and in the case of a continuing offence, to an additional fine of 250 pounds in respect of every day on which the offence continues after the accused has received

written notice of the offence from the Local Commission or after his conviction.

- (c) A person who carries out any work or uses any immovable property, such carrying out or use being subject to a permit under this Law or any regulation made thereunder, and who fails to comply with any condition laid down in a permit as aforesaid shall be liable to a fine of 750 pounds.
- (d) A person who uses any agricultural land in contravention of the provisions of the First Schedule shall be liable to a fine of 1,500 pounds or to imprisonment for a term of six months, and in the case of a continuing offence, to an additional fine of 250 pounds in respect of every day on which the offence continues after the accused has received written notice of the offence from the Local Commission or after his conviction.
- (e) A person who makes non-conforming use of any property after the expiration of the maximum period prescribed in accordance with the provisions of Chapter Seven shall be liable to a fine of 750 pounds.

**205.** Where a person has been convicted of an offence under section 204, the Court, on passing sentence, may -

Additional measures.

- (1) order that the building or part thereof built without a permit or in considerable deviation from the conditions of the permit be demolished, dismantled or removed by the sentenced person or by the Local Commission if the Local Commission or the Attorney-General or his representative has so requested, and may require the sentenced person to bear the cost of the operation;
- (2) order that such part of the building as was not built as specified in paragraph (1) be likewise demolished, dismantled or removed if the implementation of an order under paragraph (1) only will endanger life or public safety;
- (3) issue any such other order to the sentenced person as it may think fit in relation to the building or road in respect of which the offence was committed, including an order for structural alteration and an order to close.

Issue of court order mandatory.

**206.** Where a person has been convicted of an offence under section 204 in respect of any building, and at the beginning of the proceedings against him under that section the construction of that building had not yet been completed, or it had been completed within the six months preceding the beginning of the proceedings, the Court shall make an order under section 205 unless the sentenced person gives a convincing reason why the order should not be made.

Time for compliance with order.

**207.** The court may, on making an order under section 205 or 206 or at any subsequent time, set a date for compliance therewith.

Persons responsible for work or

**208.**

- (a) Where work has been carried out on, or use made of, any property under

use subject to permit.

such circumstances and in such manner as to constitute an offence under section 204, one or several of the following may be prosecuted:

- (1) the holder of the permit for the work or use;
  - (2) a person obligated to obtain a permit as aforesaid by virtue of this Law or a regulation made thereunder;
  - (3) the person who was the owner of the property at the time the offence was committed;
  - (4) the person who was the reputed owner of the property at the time the offence was committed;
  - (5) where the property was held in joint ownership at the time the offence was committed, any of the persons who were the joint owners;
  - (6) the person who actually carried out the work;
  - (7) the person who actually used the property;
  - (8) the person responsible for the work or use, including the architect, the planning engineer, the engineer in charge of operations, the principal contractor and an agent of any of these, but not including workers employed by them.
- (b) Where one of those referred to in subsection (a) - other than the engineer in charge of operations - has been charged with an offence under section 204, it shall be a good defence if he proves -
    - (1) that the offence was committed without his knowledge; or
    - (2) that he took all appropriate steps to prevent its commission.

Criminal responsibility of owner or occupier of property.

**209.** Where work has been carried out on, or use made of, any property under such circumstances and in such manner as to constitute an offence under section 204, the Local Commission or the Attorney-General or his representative may, by written notice, require the person who is at the time the owner or occupier of the property to furnish it or him with the name and address of the person who carried out the work or used the property as aforesaid. If the owner or occupier fails to comply, he shall be responsible for the offence as if he had committed it.

Non-compliance with court order.

**210.** A sentenced person who fails to comply with an order under section 205 or 206 within the time prescribed by the Court shall be liable to a fine of 10,000 pounds or imprisonment for a term of eighteen months, and to an additional fine of 500 pounds, or seven days' additional imprisonment, in respect of every day on which the offence continues after the expiration of the time prescribed as aforesaid. Where a person has been convicted of an offence under this section, the Court shall have all the additional powers referred to in section 205.

Powers of Local Commission.

**211.** Where the Court has ordered the Local Commission to carry out any act, the Commission and its agents may enter the place to which the order relates for the purpose of carrying out the act, and if the Court has required the sentenced person to bear the cost of carrying out the act, the Local Commission may collect the amount of such cost in the manner in which a civil debt is collected.

Demolition without

**212.** Where an offence under this Chapter has been committed in respect of any building and, if any person had been convicted thereof, the Court would have been

conviction. competent to order as provided in section 205, the Court may so order even without any person having been convicted as aforesaid, provided one of the following applies :

- (1) The person who committed the offence cannot be found;
- (2) it is impossible or impracticable to serve a summons upon him;
- (3) the person who was the owner of the building at the time the offence was committed, and who committed it, is no longer the owner thereof ;
- (4) it cannot be proved who committed the offence:
- (5) the person who committed the offence has died or is not punishable for reasons which do not make the act legal.

Implementation by Local Commission. **213.** In an order under section 212, the Court may, on the application of the Local Commission or the Attorney-General or his representative, authorise the Local Commission to implement it, and if the whole or part of the building has been demolished, the Local Commission may recover the expenses of the implementation by selling the materials of the demolished building.

False statement. **214.** A person who makes to a planning agency or local authority or to any of the employees of either, a statement which he knows to be false or misleading in a material particular, with intent to ensure the approval or rejection of a Scheme or of any provision of a Scheme, or the grant or refusal of a permit under this Law or any regulation made thereunder, or some other similar objective, shall be liable to imprisonment for a term of six months or to a fine of 2,500 pounds. This provision shall not derogate from criminal liability under any other law.

Voidance in consequence of false statement. **215.** Where a person has been convicted of an offence under section 214, the approval or permit obtained by making the false or misleading statement for which he has been convicted shall be void ab initio, and the Scheme or provision approved, or the work or use in respect of which the permit was granted shall be deemed to have been carried out without approval or without a permit, as the case may be.

Voidance in consequence of supply of incorrect particulars. **216.**

- (a) Where a person has been granted an approval or permit under this Law on the basis of incorrect particulars, and section 215 is not applicable to the case, the Local Commission may, after giving that person an opportunity to be heard, void the approval or permit, as the case may be : Provided that if the approval or permit related to building the Local Commission shall not void it after that person has commenced building.
- (b) For the purposes of section 152, a decision to void an approval or permit as aforesaid shall be deemed to be a decision to refuse.

Prevention of discharge of function. **217.** Whosoever prevents a person acting on behalf of a planning agency or by virtue of a function otherwise assigned to him by enactment from discharging any function or exercising any power under this Law or a provision thereunder shall be

liable to imprisonment for a term of six months or to a fine of 2,500 pounds. This provision shall not derogate from criminal responsibility under any other Law.

Order to pay  
fee.

**218.** In addition to any penalty imposed for an offence under this Chapter and the imposition of the costs of the proceedings, the Court shall order the sentenced person to pay any fee or other compulsory charge incidental to the act constituting the offence and which he is liable to pay at the time under this Law and has not yet paid and, if the offence relates to any work or use subject to a permit under this Law, any fee or other compulsory charge which would have been due from him at the time under this Law had the permit been granted. The Court may also order the sentenced person to make an additional payment not exceeding the amount the payment of which it is required to order under this Law.

**219.** Where a person has been convicted of an offence under this Chapter, the Local Commission may, whether or not a fine or compulsory payment is imposed upon him by the sentence, claim from him by way of a civil action -

Collection of  
profits from  
illegal  
building.

- (1) in the case of an offence relating to building subject to a permit under this Law-double the value of the structure, or addition to a structure, erected without a permit, as unoccupied;
- (2) in the case of an offence relating to building otherwise than in accordance with a permit or other direction pursuant to this Law - double the difference between the value of the structure, or addition to a structure, as erected, and the value thereof as it would have been had the structure or addition been erected in accordance with the permit or direction, the structure or addition in both cases to be taken as unoccupied :

Provided that in an action as aforesaid, it shall be a good defence if the defendant proves that he has - in compliance with a court order or of his own accord - demolished the structure, or addition to a structure, in relation to which the offence was committed.

**220.**

Alternative  
accommodatio  
n.

- (a) Where the Court, under this Chapter, has ordered the demolition of a structure or an addition to a structure, occupied by another person with the consent of the sentenced person or of a person responsible under this Law for the commission of the offence, the Court may, in addition to any other penalty imposed by it and to the imposition of the costs of the proceedings and of the payments referred to in section 218, require the sentenced person, on the application of the occupier or the Local Commission, to provide the occupier with reasonable alternative accommodation or to pay him compensation sufficient to secure reasonable alternative accommodation, as it may think fit, unless the sentenced person proves that the occupier occupied the structure or addition otherwise than in good faith.
- (b) The provisions of this section shall add to, and not derogate from, the powers of the Court and the other rights of the occupier under any other law.

- (c) In proceedings under this section, the Court may admit evidence even if it would not have been entitled to admit it in ordinary proceedings.

**221.**

Entry in  
Land  
Registers.

- (a) Where an information has been filed in the Court for an offence under this Chapter, and a conviction for such offence may entail the making of an order under section 205, the Chairman of the District Commission may direct the Registrar of Lands to enter in the Land Registers a note concerning the information beside the entry of the property to which the information relates.
- (b) Where the Court has ordered a demolition under this Chapter, it shall direct that the order be entered in the Land Registers as aforesaid.
- (c) The Court may direct the Registrar of Lands, at any time, to delete any note or order entered under this section.

Collection of  
additional fine.

**222.** Where a person has been ordered to pay any amount under section 218, it shall be collected in the same manner as a fine imposed by the Court.

Payment of  
fines to Local  
Commission.

**223.** Any fine or other compulsory charge collected from any person, under a judgment pursuant to this Chapter, in respect of an offence committed in a particular local planning area, except compensation under section 220 shall be paid to the Local Commission of that planning area.

Interim  
administrative  
stoppage of  
building.

**224.** Where the chairman of the Local Commission (or, in the case of a municipality, the chairman of the Local Commission or the chairman of the Planning and Building Subcommittee) or the chairman of the District Commission or the city engineer (or, where there is no city engineer, an engineer empowered in that behalf by the chairman of the District Commission or the chairman of the Local Commission) has reasonable grounds for believing that building operations are being carried out without a permit under this Law or in considerable deviation from the conditions of the permit, then so long as an information in respect of the offence involved in such building, or an application to stop such building under section 239, has not been filed in the Court, he may order in writing any person who appears to him to be responsible under section 208 for the commission of the offence and any employee in the service of such a person - in the case of building without a permit - to stop all building immediately or - in the case of building in deviation from the conditions of the permit - to stop building immediately in so far as it involves deviation as aforesaid (the order being hereinafter referred to as an "administrative stop order").

Stoppage of  
building by  
commissioned  
officer of  
police.

**225.** An administrative stop order may be made also by an officer of police of or above the rank of inspector if he has reasonable grounds for believing that any building operations are being carried out without a permit under this Law.

Application for  
confirmation  
of

**226.**

administrative stop order.

- (a) An administrative stop order becomes void at the expiration of five days on the day on which it is made unless, before the expiration of that time, an application for its confirmation is filed in the Magistrate's Court competent to deal with the offence in respect of which the order was made and a copy of the application is served upon the person against whom the order was made in the same manner in which the order was served upon him or in such other manner as the Court may decide upon the application of the person who applies for the confirmation. ,
- (b) In reckoning the aforesaid five days, a day on which the Court does not sit shall not be included.

Confirmation of administrative stop order.

**227.** If the Court confirms the administrative stop order, such order shall, from the date of the confirmation, be deemed to be a judicial stop order, within the meaning of section 241.

Refusal to confirm administrative stop order.

**228.** If the Court refuses to confirm an administrative stop order, such order shall be void from the date of the decision of the Court.

Appeal in matters of administrative stop order.

**229.** A decision of the Court to confirm or not to confirm an administrative stop order shall, for the purposes of appeal, be dealt with like an administrative order as referred to in section 250.

**230.** An administrative stop order shall indicate, *inter alia* -

Contents of administrative stop order.

- (1) the property to which it relates;
- (2) the fact that the work or part thereof was carried out without a permit, or to what extent it involves an infringement of the conditions of the permit;
- (3) the part of the work to be stopped which has already been carried out;
- (4) the provision of section 236 concerning the right to apply for the cancellation of the order, and the time and place for the submission of the application for cancellation '.

Demolition of what was built subsequent to administrative order.

**231.** Where building operations have continued, in contravention of an administrative stop order, without a permit under this Law for building in that place, or in considerable deviation, involving danger to life, from the conditions of the permit, the chairman of the District Commission may order the person to whom the administrative order was issued, or a person to whom it might have been issued, to demolish what was built after the issue of that order and in contravention thereof.

Carrying out of administrative demolition.

**232.** A person to whom an order under section 231 is issued shall carry it out forthwith. If he fails to do so, the chairman of the District Commission may carry out the demolition in place of and at the expense of that person, and he may empower in that behalf the chairman of the Local Commission or the city engineer (or, where there is no city engineer, an engineer empowered to issue administrative stop orders). To cover the expenses of the demolition, it shall be lawful, *inter alia*, to sell the materials of the demolished structures.

Demolition not to relieve of criminal liability.	<b>233.</b> Demolition under section 232 shall not relieve the person required to effect it from criminal responsibility for non-compliance with the administrative stop order.
Saving of powers.	<b>234.</b> The powers conferred upon an administrative authority by this Chapter shall not derogate from the powers of the Court under this Law.
Period of validity of administrative stop order.	<b>235.</b> An administrative stop order shall be in force until it becomes void by virtue of section 226 or 228 or is voided by the authority which made it or by the chairman of the District Commission or, in proceedings under section 236, by the Court.
Application for cancellation of administrative stop order.	<b>236.</b> A person who considers himself aggrieved by an administrative stop order may apply for its cancellation to the Magistrate's Court competent to deal with the offence in respect of which the order was made. The submission of the application shall not suspend the validity of the order. For the purposes of an appeal against the decision of the Court on an application as aforesaid, the application shall be dealt with like an order under section 250.
Non-compliance with administrative stop order.	<b>237.</b> A person who fails to comply with an administrative stop order which has been served upon him shall be liable to a fine of 10,000 pounds and to an additional fine of 500 pounds or seven days' imprisonment in respect of every day that the offence continues after service of the order.
Damages.	<b>238.</b> Where an administrative order has become void in one of the ways mentioned in section 235, and it is found that it should not have been made at all, a person to whom damage has been caused by it shall be entitled to compensation from the Local Commission if the order was made by the chairman of the Local Commission or by an engineer empowered by him or by the city engineer or, in the case of a municipality, by the chairman of the Planning and Building Subcommittee, or from the Treasury if the order was made by another person. However, compensation shall not be paid by reason only of a defect in the appointment or empowerment of the person who made the order if the other conditions for making it were fulfilled.
Judicial stop order.	<b>239.</b> Where any work has been done, or property used, in a manner and circumstances involving an offence under section 204, whether or not an information in respect of that offence has yet been filed in the Court, the Court may order the accused or the person who appears to it to be responsible for the offence, and any person employed in his service, to stop the work or use, and the order shall be valid until it is cancelled or varied by the Court in its judgment.
Non-compliance with judicial stop order.	<b>240.</b> A person who fails to comply with an order under section 239 served upon him shall be liable to a fine of 10,000 pounds and to a fine of 500 pounds or seven days' imprisonment in respect of every day that the offence continues after service of the order.
Demolition by reason of non-compliance with interim order.	<b>241.</b> Where building operations have been continued in contravention of an administrative stop order or an order under section 239 (such latter order hereinafter referred to as a "judicial stop order), without a permit under this Law or in considerable deviation from the conditions of the permit, the Court may, on the

application of the Attorney General or his representative or the Local Commission and if it deems it just so to do, order that any structure or part thereof erected in contravention of the provisions of an administrative or judicial stop order shall be demolished forthwith (the demolition order being hereinafter referred to as a "judicial demolition order").

**242.** The Court shall entrust the carrying out of a judicial demolition order to the person who appears to it to be responsible under this Chapter for the commission of the building offence if that person and the applicant have consented thereto. In the absence of such consent, or if that person fails to carry out the demolition order, the following provisions shall apply :

Carrying out of judicial demolition order.

- (1) Where the application for the demolition order was made by the Local Commission, the Court shall entrust it with the carrying out of the order;
- (2) where the application for the demolition order was made by the Attorney General or his representative, the Court shall entrust the carrying out of the order to the chairman of the District Commission.

When judicial demolition order may be made.

**243.** A judicial demolition order may be made whether or not any information in respect of an offence under section 240 has been filed.

Hearing in the matter of judicial demolition order.

**244.** A judicial demolition order shall not be made until the person concerned has been given a suitable opportunity to be heard unless the Court finds that the order should be made forthwith - without giving an opportunity for a hearing as aforesaid - so as to prevent the completion of building operations in contravention of the administrative or judicial stop order and the occupation of the building.

Collection of expenses.

**245.** The provisions of sections 211 and 213 as to the collection of demolition expenses shall apply *mutatis mutandis* to demolition under section 241.

Temporary order for the prevention of building.

**246.** Where operations preparatory to building have been carried out in any place, and the Magistrate's Court has reasonable grounds for believing that building without a permit under this Law is about to be carried out there, though it has not yet begun, the Magistrate's Court may, on the application of the chairman of the District Commission, the chairman of the Local Commission or, in the case of a municipality, the chairman of the Planning and Building Subcommission, or of the Attorney General or his representative, order any one of those mentioned in section 208 to refrain from building in that place so long as a permit has not been validly granted to him (the order to be hereinafter referred to as an "order for the prevention of building"). The Court may issue the order subject to such conditions as it may think fit in the circumstances of the case.

Enforcement of order for the prevention of building.

**247.**

- (a) The Court which makes an order for the prevention of building may direct therein that anything built in contravention of the provisions thereof shall be demolished forthwith, by the chairman of the Local Commission or, in the case of a municipality, the chairman of the Planning and Building

Subcommission, if the application for the order was made by such chairman, and in every other case, by the chairman of the District Commission.

- (b) In the order, the Court shall, in such manner as it thinks fit, certify what structure or structures exist in the place in question, or that there is no structure there, and any structure found in that place in contravention of or in addition to what is so certified shall be deemed to have been built in contravention of the order.
- (c) The provisions of subsection (b) shall not derogate from any other mode of proof.

## 248.

Saving of powers.

- (a) The power to make an order for the prevention of building shall not derogate from any other power under this Law or any other law.
- (b) The filing of appeal against an order for the prevention of building shall not suspend the validity of the order : Provided that the court of appeal may otherwise direct in respect of demolition.

Non-compliance with order for the prevention of building.

**249.** A person who fails to comply with an order for the prevention of building served upon him shall be liable to a fine of 10,000 pounds and to a fine of 500 pounds or seven days' imprisonment in respect of every day that the offence continues after delivery of the order.

Appeal against orders.

**250.** A party to the court proceedings, the owner of any property which is the subject of those proceedings or, in the case of proceedings under section 212, the owner or lessee (for whatever period) of any such property who considers himself aggrieved by the making or non-making of a court order under this Chapter may appeal to the District Court against the order or the rejection of the application for an order, as the case may be, in such manner and within such time as a judgment of the Court in a criminal case is appealed against, and the District Court may allow or dismiss the appeal or return the matter to the court whose decision is appealed against or make any such order as that court would have been competent to make.

Saving of right of appeal.

**251.** Nothing provided in section 250 shall be construed as derogating from a right of appeal against a conviction or acquittal in respect of an offence under this Chapter.

Permit obtained by false pretences.

**252.** A person who carries out building operations under a permit obtained by him by supplying information which he knew, or had reason to believe, to be false shall, for the purposes of making a judicial stop order, be deemed to have carried out the building operations without a permit.

Responsibility of body corporate.

**253.** Where an offence under this Chapter is committed by a body corporate -

- (1) the court may impose a fine not exceeding twice the amount of the fine which it would have been permitted to impose but for this section;
- (2) every person who at the time of the commission of the offence was an

active director or a partner-other than a limited partner- or official in that body and responsible for the matter in question shall also be charged therewith unless he proves that the offence was committed without his knowledge or that he took all reasonable steps to ensure compliance with this Law.

Power to arrest.

**254.** Where a person fails to comply with a judicial or an administrative stop order, a police officer may arrest him without a warrant of arrest from a court, and sections 8 to 14 and 25 to 28 of the Criminal Procedure (Arrest and Searches) Ordinance<sup>(8)</sup> shall apply to the arrest. This power shall not derogate from other powers of arrest under any law.

Contempt of court.

**255.** Nothing in this chapter shall be construed as derogating from the power of the court under the Contempt of Court Ordinance, and, with regard to orders of the Municipal Court, the Magistrate's Court shall have all the powers conferred by the said Ordinance, as if the orders had been made by the Magistrate's Court. However, a person shall not bear responsibility both under this Law and under the Contempt of Court Ordinance.

#### CHAPTER ELEVEN: MISCELLANEOUS

Arbitration.

**256.** Where a monetary dispute arises in connection with the implementation of this Law, the parties may agree to settle the dispute by arbitration, and the Arbitration Ordinance<sup>(9)</sup> shall thereupon apply.

Entry upon property.

**257.** A person authorised in that behalf by the Local Commission or the District Commission may at any reasonable time enter any property and may survey, measure and inspect it and do in respect thereof any act required for the implementation of this Law and the regulations made thereunder, and *inter alia*, for the preparation and implementation of a Scheme. However, he shall not, without the consent of the occupier, enter a building actually used as a dwelling-house, except in the daytime and after giving the occupier written notice, as far as possible 24 hours in advance, and shall not enter property in the possession of the Defence Army of Israel or another branch of the Defence Establishment approved by the Minister of Defence, except with the approval of a person empowered in that behalf by the Minister of Defence.

Representation of Local Commission in court.

**258.** A Local Commission may institute proceedings and attend in court in any proceeding through the agency of an employee authorised by it in that behalf, and the delivery of any summons, notice, order or other document in proceedings as aforesaid to that employee shall be valid delivery to the Local Commission. The authorisation may be general or in respect of a particular matter.

Law generally applicable to the State.

**259.**

- (a) This Law shall bind also the State: Provided that the provisions of Chapter Ten, except section 239, shall not apply to it. This provision shall not derogate from the criminal responsibility of any other person.

- (b) The State shall be exempt from the payment of fees in respect of building for the purposes of a public service.
- (c) The Court shall not make an order under section 239 against the State before it has given the Attorney General or his representative an opportunity to be heard.

Priority of consideration for application by the State.

**260.** A planning agency shall consider and decide upon an application by the State, or by any authority established by Law, before considering and deciding upon any other application.

**261.**

Roads.

- (a) Where a Scheme which contains only provisions as to the laying out of roads or the rectification of the alignment thereof relates to more than one local planning area, the Minister of Labour may submit it to the District Commission, and if he does so, he shall notify the Scheme to every Local Commission through whose planning area the alignment passes.
- (b) The District Commission shall deal with a Scheme as aforesaid in the same manner in which it deals with Detailed Schemes adopted by the Local Commission and submitted for approval : Provided that the Local Commissions through whose planning areas the alignment of the road passes may also file opposition to the Scheme and that the period for the filing of their opposition shall not end before the expiration of three months from the day on which the Minister of Labour notifies them of the submission of the Scheme.
- (c) If the District Commission refuses to approve a Scheme as proposed by the Minister of Labour, he may object to the refusal, and section 114 shall apply *mutatis mutandis*.
- (d) Notwithstanding the provisions of section 145, the laying out, construction or closing of a road by or on behalf of the State shall be lawful if it is carried out in accordance with an approved Scheme and after notice has been given to the local authority and Local Commission concerned.

Abolition and alteration of planning area and district.

**262.** The abolition, or a change of the boundaries of, a district or a local planning area shall not impair the validity of any schemes or other regulations made in respect of that district or planning area or part thereof. They shall remain in force, *mutatis mutandis*, in the same area to which they applied previously, until they are voided or varied by other Schemes or regulations under this Law.

Implementation agreement with the State or a local authority.

**263.** A Local Commission whose planning area includes more than one local authority may, with the approval of the District Commission, enter into an agreement with the State or a local authority in whose area the planning area is situated to the effect that employees of that local authority or of the State shall serve also the Local Commission, and that property of the State or of that local authority shall be at the disposal of the Local Commission for the carrying out of its functions, all for valuable consideration and on the conditions stipulated in the

agreement. With regard to the carrying out of functions of the Local Commission, employees as aforesaid shall be subject to its instructions only.

Powers of  
Government.

**264.** Notwithstanding anything provided in any Law, the powers of the Government under this Law shall not be capable of delegation save to a Committee of Ministers.

**265.** The Minister of the Interior is charged with the implementation of this Law and may make regulations - after consultation with the National Board and, if the regulations relate to a particular district or a particular local planning area, also with the District Commission or Local Commission concerned - as to anything relating to the implementation of this Law, and *inter alia* :

Implementatio  
n  
and  
regulations.

- (1) the procedure as to applications for permits and as to the issue thereof, and the period of validity, renewal and cancellation of permits;
- (2) the attachment to permits of conditions designed to ensure the efficient implementation of this Law;
- (3) the deposit of plans, sections, static drawings and calculations and the supply of any other information to the Local Commission in connection with any work or use requiring a permit under this Law;
- (4) the erection and use of temporary structures and the time for the dismantling thereof;
- (5) the width, laying out and construction of roads;
- (6) the height, size and minimum cubic content of rooms and flats, and generally the methods of the construction, repair and alteration of buildings;
- (7) the external appearance of buildings, the stability thereof, the protection thereof against fire and the penetration of noise, the ventilation, drainage, sewerage, sanitary installations, lighting and water supply thereof, and pipes for telephone lines;
- (8) the regulation; of the modes of heating and gas supply where heating and gas supply installations are provided;
- (9) the modes of carrying out orders under Chapter Ten for the demolition of structures or part thereof;
- (10) buildings regularly used for assemblies;
- (11) the provision of places for the parking and accommodation of vehicles near buildings, and access to and egress from such places;
- (12) the safety of occupiers and users of and visitors to buildings;
- (13) the safety of the public and workers during work requiring a permit under this Law;
- (14) the accumulation of materials and refuse on roads and land and their removal therefrom;
- (15) the times and manner at or in which work requiring a permit under this Law is to be carried out or at or in which non-conforming use is permitted under this Law, all with a view to preventing nuisance to neighbours and the public ;
- (16) rules by which a Local Commission shall prescribe a maximum period under Chapter Seven;
- (17) the rates of fees for permits, approvals and certificates under this Law,

and the like, the circumstances under which a deposit on account of fees shall be paid. and the grant of exemption from the payment of fees;

- (18) the manner of preparing Outline Schemes and Detailed Schemes (at all the stages thereof) and the vouchers, other documents and information to be submitted with a Scheme;
- (19) the manner of carrying out Schemes;
- (20) the method of calculating, for the purposes of Outline Schemes, the possibilities of population absorption in the areas included in such Schemes;
- (21) the procedure for vesting supplementary land under section 70 and the procedure for the registration of the vesting in the Land Registers;
- (22) forms and rules of procedure for any proceeding under this Law and the regulations made thereunder, except a court or arbitration proceeding, but including -
  - (a) a proceeding for the grant of approval by the District Commission;
  - (b) the hearing of any opposition or objection filed with the District Commission;
  - (c) a claim for compensation lodged with the Local Commission in respect of damage caused by a Scheme;
- (23) the prevention of any work or use of land without a permit or otherwise than in accordance with the permit;
- (24) the examination of materials used or intended to be used for a building, whether or not an official standard has been prescribed for them, and the examination of the soil for the purposes of the foundation of structures;
- (25) the regulation of the rights and obligations of abutting owners, lessees and occupiers as to the construction of party walls, outer walls and the foundations thereof and as to the repair, maintenance and cleaning of such walls, and the determination of procedure for the settlement of disagreements concerning such rights and obligations;
- (26) methods for the delivery of notices, vouchers and other documents under this Law or the regulations made thereunder, except notices and vouchers in legal proceedings;
- (27) the demolition or removal of unsightly buildings for which there is no claimant other than the State;
- (28) the regulation of contacts between the District Commission and the Local Commission to ensure compliance with the directions of the District Commission under this Law;
- (29) the recovery of the expenses of any work required or permitted to be done by regulations under this Law.

**266.** The Minister of the Interior may, in consultation with the National Board, designate by regulations any work or use which in rural areas, as defined in those regulations, shall be exempt from a permit under Chapter Five. The exemption may be unconditional or subject to conditions prescribed by regulations as aforesaid.

**267.** The Minister of the Interior may, in consultation with the National Board, prescribe by regulations, in respect of the whole of the State or any part thereof,

specification. specifications for particular classes of buildings. Where such specifications have been prescribed, a person applying for a permit to build according to the specification shall be exempt from furnishing the Local Commission with the particulars of building in so far as they have been determined in the specification and do not conflict with any Scheme applying in the locality concerned.

Rules of procedure. **268.** The Minister of Justice may enact rules of procedure for proceedings under this Law and, *inter alia*, directions as to the making of *ex parte* orders. This provision shall not derogate from the powers of the Minister of Justice under any other enactment.

Delegation of powers. **269.** The Minister of the Interior may delegate to another person any of his powers under this Law, except the power to make regulations having legislative effect. However, a person who considers himself aggrieved by an act done, in respect of him alone, by virtue of a delegation of powers as aforesaid, may lodge objection with the Minister.

## CHAPTER TWELVE: REPEAL AND TRANSITIONAL PROVISIONS

### 270.

Repeal. 

- (a) The Town Planning Ordinance, 1936<sup>(10)</sup> (hereinafter referred to as "the Ordinance"), except the last sentence of section 27, section 32 and, to the extent necessary for the implementation of those sections, sections 37 and 39, is hereby repealed.
- (b) The above-mentioned sections of the Ordinance shall be applied also in respect of Scheme approved under this Law.

Planning area under Town Planning Ordinance to be regarded as planning area under this Law. **271.** A town planning area declared under section 10 of the Ordinance and which existed immediately before the coming into force of this Law shall, from the day of the coming into force of this Law, be regarded as a local planning area declared under sections 13 and 14 of this Law. A regional planning area declared as aforesaid shall be deemed to be a local planning area to which section 12 of this Law applies.

Pending matters. **272.** A matter which, before the coming into force of this Law, was pending before a Local or District Commission under the Ordinance shall, from the day of the coming into force of this Law, be deemed to be pending before the Local or District Commission, as the case may be, under this Law.

Approval of existing regulations and Schemes. **273.** Any byelaws, regulations, Outline Schemes and Detailed Town Planning Schemes which immediately before the coming into force of this Law were in force under the Ordinance shall be deemed to be regulations, Local Outline Schemes and Detailed Schemes, made or approved, as the case may be; under this Law; and it shall be immaterial whether the regulations are such as have legislative effect or other regulations.

Validation.	<p><b>274.</b> Outline Schemes and Detailed Schemes containing provisions which it was not possible to enact under the Ordinance, but which could have been enacted if this Law had been in force at the time, shall be deemed to have been enacted on the day of the coming into force of this Law and shall remain in force for three years from that day unless they are rescinded or varied before then by virtue of this Law.</p>
Continuation of proceedings.	<p><b>275.</b></p> <ul style="list-style-type: none"> <li>• (a) Every proceeding which immediately before the coming into force of this Law was pending before a planning agency shall, from the day of the coming into force of this Law, continue to be dealt with in accordance with this Law.</li> <li>• (b) The Minister of the Interior may enact by regulations provisions as to any other matter relating to changes arising out of the repeal of the Ordinance, as well as supplementary provisions designed to ensure the continuity of planning and the control of building; and such provisions shall remain in force until they are revoked or varied by a planning agency by virtue of its powers under this Law.</li> </ul>
Abolition, or change of boundaries, of district or of town planning area prior to coming into force of this Law.	<p><b>276.</b> To the extent that the abolition of a district, or a town planning area within the meaning of the Ordinance, or a change of the boundaries thereof, before the coming into force of this Law did not impair the validity of any Town Planning Scheme, regulation, byelaw or order made in respect of that district or that town planning area under the Ordinance, and it remained in force, <i>mutatis mutandis</i>, within the same boundaries pending its rescission or variation by a byelaw, regulation, order or Town Planning Scheme under the Ordinance, such first-mentioned Town Planning Scheme, regulation, byelaw or order shall remain in force until it is rescinded or varied under powers conferred by this Law.</p>
Discontinuance of non-conforming use.	<p><b>277.</b> The provisions of Chapter Ten shall, from the day of the coming into force of this Law, apply also in respect of a Town Planning Scheme under the Ordinance which has remained in force by virtue of this Law. However, non-conforming use which existed on the 24th March, 1938, and which continued, by virtue of the proviso to section 11 (c) of the Ordinance, until the day of the coming into force of this Law may continue further until a change occurs in the ownership or occupancy or the land or building.</p>
Interpretation.	<p><b>278.</b> The provisions of this Chapter shall add to, and shall not derogate from the provisions of the Interpretation Ordinance<sup>(11)</sup>.</p>
Commencement.	<p><b>279.</b> This Law shall come into force at the expiration of six months from the date of its publication in <i>Reshumot</i>.</p>
Publication.	<p><b>280.</b> Notwithstanding the provisions of section 2 (d) of the Transition Law, 5709-1949<sup>(12)</sup>, this Law shall be published in <i>Reshumot</i> within one month from the day on which it is adopted by the Knesset.</p>

FIRST SCHEDULE  
(Section 156 (a))

The Committee.	<p><b>1.</b> A "Committee for the Protection of Agricultural Land" (hereafter in this Schedule referred to as "the Committee"), of eleven members, shall be established with the National Board.</p>
Composition of Committee.	<p><b>2.</b> The members of the Committee shall be -</p> <ul style="list-style-type: none"> <li>• (1) two representatives of the Minister of the Interior;</li> <li>• (2) two representatives of the Minister of Agriculture;</li> <li>• (3) one representative of the Minister of Housing;</li> <li>• (4) one representative of the Minister of Defence;</li> <li>• (5) one representative of the settling agencies, appointed by the Minister of the Interior upon the recommendation of the Jewish Agency;</li> <li>• (6) one representative of the National Board, appointed by the Minister of the Interior upon its recommendation;</li> <li>• (7) one representative of the local authorities, appointed by the Minister of the Interior;</li> <li>• (8) two representatives of the agriculturists, appointed by the Minister of the Interior.</li> </ul>
Chairman of Committee.	<p><b>3.</b> The Minister of the Interior shall appoint one of his representatives on the Committee to be the chairman thereof.</p>
Procedure.	<p><b>4.</b> The Committee shall itself prescribe the rules for its work and deliberations, including its quorum, to the extent that they have not been prescribed by this Law or by a decision of the National Board.</p>
Declaration of agricultural land.	<p><b>5.</b> The Committee may declare by notice in <i>Reshumot</i> - on the strength of the opinion of a committee of experts appointed in that behalf by the Minister of Agriculture by notice in <i>Reshumot</i> - that any land shall be agricultural land within the meaning of this Law (hereinafter referred to as "agricultural land").</p>
Restriction on approval of Scheme.	<p><b>6.</b> A Scheme relating to agricultural land shall not be approved unless it has been approved by the Committee or is a Detailed Scheme complying with all the provisions of an Outline Scheme approved by the Committee.</p>
Restriction on use of agricultural land for non-agricultural purpose.	<p><b>7.</b></p> <ul style="list-style-type: none"> <li>• (a) A Local Commission or District Commission shall not grant a permit for building on, or the use of, agricultural land for a non-agricultural purpose, save under a Scheme fulfilling the requirements of section 6 or with the consent of the Committee.</li> <li>• (b) In this section, "non-agricultural purpose" means such building on, or use of, agricultural land as is not directly required for agricultural production, the cultivation of the soil or the raising of livestock.</li> </ul>
Restrictions as to location of	<p><b>8.</b> Where the location of any enterprise, institution or installation in a zone designated in a Scheme as an agricultural zone, or in a place not included in any</p>

enterprises.	Scheme, requires a permit or consent under this Law, such permit or consent shall be given only with the consent of the Committee. This provision shall not apply to water, sewerage, drainage or electrical installations.
Notification to District Commission.	<b>9.</b> The Committee shall notify the District Commission, within three months of any approval or consent under section 6, 7 or 8 or the refusal thereof.
Examination of existing Schemes.	<b>10.</b> Where a Scheme relating to agricultural land was approved before the land was declared to be agricultural land, then, in so far as no building work or other work for which a permit was issued under the Law has been carried out on that land, the Committee shall examine such Scheme and may initiate its suspension, variation or cancellation.
Restriction on exercise of powers of Committee.	<b>11.</b> The Committee shall exercise its powers under this Law to the extent only that it is necessary so to do in order to ensure that agricultural land remains assigned to, and is used for, agricultural purposes.
Objection Committee.	<p><b>12.</b></p> <ul style="list-style-type: none"> <li>• (a) The National Board shall appoint from among its members a five-man Objection Committee for the purposes of this Schedule.</li> <li>• (b) A person who considers himself aggrieved by the refusal of the Committee to grant approval under section 6 or 16 or to give its consent under section 7 or 8 may lodge objection to the refusal with the Objection Committee.</li> <li>• (c) If the Committee does not notify its decision within three months, as provided in section 9, a person who considers himself aggrieved may bring the matter direct before the Objection Committee.</li> <li>• (d) For the purposes of this section, the Objection Committee shall have all the powers of the Committee under this Schedule.</li> <li>• (e) The decision of the Objection Committee shall be final.</li> </ul>
Procedure of Objection Committee.	<b>13.</b> The Minister of the Interior may, after consultation with the National Board, prescribe by regulations rules of procedure for the Objection Committee.
Provisions with regard to the State.	<b>14.</b> Section 7 shall apply also to the State : Provided that where in an objection under section 12 the objector is a State agency, the Government shall decide, after consultation with the National Board, instead of the Objection Committee.
Saving of laws and other powers.	<b>15.</b> The provisions of this Schedule shall not affect any restrictions on building or the use of land imposed by this Law or any other law, and approval by the Committee shall not imply an obligation to grant approval under the Law.
Transitional provisions.	<b>16.</b> For two years from the day of the coming into force of this Law, land not yet assigned to any purpose shall not be so assigned, and land assigned to agriculture by an approved Scheme shall not be assigned to a different purpose, save with the approval of the Committee.

## SECOND SCHEDULE

(Section 156 (b))

Territorial Waters Committee.	<p><b>1.</b> A "Territorial Waters Committee" of five members shall be established with the National Board.</p> <p><b>2.</b> The Minister of the Interior shall appoint two members of the Territorial Waters Committee, one of whom shall be a person with a professional training in planning and building and one of whom shall be a representative of the local authorities. The Minister of Transport shall appoint two representatives, one of whom shall be a person with a professional training in maritime matters. The Minister of Defence shall appoint one representative.</p>
Composition of Committee.	<ul style="list-style-type: none"><li>• (b) Where a matter is pending before the Committee, any member of the Committee may bring it before the National Board for decision in accordance-<i>mutatis mutandis</i>-with the provisions of section 114.</li></ul>
Preparation of Scheme for Territorial Waters.	<p><b>3.</b> The Territorial Waters Committee may, at any time, prepare an Outline Scheme for the territorial waters or part thereof, and it also may initiate the amendment, suspension or cancellation of such a Scheme or entrust its preparation to a District or Local Commission.</p>
Restriction on approval of Schemes.	<p><b>4.</b> A Scheme relating to the territorial waters or part thereof shall not be approved unless it has first been approved by the Territorial Waters Committee or is a Detailed Scheme complying with all the provisions of an Outline Scheme approved by the Committee.</p>
Restriction on grant of permits.	<p><b>5.</b> A Local or District Commission shall not grant a permit for building or any other operation requiring a permit under this Law in respect of territorial waters save under a Scheme fulfilling the requirements of section 4 or with the consent of the Territorial Waters Committee.</p>
Objection.	<p><b>6.</b> A person who considers himself aggrieved by a decision of the Territorial Waters Committee under section 4 or 5, or a member of the Committee, may lodge objection with a "Territorial Waters Objections Committee" within thirty days from the day the decision was notified to him.</p>
Composition of Objections Committee.	<p><b>7.</b> The Territorial Waters Objections Committee shall consist of five members, viz. one representative each of the Minister of the Interior, the Minister of Transport and the Minister of Defence, and two other members appointed by the National Board. A member of the Territorial Waters Committee shall not be a member of the Objections Committee.</p>
Powers of Objections Committee.	<p><b>8.</b> The Objections Committee may approve the decision of the Territorial Waters Committee, with or without variations, or dismiss the objection, or return the matter to the Territorial Waters Committee for reconsideration.</p>

SHNEUR ZALMAN SHAZAR  
*President of the State*

LEVI ESHKOL  
*Prime Minister*

HAIM MOSHE SHAPIRO  
*Minister of the Interior*

- \* Passed by the Knesset on the 14th Tammuz, 5725 (14th July, 1965) and published in *Sefer Ha-Chukkim* No. 467 of the 14th Av, 5725 (12th August, 1965), p. 307; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No548 of 5723, p. 161.
- <sup>(1)</sup> *Sefer Ha-Chukkim* of 5718, p. 108; *LSI* vol. XII, p. 124.
- <sup>(2)</sup> *Sefer Ha-Chukkim* of 5723, p. 156; *LSI* vol. XVII, p. 193.
- <sup>(3)</sup> *Dinei Medinat Yisrael (Nusach Chadash)* No. 9 of 5725, p. 256
- <sup>(4)</sup> *Sefer Ha-Chukkim* of 5711, p. 190; *LSI* vol. VIII, p. 160.
- <sup>(5)</sup> *Laws of Palestine* vol. I, cap. 23, p. 356 (English Edition).
- <sup>(6)</sup> *P.G.* of 1943, Suppl. I, No. 1305, p. 44 (English Edition).
- <sup>(7)</sup> *Laws of Palestine* vol. II, cap. 97, p. 1015 (English Edition).
- <sup>(8)</sup> *Laws of Palestine* vol. I, cap. 33, p. 459 (English Edition).
- <sup>(9)</sup> *Laws of Palestine* vol. I, cap. 6, p. 40 (English Edition).
- <sup>(10)</sup> *P.G.* of 1936, Suppl. I, No. 589, p. 157 (English Edition).
- <sup>(11)</sup> *Dinei Medinat Yisrael (Nusach Chadash)* of 5714, p. 2.
- <sup>(12)</sup> *Sefer Ha-Chukkim* of 5709, p. 1; *LSI* vol. III, p. 3.

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**THIS LAW:** *Planning and Building Law* (passed by the Knesset 14 July, 1965).

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**SOURCE:** "*Laws of the State of Israel: Authorized Translation from the Hebrew*", Volume 19. Government Printer, Jerusalem, Israel (1948-1989), p. 330-393.

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<http://www.israelawresourcecenter.org/israelaws/fulltext/planningbuildinglaw.htm>