

Public Service (Gifts) Law, 5740-1979¹

- Definitions**
1. In this law –

“Public servant” means the holder of an office or post on behalf of the State, including a soldier as defined in the Military Justice Law, 5715-1955.

“Gift” means the acquisition of an asset without consideration, or the giving of a service or other benefit without consideration.
- The law of gifts to public servants**
2. **What constitutes a gift to public servants?**
 - (a) Should a gift be given to a public servant because he is a public servant – whether in Israel or abroad, whether it is given to him himself or given to his spouse who lives with him or his child who is dependent on him and the public servant did not refuse to accept it and did not return it to its giver forthwith, the gift shall become the property of the State; and with a gift in which there is no property, the public servant owes the Treasury the value thereof.
 - (1a) The public servant is entitled to request a permit to transfer to him a gift he has received, but a permit shall not be given for the transfer of a gift to its recipient, according to this subsection, if the gift has value for the State other than its economic value, or if there is in its transfer to the public servant any fear of damage to integrity. Receipt of a permit under this subsection is conditioned upon a payment to the State Treasury, all in the manner, at the time, and according to what the Minister of Justice shall establish.
 - (b) Subsection (a) shall not apply to:
 - (1) A gift that is of small value and reasonable that is given in accordance with what is usual under the circumstances;
 - (2) A gift from his colleagues to the service or function of the public servant;
 - (3) A prize that was awarded to the public servant for his achievements out of the State Treasury, as well as a prize that was awarded to the public servant for his achievements which did not come out of the State

¹ Book of Laws, 5740 [i.e., 1979-1980], p. 2

Treasury, if the award thereof was made public in the manner established in the regulations.

- (c) A gift that came into the possession of the State and the sum that is to be paid according to Subsection (a) shall be treated by a returning it to the giver, awarding it to the public servant, or in some other manner, all as established in the regulations.

The duty of the public servant

- 3.(a) The public servant is obligated to announce the receipt of a gift to which Section 2 applies and to treat it at the time and in the manner established in the regulations.

- (b) A public servant who has knowingly violated a duty imposed upon him under Subsection (a) shall be liable to a fine of three times the value of the gift on the date of its receipt or on the date of the verdict of guilty, whichever is higher.

- (c) The Minister of Justice is entitled to establish in the regulations instances where it is possible to receive a fine from the public servant who has violated a duty imposed on him under Subsection (a) or is suspected of such a violation. The amount of the fine shall not exceed the maximum fine it is possible to impose for the violation; when the fine is received, any legal proceeding in the matter of the violation shall be halted. However, if any information was submitted, no fine is to be accepted as long as the Attorney General has not informed the Government of a stay of legal proceedings.

Application to other public servants

- 4.(a) This law shall also apply to holders of offices and functions on behalf of local authorities and religious councils.

- (b) The Minister of Justice is entitled by decree, with the approval of the Constitution, Law, and Justice Committee of the Knesset, to apply this law to holders of offices and posts on behalf of bodies established by law and on behalf of government companies of various types as defined in the Public Companies Law, 5735-1975.

- (c) In local authorities, in religious councils, and in a body to which this law has been applied under this section, the local authority, the religious council, or the body on whose behalf he is serving in the office or filling the function shall come, for purposes of this law, in place of the State, and in place of the State Treasury – the treasury of that local authority or that religious council or that body, as the case may be.

- Observance of Laws** 5. This law does not come to detract from Paragraph 5 of Chapter 9 of the Penal Law, 5737-1977, or from any other obligation or prohibition imposed upon public servants by legislation or in some other manner.
- Amendment to the Penal Law** 6. In Section 5 (b) of the Penal Law, 5737-1977, at the end, there shall come:
“(15) The Public Service (Gifts) Law, 5740-1979.”
- Execution and Regulations** 7. The Minister of Justice is appointed to execute this law, and he shall be entitled, with the approval of the Constitution, Law, and Justice Committee of the Knesset, to institute regulations for its execution, and among other things:
- (1) In matters given in this law to regulation;
 - (2) With regard to rules of behavior for the public servant concerning acceptance of gifts, refusal to accept them, and returning them forthwith;
 - (3) Regarding the costs of turning a gift over to the State and the conditions under which a gift shall remain as a trust in the hands of its recipient or in the hands of another person.
- Incidence of the law** 8. The incidence of this law is six months from the day of its publication.

Public Service (Gifts) Regulations, 5740-1980²

By virtue of my authority under Sections 2, 3, and 7 of the Public Service (Gifts) Law, 5740-1979, and with the approval of the Constitution Law and Justice Committee of the Knesset, I institute these regulations.

Conditions for acceptance of gifts

1. Should a public servant be offered a gift to which the Law applies, by a resident of Israel or an Israeli citizen, including a corporation controlled by such people or registered in Israel, he shall not accept it unless he was given a permit under these regulations. A permit can be for types of gifts or for a specific gift, and can be given in advance or immediately after the fact.

Ministerial/Office Committees (Amendment: 5762 [i.e., 2001-2002])

- 1a.
 - (a) In every government ministry or office a committee shall be appointed to deal with gifts received by an employee or officeholder of the ministry or office (hereinafter “the Ministerial or Office Committee”).
 - (b) The Legal Advisor and the Accountant of the government ministry/office, or their representatives, as well as the Chief of the Material Resources Division or another representative determined by the Director General of the Ministry/Office.
 - (c) A security authority is entitled to appoint a separate Office Committee to handle gifts received by an employee of the authority or a person serving in it; the composition of the Committee can be different from what is stated in sub-regulation (b), so long as the Legal Advisor of the security authority or his representative serves on it. In this regulation, “security authority” – the Israel Defense Forces, the Israel Police, the Prison Service, the General Security Service, the Mossad (Institute for Intelligence and Special Tasks).

Giving of notice on the receipt of a gift (Amendment: 5762 [i.e., 2001-2002])

2.
 - a. A public servant who has received, or whose family has received, as stated in Section 2 of the law, a gift to which the law applies, shall transmit the gift to the Ministerial/Office Committee within 15 days of its receipt or from the day he was informed of its receipt, whichever is later, to which is attached a notice which includes the following particulars:

² Collection of Regulations, 5740 [i.e., 1979-1980], p. 2, 5762 [i.e., 2001-2002], p. 848

- (1) name of the public servant receiving the gift and his address, title, and function, and if the gift was received by a family member, the name of the family member and his address;
 - (2) name of the giver of the gift, his particulars and address;
 - (3) date of receipt of the gift and the circumstances of its receipt;
 - (4) description of the gift which makes it possible to identify it;
 - (5) estimated value of the gift.
- (b) The Ministerial/Office Committee shall maintain a record of notices and gifts it has received under sub-regulation (a) in the Book of Gifts of the government ministry or office (hereinafter the Book of Gifts) as well as every decision it has made and every action it has taken in connection with a gift.
- (c) A public servant is entitled to address the Ministerial/Office Committee with a request that it determine whether a gift he has received is a gift which is of little value and reasonable which was given in accordance with what was usual under the circumstances of the case, as stated in Section 2 (b) (1) of the law; the Accountant General, in conjunction with the Attorney General and the Public Service Commissioner, is entitled to publish guidelines for ministerial/office committees concerning this

**Permits
Committee
(Amendment,
5762 [i.e., 2001-
2002])**

3. (a) For purposes of the execution of these regulations, a Permits Committee shall be established whose powers are:
 - (1) to grant a permit as per Regulation 1;
 - (2) to decide regarding transfer of the gift, in whole or part, whether it has already been transferred to him under the provisions of these regulations or it has not yet been handed over;

- (3) to decide regarding the exemption of a public servant from paying the whole or part gift of my mother;
 - (4) to decide regarding the depositing of the gift, in whole or part, in the hands of its recipient and regarding the conditions of the deposit.
- (b) The Permits Committee shall be composed of three appointed by the Minister of Justice; at its head shall stand a judge, and its members shall be a member suggested by the Public Service Commissioner from among the employees of the Public Service Commission and an additional member determined by the chairman from a list of members named by the Minister of Justice from among the employees of public bodies to whom the law applies by virtue of Section 4 and from among the public.
 - (c) Should a public servant request that a gift he received be transferred to him, the Committee is entitled to turn to a qualified appraiser for the determination of the value of the gift, or to determine the value by courtesy, and impose the costs of appraising its value upon the applicant.
 - (d) Should the Committee decide to transfer the gift to the public servant, the payment imposed on the public server in exchange for it shall be transmitted to the State Treasury, by means of the Administrator General.
 - (e) The Committee shall determine the procedures of its work and its discussions, subject to the provisions of the law and these regulations.

Application for the transfer of a gift (Amendment, 5762 [i.e., 2001-2002])

- 3a. (a) Should the public servant request that a gift he received be transferred to him, he shall address the Ministerial/Office Committee with a reasoned application. Such an application can be attached to a notice as per Regulation 2.
- (b) The Ministerial/Office Committee shall transmit the application to the Permits Committee, and it is entitled to attach its opinion to the application.
- (c) Should the Ministerial/Office Committee think that the application does not fall into line with the provisions of the law and these regulations, it is entitled to inform the

applicant of this, attaching its reasons. Should the public servant insist on his application after receiving the Committee's position, the application shall be forwarded to the Permits Committee with the opinion of the Ministerial/Office Committee attached.

**Preservation of Integrity
(Amendment,
5762 [i.e., 2001-
2002])**

4. (a) The Committee shall not grant a permit as per Regulation 1, shall not transfer a gift to its recipient, shall not exempt a public servant from payment of the value of the gift, and not permit its deposit other than with a public authority, unless it saw that there is not in the very acceptance of the gift, in the transfer, in the exemption or in the deposit as stated, as the case may be, any fear of damage to integrity.
- (b) A gift shall not be transferred to its recipient if there is in its transfer any fear of damage to integrity, or if the gift has value for the State besides its economic value.

**Handing over the Gift to the Administrator General
(Amendment,
5762 [i.e., 2001-
2002])**

5. (a) A gift regarding which it has not been determined otherwise in these regulations or in accordance therewith shall be handed over to the Administrator General. However, the Ministerial/Office Committee is entitled to decide on the keeping of the gift in the government ministry or office for the purpose of exhibiting it in a place and for a period of time which it shall decide; such a decision shall be recorded in the Book of Gifts.
- (b) A gift that has been handed over to the Administrator General shall be sold by him and the consideration transferred to the State Treasury. However, the Administrator General is entitled to turn over the gift to a public body acting for charitable purposes or to destroy it, all in accordance with procedures to be determined by the Administrator General in consultation with the Accountant General in the Ministry of the Treasury, taking into account, among other things, the question of the gift having a value for the State other than its economic value.

**Application to public bodies
(Amendment,
5762, [i.e., 2001-
2002])**

- 5a. (a) These regulations shall also apply, with the required changes, to employees of other public bodies to which the law applies.
- (b) The provisions of Regulation 5 shall also apply to a public body as defined in Section 4 of the Law. However, the

consideration for the gift that was handed over by a public body as aforesaid which was sold by the Administrator General shall be transferred to that body, minus the costs of the sale.

- Publication of the Awarding of a Prize** 6. The awarding of a prize to a public servant for his achievements shall be publicized in a daily newspaper, on the radio, on television, or in the Official Gazette.
- A monetary fine** 7. The Administrator General is entitled to receive a monetary fine from a public servant as stated in Section 3 (c) of the law, if one of the following has occurred:
- (1) The gift was returned to its recipient;
 - (2) The gift was handed over or its value paid, as the case may be, as stated in Regulation 5, upon first demand.