

Law for the Regularization of Settlement in Judea and Samaria, 5777-2017*

- Objective 1. The objective of this law is to regularize settlement in Judea and Samaria, and to enable it to continue to strengthen and develop.
- Definitions 2. In this law –
- “Area” – as defined in the Emergency Regulations (Judea and Samaria – Adjudication of Offense and Legal Assistance), 5727-1967,¹ as extended and amended by law, from time to time;
- “Holder of land rights” - someone who has proven that he is registered as the title holder of land or that he is entitled to be registered as the title holder of land;
- “Planning processes” – including the granting of building permits based on plans that will be approved;
- “The state’s consent” – explicit or implicit, in advance or after the fact, including assistance in laying infrastructure, granting incentives, making plans, issuing publications aimed at encouraging construction or development or participation in cash or in kind;
- “Settlement” – including a neighborhood or expansion of the settlement, all of the residences in it, the facilities, the agricultural land that serves its needs, public buildings that serve the residents, means of production, as well as access roads and infrastructure for water, communication, electricity and sewage;
- “Objections Committee” – the committee established under section 10;
- “Assessment Committee” – the committee established under section 9;
- “Jordanian Land Law” – Land Law (Acquisition for Public Needs) No. 2 of 1953, as amended in the Order Regarding the Land Law (Acquisition for Public Needs) (Order No. 321) (Judea and Samaria), 5729-1969;²

*Approved by the Knesset on 10 Shevat 5777 (6 February 2017); bill and explanatory notes published in Knesset Proposed Laws – 672, from 7 Kislev 5777 (7 December 2016), p. 44.

¹ Collection of Regulations 5727, p. 2741; Book of Laws 5728, p. 20; 5772, p. 476.

² Collection of Proclamations, Orders and Appointments, 5729, p. 644.

“The state” – the government of Israel or one of the government ministries, the authorities in the area, a local authority or regional authority in Israel or in the area and a settlement institution;

“Settlement institution” – as defined in the Candidates for Agricultural Settlement Law, 5713-1953;³

“The officer in charge” – the officer in charge of government property in the Judea and Samaria area under the Order Regarding Government Property;

“Land requiring regularization” – land in the area for which the rights to use and hold it, or part of it, are not assigned to the authorities in the area or to the officer in charge;

“Order Regarding Government Property” – Order Regarding Government Property (Judea and Samaria) (No. 59), 5727-1967;⁴

“Authorities in the area” – whoever has assumed all of the government authorities under section 3 of the Proclamation Concerning Administrative and Judicial Procedures (Judea and Samaria) (No. 2), 5727-1967,⁵ or under another legal directive that comes to replace it.

Registration of land 3.
requiring
regularization or
appropriating rights
to use and hold it

If the authorities in the area find that during the period preceding the publication of this law, settlement was constructed in good faith on lands that require regularization or received the state’s consent for its construction, the following directives will apply to all of the land on which that settlement was built as of the eve of this law’s publication:

- (1) Land where there is no holder of land rights – the officer in charge will register it as government property, under section 2C of the Order Regarding Government Property;
- (2) (A) Land where there is a holder of land rights – the authorities of the area will appropriate the rights to use and hold the land, and will transfer them to the officer in charge if the sum invested in building the settlement exceeded, at the time of construction, the value of the land without the settlement at that time;

³ Book of Laws, 5713, p. 126.

⁴ Collection of Proclamations, Orders and Appointments, 5727, p. 162.

⁵ Collection of Proclamations, Orders and Appointments, 5727, p. 3.

(B) The appropriation of the rights to use and hold the land as stated in this section will be executed, to the extent possible, in accordance with the directives of the Jordanian Land Law, as long as they do not contradict the directives of this law, and it will remain in effect until there is a political resolution regarding the status of the area and settlement in it.

- Date for registering land or assuming rights to use and hold land 4. (A) The officer in charge will register the land as government property in accordance with section 3(1) within 12 months of the date of this law's publication.
- (B) The authorities in the area will appropriate the rights to use and hold the land in accordance with section 3(2) within 6 months of the date of this law's publication.
- Allocating land rights 5. Within 60 days of the registration or appropriation of rights as stated in section 4, as applicable, the officer in charge will allocate the rights to use and hold the land that was registered or had its rights appropriated as stated, for the purposes of the settlement that was constructed on that land, via a settlement institution.
- Completing planning processes 6. (A) The state will endeavor to complete the planning processes for the land that was registered or had its rights appropriated under section 3, as swiftly as possible.
- (B) The planning processes for the land as stated in subsection (A) will be executed, as much as possible, attentively toward the need to regularize existing construction.
- Suspension and expiration of proceedings 7. (A) If the authorities in the area find that the conditions stipulated at the beginning of section 3 are met in the settlement, all existing enforcement proceedings and administrative orders concerning that settlement will be suspended until the completion of the planning processes under section 6, with the exception of proceedings and orders for which judicial orders or rulings have been issued in regard to their implementation.
- (B) If the planning processes are completed according to section 6, all of the enforcement proceedings and administrative orders suspended under subsection (A) will expire.

(C) The directives of this section will not apply to a structure whose demolition is necessary in order to prevent endangering human life.

Compensation

8. (A) If the authorities in the area appropriate the rights to use and hold land in accordance with the directives of section 3(2), the holder of land rights will be entitled to annual usage fees of 125% of the proper value of the usage fees as determined by the Assessment Committee under section 9(C) (hereinafter: proper value), to capitalized usage fees for a period of 20 years, each time at a rate of 125% of the proper value, or to alternative land to the extent possible in the circumstances of the cases, according to his choice.

(B) If the holder of land rights does not choose one of the compensation options under subsection (A) by the date of the allocation of land rights under section 5, he will be entitled to annual usage fees at a rate of 125% of the proper value.

(C) Payment of compensation under this section will be executed within 3 months of the date of determining the proper value of the usage fees under section 9(C)(2).

(D) If the officer in charge learns there is a holder of rights to land he has registered as government property under section 3(1), the directives of section 3(2) will apply, and the holder of the land rights will be entitled to compensation under the directives of this section.

(E) The directives of this section and of sections 9 and 10 will not delay the processes under sections 3 to 6.

Assessment
Committee

9. (A) The justice minister, in consultation with the defense minister, will form an Assessment Committee to implement the directives of this law, and these are its members:

(1) A representative to be appointed by the justice minister from among his ministry's employees – and he will be the chairperson;

(2) A representative to be appointed by the finance minister among his ministry's employees;

(3) A representative of the authorities in the area, to be appointed by the defense minister;

(B) The justice minister will determine the hearing procedures at the Assessment Committee.

(C) (1) The Assessment Committee will determine the proper value of the usage fees or the alternative land to be offered to the holder of land rights, as applicable, after hearing the arguments of the holder of land rights – if he presented arguments, and after weighing all of the circumstances of the case.

(2) The decision of the Assessment Committee under section (1) will be made within 3 months of the day it finishes hearing the arguments of the holder of land rights or from the day the holder of land rights was slated to present his arguments according to the hearing procedures defined under subsection (B).

Objections
Committee

10. (A) The justice minister, in consultation with the defense minister, will form an Objections Committee for the purpose of implementing the directives of this law, and these are its members:

(1) A representative of the authorities in the area who is qualified to be a magistrate's court judge, to be appointed by the justice minister, with the consent of the defense minister – and he will be the chairperson;

(2) A representative to be appointed by the chief government appraiser from among the employees of his office;

(3) A land appraiser whose name is listed in the registry of certified appraisers under the directives of section 202C of the Planning and Building Law, 5725-1965,⁶ to be appointed by the chairperson of the Council of Land Appraisers.

(B) A holder of land rights who believes he was harmed by the Assessment Committee's decision under section 9(C)(1), is entitled to submit an objection to the Objections Committee about the decision.

(C) Decisions by the Objections Committee will be made by majority opinion of the committee's members; if there is no single majority opinion, the chairperson's opinion will be the deciding opinion.

(D) The Objections Committee will not be bound by the legal proceedings and rules of evidence practiced in the courts, and will operate in a way that it deems most helpful in making a just and rapid decision on the objection.

⁶ Book of Laws 5725, p. 307.

(E) The Objections Committee is authorized to approve the decision made by the Assessment Committee, in its entirety or in part, to overturn or amend it, to return the matter to the Assessment Committee for re-discussion or to adopt any other decision in its place.

Transition directive 11.
for communities
listed in the
addendum

(A) (1) During the period of 12 months from the date of this law's publication, all of the existing enforcement proceedings and administrative orders regarding settlement in the communities listed in the Addendum will be suspended.

(2) During the period defined in paragraph (1), the authorities in the area will determine whether the conditions stipulated at the beginning of section 3 exist in the communities listed in the Addendum.

(3) If the authorities in the area determine that the conditions stipulated at the beginning of section 3 exist in the communities listed in the Addendum, the directives of this law will apply to them.

(4) The directives of this subsection will not apply to –

(A) Enforcement proceedings and administrative orders regarding settlement in the communities listed in the Addendum for which judicial orders or rulings have been issued in regard to their implementation.

(B) A structure whose demolition is necessary in order to prevent endangering human life.

(B) The justice minister, with the approval of the Knesset's Constitution, Law and Justice Committee, is entitled to add, through an order, communities to the Addendum.

Addendum

(Section 11)

- (1) Ofra
- (2) Netiv Ha'avot
- (3) Eli
- (4) Kochav Hashachar
- (5) Mitzpe Kramim

- (6) Elon Moreh
- (7) Ma'ale Michmas
- (8) Shavei Shomron
- (9) Kedumim
- (10) Psagot
- (11) Beit El
- (12) Yitzhar
- (13) Har Bracha
- (14) Modi'in Illit
- (15) Nokdim
- (16) Kochav Ya'akov

Benjamin Netanyahu
Prime Minister

Reuven Rivlin
President

Ayelet Shaked
Justice Minister

Yuli-Yoel Edelstein
Knesset Speaker