

*Authority*  
ANTIQUITIES LAW, 5749-1989\*

Chapter One: Interpretation

Definitions and Interpretations

1. (a) In this Law -

"Antiquities Law" refers to the Antiquities Law, 5738-1978<sup>1</sup>;

"site" refers to an antiquities site as it is defined in the Antiquities Law;

"the Council" refers to the Council appointed in accordance with paragraph 6;

"the Director" refers to the Director of the Council;

"the Law" refers to the Law resulting from this legislation;

"the Minister" refers to the Minister of Education and Culture.

(b) All other terminology will have the connotation that they have in accordance with the Antiquities Law, unless they have been accorded a different meaning in this Law.

Chapter Two: The Law and Its Foundations

Paragraph One: Establishment of the Authority and Its Functions

Establishment of the Authority

2. The Antiquities Authority is established as a result of this Law.

The Authority - Corporation

3. The Authority is a corporation.

The Authority - a State-controlled Body

4. The Authority is a State-controlled body as defined in paragraph 9(2) of the State Comptroller Law, 5718-1958 [consolidated version]<sup>2</sup>.

Functions of the Authority

5. (a) The [primary] function of the Authority is to attend to all antiquities affairs in Israel, including underwater antiquities.

(b) The Authority may, with respect to the antiquities and sites, undertake any activity to discharge its functions, including -

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- (1) the uncovering and excavation of sites;
  - (2) the preservation, restoration and development of sites;
  - (3) the administration, maintenance and operation of sites and their supervision;
  - (4) the preservation and restoration of antiquities;
  - (5) establishing supervision over archaeological excavations;
  - (6) the administration of the State's treasures of antiquities, their supervision and control;
  - (7) setting in motion supervision with respect to offences under the Antiquities Law;
  - (8) preparing archaeological investigations and their advancement;
  - (9) the administration and maintenance of a scientific library of the archaeological history of Israel and her neighbours;
  - (10) the centralization, documentation and cataloguing of archaeological data;
  - (11) the establishment and advancement of educational activities and explanation in the field of archaeology;
  - (12) the establishment of international, scientific contacts in the field of archaeology.
- (c) The administration, maintenance and operation of a site located within the boundaries of a supervised national park or national reserves shall, notwithstanding that which is stated in subsection (b)(3), form part of the National Parks Authority or the Natural Reserves Authority, this in cooperation with the Authority, unless otherwise mutually agreed to. For these purposes, "national park", "natural reserves", "National Parks Authority" and "Natural Reserves Authority" are to be understood in their context under the National Parks, Natural Reserves and National Sites Act, 5723-1963.

#### Paragraph Two: The Authority Council

##### The Composition of the Council

6. -(a) The Authority shall have a Council comprised of sixteen members as follows:

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- (1) government representatives who are employees of the State -
  - (a) the Director General of the Ministry of Education and Culture;
  - (b) the Head of Cultural Administration in the Ministry of Education and Culture;
  - (c) the Director of Economic and Budgetary Administration in the Ministry of Education and Culture;
  - (d) the officer-in-charge of budgets in the Ministry of Finance;
  - (e) the Accountant General;
  - (f) the Director of Planning in the Ministry of the Interior;
  - (g) the Director of the Planning and Economics branch in the Ministry of Tourism;
  - (h) the representative of the Minister of Agriculture to be appointed by the Minister of Agriculture.
- (2) two representatives with archaeological background from two of the institutions of higher learning detailed below, each from a different institution, to be appointed after having had consultations with the Minister:
  - (a) the Hebrew University in Jerusalem;
  - (b) Tel-Aviv University;
  - (c) Haifa University;
  - (d) Bar-Ilan University;
  - (e) the Ben Gurion University of the Negev.
- (3) one member from among the members of the Israeli National Academy of Sciences, to be appointed by the Minister after consultations with the Academy, who will serve as the Council Chairman;
- (4) the heads of two local municipalities to be appointed by the Minister after consultations with the chairman of the local central government, as well as the head of the regional council, to be appointed by the Minister;
- (5) the director of the museum that will display the antiquities to be appointed by the Minister after consultations with the Chairman of the Museums Council, in accordance with the Museums Act, 5743-1983<sup>4</sup>;
- (6) representatives from the Ministry of Religious Affairs to be appointed by the Minister of Religious Affairs.

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- (b) The government representative, mentioned in subsection (a)(1) (a) to (g), may appoint an alternate who, like himself, is employed by the State to participate in Council meetings.
- (c) Any Council member who is not an employee of the State may appoint a permanent alternate in the same manner as a Council member is appointed.
- (d) The Minister may appoint one of the Council members to deputize as the Council Chairman.

#### Term of Office

7. (a) The term of office of a Council member who is not a government representative shall be for a period of four years; however, he may be reappointed for additional terms of office.
- (b) A Council member whose term of office has ended shall continue his appointment until he is either re-elected or until the appointment of another member in his stead.

#### Guidelines for the Appointment of a Council Member

8. The following shall not be appointed as a Council member:
  - (1) anyone charged with a shameful offence or who has been incarcerated prior to the passing of the period of limitation according to its meaning in the Criminal Registration Act and the measure for the benefit of repentant offenders, 5741-1981<sup>2</sup>;
  - (2) anyone who has a conflict of interest with respect to his business affairs and his membership in the Council; however, there will not be a conflict of interest where the actual appointment of an individual to the Council comes as a result of his responsibility.

#### Reimbursement of Expenses

9. The Council Chairman, his deputy and any Council member shall not accept any remuneration from the Authority for services rendered as part of their duties in the Council; however, they may claim coverage for reasonable expenses incurred as part of their duties in the Council, in an amount established by the Authority.

#### Expiration of a Term of Office

10. (a) A Council member who is not a government representative shall terminate his term of office to the appointed time if:
  - (1) a letter of resignation is tendered to the Council Chairman;
  - (2) any of the conditions cited in paragraph 8 are breached;

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- (3) he is unable, on a consistent basis, to discharge his duty and the Minister, after consultation with the Council Chairman, will remove him from his position through written notification;
  - (4) he retires from the position for which he was appointed.
- (b) The Council Chairman shall provide to the Minister the letter of resignation, as mentioned in subsection (a)(1), within 96 hours of receiving [said letter]. The force of resignation ceases 48 hours after handing over the letter of resignation to the Minister, except where the Council member retracts his resignation in writing to the Minister.
  - (c) A Council member who is not a government representative, or a representative who is an employee of the State who was appointed to participate permanently in the sittings of the Council as mentioned in subsection 6(b), and who is absent for an unjustifiable reason from four consecutive Council meetings, may be removed from his position in the Council by the Minister after consultation with the Council Chairman, or his appointment may be nullified, according to the circumstance, through written notification.

#### The Duty Rosters of the Council

11. (a) The Council shall establish for itself its own work routines and the administration of its deliberations inasmuch as these have not been established by this Law or pursuant to it.
- (b) The legal quorum for Council meetings is at least seven members. If there was no legal quorum at the commencement of the meeting, the Council Chairman may postpone the meeting by thirty minutes. After this time has passed, the meeting shall be considered to be in session if there are at least five participating members, the Council Chairman or his deputy being counted among them.
- (c) Once the meeting has duly commenced in accordance with subsection (a), the meeting shall duly continue with as many members as there are present.
- (d) The Director, or whomever has been deputized in his place, may be present at Council meetings.

#### Deliberation on a Given Subject

12. If the Minister or five Council members wish to table a certain topic, the topic should be made part of the order paper for the next Council meeting.

#### Appointing a Subcommittee

13. The Council may appoint members to form a subcommittee, to establish a Chairman as part of its authority, to lessen the authority to establish general Council policy and the authority to approve its budget.

#### Authority

14. A decision of the Council or one of its subcommittees shall not be disqualified except where the seat of the Council member or the subcommittee member was vacant, for whatever reason, at the time that the decision was made.

#### Council Duties and Authorities

15. The Council, without detracting from its other duties, shall -
- (1) establish the general [operating] policies of the Authority in the area of duties;
  - (2) approve the budget of the Authority;
  - (3) follow up on the continuity of policy implementation, the programs and budgets of the Authority;
  - (4) deliberate over the financial reports provided to it by the Director.

#### General Council Rules

16. The Council, with the approval of the Minister, shall establish general rules for the operation of the sites, their administration and supervision.

#### Report

17. The Council shall provide to the Minister, at least once a year, a report on the activities of the Authority, and shall likewise provide to him, at his request, any knowledge of its activities.

### Chapter Three: The Director of the Authority and Its Employees

#### The Director of the Authority

18. (a) The Council shall appoint, based on the advice of the Minister and with the approval of the government, a Director of the Authority. The Council may, based on the advice of the Minister, appoint a deputy Director.
- (b) The elections subcommittee, as stated in subsection (a), shall be published in Reshumot.

#### The Authority of the Director

19. (a) The Director is responsible for the uninterrupted administration of the Authority's dealings in accordance with the decisions of the Council.

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- (b) Subject to the directives [outlined] in this Law, as well as the decisions of the Council, the Director shall have all of the authority necessary for the administration of the Authority, including the authority to represent the Authority in any of its duties, to sign agreements or other documents in the name of the Authority.
- (c) The directives in this Law do not detract from the authority and duties granted to the Director by the Antiquities Law or any other enactment.
- (d) The Director may, according to this Law, delegate some of his authority to an employee of the Authority and to authorize this employee to sign any document in the name of the Authority.

#### Appointing the Director

20. (a) The Director shall be appointed for a period of five years (hereafter: term of office). The Council, with the approval of the Minister and the government, may re-elect the Director for an additional term of office at the conclusion of the current term.

(b) The term of the Director shall terminate with one of the following:

- (1) the Director resigns through a letter that he presents to the Minister through the agency of the Council;
- (2) the Minister, after consultation with the Council and with the approval of the government, establishes that the Director cannot, in a permanent manner, discharge his duties;
- (3) the Minister, after consultation with the Council and with the approval of the government, decides to remove him from his position for reasons that shall be detailed.

#### The Employment of Workers

21. (a) the Authority may engage workers to implement its duties;

(b) the conditions of employment of Authority workers, remuneration, service lists and methods of selection for work shall be the same as those of government employees, with those changes that have been set by the Authority with the approval of the Minister and the Minister of Finance.

#### Terms of the Director's Employment

22. The remuneration for the Director and the terms of his employment shall be set by the Minister with the approval of the Minister of Finance.

### Chapter Three: Budget and Finance

#### Budget

23. (a) The Director shall prepare, at an interval set by the Council, a budgetary proposal for the activities of the authority and shall present it for approval to the Council.
- (b) The budget for the Authority shall be presented to the Minister and requires the approval of both the Minister and the government.
- (c) The Minister of Finance may direct the Authority with any matter that relates to the preparation of the Authority's budget.

#### Financing and Capital

24. (a) The budget of the Authority shall be financed from the treasury of the State, as well as from revenue from fees and other payments to be paid to the Authority in accordance with the Antiquities Law.
- (b) So that the Authority can discharge its duties, the Authority may accept donations and may likewise establish research funds.

### Chapter Four: Supervision Authority

#### The Appointment of Inspectors

25. (a) The Council shall appoint inspectors from among Authority employees, from among those who have been legally appointed as inspector or an individual who has been appointed as an inspector through the force of an enactment for the purpose of supervising the implementation of the Antiquities Law. The appointment shall be in writing.
- (b) It is understood that the inspector shall have the authority to conduct investigations concerning offences against the Antiquities Law. It is understood that in using this authority -
- (1) the inspector shall have the authority of a police officer in accordance with paragraph 2 of the Criminal Code (Arrest and Search) [New Version], 5729-1969.
- (2) the inspector may utilize all of the authority allocated to a police officer at the rank of inspector in accordance with paragraph 2 of the Order of Criminal Procedures (Testimony), and paragraph 3 of the aforementioned Order shall be effective [ ] registered as a result of this authority.



### The Authority of the Inspector

26. (a) Should the inspector have a probable basis upon which to assume that the matter requires him to operate under the authority assigned to him, he has the authority to -
- (1) stop any vehicle and conduct a search;
  - (2) enter any place and conduct a search; however, he may not enter a place that serves as a place in which people live provided there is a search warrant from an authorized court, and paragraphs 24 and 26-29 of the Order of the Criminal Code (Arrest and Search) [New Version], 5729-1969, will be in effect, with the necessary changes, with respect to a search conducted according to this clause;
  - (3) seize any object if the inspector has a probable basis to assume that an offence that violates the Antiquities Law was committed with it, and he may seize packing material or documents which, in his judgement, may be entered as evidence in a trial for an offence noted above.
- (b) Insofar as this chapter is concerned, "object" includes any vehicle of conveyance.

### Chapter Five: Transferring Employees, Assets, Privileges and Obligations

#### Transferring Employees

27. (a) Employees of the State who are employed on the eve of the commencement of this Law in the Antiquities and Museums Department in the Ministry of Education and Culture (hereafter: the Department) shall be transferred to serve as employees of the Authority under terms of service that are not worse than those in effect prior to the Law being in force.
- (b) The benefits of Authority employees that have been transferred and those that stem from their work as employees of the State, as mentioned in subsection (a), shall be considered as benefits that stem from work in the service of the Authority.
- (c) Settlements regarding the entitlement of the Authority to disbursement amounts that shall be transferred to its service shall be allowed and will be set within one year of the commencement of this Law in an agreement between the Authority and the government.

### Transferring of Assets

28. Assets of the State that were, prior to the commencement of this Law, maintained by the Department, shall be transferred to the Authority. In this paragraph, "assets of the State" refer to real estate, moveables, entitlements and vested interests of every manner, with the exception of antiquities and sites. Conditions of transfer shall be set in an agreement between the Authority and the government.

### Chapter Six: Various Directives

#### Taxes

29. The law of the Authority has the same force as the law of the State with respect to the remittance of taxes, the stamp tax, fees [for government or other public services], property taxes, levies and other mandatory payments.

#### Damage Liability

30. The law of the Authority has the same force as the law of the State with respect to the Law of Civil Damages (Liabilities of the State), 5712-1952<sup>8</sup>.

#### Rules Governing Council Members and Employees of the Authority

31. (a) The law for employees of the Authority has the same force as the law for employees of the State with respect to the following enactments:
- (1) Knesset Elections Act [New Version], 5729-1969<sup>9</sup>;
  - (2) State Service Act (Classification of Party Activities and Fundraising), 5719-1959<sup>10</sup>;
  - (3) Public Service Act (Gratuities), 5740-1979<sup>11</sup>;
  - (4) Public Service Act (Restrictions at Retirement), 5729-1969<sup>12</sup>;
  - (5) Penalties Act, 5737-1977<sup>13</sup> - directives pertaining to public employees;
  - (6) Testimonies Order [New Version], 5731-1971<sup>14</sup>;
  - (7) Damages Order [New Version]<sup>15</sup>;
- (b) The State Service Act (Discipline), 5723-1963<sup>16</sup>, shall apply to employees of the Authority as though they were employees of the State. In this regard, the Minister of Education and Culture is synonymous with the Minister wherever Minister is mentioned in this Law, and the Director is synonymous with the Director General wherever Director is mentioned in this Law.

### Implementation and Regulations

32. The Minister is appointed to implement this Law and he may, after consultation with the Director and the Council, enact regulations with respect to implementation.

### Amendments to the Antiquities Law

33. In the Antiquities Law -

(1) In paragraph 1 -

(a) after the definition of "sites of antiquities" should come:

""The Authority" - the Antiquities Authority as understood in the Antiquities Authority Law, 5749-1989";

(b) in the definition of "collector" read "who has a collection" instead of "who collects";

(c) strike the definition of "the Department";

(d) in place of the definition of "the Director" read ""the Director" - Director of the Authority";

(2) in paragraph 8, after "the Director" read "with the approval of the Minister";

(3) in paragraph 14, instead of "after consultation" read "with the approval of the Minister and after consultation";

(4) in paragraph 15, instead of "the Director" read "the Minister" and at the conclusion read: "The Minister may authorize the Director or any other employee of the Authority regarding the issue raised in this paragraph";

(5) in paragraph 18(a), in place of "the Director" read "the Minister or an individual who has been authorized in accordance with paragraph 15";

(6) in paragraph 34(b), after "to the Minister" comes "to the Director and to the Council of the Authority";

(7) in paragraph 36 -

(a) in subsection (a), in place of "from the decisions of the Director" read "from the Director";

(b) in place of subsection (b) read: "(b) the appeal board may decide to accept an appeal, defer it or decide with respect to any other decisions";

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- (8) in paragraph 42, in subsection (a)(1) in place of "the Department" read "the Authority" and in subsection (c) after "the Minister", read "according to the suggestion of the Authority";
- (9) in paragraph 44, in place of "in the Council" read "with the Director, with the Council of the Authority and with the Council";
- (10) in paragraph 46(a), after "may" read "after consultation with the Director and the Council of the Authority" and after "licences" read "approvals, permits or services";
- (11) after paragraph 46 read:

"Revenues Accruing to the Authority

46a. Fees and other revenues, with the exception of fines, collected as a result of this Law, shall be paid to the treasury of the Authority".

Amendment to the [ ] Order

34. In the [ ] Order<sup>17</sup> -

- (1) in paragraph 2, in place of the definition for "an historical site" read:

"an historical site" - a site of antiquities as it is understood in the Antiquities Law, 5738-1978";

- (2) in paragraph 8(1)(a)(2), in place of "the Director of the Antiquities Department" read "the Director as understood in the Antiquities Authority Law, 5749-1989".

Observance of the Law

35. Subject to paragraph 5(c), the directives in this Law cannot detract from the directives in the National Parks, National Reserves and National Sites Act, 5723-1963.

Transition Directives

36. (a) Anyone appointed as Director of the Department prior to the commencement of this Act shall be considered as if he were appointed as Director according to the Act for a term of office as at the day that the Act came into force.

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- (b) The government shall pass to the Authority all of the amounts budgeted for in the Budget Act for the current fiscal year for those activities of the Department whose implementation was passed to the Authority and for which there has not been an expenditure until this Act came into force. Until the end of the current fiscal year, the budget of the activities of the Authority will be in accordance with the budget passed to the Authority, as previously stated, with changes stemming from the establishment of the Authority. In this case, "the current fiscal year" refers to the fiscal year in which this Act comes into force.

#### Publication

37. This Act will be published in Reshumot within 30 days of its acceptance.

Chaim Herzog  
President of the State

Yitzhak Shamir  
Prime Minister

Yitzhak Navon  
Minister of Education and Culture

