

✓ (5)

(No. 66)

## NATIONAL PARKS AND NATURE RESERVES LAW, 5723—1963 \*

### CHAPTER ONE: INTERPRETATION

#### Definitions.

#### 1. In this Law —

“national park” means an area which the Minister of the Interior has declared in *Reshumot* to be a national park;

“nature reserve” means an area in which animals, plants, soil, caves or water of scientific or educational interest are preserved from undesirable changes in their appearance, biological composition or process of development and which the Minister of the Interior, upon the proposal of, or after consultation with, the Minister of Agriculture, has declared in *Reshumot* to be a nature reserve.

### CHAPTER TWO: NATIONAL PARKS AND NATURE RESERVES COUNCIL

National  
Parks and  
Nature  
Reserves  
Council.

2. The Government shall, upon the proposal of the Minister of the Interior, establish a National Parks and Nature Reserves Council (hereinafter referred to as “the Council”) with the following composition:

- (1) seven representatives of the Government;
- (2) one representative of the Israel Lands Administration;
- (3) one representative of the Keren Kayemet Le-Israel;
- (4) five representatives of local authorities, including representatives of regional councils, appointed by the Minister of the Interior;
- (5) seven representatives, designated by the Government, of scientific institutions and public bodies interested in natural sciences, the protection of nature or the preservation or improvement of Israel's landscape;
- (6) four persons who, in the opinion of the Government, are representatives of the public.

\* ) Passed by the Knesset on the 17th Av, 5723 (7th August, 1963) and published in *Sefer Ha-Chukkim* No. 404 of the 26th Av, 5723 (16th August, 1963), p. 149; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 528, of 5712, p. 320.

3. The Council may advise the Minister of the Interior and the Minister of Agriculture (each within his sphere of jurisdiction), the planning institutions and the local authorities as to the assignment of areas for national parks and nature reserves, may advise the National Parks Authority and the Nature Reserves Authority as to matters within the scope of their functions and approve the establishment by them of companies, co-operative societies and other bodies, may approve the imposition of fees for admission to the area of a national park or nature reserves and for services rendered in such an area, may approve the declaration of a protected natural asset and may advise the Prime Minister and the Minister of Agriculture as to any matter relating to the implementation of this Law.

Functions of Council.

#### CHAPTER THREE: NATIONAL PARKS

4. The Minister of the Interior shall not declare any of the under-mentioned to be a national park unless the condition set out here-under has been fulfilled :

Pre-conditions as to certain areas.

(1) a holy place, within the meaning of the Palestine (Holy Places) Order in Council, 1924<sup>1)</sup> — unless compliance with the demands of the Minister of Religious Affairs as to the protection of the place from damage has been ensured ;

(2) an historical site, within the meaning of the Antiquities Ordinance<sup>2)</sup> — unless compliance with the demands of the Minister of Education and Culture as to the protection of the site from damage has been ensured.

5. Where an area assigned for a national park includes an area which, in the opinion of the Minister of Defence, is important to security, or where the Minister of Defence has informed the Minister of the Interior that an area near an assigned area is in the possession of the Defence Army of Israel, the Minister of the Interior shall not declare the assigned area to be a national park save after consultation with the Minister of Defence.

Areas important to security.

6. The Minister of the Interior may, after the Council and every local authority in whose area an area intended to be included in the national park is situated have been given an opportunity to express their opinion as to the assignment of the area for a national park, and after the provisions of sections 4 and 5 have been complied with, declare the area to be a national park.

Declaration of national park.

7. The assignment of an area for a national park or nature reserve shall not be revoked unless the Minister of the Interior has revoked his declaration after consultation with the Council and with every local

Revocation and variation of declaration.

<sup>1)</sup> *Laws of Palestine*, vol. III, p. 2625 (English Edition).

<sup>2)</sup> *Laws of Palestine*, vol. I, p. 28 (English Edition).

authority in whose area an area included in the national park is situated; the provisions of sections 4 and 5 shall apply *mutatis mutandis* to any such variation of a declaration as is designed to enlarge the area of a national park.

Entry of note  
in Land Register.

8. Within fifteen days from the date of publication of the declaration of a national park in *Reshumot*, the Registrar of Lands shall enter, beside the registration of any of the lands of the park in the Land Register, a note to the effect that the land is situated within a national park. If any land has been excluded from the area of a national park owing to the revocation or variation of a declaration, the Registrar of Lands shall enter a note to such effect within such period as aforesaid.

Establishment  
of National  
Parks Authority.

9. There is hereby established a National Parks Authority (hereinafter referred to as "the Parks Authority").

Composition of  
Parks Authority.

10. The Parks Authority shall consist of not more than eleven members, who shall include the Chairman of the Nature Reserves Authority and who shall be appointed by the Prime Minister, with the approval of the Government, from among the employees of Government Ministries, State institutions, local authorities and bodies which are concerned with the amenities of nature.

The Parks  
Authority —  
a corporation.

11. The Parks Authority shall be a corporation, competent in respect of any obligation, right and legal act.

The Parks  
Authority —  
an inspected  
body.

12. The Parks Authority shall be an inspected body within the meaning of section 9(2) of the State Comptroller Law, 5718—1958 (Consolidated Version)<sup>1)</sup>.

Director of  
Parks Authority.

13. The Government shall, upon the proposal of the Prime Minister, appoint one of the members of the Parks Authority to be the Director of the Parks Authority (hereinafter referred to as "the Director").

Function of  
Parks Authority.

14. The function of the Parks Authority shall be to manage the affairs of the national parks.

Powers of  
Parks Authority.

15. The Parks Authority may do in the parks any act necessary to the carrying out of its functions and, *inter alia*, subject to any enactment —

- (1) construct, regulate, alter and repair roads, paths and fences;
- (2) set up structures and services for its own requirements and the requirements of persons visiting a national park;
- (3) carry out works to halt soil erosion;

<sup>1)</sup> *Sefer Ha-Chukkim* No. 248 of 5728; *LSI* vol. XII, p. 107.

- (4) employ agents and employees ;
- (5) appoint wardens and prescribe their functions and powers ;
- (6) with the approval of the Council — establish, or be a member of, companies, cooperative societies and other bodies ;
- (7) borrow and lend money and guarantee debts ;
- (8) accept bequests, donations and grants.
16. The Parks Authority shall itself prescribe its procedure and the Procedure times of its meetings.
17. The Parks Authority shall prescribe the functions of the Director, and it may transfer to the Director any of its powers under paragraphs (1) to (5) of section 15. **Functions of Director.**
18. The Parks Authority may delegate to a local authority or association of towns — either permanently or for a specific time or in respect of a specific act — any of its powers relating to such area of a national park as is situated within the area of that local authority. **Delegation of powers.**
19. There shall not be granted a licence for any business, trade or industry in the area of a national park, other than a business, trade or industry which existed before the area became a national park, save with the consent of the Parks Authority and in accordance with the conditions prescribed by it; any such licence as aforesaid shall be deemed to contain a stipulation that the holder thereof shall comply with the provisions of the regulations and bye-laws made under this Law. This provision shall not derogate from the provisions of the Trades and Industries (Regulation) Ordinance<sup>1)</sup>. **Licences.**
20. The Parks Authority may, after consultation with the local authorities in whose areas any national park is situated, with the approval of the Minister of the Interior and subject to any enactment, make bye-laws for the national park for the purpose of carrying out its functions under this Law, including bye-laws as to the behaviour of persons visiting the national park; a bye-law as aforesaid shall not affect property rights. **Bye-laws.**
21. A bye-law under section 20 may, with the approval of the Council, impose fees for admission to the area of a national park and for the services rendered in it, and it may prescribe different rates of fees and exempt particular classes of visitors from fees; the income from the fees shall be treated as the income or part of the income of the Parks Authority. **Fees.**

<sup>1)</sup> *Laws of Palestine* vol. II, cap. 143, p. 1454 (English Edition).

Overriding effect of bye-laws.

22. Where a national park is situated within the area of a local authority, a bye-law made by the Parks Authority shall prevail over a bye-law made by the local authority.

Draft budget.

23. The Parks Authority shall draw up for every financial year a budget showing its estimated income and expenditure; the draft budget shall be submitted to the Government for approval.

Variation of draft budget of Parks Authority.

24. The Government may, after giving the Parks Authority an opportunity to be heard, vary or void any item in the draft budget of the Parks Authority, or add an item thereto, if it considers that special circumstances so require.

Approved budget of Parks Authority.

25. The budget approved by the Government shall be the budget of the Parks Authority for that financial year, and no amount shall be paid out of the moneys of the Authority, and the Authority shall not incur any liability, save under that budget.

Report to Prime Minister.

26. The National Parks Authority shall submit to the Prime Minister, once a year, a report on its activities, and it also shall, whenever called upon to do so, give to the Prime Minister, or to such person as the Prime Minister may direct, any information concerning its activities.

#### CHAPTER FOUR: NATURE RESERVES

Applicability of sections 4 to 8.

27. The provisions of sections 4 to ~~8~~ shall apply *mutatis mutandis* to nature reserves.

Establishment of Nature Reserves Authority.

28. There is hereby established a Nature Reserves Authority.

Composition of Nature Reserves Authority.

29. The Nature Reserves Authority shall consist of not more than eleven members, who shall include the Chairman of the National Parks Authority and who shall be appointed by the Minister of Agriculture, with the approval of the Government, from among the employees of Government Ministries, State institutions and scientific and public bodies which are concerned with nature reserves.

The Nature Reserves Authority — a corporation.

30. The Nature Reserves Authority shall be a corporation, competent in respect of any obligation, right or legal act.

Director of Nature Reserves.

31. The Government shall, upon the proposal of the Minister of Agriculture, appoint one of the members of the Nature Reserves Authority to be the Director of Nature Reserves.

32. The function of the Nature Reserves Authority shall be to manage the affairs of the nature reserves. Functions of Nature Reserves Authority.
33. The Nature Reserves Authority may do in the nature reserves any act necessary to the carrying out of its functions and, *inter alia*, subject to any enactment — Powers of Nature Reserves Authority.
- (1) construct, regulate, alter and repair roads, paths and fences;
  - (2) set up structures and services for its own requirements and the requirements of persons visiting a nature reserve;
  - (3) carry out works to halt soil erosion;
  - (4) employ agents and employees;
  - (5) with the approval of the Council — establish, or be a member of, companies, cooperative societies and other bodies;
  - (6) borrow and lend money and guarantee debts;
  - (7) accept bequests, donations and grants.
34. The Nature Reserves Authority shall prescribe the functions of the Director of Nature Reserves, and it may transfer to him any of its powers under paragraphs (1) to (4) of section 33. Functions of Director of Nature Reserves.
35. The provisions of sections 12, 16 and 18 to 25 shall apply *mutatis mutandis* to nature reserves. Applicability of sections to Nature Reserves Authority.
36. The Nature Reserves Authority shall submit to the Minister of Agriculture, once a year, a report on its activities, and it also shall, whenever called upon to do so, give to the Minister of Agriculture, or to such person as the Minister of Agriculture may direct, any information concerning its activities. Report to Minister of Agriculture.
37. The Minister of Agriculture may, in consultation with the Minister of the Interior, make regulations as to any matter relating to a nature reserve, including the imposition of a prohibition on any act in, over or below its area, a prohibition or restriction on the entry of persons into it and, with the consent of the Minister of Transport, a prohibition or restriction on the introduction of vehicles, vessels or aircraft into its area. Regulations as to nature reserves.
38. The Minister of Agriculture or a person empowered by him in that behalf may appoint wardens for nature reserves and for protected natural assets under Chapter Five of this Law and may prescribe their functions and powers. Appointment of wardens.

Restrictions in respect of nature reserve situated in national park.

39. Where a nature reserve is situated in the area of a national park, the Parks Authority shall not carry out any works therein save with the consent of the Nature Reserves Authority.

#### CHAPTER FIVE: PROTECTED NATURAL ASSETS

Definition.

40. In this Chapter —

“natural asset” means any thing or class of things in nature, whether animal, vegetable or mineral, whose preservation, in the opinion of the Minister of Agriculture, is of value;

“damage” includes destruction, demolition, breaking, injury, plucking, removal, alteration of shape or natural position and artificial interference with a natural process of development.

Declaration of protected natural asset.

41. Where it appears to the Minister of Agriculture that a natural asset not situated in a nature reserve deserves to be protected from damage, decline or depletion, he may declare it in *Reshumot* to be a protected natural asset, either in the whole of Israel or in a particular region or locality. After so declaring, he shall request the approval of the Council. If the Council does not approve the declaration within thirty days from the day on which it is published, the declaration shall be void.

Regulations as to protected natural assets.

42. The Minister of Agriculture may, after consultation with the Council, make regulations prohibiting damage to a natural asset and regulating the preservation thereof, the encouragement of the reproduction thereof and the protection thereof from calamities of nature, either generally or in respect of a particular region, locality or season of the year.

#### CHAPTER SIX: GENERAL PROVISIONS

Penalties.

43. A person who contravenes any bye-law or regulation made under this Law shall be liable to imprisonment for a term of three months.

Finable offences.

44. The Minister of the Interior may, with the consent of the Minister of Justice, by order published in *Reshumot*, notify that an offence under a particular provision of a bye-law or regulation made under this Law shall be a finable offence, and upon his having so notified, the provisions of section 99A of the Municipal Corporations Ordinance, 1934<sup>1)</sup>, shall apply *mutatis mutandis* to the offence, and the powers vested by that section in a police officer and a municipal official shall be vested also in a warden appointed under the provisions of this Law.

<sup>1)</sup> P.G. of 1934, Suppl. I, No. 414, p. 1 (English Edition).

45. The Minister of Police shall, by order, confer the powers vested by section 3 of the Criminal Procedure (Arrests and Searches) Ordinance<sup>1)</sup> in a police officer upon the wardens of national parks, and the wardens of nature reserves and natural assets, with regard to offences under bye-laws made by virtue of section 20 and with regard to regulations made under section 42, as the case may be. **Conferral of powers of police officer upon wardens.**
46. For the purposes of this Law, State lands shall be dealt with like any other lands. **State lands.**
47. This Law shall not derogate from the provisions of the Antiquities Ordinance<sup>2)</sup>, the Antiquities (Enclosures) Ordinance, 1935<sup>3)</sup>, and the Town Planning Ordinance, 1936<sup>4)</sup>. **Saving of Laws.**
48. The Minister of the Interior shall not declare an area to be a national park or nature reserve unless that area has been assigned for that purpose in a town-planning scheme. **No declaration other than in respect of assigned area.**
49. The Prime Minister is charged with the implementation of this Law as to any matter relating to national parks, the Minister of Agriculture is charged with the implementation of this Law as to any matter relating to nature reserves and natural assets, and the Minister of the Interior is charged with the implementation of this Law as to any matter relating to the assignment of areas or relating to provisions of this Law stated in this Law to be within his jurisdiction. **Implementation.**
50. The Prime Minister, the Minister of the Interior and the Minister of Agriculture, each within the sphere of his jurisdiction, may make regulations for the implementation of this Law. **Regulations.**

LEVI ESHKOL  
Prime Minister

MOSHE DAYAN  
Minister of Agriculture

HAIM MOSHE SHAPIRA  
Minister of the Interior

SHNEUR ZALMAN SHAZAR  
President of the State

<sup>1)</sup> *Laws of Palestine* vol. I, cap. 3, p. 459 (English Edition).  
<sup>2)</sup> *Laws of Palestine* vol. I, cap. 5, p. 28 (English Edition).  
<sup>3)</sup> P.G. of 1935, Suppl. I, No. 530, p. 147 (English Edition).  
<sup>4)</sup> P.G. of 1936, Suppl. I, No. 589, p. 157 (English Edition).