

DISCHARGED SOLDIERS (Reinstatement in Employment) LAW, 5709-1949

CHAPTER ONE: INTERPRETATION

Military service and part-time service.

1. (a) For the purposes of this Law, "military service" means:
 - (1) regular service under Chapter Three of the Defence Service Law (Consolidated Version), 5719-1959 including regular service as aforesaid extended by virtue of section 26 of the said Law (all such regular service hereinafter referred to as "regular service"),
 - (2) any other service which the Minister of Defence, by declaration published in *Reshumot*, declares to be military service.
- (b) "Part-time service", for the purposes of this Law, means service which the Minister of Defence, by declaration published in *Reshumot*, declares to be part-time service.
- (c) Service which the Minister of Defence has declared as aforesaid to be military service or part-time service shall be deemed to be such service as from the 17th of Kislev, 5708 (30th November, 1947), unless the Minister of Defence, in his declaration, has prescribed a later date.
- (d) For the purposes of this Law, service in the Defence Army of Israel under an engagement for permanent service shall be treated as regular service if it occurs immediately after a period of regular service, and its period, whether under one engagement or under several consecutive engagements, does not exceed two years.

Soldier, discharged soldier and war invalid.

2. (a) "Soldier", for the purposes of this Law, means a person on military service who was on military service on the 17th of Kislev, 5708 (30th November, 1947), or enlisted thereafter.
- (b) A soldier who was on military service on the 17th of Kislev, 5708 (30th November, 1947) shall be deemed to have enlisted on that day.
- (c) "Discharged soldier", for the purposes of this Law, means a person who has been a soldier and has been discharged from the service.
- (d) "War invalid", for the purposes of this Law, means a discharged soldier, or a person who has been on part-time service, whose state of health was affected by illness or injury during his military service or part-time service, as the case may be, with the result that his capacity for work which he would otherwise be capable of doing is materially impaired.

Undertaking and owner of undertaking.

3. (a) "Undertaking", for the purposes of this Law, means any place of employment in which at least one person is employed, whether it is maintained for purposes of profit or for other purposes, and whether it belongs to the State, a local authority, a public institution or a corporate body or is privately owned.
- (b) "Owner of the undertaking" in relation to a soldier or discharged soldier, means the owner of the undertaking in which the soldier or discharged soldier was employed immediately before his enlistment; and if the undertaking has changed hands or has been amalgamated with or become part of another undertaking, the owner for the time being or the owner after the amalgamation or the owner of the other undertaking, as the case may be, shall be regarded as the owner of the undertaking.
- (c) "Owner of the undertaking", in relation to a person on part-time service, means the owner of the undertaking in which he was employed at the time of his part-time service.

Permanent employee.

4. (a) For the purposes of this Law, "permanent employee in an undertaking" means:
- (1) an employee who has been employed in that undertaking for at least six consecutive months, or
 - (2) an employee who, by the custom prevailing in the undertaking or branch of employment in which he is employed or by the term of a collective or other contract of employment, is regarded as a permanent employee or regular seasonal employee, even if he has been employed in the undertaking for less than six consecutive months.
- (b) Continuity of employment shall not be deemed to have been broken by absence owing to maternity leave, annual leave, festival leave or any other leave, vacation or rest granted with the consent of the employer, or owing to the First of May, a strike, lockout or labour accident or any temporary or accidental break for reasons beyond the employee's control.

Employment service bureau.

5. The employment service bureau, in relation to any undertaking, is the employment service bureau in the area of jurisdiction of which the undertaking is situated.

Restrictions and application.

- 5A. (a) Subject to the provisions of section 19, Chapter Two shall not apply to a soldier discharged from regular service unless -
- (1) on the date of his enlistment he had completed his twentieth year, or
 - (2) he had not completed his twentieth year on the date of his enlistment but his reporting for defence service or continuation of service took place after deferment, under section 28 of the Defence Service Law, 5719-1959 (Consolidated Version), to a date on which he had completed his twentieth year.
- (b) For the purposes of section 24 of the Emergency Labour Service Law, 5717-1967, the provisions of subsection (a) shall not apply to an external enlistee.

PART TWO: REINSTATEMENT IN EMPLOYMENT

Duty of reinstatement.

6. (a) Where, immediately before his enlistment, a discharged soldier was a permanent employee in any undertaking, the owner of the undertaking shall, in accordance with the provisions of this Part -
- (1) re-employ him in the work in which he was employed immediately before his enlistment, on terms not inferior to those on which he would have been employed in such work had he not enlisted; or
 - (2) if it is impracticable to employ him in such work and on such terms as aforesaid - employ him in the best work and on the best terms practicable.
- (b) This section shall not apply to a discharged soldier who before his enlistment received compensation for dismissal from the owner of the undertaking or who received such compensation after his enlistment under a bona-fide agreement with the owner of the undertaking.

Application for reinstatement.

7. (a) an application for reinstatement shall be made to the undertaking in writing either by the discharged soldier or by the employees' organisation to which he belongs or by the employees'

organisation to which the largest number of employees in the undertaking belong, within fifteen days before or thirty days after the day of the discharge of the discharged soldier; but no such application shall be invalidated by reason only that it was not made within the prescribed time owing to illness of the discharged soldier or any other sufficient cause, provided that it was made within thirty days after the hindrance ceased.

(b) The application shall specify a day, within thirty days of the day on which it is made, on which the discharged soldier is prepared to start work.

(c) A copy of the application shall be forwarded to the employment service bureau and to the committee, if any, of the employees in the undertaking.

Date of reinstatement.

8. (a) The owner of the undertaking shall reinstate the discharged soldier, as provided in section 6, on the day specified in the application as the day on which the discharged soldier is prepared to start work, or where reinstatement of the discharged soldier on such day is impracticable, on a later date within one year from the day of the submission of the application, as soon as reinstatement of the discharged soldier as aforesaid becomes practicable.

(b) If, upon expiration of one year from the day of the submission of the application, a proceeding with regard to such application is pending before an employment committee or Regional Court referred to in section 23, the duty of the owner of the undertaking to reinstate the discharged soldier as aforesaid shall continue for thirty days from the day on which the proceeding is concluded; a proceeding before an

employment committee shall be regarded as pending until the period of appeal has elapsed or, where an appeal has been lodged, until a decision is given thereon or until the appellant withdraws his appeal.

(c) Whether the owner of the undertaking has notified the discharged soldier in writing that he may work on the day specified in the application as the day on which he is prepared to start work, or on a later day as provided in subsection (a), and the discharged soldier does not start work within thirty days from that day, the right of the discharged soldier to be reinstated under section 6 shall cease, provided that it shall not cease if illness or any other sufficient cause prevented him from starting work within the prescribed time and he is prepared to start work within thirty days from the day on which the hindrance ceased.

Duty of employment.

9. (a) Where a discharged soldier has been reinstated under section 6, the owner of the undertaking shall employ him for six months from the day of his reinstatement or for a shorter period, as long as practicable -

(1) in work and on terms not inferior, in relation to the discharged soldier, to the work and terms in or on which he was first re-employed; or

(2) where employment in such work and on such terms is impracticable - in the best work and on the best terms in or on which it is practicable to employ him.

(b) Where a discharged soldier is employed under section 6 in work other than that in which he was employed immediately before his enlistment, and within six months from the day of his reinstatement it becomes practicable to employ him in work in which he was employed as aforesaid, the owner of the undertaking shall so employ him.

(c) So long as the owner of the undertaking is bound to employ a discharged soldier as aforesaid, he shall not dismiss him save on grounds of gross misconduct.

(d) Upon expiration of six months from the day on which a discharged soldier was reinstated, such law, custom and terms of a collective or other contract of employment as apply to the dismissal of employees in the undertaking shall apply also to him.

Priority of reinstatement.

10. (a) Where several applications for reinstatement have been made to the owner of one undertaking and it is impracticable to reinstate all the applicants at the same time, the employment service bureau shall fix priorities for their reinstatement.

(b) Within three days from the day on which the decision of the employment service bureau comes to his notice, the owner of the undertaking may appeal against it to an employment committee on the ground that economic necessity calls for a revision of the decision. The decision of the employment committee shall be final.

Practicability.

11. (a) In determining whether anything is or is not practicable, the following factors only shall be taken into account:

(1) radical changes which have occurred in the undertaking, since the enlistment of the discharged soldier, as a result of damage to buildings or equipment or of qualitative alterations in production processes or of a considerable reduction, other than a seasonal or occasional one, of the scope of the work.

(2) an illness or disability contracted by the discharged soldier since his enlistment and materially reducing his working capacity.

(b) The reinstatement or employment of a discharged soldier shall be considered practicable even where it is possible only if an employee who started work in the undertaking after the enlistment of the discharged soldier or - where the scope of the work has been reduced since the enlistment of the discharged soldier - whose rights under the priority regulations of the employment service bureau are lesser than those of the discharged soldier, cedes his place to him.

(c) Whenever the question arises whether anything is practicable, the owner of the undertaking shall have to prove that it is not practicable.

Seniority rights.

12. Where a discharged soldier is reinstated under section 6 in an undertaking in which an employee or former employee is granted rights dependent on length of service - whether by law, custom or the terms of a collective or other contract of employment or in any other manner - the period between his

enlistment and his reinstatement as aforesaid shall, for the purpose of calculating length of service, be deemed to be a period of employment in the undertaking.

Discharged soldier reinstated otherwise than on application.

13. Where immediately before his enlistment, a discharged soldier was a permanent employee in an undertaking, and after his discharge he starts working there again otherwise than on application under section 7, he shall be deemed to be a discharged soldier reinstated on application as aforesaid.

PART THREE: RIGHT OF RELATIVES OF DECEASED SOLDIERS AND WAR INVALIDS TO EMPLOYMENT

Interpretation.

14. (a) For the purposes of this Part, the relatives of a person are the following:
- (1) his spouse;
 - (2) children, including step-children, who at the qualifying date were dependent on him;
 - (3) parents who at the qualifying date were dependent on him to the extent of at least fifty percent or who immigrated into Israel after the qualifying date.
- (b) "Persons who died on service", within the meaning of this Part, are the following:
- (1) a soldier who died in the period of his military service;
 - (2) a discharged soldier who died within one year from the day of his discharge as a result of illness contracted or aggravated, or injury sustained, in the period of his military service;
 - (3) a person who died while on part-time service;
 - (4) a person who died within one year from the day of his part-time service as a result of illness contracted or aggravated, or injury sustained, during his part-time service.
- (c) "Qualifying date" means -
- (1) in the case of a soldier or discharged soldier - the time immediately preceding his enlistment;
 - (2) in the case of a person on part-time service - the time of his part-time service.

Duty to employ relative.

15. (a) Where a person who at the qualifying date was a permanent employee in an undertaking died on service or has become a war invalid, the owner of the undertaking shall, in accordance with the provisions of this Part, employ one relative of that person if such relative is suitable for the work in which that person was employed at the qualifying date or for any other employment available in the undertaking.
- (b) This section shall not apply where, at the qualifying date, the person who died on service or has become a war invalid received compensation for dismissal from the owner of the undertaking or where, after the qualifying date, that person or his successors received compensation for dismissal under a bona-fide agreement with the owner of the undertaking.

Application.

16. (a) A relative claiming the right to employment in an undertaking under section 15 shall make an application to the owner of the undertaking through the employment service bureau.
- (b) The application shall be made -
- (1) in the case of a relative of a soldier who died during the period of his military service or of a person who died while on part-time service - within three months from the day on which the news of the death was received.
 - (2) in the case of a relative of any other person who died on service - within three months from the day of the death,
 - (3) in the case of a relative of a war invalid who is a discharged soldier - within three months from the day of the discharge;
 - (4) in the case of a relative of a war invalid who was on part-time service - within three months from the day on which the medical treatment of the war invalid was completed.
- (c) An application shall not be invalidated by reasons only that it was not made within the prescribed time if the delay was due to a sufficient cause and the application was made within thirty days after the hindrance ceased.
- (d) The application shall specify a day, within thirty days of the day on which it is made, on which the applicant is prepared to start work.

Power of employment service bureau.

17. (a) Where several relatives of the same person claim the right to be employed in an undertaking under section 15, the employment service bureau shall determine to which of them such right shall be granted, and its decision shall not be disputed.

(b) In determining the relative to whom such right as aforesaid shall be granted, the employment service bureau shall have regard to the economic position of all the relatives.

Status of relative.

18. Section 8, 9, 10, 11 and 13 shall apply, *mutatus mutandis*, to a relative entitled to employment in an undertaking under section 15, as though he were a discharged soldier entitled to employment in that undertaking under section 6.

PART FOUR: PRIOR RIGHT TO BE SENT TO WORK

Soldier discharged from regular service.

19. (a) In this section, "soldier discharged from regular service" does not include -

(1) a person to whom Part Two applies by virtue of the provisions of section 5a;

(2) a person who has received severance pay from the owner of the undertaking under the circumstances specified in section 6(b) of this Law or section 11(g) of the Severance Pay Law, 5723-1963.

(b) A soldier discharged from regular service shall for one year from the date of his discharge have a prior right to be sent to work at a workplace in the undertaking at which he was employed for at least four consecutive weeks immediately before the commencement of his service. The prior right referred to in this subsection shall prevail over a prior right under section 33 and over any provision of the Employment Service Law, 5719-1959, or of the Rules of the Service enacted under that Law.

PART FIVE: IMPLEMENTATION MECHANISM

Employment communities.

20. (a) The Minister of Defence shall appoint employment committees for the purposes of this Law.

(b) An employment committee may be appointed either generally or for a particular area or branch of employment.

(c) Every employment committee shall consist of three members, of whom one shall be appointed chairman; another shall be appointed from among candidates proposed by the employees' organisation representing the largest number of employees in the State, and the third from among candidates proposed by representative employers' organisations in the State.

(d) Notice of the appointment and address of an employment committee shall be published in *Reshumot*.

Powers of employment committee.

21. (a) A person (hereinafter referred to as "the claimant") who claims that this Law grants him rights and that these rights are prejudiced may, within a reasonable time, apply to an employment committee for a decision as to any matter relating to such rights.
- (b) An employment committee shall, as far as possible, hear and determine an application within fifteen days from the day on which it is made.
- (c) Where an employment committee find that the owner of an undertaking has not fulfilled a duty imposed on him by this Law with regard to the claimant, it may issue against such owner (hereinafter referred to as "the defendant") one or both of the following orders, or one of them at the option of the defendant:
- (1) an order to employ the claimant on such terms, from such time and in such place as the employment committee may prescribe;
 - (2) an order to pay to the claimant an amount specified in the order as compensation for loss caused to the claimant by the defendant's failure to fulfill a duty imposed on him by this Law with regard to the claimant; the amount of the compensation shall be equal to the amount of pay which, in the opinion of the employment committee, the claimant would have received if the defendant had fulfilled his duty and employed the claimant throughout the period during which he was bound to employ him.
22. Repealed.

Right of appeal.

23. (a) Any decision or order of an employment committee may be appealed to a Regional Court, within the meaning of the Labour Courts Law, 5729-1969 (hereinafter referred to as "Regional Court"), within ten days from the day on which notice of the decision or order is served on the claimant and the defendant.
- (b) The right of appeal is granted -
- (1) to the claimant;
 - (2) to the defendant;
 - (3) to the employees' organisation to which the claimant belongs;
 - (4) to the employees' organisation to which the largest number of employees in the defendant's undertaking belong;
 - (5) to the employers; organisation to which the defendant belongs.
- (c) A hearing before a Regional Court shall not begin before the expiration of the period of appeal, and where more than one appeal has been filed in the same matter, all the appeals relating to that matter shall be joined and be heard together.
- (d) A Regional Court shall, as far as possible, hear and determine any appeal within fifteen days from the expiration of the period of appeal.

Powers of appeal committee.

24. A Regional Court may dismiss the appeal or annul the decision or order appealed against and make any decision or order which an employment committee is competent to make.

Advisers.

25. (a) The Minister of Labour and Social Affairs may appoint an adviser to every employment committee.
- (b) Notice of any appointment under this section shall be published in *Reshumot*.
- (c) Where an adviser has been appointed to an employment committee, the chairman of such committee shall notify the adviser in time, of the day of any hearing before the committee.
- (d) The adviser may take part in all the proceedings of the committee in an advisory capacity.

Auxiliary powers.

26. (a) An employment committee shall have the like powers as a commission of enquiry appointed under the Commissions of Enquiry Ordinance and which has been granted all the powers that such a commission of enquiry may be granted under section 5 of that Ordinance.
- (b) Employment committees shall not be bound by niceties of procedure or rules of evidence, but shall act in such a manner as seems to them most expedient for clarifying the points at issue.
- (c) Every employment committee shall make its decision by majority vote.
- (d) Every employment committee shall itself prescribe its rules of procedure and order of business in so far as these are not prescribed by this Law or by regulations made thereunder.

Non-compliance with order of employment.

27. (a) Where a person (hereafter in this section referred to as "the employer") has been ordered by an employment committee or Regional Court to employ a person (hereafter in this section referred to as "the employee") from a specific date, on specific terms and in specific work, and he has failed to comply with such order, he shall -
- (1) pay the employee compensation for the loss caused to him by such non-compliance, the amount of the compensation shall be equal to the amount of pay which the employee would have received if the employer had complied with the order and employed the employee throughout the period during which he was bound to employ him; and
 - (2) be guilty of an offence and liable to a fine not exceeding nine thousand, six hundred new Shekalim.
- (b) Compensation under subsection (a)(1) may be claimed by the employee from the employer in a Regional Court.
- (c) In an action for an offence under subsection (a)(2), the employee has the right to plead and to call and examine witnesses, and in the event of a conviction the Court may, on the application of the employee, order the accused, in addition to such fine

as may be imposed on him, to pay the employee the compensation due to him under subsection (a)(1), and such order shall, with regard to any matter relating to its execution, be treated like a final judgment of a competent court.

(d) No civil or criminal action shall be brought under this section for non-compliance with an order of an employment committee until the period of appeal against the order has elapsed or, where an appeal has been filed, until a decision has been given on the appeal or the appeal has been withdrawn.

Execution of order of payment.

28. (a) Where an employment committee or Regional Court has made an order requiring a person to pay another person an amount as compensation, such order shall be final immediately upon being registered by the Minister of Defence in a register kept specially for this purpose and, with regard to any matter relating to its execution, shall be treated like final judgment of a competent court.

(b) Notice of the registration of an order as aforesaid shall be served on the parties.

(c) The Minister of Defence shall not register an order of an employment committee in a register as aforesaid until the period of appeal against the order has elapsed or, where an appeal has been filed, until a decision has been given on the appeal or the appeal has been withdrawn.

Status of person reinstated under an order.

29. A claimant employed by virtue of an order of an employment committee or Regional Court shall be deemed to be employed in accordance with the revisions of this Law applying to him.

Competence of court.

30. No action, whether civil or criminal, shall be brought against a person in any court in connection with any duty imposed on him by this Law, save where such action is expressly authorised by this Law or by regulations made thereunder.

PART SIX: WAR INVALIDS AND PRIORITY RIGHTS TO EMPLOYMENT

Regulations as to war invalids.

31. The Minister of Defence, with the consent of the Minister of Labour and Social Affairs may make regulations -

(a) requiring employers or particular classes of employers to employ war invalids in such proportion or numbers as prescribed in the regulations;

(b) reserving specific kinds of work in undertakings, or specific occupations, for war invalids;

(c) prescribing rules for the acceptance of war invalids for employment and the conditions of their employment;

(d) prescribing the procedure and conditions of the registration of war invalids and the modes of determining their aptitude for work;

(e) establishing competent authorities to deal with matters relating to the employment of war invalids, and defining the powers thereof.

Orders relating to war invalids.

32. The Minister of Defence may, from time to time, by general or special order, call upon employers or particular classes of employers to employ war invalids in such proportion or numbers as prescribed in the order.

Regulations as to priority right to employment.

33. The Minister of Defence, with the consent of the Minister of Labour and Social Affairs and after consultation with the Central Board of the employment service bureaux, may make regulations -

(a) prescribing that during the period of the military service of a soldier, one relative of such soldier shall have priority of employment in the undertaking in which the soldier was employed immediately before his enlistment'

(b) prescribing that is charged soldiers shall have priority of employment;

(c) providing for the enforcement of the said priority rights.

Application of certain Parts.

34. The provisions of Part Two, Three, Four and Five shall not apply to regulations and orders made under this Part; but the term "relative" shall have the same meaning in this Part as is assigned to it in section 14.

PART SEVEN: MISCELLANEOUS PROVISIONS

Priority of claim in case of bankruptcy.

35. (a) Among the debts which, under section 33 of the Bankruptcy Ordinance, 1936, must be paid in priority to all other debts of a bankrupt, there shall be included any amount which the bankrupt has been ordered to pay under this Law as compensation for an act or omission which occurred before a receiving order was made against him, even if the order of payment was made after the receiving order.

(b) Among the debts which, in the winding up of a company, cooperative society or other juristic person, are required by law to be paid in priority to all other debts, there shall be included any amount which the company, cooperative society or other juristic body has been ordered to pay under this Law as a compensation for an act or omission which occurred before the commencement of the winding-up, even if the order of payment was made after such commencement.

(c) Where a receiver has been appointed on behalf of the holders of debentures of a company secured by a floating charge, or where the holders of such debentures, or their attorneys, have taken possession of property of the company subject to the charge, any amount which the company has been ordered to pay under this Law as compensation for an act or omission which occurred before the date of the

appointment of a receiver or the taking possession of property, as aforesaid, shall be included among the debts which under section 134 of the Companies Ordinance have priority over any claim for principal or interest in respect of the debentures, even if the order of payment was made after the said date.

Contributions of provident funds, etc.

36. (a) Where a soldier, immediately before his enlistment was employed in an undertaking, and the owner of the undertaking and his employees, or only the owner, were or was accustomed to pay contributions to a provident fund, pension fund or other similar fund (hereinafter referred to as "the fund"), the owner and the soldier, or only the owner, as the case may be, shall, during the period from the day of the enlistment of the soldier to the day of his reinstatement in the undertaking under this Law, to the day of his discharge, pay contributions to the fund at the rates at which they or he were or was accustomed to pay before the enlistment of the soldier; but nothing in this section shall affect the provisions of Section 12.
- (b) Where a soldier did not pay his contributions during the period mentioned in subsection (a), such fact shall not derogate from the duty of the owner of the undertaking to pay the contributions due from him, but the soldier shall pay his contributions, or such balance thereof as has not been paid, after his discharge, within a period three times as long as the period of his military service, and the owner of the undertaking may make his parallel payments simultaneously with the payments of the soldier.
- (c) Any amount which the owner of the undertaking or the soldier is bound to pay to the fund shall in all respects be regarded as a payment legally due to the fund.
- (d) If the owner of an undertaking enlists for military service and the undertaking ceases to operate for the whole or a part of the period of this service, this section shall not apply to such owner and his employees in respect of the period for which the undertaking ceases to operate as aforesaid.

Evasion of duties imposed by this Law.

37. (a) Where an employer, with intent to evade any of the duties imposed on him by this Law, dismisses an employee liable to enlistment for military service, or due to be so liable in the near future, and after his dismissal the employee enlists, such dismissal shall have no legal effect with regard to rights and duties under this Law, and all the rights of the employee thereunder shall subsist as though he had not been dismissed, but had continued to be employed by that employer until immediately before his enlistment.
- (b) The onus of proving that the dismissal was not effected with intent to evade any duties imposed on the employer by this Law shall be on the employer.

Retroactive application.

38. (a) This Law shall apply to a discharged soldier discharged before the day of the coming into force of this law as though he had been discharged on that day; but where, immediately before his enlistment, such a discharged soldier was a permanent employee in an undertaking, and on the day of the coming into force of this Law he is employed in that undertaking, he shall, for the purposes of this Law, be deemed to have been reinstated on that day under section 6.
- (b) This Law shall apply to a person who became a war invalid before the day of the coming into force of this Law as though his medical treatment had been completed on that day.
- (c) This Law shall apply to relatives of a person who died on service, as specified in section 14, before the day of the coming into force of this law as though he had died on service on that day.

Re-enlistment.

39. Where a discharged soldier re-enlists within three months from the day of his discharge, his earlier period of service shall be deemed to continue without a break until the termination of his second period of service.

39A. Repealed.

Relaxation of Various Provisions.

40. (a) The Minister charged with the implementation of any law may, after consultation with the Minister of Defence and the Minister of Labour and Social Affairs make regulations -
- (1) with the object of exempting discharged soldiers or war invalids or a particular class thereof, wholly or in part, from the requirements of such law of from any duties, conditions or restrictions imposed thereunder;
 - (2) granting discharged soldiers or war invalids or a particular class thereof priority in obtaining licences to engage in any profession, industry, craft or trade.
- (b) For the purposes of this section, a Minister is considered as charged with the implementation of a law if he is expressly designated therein as the Minister charged with its implementation or, in the case of any Ordinance or regulations in force on the 5th Iyar, 5708 (14th May, 1948), if he is vested with the powers previously vested in the High Commissioner or the High Commissioner in Council by the Ordinance or regulations.
- (b1) (1) In this subsection -
- "National Insurance Law" means the National Insurance Law (Consolidated Version) 5728-1968;
- "Relative" means each of the following:
- (1) Spouse, children or parent of the soldier,
 - (2) The soldier's brother or sister to whom one of the following applies.
 - (a) A medical board has determined under Section 5A of the Defence Service Law (Consolidated Version) 5746-1986, that he is not fit for service;
 - (b) His income from the sources specified in Section 2 of the Income Tax Ordinance does not exceed an amount equal to twice the average wage, within its meaning in the National Insurance Law where he has 3 children, with the addition of half of the said average wage for each additional child;
- "soldier" means a person who is serving or has served in the Defence Army of Israel, the Police or the Prison Service and a person who before the 6th Iyar, 5708 (15th May, 1948) served in military service in respect of which a declaration under section 1(a)(2) has been made, Section 1(c) shall not apply for the purposes of this subsection.
- "Grant" means a monthly payment to the soldier or to his relative in respect of their children;
- "Institution" means as defined in Section 1 of the National Insurance Law;
- "Pension Point" means as defined in Section 33A of the Income Tax Ordinance;
- "Child" includes -
- (1) A stepchild or an adopted child.
 - (2) A grandchild who is fully supported by the soldier or by his relative;
 - (3) A person who is not his child, where it is proved that such person has been fully supported by the soldier or by his relative for a period of 12 months;
But excluding a married girl, provided that the child is in Israel and has not yet attained the age of 18, and the expressions "mother" and "father" shall be construed accordingly.
- (2) In the years 1994-1995 and 1996 the soldier or his relative shall be entitled to grants for their third child and for every additional child, as long as they have 2 older children; beginning with the year 1997, no grants shall be paid under this subsection.

(3) The amount of the grant per child shall be according to the value of pension points specified below.

<u>Child</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>
Third	0.55	0.35	0.15
Fourth	1.9	1.3	0.7
Fifth	1.5	1.0	0.5
Each additional child	1.7	1.15	0.6

(4) The provisions of Section 104(b), 106, 112, 114, 128, 129, 142, and 230 of the National Insurance Law shall apply, *mutatis mutandis*, to the grants specified in this subsection.

(5)(a) The grant shall be paid to the child's mother, but if the child only lives with its father, the grant shall be paid to the father, if the parent to whom the grant is paid requests that it be paid to the other parent, then the grant shall be paid as requested; where there are no parents, then the grant shall be paid to the guardian.

(6) (a) The person who applies for a grant shall attach all the documents necessary to prove his entitlement, or present them to the Institute.

(b) The Institute may require additional documents from the Applicant or other evidence that it considers useful for the examination of the Application.

(7) (a) Grants under this subsection shall be paid by the State Treasury through the National Insurance Institute.

(b) The State Treasury shall transfer to the National Insurance Institute every month, all such monies as are necessary in order to make the payments under this subsection, including the Institutes administrative expenses for the implementation of this subsection.