

## **Basic Law: The Government - 1968 (Original Version)**

<b>What the Government is.</b>	1. The Government is the executive authority of the State.
<b>Seat of Government.</b>	2. The seat of the Government is Jerusalem.
<b>Sources of authority</b>	3. The Government holds office by virtue of the confidence of the Knesset.
<b>Responsibility.</b>	4. The Government is collectively responsible to the Knesset.
<b>Composition and eligibility.</b>	5. (a) The Government consists of the Prime Minister and other Ministers.  (b) The Prime Minister shall be a member of the Knesset. Another Minister need not be a member of the Knesset, but he must be an Israel national and an Israel resident. When a person becomes a Minister while holding one of the offices the holders of which are debarred from being candidates for the Knesset, his tenure of that office ceases upon his becoming a Minister.  (c) A Minister shall be in charge of a Ministry : Provided that he may be a Minister without Portfolio. One of the Ministers may be Deputy Prime Minister.
<b>Assignment of task of forming Government.</b>	6. When a new Government has to be constituted, the President of the State shall, after consultation with representatives of party groups in the Knesset, assign the task of forming a Government to a Knesset Member who has notified him, within three days from the day on which he was asked, that he is prepared to accept the task.
<b>Periods for formation of Government.</b>	7. The Knesset Member to whom the President has assigned the task of forming a Government shall have a period of twenty-one days for the fulfilment of such task. The President of the State may extend the period by additional periods not in the aggregate exceeding twenty-one days.
<b>Re-assignment of task.</b>	8. (a) Where the periods referred to in section 7 have passed and the Knesset Member has not notified the President of the State that he has formed a Government, or where he has notified him before then that he is unable to form a Government, the President may assign the task of forming a Government to another Knesset Member who has notified him that he is prepared to accept the task.  (b) The President of the State may do again as specified in subsection (a) as often as the situation indicated therein recurs.  (c) Before assigning the task of forming a Government under this section, the President may again consult with

representatives of party groups in the Knesset.

(d) A Knesset Member to whom the task of forming a Government has been assigned under this section shall have the period specified in section 7 for the fulfilment of the task, and the President may extend the period as specified in that section.

**Assignment of task at the request of party groups.**

9. (a) Where the President of the State has not assigned the task of forming a Government under section 8, or where he has assigned it under that section and the Knesset Member has not notified him within twenty-one days that he has formed a Government or has notified him before then that he is unable to form a Government, representatives of party groups in the Knesset whose members constitute a majority of the members of the Knesset may request the President of the State in writing to assign the task to a particular member of the Knesset.

(b) Where a request as aforesaid, accompanied by the written consent of the candidate, has been submitted to the President, the President shall assign the task of forming a Government to that Knesset Member.

(c) A Knesset Member to whom the task of forming a Government has been assigned under this section shall have a period of fourteen days for its fulfilment.

(d) Where a request as aforesaid is submitted during an additional period allowed to a Knesset Member to whom the President assigned the task under section 8, the President shall notify such Knesset Member of such request, and upon such notification the task of such Knesset Member shall terminate.

**Notice of non-formation of Government.**

10. (a) Where the President of the State has assigned the task of forming a Government under section 6 or 8 and the period allowed to the Knesset Member for the fulfilment of the task has passed without his having informed the President that he has formed a Government, or he has informed the President before then that he is unable to form a Government, the President may give notice to the Chairman of the Knesset that he sees no way of achieving the formation of a Government.

(b) Notice to the Chairman of the Knesset under subsection (a) shall not prevent the application of section 9.

**Discontinuance of proceedings for formation of Government.**

11. When a Law for the dissolution of the Knesset has been adopted, the proceedings for the formation of a Government shall cease.

<b>Preliminary proceedings for formation of Government.</b>	12. When a new Knesset has been elected, the President of the State may open a proceeding for the formation of a Government after the results of the elections have been published in Reshumot and before the new Knesset has convened. The consultation referred to in section 6 shall in this case be held with the representatives of candidates' lists.
<b>Notification in connection with formation of Government.</b>	13. (a) Where the President of the State has assigned to a Knesset Member the task of forming a Government, he shall notify the Chairman of the Knesset to such effect, and the Chairman of the Knesset shall notify the Knesset.  (b) Where the Knesset Member has formed a Government, he shall notify the President of the State and the Chairman of the Knesset to such effect, and the Chairman of the Knesset shall notify the Knesset.
<b>Formation of Government and Premiership.</b>	14. The Knesset Member who has formed a Government shall head it.
<b>Constitution of Government.</b>	15. When a Government has been formed, it shall present itself to the Knesset, shall announce the basic lines of its policy, its composition and the distribution of functions among the Ministers, and shall ask for an expression of confidence. The Government is constituted when the Knesset has expressed confidence in it, and the Ministers shall thereupon assume office.
<b>Declaration of allegiance.</b>	16. As soon as, or as soon as possible after, the Knesset has expressed confidence in the Government, the Prime Minister shall make before the Knesset the following declaration of allegiance:  "I (name) pledge myself as Prime Minister to bear allegiance to the State of Israel and to its laws, to carry out faithfully my functions as Prime Minister and to comply with the decisions of the Knesset";  and each of the other Ministers shall make the following declaration of allegiance:  "I (name) pledge myself as a member of the Government to bear allegiance to the State of Israel and to its laws, to carry out faithfully my functions as a member of the Government and to comply with the decisions of the Knesset.".
<b>Change in distribution of functions.</b>	17. (a) The Government may change the distribution of functions among the Ministers. The change shall require the approval of the Knesset.  (b) This section shall not apply to the function of Prime Minister.

<b>Cooptation of Minister.</b>	18. The Government may, upon the proposal of the Prime Minister, coopt a Minister to the Government. When the Government has decided to coopt a Minister, it shall notify such fact and the function of the additional Minister to the Knesset. Upon the approval of the notification by the Knesset, the additional Minister shall assume office, and as soon as possible after the approval he shall make his declaration of allegiance.
<b>Acting Prime Minister.</b>	19. If the Prime Minister is absent from Israel or is temporarily unable to carry out his functions, the Government shall designate another of the Ministers who are members of the Knesset to act in his place until he returns to Israel or again carries out his functions.
<b>Minister acting for other Minister.</b>	20. If a Minister, other than the Prime Minister, is absent from Israel or is temporarily unable to carry out his functions, the Government shall designate another Minister to act in his place until he returns to Israel or again carries out his functions. So long as the Government has not done so, the Prime Minister shall act in the place of that Minister.
<b>Termination of tenure of Minister.</b>	<p>21. (a) A Minister, other than the Prime Minister, may, after notifying the Government of his intention to do so, resign from the Government by submitting a letter of resignation to the Government. His tenure in the Government ceases forty-eight hours after the letter of resignation reaches the Government, unless he has withdrawn his resignation before them.</p> <p>(b) Where a Minister who is a member of the Government resigns from the Knesset, his tenure in the Government ceases on the day on which his membership in the Knesset ceases.</p> <p>(c) The tenure of a Minister in the Government ceases upon his election or appointment to one of the function the holders of which are debarred from being candidates for the Knesset.</p> <p>(d) When the tenure of a Minister, other than the Prime Minister, in the Government ceases, the Government shall designate an other Minister to carry out his functions ; such designation shall require the approval of the Knesset. So long as the Government has not done as aforesaid, the Prime Minister shall carry out the functions of that Minister.</p>
<b>Resignation of Government.</b>	<p>22. (a) The Government may resign. If it decides to do so, the Prime Minister shall submit its letter of resignation to the President of the State.</p> <p>(b) When a new Knesset has been elected, the Government shall be deemed to have resigned on the day of the election.</p>

<b>Resignation or death of Prime Minister.</b>	<p>23. (a) The Prime Minister may, after notifying the Government of his intention to do so, resign by submitting a letter of resignation to the President of the State. The resignation of the Prime Minister shall be deemed to be the resignation of the Government.</p> <p>(b) If the Prime Minister dies, the Government shall be deemed to have resigned on the day of his death.</p>
<b>Expression of non-confidence in the Government.</b>	24. If the Knesset has expressed non-confidence in the Government, the Chairman of the Knesset shall notify the President of the State to such effect, and the Government shall be deemed to have resigned on the day of the expression of non-confidence.
<b>Continuity of Government.</b>	<p>25. (a) When a new Knesset has been elected or the Government has resigned or the Prime Minister has resigned or died or the Knesset has expressed non-confidence in the Government, the President of the State shall begin proceedings for the formation of a new Government. The outgoing Government shall continue to carry out its functions until the new Government is constituted.</p> <p>(b) A Prime Minister who has resigned shall continue to carry out his functions pending the constitution of the new Government. If the Prime Minister has died, the Government shall designate another of the Ministers who are members of the Knesset to be Interim Prime Minister pending the constitution of the new Government.</p> <p>(c) The provisions of sections 18 and 21 (a) and (b) shall not apply when the Government is continuing to carry out its functions in accordance with this section.</p>
<b>Work procedure.</b>	26. The Government shall itself prescribe the procedure for its meetings and work, the modes of its deliberations and the manner of passing its decisions, either permanently or in respect of a particular matter.
<b>Committees of Ministers.</b>	27. The Government may act through committees of Ministers which may be permanent, temporary or for particular matters.
<b>Secrecy.</b>	<p>28. (a) The deliberations and decisions of the Government and of the committee of the Ministers on the following matters are secret and their publication is prohibited:</p> <p>(1) the security of the State;</p> <p>(2) foreign relations of the State;</p> <p>(3) any other class of matters whose secrecy the Government regards as vital to the State and which it has</p>

proclaimed, by order, for the purposes of this section;

(4) a matter which the Government has decided to keep secret : Provided that the disclosure and publication of such a matter shall only be prohibited to a person who knew about the decision.

(b) The provisions of subsection (a) shall not apply to things whose publication has been permitted by the Government, the Prime Minister or a person empowered by it or him in that behalf or is required under any law.

**Powers of Government.**

29. The Government is competent to do in the name of the State, subject to any law, any act the doing of which is not enjoined by law upon another authority.

**Transfer of powers.**

30. Any power vested in or duty imposed on a Minister under any Law may be transferred by the Government, wholly or in part, to another Minister ; a decision under this section requires the approval of the Knesset.

**Delegation of powers.**

31. (a) A power vested in the Government under any Law may be delegated by it to one of the Ministers.

(b) A power vested in one of the Ministers under any Law or transferred to him under section 30, other than a power to make regulations with legislative effect, may be delegated by him, wholly, in part or subject to restrictions, to a public servant.

(c) A power delegated to a Minister by the Government under subsection (a), other than a power to make regulations with legislative effect, may be delegated by him to a public servant, wholly, in part or subject to restrictions, if the Government has empowered him to do so.

(d) Any reference in this section to a power vested in the Government or a Minister shall be taken to include a duty imposed on it or him.

**Assumption of powers.**

32. A Minister charged with the implementation of any Law may, in so far as no contrary intention appears from that Law, assume any power, other than a power of a judicial character, vested in a State employee under that Law ; he may do so in respect of a specific matter or for a specific period.

**Ministries.**

33. (a) The Government may merge, divide and abolish Ministries and set up new Ministries. A decision under this provision shall require the approval of the Knesset.

(b) The Government may transfer areas of activity from one Ministry to another.

**Appointment of Deputy**

34. A Minister in charge of a Ministry may, with the approval of the Government, appoint from among the

<b>Ministers.</b>	members of the Knesset one Deputy Minister or two Deputy Ministers for that Ministry. A Deputy Minister shall assume office when the Government has announced his appointment in the Knesset. A Deputy Minister appointed by the Prime Minister shall be called a "Deputy Minister at the Prime Minister's Office".
<b>Functions of Deputy Minister.</b>	35. A Deputy Minister shall, in the Knesset and in the Ministry for which he has been appointed, act in the name of the Minister who appointed him and within the scope of the matters entrusted to him by that Minister.
<b>Termination of tenure of Deputy Minister.</b>	36. The tenure of a Deputy Minister shall terminate when - <ol style="list-style-type: none"> <li>(1) he resigns by submitting a letter of resignation to the Minister who appointed him; or</li> <li>(2) that Minister ceases to be a Minister or to be in charge of that Ministry; or</li> <li>(3) the Government or the Minister decides to terminate his tenure; or</li> <li>(4) a new Government is established; or</li> <li>(5) he ceases to be a member of the Knesset.</li> </ol>
<b>Remuneration of Ministers and Deputy Ministers.</b>	37. Ministers and Deputy Ministers shall receive such remuneration and other payments as shall be fixed by decision of the Knesset. The Knesset may empower the Finance Committee in that behalf.
<b>Government Secretary.</b>	38. The Government shall, upon the proposal of the Prime Minister, appoint the Government Secretary and prescribe his functions.
<b>Evidence of Government acts.</b>	39. (a) A document issued by the Government shall be signed by the Prime Minister or by such other Minister as the Government has empowered in that behalf or by the Government Secretary.  (b) A written confirmation by the Government Secretary that the Government has done a certain thing shall be evidence that such thing has been done as stated in the confirmation.
<b>Notices to Knesset.</b>	40. (a) The Government shall give notice to the Knesset of the following: <ol style="list-style-type: none"> <li>(1) the designation of an Acting Prime Minister or Interim Prime Minister;</li> <li>(2) the resignation of the Government;</li> </ol>

- (3) the resignation or death of the Prime Minister;
- (4) the resignation or death of a Minister; (5) the transfer of areas of activity from one Ministry to another;
- (6) the termination of the tenure of a Deputy Minister under section 36 (1) or (3).

(b) Notice as aforesaid shall be given in the Knesset or, during a recess of the Knesset, to the Chairman of the Knesset, who shall bring it to the knowledge of the members of the Knesset.

**Publication in Reshumot.**

41. (a) Notice of the following shall be published in Reshumot. Reshumot on behalf of the Knesset:

(1) the constitution and composition of the Government, and the distribution of functions among the Ministers, under section 15;

(2) the approval of a change in the distribution of the functions of the Ministers, under section 17;

(3) the approval of the co-optation of a Minister to the Government, under section 18; (4) the approval of a decision under section 30 or 33 (a);

(5) a decision under section 37.

(b) Notice of the following shall be published in Reshumot on behalf of the Government :

(1) decisions by the Government under sections 19, 20, 21 (d), 25 (b), 31 (a) or (b) or 33 (a);

(2) the assumption of a power under section 31 for a specific period;

(3) the appointment of a Deputy Minister under section 34 and the termination of his tenure under section 36(1) or (3);

(4) the appointment of a Government Secretary under section 38 and the termination of his tenure.

**Non-application of emergency regulations.**

42. Notwithstanding anything contained in any other law, this Law cannot be varied, suspended, or made subject to conditions, by emergency regulations. This section may be varied only by a majority of the members of the Knesset.

LEVI ESHKOL  
Prime Minister



SHNEUR ZALMAN SHAZAR  
President of the State

\* Passed by the Knesset on the 19th Av, 5728 (13th August, 1968) and published in Sefer Ha-Chukkim No. 540 of the 27th Av, 5728 (21st August, 1968), p. 226; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 702 of 5726, p. 160.

**Basic Law: The Government (Amendment)\***

**Amendment  
of section 5.**

1. In the Basic Law: The Government the following shall be added at the end of section 5(b):

"But a person serving in the capacity of Judge, dayyan of a religious court or officer in the permanent service of the Defence Army of Israel shall not become a Minister unless he ceased to serve in that capacity at least 100 days previously."

GOLDA MEIR  
Prime Minister

EFRAYIM KATZIR  
President of the State

\* Passed by the Knesset on the 23rd Tammuz, 5733 (23rd July, 1973) and published in Sefer Ha-Chukkim No. 711 of the 4th Av, 5733 (2nd August, 1973), p. 236; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 1071 of 5733, p. 353.

Sefer Ha-Chukkim of 5728, p. 226; LSI vol. XXIV, p. 257.

**Basic Law: The Government (Amendment No. 2)\***

**Amendment  
of section 5.**

1. In section 5 of the Basic Law: The Government the words "One of the Ministers may be Deputy Prime Minister" in subsection (c) shall be deleted and the following subsection shall be added: "(d) One or two of the Ministers may be a Deputy Prime Minister or Deputy Prime Ministers."

**Commencement.** 2. This Law shall come into force upon its adoption by the Knesset.

MENACHEM BEGIN  
Prime Minister

YITZCHAK NAVON  
President of the State

\* Passed by the Knesset on the 16th Cheshvan, 5740 (6th November, 1979) and published in Sefer Ha-Chukkim No. 945 of the 24th Cheshvan, 5740 (14th November, 1979). p 6. the Bill and an

Explanatory Note here published in Hatza'ot Chok No. 1423 of 5740. p. 50.

Sefer Ha-Chukkim of 5728, p. 226 - LSI vol. XXVII, p. 257, Sefer Ha-Chukkim of 5733, p. 236, LSI vol. XXVIII, p. 25.

### **Basic Law: The Government (Amendment No. 3)\***

**Amendment of section 4.** 1. In section 4 of the Basic Law: The Government (hereinafter referred to as "the principal Law"), the words "A Minister is responsible to the Prime Minister for the functions with which the Minister is charged" shall be added at the end.

**Addition of section 21A.** 2. The following section shall be inserted after section 21:

**"Removal of Minister from office.** 21A.(a) The Prime Minister may, after notifying the office. Government of his intention to do so, remove a Minister from office. The tenure of the Minister ceases forty-eight hours after the letter of removal from office is delivered to him, unless the Prime Minister reverses his decision before then.

(b) The Prime Minister shall notify the Knesset of the removal of a Minister from office."

MENACHEM BEGIN  
Prime Minister

YITZCHAK NAVON  
President of the State

\* Passed by the Knesset on the 15th Iyar, 5741 (19th May, 1981) and published in Sefer Ha-Chukkim No. 1026 of the 23rd Iyar, 5741 (27th May, 1981), p. 280; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 1537 of 5741, p. 370.

Sefer Ha-Chukkim of 5728, p. 226 - LSI vol. XXII p. 257; Sefer Ha-Chukkim of 5733, p. 236 - LSI vol. XXVII, p. 265; Sefer Ha-Chukkim of 5740, p. 6 - LSI vol. XXXIII, p. 6.

### **Basic Law: The Government (Amendment No. 4)\***

**Amendment of section 5.** 1. In section 5 of the Basic Law: The Government, subsection (d) shall be re-marked as subsection (e) and the following subsection shall be inserted before it:

"(d) A Minister who is a member of the Knesset may be Vice-Premier."

**Replacement of section 19.** Section 19 of the Basic Law: The Government shall be replaced by the following section:

"Acting Prime 19. If the Prime Minister is absent from Israel Minister. or is temporarily unable to carry out his functions, the Vice-Premier shall act in his place until he returns to

Israel or again carries out his functions; if there is no Vice-Premier or if the Vice-Premier is absent from Israel or is temporarily unable to carry out his functions, the Government shall designate another Minister who is a member of the Knesset to act in place of the Prime Minister."

SHIMON PERES

Prime Minister

CHAIM HERZOG

President of the State

\* Passed by the Knesset on the 16th Elul, 5744 (13th September, 1984) and published in Sefer Ha-Chukkim No. 1124 of the 24th Elul, 5744 (21st September, 1984), p. 220; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 1694 of 5744, p. 296.

Sefer Ha-Chukkim of 5728, p. 226 - LSI vol. XXII, p. 257; Sefer Ha-Chukkim of 5733, p. 236 - LSI vol XXVII p. 265; Sefer Ha-Chukkim of 5740, p. 6 - LSI vol. XXXIV, p. 6; Sefer Ha-Chukkim of 5741, p. 280 - LSI vol. XXXV, p. 339.