

Law by Decree No. 12 of 2020

Concerning the Amendment of the Public Retirement Law No. 7 of 2005

The President of the State of Palestine

The Chairman of the Executive Committee of the Palestine Liberation Organisation

In reference of the Bylaw of the Palestine Liberation Organisation,

The Amended Basic Law of 2003, as amended,

Having reviewed the Law of Civil Service No. 4 of 1998, as amended,

The Law of Public Retirement No. 7 of 2005, as amended,

The Law of Civil Retirement No. 34 of 1959, as amended,

The Law of Insurance and Pensions No. 8 of 1964, as amended,

The Law of Insurance and Pensions of the Security Forces No. 16 of 2004, as amended,

Based upon the powers vested in me, and

In pursuance of the public interest,

I hereby promulgate the following Law by Decree:

Article 1

For the purposes of introducing the present amendment, the Law of Public Retirement No. 7 of 2005, as amended, shall be referred to as the Original Law.

Article 2

1. Clause (C), Paragraph 4, of Article 25 of the Original Law shall be amended so as to become as follows:
 - C. The amounts of insurance in both cases shall be equivalent to the percentage of the annual salary as per the age, in accordance with Table No. 1 under Article 25 of the Original Law. In the calculation of the year, the fractions of the year shall be deemed to be a full year.
2. Clause (B), Paragraph 5, of Article 25 of the Original Law shall be amended so as to become as follows:
 - B. If the dependent son or brothers reach the age of (21 years) but are not in one of the stages of secondary education or are not enrolled in universities, or the age of (26 years) in case they are enrolled in one of the stages of education, universities or higher institutes.

Article 3

Clause (D), Paragraph 1, of Article 28 of the Original Law shall be amended so as to become as follows:

- D. The subscriber who resigns from service shall be able to pay the contributions which were disbursed to him at once upon returning to service.

Article 4

1. Paragraph 3 of Article 33 of the Original Law shall be amended so as to become as follows:

3.

- a. It shall be a condition precedent that, upon the death of the subscriber, there shall not be an income of the partner (brothers, daughters and sisters) or that their income is less than the amount of their benefit. For such purpose, the maintenance that is paid to the daughters and sisters shall not be deemed to be an income, and the beneficiary must prove that he has not received an income or that his income is less than his benefits by means of a certification from the concerned body in support of his declaration.
- b. In the event a private income exists, the amount of the income shall be deducted from the pension benefits. The pension benefits shall be redefined on an annual basis in light of the changes taking place in the income, whether increasing or decreasing, provided that the remaining share is restored to the persons entitled to the pension. In the event a pension exists for the widow, her share shall be restored to the entitled persons, while preserving the equal shares in accordance with Table No. 2 annexed to Article 34 of the Original Law.

2. A new paragraph, bearing number 7, shall be added to Article 33 of the Original Law, as follows:

7. The beneficiary or his heirs may not combine two pensions under the provisions of this Law, or any other retirement law, from the Pension Agency or Public Treasury. In case an eligible heir is entitled to more than one pension, the larger [pension] shall be allocated to him.

Article 5

Paragraph 1 of Article 35 of the Original Law shall be amended as follows:

1. The pension due for the male children, including sons and brothers, shall be cut off when they are over twenty one years of age. Excluded from this shall be the case where the person entitled to the pension is affected by a health disability that prevents him from making a living, until the disability ceases. He shall demonstrate this case at the time of entitlement by a decision from the Higher Medical Committee.

Article 6

Paragraph 5 of Article 109 of the Original Law shall be amended so as to become as follows:

5. In the event the service of the beneficiary terminates for any reason prior to the completion of payment of the loan, the remaining balance shall be deducted from the remuneration or pension, which is due for him or for his heirs, in case of his death or dismissal from service by reasons of disability to work. The remaining balance may not be deducted from the pension to which the heirs are entitled except within the limits of a quarter. If benefits from which the balance is deducted are not available, the Agency shall

afford a deduction from the defined contributions and revenue of the investment of his funds.

Article 7

Article 114 of the Original Law shall be amended so as to become as follows:

1. The service of public servants shall terminate when they reach the compulsory age of retirement in accordance with the law.
2. Notwithstanding any other legal provision, and unless the President of the State decides otherwise, the service of the heads of official institutions and bodies who are appointed in the grade of a minister shall continue until they reach sixty five years of age.

Article 8

Clause (E) of Article 118 of the Original Law shall be repealed.

Article 9

All provisions that contradict the provisions of this Law by Decree shall be repealed.

Article 10

All the competent authorities, each one within its sphere of jurisdiction, shall implement the provisions of this Law by Decree, which shall enter into force as of the date of its promulgation and shall be published in the Official Gazette.

Promulgated in the city of Ramallah on April 16th, 2020 *Anno Domini*,

Corresponding to Sha'ban 23rd, 1441 *Anno Hegira*.

Mahmoud Abbas

President of the State of Palestine

Chairman of the Executive Committee of the Palestine Liberation Organisation