

SAORSTÁT EIREANN.

BILLE FORSAI COSANTA (FORALACHA SEALADACHA),
1925.

DEFENCE FORCES (TEMPORARY PROVISIONS) BILL,
1925.

Mar do ritheadh ag Dáil Eireann.

As passed by Dáil Eireann.

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SAORSTAT EIREANN.

BILLE FORSAI COSANTA (FORALACHA SEALADACHA),
1925.

DEFENCE FORCES (TEMPORARY PROVISIONS) BILL,
1925.

BILL

entitled

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AN ACT TO CONTINUE AND AMEND THE DEFENCE
FORCES (TEMPORARY PROVISIONS) ACTS, 1923 AND
1924.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTAT
EIREANN AS FOLLOWS:—

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Definitions.

1.—In this Act,
the expression “ the Principal Act ” means the Defence Forces
(Temporary Provisions) Act, 1923,

the expression “ the Act of 1924 ” means the Defence Forces
(Temporary Provisions) Act, 1923 (Continuance and Amend-
ment) Act, 1924.

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Continuance of
Principal Act and
Act of 1924.

2.—Subject to the provisions of this Act, the Principal Act and
the Act of 1924 shall continue in force until the 31st day of March,
1926, and shall then expire.

Amendment of
section 14 of the
Principal Act.

3.—Section 14 (which relates to the vesting of the executive
military command and inspection of the Forces) of the Principal
Act is hereby repealed, and in lieu thereof it is hereby enacted
that—

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(a) the executive military command of the Forces or any
portion thereof may, subject to this Act, be vested in
such officer or officers of the Forces as may be ap-
pointed by the Executive Council, and

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(b) the inspection of the Forces or any portion thereof
may, subject to this Act, be vested in such officer or
officers of the Forces as may be appointed by the
Executive Council.

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Repeal of sections
78 and 79 of the
Principal Act and
of sections 18 and
19 of the Act of
1924.

4.—The following enactments are hereby repealed, that is to
say:—

Section 78 (which relates to the charges against an officer
below the rank of Commandant which may be summarily
dealt with) of the Principal Act:

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Section 79 (which relates to the punishments which may be
summarily awarded to an officer below the rank of Comman-
dant) of the Principal Act:

Section 18 (which amends section 78 of the Principal Act)
of the Act of 1924:

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Section 19 (which amends section 79 of the Principal Act)
of the Act of 1924.

Repeal of sub-
sections (3) and
(4) of section 84
of the Principal
Act.

5.—Sub-sections (3) and (4) (which relate to procedure upon
investigation of a charge against an officer) of section 84 of the
Principal Act as amended by section 24 of the Act of 1924 are
hereby repealed, and in lieu thereof the following sub-section
shall be inserted in the Principal Act after sub-section (2) of
section 84 thereof, that is to say:—

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“(3) If the officer investigating the charge does not dismiss the charge he shall remand the accused for trial by General Courtmartial.”

5 6.—Section 81 (which relates to the punishments which may be summarily awarded to a non-commissioned officer) of the Principal Act as amended by section 21 of the Act of 1924 shall be and is hereby amended by the addition at the end of the section of a new sub-section as follows:—

Amendment of section 81 of the Principal Act.

10 “(3) Where a non-commissioned officer is charged with two or more of the offences mentioned in section 80 of this Act, the commanding officer of the accused shall, if satisfied as to the guilt of the accused of any two or more of the offences with which he is so charged, summarily award only one sentence in respect of all such two or more offences, and shall by such sentence award only one of the punishments or combinations of punishments which under sub-section (1) of this section may be summarily awarded in respect of any of the offences mentioned in section 80 of this Act.”

20 7.—Section 82 (which relates to the punishments which may be summarily awarded to a private soldier) of the Principal Act as amended by section 22 of the Act of 1924 shall be and is hereby amended by the addition at the end of the section of a new sub-section as follows:—

Amendment of section 82 of the Principal Act.

25 “(5) Where a private soldier is charged with two or more of the offences mentioned in section 80 of this Act, the commanding officer of the accused shall, if satisfied as to the guilt of the accused of any two or more of the offences with which he is so charged, summarily award only one sentence in respect of all such two or more offences, and shall by such sentence award only one of the punishments or combinations of punishments which under the foregoing provisions of this section may be summarily awarded in respect of any of the offences mentioned in section 80 of this Act.”

35 8.—Section 149 (which relates to the purchase of the discharge of a recruit) of the Principal Act shall be and is hereby amended by the substitution of the words “twenty-five pounds, as the Minister may determine,” for the words “ten pounds” in that section, and by the addition at the end of the said section 149 of a new sub-section as follows:—

Amendment of section 149 of the Principal Act.

40 “(2) Where a recruit who is under the age of eighteen years or the parent or guardian or other the person in *loco parentis* to such recruit makes within three months after the date of the attestation of such recruit an application to his commanding officer for his discharge, he shall, without being required to make any payment, be discharged with all convenient speed.”

50 9.—(1) Upon the discharge of any soldier of the Forces who is certified by a person registered under the Medical Acts in actual practice of the medical profession to be a person of unsound mind and to be a proper person to be detained under care and treatment, the Minister, or any officer not below the rank of Commandant deputed by the Minister for the purpose, may, by order, cause such soldier to be sent to the lunatic asylum established for the district to which it appears to the Minister or such officer (as the case may require) after investigation made by him in accordance with the provisions of this section that such soldier belongs.

Provisions as to lunatic soldiers on discharge.

60 (2) Every such order as aforesaid shall specify the lunatic asylum to which the soldier of the Forces to which such order relates is to be sent.

(3) In determining the district to which any soldier of the Forces as aforesaid belongs the Minister shall make such inquiries as may be necessary for that purpose and shall have re-

gard to the statements made in the attestation paper of such soldier and to such other sources of information as may be available.

(4) Every order made by the Minister under this section shall specify the county or county borough in the district for which the lunatic asylum specified in such order is established to which the maintenance of the soldier of the Forces to whom such order relates is to be charged. 5

(5) Where any soldier of the Forces is sent to a lunatic asylum under an order duly made under this section such soldier shall be admitted by the proper officer of such asylum and shall be regarded and treated in all respects as if he had been admitted into such asylum as an ordinary patient, and may, if and when the committee of management of such asylum or other lawful authority in their discretion so think fit, be discharged or placed in the care of his friends in the same manner in all respects as an ordinary patient. 15

(6) A soldier of the Forces duly admitted into a lunatic asylum under an order duly made under this section shall not be deemed to be a criminal lunatic within the meaning of section 6 of the Lunacy (Ireland) Act, 1901. 20

(7) Where a soldier of the Forces has been received into a district lunatic asylum on an order made under this section the Minister may, if he thinks proper, provide for the payment of the conveyance of the wife and children of such soldier to the district to which such soldier appears to belong, and in such a case may notify the proper local authorities of such conveyance should he consider the circumstances of the family such as would entitle them to public assistance. 25

(8) Section 158 (which relates to the delivery of a lunatic soldier on discharge with his wife or child at a workhouse and of a dangerous lunatic at an asylum) of the Principal Act is hereby repealed. 30

Amendment of section 193 of the Principal Act.

10.—Section 193 (which relates to the unauthorised use of military decorations) of the Principal Act shall be and is hereby amended by the addition of the words “ uniform or dress or ” immediately before the word “ decoration ” wherever the last-mentioned word occurs in the said section and by the addition at the end of the said section of the words “ or the wearing of any military uniform or dress in the course of a stage play or other dramatic representation or performance,” and the said section 193 shall be construed and have effect accordingly. 35 40

Repeal of section 206 and of section 229, (2), of the Principal Act.

11.—Section 206 (which relates to the conveyance of members of the Forces by railway) of the Principal Act and sub-section (2) of section 229 (which sub-section applies the provisions of the said section 206 to the conveyance of members of the reserve by railway) of the Principal Act are hereby repealed. 45

Short title and construction.

12.—(1) This Act may be cited as the Defence Forces (Temporary Provisions) Act, 1925.

(2) This Act shall be construed as one with the Principal Act and the Act of 1924 and those Acts and this Act may be cited together as the Defence Forces (Temporary Provisions) Acts, 1923 to 1925. 50

(3) The Act of 1924 may be cited as the Defence Forces (Temporary Provisions) Act, 1924. 55

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Saorstát Éireann.

BILLE FÓRSAÍ COSANTA (FORALACHA
SEALADACHA), 1925.

BILLE

dá ngairmtear

Acht chun na hAchtanna Fórsaí Cosanta
(Forálacha Sealadacha), 1923 agus 1924,
do bhuanú agus do leasú.

*Rithte ag Dáil Éireann,
10adh Márta, 1925.*

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Saorstát Éireann.

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and 1924.

*Passed by Dáil Éireann.
10th March, 1925.*

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