

SAORSTÁT ÉIREANN.

BILLE FORSAI COSANTA, 1937.
DEFENCE FORCES BILL, 1937.

Mar do ritheadh ag Dáil Éireann.

As passed by Dáil Éireann.

ARRANGEMENT OF SECTIONS.

Section.

1. Definitions and construction.
2. Commencement.
3. Military command.
4. Appointment to certain offices.
5. Appointment to commissioned rank.
6. Oath to be taken by officers.
7. Dismissal of officers.
8. Retirement of officers.
9. Resignation of officers.
10. Effective dates of appointments, etc., of officers.
11. Oath to be taken by soldiers.
12. Discharge of soldiers.
13. Prohibition of membership of political and secret societies.
14. Convening of courts-martial and confirmation of findings and sentences of courts-martial.
15. Repeals.
16. Short title and citation.

FIRST SCHEDULE.

Forms of Commission to an Officer.

SECOND SCHEDULE.

Enactments Repealed.

SAORSTÁT EIREANN.

BILLE FORSAI COSANTA, 1937.

DEFENCE FORCES BILL, 1937.

BILL

entitled

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1 ACT TO MAKE, FOR THE PURPOSES OF THE
CONSTITUTION OF IRELAND LATELY ENACTED BY
THE PEOPLE, PROVISION FOR CERTAIN MATTERS
RELATING TO THE DEFENCE FORCES, INCLUDING
THE REGULATION OF THE EXERCISE OF THE 10
SUPREME COMMAND OF THE DEFENCE FORCES.

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

Definitions and
construction.

1.—(1) In this Act—
the expression “ the Principal Act ” means the Defence Forces 15
(Temporary Provisions) Act, 1923 (No. 30 of 1923);
the expression “ the Defence Forces ” means the Forces and the
Reserve.

(2) The Defence Forces (Temporary Provisions) Acts, 1923 to
1937, and this Act shall be read and construed together and 20
accordingly every expression and word used in this Act to which
a particular meaning is given by the said Acts for the purposes
of the said Acts has in this Act the meaning so given.

Commencement.

2.—This Act shall come into operation immediately after the
coming into operation of the Constitution of Ireland lately 25
enacted by the People.

Military
command.

3.—(1) Under the direction of the President acting on the
advice of the Government and subject to the provisions of the
Defence Forces (Temporary Provisions) Acts, 1923 to 1937, and
this Act, the military command of and all executive and adminis- 30
trative powers in relation to the Defence Forces, including the
power to delegate authority, shall be exercisable by the
Government through and by the Minister.

(2) The Minister may make regulations, applying to officers,
as to the persons to be invested as officers with military command 35
over the Defence Forces or any part thereof or any person
belonging thereto, and as to the mode in which such command
is to be exercised.

Appointment to
certain offices.

4.—Appointments to the following offices shall be made by the
President acting on the advice of the Government, that is to 40
say:—

- (a) the office of Chief of Staff of the Defence Forces;
- (b) the office of Adjutant-General of the Defence Forces;
- (c) the office of Quartermaster-General of the Defence 45
Forces;
- (d) the office of Inspector-General of the Defence Forces;
- (e) the office of Judge Advocate-General.

Appointment
to
commissioned
rank.

5.—(1) The President, on the advice of the Government, may
appoint any person to commissioned rank or temporary commis- 50
sioned rank in the Forces or the Reserve.

(2) Whenever and so long as there is an elected President in office exercising and performing the powers and functions of his office, all commissions shall be issued in the form set out in Part I of the First Schedule to this Act.

5 (3) Until the first President enters upon his office or whenever and so long as a commission constituted under Article 14 of the Constitution is exercising and performing the powers and functions of the President, all commissions shall be issued in the form set out in Part II of the First Schedule to this Act.

10 6.—(1) Every officer of the Forces shall upon being granted a commission take an oath or make a declaration in the following form:—

Oath by Officers
of the Forces.

“ I do solemnly swear (or declare) that I will be faithful to Ireland and loyal to the Constitution and that while I am an officer in Oglagh na h-Eireann I will obey all orders issued to me by my superior officers according to law and I will not join or be a member of or subscribe to any organisation without due permission.”

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(2) The oath or declaration in the last preceding sub-section set forth shall be taken or made and subscribed by an officer in the presence of an officer nominated for that purpose by the Minister.

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(3) Any officer of the Forces who declines or neglects to take the oath or make the declaration aforesaid in the manner aforesaid, shall be deemed to have resigned his commission and appointment as an officer in the Forces.

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7.—(1) The President may, on the advice of the Government, dismiss any officer.

Dismissal
of officers.

(2) Except in the case of an officer who is sentenced by a civil court to suffer death, penal servitude, or imprisonment for a term exceeding six months or who is absent without leave for a period exceeding three months, an officer shall not be dismissed under this section unless or until the reasons for the proposed dismissal have been communicated to him and such officer has been given a reasonable opportunity of making such representation as he may think proper in relation to the proposed dismissal.

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8.—(1) An officer of the Forces may, in accordance with regulations made by the Minister, be retired by the President on the advice of the Government.

Retirement
of officers.

40 (2) An officer of the Forces may, in accordance with regulations made by the Minister, retire.

9.—(1) An officer may tender to the President the resignation of his commission.

Resignation
of officers.

(2) The President on the advice of the Government may accept or refuse to accept the tender by an officer of the resignation of his commission.

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(3) An officer who has tendered the resignation of his commission shall not, unless otherwise ordered by the Minister, be relieved of his military duties unless and until the resignation of his commission has been accepted by the President on the advice of the Government.

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10.—The appointment of a person to commissioned rank, the dismissal (other than by sentence of a courtmartial) or retirement of an officer, and the resignation by an officer of his commission shall in each case take effect from such date as the President acting on the advice of the Government may fix.

Effective dates of
appointments,
etc., of officers.

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Oath to be taken
by soldiers.

11.—Section 9 of the Defence Forces (Temporary Provisions) Act, 1923 (Continuance and Amendment) Act, 1924 (No. 38 of 1924), is hereby repealed and in lieu thereof it is hereby enacted that the form of oath or declaration to be taken or made pursuant to section 21 of the Principal Act shall be as follows, that is to say :—

“ I do solemnly swear (or declare) that I will be faithful to Ireland and loyal to the Constitution and that while I am a soldier in Oglagh na h-Eireann I will obey all orders issued to me by my superior officers according to law and I will not join or be a member of or subscribe to any organisation without due permission.”

Discharge of
soldiers.

12.—The Government acting through the Minister may direct the discharge of any soldier of the Forces or the Reserve.

Prohibition of
membership of
political and
secret societies.

13.—(1) No officer or soldier of the Forces shall join or be a member of or subscribe to any political society or organisation.

(2) No officer or soldier of the Forces or the Reserve shall join or be a member of or subscribe to any secret society.

Convening of
courts-martial,
and confirmation
of findings and
sentences of
courts-martial.

14.—(1) Section 91 of the Principal Act is hereby amended by the insertion therein of the following sub-section in lieu of sub-section (1) now contained therein and the said section shall be construed and have effect accordingly, that is to say :—

“ (1) Each of the following persons shall have power to convene a general court-martial, that is to say :—

(a) the Minister;

(b) any officer authorised in that behalf by the Minister.”

(2) Section 92 of the Principal Act is hereby amended by the insertion therein of the following sub-section in lieu of sub-section (1) now contained therein, and the said section shall be construed and have effect accordingly, that is to say :—

“ (1) Each of the following persons shall have power to convene a local court-martial, that is to say :—

(a) any officer authorised to convene a general court-martial;

(b) any officer deriving authority to convene a local court-martial from an officer authorised to convene a general court-martial.”

(3) Each of the following persons shall have power to confirm the finding and sentence of a general court-martial, that is to say :—

(a) in case sentence of death has been awarded, the Government,

(b) in any other case—

(i) the Minister,

(ii) any officer, not below the rank of Colonel, authorised in that behalf by the Minister.

(4) Each of the following persons shall have power to confirm the finding and sentence of a local court-martial, that is to say :—

(a) the Minister,

(b) any officer authorised by the Minister to confirm the findings and sentence of a local court-martial,

(c) any officer for the time being authorised to convene a local court-martial.

Repeals.

15.—The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of the said Schedule.

Short title and
citation.

16.—(1) This Act may be cited as the Defence Forces Act, 1937.

(2) For the purposes of collective citation the expression “ the Defence Forces (Temporary Provisions) Acts, 1923 to 1937 ” shall include this Act.

FIRST SCHEDULE.

FORMS OF COMMISSION TO AN OFFICER.

PART I.

DEFENCE FORCES OF IRELAND.

To (Name of Officer).....

Trusting in your fidelity to Ireland and loyalty to the Constitution and reposing special confidence in your courage, honour, good conduct, and intelligence, I.....
the President of Ireland hereby, on the advice of the Government, constitute and appoint you to be an officer in the part of the Defence Forces known as.....
.....as from the.....
day of....., 19..... You will faithfully discharge your duty in the rank of.....or in any higher rank to which your merit may hereafter determine your appointment or promotion. You will exercise and train in arms and maintain in good order and discipline the soldiers and inferior officers serving under you who are hereby each and all enjoined and commanded to render you obedience as their superior officer. You will yourself observe and obey without question such orders and directions as you shall from time to time receive from the Minister for Defence or from any of your superior officers according to law.

GIVEN under my Official Seal this.....

day of....., 19.....

.....

President of Ireland.

L.S.

PART II.

DEFENCE FORCES OF IRELAND.

To (Name of Officer).....

Trusting in your fidelity to Ireland and loyalty to the Constitution and reposing special confidence in your courage, honour, good conduct, and intelligence, We, the undersigned members of the Commission nominated by Article 57 (or 14) of the Constitution to exercise the powers and functions of the President of Ireland hereby, on the advice of the Government, constitute and appoint you to be an officer in the part of the Defence Forces known as..... as from theday of....., 19.....
You will faithfully discharge your duty in the rank ofor in any higher rank to which your merit may hereafter determine your appointment or promotion. You will exercise and train in arms and maintain in good order and discipline the soldiers and inferior officers serving under you who are hereby each and all enjoined and commanded to render you obedience as their superior officer. You will yourself observe and obey without question such orders and directions as you shall from time to time receive from the Minister for Defence or from any of your superior officers according to law.

GIVEN under the Official Seal of the President

of Ireland this.....day of

....., 19.....

L.S.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Number and Year	Short Title	Extent of Repeal
No. 30 of 1923	Defence Forces (Temporary Provisions) Act, 1923.	Sections 5, 10, 11, 15, 16, 17, 21a and 27; sub-section (1) of Section 91; sub-section (1) of Section 92; Sections 114, 124 and 211; the First Schedule.
No. 38 of 1924	Defence Forces (Temporary Provisions) Act, 1923 (Continuance and Amendment) Act, 1924.	Sections 9 and 10.
No. 4 of 1925.	Defence Forces (Temporary Provisions) Act, 1925.	Section 3.

BILLE FORSAI COSANTA, 1937.

DEFENCE FORCES BILL, 1937.

BILLE

dá ngairmtear

Acht chun soeruithe do dhéanamh, chun crícheanna Bunreacht na hÉireann d'achtuigh an Póbal le déanaí, i dtaobh nithe áirithe bhaineas leis na Fórsaí Cosanta, agus ortha san feidhmiú ard-cheannais na bhFórsaí Cosanta do rialáil.

BILL

entitled

An Act to make, for the purposes of the Constitution of Ireland lately enacted by the People, provision for certain matters relating to the Defence Forces, including the regulation of the exercise of the supreme command of the Defence Forces.

An tAire Cosanta do thug isteach.

Introduced by the Minister for Defence.

Rithte ag Dáil Éireann, 15adh Mí na Nodlag, 1937.

Passed by Dáil Éireann, 15th December, 1937.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 3-4, Sráid an Choláiste, Baile Atha Cliath.

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[Leath-Raol Glan.]

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