



**AN BILLE COSANTA (LEASU) (Uimh. 2), 1960.
DEFENCE (AMENDMENT) (No. 2) BILL, 1960.**

*Mar a tugadh isteach.
As introduced.*

ARRANGEMENT OF SECTIONS.

Section.

1. Interpretation.
2. Despatch of contingents of the Permanent Defence Force for service outside the State with International United Nations Forces.
3. Liability of certain members of the Permanent Defence Force for service with International United Nations Forces.
4. Amendments of the Principal Act.
5. Application of section 11 of Wills Act, 1837, and Wills (Soldiers and Sailors) Act, 1918.
6. Registration of certain births and deaths occurring outside the State.
7. Repeal.
8. Short title and collective citation.



AN BILLE COSANTA (LEASU) (Uimh. 2), 1960.
DEFENCE (AMENDMENT) (No. 2) BILL, 1960.

BILL

entitled

AN ACT TO AUTHORISE, SUBJECT TO THE PREVIOUS 5
APPROVAL OF DÁIL ÉIREANN IN CERTAIN CIRCUM-
STANCES, THE DESPATCH OF CONTINGENTS OF
THE PERMANENT DEFENCE FORCE FOR SERVICE
OUTSIDE THE STATE WITH INTERNATIONAL
FORCES ESTABLISHED BY THE SECURITY COUNCIL 10
OR THE GENERAL ASSEMBLY OF THE UNITED
NATIONS FOR THE PERFORMANCE OF DUTIES OF A
POLICE CHARACTER, TO EXTEND THE AREA OF
SERVICE OF CERTAIN MEMBERS OF THE PER-
MANENT DEFENCE FORCE, AND FOR THOSE 15
PURPOSES TO AMEND THE DEFENCE ACT, 1954, IN
CERTAIN RESPECTS AND TO PROVIDE FOR OTHER
RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Interpretation.

1.—(1) In this Act—

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1954, No. 18.

the expression “the Principal Act” means the Defence Act, 1954;
the expression “International United Nations Force” means an
international force or body established by the Security Council or
the General Assembly of the United Nations for the performance
of duties of a police character.

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(2) This Act shall be construed as one with the Principal Act.

Despatch of
contingents of
the Permanent
Defence Force
for service outside
the State with
International
United Nations
Forces.

2.—(1) Subject to *subsection (2)* of this section, a contingent
of the Permanent Defence Force may be despatched for service
outside the State as part of a particular International United
Nations Force if, but only if, a resolution has been passed by Dáil 30
Éireann approving of the despatch of a contingent of the Per-
manent Defence Force for service outside the State as part of that
International United Nations Force.

(2) A contingent of the Permanent Defence Force may be
despatched for service outside the State with a particular Inter- 35
national United Nations Force without a resolution approving of
such despatch having been passed by Dáil Éireann, if, but only if—

(a) that International United Nations Force is unarmed, or

(b) the contingent consists of not more than twelve members
of the Permanent Defence Force, and the number of 40
members of the Permanent Defence Force serving
outside the State with that International United
Nations Force will not, by reason of such despatch, be
increased to a number exceeding twelve, or

(c) the contingent is intended to replace, in whole or in part, 45
or reinforce a contingent of the Permanent Defence
Force serving outside the State as part of that Inter-

national United Nations Force and consisting of more than twelve members of the Permanent Defence Force.

3.—(1) (a) This section applies at all times to—

Liability of certain members of the Permanent Defence Force for service with International United Nations Forces.

5 (i) an officer of the Permanent Defence Force appointed on or after the date of the passing of this Act,

(ii) a man of the Permanent Defence Force enlisted on or after the date of the passing of this Act.

10 (b) Where a member of the Permanent Defence Force (not being a member of the Permanent Defence Force specified in *paragraph (a)* of this subsection) has offered in writing, whether before or on or after the date of the passing of this Act, to render him-
15 self liable for external service during a specified period and the Minister or an officer authorised in that behalf by the Minister has accepted the offer, this section shall also apply to that member during that period.

20 (2) Notwithstanding anything contained in Chapter III of Part IV of the Principal Act, every member of the Permanent Defence Force to whom this section for the time being applies shall be liable to serve outside the State with a contingent of the Permanent Defence Force which,

25 (a) in pursuance of the Defence (Amendment) Act, 1960, was 1960, No. 22. despatched, or

(b) in pursuance of *section 2* of this Act, is despatched,

for service with an International United Nations Force.

30 4.—(1) A member of the Permanent Defence Force who is serving outside the State with an armed International United Nations Force shall, for the purposes of the Principal Act, be deemed, while so serving, to be on active service. Amendments of the Principal Act.

(2) Subject to *subsection (7)* of this section, *section 61* of the Principal Act is hereby amended by—

35 (a) the insertion after subparagraph (i) in paragraph (b) of subsection (2) of the following subparagraph :

40 “ (ia) the transfer is for the purpose of enabling the man to serve, or continue to serve, outside the State with an International United Nations Force and is effected either during, or not more than one month before the commencement of, such service, or ”,

45 (b) the insertion after “ transfer ” in subsection (3) of “ or the transfer is for the purpose of enabling the man to serve outside the State with an International United Nations Force and is effected either during, or not more than one month before the commencement of, such service ”, and

50 (c) the insertion after subsection (4) of the following subsection :

55 “ (5) A man of the Permanent Defence Force who by virtue of this section or *section 296* of this Act is transferred from one service corps to another service corps for the purpose of enabling the man to serve, or continue to serve, outside the State with an International United Nations Force, shall, on the completion

of such service, be transferred by the prescribed military authority with all convenient speed to the first mentioned service corps."

(3) Subject to *subsection (7)* of this section, section 70 of the Principal Act is hereby amended by—

(i) the insertion after "service is in force" in both paragraph (b) of subsection (3) and paragraph (b) of subsection (4) of "or he is serving outside the State with an International United Nations Force", and

(ii) the insertion after "proclamation is in force" in both subparagraph (i) of the said paragraph (b) of the said subsection (3) and the said paragraph (b) of the said subsection (4) of "or the period of such service outside the State with an International United Nations Force, as the case may be, or, where the two periods occur and there is no interval of time between them, the period from the commencement of the period which occurs first to the expiration of the other period".

(4) (a) Subject to *subsection (7)* of this section, section 75 of the Principal Act shall, in its application to a man of the Permanent Defence Force who is serving outside the State with an International United Nations Force, have effect as if the references therein to a period of emergency included references to a period during which the man is serving outside the State with an International United Nations Force.

(b) Where, in relation to a man of the Permanent Defence Force, a period (being either a period of emergency or a period in which the man is serving outside the State with an International United Nations Force) is followed within three months after its expiration by a period (being either a period of emergency or a period in which the man is serving outside the State with an International United Nations Force), the former period shall, for the purposes of subsection (3) of section 75 of the Principal Act be deemed to have terminated at the time of the termination of the latter period.

(5) Regulations made under subsection (4) of section 192 of the Principal Act and providing that the exercise of the jurisdiction conferred on courts-martial by section 169 of the Principal Act shall depend on the consent of a civil authority specified in the regulations shall not apply in relation to the exercise of that jurisdiction by a court-martial for the trial of a member of the Permanent Defence Force for an offence committed by him while serving outside the State with an International United Nations Force.

(6) Subject to *subsection (7)* of this section, section 296 of the Principal Act is hereby amended by—

(a) the insertion after clause (I) in subparagraph (ii) of paragraph (b) of subsection (2) of the following clause:

"(Ia) the transfer is for the purpose of enabling the man to serve, or continue to serve, outside the State with an International United Nations Force and is effected either during, or not more than one month before the commencement of, such service, or",

(b) the insertion after "transfer" in paragraph (c) of the said subsection (2) of "or the transfer is for the purpose of enabling the man to serve, or continue to serve out-

side the State with an International United Nations Force and is effected either during, or not more than one month before the commencement of, such service", and

- 5 (c) the insertion after "service is in force" in both subparagraphs (a) and (b) of subsection (3) of "or he is serving outside the State with an International United Nations Force".

(7) Where at the date of the passing of this Act a member of the Permanent Defence Force is serving outside the State with an International United Nations Force, the amendments of the Principal Act effected by subsections (2), (3), (4) and (6) of this section shall not apply in relation to such member during the period of such service.

- 15 5.—A member of the Permanent Defence Force who is serving outside the State with an armed International United Nations Force shall be deemed, for the purposes of section 11 of the Wills Act, 1837, and the Wills (Soldiers and Sailors) Act, 1918, to be, while so serving, a soldier being in actual military service, and the said section and the said Wills (Soldiers and Sailors) Act, 1918 shall apply and have effect accordingly in relation to the member.
- Application of section 11 of Wills Act, 1837, and Wills (Soldiers and Sailors) Act, 1918. 1837, c. 26. 1918, c. 58.

6.—(1) The Minister may by regulations, made with the consent of the Minister for Health, provide for the keeping of a record of—

Registration of certain births and deaths occurring outside the State.

- (a) the death of a member of the Permanent Defence Force,
- 25 (b) the death of the wife or any of such other members of the family of a member of the Permanent Defence Force as may be specified in the regulations, and
- (c) the birth of a child to the wife of a member of the Permanent Defence Force,
- 30 occurring outside the State while the member of the Permanent Defence Force is serving outside the State with an International United Nations Force and, as respects a death referred to in paragraph (b) of this subsection or a birth, in such circumstances as may be specified in the regulations.

35 (2) Records kept pursuant to regulations made under this section shall be—

- (a) authenticated in such manner as may be specified in the regulations by such person as may be specified for that purpose in the regulations, and

- 40 (b) transmitted to an tÁrd Chláraitheoir in such manner as may be specified in the regulations.

(3) (a) An tÁrd Chláraitheoir shall maintain a register to be known as the Defence Forces Deaths Register Book (in this section referred to as the Deaths Book) and shall cause an entry to be made in the Deaths Book of each record of a death transmitted to him under this section.

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(b) An tÁrd Chláraitheoir shall maintain a register to be known as the Defence Forces Births Register Book (in this section referred to as the Births Book) and shall cause an entry to be made in the Births Book of each record of a birth transmitted to him under this section.

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(c) An entry made under paragraph (a) or (b) of this subsection shall be in such form as may be specified in the regulations under this section and shall contain such particulars as may be specified in those regulations.

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(d) The Deaths Book and the Births Book shall, for the purposes of the Births and Deaths Registration Acts, 1863 to 1952, be deemed to be register books within the meaning of those Acts, but paragraph (3) of section 27 of the Births and Deaths Registration Act (Ireland), 1880, shall, in its application to the Deaths Book and the Births Book have effect as if—

(i) “upon payment of the appointed fee, and ” were deleted, and

(ii) the reference therein to a statutory declaration made by one or more persons required by that Act to give information concerning the birth or death referred to in that paragraph were a reference to a statement in writing made by a person specified under *paragraph (a) of subsection (2) of this section.*

(4) An tÁrd Chláraitheoir shall keep at his office an index to the Deaths Book and an index to the Births Book; and persons shall be entitled to search the indices and to have a certified copy of an entry in the Deaths Book or the Births Book or of items contained in the entry on the same terms and conditions in all respects as to fees and otherwise as are applicable under the Births and Deaths Registration Acts, 1863 to 1952, or any other enactment in respect of the registers of births and deaths; and such fees shall be collected and disposed of in the same manner as fees payable under the said recited Acts.

(5) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling such regulation is passed by either such House within the next subsequent twenty-one days on which such House has sat after such regulation is laid before it, such regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(6) This section shall have and be deemed to have had effect as on and from the 1st day of October, 1960.

Repeal.
1960, No. 22.

7.—The Defence (Amendment) Act, 1960, is hereby repealed.

Short title and
collective citation.

8.—(1) This Act may be cited as the Defence (Amendment) (No. 2) Act, 1960.

(2) The Principal Act and this Act may be cited together as the Defence Acts, 1954 and 1960.

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BILLE

(*mar a tugadh isteach*)

dá ngairtear

Acht dá údarú, faoi réir ceadú Dháil Éireann roimh ré, in imthoisea áirithe, díormaí de na Buan-Óglaigh a chur chun bealaigh le haghaidh seirbhíse lasmuigh den Stát le fórsaí idirnáisiúnta arna mbunú ag Comhairle Slándála nó Comhthionól Ginearálta na Náisiún Aontaithe chun dualgais ar mhodh póilíneachta a chomhlíonadh, do leathnú limistéar seirbhíse comhaltaí áirithe de na Buan-Óglaigh, agus chun na geríocha sin do leasú an Achta Cosanta, 1954, i slite áirithe agus do dhéanamh soerú i dtaobh nithe eile a bhaineann leis sin.

An tAire Cosanta a thug isteach.

*Ordáiodh ag Dáil Éireann a chlóbhualadh,
9 Samhain, 1960.*

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais,
An Stuara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí
aon díoltóir leabhar.

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[*Luach : Naoi bPingne Glan.*]

Wt.D. 27702/G/11.—625. 11/60. C.&Co. (4104.) G.16.

BILL

(*as introduced*)

entitled

An act to authorise, subject to the previous approval of Dáil Éireann in certain circumstances, the despatch of contingents of the Permanent Defence Force for service outside the State with international forces established by the Security Council or the General Assembly of the United Nations for the performance of duties of a police character, to extend the area of service of certain members of the Permanent Defence Force, and for those purposes to amend the Defence Act, 1954, in certain respects and to provide for other related matters.

Introduced by the Minister for Defence.

*Ordered by Dáil Éireann to be printed,
9th November, 1960.*

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