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**An Bille Cosanta (Leasú), 2020**  
**Defence (Amendment) Bill 2020**

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*Mar a leasaíodh sa Roghchoiste um Ghnóthaí Eachtracha agus Cosaint*

*As amended in the Select Committee on Foreign Affairs and Defence*

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## ACTS REFERRED TO

Defence (Amendment) (No. 2) Act 1979 (No. 28)

Defence (Amendment) Act 2006 (No. 20)

Defence Act 1954 (No. 18)

European Parliament Elections Act 1997 (No. 2)



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AN BILLE COSANTA (LEASÚ), 2020  
DEFENCE (AMENDMENT) BILL 2020

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# Bill

*entitled*

An Act to amend the Defence Act 1954 and the Defence (Amendment) (No. 2) Act 1979; and to provide for related matters. 5

**Be it enacted by the Oireachtas as follows:**

## Definitions

1. In this Act—

“Act of 1979” means the Defence (Amendment) (No. 2) Act 1979; 10

“Principal Act” means the Defence Act 1954.

## Insertion of new section 17A in Principal Act

2. The Principal Act is amended by the insertion of the following section after section 17:

### “Operational control

17A. (1) In this section— 15

‘Act of 2006’ means the Defence (Amendment) Act 2006;

‘Force Commander’ means the person commanding an international force;

‘international force’ means an International United Nations Force or any force to which a contingent or a member of the Defence Forces may be assigned to for service outside the State for any purpose specified in section 3 of the Act of 2006; 20

‘International United Nations Force’ has the same meaning as in the Act of 2006;

‘operational control’ means the authority delegated to a Force Commander in respect of a contingent assigned to him or her so that the Force Commander may— 25

(a) accomplish certain missions or tasks which are limited by function, time or location,

(b) deploy the contingent, and 30

- (c) retain or assign tactical control of the contingent,  
but does not include the authority to assign separate employment of  
any component of the contingent.
- (2) In accordance with this Act, the Minister may delegate to a Force  
Commander the operational control of a contingent, or member, of the 5  
Defence Forces.
- (3) A delegation of operational control by the Minister under subsection  
(2) may be subject to such exceptions and limitations as he or she,  
having had regard to such requirements as may be necessary for the  
efficient operation of the mission concerned, may from time to time 10  
determine.
- (4) A delegation of operational control by the Minister under subsection  
(2) shall—
  - (a) be in writing,
  - (b) be issued to the Force Commander of the mission concerned, 15
  - (c) in so far as is necessary for the efficient operation of a mission,  
provide that each member of the Defence Forces assigned to an  
international force led by a Force Commander shall comply with  
every lawful order issued to him or her by a member of the  
international force in his or her military chain of command, subject 20  
to any exclusion as may be specified in the delegation,
  - (d) in so far as is necessary for the efficient operation of a mission,  
provide that the military police component of the international  
force under the authority of the Force Commander may arrest and  
detain a member of the Defence Forces, provided that such member 25  
is handed over as soon as practicable to the contingent commander,  
or the designated senior officer, of the Defence Forces,
  - (e) provide that each member of the Defence Forces in respect of  
whom the delegation is made shall cooperate with the military  
police component of the international force, and 30
  - (f) include any other ancillary provisions as he or she considers  
necessary for the efficient operation of the mission concerned.”.

### **Non-enlistment of minors**

#### **3. Chapter II of Part IV of the Principal Act is amended—**

- (a) in section 53— 35
  - (i) in subsection (1)(a), by the deletion of “(including a minor)”, and
  - (ii) in subsection (1)(b)—
    - (I) by the substitution of “person” for “boy”,
    - (II) by the insertion of “, prior to its amendment by *section 3* of the *Defence  
(Amendment) Act 2020*,” after “this section”, and 40

- (III) by the substitution of “he or she attains” for “he attains”,
- (b) in section 54, by the deletion of “(including a minor)”,
- (c) in section 55—
  - (i) in subsection (1)(a), by the deletion of “(including a minor)”, and
  - (ii) in subsection (1)(b)—
    - (I) by the substitution of “person” for “boy”,
    - (II) by the insertion of “, prior to its amendment by *section 3* of the *Defence (Amendment) Act 2020*,” after “this section”, and
    - (III) by the substitution of “he or she attains” for “he attains”,
- (d) by the deletion of sections 76 and 77, and
- (e) in section 80, by the deletion of “76, 77.”.

#### **Amendment of section 178E of Principal Act (appeal to summary court-martial)**

4. Section 178E(3) of the Principal Act is amended by the substitution of the following paragraph for paragraph (b):

“(b) within such longer period as the summary court-martial may allow following an application made in that behalf to the summary court-martial before the end of the initial period.”.

#### **Miscellaneous amendments of Principal Act**

5. The Principal Act is amended—

- (a) by the substitution of the following section for section 74:

#### **“Discharge of reservists in certain public service positions**

74. A reservist who is—

- (a) elected as a member of either House of the Oireachtas or the European Parliament,
- (b) nominated as a member of Seanad Éireann, or
- (c) regarded under Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to the European Parliament to fill a vacancy,

shall thereupon stand, by virtue of this section, discharged from the Reserve Defence Force.”.

and

- (b) by the repeal of section 318.

**Amendment of section 4 of Act of 1979 (application of sections 53, 54 and 55 of Principal Act to women)**

6. Section 4 of the Act of 1979 is amended by the deletion of “and references in sections 53(1)(b) and 55(1)(b) of that Act to a boy shall be construed as including references to a girl”.

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**Short title and commencement**

7. (1) This Act may be cited as the Defence (Amendment) Act 2020.
- (2) This Act shall come into operation on such day or days as the Minister for Defence may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

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An Bille Cosanta (Leasú), 2020

# BILLE

*(mar a leasaíodh sa Roghchoiste um Ghnóthai  
Eachtracha agus Cosaint)*

*dá ngairtear*

Acht do leasú an Achta Cosanta, 1954 agus an Achta  
Cosanta (Leasú) (Uimh. 2), 1979; agus do  
dhéanamh socrú i dtaobh nithe gaolmhara.

*Ordaíodh ag an Roghchoiste a chlóbhualadh,  
26 Samhain, 2020*

Defence (Amendment) Bill 2020

# BILL

*(as amended in the Select Committee on Foreign  
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*entitled*

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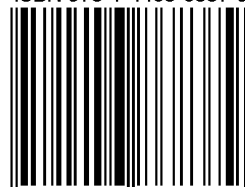
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