



An Bille Cosanta (Leasú), 2026
Defence (Amendment) Bill 2026

Meabhrán Mínitheach
Explanatory Memorandum



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EXPLANATORY MEMORANDUM

The Explanatory Memorandum does not form part of the Bill and does not purport to be a legal interpretation.

Purpose of the Bill

The purpose of the Bill is to consolidate, with amendments, the existing provisions of the Defence Acts 1954 to 2015 concerning the despatch of members of the Defence Forces for service outside the State. These amendments will include the modification of the existing requirement regarding the so-called ‘triple lock’ mechanism in relation to the despatch of the Defence Forces for service outside the State as part of an International United Nations Force. In effect, the requirement for a UN mandate will be removed

The Bill also amends the Defence Act 1954 to provide for the suspension of members of the Defence Forces so as to give effect to recommendations in the report on the management of members of the Defence Forces charged with, or convicted of, serious criminal offences, prepared by Mr Peter Ward SC (the ‘Ward report’) which was published in December 2024.

Main Provisions of the Bill

Part 1 – Preliminary and General

Part 1 (sections 1 to 3) includes standard sections regarding the title of the Bill, commencement provisions, repeal provisions and the definition of key terms. Section 3 provides for the repeal of the existing legislation concerning the despatch for service of members of the Defence Forces outside the State (the Defence (Amendment) (No. 2) Act 1960 and the Defence (Amendment) Act 2006), as well as the repeal of two redundant provisions of the Defence Act 1954 (sections 61(4) and 70(5)).

Part 2 – Amendment of Principal Act (the Defence Act 1954)

Section 4 (Amendment of section 2 of Principal Act)

Section 4 amends section 2 (Interpretation generally) of the Defence Act 1954 to include a definition for the term “relevant international force” which will replace the existing “International United Nations Force” as defined in the Defence (Amendment) Act 2006.

The definition for ‘relevant international force’ reflects the removal of the requirement for a mandate from the Security Council or General Assembly of the United Nations. This new definition provides for an international force that would still include UN led or organised missions, but would also include missions organised or led, for example, by the

OSCE, the EU, and other regional arrangements, once they operate in a manner consistent with the Charter of the United Nations and international law.

Sections 5 to 6, 10 and 13 to 20 provide for consequential amendments to the Defence Act 1954 necessitated by the repeal of the Defence (Amendment) (No. 2) Act 1960 ('Act of 1960') and the Defence (Amendment) Act 2006 ('Act of 2006'). In the case of a number of these consequential amendments, references to either the Act of 1960 or the Act of 2006 are replaced with references to the relevant new sections of the Defence Act 1954.

Sections 7 (which applies to officers) and 11 (which applies to enlisted persons) of the Bill amend the Defence Act 1954 to provide for the suspension, in certain circumstances, of members of the Defence Forces. These amendments arise from recommendations in the Ward Report. The sections set out the circumstances in which a member of the Defence Forces may be suspended and the procedures to be followed, including the right to make representations. The sections also enable the Minister for Defence to make regulations pertaining to suspensions.

Section 8 amends the provisions as set out in section 50 of the Defence Act 1954, relating to the dismissal of an officer of the Defence Forces. The section sets out the reasons that may give rise to the dismissal of an officer of the Defence Forces, and the procedures to be followed, including the right of an officer to make representations, where he or she is faced with dismissal. The reasons that may give rise to dismissal are: (a) that the officer has been convicted of a criminal offence; (b) that the officer has engaged in conduct that has brought discredit on the Defence Forces or (c) that the dismissal is necessary for the purpose of safeguarding national security.

Sections 9 (which applies to officers) and 12 (which applies to enlisted persons) amend the Defence Act 1954, in line with recommendations in the Ward Report, to require a member of the Defence Forces to inform his or her commanding officer if the member is charged with a criminal offence. The member will also be required to keep the commanding officer informed of any significant developments relating to the charge, including the dates of any court appearances.

Section 21 (Service outside State by contingent or member of Defence Forces) inserts a new Part XIV into the Defence Act 1954. The new Part XIV which consists of six new sections (sections 336 to 341) will consolidate the provisions relating to the service outside the State by a contingent or member of the Defence Forces which are currently situated within the Defence (Amendment) (No. 2) Act 1960 and the Defence (Amendment) Act 2006.

New section 336 of the Defence Act 1954 – Despatch of a contingent or member of Defence Forces for service outside State as part of relevant international force.

This section provides for the despatch for service of a contingent or members of the Defence Forces outside the State as part of a relevant international force (as defined in section 4 of the Bill).

Any despatch of a contingent or member as part of a relevant international force shall be subject to that international force operating for the purpose of peace-keeping, peace-enforcement or conflict prevention, consistent with the principles of the Charter of the United Nations.

Subsection (2) provides that a contingent of the Defence Forces will not be despatched as part of a relevant international force other than with

the prior approval of the Government, and subject to certain exceptions as set out in this section, only if a resolution approving the despatch has been passed by Dáil Éireann.

Where a resolution approving the despatch of a contingent as part of a relevant international force has been passed, subsection (3) provides that a subsequent resolution shall not be required for the purposes of despatching a contingent intended to replace the original contingent.

Reflecting an existing provision in the Defence (Amendment) (No. 2) Act 1960, subsection (4) provides that the requirement for a Dáil resolution shall not, subject to Government approval, preclude the despatch of a contingent of the Defence Forces outside the State. This is to enable the contingent to be assembled and embarked as part of a relevant international force. The contingent will not be deployed as part of the relevant international force until the necessary resolution is approved by Dáil Éireann.

Subsection (5) sets out the circumstances in which a contingent of the Defence Forces may be despatched outside the State, for service as part of a relevant international force, without a Dáil Éireann resolution. The circumstances are that:

- the contingent consists of not more than 50 members of the Defence Forces: or
- the contingent is being despatched for the purposes of replacing, in whole or in part, a contingent that was previously approved for despatch under this sub-section.

The Defence (Amendment) (No. 2) Act 1960 currently allows for the despatch of a contingent of not more than 12 members of the Defence Forces without a resolution approving the despatch having been passed by Dáil Éireann. The increase to 50 in the number of personnel that may be despatched without a Dáil resolution under this legislation will allow for the deployment of a number constituting a military platoon with support elements (communications, transport, etc.).

Subsection (7) restates an existing provision of the Defence (Amendment) (No. 2) Act 1960 to provide that a member of the Reserve Defence Force shall not be despatched to serve outside the State unless that member has consented to the despatch. This provision is necessary as any service by a member of the Reserve Defence Force outside the State is on a voluntary basis.

New section 337 of the Defence Act 1954 - Despatch of contingent or member of Defence Forces for service outside State for purpose other than service as part of a relevant international force.

The new section 337 of the Defence Act 1954 provides for the despatch of members of the Defence Forces outside the State for any purpose other than for the purpose of service with a relevant international force. The purposes for which a contingent or member of the Defence Forces may be despatched for service outside the State under this section broadly reflect the purposes currently set out in section (3) of the Defence (Amendment) Act 2006.

The following new purposes are included:

- undertaking civilian evacuation operations in response to an actual or potential disaster or emergency; and
- undertaking military close protection duties or military security duties.

The reference to civilian evacuation operations is intended to allow for the despatch of members of the Defence Forces for the purpose of the possible evacuation of Irish citizens from high risk and/or volatile security environments.

The term 'military close protection duties' relates to the provision of personal security duties in an actual or potential hostile environment or area of conflict in respect of the persons (including the President and members of the Government) specified in subsection (5) of section 337.

The reference to military security duties is intended to cover the provision of security support to Irish embassies in high risk or volatile security environments.

Any despatch of members of the Defence Forces under this section will be with the prior approval and on the authority of the Government. However, in line with an existing provision of the Defence (Amendment) Act 2006, the Government will be authorised to give general approval for the despatch of the Defence Forces for any purpose set out in subsection (1) other than despatch for civilian evacuation operations or the provision of military close protection or military security duties. Despatch for these two purposes will require the approval of Government, on a case-by-case basis.

Subsection (4) is a transitional provision to clarify that a contingent or member of the Defence Forces, who was serving outside the State, for a purpose mentioned in section 3 of the Defence (Amendment) Act 2006, prior to its repeal by this Bill shall continue to serve outside the State, under this section.

New section 338 of the Defence Act 1954 -Deployment of State ship or service aircraft outside State

This section provides that a State ship (as defined in the Defence Act 1954) or service aircraft may, with the approval of Government, be deployed outside the State for the purposes of participating in activities outside the State to counter drug trafficking by either sea or air. The activities will include the provision of training to other states as well as the provision of observation and monitoring duties to counter drug trafficking. This provision is primarily to facilitate potentially greater participation by Ireland in the Maritime Analysis and Operations Centre (Narcotics) MAOC(N).

New section 339 of the Defence Act 1954 -Liability of certain members of Permanent Defence Force for service outside State

This section is a restatement of the existing section 4 of the Defence (Amendment) Act 2006. Under this section, all members of the Permanent Defence Force are liable for overseas service, subject to exemptions for persons who enlisted before 1 July 1993 (the date of the commencement of the Defence (Amendment) Act 1993).

New section 340 of the Defence Act 1954 -Membership of International Organisation

The new section 340 is a restatement of the existing section 11 of the Defence (Amendment) Act 2006. The purpose of this section is to clarify that nothing in the Defence Acts shall be construed as authorising the State to become a member of an international organisation of which it is not already a member.

New section 341 of the Defence Act 1954 - Annual report to Dáil Éireann

This section, which reflects a provision in the Defence (Amendment) Act 2006, will require the Minister for Defence to make an annual report to Dáil Éireann on the operation in the preceding year of the deployment of members of the Defence Forces as part a relevant international force.

Subsection (2) lists the matters to be included in the annual report.

The section also provides that Dáil Éireann may by resolution approve of the report.

Part 3- Amendment of Other Acts of Oireachtas

Sections 22 to 28 set out consequential amendments to a number of enactments. As a result of the repeal of the Defence (Amendment) (No. 2) Act 1960 and the Defence (Amendment) Act 2006 under this Bill, there is a requirement to make consequential amendments to a range of other enactments that reference either of those two Acts. These amendments are provided for in Part 3 of the Bill.

Section 29 - Amendment of Defence (Miscellaneous Provisions) Act 2009

Section 2(1) of the Defence (Miscellaneous Provisions) Act 2009 relates to the participation by the State in certain projects and programmes of the European Defence Agency (EDA). The section requires that participation in such projects is only for the purpose of the enhancement of capabilities for United Nations missions. Any participation in such projects and programmes is subject to the prior approval of the Government and Dáil Éireann.

In view of the repeal of the Defence (Amendment) (No. 2) Act 1960 and the replacement of an “International United Nations Force” in the Defence Acts with the concept of a ‘relevant international force’, the wording of section 2(1) of the Defence (Miscellaneous Provisions) Act 2009 is being revised to facilitate participation in the relevant EDA projects and programmes for the purpose of the enhancement of the capabilities of a relevant international force. Any participation in such projects and programmes will be subject to the prior approval of the Government and Dáil Éireann.

Financial Implications

There are no additional costs to the Exchequer associated with this Bill.

*An Roinn Cosanta,
Meitheamh, 2026.*

