

Defence (Amendment) Bill 2026

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Bill Digest: Bill No. 63 of 2026

Abstract

The **Defence (Amendment) Bill 2026** (the ‘Bill’) was initiated on 16 June 2026. The Bill’s core purpose is to consolidate, with amendments, the existing provisions of the *Defence Acts 1954 to 2015* concerning the despatch and deployment of members of the Defence Forces for service outside the State (‘overseas service’). As part of the proposed amendments, the Bill proposes to amend the existing triple lock requirement concerning the despatch of members of the Defence Forces for overseas service with an armed international force. The Bill also proposes to give effect to certain 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’ (7 October 2024) (the ‘**Ward Report**’). The Oireachtas Library & Research Service has also prepared a **General Scheme Briefing Paper** on the General Scheme of the Bill, which serves as a complement to this *Bill Digest*, and provides a more comprehensive overview of the policy and legal context.



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Executive Summary

The [Defence \(Amendment\) Bill 2026](#) (the ‘Bill’) was initiated on 16 June 2026. The Government published an [Explanatory Memorandum](#) for the Bill on the same day. As of the date of writing, a date is unavailable for the Second Stage debate of the Bill in Dáil Éireann because this debate has yet to be scheduled. The Bill’s core purpose is to consolidate, with amendments, the existing provisions of the *Defence Acts 1954 to 2015* concerning the despatch and deployment of members of the Defence Forces for service outside the State (‘overseas service’). In this regard, the Bill proposes to:

- (i) repeal the [Defence \(Amendment\) \(No. 2\) Act 1960, as amended](#) (the ‘1960 Act’), and the [Defence \(Amendment\) Act 2006, as amended](#) (the ‘2006 Act’); and
- (ii) insert a new Part XIV into the [Defence Act 1954](#), as amended (the ‘1954 Act’) concerning overseas service.

As part of these changes, the Bill proposes to amend the existing ‘triple lock’ requirement. Currently, under the triple lock, before 12 or more members of the Defence Forces can be despatched for overseas service with an armed international force or body:

- (i) the force/body must be established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by a United Nations Security Council (UNSC) or a United Nations General Assembly (UNGA) resolution;
- (ii) the despatch must be approved by the Government; and
- (iii) the despatch must be approved by Dáil Éireann, through the adoption of a resolution.

The Bill proposes to remove the first requirement and instead allow for the participation by a member or contingent of the Defence Forces in an international force or body that:

- (i) is established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) or any EU institution or body, or any other regional arrangement or body that operates in a manner consistent with the UN Charter and international law; and
- (ii) operates for the purpose of peace-keeping, peace-enforcement or conflict prevention consistent with the principles of the UN Charter.

The Bill also proposes to allow the Government alone to approve the despatch of up to 50 members of the Defence Forces for overseas service with a relevant international force that satisfies the above requirements. Both Government and Dáil approval are required under the Bill where the 50-member threshold is exceeded. Notwithstanding the above changes to domestic legislation, a UNSC resolution is still a prerequisite for all peace enforcement operations under Article 53 of the UN Charter. The proposed amendments to the triple lock requirement mark a departure from the policy position outlined in the [2015 White Paper on Defence](#). In a [2024 Defence Policy Review](#), the Government announced its intention to introduce legislative proposals to modify the triple lock requirements, which [the Government](#)

asserts “... allows [UN] Security Council members to use their veto, or threat of same, to bind Ireland’s hands in its international engagement.”

Aside from the proposed amendment of the triple lock requirement, the Bill proposes to insert a new section 337 into the 1954 Act expanding upon the existing circumstances in which the Government alone can approve the despatch of Defence Forces personnel for overseas service for purposes other than participation in an international force. Currently, [section 3](#) of the 2006 Act permits the Government alone to approve the despatch of Defence Forces personnel for overseas service for eight specified purposes, including training. The proposed new section 337 proposes to add to this list the following two additional purposes:

- (i) undertaking civilian evacuation operations in response to an actual or potential disaster or emergency; and
- (ii) undertaking military close protection duties in respect of specified persons (for example, the President), or military security duties in respect of Irish embassies, in a hostile or potentially hostile environment or area of conflict.

The proposed new section 337 of the 1954 Act also expands upon the existing legislative definition of ‘training’ to include participation in ‘international military exercises’, as defined under that proposed new section. The amendments in the proposed new section 337 can be made with or without amending the triple lock, as the proposed new activities do not involve overseas service with an international force.

The Bill also proposes to insert a new section 338 into the 1954 Act permitting the Government to approve the deployment of a State ship or service aircraft outside the State for the purpose of participating in international counter-narcotic activities by sea and air.

In addition, the Bill proposes to amend the 1954 Act to provide for the suspension, in certain circumstances, of officers of the Defence Forces and enlisted persons so as to give effect to certain 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’ (7 October 2024) (the ‘[Ward Report](#)’). Further to recommendations in the Ward Report, the Bill also imposes an obligation on officers and enlisted persons who have been charged with a criminal offence to notify their commanding officer of the charge. It also amends the 1954 Act to provide, in certain circumstances, for the dismissal of officers of the Defence Forces.

This *Bill Digest* examines the Bill’s principal provisions and assesses the extent to which the pre-legislative scrutiny (PLS) recommendations made by the Oireachtas Joint Committee on Defence and National Security (the ‘Committee’) are addressed in the Bill. The [General Scheme](#) of the Bill was referred to the Committee to perform PLS on 21 May 2025. The Committee [published](#) its [PLS Report](#) on 30 July 2025, which has 27 recommendations. The Oireachtas Library & Research Service (L&RS) has already published a [General Scheme Briefing Paper](#) on the General Scheme of the Bill, which serves as a complement to this *Bill Digest*. The [Briefing Paper](#) provides a more comprehensive overview of the policy and legal context. It also outlines arguments that have been made both in support of, and opposition to, the triple lock.

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Glossary and abbreviations

Table 1 Glossary and abbreviations

Term	Meaning
Committee	Oireachtas Joint Committee on Defence and National Security (unless otherwise stated)
CSDP	Common Security and Defence Policy (EU)
Department / DOD	Department of Defence (unless otherwise stated)
EDA	European Defence Agency
EEAS	European External Action Service
EUFOR	EU Force in Bosnia and Herzegovina
GOI	Government of Ireland
KFOR	Kosovo Force (NATO-led)
Minister	Minister for Defence (unless otherwise stated)
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Cooperation in Europe
PDF	Permanent Defence Force
PQ	parliamentary question
RACO	Representative Association of Commissioned Officers
RDC	Rapid Deployment Capacity (EU)
RDF	Reserve Defence Force
TEU	Treaty on the European Union
UCD	University College Dublin
UNGA	United Nations General Assembly
UNIFIL	United Nations Interim Force in Lebanon
UNSC	United Nations Security Council
Ward Report	Report on the management of members of the Defence Forces charged with, or convicted of, serious criminal offences, prepared by Mr Peter Ward SC (7 October 2024)
1954 Act	<i>Defence Act 1954, as amended</i>
1960 Act	<i>Defence (Amendment) (No. 2) Act 1960, as amended</i>
2006 Act	<i>Defence (Amendment) Act 2006, as amended</i>
2009 Act	<i>Defence (Miscellaneous Provisions) Act 2009</i>

Source: L&RS (2026)

Introduction

The [Defence \(Amendment\) Bill 2026](#) (the ‘Bill’) was initiated on 16 June 2026. The Government published an [Explanatory Memorandum](#) for the Bill on the same day. As of the date of writing, the date for the Second Stage debate of the Bill in Dáil Éireann is unavailable as the debate has yet to be scheduled. On 9 June 2026, the Cabinet approved the Bill and the Minister for Defence, Helen McEntee T.D. (the ‘Minister’), indicated her intention to present the Bill for Second State debate in the coming weeks.¹ On 24 June 2026, the *Irish Times* reported that the Taoiseach, Micheál Martin T.D., had advised that the Government would not proceed any further with the Bill until the Autumn 2026 legislative term.²

The Bill has 29 sections, which are divided into the following Parts:

- **Part 1:** Preliminary and General (sections 1-3)
- **Part 2:** Amendment of Principal Act (sections 4-21)
- **Part 3:** Amendment of other Acts of Oireachtas (sections 22-29)

The Government approved the [General Scheme](#) of the Defence (Amendment) Bill 2025 (the ‘General Scheme’) on 4 March 2025,³ and the Department of Defence (the ‘Department’) published it on 21 May 2025.⁴ The General Scheme was referred to the Oireachtas Joint Committee on Defence and National Security (the ‘Committee’) to perform pre-legislative scrutiny (PLS) on 21 May 2025. As part of its PLS, the Committee held public hearings with Departmental officials and invited stakeholders.⁵ The Committee sought a two-week extension from the Tánaiste and then Minister for Defence, Simon Harris T.D., to complete PLS, which was granted.⁶ The Committee [published](#) its [PLS Report](#) on 30 July 2025. The PLS Report has 27 recommendations.

¹ Dáil Éireann, Response to Parliamentary Question (PQ), ‘Military Neutrality’ (8 June 2026) available [here](#), last accessed 2 September 2026.

² Harry McGee, ‘Martin tells Fianna Fáil meeting triple-lock Bill will be deferred until autumn’ (*Irish Times*, 24 June 2026) available [here](#), last accessed 10 July 2026.

³ Dáil Éireann, Response to PQ, ‘Military Neutrality’ (8 May 2025) available [here](#), last accessed 2 September 2026.

⁴ Department of Defence (DOD), ‘General Scheme of the Defence (Amendment) Bill 2025’ (21 May 2025) available [here](#), last accessed 2 September 2026 [hereinafter ‘General Scheme’].

⁵ Recordings and transcripts of PLS hearings are available on the [Committee’s website](#), last accessed 12 August 2026.

⁶ The Committee agreed to request the extension after “[o]pposition members expressed continuous concern about the shortness of time allocated for such important legislation considering the huge public interest in attempts to remove the Triple Lock.” See: Joint Committee on Defence and National Security, ‘Report on Pre-Legislative Scrutiny of the General Scheme of the Defence (Amendment) Bill 2025’ (July 2025) p. 6, available [here](#), last accessed 1 September 2026 [hereinafter ‘PLS Report’].

This *Bill Digest*:

- outlines the purpose of the Bill,
- provides concise background information regarding the policy and legal context,
- examines the Bill's principal provisions, and
- examines the extent to which the Committee's PLS recommendations are addressed in the Bill, as initiated.

It should be noted that the Oireachtas Library & Research Service (L&RS) has already published a *General Scheme Briefing Paper* on the General Scheme of the Bill which serves as a complement to this *Bill Digest*, and provides a more comprehensive overview of the policy and legal context underlying the Bill.⁷

Purpose of proposed legislation

The Bill's purpose, as set out in its long title, is:

1. to provide for the despatch and deployment for service outside the State of members of the Defence Forces;
2. to provide, in certain circumstances, for the suspension of members of the Defence Forces;
3. to provide, in certain circumstances, for the dismissal of officers of the Defence Forces;
4. to amend the *Defence Act 1954, as amended* (the '1954 Act') and certain other enactments for the above purposes; and
5. to provide for related matters.

The Bill proposes to amend the 1954 Act to modify the existing arrangements under which a member and contingent of the Defence Forces may be despatched and deployed for service outside of the State ('overseas service'). In this regard, it proposes to:

- (i) repeal the *Defence (Amendment) (No. 2) Act 1960, as amended* (the '1960 Act'), and the *Defence (Amendment) Act 2006, as amended* (the '2006 Act'); and
- (ii) insert a new Part XIV into the 1954 Act, to consolidate, with amendments, the existing provisions of the *Defence Acts 1954 to 2015* concerning the despatch and deployment of members and contingents of the Defence Forces for overseas service.

⁷ Caroline Sweeney, 'L&RS General Scheme Briefing Paper: Defence (Amendment) Bill 2025' (L&RS, 25 September 2025) available [here](#), last accessed 12 August 2026.

As part of these proposals, the Bill proposes to amend the existing triple lock requirement concerning the despatch of members of the Defence Forces for overseas service as part of an armed international force or body.⁸

Apart from the proposed amendment of the triple lock requirement, the Bill also proposes to insert a new section 337 into the 1954 Act expanding upon the existing circumstances in which the Government alone can approve the despatch of Defence Forces personnel for overseas service for purposes other than participation in an international force. Currently, [section 3](#) of the 2006 Act permits the Government to approve the despatch of Defence Forces personnel for overseas service for eight specified purposes other than participation in an international force, including training. The proposed new section 337 proposes to also explicitly permit the Government to authorise despatches of Defence Forces personnel for overseas service to:

- undertake civilian evacuation operations in response to an actual or potential disaster or emergency; and
- undertake military close protection duties in respect of specified persons (for example, the President), or military security duties in respect of Irish embassies, in a hostile or potentially hostile environment or area of conflict.

The proposed new section 337 also expands upon the existing legislative definition of ‘training’ to include participation in ‘international military exercises’, as defined in the Bill.

The Bill also proposes to insert a new section 338 into the 1954 Act permitting the Government to approve the deployment of a State ship or service aircraft outside the State for the purpose of participating in international counter-narcotic activities by sea and air.

In addition, the Bill proposes to amend the 1954 Act to provide for the suspension, in certain circumstances, of officers of the Defence Forces and enlisted persons so as to give effect to certain 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’

⁸ This *Bill Digest* uses the term ‘amend’ to describe the legislative proposals in the Bill concerning the existing ‘triple lock’ requirement under the *Defence Acts 1954-2015*. The Explanatory Memorandum for the Bill indicates that the Bill intends to modify the triple lock requirement. See: ‘Explanatory Memorandum for the Defence (Amendment) Bill 2026’ (16 June 2026) p. 1, available [here](#), accessed 20 August 2026 [hereinafter ‘Explanatory Memorandum’]. Some members of opposition parties assert that the legislative proposals seek to abolish the triple lock. See, e.g.: Dáil Éireann, Response to PQ, ‘Military Neutrality’ (16 July 2026) available [here](#), last accessed 1 September 2026. The [General Scheme](#) of the Bill stated that: “[T]he Bill will provide for the removal of the existing requirement regarding the ‘Triple Lock’”. During the PLS hearings, some opponents of the legislative proposals in the General Scheme asserted that they sought to remove the triple lock. See, e.g., Transcript of the Committee’s public session on 29 May 2025 as part of its PLS of the General Scheme, available [here](#), last accessed 12 August 2026 [hereinafter ‘Transcript of PLS hearing on 29 May 2025’].

(7 October 2024) (the 'Ward Report').⁹ Further to recommendations in the Ward Report, the Bill also imposes an obligation on officers and enlisted persons who have been charged with a criminal offence to notify their commanding officer of the charge and to keep their commanding officer informed of significant developments relating to the charge. The Bill also amends the 1954 Act to provide, in certain circumstances, for the dismissal of officers of the Defence Forces.

⁹ [Explanatory Memorandum](#) for the Bill, Purpose of the Bill, p. 1. See also: Transcript of PLS hearing on 29 May 2025, available [here](#), last accessed 12 August 2026.

Background: policy and legal context

The background section in this *Bill Digest* provides a concise overview of the background to the Bill. For a more comprehensive discussion of the policy and legal context, see:

L&RS, '*L&RS General Scheme Briefing Paper: Defence (Amendment) Bill 2025*' (L&RS, 25 September 2025) [the '*L&RS General Scheme Briefing Paper*'].

The *L&RS General Scheme Briefing Paper*:

- examines the legislative basis for, and meaning of, the term 'triple lock';
- examines commitments made by previous governments concerning the triple lock prior to the second referendums on the Treaties of Nice and Lisbon, and recent changes to the policy position concerning the triple lock;
- outlines overseas service activities that are not currently subject to the triple lock;
- outlines the principles of the UN Charter, which provides the core international law framework for peace operations, and explains relevant terminology;
- examines the impact of the veto power enjoyed by the five permanent members of the UN Security Council (UNSC) on peace operations, and discusses UNSC reform initiatives;
- examines the role of the UN General Assembly (UNGA) in establishing peace operations;
- discusses domestic defence policy, including Ireland's policy of military neutrality, and Ireland's participation in the EU's Common Security and Defence Policy (CSDP);
- outlines arguments for and against the triple lock, and the results of two opinion polls conducted in 2025; and
- compares the legislative proposals concerning overseas service in the General Scheme with the existing legislative provisions concerning overseas service.

Defence Forces: brief overview of constitutional and legislative provisions

The Defence Forces are comprised of the [Permanent Defence Force](#) (PDF), including the army, air corps and naval service, and the [Reserve Defence Force](#) (RDF). References to 'Defence Forces personnel' in this *Bill Digest* are to be generally understood as references to members of the Defence Forces.

Under Article 15.6.1° of the [1937 Constitution of Ireland](#) (Bunreacht na hÉireann), the right to raise and maintain military or armed forces is vested exclusively in the Oireachtas. The supreme command of the Defence Forces is vested in the President of Ireland and its exercise must be regulated by law (Article 13.4 and 13.5.1°). Article 28.3.1° provides that "[w]ar shall not be declared and the State shall not participate in any war save with the assent of Dáil Éireann." Article 29.3 provides that "Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other States." Article 29.4.9° prohibits the State from adopting a decision by the European Council to establish a common

defence pursuant to Article 42 of the [Treaty on European Union \(TEU\)](#) where that common defence would include the State.

The *Defence Acts 1954 to 2015* provide the governing primary legislation for the Defence Forces. The Minister has also made regulations relating specifically to the Defence Forces, known as Defence Force Regulations, pursuant to powers afforded to the Minister under relevant provisions of the 1954 Act. Whilst Defence Force Regulations are available to members of the Defence Forces, they are not publicly available on the Irish Statute Book as they are exempt from the provisions regarding publication in the [Statutory Instruments Act 1947](#).¹⁰ Defence Force Regulations are supplemented by administrative rules which provide information and guidance to members of the Defence Forces on how the regulations are to be operated in practice.¹¹ A table outlining relevant primary legislation, secondary legislation and administrative rules concerning the Defence Forces is available in the [Ward Report](#).¹²

Under [section 17\(1\)](#) of the 1954 Act, the military command of, and all executive and administrative powers relating to, the Defence Forces are exercisable by the Government, under the President's direction and subject to the 1954 Act. These powers are exercisable through and by the Minister, subject to such limitations and exceptions as the Government may determine (section 17(1)). [Section 26](#) of the 1954 Act permits the Minister to make regulations relating to the matters mentioned in the [Fourth Schedule](#) to the 1954 Act, including "persons to be invested as officers or otherwise with command over the Defence Forces or any part thereof". Accordingly, as noted in the [Ward Report](#) (page 7), sections 17 and 26 of the 1954 Act permit the Minister to delegate military command.

[Section 13](#) of the 1954 Act provides for the establishment within the Department of a military element, known as Defence Forces Headquarters, which is headed by a Chief of Staff. Subject to the provisions of the *Defence Acts 1954 to 2015*, it permits the Minister to assign duties in connection with the Department's business to the Chief of Staff, who is made directly responsible to the Minister for the performance of these duties. The Chief of Staff in turn may, subject to the Minister's approval, delegate certain of these duties, as appropriate, to the Deputy Chief of Staff (Operations) or the Deputy Chief of Staff (Support).

¹⁰ Dáil Éireann Debate (Response to PQ), 'Statutory Instruments' (17 September 2025) available [here](#), last accessed 20 August 2026.

¹¹ Report on the management of members of the Defence Forces charged with, or convicted of, serious criminal offences, prepared by Mr Peter Ward SC' (7 October 2024) pp. 18-19, available [here](#), last accessed 17 August 2026 [hereinafter, the 'Ward Report'].

¹² Ibid, pp. 11-12. It should be noted that the Ward Report is dated 7 October 2024 and accordingly, it doesn't list relevant enactments after this date.

The triple lock

The term '**triple lock**' does not appear in legislation. However, it has been commonly used since 2002 to describe the legislative requirements for the despatch of more than 12 members of the Defence Forces for overseas service as part of an armed international force or body. Under the triple lock:

1. the armed international force of body must be established, authorised, mandated, supported, endorsed, approved or otherwise sanctioned in a resolution of either the UNSC or the UNGA (an armed 'International United Nations Force');
2. the despatch must be approved by the Government; and
3. the despatch must be approved by Dáil Éireann, in a resolution.

Where less than 12 members of the Defence Forces are being despatched for overseas service with an international force or where the international force is unarmed, the first two requirements set out above must be satisfied. The triple lock requirement is provided for in the [1960 Act](#) and the [2006 Act](#).¹³ It is proposed under the Bill to repeal both of these Acts.

Overseas service activities that are not subject to the triple lock

Under existing legislation, some overseas service activities are not currently subject to the triple lock. [Section 3](#) of the 2006 Act permits the Government alone to approve the despatch of members and contingents of the Defence Forces for overseas service for specific purposes, other than serving with an armed International United Nations Force. These purposes are:

- a) performing duties as a military representative or filling staff appointments and postings, including secondments to an international organisation;
- b) conducting or participating in training;
- c) carrying out ceremonial duties, participating in exchanges or undertaking visits;
- d) undertaking monitoring, observation or advisory duties;
- e) participating in or undertaking reconnaissance or fact-finding missions;
- f) undertaking humanitarian tasks in response to a disaster or emergency;
- g) participating in sporting events; and
- h) inspecting and evaluating stores, equipment and facilities.¹⁴

Section 3 of the 2006 Act does not impose any limit on the number of members that can be despatched, with Government approval, for overseas service to perform any of these activities.

¹³ For a more comprehensive discussion of the origins and evolution of the triple lock, and its legislative basis, see: Caroline Sweeney, 'L&RS General Scheme Briefing Paper: Defence (Amendment) Bill 2025' (L&RS, 25 September 2025) pp. 8-12, available [here](#), last accessed 20 August 2026.

¹⁴ [Section 3\(1\)](#) of the 2006 Act.

On occasion, the Government has relied upon [section 3\(1\)\(f\)](#) of the 2006 Act concerning ‘humanitarian tasks’ to authorise the despatch of Defence Forces personnel for overseas service to assist with civilian evacuations from areas of conflict or hostile environments. For example, in a written response to a parliamentary question (PQ) on 9 September 2021, the then Minister for Foreign Affairs and Minister for Defence, Simon Coveney T.D., advised that:

“An Emergency Civil Assistance Team (ECAT) deployment is provided for in Section 3(f) of the Defence (Amendment) Act, 2006. This states that a contingent or member of the Permanent Defence Force may, with the prior approval of and on the authority of the Government, be dispatched for service outside the State for the purposes of ‘undertaking humanitarian tasks in response to an actual or potential disaster or emergency’.

On the recommendation of the Department of Foreign Affairs and the Department of Defence, and taking into consideration the security advice and a threat assessment from the Defence Forces, I approved the deployment of an ECAT mission to Hamad Karzai International Airport, Kabul, Afghanistan, on 23 August [2021].”¹⁵

[Section 2\(3\)](#) of the 1960 Act, which was inserted by [section 8](#) of the 2006 Act, also permits Defence Forces personnel to be despatched for overseas service with Government approval as part of a force to be assembled or embarked before being deployed as part of an International United Nations Force. This has enabled Defence Forces personnel to participate in EU Battlegroups. However, under the *Defence Acts 1954 to 2015* any actual deployment of Defence Forces personnel as part of an EU Battlegroup operation is still subject to the triple lock.¹⁶

EU Battlegroups are multinational, battalion-sized (approximately 1,500 personnel) and primarily land-based military units. They are intended for rapid deployment in response to emerging crises/conflicts for small-scale and time-limited missions (30 days, extendable to 120 days, if resupplied).¹⁷ Despite being operational since 2007, to date no Battlegroup has been deployed for a mission. According to a 2023 Briefing Paper by the European Parliamentary Research Service (EPRS), this is due to issues with political will, inflexible decision-making and costs.¹⁸ Any operational deployment of a Battlegroup requires a unanimous decision of the Council of the EU. An archived 2017 Factsheet prepared by the European External Action Service (EEAS) indicates that an operational deployment of an EU

¹⁵ Dáil Éireann Debate (Response to PQ), ‘Defence Forces’ (9 September 2021) available [here](#), last accessed 1 September 2026.

¹⁶ See, e.g., discussion in: Seanad Éireann Debate, ‘Defence (Amendment) Bill 2006’ (27 June 2006) available [here](#), last accessed 20 August 2026.

¹⁷ EEAS, ‘Factsheet: EU Battlegroups’ (9 October 2017), available [here](#) [content is listed as archived], last accessed 20 August 2026.

¹⁸ S. Clapp, ‘Establishing an EU rapid deployment capacity’ (European Parliamentary Research Service April 2023) available [here](#), last accessed 20 August 2026.

Battlegroup would also generally require an authorising UNSC Resolution.¹⁹ An exception might arise, for example, in the case of an operation involving the evacuation of EU citizens.²⁰ More information regarding EU Battlegroups, the EU's new Rapid Deployment Capacity (RDC) (operational since May 2025) and Ireland's participation in EU Defence and Security initiatives is provided in the *L&RS General Scheme Briefing Paper*.²¹

Domestic defence policy: triple lock and military neutrality

Ireland's *White Paper on Defence* was published in 2000, followed by the *2015 White Paper*. There have been two periodic reviews of the latter, in *2019* and *2024* respectively. The 2024 Defence Policy Review covers the period up to 2028. The 2015 White Paper confirmed that the deployment of Defence Forces personnel on peace support missions would continue to be in accordance with the triple lock.²² In contrast, the 2024 Defence Policy Review advises of the intended introduction of legislative proposals to modify the triple lock requirement, which it asserts "allows Security Council members to use their veto, or threat of same, to bind Ireland's hands in its international engagement".²³ This change in policy was influenced by the 2023 Report of the Chair of the Consultative Forum on International Security Policy (the 'Forum').²⁴ The then Government convened the Forum in 2023 to initiate an open discussion on the State's foreign and security policy.²⁵ The Forum included panel discussions on the triple lock and military neutrality. The Chair, Professor Louise Richardson DBE (Dame Commander of the British Empire), and the panellists were invited by the Government. The Chair's *Report* (October 2023) sought to synthesise the points made at the Forum and in the 835 written submissions it received. Regarding the triple lock, it found:

*"While there was not a consensus on this point, the preponderance of views, especially among the experts and practitioners, is that it is time for a reconsideration of the Triple Lock as it is no longer fit for purpose."*²⁶

¹⁹ EEAS, 'Factsheet: EU Battlegroups' (9 October 2017), available [here](#), last accessed 20 August 2026 [content is listed as archived].

²⁰ EEAS, 'CSDP: EU Battlegroups' (2013) p. 3, available [here](#), last accessed 20 August 2026.

²¹ Caroline Sweeney, 'L&RS General Scheme Briefing Paper: Defence (Amendment) Bill 2025' (L&RS, 25 September 2025) pp. 36-38, available [here](#), last accessed 20 August 2026.

²² Government of Ireland (GOI), 'White Paper on Defence' (August 2015) p. 26, available [here](#), last accessed 20 August 2026.

²³ GOI, 'Defence Policy Review 2024' (2024) p. 16, available [here](#), last accessed 20 August 2026.

²⁴ *Ibid*, pp. 35-36.

²⁵ Louise Richardson, Consultative Forum on International Security Policy: Report to An Tánaiste' (2023) p. 18, available [here](#), last accessed 20 August 2026 [hereinafter 'Report of the Chair of the Consultative Forum (2023)'].

²⁶ *Ibid*, p. 12.

During a [Dáil debate](#) concerning the Forum on 22 November 2023, the then Tánaiste and Minister for Foreign Affairs, Micheál Martin T.D., advised of his intention to bring forward legislative proposals to reform the triple lock.²⁷

Regarding the triple lock, the [Programme for Government 2025](#) (p. 144) states:

“The Government will preserve and protect Ireland’s policy of active military neutrality. We also recognise that while we strongly value our military neutrality, we are not politically neutral. We will continue to engage with international partners and we will reform the Triple Lock legislation whilst also ensuring that amendments to the legislation are in keeping with our values and policy of active military neutrality.”

The [L&RS General Scheme Briefing Paper](#) (pages 17 and 49-53) includes a summary of some of the core arguments that have been made for and against the triple lock, as well as the results of two opinion polls concerning the triple lock conducted in 2025.

[Ireland’s policy of military neutrality](#)

The potential impact of the modification or removal of the triple lock on Ireland’s policy of military neutrality has been a core feature of the debates surrounding the legislative proposals. The issue is complicated by an absence of consensus regarding what exactly is meant by ‘Ireland’s neutrality’. As discussed in more detail in the [L&RS General Scheme Briefing Paper](#), supporters of the triple lock argue that its dismantling would undermine Ireland’s neutrality by facilitating Ireland’s participation in non-UN approved overseas operations led by actors promoting their own self-interested agendas.²⁸ Conversely, the Government argues that the legislative proposals concerning the triple lock do not alter Ireland’s policy of military neutrality.²⁹ The Government asserts that this policy has traditionally meant that Ireland does not participate in military alliances, or common or mutual defence arrangements.³⁰

The [1937 Constitution of Ireland](#) does not explicitly mention neutrality. As noted previously, [Article 29.4.9°](#) prohibits the State from adopting a European Council decision to establish a common defence pursuant to Article 42 of the [TEU](#), where that common defence would include the State. Furthermore, under Article 29.1 of the Constitution, “Ireland affirms its

²⁷ Dáil Éireann Debate, ‘Defence (Amendment) Bill 2006’ (22 November 2023), see [here](#), last accessed 20 August 2026.

²⁸ Caroline Sweeney, ‘L&RS General Scheme Briefing Paper: Defence (Amendment) Bill 2025’ (L&RS, 25 September 2025) pp. 16-17 and 52-53, available [here](#), last accessed 20 August 2026.

²⁹ See, e.g., Dáil Éireann Debate (Response to PQ), ‘Military Neutrality’ (28 July 2026) available [here](#), last accessed 1 September 2026.

³⁰ GOI, ‘Defence Policy Review 2024’ (2024) p. 39, available [here](#), last accessed 20 August 2026. See also: Caroline Sweeney, ‘L&RS General Scheme Briefing Paper: Defence (Amendment) Bill 2025’ (L&RS, 25 September 2025) pp. 16-17 and 52-53, available [here](#), last accessed 20 August 2026.

devotion to the ideal of peace and friendly co-operation amongst nations founded on international justice and morality.” The Report of the Chair of the 2023 Consultative Forum found there to be considerable disagreement regarding what precisely Irish neutrality means.³¹ The Report concludes that “... the practice of neutrality has varied widely throughout the history of the state.”³² Similarly, in his 2023 book on Irish neutrality, journalist Conor Gallagher remarks that:

*“... defining neutrality is a devilishly tricky task ... [which is] ... compounded by the fact that throughout Ireland’s 100 years of independence, the government has repeatedly adapted its interpretation of what is and isn’t neutrality.”*³³

As set out in the 2023 Report of the Chair of the Consultative Forum on International Security Policy, Ireland has not always satisfied the definition of neutrality provided for under the 1907 Hague Convention, particularly during World War II.³⁴ Unlike some other neutral European States such as Switzerland, Ireland does not pursue a policy of armed neutrality which would require significant investment in the Defence Forces.³⁵ Gallagher found that Ireland also does not satisfy any general definition of neutrality, which would require the State to abstain from taking sides in external conflicts, including economically and politically.³⁶ He concludes that the policy of military neutrality espoused by the Government, namely, that Ireland does not participate in military alliances or common or mutual defence arrangements, is the definition that Ireland is closest to meeting, albeit with caveats.³⁷ In this regard, he notes that Ireland is a member of various EU military structures.³⁸ Furthermore, since 1999 Ireland has engaged with the North Atlantic Treaty Organization (NATO) via the [Partnership for Peace \(PfP\)](#), a voluntary programme of bilateral cooperation.³⁹ In 2023, Ireland entered into an Individually Tailored Partnership Programme with NATO for 2024-2028, which provides a framework of cooperation in certain areas of capability development, for example, cyber defence.⁴⁰ The 2024 Defence Policy Review indicates that a central goal for Irish engagement with NATO is to

³¹ Report of the Chair of the Consultative Forum (2023) p. 10, available [here](#), last accessed 20 August 2026.

³² Ibid, p. 14.

³³ Conor Gallagher, *Is Ireland Neutral? The many myths of Irish Neutrality* (2023 Gill) p. 4.

³⁴ Report of the Chair of the Consultative Forum (2023) p. 14, available [here](#), last accessed 20 August 2026.

³⁵ Ibid, pp. 14-15.

³⁶ Conor Gallagher, *Is Ireland Neutral? The many myths of Irish Neutrality* (2023 Gill) p. 265.

³⁷ Ibid.

³⁸ Ibid, p. 266.

³⁹ NATO, ‘Relations with Ireland’ (last updated 9 December 2025) available [here](#), last accessed 10 August 2026.

⁴⁰ Ibid; GOI, ‘Defence Policy Review 2024’ (2024) pp. 28 and 40, available [here](#), last accessed 10 August 2026.

develop the interoperability of the Defence Forces.⁴¹ The 2024 Defence Policy Review asserts that Ireland's engagements with NATO are within its policy of military neutrality.⁴² However, some proponents of retaining the triple lock assert that Ireland's military neutrality has been compromised by these engagements.⁴³

Ireland's participation in peace operations

On 6 May 2026, in a response to a PQ, the Minister advised that, as of 30th April 2026, Ireland was contributing 430 Defence Forces personnel to overseas peacekeeping missions and commitments.⁴⁴ This included contributions to:

- standalone UN missions
 - 353 personnel to the [United Nations Interim Force in Lebanon \(UNIFIL\)](#)
 - eleven personnel to the [United Nations Truce Supervision Organisation \(UNTSO\)](#) Israel and Syria
 - three personnel to the [United Nations Disengagement Observer Force \(UNDOF\)](#) in the Golan in Syria
- UN-mandated missions
 - five personnel to the [EU-led Operation in Bosnia and Herzegovina \(EUFOR\)](#)
 - thirteen personnel to the NATO-led [International Security Presence in Kosovo \(KFOR\)](#)
 - four personnel to the [Naval Service EU Naval Mission \(Operation Irini\)](#).⁴⁵

On 28 August 2025, the UNSC renewed the UNIFIL mandate up to 31 December 2026, to be followed by a period of drawdown and withdrawal, scheduled to be completed by the end of 2027.⁴⁶ On 26 May 2026, the Minister advised that the Government had approved the continued deployment of Defence Forces personnel with UNIFIL until 31 December 2026, and the maintenance of a presence in theatre beyond that date in order to support the safe, orderly and coordinated withdrawal of personnel and equipment during 2027.⁴⁷ Irish troops were

⁴¹ GOI, 'Defence Policy Review 2024' (2024) pp. 28 and 40, available [here](#), last accessed 10 August 2026.

⁴² Ibid, p. 40.

⁴³ See, e.g., submissions by Prof. Ray Murphy in: Transcript of the Committee's public session on 12 June 2025 as part of its PLS of the General Scheme of the Defence (Amendment) Bill 2025, available [here](#), last accessed 20 August 2026 [hereinafter 'Transcript of PLS hearing on 12 June 2025'].

⁴⁴ Dáil Éireann Debate (Response to PQ), 'Defence Forces' (6 May 2026) available [here](#), last accessed 20 August 2026.

⁴⁵ For the full number and location of personnel deployed to overseas peacekeeping missions and commitments as of 30 April 2026, see *ibid*.

⁴⁶ Ibid.

⁴⁷ DOD, Government approves the Defence Forces' continued participation in UNIFIL in line with mission drawdown' (DOD Press Release, 26 May 2026) available [here](#), last accessed 2 September 2026.

withdrawn from UNDOF in 2024 to enable the Defence Forces to fulfil Ireland's commitment to EU Battlegroups, undertake a consolidation process and prepare for future missions.⁴⁸ The 2024 Defence Policy Review anticipates that future "missions could be increasingly carried out by regional organisations, including the EU".⁴⁹ It also suggests that Ireland may be participating in more complex and higher intensity operational environments as part of multilateral missions.⁵⁰

The Ward Report

The Bill proposes to amend the 1954 Act to give effect to a number of recommendations contained in the Ward Report. On 28 June 2024, the then Tánaiste and Minister for Defence, Micheál Martin T.D., announced the appointment of Mr. Peter Ward SC (Senior Counsel) to urgently examine certain matters in relation to the service in the Defence Forces of members with serious criminal convictions.⁵¹ The inquiry was ordered after the Chief of Staff of the Defence Forces reported that 68 members had either been convicted of, or were before the courts accused of, a range of offences.⁵² It arose in the context of concerns regarding the management of cases where members of the Defence Forces were charged with, and/or convicted of, serious criminal offences in the civil courts, in particular, the offences of rape and sexual assault, and other offences involving violence, including gender-based violence.⁵³ The inquiry's terms of reference required Mr. Ward (SC) to, amongst other things:

- identify and examine the law and practice governing the service in the Defence Forces of members with serious criminal convictions in civil courts and members awaiting a hearing on serious criminal charges in the civil courts;
- identify and examine the law, practice and systems governing how the criminal conviction of, or the bringing of a criminal charge against, a member of the Defence Forces, is notified to their superior officers, the Chief of Staff and/or the Minister for Defence; and
- consider whether any changes may be appropriate to the law, practices and systems governing the management of members of the Defence Forces with criminal

⁴⁸ Approximately 133 Defence Forces personnel had served there since 2013. Some staff officer posts were retained at UNDOF's Mission headquarters. See DOD, 'Department of Defence's Ministerial Brief' (January 2025) pp. 48-49, available [here](#), last accessed 17 June 2026.

⁴⁹ GOI, 'Defence Policy Review 2024' (2024) p. 16, available [here](#), last accessed 17 June 2025.

⁵⁰ Ibid, pp. 15-16 and 72.

⁵¹ DOD, 'Tánaiste and Minister for Defence Micheál Martin publishes report by Peter Ward SC.' (16 December 2024, updated 12 April 2025) available [here](#), accessed 17 August 2026.

⁵² Ibid.

⁵³ [Ward Report](#), pp. 55-56.

convictions in the civil courts and members awaiting a hearing on criminal charges in the civil courts.⁵⁴

The resulting ‘[Ward Report](#)’ was submitted to the then Tánaiste, Micheál Martin T.D., on 7 October 2024, who subsequently committed to implementing the Report’s 35 recommendations.⁵⁵ The Ward Report was published on the Department’s website on [16 December 2024](#).

As explained in the [Ward Report](#), [Part V](#) of the 1954 Act concerns discipline in the Defence Forces. [Section 50](#) of the 1954 Act concerns the dismissal of officers. A number of Defence Force Regulations have also been made concerning matters relevant to discipline and conduct, for example, Defence Forces Regulations A.7 Discipline, and Defence Force Regulations A.15 Officers (appointments, promotions, etc.).⁵⁶ According to the Ward Report, the Chief of Staff has delegated duties and functions in relation to specified matters, including dismissal and leave, to the Deputy Chief of Staff (Support).⁵⁷ The [website of the Defence Forces](#) also contains relevant information concerning efforts to tackle ‘unacceptable behaviour’ within the Defence Forces.

The Ward Report found that there is no specific legislative provision providing for the placement of a member of the Defence Forces on administrative leave or suspension pending the outcome of a criminal case or disciplinary process concerning them.⁵⁸ It found that leave provisions are used in place of suspension in such circumstances, and that these leave provisions are not suitable for this purpose.⁵⁹ It called for the introduction of legal provisions allowing for a member of the Defence Forces to be suspended and/or placed on administrative leave pending the outcome of a criminal case and/or an internal process concerning them, and it made several recommendations in this regard.⁶⁰ The Ward Report also recommended that both officers and enlisted personnel be legally required to:

- (i) inform their commanding officer immediately upon being charged with a criminal offence, and
- (ii) keep their commanding officer informed of the progress of the criminal case, including information regarding any court appearances.⁶¹

⁵⁴ Ibid, p.3.

⁵⁵ DOD, ‘Tánaiste and Minister for Defence Micheál Martin publishes report by Peter Ward SC.’ (16 December 2024, updated 12 April 2025) available [here](#), accessed 17 August 2026.

⁵⁶ For a list of relevant regulations, see [Ward Report](#), p.18.

⁵⁷ Ibid, p. 55 and Chapter 2. This delegation was pursuant to [section 13](#) of the 1954 Act.

⁵⁸ Ibid, p. 63.

⁵⁹ Ibid.

⁶⁰ Ibid, pp. 63-65.

⁶¹ Ibid, pp. 65-66.

The [Ward Report](#) noted that the ‘Defence Force Regulations A.15 Officers (Appointments, Promotions, etc.) do not set out any provisions in respect of the dismissal of an officer, including a list of reasons for which an officer may be dismissed or a prescribed procedure for dismissal.’⁶² It determined that the process governing the dismissal of officers “...is extremely sparse and not in any way prescriptive of the steps to be followed or the process to be implemented.”⁶³ It also found “that the current governing law does not reflect modern employment law.”⁶⁴ It recommended that a more detailed procedure for the retirement or dismissal of an officer be set out in Defence Force Regulations A.15 (Appointments, Promotions, etc.).⁶⁵

⁶² Ibid, p. 33.

⁶³ Ibid, p. 57.

⁶⁴ Ibid.

⁶⁵ Ibid, p. 68.

Regulatory Impact Assessment (RIA) and financial implications

The Department has advised that a Regulatory Impact Assessment was not undertaken for the Bill, explaining that:

“In general, legislation emanating from the Department of Defence focuses on the Defence Forces and does not apply to the ordinary citizen or to business generally. For those reasons, it was considered that a formal Regulatory Impact Assessment (RIA) was not required. Notwithstanding this, the Department applies the principles set out in the RIA Guidelines issued by the Department of the Taoiseach where appropriate.”⁶⁶

Financial implications of the Bill

Regarding the financial implications of the proposed legislation, the Explanatory Memorandum states that “[t]here are no additional costs to the Exchequer associated with this Bill.”⁶⁷

⁶⁶ This was clarified in an email provided by the DOD to the L&RS on 21 July 2025. See also: Response to parliamentary question, ‘Legislative Process’ (15 September 2021) available [here](#), last accessed 2 September 2026.

⁶⁷ [Explanatory Memorandum](#), p. 5.

Legislative proposal

The [Defence \(Amendment\) Bill 2026](#) (the ‘Bill’) has 29 sections which, as explained in the [Explanatory Memorandum](#), are divided into the following Parts:

Part 1: Preliminary and General, sections 1-3

- **Section 1-2:** short title and commencement, and definitions
- **Section 3:** repeal of the [Defence \(Amendment\) \(No. 2\) Act 1960](#) (the ‘1960 Act’), the [Defence \(Amendment\) Act 2006](#) (the ‘2006 Act’), and sections 61(4) and 70(5) of the [Defence Act 1954](#)

Part 2: Amendment of Principal Act (that is, the [Defence Act 1954](#))

- **Section 4:** amendment of section 2 (Interpretation generally) of the 1954 Act
- **Sections 5-6, 10 and 13-20:** consequential amendments to the 1954 Act necessitated by the repeal of the 1960 Act and the 2006 Act⁶⁸
- **Sections 7 and 11:** suspension of officers and enlisted persons
- **Section 8:** amendment of section 50 of the 1954 Act concerning dismissal of officers
- **Section 9 and 12:** obligations imposed on officers and enlisted persons charged with a criminal offence
- **Section 21:** insertion of a new Part XIV into the 1954 Act (proposed new sections 336-341) concerning overseas service
 - **Proposed new section 336:** overseas service by a contingent or member of the Defence Forces as part of a relevant international force
 - **Proposed new section 337:** overseas service by a contingent or member of the Defence Forces for a purpose other than service as part of a relevant international force
 - **Proposed new section 338:** deployment of a State ship or service aircraft outside the State
 - **Proposed new section 339:** liability of certain members of the Permanent Defence Force for service outside State
 - **Proposed new section 340:** membership of international organisation
 - **Proposed new section 341:** annual report to Dáil Éireann

Part 3: Amendment of other Acts of Oireachtas

- **Sections 22 to 28** consequential amendments of other Acts necessitated by the repeal of the 1960 Act and the 2006 Act⁶⁹
- **Section 29** amendment of [Defence \(Miscellaneous Provisions\) Act 2009](#)

⁶⁸ See: [Explanatory Memorandum](#), p. 2.

⁶⁹ See: [Explanatory Memorandum](#), p. 5.

Principal provisions of the Bill

This part of the *Bill Digest* examines the principal provisions of the Bill.

Preliminary and general provisions: sections 1-3 of the Bill

Section 1 of the Bill is a standard provision providing for the short title of the Bill and commencement arrangements. Subsection (1) provides that the Bill, if enacted, will be known as the Defence (Amendment) Act 2026. Subsection (2) provides that the Bill, if enacted, will be commenced by way of a commencement order or commencement orders made by the Minister. It allows for different provisions of the Bill to be commenced on different days.

Section 2 of the Bill provides for definitions of key terms in the Bill. It defines the ‘Act of 1960’ as the *Defence (Amendment) (No. 2) Act 1960* (referred to as the ‘1960 Act’ in this *Bill Digest*); ‘Minister’ as the Minister for Defence; and ‘Principal Act’ as the *Defence Act 1954* (referred to as the ‘1954 Act’ in this *Bill Digest*).

Section 3 of the Bill provides for the repeal of the 1960 Act and the 2006 Act. It also provides for the repeal of [section 61\(4\)](#) and [section 70\(5\)](#) of the 1954 Act because these provisions are now redundant.⁷⁰

Overseas service by a contingent or member of the Defence Force: sections 4 and 21 of the Bill

Section 21 of the Bill is a key provision. It inserts a new Part XIV into the 1954 Act comprised of six proposed new sections (sections 336-341) concerning overseas service by a contingent or member of the Defence Forces. It should be read together with **section 4** of the Bill.

Changes to Definitions

Section 4 of the Bill provides for the insertion of two new definitions into [section 2](#) of the 1954 Act (interpretation generally) for ‘**international organisation**’ and ‘**relevant international force**’ respectively. If section 4 of the Bill is enacted and commenced, these terms will have the meanings afforded to them under this section for the purposes of the 1954 Act.⁷¹

Section 4 of the Bill defines ‘**international organisation**’ as:

- “(a) the United Nations [the UN],
- (b) the Organisation for Security and Co-operation in Europe [the OSCE],
- (c) the European Union [EU] or any institution or body of the European Union, or
- (d) any other regional arrangement or body that operates in a manner consistent with the Charter of the United Nations and international law;”.

⁷⁰ These two provisions cross reference other provisions of the 1954 Act that have been repealed. See: [Explanatory Memorandum](#), p. 1.

⁷¹ An exception would arise where a particular provision of the 1954 Act stipulates that these terms should have a specific meaning for the purposes of a particular provision, section or Part of the 1954 Act.

Section 1 of the 2006 Act⁷² currently defines an ‘international organisation’ as: (a) the UN, (b) the OSCE, (c) the EU or any institution or body of the EU, or (d) “any regional arrangement or agency that participates, or has participated, in operations as part of an International United Nations Force”. Section 1 of the 2006 Act in turn defines ‘International United Nations Force’ as an international force or body established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by a resolution of the UNSC or the UNGA.

Section 4 of the Bill defines ‘**relevant international force**’ as: “an international force or body established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by an international organisation [as defined under section 4 of the Bill]”.

Overseas service by a contingent or member of the Defence Forces with a relevant international force: proposed new section 336 of the 1954 Act

The proposed new **section 336** of the 1954 Act concerns service outside the State by a contingent or member of the Defence Forces as part of a relevant international force. When read together with the proposed new definitions in **section 4** of the Bill, section 336 provides that a contingent of the Defence Forces comprised of more than 50 members can only be despatched for overseas service as part of an international force or body when the following requirements are satisfied:

- i. the international force or body must be established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by the UN, the OSCE, the EU or any EU institution or body, or any other regional arrangement or body that operates in a manner consistent with the UN Charter and international law;
- ii. the international force must operate for the purpose of peace-keeping, peace-enforcement or conflict prevention consistent with the principles of the UN Charter;⁷³
- iii. the Government must provide its prior approval for the despatch; and
- iv. subject to section 336(3) and (4), Dáil Éireann must adopt a resolution, based on a proposal by the Minister, approving the despatch for overseas service.

In accordance with the proposed **section 336(3)**, a Dáil resolution is not required in respect of the despatch of a contingent that is intended to replace, in whole or in part, an existing contingent of over 50 members of the Defence Forces whose despatch was already approved in a resolution adopted by Dáil Éireann under **section 336(2)(b)**.

The proposed **section 336(4)** provides that a contingent or member of the Defence Forces may, with the prior approval, and on the authority, of the Government, be despatched for overseas service as part of a force to be assembled or embarked before being deployed as part

⁷² Section 1 of the 2006 Act will be repealed if the Bill is enacted and commenced.

⁷³ Whilst this *Bill Digest* generally uses the terms, ‘peacekeeping’ and ‘peace enforcement’, it uses the hyphenated versions of these terms, ‘peace-keeping’ and ‘peace-enforcement’, when discussing the Bill’s provisions to reflect the precise wording used in the Bill.

of a relevant international force (for example, an EU Battlegroup). However, under this subsection the contingent or member may not actually be deployed as part of a relevant international force until Dáil Éireann has passed a resolution approving the despatch of the contingent for service under section 336(2)(b).

Under the proposed **section 336(5)(a)**, a Dáil resolution is not required in respect of the despatch of a member or a contingent of no more than 50 members of the Defence Forces for overseas service as part of a relevant international force. In such circumstances, the first three requirements set out above would still need to be satisfied. During the PLS process, the Department indicated that the 50-member threshold was included as it would enable the Government alone to approve the despatch of a military platoon (30 members of the Defence Forces) and support elements, for example, medical and communications support.⁷⁴

Under the proposed **section 336(5)(b)**, a Dáil resolution is also not required in respect of the despatch of a contingent, which is intended to replace, in whole or in part, an existing contingent of up to 50 members whose despatch was approved by the Government under section 336(5)(a). Furthermore, under the proposed **section 336(6)**, the replacement contingent may exceed the 50-member cap without the need for a Dáil resolution for a transitional period of up to 30 days from the date on which the contingent commander of the replacement contingent takes over from the contingent commander of the original contingent.

The proposed **section 336(7)** provides that a member of the Reserve Defence Force (RDF) shall not be despatched for overseas service under section 336 unless that member has consented to the despatch in accordance with the circumstances set out in section 86A or section 91A of the 1954 Act, as the case may be. This reflects an equivalent provision contained in section 2(4) of the 1960 Act, which effectively provides that overseas service by Reservists is done on a voluntary basis.

The proposed **section 336(8)** is a transitional provision. As explained above, section 3(1)(a) of the Bill, if enacted and commenced, will result in the repeal of the 1960 Act. Section 336(8) ensures that any contingent or member of the Defence Forces who was serving overseas as part of an International United Nations Force in accordance with section 2 of the 1960 Act shall, following the repeal of the 1960 Act, continue to serve overseas as part of a relevant international force under section 336.

Changes in the Bill, as compared with the existing triple lock requirement

The above discussed legislative proposals in the Bill⁷⁵ change the existing legislative requirements, known as the triple lock, regarding the despatch of members and contingents of

⁷⁴ See: Transcript of PLS hearing on 29 May 2025, available [here](#), last accessed 12 August 2026.

⁷⁵ That is, the proposed new section 336 of the 1954 Act (inserted by section 21 of the Bill), read together with the new definitions which section 4 of the Bill proposes to insert into the 1954 Act.

the Defence Forces for overseas service with an armed international force. As outlined previously, under the existing legislative requirements:

- (i) the Government can only approve the despatch of **up to 12 members** for overseas service with an armed international force without obtaining Dáil approval; and
- (ii) even then, the Government can only approve their participation in an international force that has been established, authorised, mandated, endorsed, approved or otherwise sanctioned in a UNSC or a UNGA resolution.

In contrast, the legislative proposals in the Bill, as outlined above, would permit the Government, subject to Dáil approval for despatches of **over 50 members**, to approve the despatch of Defence Forces personnel for overseas service to participate in any international force that is:

- i. supported by the UN, the OSCE, the EU or any EU institution or body, or any other regional arrangement or body that is considered to operate in a manner that is consistent with the UN Charter and international law; and
- ii. considered to operate for the purpose of peace-keeping, peace-enforcement or conflict prevention consistent with the principles of the UN Charter.

In addition, it may be worth noting that the proposed definition of relevant international force, which section 4 of the Bill proposes to insert into section 2 of the 1954 Act, does not differentiate between armed and unarmed international forces. This means that the Bill's requirements concerning overseas service with a relevant international force apply equally to forces that are armed and unarmed. Currently, under [section 2 of the 1960 Act](#), the Government alone can approve of the despatch of an unlimited number of Defence Forces personnel to participate in an unarmed International United Nations Force.

As discussed in more detail in the '*L&RS General Scheme Briefing Paper*', the principles of the [UN Charter](#) are commonly understood to comprise the principles outlined in Article 2 of the Charter.⁷⁶ These principles include, but are not limited to, the sovereign equality of States, non-intervention in the domestic affairs of sovereign States, and the non-use of force against the territorial integrity or political independence of any other State or in any other manner that is inconsistent with the UN's purposes. The UN Charter permits the following exceptions to the non-use of force principle:

1. legitimate exercises of the inherent right of individual or collective self-defence in response to an armed attack against a UN Member State (Article 51 of the UN Charter); and
2. enforcement measures authorised by the UNSC acting under Chapter VII of the UN Charter.

⁷⁶ Caroline Sweeney, 'L&RS General Scheme Briefing Paper: Defence (Amendment) Bill 2025' (L&RS, 25 September 2025) pp. 22-23, available [here](#), last accessed 20 August 2026.

The Bill does not clarify if the term ‘principles of the Charter of the United Nations’, where used in the Bill, is intended to refer to the principles outlined in Article 2 of the UN Charter. This may give rise to legal uncertainty.

The Bill also does not clarify what is meant by the terms, ‘peace-keeping’, ‘peace-enforcement’, and ‘conflict prevention’, for the purposes of the Bill.⁷⁷ This may give rise to legal uncertainty. The [Capstone Doctrine](#) is the main UN policy document concerning UN-led peacekeeping. It differentiates between traditional peace-making, peacebuilding, peacekeeping, robust peacekeeping, peace enforcement and conflict prevention, whilst noting that the boundaries between these activities are “increasingly blurred”, and that “[p]eace operations are rarely limited to one type”.⁷⁸ During the PLS hearings, concerns were expressed that the term ‘conflict prevention’ could potentially be interpreted very broadly so as to encompass an extensive range of activities.⁷⁹ In its [PLS Report](#), the Committee recommended that the proposed legislation potentially explore definitions for how the term ‘conflict prevention’ will be interpreted and outline clear parameters and safeguards for deployment in such cases (Recommendation 4).

The term ‘peace-enforcement’ was not included in the General Scheme. Peace enforcement can be differentiated from peacekeeping. A foundational principle of traditional peacekeeping is having the consent of the main parties to the conflict. This is consistent with the principles of sovereign equality, non-intervention and the non-use of force included in Article 2 of the UN Charter. The Capstone Doctrine observes that, without the consent of the main parties, a peacekeeping operation “risks becoming a party to the conflict; and being drawn towards enforcement action”.⁸⁰ As discussed in more detail in the *L&RS General Scheme Briefing Paper*, Chapter VIII of the UN Charter permits regional organisations to engage in peacekeeping with the consent of the State(s) concerned.⁸¹ However, Article 53 of the UN Charter expressly prohibits regional arrangements or agencies from engaging in non-consensual enforcement action without obtaining the authorisation of the UNSC. [Article 53](#) states that “... no enforcement action shall be taken under regional arrangements or by regional agencies

⁷⁷ For a more comprehensive discussion of these terms, see: Caroline Sweeney, ‘L&RS General Scheme Briefing Paper: Defence (Amendment) Bill 2025’ (L&RS, 25 September 2025) pp. 18-21, available [here](#), last accessed 20 August 2026.

⁷⁸ UN Departments of Peacekeeping Operations and Field Support, ‘UN Peacekeeping Operations Principles and Guidelines’ (2008) p. 18, available [here](#), last accessed 12 August 2026 [hereinafter ‘Capstone Doctrine’].

⁷⁹ See, e.g., submissions by Professor Ray Murphy and Senator Alice-Mary Higgins contained in: Transcript of PLS hearing on 12 June 2025, available [here](#), last accessed 12 August 2026.

⁸⁰ Capstone Doctrine, p. 32, available [here](#), last accessed 12 August 2026.

⁸¹ Caroline Sweeney, ‘L&RS General Scheme Briefing Paper: Defence (Amendment) Bill 2025’ (L&RS, 25 September 2025) p. 24, available [here](#), last accessed 20 August 2026.

without the authorization of the Security Council ...”.⁸² During the PLS hearings on 12 and 19 June 2025 respectively, two witnesses who appeared before the Committee, Ray Murphy, Professor of International Law at the University of Galway, and Edward Burke, Assistant Professor in the History of War at University College Dublin (UCD), indicated that a UNSC resolution adopted under Chapter VII is a necessary prerequisite for peace enforcement operations under the UN Charter.⁸³ This interpretation of peace enforcement aligns with the discussion of the term in the *L&RS General Scheme Briefing Paper*⁸⁴ and indicates that a UNSC resolution is necessary for all peace enforcement operations under the UN Charter and more broadly as a matter of international law. As noted previously, under the proposed new **section 336** of the 1954 Act, read alongside the new definitions that **section 4** of the Bill proposes to insert into the 1954 Act, Defence Forces personnel can only participate in an international force that operates for the purpose of peace-keeping, peace-enforcement or conflict prevention in a manner that is consistent with the principles of the UN Charter.

Decision-making, oversight and monitoring in relation to participation in relevant international forces: proposed new sections 336(9) and 341 of the 1954 Act

During the PLS hearings, queries were raised regarding which actors will be involved in deciding whether members and contingents of the Defence Forces should be despatched for overseas service with an international force and regarding the broader monitoring and oversight mechanisms that will apply. A query was raised during the PLS hearing on 29 May 2025 concerning who provides the information that the Department uses to decide whether to participate in a particular operation. In response, a Departmental official stated “... the EU does so if it is an EU issue. NATO or the UN do so if it is an UN mission ...”.⁸⁵ The official added that any request to join a mission is “... carefully considered by the Government, the Minister of the day and our military colleagues as to what this means, including whether we are satisfied with the legal framework we are entering into and with the rules of engagement.”⁸⁶ The official also indicated that the mission would have to comply with domestic law and align with Ireland’s foreign policy.⁸⁷ During the PLS hearing on 1 July 2025, former Major General Kieran

⁸² Article 53 allows for an exception where the enforcement action is against Enemy States in World War II. This clause is now considered to be obsolete. See: M. Wood, ‘United Nations Charter, Enemy States Clauses’, in *Max Planck Encyclopedia of Public International Law* (updated September 2006) available [here](#), last accessed 20 August 2026.

⁸³ Transcript of PLS hearing on 12 June 2025, available [here](#), last accessed 20 August 2026; and Transcript of the Committee’s public session on 19 June 2025 as part of its PLS of the General Scheme, available [here](#), last accessed 20 August 2026 [hereinafter ‘Transcript of PLS hearing on 19 June 2025’].

⁸⁴ Caroline Sweeney, ‘L&RS General Scheme Briefing Paper: Defence (Amendment) Bill 2025’ (L&RS, 25 September 2025) pp. 20-24, available [here](#), last accessed 20 August 2026.

⁸⁵ Transcript of PLS hearing on 29 May 2025, available [here](#), last accessed 20 August 2026.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

Brennan indicated that decision-making by the Government is predicated on receiving military advice from the general staff, which in turn is based on assessments of associated risks and the operating environment.⁸⁸

Regarding domestic law considerations, it may be worth recalling that apart from relevant legislation, any despatches of Defence Forces personnel for overseas service with an international force must accord with relevant constitutional provisions. These include Article 29.4.9° of the Constitution, which prohibits the State from adopting a decision by the European Council to establish a common defence pursuant to Article 42 of the TEU where that common defence would include the State, and Article 28.3.1°, which prohibits the State from becoming a party to any armed conflict unless it has the assent of Dáil Éireann.

During the PLS hearings, some witnesses and Committee members made suggestions aimed at strengthening the safeguards in the proposed legislation with a view to ensuring that overseas participation in international forces continues to adhere to domestic law and the requirements of the UN Charter and international law, even if the triple lock is modified or removed. Ben Tonra, Professor of International Relations at UCD, suggested:

“... first, a formal legal review should be undertaken as part of each proposed overseas deployment—perhaps conducted by the Attorney General or alternatively by independent counsel—which would attest that the proposed mission does in fact align with the UN Charter and international law. Such a review might then be presented to the Oireachtas alongside any motion for deployment and appropriate hearings undertaken with that evidence presented.

Second, it should be considered whether democratic oversight ends with any initial approval. For most states which require parliamentary authorisation of overseas military deployment, parliament retains rights and responsibilities of oversight. An annual review mechanism could empower the Dáil to monitor ongoing missions, so as to ensure that our engagement remains within the scope of peacekeeping, conflict prevention, and support for international security.”⁸⁹

During the PLS hearing on 19 June 2025, Assistant Professor Edward Burke submitted that the Oireachtas and the Committee should be afforded more power “... to push for accountability on defence”, including the power to obtain legal advice regarding the application of the law of armed conflict.⁹⁰ He indicated that parliamentary committees on defence in certain other European States and New Zealand already have the power to obtain operational legal advice.⁹¹ During the PLS hearing on 1 July 2025, Cathal Berry, a medical doctor and former independent T.D. and Army Ranger, suggested that the Committee could be tasked with

⁸⁸ Transcript of the Committee’s public session on 1 July 2025 as part of its PLS of the General Scheme, available [here](#), last accessed 12 August 2026 [hereinafter ‘Transcript of PLS hearing on 1 July 2025’].

⁸⁹ Statement by Ben Tonra on PLS of the General Scheme of the Defence (Amendment) Bill 2025, available [here](#), last accessed 20 August 2026.

⁹⁰ Transcript of PLS hearing on 19 June 2025, available [here](#), last accessed 20 August 2026.

⁹¹ Ibid.

scrutinising the viability of any proposed new mission and could report their findings prior to a Dáil debate.⁹² He also suggested that the Attorney General's advice on proposed deployments to participate in international forces could potentially be made public as a further safeguard.⁹³

During the PLS hearing on 12 June 2025, Senator Tom Clonan indicated his intention to propose amendments to the legislative proposals requiring that any vote in the Dáil concerning the deployment of troops overseas be subject to a free vote and that there should be no whip or sanction applied to anybody who votes against such a motion.⁹⁴ During the same PLS hearing, Professor Ray Murphy stated his belief that there is no workable alternative to the triple lock because regional organisations "... do not have that legitimacy, credibility and global authority that the UN has."⁹⁵ He suggested that, as an alternative to removing the triple lock, Ireland should seek to play an enhanced role in building the necessary cross-regional consensus for proposed peacekeeping initiatives within the UNGA in situations where the UNSC is deadlocked.⁹⁶

The Bill, as initiated, does not clarify how it will be determined:

- (i) whether or not a regional arrangement or body is operating in a manner consistent with the UN Charter and international law, for the purposes of the proposed new definition of 'international organisation' which section 4 of the Bill proposes to insert into section 2 of the 1954 Act; or
- (ii) whether or not a relevant international force is operating for the purpose of peace-keeping, peace-enforcement or conflict prevention, consistent with the principles of the UN Charter, for the purposes of the proposed new section 336(1) of the 1954 Act.

The Bill does not identify any objective criteria to be used when making these determinations. The Bill also does not clarify which actors will be involved in this decision-making process although it appears from the preceding discussions and the Department's responses to relevant PLS recommendations,⁹⁷ that the Government will receive military advice from the general staff of the Defence Forces and legal advice from the Attorney General.

⁹² Transcript of PLS hearing on 1 July 2025, available [here](#), last accessed 20 August 2026.

⁹³ Ibid.

⁹⁴ Transcript of PLS hearing on 12 June 2025, available [here](#), last accessed 17 August 2026.

⁹⁵ Ibid.

⁹⁶ Professor Murphy asserted that Ireland is well placed to act as an interlocutor between the Great Powers and the so-called Global South, given its non-membership of NATO and long-held commitment to military neutrality, multilateralism, disarmament and the right to self-determination of peoples. See *ibid*.

⁹⁷ See Table 3 in this *Bill Digest*, entitled 'Table 3: Traffic light dashboard comparing the Bill as published with the Committee's PLS recommendations', Department's response to PLS Recommendation 8.

The main provisions in the Bill concerning oversight of participation by the Defence Forces in relevant international forces are contained in the proposed new **section 336(9)** and the proposed new **section 341** of the 1954 Act.

The proposed new **section 341** of the 1954 Act requires the Minister, as soon as practicable after 1 January each year, to make a report to Dáil Éireann concerning the participation of members and contingents of the Defence Forces in relevant international forces during the preceding year. Section 341(2) requires that this annual report include:

- a) details of the service of a contingent or member of the Defence Forces as part of a relevant international force during the preceding year;
- b) in respect of any contingent that participated in a relevant international force, the number of members of the Defence Forces that comprise the contingent and the duties that the contingent performed;
- c) a review of the operation of each relevant international force that the Defence Forces participated in during the preceding year, including an overview of the duties carried out by the relevant international force and any significant developments during the preceding year affecting the relevant international force's operation; and
- d) the Minister's assessment as to whether or not the relevant international force referred to in paragraph (a) continues to operate for the purposes set out in section 336(1) (that is, peace-keeping, peace-enforcement or conflict prevention).

Section 341(3) permits Dáil Éireann, by resolution, to approve of the annual report provided under section 341.

Similar to the proposed new section 341 of the 1954 Act, [section 13](#) of the 2006 Act requires the Minister to provide an annual report to Dáil Éireann on the operation in the preceding year of [section 2](#) of the 1960 Act concerning the despatch of contingents of the Permanent Defence Force for service outside the State with International United Nations Forces. Under section 13 of the 2006 Act, Dáil Éireann may, by resolution, approve of this annual report. The Government typically moves a motion that the Dáil approve the annual report each year giving rise to a Dáil debate on the motion and the activities addressed in the annual report.⁹⁸ Section 13 of the 2006 Act does not include an equivalent provision to the proposed new section 341(2) specifying certain matters that must be addressed in the annual report, although the reports appear to include information similar to that required under subsections (a)-(c) of the proposed new section 341(2).⁹⁹ The proposed new section 341(2)(d) also requires information concerning the Minister's assessment as to whether or not relevant international forces that the Defence Forces participate in continue to operate for the purpose of peace-keeping,

⁹⁸ For example, for the Dáil debate on the report laid pursuant to section 13 of the 2006 Act concerning service by the Defence Forces with the UN in 2023, see: Dáil Éireann debate, 'Defence Forces: Motions' (3 July 2024) available [here](#), last accessed 13 August 2026.

⁹⁹ See, e.g., DOD, 'Service by the Defence Forces with the United Nations: Report to Dáil Éireann 2024' (2025), available [here](#), last accessed 2 September 2026.

peace-enforcement or conflict prevention consistent with the principles of the UN Charter. This corresponds with the addition of this new requirement regarding the purpose of relevant international forces that the Defence Forces participate in, in the proposed new section 336(1) of the 1954 Act, if the triple lock is amended as proposed in the Bill.

In its [PLS Report](#), the Committee made multiple recommendations that seek to strengthen the independent oversight and monitoring provisions in the proposed legislation with a view to ensuring continued compliance with relevant obligations under international law, if the existing triple lock requirement is amended. Several of these recommendations are similar to the recommendations made by witnesses during the PLS hearings, as outlined above. Of particular note, PLS Recommendations 8-11 call for:

- a formal legal review by an independent body of all proposed deployments and renewals, whose findings should be made available to Oireachtas members and to the general public (with redactions in the latter version where necessary);
- regular mandate renewals, entailing both Government and Dáil approval;
- a requirement that the Minister seek a Dáil resolution within a year of every deployment as a prerequisite for continued deployment after that period; and
- provision in the Bill for an urgent review of any despatch or deployment by the Minister upon the request of the Dáil or Seanad (by resolution), or by the Committee.

These recommendations are not reflected in the Bill, as initiated.

The proposed new **section 336(9)** of the 1954 Act requires the Minister, as soon as is reasonably practicable, to inform in writing the relevant Joint Oireachtas Committee with responsibility for shadowing the Department's work of:

- a) the despatch of a member or contingent of up to 50 members of the Defence Forces for overseas service as part of a relevant international force;
- b) the number of members of the Defence Forces that comprise any contingent so despatched; and
- c) the duties carried out by the member or contingent referred to in paragraph (a).

Of relevance in this regard, in its PLS Report the Committee recommended that the proposed legislation include:

- (i) provisions setting out the circumstances in which deployments of up to 50 members of the Defence Forces for overseas service with an international force may be made without Dáil approval (Recommendation 12);
- (ii) provisions requiring the Government to inform the Committee of any decision taken to make such a deployment within a specified time limit (Recommendation 14); and
- (iii) oversight provisions involving the Committee and the Joint Committee on Foreign Affairs and Trade (Recommendation 13).

In response to Recommendation 12, the Department has indicated that the circumstances and conditions in which deployment for overseas service with a relevant international force will be

considered will be the same for deployments of up to 50 members of the Defence Forces, and deployments of over 50 members of the Defence Forces.¹⁰⁰ A requirement to inform the Committee of any proposed deployments of up to 50 members with Government approval only is provided for in the proposed new section 336(9) of the 1954 Act. Although, the proposed new subsection doesn't provide for an exact time limit, instead requiring that the relevant committee be informed "as soon as is reasonably practicable". The Bill does not specifically provide for ongoing oversight by the Committee and the Joint Committee on Foreign Affairs and Trade of participation by Defence Forces personnel in relevant international forces (aside from the Minister's more general obligation to report annually to the Dáil, as outlined previously).

Overseas service for a purpose other than service as part of a relevant international force: proposed new section 337 of the 1954 Act

Section 21 of the Bill proposes to insert a new **section 337** into the 1954 Act concerning overseas service for a purpose other than service as part of a relevant international force. The proposed section 337(1) permits the Government alone to approve the despatch for overseas service of a contingent or member of the Defence Forces for any of the following purposes:

- a) undertaking civilian evacuation operations in response to an actual or potential disaster or emergency;
- b) undertaking military close protection duties or military security duties;
- c) carrying out duties as a military representative or filling appointments or postings outside the State, including secondments to an international organisation;
- d) conducting, or participating in, training;
- e) carrying out ceremonial duties, participating in exchanges or undertaking visits;
- f) undertaking monitoring, observation or advisory duties;
- g) participating in, or undertaking, reconnaissance or fact-finding missions;
- h) participating in sporting events;
- i) inspecting stores, equipment or facilities;
- j) evaluating stores, equipment or facilities;
- k) undertaking humanitarian tasks (other than civilian evacuation operations) in relation to an actual or potential disaster or emergency.

The proposed section 337(5) provides definitions for the following terms for the purposes of section 337: training, international military exercise, military close protection duties, and military security duties. The proposed section 337(1) largely replicates the existing [section 3 of the 2006 Act](#), with some changes, as explained below.

First, the definition of '**training**' in the proposed section 337(5) is wider than the definition of training currently provided for under section 1 of the 2006 Act for the purposes of section 3 of

¹⁰⁰ See Table 3 in this *Bill Digest*, entitled 'Table 3: Traffic light dashboard comparing the Bill as published with the Committee's PLS recommendations', Department's response to PLS Recommendation 12.

that Act.¹⁰¹ The difference is that the proposed section 337(5) also includes ‘international military exercises’ within the definition of training. It defines ‘**training**’ as “any programme or course of education, training or exercises and includes seminars, strategic and planning exercises and international military exercises”. It defines ‘**international military exercise**’ in turn as “an exercise in which the Defence Forces and the defence forces of one or more states (other than the State) come together to train or to exercise a particular capability or set of capabilities”.

Second, the proposed section 337(1) adds two additional purposes at paragraphs (a) and (b), as compared with the purposes currently provided for under [section 3 of the 2006 Act](#). The first additional purpose is undertaking civilian evacuation operations in response to an actual or potential disaster or emergency. As discussed previously, in the past members of the Defence Forces have on occasion assisted with civil evacuations based on the existing [section 3\(f\) of the 2006 Act](#) (for example, the evacuations from Kabul in 2021).¹⁰² Head 7(1)(a) of the [General Scheme](#) included a very similar provision to the proposed section 337(1)(a). The Department’s explanatory note for Head 7(1)(a) indicated that this provision was intended to expressly allow for operations involving the evacuation of Irish citizens from disaster/emergency situations overseas, as well as high risk and/or volatile security environments. During a PLS hearing on 29 May 2025, a Departmental official explained that this may involve situations “... where we are part of an emergency civil assist team, where it is a non-combatant environment and the military is being sent in to get civilians out.”¹⁰³ The official also indicated that overall Head 7 sought to bring clarity regarding how Defence Forces personnel are despatched for overseas service for purposes other than participation in an international force.¹⁰⁴

The second additional purpose provided for under the proposed new section 337(1) is undertaking military close protection duties or military security duties. ‘**Military close protection duties**’ are defined in the proposed section 337(5) as: personal security duties carried out in a hostile or potentially hostile environment or area of conflict in respect of: (a) the President; (b) members of the Government; (c) public officials accompanying the President or Government members; or (d) members of the Defence Forces not below the rank of major general or equivalent naval rank. ‘**Military security duties**’ are defined in the proposed new section 337(5) as: “security duties carried out in an actual or potential hostile environment or area of conflict for the purpose of providing protection to an embassy of the State.”

¹⁰¹ See [section 1](#) of the 2006 Act.

¹⁰² The existing [section 3\(f\)](#) allows the Government to approve the despatch of members and contingents of the Defence Forces for overseas service for the purpose of undertaking humanitarian tasks in response to a disaster or emergency.

¹⁰³ Transcript of PLS hearing on 29 May 2025, available [here](#), last accessed 20 August 2026.

¹⁰⁴ Ibid.

The proposed section 337(3) permits the Government to give general approval and authority for a specified period for despatches for overseas service for a class or classes of the activities specified in the proposed section 337(1)(c) to (k) where the Government considers it to be appropriate and subject to such conditions as the Government may impose. This reflects an existing provision in [section 3\(2\) of the 2006 Act](#). The Government is not authorised to give such general approval in respect of the new additional purposes set out in paragraphs (a) and (b) of the proposed section 337(1), which will require the approval of Government, on a case-by-case basis.

The proposed section 337(2)(b) provides that a reservist may not be despatched for overseas service under section 337(1) for the purpose of “carrying out duties as a military representative or filling appointments or postings outside the State, including secondments to an international organisation.” This reflects an equivalent provision contained in [section 3\(3\)\(b\) of the 2006 Act](#). The proposed section 337(2)(a) provides that a reservist may not be despatched for overseas service under section 337(1) for any of the remaining purposes unless the reservist has consented to the despatch in accordance with the circumstances set out in section 86A or section 91A of the [1954 Act](#), as the case may be. This reflects an equivalent provision contained in [section 3\(3\)\(a\) of the 2006 Act](#), which effectively provides that overseas service by reservists is done on a voluntary basis.

The proposed section 337(4) is a transitional provision. As explained above, section 3(1)(b) of the Bill, if enacted and commenced, will result in the repeal of the 2006 Act. Section 337(4) ensures that any contingent or member of the Defence Forces who was serving overseas for a purpose provided for in section 3 of the 2006 Act shall, following the repeal of the 2006 Act, continue to serve outside the State under the new section 337.

The changes entailed under the proposed new section 337 do not involve overseas service with an international force and could be achieved with or without amending the triple lock.

Deployment of State ship or service aircraft outside the State: proposed new section 338 of the 1954 Act

Section 21 of the Bill proposes to insert a new **section 338** into the 1954 Act concerning the deployment of State ships or service aircrafts outside the State. The proposed new **section 338(1)** permits the Government to approve the deployment of a State ship or service aircraft outside the State for the purpose of participating in international activities to counter drug trafficking by sea and air. Section 338(2) clarifies that ‘international activities’ in this regard means:

“... activities outside the State and includes training for the purpose of improving the capacity of states other than the State to counter drug trafficking and observation and monitoring duties related to the countering of drug trafficking.”¹⁰⁵

¹⁰⁵ Section 338(2) of the Defence (Amendment) Bill 2026, available [here](#), accessed 17 June 2026.

The [Explanatory Memorandum](#) for the Bill indicates that the primary objective of this provision is to facilitate potentially greater participation by Ireland in the [Maritime Analysis and Operations Centre \(Narcotics\) \(MAOC\(N\)\)](#).

The General Scheme of the Bill contained a proposal to permit the Government to approve the despatch of a contingent or member of the Defence Forces for overseas service to participate in international operations to counter illicit drug trafficking by sea and air.¹⁰⁶ The proposal in the General Scheme was contained under Head 7 concerning ‘Despatch of contingent or member of the Defence Forces for external service for purpose other than service with an International Force’. In contrast, the Bill includes this proposal in a proposed new standalone section 338 of the 1954 Act (concerning deployment of State ships or service aircrafts outside the State), which is separate to the proposed new section 337 (concerning overseas service for a purpose other than service as part of a relevant international force).

Liability of certain members of the Permanent Defence Force (PDF) for overseas service: proposed new section 339 of the 1954 Act

Section 21 of the Bill proposes to insert a new **section 339** into the 1954 Act concerning the liability of members of the PDF for overseas service. The proposed new **section 339(1)** provides that, without prejudice to [section 85](#)¹⁰⁷ of the 1954 Act and subject to subsections (2) and (3) of the proposed new section 339, every member of the PDF is liable for overseas service in the following circumstances:

- a. as part of a contingent or as a member of the PDF despatched for service as part of a relevant international force, or
- b. as part of a contingent or as a member despatched for service for any purpose specified in section 337.

Subsections (2) and (3) allow for certain exemptions for PDF members who were appointed or enlisted before 1 July 1993 in respect of overseas service with a relevant international force. These members can only be called upon for mandatory service with an international force established by the UNSC or the UNGA for the performance of duties of a police character. This is because the [Defence \(Amendment\) Act 1993](#) (since repealed) was only commenced on 1 July 1993. It was the first piece of legislation to provide for participation by members of the Defence Forces in more robust UN peacekeeping operations and UN operations with peace enforcement powers. Prior to this, domestic legislation only provided for participation by Defence Forces personnel in an international force or body established by the UNSC or the UNGA for the performance of duties of a police character. The proposed section 339(3)

¹⁰⁶ Head 7(1)(b) of the [General Scheme](#) of the Bill.

¹⁰⁷ [Section 85](#) of the 1954 Act concerns service of members of the PDF. It provides that every officer and man of the PDF shall be liable at all times to render military service within the State. It further provides that if the officer or man is employed on a State ship or service aircraft, he or she shall be liable at all times while so employed to render military service outside the territorial seas of the State.

permits members of the PDF who were appointed or enlisted before 1 July 1993 to serve overseas as part of a relevant international force on a voluntary basis during a specified period, subject to the approval of the Minister or an officer authorised to provide the requisite approval on the Minister's behalf.

The proposed section 339 largely reflects the existing [section 4 of the 2006 Act](#). However, the Bill in its entirety, if enacted and commenced, would alter the nature of the mandatory service requirement insofar as the amendment of the triple lock requirement would mean that PDF members could be called upon to participate in an international force that was not established, mandated, authorised, approved, endorsed or in some other way sanctioned in a UNSC or a UNGA resolution.

Membership of international organisation: proposed new section 340 of 1954 Act

Section 21 of the Bill proposes to insert a new **section 340** into the 1954 Act concerning membership of an international organisation. The proposed new **section 340** provides that “Nothing in this Act [the 1954 Act] shall be construed as authorising the State to become a member of an international organisation of which the State is not already a member”. This reflects wording used in the existing [section 11 of the 2006 Act](#). According to the Explanatory Memorandum, the section's purpose “...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.”¹⁰⁸

Suspension of officers and enlisted persons: sections 7 and 11

Section 7 (concerning officers) and **section 11** (concerning enlisted persons) of the Bill amend the 1954 Act to provide for the suspension, in certain circumstances, of officers and enlisted persons. The [Explanatory Memorandum](#) (page 2) indicates that sections 7 and 11 were included in the Bill further to recommendations made in the [Ward Report](#).

Heads 21 and 24 of the General Scheme concerned the suspension of officers and enlisted persons respectively. During the PLS hearing on 10 July 2025, representatives of the [Representative Association of Commissioned Officers \(RACO\)](#) supported the creation of a fair and equitable mechanism to allow for the suspension of members of the Defence Forces to address a lacuna in the existing legislation. However, they expressed concern at the wording of Head 21 of the [General Scheme](#). Head 21 allowed for the suspension of officers below the rank of major-general where (amongst other circumstances):

- i. it appears to the suspending authority that the public interest or national security might be prejudiced by allowing the officer to remain on duty;
- ii. the suspension is, in the opinion of the suspending authority, required in the best interests of the Defence Forces; or

¹⁰⁸ [Explanatory Memorandum](#), p. 4.

- iii. it appears to the suspending authority that the officer has engaged in behaviour that may constitute grave misconduct or grave irregularity warranting disciplinary investigation.

The RACO representatives suggested that these proposed grounds for suspension, and the wording of Head 21 more generally, were insufficiently clear and unduly subjective.¹⁰⁹ They also called for the inclusion of due process safeguards in the proposed provisions and any regulations made thereunder in order to ensure that:

- the member concerned is informed in a clear and unambiguous manner of the reasons for their suspension;
- investigations are conducted in a timely and prompt manner;
- suspensions are subject to regular, periodic reviews; and
- suspended officers have access to a robust, fair and transparent appeals mechanism.¹¹⁰

Lieutenant Colonel Derek Priestley, the Deputy General Secretary of RACO, advised that, in RACO's considerations, it may be appropriate to have some form of external appeal because RACO considered that "...the chain of command [in the Defence Forces] can be quite linear in the way it thinks."¹¹¹ The RACO representatives also called for adequate supports for suspended members, including welfare checks, personnel support services, and mental health services, given the potential impact of suspension on an individual's mental health, professional reputation, family circumstances, pay, career progression and pension.¹¹²

In its [PLS Report](#), the Committee made multiple recommendations concerning Heads 21 and 24, which sought to address the concerns raised by RACO (see PLS Recommendations 17-20 concerning Head 21 and PLS Recommendations 18 and 24-26 concerning Head 24).¹¹³ As outlined later on in Table 3 of this *Bill Digest*, some of these PLS recommendations are reflected in the Bill, as initiated, whereas others are omitted (for example, recommendations to incorporate an impartial and effective appeals mechanism), or only partially implemented.¹¹⁴

¹⁰⁹ Transcript of the Committee's public session on 10 July 2025 as part of its PLS of the General Scheme, available [here](#), last accessed 2 September 2026 [hereinafter 'Transcript of PLS hearing on 10 July 2025'].

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid (see, in particular, submissions of Lieutenant Colonel Conor King, General Secretary of RACO).

¹¹³ The RACO representatives only made comments pertaining to Head 21 and did not comment on Head 24 as RACO does not represent enlisted personnel. Nevertheless, some of the concerns they raised were also relevant to Head 24.

¹¹⁴ See Table 3 later in this *Bill Digest*, entitled, 'Table 3: Traffic light dashboard comparing the Bill as published with the Committee's PLS recommendations'.

Section 7 of the Bill inserts a new section 46A into the 1954 Act allowing for the suspension of officers from duty who hold a rank below that of major-general in certain circumstances. The Director of Military Prosecutions¹¹⁵ and military judges are excluded from its scope.¹¹⁶ The proposed new section 46A(1) permits the prescribed military authority, subject to subsection (2), to suspend from duty an officer below the rank of major general where:

- the officer has been charged with, or convicted of, a criminal offence;
- the officer is the subject of an investigation under [section 177](#) of the 1954 Act;¹¹⁷
- the officer has been convicted by a court-martial of an offence against military law;
- the prescribed military authority is satisfied that the officer may have behaved in a manner likely to bring discredit on the Defence Forces; or
- the prescribed military authority is satisfied that the officer has engaged in conduct that may be contrary to the interests of national security.

Under the proposed new section 46A(2), the prescribed military authority must be satisfied that the suspension is necessary: (a) in the public interest, (b) to maintain public confidence in the Defence Forces, or (c) for the purposes of an investigation under section 177. Under the proposed new section 46A(3), where a suspension is proposed, the prescribed military authority must first:

- a) inform the officer in the prescribed manner of the reason for the proposed suspension under both subsections (1) and (2);
- b) provide the officer with an opportunity, within a prescribed period, to make representations in the prescribed manner regarding the proposed suspension; and
- c) consider, within a prescribed period, any representations made under paragraph (b).

The proposed new section 46A(4) provides that where, having taken into account any representations made by the officer concerned, the prescribed military authority decides to suspend that officer, he or she must then notify that officer in the prescribed manner of the decision and of the reasons for the suspension under the new section 46A(1) and (2).

The proposed new section 46A(5) permits the Minister to make regulations prescribing certain matters for the purposes of the section, including:

- the appointment of the (suspending) military authority in respect of each rank of officer concerned;
- the procedures applicable to suspensions under the section;

¹¹⁵ The Director of Military Prosecutions is appointed under Chapter IVB of Part V of the 1954 Act; see definition of ‘Director’ in [section 2](#) of the 1954 Act.

¹¹⁶ See the proposed new section 46A(8) of the 1954 Act under section 7 of the Bill.

¹¹⁷ Subject to certain conditions as outlined in the section, section 177 provides for the investigation of a charge against a person subject to military law who is an officer or a non-commissioned officer in the rank of sergeant major or battalion quarter-master sergeant or their equivalent naval ranks, by the person’s commanding officer or such officer as the Deputy Chief of Staff (Support) may appoint for the purpose.

- the manner in which, and period within which, an affected officer is to be: (a) informed of a proposed suspension, and (b) enabled to make representations;
- the period within which the officers' representations are to be considered;
- the period(s) of suspension and the date on which the suspension shall start;
- the periodic review of suspensions; and
- the remuneration of suspended officers during suspension periods, and any restrictions on their external employment.

The proposed new section 46A(6) provides that any regulations made under subsection (5) may contain any incidental, supplementary and consequential provisions, which the Minister considers to be necessary or expedient for the purposes of the regulations.

The proposed new section 46A(7) requires the Chief of Staff to inform the Minister of any suspensions under the section, as soon as practicable.

Section 11 of the Bill amends the 1954 Act by inserting a new section 62A after the existing section 62 allowing for the suspension of enlisted persons in certain circumstances. The proposed new section 62A(1) and (2) permit the prescribed military authority to suspend an enlisted person from duty in essentially the same circumstances as are set out in the proposed new section 46A(1) and (2) above. There is, however, a difference in that an enlisted person can also be suspended where they are the subject of an investigation under [section 178](#) (charges against men) or [section 179](#) (charges against pirates and seamen) of the 1954 Act and the suspension is considered necessary for the purposes of the investigation under section 178 or section 179, as relevant.

The remaining provisions of the proposed new section 62A essentially mirror those of the proposed new section 46A save for necessary differences to reflect the fact that the proposed section 62A concerns enlisted persons, as opposed to officers.¹¹⁸ The proposed new section 62A(8) defines an enlisted person for the purposes of the section and section 62B as:

- a person enlisted under [section 53](#) (enlistment in the PDF for service during a fixed period either in the PDF or partly in the PDF and partly in the RDF) or [section 54](#) (enlistment in the PDF for service during a period of emergency) of the 1954 Act;
- a person who was formerly enlisted in the PDF and re-enlisted under [section 53A](#) of the 1954 Act; or
- a person enlisted under [section 55](#) of the 1954 Act (direct enlistment in the RDF for service during a fixed period).

Officers and enlisted persons charged with a criminal offence: sections 9 and 12

Sections 9 and 12 of the Bill insert new sections 52A and 62B into the 1954 Act requiring an officer of the Defence Forces and an enlisted person, respectively, to inform his or her

¹¹⁸ For example, the proposed new section 62A(5)(f) permits the Minister to make regulations prescribing the appointment of the military authority in respect of each non-commissioned army and naval rank.

commanding officer, as soon as practicable, if he or she is charged with a criminal offence. They must inform the commanding officer of the offence with which they are charged, and they must keep the commanding officer informed of any significant developments relating to the charge. This includes an obligation to advise the commanding officer in advance of any dates on which the member/enlisted person is required to attend before a civil court. The commanding officer in turn must provide the information received, as soon as practicable, to the prescribed military authority for the purposes of the proposed new section 46A (suspension of officer) and the proposed new section 62A (suspension of enlisted person), respectively. The proposed new subsection 52A(3) provides that any reference to 'commanding officer' in the proposed section shall be taken to mean the 'Minister' in circumstances where the officer charged with the criminal offence is: (a) the Chief of Staff, (b) the Deputy Chief of Staff (Operations), (c) the Deputy Chief of Staff (Support), (d) the Director of Military Prosecutions, or (e) a military judge. The [Explanatory Memorandum](#) indicates that sections 9 and 12 were included in the Bill further to recommendations in the [Ward Report](#).

Dismissal of officers: section 8

Section 8 of the Bill amends the 1954 Act by substituting the existing [section 50](#) (dismissal of officers) with a replacement section 50 to provide, in certain circumstances, for the dismissal of officers of the Defence Forces. Currently, [section 50](#) permits the President to dismiss any officer (with the exception of military judges) provided that the officer has first been informed of the reasons for the proposed dismissal and afforded a reasonable opportunity to make representations regarding it. The requirement to provide reasons and allow for representations does not arise under section 50 in respect of: (i) an officer who was sentenced by a civil court to serve a term of imprisonment of greater than six months; or (ii) an officer who has been absent without leave for a period exceeding three months.

As noted previously, the [Ward Report](#) found that the Defence Force Regulations A.15 Officers (Appointments, Promotions, etc.) omit provisions in respect of dismissals of officers, including a list of reasons for which an officer may be dismissed and a prescribed procedure for dismissal.¹¹⁹ The [Ward Report](#) recommended, amongst other things, that a more detailed procedure for retirement or dismissal of an officer be set out in Defence Force Regulations A.15 deployment of State ships or service aircrafts outside the State.¹²⁰ During the PLS hearing on 10 July 2025, RACO called for any grounds for dismissal to be transparent and more clearly defined in the proposed legislation.¹²¹ RACO also called for dismissals to be subject to procedural fairness safeguards, including appeals that could potentially be outside of the chain of command.¹²²

¹¹⁹ [Ward Report](#), p. 33.

¹²⁰ *Ibid*, p. 68.

¹²¹ See: Transcript of PLS hearing on 10 July 2025, available [here](#), last accessed 20 August 2026.

¹²² *Ibid*.

In its [PLS Report](#) (Recommendation 21), the Committee recommended that the proposed legislation should define, at least at a general level, the proposed grounds for dismissing an officer. In response,¹²³ the proposed new **section 50(1)** of the 1954 Act permits the President, subject to subsection (2), to dismiss any officer, with the exception of military judges and the Director of Military Prosecutions, for any of the following reasons:

- a) the officer has been convicted of a criminal offence;
- b) the officer has engaged in conduct that has brought discredit on the Defence Forces; or
- c) the dismissal is necessary for the purpose of safeguarding national security.

Under the proposed section 50(2), before an officer may be dismissed under subsection (1), the Chief of Staff must first: inform the officer of the reason under subsection (1) for the proposed dismissal; afford the officer an opportunity, within a prescribed period, to make representations regarding the proposed dismissal; and consider, within a prescribed period, any representations that are made. Under subsection (3), having taken account of any representations that were made under subsection (2), the Chief of Staff may make a recommendation to the Minister concerning the proposed dismissal, including the reason for it under subsection (1), and provide the Minister with any relevant information. Under subsection (4), having considered any recommendation made under subsection (3) and where he or she considers it appropriate to do so, the Minister must recommend to the Government that it advise the President to dismiss the officer concerned.

In its [PLS Report](#) (Recommendation 22), the Committee noted that members of the Defence Forces are excluded from the scope of the *Unfair Dismissals Acts 1977 to 2015*.¹²⁴ The Committee (Recommendation 22) recommended that either this exclusion be removed or that certain protections afforded under the *Unfair Dismissals Acts 1977 to 2015*, including the right of appeal, redress for unfair dismissal, and fair reasons for dismissal, be explicitly provided for in the 1954 Act. Apart from the above outlined provisions concerning reasons and representations, this recommendation is not fully reflected in the proposed new section 50. The Department has stated that the *Unfair Dismissals Acts 1977 to 2015* don't apply to the Defence Forces because of "the unique nature of military life".¹²⁵

Amendment of Defence (Miscellaneous Provisions) Act 2009: section 29

Section 29 of the Bill provides for amendments to the [Defence \(Miscellaneous Provisions\) Act 2009](#) (the '2009 Act'). The 2009 Act provides for Ireland's participation in the EU's Permanent Structured Cooperation arrangements and certain projects and programmes run by the

¹²³ See Table 3 later in this *Bill Digest*, entitled, 'Table 3: Traffic light dashboard comparing the Bill as published with the Committee's PLS recommendations', Department's response to Recommendation 21.

¹²⁴ See [section 2\(1\)\(d\)](#) of the *Unfair Dismissals Act 1977, as amended*.

¹²⁵ See Table 3 later in this *Bill Digest*, entitled, 'Table 3: Traffic light dashboard comparing the Bill as published with the Committee's PLS recommendations', Department's response to Recommendation 22.

European Defence Agency (EDA).¹²⁶ Under section 2 of the 2009 Act, participation in EDA projects currently requires the prior approval of the Government and the Dáil. The Government must also be satisfied that participation in the project would contribute to the enhancement of capabilities for UN mandated missions engaged in peacekeeping, conflict prevention or the strengthening of international security in accordance with the principles of the UN Charter.¹²⁷ Section 29(b) of the Bill proposes to amend section 2(2) of the 2009 Act to require the Government to instead be satisfied that participation in the project would contribute to the enhancement of capabilities for a relevant international force that operates for the purpose of peace-keeping, peace-enforcement or conflict prevention in accordance with the principles of the UN Charter. Section 29(a) of the Bill also proposes to amend section 1(1) of the 2009 Act to insert definitions for ‘international organisation’ and ‘relevant international force’ that accord with the definitions for these terms, which section 4 of the Bill proposes to insert into section 2 of the 1954 Act.

The **Explanatory Memorandum** (page 5) indicates that the above amendments are being proposed in light of the proposed repeal of the 1960 Act and the related replacement of references to ‘International United Nations Force’ in the *Defence Acts 1954-2015* with references to ‘relevant international force’. The Explanatory Memorandum also indicates that the amendments are intended to facilitate participation in relevant EDA projects and programmes that will help enhance the capabilities of a relevant international force, subject to the prior approval of the Government and Dáil Éireann.

Consequential amendments: sections 5, 6, 10, 13-20, and 22-28

As explained in the **Explanatory Memorandum**, **sections 5, 6, 10 and 13 to 20** provide for consequential amendments to the 1954 Act, which are necessitated by the repeal of the 1960 Act and the 2006 Act. For example, **section 5** of the Bill proposes to amend **section 5** of the 1954 Act (concerning ‘active service’) by substituting the existing section 5(1) of the 1954 Act with the wording outlined in section 5(a) of the Bill and by inserting a new subsection (1A). Section 5(1) currently outlines three circumstances in which a person subject to military law¹²⁸

¹²⁶ The EDA’s goals include helping to improve the EU’s defence capabilities in the field of crisis management. See: **Council Decision (CFSP) 2015/1835** of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency (recast).

¹²⁷ The definition of UN mandated mission under section 1 of the 2009 Act currently reflects the definition of International United Nations Force in section 1 of the **2006 Act**.

¹²⁸ **Section 118** of the 1954 Act outlines the categories of persons who are subject to military law as officers. These include, but are not limited to, officers of the PDF at all times and officers of the RDF in the circumstances outlined in the section. **Section 119** of the 1954 Act outlines the categories of persons who are subject to military law as men, including a man of the PDF at all times; a reservist in the circumstances outlined in the section; subject to any exemption made by the Minister, any person not otherwise subject to military law who is employed by, or is in the service of, any portion of the Defence Force which is on active service; and any person, not otherwise subject to military law, who is a follower of or accompanies any portion of the Defence Forces which is on active service.

shall, for the purposes of the 1954 Act, be considered to be on active service. The Bill proposes to add an additional circumstance in a new paragraph (d) to reflect the changes introduced under the Bill. In this regard, it proposes that a member of the Defence Forces who is serving outside the State as part of a relevant international force shall also be considered to be on active service for the purposes of the 1954 Act while so serving. The proposed new subsection (1A) is a consequential provision that is necessitated by the proposed repeal of the 1960 Act under the Bill. It seeks to ensure that a person who was deemed to be on active service pursuant to section 4 of the 1960 Act shall still be deemed to be on active service if the Bill is enacted and commenced, in circumstances where they continue to serve outside the State as part of a relevant international force.

The [Explanatory Memorandum](#) further explains that **sections 22 to 28** provide for consequential amendments to a number of other Acts of the Oireachtas, which are also necessitated by the repeal of the 1960 Act and the 2006 Act.

Pre-legislative scrutiny

Overview of pre-legislative scrutiny (PLS)

The Oireachtas Joint Committee on Defence and National Security (the ‘Committee’) undertook pre-legislative scrutiny (PLS) of the General Scheme of the Bill. As part of its PLS, the Committee held public hearings with Departmental officials and other invited stakeholders.¹²⁹ The Committee sought a two-week extension from the Tánaiste to complete PLS, which was granted.¹³⁰ The Committee published its PLS Report on 30 July 2025, which has 27 recommendations.

Table summary of PLS recommendations

This section seeks to assess the extent to which the Committee’s recommendations have been addressed in the Bill, as initiated. To do this, a traffic light system is used by the L&RS, indicating whether a key issue is accepted and reflected in the Bill, whether a consistent or unclear approach is used, and whether the recommendation has not been accepted or is not reflected in the Bill. Where relevant, an additional categorisation is used for recommendations that were not implemented in the Bill, but where additional considerations are present. For example, where Committee recommendations relate to policy objectives, it may not be possible to progress these objectives in legislation. This traffic light approach represents the L&RS’s own, independent analysis of the Bill, and a key to this dashboard is shown in Table 2.

¹²⁹ Recordings and transcripts of PLS hearings are available on the [Committee’s website](#), accessed 21 August 2026.

¹³⁰ [PLS Report](#), p. 6, accessed 1 September 2026.

Table 2 Key to traffic light dashboard comparing the Bill as published with Committee PLS recommendations

L&RS categorisation of the Department's response in the Bill to the Committee's key issue	Traffic light dashboard used in Table summary of PLS recommendations to highlight impact of the Committee's PLS conclusion
Key issue has clearly been accepted and is reflected in the Bill	
The Bill may be described as adopting an approach consistent with the key issue or the impact of the key issue is unclear	
Key issue has not been accepted or implemented in the Bill	
Recommendation has not been implemented in the Bill, but additional considerations are present.	

Source: L&RS (2026)

Table 3 Traffic light dashboard comparing the Bill as published with the Committee's PLS recommendations

Recommendations as per Joint Committee Report on PLS	Whether addressed (either in whole or in part) in the Bill	
	L&RS assessment	Department Commentary
1. [Head 6] The Joint Committee recommends that Ireland explore the opportunity for the Defence Forces to provide protection and support to the International Criminal Court, the International Court of Justice and other multilateral organisations.		It is considered that this recommendation is outside the scope of this legislation. Ireland proactively supports the International Criminal Court (ICC) and the International Criminal Justice (ICJ). Engagement with the ICC and ICJ is consistent with Ireland's active policy of military neutrality. The ICC/ICJ have their own arrangements for 'protection'. The Host State for each body bears primary responsibility regarding the provision of protection. It

Recommendations as per Joint Committee Report on PLS	Whether addressed (either in whole or in part) in the Bill L&RS assessment	Department Commentary
		would not be appropriate for Ireland and the Defence Forces, or the military of any other country, to seek to insert themselves into another State's area of national competence, where a Court or relevant organisation is located in said State.
2. [Head 6] The Joint Committee recommends that Ireland continues to take a lead role in UN reform and in the use of the 'Uniting for Peace' resolution mechanism at the General Assembly.		It is considered that this recommendation is outside the scope of this legislation. Ireland is already an ardent, active and committed supporter of the UN and will continue to be so. An emergency special session of the UN General Assembly can be called under the "Uniting for Peace" Resolution only if a majority of Member States agree to do so. It is not within the power of this State to arrange for such a session to be held without extensive support across all the membership of the United Nations.
3. [Head 6] The Joint Committee recommends that each proposed mission under this Bill be accompanied by the allocation of funds for peacebuilding and the publication of a peacebuilding strategy, as is currently the case with UN-mandated missions, and that funding should also cover remuneration for Defence Forces personnel commensurate with UN service.		The intent of this recommendation is acknowledged but it is outside the scope of this legislation which is primarily related to the despatch of members of the Defence Forces outside the State. The allocation of peacebuilding funds is already a feature of Ireland's overseas engagement and foreign policy. The Defence Forces currently implement, or participate in, a number of community-based initiatives in Areas of Operations. For example, the provision of health and dental services in and around Camp Shamrock in UNIFIL. While it is possible that the allocation of funds for peacebuilding and developing a peacebuilding strategy could be examined in the context of specific overseas missions, legislating for such matters is not feasible. Where a conflict is highly active, there will likely be little space for peacebuilding. Peacebuilding is by its nature inherently

Recommendations as per Joint Committee Report on PLS	Whether addressed (either in whole or in part) in the Bill	
	L&RS assessment	Department Commentary
		political and long-term, and, ideally, rooted in communities – for example, the work done over decades in Northern Ireland by civil society groups. Armed forces, even under a UN or other multilateral banner, are simply not suitable implementers of peacebuilding. There is a question of who would develop such strategies and implement the funding allocated. Ireland provides funding to specialised UN agencies, funds and programmes (principally through the UN Peacebuilding Fund) and NGOs to do such work. The Department is not aware of any requirement of UN-mandated peacekeeping missions to have a peacebuilding strategy. In multi-dimensional peacekeeping operations (such as in DRC or South Sudan) the UN does support peacebuilding, but that is distinct from the role of peacekeepers and delivered by civilian arms of the UN system (UNDP, UNICEF, UN Women, etc.). Defence Forces remuneration is a wholly separate matter and accordingly is not appropriate for inclusion in this Bill.
4. [Head 6] The Joint Committee recommends that the legislation potentially explore definitions for how the terms ‘<i>conflict prevention</i>’ and ‘<i>strengthening international security</i>’ will be interpreted in Ireland and outline clear parameters and safeguards for deployment in these cases.		The purposes of deployment as set out in subsection (1) of the proposed new section 336 of the Defence Act 1954 have been amended to remove the reference to “strengthening international security” and to include a reference to “peace enforcement” (measures relating to which are set out in Chapter 7 of the Charter of the United Nations). The wording of the section provides that any deployment may only be authorised where a relevant international force (as defined in section 2 of the Defence Act 1954 (section 4 of the Bill)) operates for the purpose of peace-keeping, peace-enforcement or conflict prevention consistent with the principles of the Charter of the United Nations.

Recommendations as per Joint Committee Report on PLS	Whether addressed (either in whole or in part) in the Bill L&RS assessment	Department Commentary
5. [Head 6] The Joint Committee recommends that the legislation, as per the Cluster Munitions and Anti-Personnel Mines Act 2008, should specify that '<i>strengthening international security</i>' shall not include the participation in a mission where the use of cluster munitions or anti-personnel mines may be employed.		It is considered that this recommendation is outside the scope of this legislation. The proposed legislation will not in any way affect the operation of the Cluster Munitions and Anti-Personnel Mines Act 2008, including the State's existing obligations in relation to such matters. From a disarmament and non-proliferation policy perspective, existing obligations under the Convention on Cluster Munitions and the Anti-Personnel Mine Ban Convention (as transposed into Irish law under the Cluster Munitions and Anti-Personnel Mines Act 2008) already apply and address concerns in this area. The general obligations of both conventions prohibit all States Party (including Ireland) from the use, development, production, acquisition, stockpiling, retaining or transferring of cluster munitions and anti-personnel mines, but also prohibit assisting, encouraging or inducing, in any way, anyone to engage in any activity prohibited by those conventions.
6. [Head 6] The Joint Committee recommends that any proposed deployment by Irish troops is consistent with Ireland's membership of the Nuclear Non-Proliferation Treaty, the Ottawa Convention and the Convention on Cluster Munitions.		It is considered that this recommendation is outside the scope of this legislation. The proposed legislation will not affect or diminish the State's obligations under the named Treaty and Conventions. The State is already bound by the provisions of the Treaty and Conventions in question.
7. [Head 6] The Joint Committee recommends that Ireland shall not participate in an international mission where a commander or other person in a position of authority party to the mission is under investigation by the International Criminal Court, as per Ireland's obligations under the		It is considered that this recommendation is outside the scope of this legislation. The proposed legislation will not affect or diminish the State's obligations under the International Criminal Court Act 2006.

Recommendations as per Joint Committee Report on PLS	Whether addressed (either in whole or in part) in the Bill L&RS assessment	Department Commentary
International Criminal Court Act 2006.		
8. [Head 6] The Joint Committee recommends that, at minimum, there be a formal legal review of any proposed deployment, undertaken by an independent body. The Joint Committee further recommends that the report by an independent body should be made available to all Oireachtas members and that a version, redacted where necessary, be made publicly available.		Under Article 30 of the Constitution, the Attorney General is the advisor to Government in all matters of law and legal opinion, and legal advice provided by the Attorney is on a confidential basis and not for publication. This would include advice provided to Government in relation to the despatch of members of the Defence Forces outside the State. It is therefore not possible to legislate for a review in the manner envisaged in this recommendation.
9. [Head 6] The Joint Committee recommends that, at minimum, at regular intervals during the course of a deployment, the Government would require a renewed mandate, requiring a majority vote of the Dáil and Government and a formal legal review undertaken by an independent body, in light of the potential for the nature or objectives of a deployment to change during deployment.		Under the legislation, the Minister for Defence will be required to make an annual report to Dáil Éireann on deployments of members of the Defence Forces outside the State as part of an international force. This provision will facilitate a formal debate on all or any deployment. Please note also the comments relating to recommendation 8.
10. [Head 6] The Joint Committee recommends that within 12 months of a deployment the Minister should seek a resolution from Dáil Éireann for continued deployment after that period.		It is considered that this recommendation is addressed by the provisions in the new section 341 of the Defence Act 1954 in relation to annual reporting. The new section provides that an annual report on deployments is to be presented to Dáil Éireann and that the Dáil may, by resolution, approve of the report. Any such debate would give a specific opportunity for members of Dáil Éireann to give their views on any or all deployments. The section includes enhanced provisions in relation to the matters that will be covered by the report.

Recommendations as per Joint Committee Report on PLS	Whether addressed (either in whole or in part) in the Bill L&RS assessment	Department Commentary
11. [Head 6] The Joint Committee recommends that the legislation provide for an urgent review of a despatch or deployment by the Minister on request of a Dáil or Seanad resolution or by request of the Joint Committee on Defence and National Security.		It is considered that existing parliamentary procedures facilitate reviews by means of a Dáil or Seanad resolution or by the relevant Joint Oireachtas Committee. The Bill also provides that an Annual Report on deployments is to be presented to Dáil Éireann and that the Dáil may by resolution approve of the Report. Any such debate would give a specific opportunity for members of Dáil Éireann to give their views on any or all deployments.
12. [Head 6] The Joint Committee recommends that the legislation must set out circumstances and conditions where Defence Forces personnel might be deployed under Head 6 Subhead 3.		These provisions are now set out in subsection (5) of the proposed new section 336 of the Defence Act 1954. Numbers are the only significant criteria in this subsection. The circumstances and conditions where deployment will be considered will be the same for deployments of greater than 50 or less than 50 members of the Defence Forces. It would not be feasible for the legislation to be overly prescriptive in respect of what are essentially operational matters. The annual report that will be presented to Dáil Éireann will provide an opportunity to discuss the circumstances and conditions under which members of Defence Forces are deployed under this legislation.
13. [Head 6] The Joint Committee recommends that the proposals to increase the number of Defence Forces personnel allowed to be despatched or deployed without Dáil oversight under the provisions of Head 6 be revised to include, at a minimum, oversight provisions for the Joint Committee on Defence and National Security and the Joint Committee on Foreign Affairs and Trade.		It is considered that this recommendation has been addressed by the provisions set out in subsection (9) of the proposed new section 336 of the Defence Act 1954. Under this subsection, the Minister for Defence will be required to inform the relevant Joint Oireachtas Committee of the despatch of a member or contingent of not more than 50 members of the Defence Forces as part of a relevant international force. The despatch of a contingent of

Recommendations as per Joint Committee Report on PLS	Whether addressed (either in whole or in part) in the Bill L&RS assessment	Department Commentary
		more than 50 members of the Defence Forces will require Dáil approval.
14. [Head 6] The Joint Committee recommends that the proposals to increase the number of Defence Forces personnel allowed to be despatched or deployed without Dáil oversight be amended to include a specific legislative provision requiring the Government to inform the Joint Committee on Defence and National Security of any decision taken under those provisions and that the legislation should specify a time-limit for the furnishing of such information.		It is considered that this recommendation has been addressed by the provisions set out in subsection (9) of the proposed new section 336 of the Defence Act 1954. Please also see comments to recommendation number 13. Please note that any notification under subsection (9) of section 336 of the Defence Act 1954 will be required to be sent as soon as is reasonably practicable.
15. [Head 6] The Joint Committee recommends that the purposes of deployment under Head 6 Subhead 6 be amended to replace <i>‘peacekeeping, conflict prevention and/or strengthening international security’</i> with <i>‘peace keeping, peace enforcement or duties of a police character’</i> .		The purposes of deployment as set out in subsection (1) of the proposed new section 336 of the Defence Act 1954 have been amended to remove the reference to “strengthening international security” and to include a reference to “peace enforcement” (measures relating to which are set out in Chapter 7 of the Charter of the United Nations). However, the term ‘duties of a police character’ is an out-of-date phrase and, in any event, it is considered that it is captured by the term ‘peace keeping’.
16. [Head 10] The Joint Committee recommends that, coinciding with the yearly report by the Minister of Defence provided for in Head 10 , and prior to any ensuing resolution by Dáil Éireann, the Joint Committee on Defence and National Security (or future equivalent) should undertake a formal annual scrutiny of all overseas deployments of Defence Forces personnel with international forces during the previous calendar year. The Committee should engage as necessary with Defence Forces general staff and with Department of		It is considered that there is no requirement to address this recommendation in the legislation as the Joint Oireachtas Committee has existing general powers to engage with Department of Defence/Defence Forces management and other stakeholders in relation to defence matters.

Recommendations as per Joint Committee Report on PLS	Whether addressed (either in whole or in part) in the Bill L&RS assessment	Department Commentary
Defence management and with other relevant stakeholders to inform its review and should produce a report of its findings.		
17. [Head 21] The Joint Committee recommends that, to ensure clarity and fairness, the Bill should define the draft grounds for officer suspension included in Head 21 as clearly and unambiguously as possible.		It is considered that this recommendation has been addressed by the revised wording in relation to the reasons for suspension which is set out in subsections (1) and (2) of the proposed new section 46A of the Defence Act 1954 (section 7 of the Bill).
18. [Heads 21 and 24] The Joint Committee notes that the terms ‘grave misconduct’ and ‘grave irregularity’ are loose, are not defined within the Bill, and therefore require definition, and recommends that the Department offer a clear definition if they are to be relied upon to suspend a member of the Defence Forces.		It is considered that this recommendation has been addressed. The terms “grave misconduct” and “grave irregularity” have been removed from the text of the Bill. Please also see comments in relation to recommendation 17.
19. [Head 21] The Joint Committee recommends that the suspension policy adopted for officers should be timebound and should incorporate regular review points to avoid the possibility of open-ended suspensions.		It is considered that this recommendation is addressed by the provisions of subsection (5) of the proposed new section 46A of the Defence Act 1954. This section enables the Minister for Defence to make regulations in relation to the suspension of officers, including regulations concerning the period of suspension and the periodic review of the suspension of an officer.
20. [Head 21] The Joint Committee recommends that the suspension policy adopted for officers should incorporate an impartial and effective appeals mechanism. Consideration should be given to vesting the appeals function in an authority outside the military chain of command.		Suspension will be a statutory measure and not punitive or disciplinary. In line with the recommendation contained in the Ward Report, the provisions for the suspension of a member of the Defence Forces are being put on a statutory footing. An individual, on notification of suspension, will be afforded fair procedures. Provision is expressly included in the legislation to allow for the making and

Recommendations as per Joint Committee Report on PLS	Whether addressed (either in whole or in part) in the Bill L&RS assessment	Department Commentary
		consideration of representations where an officer is facing suspension.
21. [Head 22] The Joint Committee recommends that Head 22 should define, at least at a general level, the proposed grounds for dismissal of an officer of the Defence Forces.		It is considered that this recommendation has been addressed. Subsection (1) of the amended section 50 of the Defence Act 1954 (section 8 of the Bill) clearly sets out the reasons for dismissal.
22. [Head 22] The Joint Committee notes the current exclusion of members of the Defence Forces from the protections of the Unfair Dismissals Acts 1977 to 2015 and recommends that either this exclusion be removed from the Unfair Dismissals Acts, or that the protections within the Acts that relate to Right to Appeal, Redress for Unfair Dismissal, Fair Reasons for Dismissal, Onus of Proof, Automatic Unfairness and Time Limit for Claims are explicitly provided for within the Defence Act 1954 (as amended).		In view of the unique nature of military life, the provisions of the Unfair Dismissals Acts do not apply to the Defence Forces. However, the text of the Bill differs from the general scheme in that: (a) the reasons for dismissal are now clearly set out in the primary legislation; and (b) provision is expressly made to allow for the making and consideration of representations where an officer is faced with dismissal. These changes are intended to address the concerns raised in this recommendation.
23. [Head 23] The Joint Committee recommends that the disclosure obligation in Head 23 should be triggered only by a definitive occurrence such as an officer being notified formally or informally by An Garda Síochána that they are the subject of a criminal investigation, being detained or arrested, interviewed under caution or charged.		It is considered that this recommendation has been addressed. The wording of the proposed new section 52A of the Defence Act 1954 (section 9 of the Bill) provides that the disclosure obligations will apply when an officer is charged with committing a criminal offence.
24. [Head 24] The Joint Committee recommends that, to ensure clarity and fairness, the Bill should define the draft grounds for enlisted		It is considered that this recommendation has been addressed by the revised wording in relation to the reasons for suspension which is set out in

Recommendations as per Joint Committee Report on PLS	Whether addressed (either in whole or in part) in the Bill L&RS assessment	Department Commentary
personnel suspension included in Head 24 as clearly and unambiguously as possible.		subsections (1) and (2) of the proposed new section 62A of the Defence Act 1954 (section 11 of the Bill).
25. [Head 24] The Joint Committee recommends that the suspension policy adopted for enlisted personnel should be timebound and should incorporate regular review points to avoid the possibility of open-ended suspensions.		It is considered that this recommendation is addressed by the provisions of subsection (5) of the proposed new section 62A of the Defence Act 1954. This section enables the Minister for Defence to make regulations in relation to the suspension of enlisted persons, including regulations concerning the period of suspension and the periodic review of the suspension of an enlisted person. Any suspension under this section will be subject to periodic review.
26. [Head 24] The Joint Committee recommends that the suspension policy adopted for enlisted personnel should incorporate an impartial and effective appeals mechanism. Consideration should be given to vesting the appeals function in an authority outside the military chain of command.		Suspension will be a statutory measure and not punitive or disciplinary. In line with the recommendation contained in the Ward Report provisions for the suspension of members of the Defence Forces are being put on a statutory footing. An individual, on notification of suspension, will be afforded fair procedures. Provision is expressly included in the legislation to allow for the making and consideration of representations where an enlisted person is facing suspension.
27. [Head 25] The Joint Committee recommends that the disclosure obligation in Head 25 should be triggered only by a definitive occurrence such as an enlisted member being notified formally or informally by An Garda Síochána that they are the subject of a criminal investigation, being detained or arrested, interviewed under caution or charged.		It is considered that this recommendation has been addressed. The wording of the proposed new section 62B of the Defence Act 1954 (section 12 of the Bill) provides that the disclosure obligations will apply when the member of the Defence Forces is charged with committing a criminal offence.

Source: L&RS (2026) with commentary received from the Department of Defence