Number 44 of 1960

DEFENCE (AMENDMENT) (NO. 2) ACT 1960

REVISED

Updated to 30 June 2016

This Revised Act is an administrative consolidation of the Defence (Amendment) (No. 2) Act 1960. It is prepared by the Law Reform Commission in accordance with its function under the Law Reform Commission Act 1975 (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (4/2016), enacted 11 February 2016, and all statutory instruments up to and including European Union (Restrictive Measures concerning Libya) (No. 2) Regulations 2016 (S.I. No. 342 of 2016), made 30 June 2016, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.
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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Defence Acts 1954 to 2015: this Act is one of a group of Acts included in this collective citation, to be construed together as one (Defence (Amendment) Act 2015, s. 4(2)). The Acts in the collectively cited group are:

- Defence Act 1954 (18/1954)
- Defence (Amendment) (No. 2) Act 1960 (44/1960)
- Defence (Amendment) Act 1979 (1/1979)
- Defence (Amendment) (No. 2) Act 1979 (28/1979)
- Defence (Amendment) Act 1987 (8/1987)
- Criminal Law Act 1997 (14/1997), s. 14 and sch. 2
- Defence (Amendment) Act 2007 (24/2007)
- Defence (Amendment) Act 2011 (17/2011)
- Defence (Amendment) Act 2015 (24/2015) (citation only)

Acts previously included in the group but now repealed are:

- Defence (Amendment) Act 1993 (18/1993)

The following legislation deals with related subject matter:

- Civil Defence Act 2002 (16/2002)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at
Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1999, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- Defence (Amendment) Act 2011 (17/2011)
- Defence (Amendment) Act 2007 (24/2007)
- Children Act, 2001
- Registration of Births Act 1996 (36/1996)
- Defence (Amendment) Act 1993 (18/1993)
- Defence (Amendment) (No. 2) Act 1979 (28/1979)
- Succession Act 1965 (27/1965)

All Acts up to and including Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (4/2016), enacted 11 February 2016, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

None.

All statutory instruments up to and including European Union (Restrictive Measures concerning Libya) (No. 2) Regulations 2016 (S.I. No. 342 of 2016), made 30 June 2016, were considered in the preparation of this revision.
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DEFENCE (AMENDMENT) (No. 2) ACT 1960.

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ARRANGEMENT OF SECTIONS

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

ACTS REFERRED TO

Defence Act, 1954 1954, No. 18
Defence (Amendment) Act, 1960 1960, No. 22
Wills Act, 1837 1837, c. 26
Wills (Soldiers and Sailors) Act, 1918 1918, c. 58
Births and Deaths Registration Act (Ireland), 1880 1880, c. 13

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Annotations

Modifications (not altering text):


Editorial Notes:

Interpretation.

1.—(1) In this Act—

the expression “the Principal Act” means the Defence Act, 1954;

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

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

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

2.—(1) Subject to F1[subsections (2) and (3)] of this section, a contingent of the Permanent Defence Force may be despatched for service outside the State as part of a particular International United Nations Force if, but only if, a resolution has been passed by Dáil Éireann approving of the despatch of a contingent of the Permanent Defence Force for service outside the State as part of that International United Nations Force.

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

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

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

(c) the contingent is intended to replace, in whole or in part, or reinforce a contingent of the Permanent Defence Force serving outside the State as part of that International United Nations Force and consisting of more than twelve members of the Permanent Defence Force.

F2[(3) A contingent or member of the Permanent Defence Force may, with the prior approval of and on the authority of the Government, be despatched for service outside the State as part of a force to be assembled or embarked before being deployed as part of a particular International United Nations Force if, but only if, the contingent or member is not so deployed until a resolution under subsection (1) of this section has been passed by Dáil Éireann approving of their despatch for such service.]

2.— (1) Sections 2, 4 and 6 of the Act of 1960 shall apply and have effect as if each reference in any of those sections to an International United Nations Force were a reference to an International United Nations Force as defined in section 1 of this Act.

Editorial Notes:


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

3.—F3[...]

Annotations

Amendments:


Editorial Notes:


Amendments of the Principal Act.

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

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

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

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

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

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

“(5) A man of the Permanent Defence Force who by virtue of this section or section 296 of this Act is transferred from one service corps to another
service corps for the purpose of enabling the man to serve, or continue
to serve, outside the State with an International United Nations Force,
shall, on the completion of such service, be transferred by the prescribed
military authority with all convenient speed to the first mentioned service
corps.”

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

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

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

(4) (a) F4 Section 75 of the Principal Act shall, in its application to a man of the
Permanent Defence Force who is serving outside the State with an Interna-
tional United Nations Force, have effect as if the references therein to a
period of emergency included references to a period during which the man
is serving outside the State with an International United Nations Force F5 [or
for any purpose specified in section 3 of the Defence (Amendment) Act 2006].

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

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

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

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

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

(b) the insertion after “transfer” in paragraph (c) of the said subsection (2) of “or
the transfer is for the purpose of enabling the man to serve, or continue to
serve, outside the State with an International United Nations Force and is
effected either during, or not more than one month before the commence-
ment of, such service”, and
(c) the insertion after “service is in force” in both sub paragraphs (a) and (b) of subsection (3) of “or he is serving outside the State with an International United Nations Force”.

(7) F6[...]

Annotations

Amendments:


Modifications (not altering text):


2—(1) Sections 2, 4 and 6 of the Act of 1960 shall apply and have effect as if each reference in any of those sections to an International United Nations Force were a reference to an International United Nations Force as defined in section 1 of this Act.

(2) The provisions of the Principal Act specified in section 4 of the Act of 1960 as amended by this Act shall apply and have effect as if each reference in those provisions to an International United Nations Force were a reference to an International United Nations Force as defined in section 1 of this Act.

Editorial Notes:


Application of section 11 of Wills Act, 1837, and Wills (Soldiers and Sailors) Act, 1918.

5.—F7[...]

Annotations

Amendments:

F7 Repealed (1.01.1967) by Succession Act 1965 (27/1965), s. 8 and sch. 2, pt. 4, S.I. No. 168 of 1966, subject to savings in s. 9.

Registration of certain births and deaths occurring outside the State.

6.—F8[...]
7.—The Defence (Amendment) Act, 1960, is hereby repealed.

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

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