Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 44 *of* 1960

DEFENCE (AMENDMENT) (NO. 2) ACT 1960

REVISED

Updated to 4 April 2022

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 the *Animal Health and Welfare and Forestry (Miscellaneous Provisions) Act 2022* (4/2022), enacted 4 April 2022, and all statutory instruments up to and including *Defence (Amendment) Act 2021 (Commencement) Order 2022* (S.I. No. 179 of 2022), made 30 March 2022, 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.

Number 44 *of* 1960.

DEFENCE (AMENDMENT) (No. 2) ACT 1960.

REVISED

Updated to 4 April 2022

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. *(Repealed)*
4. Amendments of the Principal Act.
5. Application of section 11 of Wills Act, 1837, and Wills (Soldiers and Sailors) Act, 1918. *(Repealed)*
6. Registration of certain births and deaths occurring outside the State. *(Repealed)*
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

Number 44 *of* 1960.

DEFENCE (AMENDMENT) (No. 2) ACT 1960.

REVISED

Updated to 4 April 2022

AN ACT TO AUTHORISE, SUBJECT TO THE PREVIOUS APPROVAL OF DÁIL ÉIREANN IN CERTAIN CIRCUMSTANCES, THE DESPATCH OF CONTINGENTS OF THE PERMANENT DEFENCE FORCE FOR SERVICE OUTSIDE THE STATE WITH INTERNATIONAL FORCES ESTABLISHED BY THE SECURITY COUNCIL OR THE GENERAL ASSEMBLY OF THE UNITED NATIONS FOR THE PERFORMANCE OF DUTIES OF A POLICE CHARACTER, TO EXTEND THE AREA OF SERVICE OF CERTAIN MEMBERS OF THE PERMANENT DEFENCE FORCE, AND FOR THOSE PURPOSES TO AMEND THE DEFENCE ACT, 1954, IN CERTAIN RESPECTS AND TO PROVIDE FOR OTHER RELATED MATTERS. [21*st December,* 1960.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Annotations

Modifications (not altering text):

C1 References to "judge-advocate" in collectively cited *Defence Acts 1954 to 2007* construed (1.09.2008) by *Defence (Amendment) Act 2007* (24/2007), s. 5, S.I. No. 254 of 2008.

References to judge advocate in certain Acts and instruments.

5.— Every reference in the *Defence Acts 1954 to 2007* or in any instrument made under those Acts to a judge-advocate shall be read as a reference to a military judge.

C2 Application of collectively cited *Defence Acts 1954 to 1979* extended and references construed (23.01.1980) by *Defence (Amendment) (No. 2) Act 1979* (28/1979), s. 2, S.I. No. 19 of 1980.

Application of Defence Acts, 1954 to 1979, to women.

2.—The provisions of the Defence Acts, 1954 to 1979, and of any statutory instruments made thereunder shall apply to women members of the Defence Forces holding commissioned or non-commissioned rank and accordingly all words in those Acts and those instruments importing a reference to persons of the male sex shall be construed as importing a reference to persons of either sex.

Editorial Notes:

E1 Persons under 18 years of age subject to military law under collectively cited *Defence Acts 1954 to 1998* not to be regarded as children (1.05.2002) for purposes of *Children Act 2001* (24/2001), s. 271, S.I. No. 151 of 2002.

E2 Convictions or sentences substituted on appeal deemed for purposes of collectively cited *Defence Acts 1954 to 1979* to be duly confirmed finding or sentence of court-martial (29.06.1983) by *Courts-Martial Appeals Act 1983* (19/1983), s. 20(1), commenced on enactment.

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) F1**[**Subject to subsections (2), (3), and (4)**]** of this section, a contingent of the F1**[**Defence Forces**]** 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 F1**[**Defence Forces**]** for service outside the State as part of that International United Nations Force.

(2) A contingent of the F1**[**Defence Forces**]** 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 F1**[**Defence Forces**]**, and the number of members of the F1**[**Defence Forces**]** 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 F1**[**Defence Forces**]** serving outside the State as part of that International United Nations Force and consisting of more than twelve members of the F1**[**Defence Forces**]**.

F2**[**(3) A contingent or member of the F1**[**Defence Forces**]** 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.**]**

F3**[**(4) A member of the Reserve Defence Force shall not be despatched under subsection (1), (2) or (3) unless that member has consented to the despatch in accordance with section 86A or 91A, as the case may be, of the Principal Act.**]**

Annotations

Amendments:

F1 Substituted (4.04.2022) by *Defence (Amendment) Act 2021* (33/2021), s. 14(a)(i), (ii), (b), (c), S.I. No. 179 of 2022.

F2 Inserted (12.07.2006) by *Defence (Amendment) Act 2006* (20/2006), s. 8(b), commenced on enactment.

F3 Inserted (4.04.2022) by *Defence (Amendment) Act 2021* (33/2021), s. 14(d), S.I. No. 179 of 2022.

Modifications (not altering text):

C3 Construction of term "International United Nations Force" modified (12.07.2006) by the *Defence (Amendment) Act 2006* (20/2006), s. 2(1) , commenced on enactment.

Application of certain provisions of Act of 1960 and Principal Act.

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:

E3 Previous affecting provision: subs. (1) amended (12.07.2006) by *Defence (Amendment) Act 2006* (20/2006), s. 8(a), commenced on enactment; substituted as per F-note above.

E4 Previous affecting provision: construction of term "International United Nations Force" modified (1.07.1993) by *Defence (Amendment) Act 1993* (18/1993), s. 3(1), commenced on enactment. The 1993 Act was repealed (12.07.2006) by *Defence (Amendment) Act 2006* (20/2006), s. 12 and sch., commenced on enactment.

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

3.—F4**[**...**]**

Annotations

Amendments:

F4 Repealed (12.07.2006) by *Defence (Amendment) Act 2006* (20/2006), s. 12 and sch., commenced on enactment.

Editorial Notes:

E5 Previous affecting provision: application of section restricted (1.07.1993) by *Defence (Amendment) Act 1993* (18/1993), s. 2(3)(a), commenced on enactment. The 1993 Act was repealed (12.07.2006) by *Defence (Amendment) Act 2006* (20/2006), s. 12 and sch., commenced on enactment.

Amendments of the Principal Act.

4.—(1) A member of the F5**[**Defence Forces**]** 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 effected 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 effected 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*) F6**[**Section 75**]** of the Principal Act shall, in its application to a man of the Permanent Defence Force who is serving outside the State with an International United Nations Force, have effect as if the references therein to a period of emergency included references to a period during which the man is serving outside the State with an International United Nations Force F7**[**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 F5**[**Defence Forces**]** for an offence committed by him while serving outside the State with an International United Nations Force.

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

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

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

(*b*) the insertion after "transfer" in paragraph (*c*) of the said subsection (2) of "or the transfer is for the purpose of enabling the man to serve, or continue to serve, outside the State with an International United Nations Force and is

effected either during, or not more than one month before the commencement of, such service", and

(*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) F8**[**...**]**

Annotations

Amendments:

F5 Substituted (4.04.2022) by *Defence (Amendment) Act 2006* (33/2021), s. 15(a), (b), S.I. No. 179 of 2022.

F6 Inserted (12.07.2006) by *Defence (Amendment) Act 2006* (20/2006), s. 9(a)(i), commenced on enactment.

F7 Inserted (12.07.2006) by *Defence (Amendment) Act 2006* (20/2006), s. 9(a)(ii), commenced on enactment.

F8 Repealed (12.07.2006) by *Defence (Amendment) Act 2006* (20/2006), s. 12 and sch., commenced on enactment

Modifications (not altering text):

C4 Construction of term "International United Nations Force" modified (12.07.2006) by *Defence (Amendment) Act 2006* (20/2006), s. 2, commenced on enactment.

Application of certain provisions of Act of 1960 and Principal Act.

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:

E6 Previous affecting provision: construction of the term "International United Nations Force" modified (1.07.1993) by *Defence (Amendment) Act 1993* (18/1993), s. 3(1), commenced on enactment. The 1993 Act was repealed (12.07.2006) by Defence (Amendment) Act 2006 (20/2006), s. 12 and sch., commenced on enactment.

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

5.—F9**[**...**]**

Annotations

Amendments:

F9 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.—F10**[**...**]**

Annotations

Amendments:

F10 Repealed (5.12.2005) by *Civil Registration Act 2004* (3/2004), s. 4 and sch. 2, S.I. No. 764 of 2005.

Editorial Notes:

E7 Words inserted (12.07.2006) by *Defence (Amendment) Act 2006* (20/2006), s. 10 commenced on enactment. The section appears to have already been repealed.

E8 Previous affecting provision: words deleted (1.10.1997) by *Registration of Births Act 1996* (36/1996), s. 6(1), S.I. No. 45 of 1997.

E9 Previous affecting provision: construction of the term "International United Nations Force" modified (1.07.1993) by *Defence (Amendment) Act 1993* (18/1993), s. 3(1), commenced on enactment. The 1993 Act was repealed (12.07.2006) by *Defence (Amendment) Act 2006* (20/2006), s. 12 and sch., commenced on enactment.

E10 Previous affecting provision: words inserted (23.01.1980) by *Defence (Amendment) Act (No. 2) Act 1979* (28/1979), s. 7, S.I. No. 19 of 1980.

Repeal.

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

Short title and collective citation.

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

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

Number 44 *of* 1960

DEFENCE (AMENDMENT) (NO. 2) ACT 1960

REVISED

Updated to 4 April 2022

About this Revised Act

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)
- *Defence (Amendment) Act 1990* (6/1990)
- *Criminal Law Act 1997* (14/1997), s. 14 and sch. 2
- *Defence (Amendment) Act 1998* (31/1998)
- *Defence (Amendment) Act 2006* (20/2006)
- *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:

- *Courts-Martial Appeals Act 1983* (19/1983)
- *Civil Defence Act 2002* (16/2002)
- *Ombudsman (Defence Forces) Act 2004* (36/2004)
- *Defence (Miscellaneous Provisions) Act 2009* (35/2009)

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 www.lawreform.ie/annotations.

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 1972, 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 2021* (33/2021)
- *Defence (Amendment) Act 2011* (17/2011)
- *Defence (Amendment) Act 2007* (24/2007)
- *Defence (Amendment) Act 2006* (20/2006)
- *Civil Registration Act 2004* (3/2004)
- *Children Act 2001*
- *Registration of Births Act 1996* (36/1996)
- *Protection of Young Persons (Employment) Act 1996* (16/1996)
- *Defence (Amendment) Act 1993* (18/1993)
- *Defence (Amendment) (No. 2) Act 1979* (6/1990)
- *Courts-Martial Appeals Act 1983* (19/1983)
- *Defence (Amendment) (No. 2) Act 1979* (28/1979)
- *Succession Act 1965* (27/1965)

All Acts up to and including *Animal Health and Welfare and Forestry (Miscellaneous Provisions) Act 2022* (4/2022), enacted 4 April 2022, 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 *Defence (Amendment) Act 2021 (Commencement) Order 2022* (S.I. No. 179 of 2022), made 30 March 2022, were considered in the preparation of this revision.