



Number 20 of 2006

DEFENCE (AMENDMENT) ACT 2006

REVISED

Updated to 4 April 2022

This Revised Act is an administrative consolidation of the *Defence (Amendment) Act 2006*. 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 the *Defence (Amendment) Act 2021 (Commencement) Order 2022 (S.I. No. 179 of 2022)*, made 4 April 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.



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ARRANGEMENT OF SECTIONS

Section

- 1 . Definitions.
- 2 . Application of certain provisions of Act of 1960 and Principal Act.
- 3 . Despatch of contingent or member of the Permanent Defence Force for external service for purposes other than service with International United Nations Force.
- 4 . Liability of members of the Permanent Defence Force for service outside the State.
- 5 . Amendment of section 61 of Principal Act.
- 6 . Amendment of section 70 of Principal Act.
- 7 . Amendment of section 192 of Principal Act.
- 8 . Amendment of section 2 of Act of 1960.
- 9 . Amendment of section 4 of Act of 1960.
- 10 . Amendment of section 6 of Act of 1960.
- 11 . Membership of international organisation.
- 12 . Repeals.
- 13 . Annual report to Dáil Éireann.
- 14 . Expenses.
- 15 . Short title, collective citation and construction.

SCHEDULE

Repeals

ACTS REFERRED TO

Criminal Justice (Terrorist Offences) Act 2005

2005, No. 2

[No. 20.]

*Defence (Amendment) Act
2006*

[2006.]

Defence Act 1954	1954, No. 18
Defence Acts 1954 to 1998	
Defence (Amendment) Act 1993	1993, No. 18
Defence (Amendment) (No. 2) Act 1960	1960, No. 44



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AN ACT TO AUTHORISE THE DESPATCH OF CONTINGENTS OR MEMBERS OF THE PERMANENT DEFENCE FORCE FOR SERVICE OUTSIDE THE STATE AND TO PROVIDE FOR RELATED MATTERS.

[12th July, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.— In this Act—

“ Act of 1960 ” means the Defence (Amendment) (No. 2) Act 1960;

“ international organisation ” means—

(a) the United Nations,

(b) the Organisation for Security and Co-operation in Europe,

(c) the European Union or any institution or body of the European Union, or

(d) any regional arrangement or agency that participates, or has participated, in operations as part of an International United Nations Force;

“ International United Nations Force ” means an international force or body established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by a resolution of the Security Council or the General Assembly of the United Nations;

“ Principal Act ” means the Defence Act 1954;

“ training ” means any programme or course of education, training or exercises and includes seminars and strategic and planning exercises.

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.

Despatch of contingent or member of the Permanent Defence Force for external service for purposes other than service with International United Nations Force.

3.— (1) F1[Subject to *subsection (3)*, a contingent or member of the Defence Forces] may, with the prior approval of and on the authority of the Government, be despatched for service outside the State for the purposes of—

- (a) carrying out duties as a military representative or filling appointments or postings outside the State, including secondments to any 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 an actual or potential disaster or emergency,
- (g) participating in sporting events, or
- (h) inspecting and evaluating stores, equipment and facilities.

(2) Nothing in this section shall prevent the Government from giving general approval, for such period of time as they determine, to such classes of any of the activities specified in *subsection (1)* as they consider appropriate and subject to such conditions as they impose.

F2[(3) A member of the Reserve Defence Force—

- (a) shall not be despatched under *subsection (1)*, unless the member has consented to the despatch in accordance with section 86A or 91A, as the case may be, of the Principal Act, and
- (b) shall not be despatched for any purpose specified in *paragraph (a)* of *subsection (1)*.]

Annotations

Amendments:

- F1** Substituted (4.04.2022) by *Defence (Amendment) Act 2021 (33/2021)*, s. 17(a), S.I. No. 179 of 2022.
- F2** Inserted (4.04.2022) by *Defence (Amendment) Act 2021 (33/2021)*, s. 17(b), S.I. No. 179 of 2022.

Liability of members of the Permanent Defence Force for service outside the State.

4.— (1) Notwithstanding any other enactment but subject to *subsection (2)*, every member of the Permanent Defence Force shall be liable to serve outside the State—

- (a) with a contingent of the Permanent Defence Force despatched for service with an International United Nations Force under section 2 of the Act of 1960, or
- (b) with a contingent or as a member despatched for service for any purpose specified in *section 3* of this Act.

(2) Subject to *subsection (3)*, a member of the Permanent Defence Force appointed or enlisted before 1 July 1993 shall not be liable to serve outside the State with a contingent of the Permanent Defence Force despatched for service outside the State as part of an International United Nations Force unless that force is a 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.

(3) Where a member of the Permanent Defence Force (being a member specified in *subsection (2)*) has offered in writing, whether before, on or after the date of

passing of this Act, to render himself liable for service outside the State during a specified period as part of an International United Nations Force (other than a 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) and the Minister or an officer authorised in that behalf by the Minister has accepted the offer, *subsection (1)* shall also apply to that member during that period.

Amendment of section 61 of Principal Act.

5.— Section 61 (as amended by section 4 of the Act of 1960) of the Principal Act is amended—

(a) in subsection 2(b)(ia), by deleting “and is effected either during, or not more than one month before the commencement of, such service”,

(b) in subsection (3), by deleting “and is effected either during, or not more than one month before the commencement of, such service”, and

(c) in subsection (5)—

(i) by deleting “or section 296 of this Act”, and,

(ii) by inserting “or for any purpose specified in *section 3* of the *Defence (Amendment) Act 2006*” after “International United Nations Force”.

Amendment of section 70 of Principal Act.

6.— Section 70 (as amended by section 4 of the Act of 1960) of the Principal Act is amended by inserting “or for any purpose specified in *section 3* of the *Defence (Amendment) Act 2006*” after “International United Nations Force” in each place where those words occur.

Amendment of section 192 of Principal Act.

7.— Section 192(3) (as amended by section 56 of the Criminal Justice (Terrorist Offences) Act 2005) of the Principal Act is amended by inserting “or while such person was despatched for service outside the State for any purpose specified in *section 3* of the *Defence (Amendment) Act 2006*” after “active service”.

Amendment of section 2 of Act of 1960.

8.— Section 2 of the Act of 1960 is amended—

(a) in subsection (1), by substituting “subsections (2) and (3)” for “subsection (2)”, and

(b) by inserting the following after subsection (2):

“(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.”.

Amendment of section 4 of Act of 1960.

9.— Section 4 of the Act of 1960 is amended—

(a) in subsection (4)(a)—

(i) by substituting “Section 75” for “Subject to subsection (7) of this section, section 75”, and

(ii) by inserting “or for any purpose specified in *section 3* of the *Defence (Amendment) Act 2006*” after “International United Nations Force”,

(b) in subsection (4)(b), by inserting “or for any purpose specified in *section 3* of the *Defence (Amendment) Act 2006*” after “International United Nations Force” in each place where those words appear, and

(c) in subsection (5), by inserting “or for any purpose specified in *section 3* of the *Defence (Amendment) Act 2006*” after “International United Nations Force”.

Amendment of section 6 of Act of 1960.

10.— Section 6(1) of the Act of 1960 is amended by inserting “or for any purpose specified in *section 3* of the *Defence (Amendment) Act 2006*” after “International United Nations Force”.

Membership of international organisation.

11.— Nothing in this Act shall be construed as thereby authorising the State to become a member of an international organisation of which it is not already a member.

Repeals.

12.— Each enactment specified in *column (2)* of the *Schedule* is repealed to the extent specified in *column (3)* of that *Schedule*.

Annual report to Dáil Éireann.

13.— The Minister shall, as soon as practicable after 1st day of January in each year beginning with 1st day of January 2007 make a report to Dáil Éireann on the operation in the preceding year of section 2 of the Act of 1960 and Dáil Éireann may by resolution approve of the report.

Expenses.

14.— The expenses incurred by the Minister in administering this Act are, to such extent as may be sanctioned by the Minister for Finance, payable out of money provided by the Oireachtas.

Short title, collective citation and construction.

15.— (1) This Act may be cited as the Defence (Amendment) Act 2006.

(2) The Defence Acts 1954 to 1998 and this Act may be cited together as the Defence Acts 1954 to 2006 and shall be construed together as one.

Section 12.

SCHEDULE

REPEALS

Number and Year (1)	Short title (2)	Extent of Repeal (3)
No. 18 of 1993	Defence (Amendment) Act 1993	The whole Act
No. 44 of 1960	Defence (Amendment) (No. 2) Act 1960	Sections 3 and 4(7)
No. 18 of 1954	Defence Act 1954	Section 296



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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)

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)*

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 4 April 2022, were considered in the preparation of this revision.