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*Number 20 of 2006*

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**DEFENCE (AMENDMENT) ACT 2006**

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ARRANGEMENT OF SECTIONS

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SCHEDULE

REPEALS

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[No. 20.]      *Defence (Amendment) Act 2006.*      [2006.]

ACTS REFERRED TO

Criminal Justice (Terrorist Offences) Act 2005	2005, No. 2
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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Number 20 of 2006

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**DEFENCE (AMENDMENT) ACT 2006**

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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:

1.—In this Act—

Definitions.

“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.

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.

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

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.

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

Amendment of section 61 of Principal Act.

- (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”.

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 70 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 192 of Principal Act.

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

Amendment of section 2 of Act of 1960.

- (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.

## SCHEDULE

*Section 12.*

## 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