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*Number 12 of 2013*

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**DEFENCE FORCES (SECOND WORLD WAR AMNESTY  
AND IMMUNITY) ACT 2013**

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
  2. Amnesty for deserters and those absent without leave in certain circumstances.
  3. Immunity from prosecution for deserters and those absent without leave in certain circumstances.
  4. Limitation of Act.
  5. Short Title.
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[No. 12.] *Defence Forces (Second World War  
Amnesty and Immunity) Act 2013.* [2013.]

ACTS REFERRED TO

Defence Forces (Temporary Provisions) Act 1923	1923, No. 30
Defence Forces (Temporary Provisions) Act 1946	1946, No. 7



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*Number 12 of 2013*

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**DEFENCE FORCES (SECOND WORLD WAR AMNESTY  
AND IMMUNITY) ACT 2013**

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AN ACT TO PROVIDE FOR THE GRANTING OF AN AMNESTY, AND, AS APPROPRIATE, AN IMMUNITY FROM PROSECUTION, TO THOSE MEMBERS OF THE DEFENCE FORCES WHO SERVED WITH FORCES (INCLUDING THE ARMED FORCES OF A COUNTRY) FIGHTING ON THE ALLIED SIDE DURING THE SECOND WORLD WAR AND WERE SUBSEQUENTLY FOUND GUILTY BY A MILITARY TRIBUNAL OF, OR WHO WERE OR WHO STILL ARE LIABLE TO BE PROSECUTED FOR, DESERTION OR BEING ABSENT WITHOUT LEAVE, OR WHO WERE DISMISSED FROM THE DEFENCE FORCES PURSUANT TO THE PROVISIONS OF THE EMERGENCY POWERS (NO. 362) ORDER 1945 (S. R. & O. 1945. NO. 198); AND TO PROVIDE FOR RELATED MATTERS.

[14th May, 2013]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Interpretation.

“Act of 1923” means the Defence Forces (Temporary Provisions) Act 1923;

“Allied side” means the countries and forces that opposed Germany, Italy and Japan and other countries (commonly described as the Axis powers) in the Second World War;

“being absent without leave” means any offence referred to in subsection (1), (2) or (3) of section 45 of the Act of 1923;

“Defence Forces” has the meaning assigned to it by the Order of 1945;

“desertion” means the offence referred to in paragraph (a) of subsection (1) of section 42 of the Act of 1923;

“Minister” means the Minister for Defence;

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“Order of 1945” means the Emergency Powers (No. 362) Order 1945 (S. R. & O. 1945. No. 198), and includes those provisions of section 13 of the Defence Forces (Temporary Provisions) Act 1946 that relate to that Order;

“relevant person” shall be construed in accordance with *section 2*;

“Second World War” means the war commonly known by that name which occurred between the years 1939 and 1945.

Amnesty for deserters and those absent without leave in certain circumstances.

2.—(1) A relevant person who—

- (a) was dismissed from the Defence Forces by virtue of Article 3 of the Order of 1945,
- (b) was convicted of desertion or of being absent without leave, or
- (c) was or is liable to be prosecuted for desertion or for being absent without leave,

is granted an amnesty.

(2) In this section—

“amnesty” means, in relation to each relevant person—

- (a) an acknowledgement that the treatment he or she received in consequence of his or her desertion or being absent without leave is now considered to have been unduly harsh,
- (b) an apology for such treatment,
- (c) an acceptance that the acts of desertion and being absent without leave occurred in the special circumstances of the Second World War, and
- (d) an exoneration in respect of those acts;

“relevant person” means a member of the Defence Forces who deserted or was absent without leave during the course of the Second World War and who subsequently served with forces (including the armed forces of a country) fighting on the Allied side in that war.

Immunity from prosecution for deserters and those absent without leave in certain circumstances.

3.—Proceedings for desertion or being absent without leave shall not be brought against a relevant person.

Limitation of Act.

4.—(1) This Act shall not operate to—

- (a) confer any right on any person,
- (b) create any cause of action, or
- (c) impose any liability on the State or on any person.

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(2) *Section 2* shall not have the effect that a pardon under Article 13.6 of the Constitution would have.

5.—This Act may be cited as the Defence Forces (Second World Short Title.  
War Amnesty and Immunity) Act 2013.