



Number 31 of 1998

DEFENCE (AMENDMENT) ACT, 1998

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[No. 31.] *Defence (Amendment) Act, 1998.* [1998.]

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Number 31 of 1998

DEFENCE (AMENDMENT) ACT, 1998

AN ACT TO PROVIDE FOR THE RE-ORGANISATION OF THE HEADQUARTERS OF THE DEFENCE FORCES AND FOR THAT PURPOSE TO PROVIDE FOR THE APPOINTMENT OF A DEPUTY CHIEF OF STAFF (OPERATIONS) OF THE DEFENCE FORCES AND A DEPUTY CHIEF OF STAFF (SUPPORT) OF THE DEFENCE FORCES, TO PROVIDE FOR THE AMENDMENT OF THE DEFENCE ACT, 1954, AND TO PROVIDE FOR RELATED MATTERS. [8th July, 1998]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act “the Principal Act” means the Defence Act, 1954. Interpretation.

(2) A reference in this Act to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(3) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment.

2.—Section 2(1) of the Principal Act is hereby amended—

Amendment of
section 2 of
Principal Act.

(a) by the insertion of the following definitions:

“‘Defence Forces Headquarters’ shall be construed in accordance with section 13 (inserted by *section 4* of the *Defence (Amendment) Act, 1998*);

‘Deputy Chief of Staff (Operations)’ means the Deputy Chief of Staff (Operations) of the Defence Forces;

‘Deputy Chief of Staff (Support)’ means the Deputy Chief of Staff (Support) of the Defence Forces;”,

and

(b) by the deletion of the definitions of “the Adjutant-General” and “the Quartermaster-General”.

[No. 31.] *Defence (Amendment) Act, 1998.* [1998.]

Amendment of
section 12 of
Principal Act.

3.—Section 12 of the Principal Act is hereby amended—

(a) in subsection (1), by the substitution of the following paragraphs for paragraphs (b) and (c):

“(b) a Deputy Chief of Staff (Operations) of the Defence Forces, and

(c) a Deputy Chief of Staff (Support) of the Defence Forces.”,

(b) by the substitution of the following subsection for subsection (2):

“(2) (a) An appointment to the office of Chief of Staff shall be made by the President.

(b) Every person appointed to the office of Chief of Staff shall be an officer of the Permanent Defence Force.

(c) Every holder of the office of Chief of Staff shall hold that office for such term (not exceeding 5 years) as may be specified in the instrument of his or her appointment but shall be eligible for re-appointment on the expiration of that term.

(d) Where the holder of the office of Chief of Staff ceases to be an officer of the Permanent Defence Force, he or she shall also cease to hold the office of Chief of Staff.

(e) The President may, for stated reasons, remove the Chief of Staff from office.”,

and

(c) by the insertion of the following subsection after subsection (2):

“(3) (a) In this subsection, ‘the Deputy Chief of Staff’ means, as the context may require, the Deputy Chief of Staff (Operations) or the Deputy Chief of Staff (Support).

(b) The Government shall appoint the Deputy Chief of Staff and may, for stated reasons, terminate his or her appointment as Deputy Chief of Staff.

(c) A person appointed to be the Deputy Chief of Staff shall be an officer of the Permanent Defence Force.

(d) Subject to this subsection, a person shall be appointed to be the Deputy Chief of Staff for such term (not exceeding 5 years) as may be specified in the instrument of his or her appointment but shall be eligible for re-appointment on the expiration of that term.

(e) Where a person appointed to be the Deputy Chief of Staff ceases to be an officer of the Permanent Defence Force, he or she shall also cease to be the Deputy Chief of Staff.”.

[1998.] *Defence (Amendment) Act, 1998.* [No. 31.]

4.—The following section shall be substituted for section 13 of the Principal Act: Military element of Department of Defence.

“13.—(1) There shall stand established in the Department of Defence a military element (which shall be known, and is referred to in this Act, as ‘Defence Forces Headquarters’), the head of which shall be the Chief of Staff.

(2) Subject to the *Defence Acts, 1954 to 1998*, there shall be assigned to the Chief of Staff such duties in connection with the business of the Department of Defence as the Minister may from time to time determine.

(3) The Chief of Staff shall be directly responsible to the Minister for the performance of such duties as may from time to time be assigned to him or her under subsection (2).

(4) The Chief of Staff may, subject to the approval of the Minister, delegate such duties assigned to him or her under subsection (2) as he or she considers appropriate to the Deputy Chief of Staff (Operations) or the Deputy Chief of Staff (Support).”.

5.—Section 22(2) of the Principal Act is hereby amended by the substitution of “of the Defence Forces and the number in each rank thereof” for “and title of each staff, unit or other element of the Defence Forces and the various ranks and appointments therein”. Amendment of section 22 of Principal Act.

6.—Section 114(2) of the Principal Act is hereby amended by the substitution of “the Chief of Staff” for “the Adjutant-General”. Amendment of section 114 of Principal Act.

7.—Section 248 of the Principal Act is hereby amended by the substitution of “the Chief of Staff” for “the Adjutant-General” in paragraphs (e) and (f). Amendment of section 248 of Principal Act.

8.—Section 304 of the Principal Act is hereby amended by the substitution of “Defence Forces Headquarters” for “any of the principal military branches of the Department of Defence” in subsections (1) and (2). Amendment of section 304 of Principal Act.

9.—(1) The person who, immediately before the commencement of this Act, holds the office of Adjutant-General shall be deemed, upon such commencement, to stand appointed to be Deputy Chief of Staff (Operations) and subject to this Act, his or her appointment shall be for the residue of the term for which he or she had been appointed to the first-mentioned office and upon and subject to the other terms and conditions of the first-mentioned office, but shall be eligible for re-appointment as Deputy Chief of Staff (Operations) on the expiration of that term. Transitional provisions.

(2) The person who, immediately before the commencement of this Act, holds the office of Quartermaster-General shall be deemed, upon such commencement, to stand appointed to be Deputy Chief of Staff (Support) and subject to this Act, his or her appointment shall be for the residue of the term for which he or she had been appointed to the first-mentioned office and upon and subject to the other terms and conditions of the first-mentioned office, but shall be eligible for re-appointment as Deputy Chief of Staff (Support) on the expiration of that term.

[No. 31.] *Defence (Amendment) Act, 1998.* [1998.]

Adaptations.

10.—(1) Subject to *sections 6, 7* and *subsection (3)*, references in any Act of the Oireachtas passed before the commencement of this Act or in any statutory instrument made before that day (other than such instruments (if any) as may be prescribed by the Minister) to the Adjutant-General or to the Quartermaster-General shall, on and after such commencement, be construed as references to the Deputy Chief of Staff (Support).

(2) References in such statutory instruments (if any) as may be prescribed by the Minister under *subsection (1)* to the Adjutant-General or to the Quartermaster-General shall be construed as references to the Deputy Chief of Staff (Operations).

(3) (a) References in sections 11 and 40 of the Principal Act to the Adjutant-General shall be construed as references to the Deputy Chief of Staff (Operations).

(b) References in the said sections 11 and 40 to the Quartermaster-General shall be construed as references to the Deputy Chief of Staff (Support).

(4) In this section—

“prescribed” means prescribed by regulations made by the Minister;

“statutory instrument” has the meaning assigned to it by the Interpretation Act, 1937.

Repeal of section 295 of Principal Act.

11.—Section 295 of the Principal Act is hereby repealed.

Short title, commencement, collective citation and construction.

12.—(1) This Act may be cited as the Defence (Amendment) Act, 1998.

(2) This Act shall come into operation on such day as the Minister may appoint by order.

(3) The Defence Acts, 1954 to 1993, and this Act may be cited together as the Defence Acts, 1954 to 1998, and shall be construed together as one.