

ANTIGUA AND BARBUDA



DEFENCE (AMENDMENT) BILL, 2021

No. of 2021

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AN ACT to amend the Defence Act 2006 and for other connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Defence (Amendment) Act 2021.

2. Interpretation

In this Act, “principal Act” means the Defence Act 2006.

3. Amendment of section 91 – Charges against officers and warrant officers

Section 91 of the principal Act is amended by inserting after subsection (5) the following new subsection –

“(6) Notwithstanding subsection (3), where the appropriate superior authority on summary trial finds the accused guilty and awards a fine or stoppages, or where a finding of guilty involves a forfeiture of pay, the appropriate superior authority shall not record a finding until after the accused is afforded an opportunity of electing to be tried by court-martial, and if the accused so elects, the appropriate superior authority shall not record a finding, but shall have the charge tried by court-martial.”

4. Amendment of section 230 – Execution of orders, instruments, etc.

The principal Act is amended by repealing section 230 and replacing it as follows –

“230. Execution of orders, instruments etc.

(1) Unless otherwise prescribed by regulations, any order, determination, direction or appointment required or authorised to be made under this Act by any military officer or authority may be signified under the hand of any officer authorised in that behalf; and any instrument signifying such order, determination, direction or appointment and purporting to be signed by an officer stated herein to be so authorised shall, unless the contrary is proved, be deemed to be signed by an officer so authorised.

(2) The Chief of Defence Staff or a unit Commander from an independent sub unit or a Commander of any Corps or Regiment may, with the approval of the Chief of Defence Staff, issue Standing Orders for his command.”

Passed by the House of Representatives

this day of 2021

Speaker

Clerk to the House of Representatives

Passed by the Senate

this day of 2021

President

Clerk to the Senate

EXPLANATORY MEMORANDUM

These minor amendments to the Defence Act 2006, No. 10 of 2006 is to remedy certain administrative consistencies.

The Bill contains four (4) clauses as follows –
Clauses 1 and 2 are the usual. Short title and Interpretation.

Clause 3 is the amendment of section 91 dealing with charges against officers and warrant officers. This reinserts a subsection (6) in the Act which was removed by an amendment in 2012.

Clause 4 is the amendment to section 230 – Execution of orders, instruments etc. This amendment gives authority to standing orders made by Unit Commanders to facilitate the smooth and orderly organization the various Units making up the Force.

Hon. Gaston Browne
Prime Minister
Minister with responsibility for the Defence Force