

No. 12 – 2017

I assent,

[L.S.]

Sgd. P. L. Allen

Governor-General.

21<sup>st</sup> day of June 2017

AN ACT to Amend the Defence Act.

[21<sup>st</sup> day of June 2017]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Defence (Amendment) Act, 2017, and shall be read and construed as one with the Defence Act (hereinafter referred to as the “principal Act”) and all amendments thereto.

Short title  
and  
construction.

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

Amendment  
of section 2  
of principal  
Act.

(a) by inserting next after the definition of “Imprisonment and Detention Regulations” the following definition—

““Jamaica National Service Corps” means the body of soldiers established under paragraph (c) of section 4;”;

- (b) in the definition of “recruiting officer”, by inserting immediately after the words “provisions of section 17” the words “or section 208A”;
- (c) by inserting next after the definition of “recruiting officer” the following definition—
  - “ “regular Force” means the body of officers and soldiers established under paragraph (a) of section 4;”;
- (d) by deleting the definition of “soldier” and substituting therefor the following—
  - “ “soldier” —;
  - (a) does not include an officer but, with the modifications contained in this Act in relation to warrant officers and non-commissioned officers, includes a warrant officer and a non-commissioned officer; and
  - (b) includes a member of the Jamaica National Service Corps;”.

Amendment  
of section 4  
of principal  
Act.

3. Section 4 of the principal Act is amended—

- (a) in paragraph (a), by deleting the word “and”;
- (b) in paragraph (b), by deleting the full stop appearing immediately after the word “Reserve” and substituting therefor the word “; and”; and
- (c) by inserting next after paragraph (b), the following as paragraph (c)—

“(c) a body of soldiers to be known as the Jamaica National Service Corps.”.

Amendment  
of section 8  
of principal  
Act.

4. Section 8 of the principal Act is amended by deleting subsection (1) and substituting therefor the following—

- “ (1) The Defence Board may order that any officer or soldier of the regular Force or, with his consent, any officer or soldier of the Jamaica National Reserve, or with his consent, any member

of the Jamaica National Service Corps, shall proceed to any place outside Jamaica for the purpose of undergoing instruction or training or for duty or employment.”.

5. The marginal note to section 17 of the principal Act is amended by inserting immediately after the words “Recruiting Officers” the words “for regular Force”. Amendment of section 17 of principal Act
6. The marginal note to section 18 of the principal Act is amended by inserting immediately after the word “Enlistment” the words “in regular Force”. Amendment of section 18 of principal Act
7. The marginal note to section 19 of the principal Act is amended by inserting immediately after the word “enlistment”, the words “in regular Force”. Amendment of section 19 of principal Act
8. The marginal notes to sections 20 and 21 of the principal Act are amended by inserting immediately after the word “service” wherever it appears the words “in regular Force” in each case. Amendment of sections 20 and 21 of principal Act
9. The marginal note to section 22 of the principal Act is amended by inserting immediately after the word “Discharge” the words “from regular Force”. Amendment of section 22 of principal Act
10. The marginal note to section 23 of the principal Act is amended by inserting immediately after the word “Reserve” the words “from regular Force”. Amendment of section 23 of principal Act
11. The marginal note to section 24 of the principal Act is amended by inserting immediately after the word “transfer” the words “to the Reserve”. Amendment of section 24 of principal Act
12. The marginal note to section 25 of the principal Act is amended by inserting immediately after the words “non-commissioned officers” the words “of the regular Force”. Amendment of section 25 of principal Act
13. The marginal note to section 26 of the principal Act is amended by inserting immediately after the words “warrant officer” the words “of the regular Force”. Amendment of section 26 of principal Act

Amendment  
of section 27  
of principal  
Act

**14.** The marginal note to section 27 of the principal Act is amended by inserting immediately after the word “Discharge” the words “soldier of the regular Force”.

Amendment  
of section 28  
of principal  
Act

**15.** The marginal note to section 28 of the principal Act is amended by inserting immediately after the word “soldier” the words “of the regular Force”.

Amendment  
of section 29  
of principal  
Act

**16.** The marginal note to section 29 of the principal Act is amended by inserting immediately after the word “purchase” the words “by soldier of the regular Force”.

Amendment  
of section 30  
of principal  
Act

**17.** The marginal note to section 30 of the principal Act is amended by inserting immediately after the words “reckoning service” the words “of soldier of the regular Force”.

Amendment  
of section 31  
of principal  
Act

**18.** The marginal note to section 31 of the principal Act is amended by inserting immediately after the words “attestation and enlistment”, the words “in regular Force”.

Amendment  
of section 32  
of principal  
Act

**19.** Section 32 of the principal Act is amended—

- (a) in the marginal note, by inserting immediately after the words “attestation papers” the words “for enlistment in regular Force”; and
- (b) in subsection (1), by deleting the words “before a Resident Magistrate to imprisonment for a term not exceeding three months or to a fine not exceeding forty dollars” and substituting therefor the words “ in a Parish Court to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty thousand dollars”.

Amendment  
of section 33  
of principal  
Act

**20.** The marginal note to section 33 of the principal Act is amended by inserting immediately after the word “Interpretation”, the words “of Part IV”.

21. The principal Act is amended by inserting next after Part IX, the following as Part IXA—

Insertion of new Part IXA in principal Act.

“ PART IXA—*Enlistment and Terms of Services in the Jamaica National Service Corps Enlistment*

Recruiting officers for Jamaica National Service Corps

208A. A recruiting officer, authorized in that behalf by regulations made under section 212, may enlist recruits in the Jamaica National Service Corps in the prescribed manner.

Enlistment in Jamaica National Service Corps

208B.—(1) A person offering to enlist in the Jamaica National Service Corps shall be given a notice in the prescribed form setting out the questions to be answered on attestation and stating the general conditions of the engagement to be entered into by him; and a recruiting officer shall not enlist any person in the Jamaica National Service Corps unless satisfied by that person that he has been given such a notice, understands it, and wishes to be enlisted.

(2) A recruiting officer shall not enlist a person under the age of eighteen years in the Jamaica National Service Corps unless consent to the enlistment has been given in writing—

- (a) if the person offering to enlist is living with both or one of his parents, by the parents or a parent;
- (b) if the person offering to enlist is not living with both or one of his parents, but any person (whether a parent or not) whose whereabouts are known, or can, after reasonable enquiry, be ascertained has parental rights and powers in respect of him, by that person; or

discharge has been authorized by order of the competent military authority.

(4) Every soldier of the Jamaica National Service Corps shall be given on his discharge, a certificate of discharge containing such particulars as may be prescribed.

Postponement  
of discharge  
from Jamaica  
National  
Service  
Corps  
pending  
proceedings  
for offences,  
etc

208F.—(1) Notwithstanding anything in this Part, a soldier of the Jamaica National Service Corps shall not be entitled to be discharged at a time when he has become liable to be proceeded against for an offence against any of the provisions of this Act:

Provided that if it is determined that the offence shall not be tried by court-martial this subsection shall cease to apply.

(2) Notwithstanding anything in this Part, a soldier of the Jamaica National Service Corps who is serving a sentence of imprisonment or detention imposed by a court-martial or by his commanding officer shall not be entitled to be discharged during the currency of the sentence.

Discharge  
from Jamaica  
National  
Service  
Corps upon  
prescribed  
grounds

208G. A soldier of the Jamaica National Service Corps may be discharged by the competent military authority at any time during the currency of any term of engagement upon such grounds as may be prescribed.

Rights of a  
soldier to  
purchase  
discharge  
from Jamaica  
National  
Service  
Corps

208H.—(1) Subject to the provisions of this section, a soldier of the Jamaica National Service Corps shall be entitled to claim his discharge at any time within three months after the date of his first attestation and if he makes such a claim, he shall, on payment of the prescribed sum, be discharged with all convenient speed, but until discharged shall remain subject to military law under this Act.

(2) The provisions of this section shall not apply to a soldier of the Jamaica National Service Corps who was at any time within three months prior to the date of his first attestation a member of any of Her Majesty's forces.

(3) The provisions of section 208E shall not apply to a soldier discharged under the provisions of this section.

(4) Notwithstanding the provisions of this section, a soldier of the Jamaica National Service Corps shall not be entitled to claim his discharge pursuant to this section while soldiers of the Jamaica National Service Corps are required to continue their service under the provisions of section 208D.

Further provisions relating to purchase of discharge from Jamaica National Service Corps

208I.—(1) A soldier of the Jamaica National Service Corps may, at any time after the expiration of the period mentioned in subsection (1) of section 208H, make an application for the purchase of his discharge under this section.

(2) Every such application shall be considered by the Defence Board; and the Defence Board, after considering the application may, in its discretion, either refuse the application or direct that, upon payment by the applicant of such sum as the Defence Board shall specify, the applicant shall be discharged accordingly.

(3) Where the Defence Board has directed under subsection (2) that a soldier of the Jamaica National Service Corps be discharged, the soldier shall, on payment of the sum specified by the Defence Board in respect of his discharge, be discharged with all convenient speed, but until discharged shall remain subject to military law under this Act.

direction of the recruiting officer he shall be liable on summary conviction in a Parish Court to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty thousand dollars.

(2) For the avoidance of doubt, it is declared that a person may be proceeded against under this section notwithstanding that he has since become subject to military law under this Act.

Training of  
Jamaica  
National  
Service  
Corps

208M.—(1) Subject to the provisions of this section, every soldier of the Jamaica National Service Corps shall attend for training at such place or places and for such periods as may be determined by the Defence Board and shall fulfil such conditions relating to training as may be prescribed.

(2) The requirements of this section may be dispensed with in whole or in part as respects any of the Jamaica National Service Corps, by the Defence Board, and as respects any soldier of the Jamaica National Service Corps, by his commanding officer subject to any general directions of the Defence Board.

(3) Nothing in this section shall be construed as preventing a soldier of the Jamaica National Service Corps from undergoing voluntary training in addition to any training referred to in subsection (1).”.

Amendment  
of section  
209 of  
principal  
Act

**22.** Section 209(1) of the principal Act is amended—

- (a) by deleting the full stop appearing at the end of paragraph (c) and substituting therefor the word “; and”; and
- (b) by inserting next after paragraph (c) the following as paragraph (d)—

“(d) members of the Jamaica National Service Corps.”.



23. Section 212 of the principal Act is amended by—

Amendment  
of section  
212 of  
principal  
Act.

- (a) re-lettering paragraphs (h) and (i) as paragraphs (i) and (j), respectively; and
- (b) inserting immediately after paragraph (g) the following as paragraph (h)—

“(h) the enlistment of persons into, and the discharge of persons from, the Jamaica National Service Corps and generally for the carrying into effect of Part IXA, including the prescribing of the necessary forms and the administration of oaths and affirmations;”.

24. The principal Act is amended by inserting next after section 214, the following as section 214A—

Insertion of  
new section  
214A of the  
principal  
Act

“The  
Minister  
may amend  
monetary  
penalties  
and  
Schedules

214A.—The Minister may, by order, subject to affirmative resolution, amend—

- (a) any monetary penalties imposed in this Act; and
- (b) the Schedules to this Act.”.

25. This Act and all other enactments are amended by deleting the words “Chief of Staff” wherever they appear in relation to the Chief of Staff referred to in the Defence Act and substituting therefor, in each case, the words “Chief of Defence Staff”.

Amendment  
of  
enactments

Passed in the House of Representatives this 12th day of April, 2017.

PEARNEL CHARLES, CD, MP, JP  
*Speaker.*

Passed in the Senate this 5th day of May, 2017 with one (1) amendment.

THOMAS TAVARES-FINSON, CD, QC, JP  
*President.*

On the 6th day of June, 2017 the House of Representatives agreed to the amendment made by the Senate.

PEARNEL CHARLES, CD, JP, MP  
*Speaker.*

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*

*Cheryl Gibson*  
Clerk to the Houses of Parliament.