

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

DEFENCE AMENDMENT ACT 2018

WHEREAS it is expedient to amend the Defence Act 1965 to abolish compulsory enlistment (conscription);

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Defence Act 1965 (the "principal Act"), may be cited as the Defence Amendment Act 2018.

Repeals and replaces section 4

2 The principal Act is amended by repealing and replacing section 4 with the following—

"Voluntary enlistment and the abolishment of compulsory enlistment

4 (1) The regiment shall be raised and maintained by means of voluntary enlistment.

(2) For the avoidance of doubt, compulsory enlistment (conscription) is hereby abolished in Bermuda, on the coming into operation of the Defence Amendment Act 2018."

Consequential repeals and revocations

3 (1) The following sections of the principal Act are hereby repealed in consequence of the abolishment of conscription—

- (a) section 12;
- (b) section 13;
- (c) section 13A;
- (d) section 15;

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- (e) section 15A;
- (f) section 16;
- (g) section 17;
- (h) section 17A;
- (i) section 17B;
- (j) section 18;
- (k) section 19;
- (l) section 20;
- (m) section 23(3),(4), and (5);
- (n) section 25(1)(a);
- (o) section 27; and
- (p) section 28(5).

(2) The following Parts of and Schedule to the Bermuda Regiment Governor's Orders 1993 are hereby revoked in consequence of the abolishment of conscription—

- (a) Part III;
- (b) Part IV; and
- (c) the Schedule.

Transitional provisions

4 (1) Any man of the regiment having become a man of the regiment by virtue of compulsory enlistment (conscription), prior to the coming into operation of this Act, shall serve out any remaining period of time of his compulsory enlistment as if this Act had not come into operation.

(2) Any hearing commenced (including any hearing commenced for the prosecution of an offence charged under section 18 of the Defence Act 1965) prior to the coming into operation of this Act, in relation to compulsory enlistment (conscription), shall continue in accordance with the Defence Act 1965, as if this Act had not come into operation.

Commencement

5 This Act shall come into operation on 1 July 2018.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Defence Act 1965 (the “principal Act”) to abolish compulsory enlistment (conscription).

Clause 1 is the citation.

Clause 2 repeals and replaces section 4 of the principal Act thereby: (a) retaining voluntary enlistment as the only means by which a man or woman can enlist into the Royal Bermuda Regiment; and (b) abolishing compulsory enlistment (conscription).

Clause 3 of this Bill: (a) repeals sections 12, 13, 13A, 15, 15A, 16, 17, 17A, 17B, 18, 19, 20, 23(3),(4),(5), 25(1)(a), 27, and 28(5) of the principal Act; and (b) Part III and Part IV of and to the Schedule to the Bermuda Regiment Governor's Orders 1993. Due to the abolishment of compulsory conscription by way of Clause 2, these sections, parts and schedule are now redundant.

Clause 4 is the transitional provision which clarifies that: (a) any man of the regiment having become a man of the regiment by virtue of compulsory enlistment (conscription), prior to the coming into operation of this Bill, shall serve out any remaining period of time of his compulsory enlistment as if this Bill had not come into operation; and (b) any hearing commenced prior to the coming into operation of this Bill, in relation to compulsory enlistment (conscription), shall continue in accordance with the Defence Act 1965, as if this Bill had not come into operation.

Clause 5 is the commencement provision which states that this Act shall come into operation on 1 July 2018.