

ANTIGUA AND BARBUDA



**THE DEFENCE (AMENDMENT) ACT, 2007**

No. of 2007

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**ANTIGUA AND BARBUDA**  
**THE DEFENCE (AMENDMENT) ACT, 2007**  
**No. of 2007**

**AN ACT** to amend the Defence Act, 2006.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title.**

This Act may be cited as the Defence (Amendment) Act, 2007.

**2. Interpretation.**

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

**3. Amendment to section 1 – Short Title.**

The principal Act is amended in section 1 by repealing “2003” and substituting “2006”.

**4. Amendment to the Arrangement of Sections of the principal Act.**

The principal Act is amended in the Arrangement of Sections by repealing the word “Force” in the title of Part II and substituting the word “Board”.

**5. Amendment to section 2 – Interpretation.**

The principal Act is amended in section 2 by repealing the definition of “Chief of Defence Staff” and substituting the following—

““Chief of Defence Staff” means the officer in whom command of the Force is vested;”

**6. Insertion of section 2A**

The principal Act is amended by inserting after section 2 the following section—

**“2A. Commander-in-Chief**

The Governor General shall be the Commander-in-Chief of the Force.”

**7. Amendment to the heading of Part II of the principal Act.**

The principal Act is amended in the title of Part II by repealing the word “Force” and substituting the word “Board”.

**8. Amendment to section 6 – Duties of Defence Force.**

The principal Act is amended in section 6 by repealing subsection (2) and substituting the following subsections—

“(2) The Governor General shall on the advice of the Prime Minister, by proclamation direct that the Antigua and Barbuda Defence Force or part thereof be employed—

- (a) in aid of and to support the civil authorities in securing and maintaining public order and public safety;
- (b) to assist the civil authorities generally in granting relief in times of disaster; and
- (c) in other duties defined by the Prime Minister.

(3) The Prime Minister may, where no directions have been given by the Governor General give the Chief of Defence Staff directions to the operational use of the Force in Antigua and Barbuda for the purpose of securing and maintaining public order and public safety as the Prime Minister thinks fit.

(4) Where a member of the Force is acting pursuant to directions given under subsections (2) and (3) that member shall, while so acting, enjoy all the immunity privileges and protection enjoyed by members of the Royal Antigua and Barbuda Police Force.

**9. Amendment to section 10 – Establishment of the Defence Board.**

The principal Act is amended in section 10 by—

- (a) inserting the words “and Functions” after the word “Establishment” in the heading of section 10;
- (b) in subsection (1), repealing the words “subsection (2)” and substituting the words “section 6”; and
- (c) repealing subsections (2) and (3).

**10. Amendment of section 11 — Membership of the Defence Board.**

The principal Act is amended in section 11 by—

- (1) repealing subsection (1) and substituting the following—

“(1) The members of the Defence Board are—

- (a) the Prime Minister, who shall be the Chairman, *ex officio*;
- (b) the Minister responsible for Defence and National Security;
- (c) such other Ministers that the Prime Minister considers appropriate;
- (d) the Chief of Defence Staff
- (e) any other persons that the Prime Minister considers appropriate.”;

and

(2) repealing the marginal note next to subsection (2).

**11. Amendment of section 12 – Performance of functions of Defence Board.**

The principal Act is amended in section 12 by—

- (a) repealing the marginal note “Performance of functions of Defence Board” and substituting the word “Secretary” as the heading to the section; and
- (b) repealing the words “at any meeting of the Defence Board in the event of the absence or inability to perform those duties, of the Permanent Secretary”.

**12. Amendment of section 13 – Performance of functions of Defence Board.**

The principal Act is amended in section 13 by repealing the words “functions of” and substituting the word “the” in the marginal note.

**13. Amendment to section 174 – Command of Force.**

Section 174 of the principal Act is repealed and substituted by the following section—

- “174. (1) The Governor General shall appoint a Chief of Defence Staff who may be an officer in the Force.
- (2) The Chief of Defence Staff will be vested with command of the Force and subject to the terms of his appointment, shall have command of the Force during the pleasure of the Governor General.
- (3) Subject to the directions of the Governor General and the Prime Minister, the Chief of Defence Staff of the Force is responsible for the operational use of the Force.”

Passed the House of Representatives on  
the , 2007.

Passed the Senate on the , 2007.

*Speaker.*

*President.*

*Clerk to the House of Representatives.*

*Clerk to the Senate.*

**EXPLANATORY NOTE**

The Bill would amend the Defence Act, 2006.

**Section 2** has been amended to redefine “Chief of Staff”.

**Section 2A** has been inserted to provide that the Governor General is the Commander-in-Chief of the Antigua and Barbuda Defence Force.

**Section 6** has been amended to include the duties of the Force which were incorrectly placed in section 10 which deals with the Establishment of the Defence Board.

**Section 11**—The membership of the Defence Board has been amended.

**Section 174** has been amended to establish the appointment of the Chief of Defence Staff and his responsibilities.