

OBJECTS AND REASONS

This Bill would amend the *Defence Act*, Cap. 159 to make provision for the taking of disciplinary action against an officer or a soldier charged with a civil offence.

Arrangement of Sections

1. Short title
2. Insertion of Part IVA in Cap. 159
3. Insertion of *Fourth Schedule* to Cap. 159

BARBADOS

A Bill entitled

An Act to amend the *Defence Act*.

ENACTED by the Parliament of Barbados as follows:

Short title

- 1.** This Act may be cited as the *Defence (Amendment) Act, 2013*.

Insertion of Part IVA in Cap. 159

2. *The Defence Act, in this Act referred to as the principal Act, is amended by inserting immediately after Part IV the following:*

“Part IVA

Discipline of Officers and Soldiers Charged With a Civil Offence

Interpretation

33A. For the purposes of this Part,

“disciplinary action” includes the sanction of a reprimand in writing, suspension of future increments and suspension from the Barbados Defence Force;

“Disciplinary Committee” means the Disciplinary Committee of the Barbados Defence Force;

“*Queen’s Regulations*” has the meaning assigned to it by section 225(1) of the *Army Act*.*

*[3 & 4 Eliz. 2 c. 18.]

Establishment of a Disciplinary Committee

33B.(1) There is established by this section a disciplinary committee to be known as the Disciplinary Committee of the Barbados Defence Force.

(2) The Defence Board shall, on recommendation of the Chief of Staff, appoint the members of the Disciplinary Committee.

(3) The *Fourth Schedule* has effect with respect to the constitution of the Disciplinary Committee and otherwise in relation thereto.

Officers or soldiers charged with a civil offence

33C.(1) Where an officer or a soldier is charged with a civil offence, the Disciplinary Committee shall determine whether the alleged actions of the officer or soldier in respect of the charge

- (a) tarnishes the reputation of the Barbados Defence Force;
- (b) poses a threat to national security; or
- (c) requires in the public interest that the officer or soldier, as the case may be, ceases to perform his duties in the Barbados Defence Force.

(2) Where the Disciplinary Committee determines that paragraph (a), (b) or (c) of subsection (1) is established, the Disciplinary Committee shall recommend to the Chief of Staff the form of disciplinary action to be taken against the officer or soldier, as the case may be.

(3) Subject to subsection (2), the Chief of Staff shall forward the recommendation to the Defence Board.

Suspension

33D.(1) Subject to subsections (2) and (3) of section 33C, the Defence Board may suspend an officer or soldier, as the case may be.

(2) Where the Defence Board suspends the officer or soldier, as the case may be, the Defence Board shall determine the amount of pay he shall receive during his suspension; but that amount shall not exceed one half the salary to which he would have been entitled had he not been suspended.

Disciplinary action against officers or soldiers

33E.(1) Subject to subsections (2) and (3) of section 33C, the Defence Board shall determine the disciplinary action that shall be imposed against an officer or a soldier, as the case may be, in accordance with the

- (a) Act;

(b) Regulations made under the Act;

(c) *Queen's Regulations*.

(2) Subject to subsection (1), the Defence Board shall, in writing, notify the officer or soldier, as the case may be, of

(a) its decision;

(b) the grounds on which the decision was made;

(c) the period from which the decision shall take effect.

(3) The Defence Board shall notify the officer or soldier, as the case may be, of its decision within 7 working days of making the decision.

(4) The officer or soldier, as the case may be, shall be given 14 working days after the receipt of the notice to reply to the notice and to make objections in respect of the notice, in writing, to the Defence Board through the Chief of Staff.

Proved charges against an officer or a soldier

33F. Where a charge of a civil offence against an officer or a soldier is proved, the officer or soldier, as the case may be, shall be subject, where applicable, to any disciplinary action specified under

(a) the Act;

(b) Regulations made under the Act;

(c) Chapter 6 of the *Queen's Regulations*;

(d) Chapter 9 of the *Queen's Regulations*.

Reimbursement of soldier

33G. Where an officer or a soldier is suspended in accordance with sections 33D or 33E and the charge in respect of which he was suspended is not proved, his salary shall be reinstated to the amount that he was entitled to receive immediately before the suspension.”

Insertion of Fourth Schedule to Cap. 159

3.*The principal Act is amended by inserting immediately after the Third Schedule the following:*

“FOURTH SCHEDULE

(Section 33B(3))

DISCIPLINARY COMMITTEE OF THE BARBADOS DEFENCE FORCE

Composition

1. The Disciplinary Committee shall consist of the following:
 - (a) a serving military officer of the rank of Major or above;
 - (b) a retired military officer of the rank of Major or above;
 - (c) an attorney-at-law;
 - (d) a Padre appointed by the Barbados Defence Force Chaplain;
 - (e) a recording secretary.

Chairman

2. The serving military officer shall be the Chairman of the Disciplinary Committee and in his absence the Deputy Chairman shall act as the Chairman.

Deputy Chairman

3. The retired military officer shall be the Deputy Chairman of the Disciplinary Committee.

Tenure

- 4.(1) A member of the Disciplinary Committee, other than a serving military officer, shall hold office for 3 years.

(2) Subject to paragraph (1), a serving military officer shall hold office for one year.

(3) Notwithstanding paragraphs (1) or (2), a member of the Disciplinary Committee is eligible for re-appointment.

Resignation

5. A member of the Disciplinary Committee may, in writing to the Chairman of the Defence Board, resign from the Disciplinary Committee.”.