

A BILL
entitled
ABOLITION OF CONSCRIPTION ACT 2013

WHEREAS it is expedient to amend the Defence Act 1965 to eliminate compulsory military service;

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:

Short title

1 This Act, which amends the Defence Act 1965 (“the principal Act”), may be cited as the Abolition of Conscription Act 2013.

Amends section 1

2 Section 1 of the principal Act (Interpretation) is amended –

- (a) by deleting ““military training register” has the meaning given in section 13;”

Amends section 4

3 Section 4 of the principal Act is amended by repealing section 4 and substituting the following—

“Voluntary Enlistment

4 The regiment shall be raised and maintained by means of voluntary enlistment.”

Repeals section 13

4 Section 13 of the principal Act is repealed

Repeals section 13A

5 Section 13A of the principal Act is repealed

Repeals section 15

6 Section 15 of the principal Act is repealed

Repeals section 16

7 Section 16 of the principal Act is repealed

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Repeals section 17

8 Section 17 of the principal Act is repealed

Repeals section 17A

9 Section 17A of the principal Act is repealed

Repeals section 17B

10 Section 17B of the principal Act is repealed

Amends section 18

11 Section 18 of the principal Act is amended by repealing section 18 and substituting the following—

“Failure to report an offence

18 Any person selected for military service who without reasonable excuse, the proof of which shall be upon him, fails to present himself in accordance with a notice duly served on him under section 17(2) or (3) or section 17B(2) commits an offence:

Punishment on summary conviction: fine of \$900”

Repeals section 19

12 Section 19 of the principal Act is repealed

Amends section 27

13 Section 27 of the principle Act is amended by:-

(a)Inserting the following after Subsection (2) :

“(2)(a) Any application made prior to November 8, 2013 pursuant to Section 27 on the ground set out in (1) (b) shall be deemed to be established by the Exemption Tribunal and shall be entered in the register of conscientious objectors”

(b) Deleting “; and” in Subsection (4) (a)

(c) Deleting Subsection (4) (b)

Commencement

14 The following provisions apply to the commencement of this act

(a) Clauses 1, 2, 3, 4, 5, 6, 7, 11, 13 of this Act shall come into operation on December 31, 2013

(b) Clauses 8, 9, 10, 12 of this Act shall come into operation on December 31, 2016

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EXPLANATORY MEMORANDUM

This Bill provides for amendments to the Defence Act 1995 (the “principal Act”) required for the purpose of eliminating compulsory military service.

Clause 1 is self-explanatory.

Clause 2 amends section 1 of the principal Act to delete the definition of “military training register” from the interpretation section.

Clause 3 amends section 4 of the principal Act to remove the reference to compulsory military service

Clause 4 repeals section 13 of the principal Act.

Clause 5 repeals section 13A of the principal Act.

Clause 6 repeals section 15 of the principal Act.

Clause 7 repeals section 16 of the principal Act.

Clause 8 repeals section 17 of the principal Act.

Clause 9 repeals section 17A of the principal Act.

Clause 10 repeals section 17B of the principal Act.

Clause 11 amends section 18 of the principal Act by removing the penalty of imprisonment for failure to show for military service.

Clause 12 repeals section 19 of the principal Act.

Clause 13 amends section 27 to confers “conscientious objector” status to any person who applied to the Exemption Tribunal for recognition as a conscientious objector prior to the tabling of this bill.

Clause 14 provides for the commencement of sections of this bill to come into effect on December 31, 2013 and December 31, 2016. This delayed commencement is to require those who were previously called up to complete their service to allow the regiment time to transition to an all volunteer force.