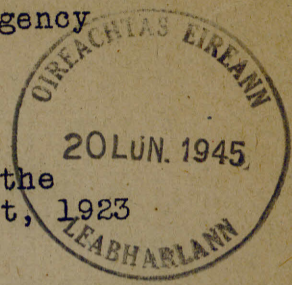


7200

The Government, in exercise of the powers conferred on them by the Emergency Powers Acts, 1939 to 1945, and of every and any other power them in this behalf enabling, hereby order as follows:

- Short title. 1. This Order may be cited as the Emergency Powers (No. 362) Order, 1945.
- Definitions. 2. In this Order -
- Act of 1923. the expression "the Act of 1923" means the Defence Forces (Temporary Provisions) Act, 1923 (No. 30 of 1923);
- Defence Forces. the expression "the Defence Forces" means the force established under Part I of the Act of 1923 and the reserve force established under Part III of the Act of 1923;
- emergency period. the expression "the emergency period" means the period which commenced on the 3rd day of September, 1939, and will end on the date on which the Defence Forces (Temporary Provisions) (No.2) Act, 1940 (State of Emergency) Order, 1940 (S.R. & O., No. 163 of 1940), is revoked;
- member of the Defence Forces. the expression "member of the Defence Forces" does not include an officer of the Defence Forces.
- Automatic dismissal from the Defence Forces of certain deserters and absentees without leave. 3. (1) Where -
 - (a) a member of the Defence Forces has deserted or absented himself without leave on a date (in this paragraph referred to as the date of desertion) which fell on or after the 3rd day of September, 1939, and which is not less than one hundred and eighty days before the date of this Order, and
 - (b) such member has not surrendered or been apprehended before the date of this Order,



then, notwithstanding anything contained in the Defence Forces (Temporary Provisions) Acts, 1923 to 1945, the following provisions shall have effect -

- (i) such member shall, on and from the date of this Order, by virtue of this paragraph, stand dismissed from the Defence Forces for desertion in time of national emergency and cease to be a member of the Defence Forces,

2.

(ii) the pay and allowances of such member shall be automatically forfeited for every day during the period commencing on the date of desertion and ending on the date immediately preceding the date of this Order.

(2) Where -

(a) either -

a member of the Defence Forces has deserted or absented himself without leave on a date (in this paragraph referred to as the date of desertion) which is less than one hundred and eighty days before the date of this Order, or

a member of the Defence Forces deserts or absents himself without leave on a date (in this paragraph also referred to as the date of desertion) which falls on or after the date of this Order and during the emergency period, and

(b) such member has not surrendered or been apprehended during the period of one hundred and eighty days beginning on the date of desertion,

then, notwithstanding anything contained in the Defence Forces (Temporary Provisions) Acts, 1923 to 1945, the following provisions shall have effect -

(i) such member shall, on and from the day next following the expiration of such period, by virtue of this paragraph, stand dismissed from the Defence Forces for desertion in time of national emergency and cease to be a member of the Defence Forces,

(ii) the pay and allowances of such member shall be automatically forfeited for every day during such period.

(3) A certificate under the hand of an officer of the Defence Forces authorised by the Adjutant-General in that behalf certifying that a specified member of the Defence Forces deserted or absented himself without leave on a specified date and that such member did not surrender and was not apprehended before a specified date shall, for the purposes of this Article, be conclusive evidence of the facts so certified.

Provisions
con-
sequential
upon
dismissal.

4. Where a member of the Defence Forces is, by virtue of this Order, dismissed from the Defence Forces for desertion in time of national emergency, the following provisions shall have effect -

(a) such member shall be disqualified for a period of seven years from the date of such dismissal from holding -

- (i) any office or employment remunerated out of the Central Fund or moneys provided by the Oireachtas or moneys raised by local taxation, or
 - (ii) any office or employment under any board or body established by or under statutory authority, or
 - (iii) office as a paid member of any such board or body;
- (b) no pension, gratuity or allowance, in respect of his service in the Defence Forces, shall be payable, under the Army Pensions Acts, 1923 to 1943, to or in respect of such member;
 - (c) no pension or gratuity shall be payable, under any scheme made under the Defence Forces (Pensions) Acts, 1932 and 1938, to or in respect of such member;
 - (d) such dismissal shall not constitute a discharge for the purposes of the Unemployment Insurance Act, 1945 (No.23 of 1945).

GIVEN under the Official Seal of the
Government, this 8th day of
August, 1945.

EAMON DE VALERA
TAOISEACH.

8/8
10 Sept 1945

PAIPEIRI ATA LE TIOLACA DON ~~DAIL~~ AGUS DON tSEANAD.
PAPERS TO BE PRESENTED TO THE ~~DAIL~~ AND SEANAD.

1. An Roinn atá ag déanamh an tíolactha
Department making presentation ...

An Rialtas.

2. Teideal an Pháipéir atá le tíolaca
Title of Paper to be presented ...

7200NS
An tOrdú Cumhachta Práinne
(Uimh.362), 1945.

3. Más do réir Reachta atá an tíolaca á
dhéanamh, luaidhtear Teideal agus Alt
an Achta a údarúíonn an tíolaca ...

If presented pursuant to Statute, state
authority for presentation, giving Title
and Section of Act ...

Acht Cumhachta Práinne, 1939 -
Alt 9.

4. Más gá é bheith ar taisbeáint ar an
mBord ar feadh tréimhse áirithe,
luaidhtear:

If required to be on the Table for a
specified period, state:

(1) An Tréimhse ...
Period ...



Lá is fiche.

(2) Ce'ca laetheanta den tsiosón í no
laetheanta 'na mbeidh suidheanna
ann ...

Whether days of session or sitting
days ...

Laetheanta suidhe.

5. An gá tairisgint ag lorg aontuithe gach
Tighe? ...

If motion of approval by each House
necessary ...

Sighnithe
Signed

8.8.45.

Ceann na Roinne.
Head of Department.