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The Estonian Defence League Act

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Amended by the following acts

Passed	Published	Entry into force
25.02.2014	RT I, 06.03.2014, 2	07.03.2014
19.02.2014	RT I, 13.03.2014, 2	23.03.2014, partially 01.01.2015, 01.01.2017 and 01.01.2019
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, partially 23.03.2014
10.04.2014	RT I, 23.04.2014, 1	01.10.2014
12.06.2014	RT I, 21.06.2014, 11	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the official titles of the ministers have been replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act.
19.11.2014	RT I, 13.12.2014, 1	01.01.2016, time of entry into force amended 01.07.2016 [RT I, 17.12.2015, 1]
11.02.2015	RT I, 04.03.2015, 5	01.04.2015
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
25.11.2015	RT I, 17.12.2015, 1	20.12.2015
23.02.2016	RT I, 09.03.2016, 1	19.03.2016, partially 01.01.2017
08.06.2016	RT I, 16.06.2016, 2	01.07.2016
08.02.2017	RT I, 03.03.2017, 1	01.07.2017
06.12.2017	RT I, 28.12.2017, 8	01.01.2018
11.04.2018	RT I, 20.04.2018, 4	01.05.2018, partially 01.01.2019
13.06.2018	RT I, 29.06.2018, 3	01.07.2018
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
21.02.2019	RT I, 19.03.2019, 10	01.07.2019

Chapter 1 General Part

§ 1. Scope of application of Act

(1) This Act provides for the place of the Estonian Defence League (hereinafter Defence League) in national defence, its purpose, tasks, structure, legal bases for activity and management, membership and the rights and obligations of members.

(2) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Concept and purpose of Defence League

(1) The Defence League is a voluntary national defence organisation operating in the area of government of the Estonian Ministry of Defence which is organised in accordance with military principles, possesses weapons and holds exercises of a military nature.

(2) For the purposes of this Act the exercise of military nature is military training which is provided by the Defence League to its members for the performance of the duties of the Defence League.

(3) The purpose of the Defence League is to enhance, by relying on free will and self-initiative, the readiness of the nation to defend the independence of Estonia and its constitutional order.

§ 3. Legal status of the Defence League

(1) The Defence League is a legal successor of the Defence League established as a self-defence organisation on 11 November 1918.

(2) The Defence League is a legal person governed by public law, whose legal status shall be provided for by this Act and the legislation issued on the basis thereof.

(3) The rights of the Defence League may be enhanced or restricted only by law.

§ 4. Tasks of Defence League

(1) To achieve its objective the Defence League shall perform the following tasks:

- 1) participate in strengthening patriotic and national feelings, maintaining and increasing the defence will of the citizens of Estonia;
- 2) prepare the national defence capability of the state;
- 3) participate in enhancing and ensuring security of the Estonian residents;
- 4) provide and organise military training to active members on the basis of subsection 6 (3) of the Military Service Act in the procedure established by the Commander of the Defence Forces;
- 5) provide and organise other training and education;
- 6) develop and value physical education and sports among the population;
- 7) ensure, where necessary, the guarding of the national defence objects and property used for national defence purpose and of foreign missions of Estonia;
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]
- 8) perform other tasks assigned thereto by laws and the legislation established on the basis thereof.

(2) The Defence League may also be invited to participate where necessary:

- 1) in resolving a rescue event in the procedure provided for in the Rescue Act;
- 2) in the performance of emergency situation work and regulation of traffic and ensuring of safety in an emergency situation area pursuant to the procedure provided for in the Emergency Act;
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]
- 3) in resolving a state of emergency in the procedure provided for in the State of Emergency Act;
- 4) in ensuring cyber security under the direction of a competent authority;
- 5) [Repealed – RT I, 19.03.2019, 10 – entry into force 01.07.2019]
- 6) in the performance of the functions of the police provided for in clauses 3 (1) 1), 4)-6) and 8) of the Police and Border Guard Act and subsection 16 (3) of the Emergency Act;
[RT I, 03.03.2017, 1 - entry into force 01.07.2017]
- 7) in prevention and obstruction of an attack against national defence objects, an illegal crossing of the state border or a temporary control line and criminal offences pursuant to the procedure provided for in the Law Enforcement Act.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(2¹) Upon performance of the tasks specified in subsection (1) of this section a health care professional may provide first aid, where necessary, within his or her competence.
[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(3) The procedure for inviting the Defence League to participate in the performance of the tasks provided for in clauses (2) 4) and 6) of this section shall be established by a regulation of the Government of the Republic.
[RT I, 03.03.2017, 1 - entry into force 01.07.2017]

(3¹) The Defence League may be invited with their consent to participate in the performance of the following functions of the Defence Forces:

- 1) military defence of the state and participation in collective self-defence;
- 2) preparation for military defence of the state and participation in collective self-defence;
- 3) participation in international military co-operation
[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(3²) More detailed tasks of the Defence Forces in the performance of which the Defence League may be involved and the conditions and procedure for involvement shall be established by a regulation of the Government of the Republic.
[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(4) The task of the Defence League is not making profit for its members.

(5) The Defence League shall cooperate with other persons and agencies located in Estonia and in a foreign state to perform its tasks.

§ 5. Rules of procedure

(1) The rules of procedure of the Defence League shall provide for:

- 1) the exact structure, management and internal organisation of the Defence League;
- 2) the formation of the management bodies of a structural unit, the tasks of the management body, becoming a member of the management body and the duration of the term of office of a member;
- 3) the procedure for becoming a member, suspension and termination of membership and performance of other acts connected to membership.
- 4) the procedure for payment of a membership fee and designation of the audit.

(2) The rules of procedure of the Defence League shall be established by a regulation of the Government of the Republic.

§ 6. Independence of Defence League from political parties

All political activities of political parties and other political associations are prohibited in the Defence League.

§ 7. Symbols, insignia and decorations of Defence League

(1) The Defence League has its own symbols, insignia and decorations. The symbols, insignia and decorations of the Defence League shall be established by the General Assembly, the procedure for wearing and using thereof shall be established by the Commander of the Defence League.

(2) The symbols, insignia and decorations of the women's organization *Naiskodukaitse* (hereinafter *Naiskodukaitse*) and the procedure for wearing and using thereof shall be established by the management body of the *Naiskodukaitse*, determined in the rules of procedure.

§ 8. Uniform

(1) The Defence League shall have a uniform the description of which shall be established by the General Assembly.

(2) The procedure for wearing the uniform of the Defence League shall be established by the Commander of the Defence League.

(3) The description of the uniform of the *Naiskodukaitse* and the procedure for wearing thereof shall be established by the management body of the *Naiskodukaitse* determined in the rules of procedure.

(4) The minister responsible for the area may, by a regulation established on the basis of subsection 13 (5) of the Military Service Act, grant the right to wear the uniform of a serviceman to an active member of the Defence League upon the performance of the duty if the symbols and insignia of the Defence League have been placed on the uniform.

(5) An active member of the Defence League is required to wear the uniform of a serviceman with the insignia of military rank conferred to him or her.

(6) Upon wearing the uniform and insignia of a serviceman an active member of the Defence League shall have to follow the procedure for wearing insignia and uniform established by the Commander of the Defence Forces.

§ 8¹. Database of members of Defence League

(1) The Defence League has the right to account for the membership of the Defence League. For assessment of the requirements for a member of the Defence League and performance of the tasks of the Defence League to process the personal data of the members of the Defence League, including health information. A database may be created for the processing of personal data.

(2) The database specified in subsection (1) of this section is founded and its statutes are established by a regulation of the minister responsible for the area.

(3) The controller of the database is the Defence League.

(4) The special categories of personal data in the database of the Defence League shall be deleted after one year has passed and the data concerning the membership of the Defence League no later than after 50 years have passed as of the termination of the membership of the Defence League or refusal to accept for a member of the Defence League. The more precise terms for preservation of the data shall be established by the statutes.

Chapter 2

Structure and management

§ 9. Structure of Defence League

(1) The structural units of the Defence League are the Headquarters of the Defence League, territorial defence regions, districts, Cyber Defence Unit, Defence League School, the *Naiskodukaitse* and youth organisations the *Noored Kotkad* (the *Young Eagles*) and the *Kodutütred* (the *Home Daughters*).

[RT I, 20.04.2018, 4 - entry into force 01.01.2019]

(2) The subordination of structural units shall be provided in the rules of procedure.

[RT I, 20.04.2018, 4 - entry into force 01.01.2019]

(3) The Headquarters of the Defence League is a structural unit supporting the activity of the Commander of the Defence League.

(4) The districts of the Defence League are Alutaguse, Harju, Jõgeva, Järva, Lääne, Põlva, Pärnumaa, Rapla, Saaremaa, Sakala, Tallinna, Tartu, Valgamaa, Viru and Võrumaa districts.

§ 10. Peacetime post of military rank in Defence League

(1) The peacetime posts of military rank in the Defence League (hereinafter peacetime post) are the posts of the Commander, Chief of Staff of the Defence League (hereinafter Chief of Staff), the commander of territorial defence region and the Commander of the Defence League district (hereinafter district commander).

[RT I, 20.04.2018, 4 - entry into force 01.01.2019]

(2) Other peacetime posts may be created in the Defence League in addition to the posts provided for in subsection (1) of this section to perform the tasks of the Defence League.

(3) The maximum number of peacetime posts in the Defence League shall be established by an order of the Government of the Republic.

(4) Taking account of the maximum number of peacetime posts established on the basis of subsection (3) of this section the minister responsible for the area shall establish a list of peacetime posts of military rank by subtypes on the proposal of the Commander of the Defence Forces and in coordination with the Commander of the Defence League.

(5) The Commander of the Defence League shall appoint an active serviceman to and release from the peacetime post in the Defence League.

(6) The Defence League may process the personal data of a person appointed to a peacetime post, including special categories of personal data, in order to assess his or her compliance with the requirements for the post, taking into account the provisions of the Military Service Act.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

§ 11. Management of Defence League

(1) The Defence League is managed by the Commander of the Defence League, who is directly subordinated to the Commander of the Defence Forces.

(2) The Commander of the Defence League shall be appointed to and released from the post by the Government of the Republic on the joint proposal of the minister responsible for the area and the Commander of the Defence Forces after hearing the opinion of the Council of Elders.

(3) A prior written consent of the active serviceman is required upon appointment to the post of the Commander of the Defence League.

(4) An active serviceman to be appointed to the post of the Commander of the Defence League shall hold a valid clearance to state secrets classified as top secret and the Personnel Security Clearance Certificate to classified information of foreign states of the corresponding level.

(5) The collegial bodies participate in the management of the Defence League to the extent provided for in this Act.

(6) The immediate leader is the closest leader of a member of the Defence League to whom a member of the Defence League subordinates upon the performance of a duty.

(7) The direct leader is an immediate leader and a senior leader thereof to whom a member of the Defence League subordinates upon the performance of a duty.

(8) A youth leader is an active member of the Defence League who participates in organising learning activities of junior members in the youth organisation.

§ 12. Commander of Defence Forces

The Commander of the Defence Forces shall:

- 1) establish the requirements for military capability and readiness of the Defence League;
- 2) establish the documentation of wartime units being prepared or authorise the Commander of the Defence League for establishing thereof with the right of delegation to the leaders of structural units;
[RT I, 19.03.2019, 10 - entry into force. 01.07.2019]
- 3) provide the supply of weapons, battle equipment, uniforms and other military equipment to the Defence League in cooperation with the Estonian Ministry of Defence to perform the tasks provided for in clauses 4 (1) 2)-4) and 7) of this Act;
- 3¹) provides the supply of medicines and medical equipment to the Defence League in collaboration with the Ministry of Defence for the performance of the tasks provided in subsection 4 (1) of this Act;
[RT I, 20.04.2018, 4 - entry into force 01.05.2018]
- 4) make a proposal to the minister responsible for the area to establish a list of peacetime posts of the Defence League;
- 5) give an opinion on the development plan of the Defence League.

§ 13. Commander of Defence League

(1) The Commander of the Defence League shall:

- 1) direct the activities of the Defence League and organise cooperation and performance of the tasks within the competence of the Defence League;
- 2) represent the Defence League within his or her competence and issue authorisations to represent the Defence League;
- 3) chairs a meeting of the General Board;
- 4) enter into, amend and terminate an employment contract with a person;
- 5) organise the accounting of the Defence League;
- 6) organise the use of state assets and weapons, battle equipment and other military equipment transferred to the possession of the Defence League in accordance with the law;
- 7) organise preparation and performance of the development plan;
- 8) be responsible for compliance with the requirements arising from the State Secrets and Classified Information of Foreign States Act and the legislation established on the basis thereof;
- 9) be responsible for the compliance with the legislation on organising the activity of the Defence League;
- 10) be responsible for targeted use of budgetary means and report to the minister responsible for the area thereon;
- 11) establish the statutes of a district, the Headquarters of the Defence League, the Cyber Defence Unit and the Defence League School;
- 12) establish the procedure for disciplinary proceedings of the Defence League;
- 13) be responsible for military discipline of active servicemen in the Defence League;
- 14) submit the composition of the paid staff of the Defence League to the minister responsible for the area for approval;
- 15) establish a list of places of employment and peacetime posts of structural units;
- 16) establish the training and action plan of the Defence League;
- 17) exercise supervision over the persons working under the employment contract in the Defence League and the active servicemen;
- 18) perform other tasks arising from legislation.

(2) The Commander of the Defence League may authorise the leader of a structural unit to perform a task provided for in clause (1) 4) of this section.

(3) The Commander of the Defence League shall submit the information of the development plan dealing with the facts provided for in clauses 4 (1) 2), 4), 5) and 7) and § 12 of this Act to the Commander of the Defence Forces for an opinion before submitting thereof to the General Assembly for approval.

(4) The Commander of the Defence League shall coordinate the action plan dealing with the tasks provided for in clauses 4 (1) 2), 4), 5) and 7) of this Act with the Commander of the Defence Forces.

(5) The Commander of the Defence League shall issue directives on the organisation of work of the Defence League.

(6) The salary of the Commander of the Defence League shall be determined by the minister responsible for the area pursuant to the Military Service Act.

§ 14. Substitution, holidays and release from office of Commander of Defence League

(1) In the absence of the Commander of the Defence League the tasks thereof shall be performed by the Chief of Staff, in the absence of the latter by an active serviceman in the peacetime post in the Defence League, appointed by the Commander of the Defence Forces.

(2) The Commander of the Defence League shall be admitted on holiday or sent on secondment by the Commander of the Defence Forces.

(3) Upon the release of the Commander of the Defence League from the post or termination of the active service relationship the Chief of Staff shall be acting in the capacity of the Commander of the Defence League until the new Commander of the Defence League assumes the post.

§ 15. Active service in Defence League

(1) The Military Service Act and the command authority for the purposes of the Estonian Defence Forces Organisation Act shall be applied to active service in the Defence League unless otherwise provide for in this Act.

(2) The Commander of the Defence Forces is the senior commander of an active serviceman appointed to a peacetime post in the Defence League.

(3) The Commander of the Defence Forces as a senior commander of an active serviceman:

- 1) may apply awards and imposed disciplinary penalties on an active serviceman in a peacetime post in the Defence League in the procedure provided for in the Military Service Act;
- 2) shall solve the challenge filed by an active serviceman in a peacetime post in the Defence League if solving the challenge is in its competence according to the Military Service Act;
- 3) shall organise supervision of the compliance with the requirements provided for in the Military Service Act of an active serviceman appointed to a peacetime post in the Defence League.

(4) Supervision over the military discipline of an active serviceman shall be exercised in the procedure provided for in the Military Service Act and the Estonian Defence Forces Organisation Act.

(5) An active serviceman who is in the post of the Commander of the Defence League or the leader of a structural unit shall be a commander for the purposes of the Penal Code.

(6) The job description of a peacetime post of an active serviceman in the Defence League shall be established by the Commander of the Defence League or a leader of a structural unit authorised by him or her.

[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(7) The job description shall not be established for the Commander of the Defence League.

(8) The secondment of an active serviceman in the case provided in subsection 114 (1) of the Military Service Act shall be decided by the Commander of the Defence League or a leader of a structural unit authorised by him or her.

[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(9) An active serviceman in the Defence League may be sent on resource-intensive training with the written consent of the Commander of the Defence Forces.

(10) An absent active serviceman may be substituted by a person employed in the Defence League on the basis of the employment contract in the case the operation of the Defence League would be hindered due to the absence of the active serviceman and the appointment of an active serviceman as a substitute would not be possible or feasible.

(11) A substitute for an active serviceman in the Defence League shall be appointed by the Commander of the Defence League or a leader of a structural unit.

(12) Substitution of an active serviceman with a person employed on the basis of the employment contract shall not last over five months in a calendar year.

(13) A person employed on the basis of the employment contract who is pregnant or is raising a child under three years of age or a child with disability may refuse to perform the tasks of an absent active serviceman.

(14) A person employed on the basis of the employment contract who is substituting for an active serviceman may be paid additional remuneration in proportion to the volume of the additional duties assigned thereto.

(15) An active serviceman in the peacetime post in the Defence League may be subordinated to a person employed in the Defence League on the basis of a contract of employment in the points of order.

§ 16. Working time and rest time of person employed in Defence League on basis of employment contract

(1) The working time and rest time of a person employed in the Defence League on the basis of the employment contract shall be determined on the basis of Chapter 3 Division 3 of the Employment Contracts Act, taking account of the specifications provided for in this section.

(2) The uninterrupted performance of the duties by a person employed in the Defence League on the basis of the employment contract may not exceed 13 hours in general, except in the case given in subsection (4) of this section.

(3) A person employed in the Defence League on the basis of the employment contract may be required to work at night, on public holidays and days off if it arises from his or her contract of employment. In such case the restriction on night work referred to in § 50 of the Employment Contracts Act shall not be applied.

(4) During a military training a person employed in the Defence League on the basis of the employment contract shall not be applied the total working time, overtime work, compensation for night work and work done on public holidays, limits on working time, organisation of work, limits on night work and daily and weekly rest period provided for in the Employment Contracts Act if it is prescribed in the employment contract that the duties of the person include participation in military training.

(5) In the case provided for in subsection (4) of this subsection a person employed on the basis of the employment contract shall be given at least six hours of rest period per every 24 hours of which four hours of the rest period shall be uninterrupted. The rest period shall be calculated into general working time.

(6) In the case referred to in subsection (4) of this section a person employed in the Defence League on the basis of the employment contract shall be compensated for work performed over the working time agreed upon by granting of leisure time or in money in the procedure and to the extent established by the Commander of the Defence League.

(7) Subsection (4) of this section shall not be applied to a minor, pregnant and a person employed on the basis of the employment contract who is entitled to pregnancy and maternity leave, paternity, adoptive parents or parental leave.

§ 17. Collegial bodies

(1) The collegial bodies which are central bodies and the directing bodies of a structural unit and a subunit thereof shall participate in the management of the Defence League. A structural unit and subunit that has no permanent members shall have no collegial bodies.

(2) A collegial body shall have an advisory right to speak in military training and preparation of the military defence capability of the state organised by the Defence League.

(3) The central bodies are the General Assembly, the General Board, the Central Review Committee and the Council of Elders.

(4) The formation of the management body of a structural unit, the tasks of the management body, becoming a member thereof and the duration of the powers of a member shall be provided for in the rules of procedure, in the case of a subunit in the statutes or articles of association of a structural unit.

(5) A member of a collegial body shall perform his or her obligations arising from the law and the rules of procedure with due diligence usually expected from a member of a collegial body, and shall be loyal to the Defence League.

(6) The rights, obligations and responsibility of a member of the management body of a legal person shall extend to a member of the collegial body with specifications provided for in subsection 19 (10) of this Act.

(7) A member of the collegial body cannot use a representative upon giving his or her vote.

§ 18. General Assembly

(1) The highest management body of the Defence League is the General Assembly.

(2) The General Assembly shall:

- 1) discuss issues concerning the organisation and general activities thereof and give a position with regard to these;
- 2) select the members of the General Board, the Central Review Committee and the Council of Elders;
- 3) approve the financial plan, application for financing for specific purposes from the state budget and the budget;

[RT I, 13.03.2014, 2 – entry into force. 23.03.2014]4) approve the annual report of the Defence League;
5) approve the development plan and submit to the minister responsible for the area for information;
6) decide on acquisition, transfer and pledge of real estate and making a proposal to the minister responsible for the area with regard thereto;
7) make a proposal to initiate the amendment of this Act and the rules of procedure;
8) approve the statutes of the *Naiskodukaitse* and youth organisations the *Kodutütred* and the *Noored Kotkad*;
9) establish a membership fee;
10) perform other tasks arising from the legislation.

(3) The General Assembly shall include the leader of a structural unit holding a membership or a person appointed to substitute him or her and the representatives elected from among active members of the board of representatives of a structural unit or the General Assembly as follows:

- 1) a structural unit with 500 members and youth organisations the *Kodutütred* and the *Noored Kotkad* – one representative;
- 2) a structural unit with 501-1000 members – two representatives;
- 3) a structural unit with 1001-1500 members – three representatives;
- 4) a structural unit with 1501-2000 members – four representatives;
- 5) a structural unit with over 2000 members – five representatives.

(4) In addition to those referred to in subsection (3) of this section one substitute member shall be elected to the General Assembly from each structural unit holding membership.

(5) A representative of the youth organisation and a substitute member shall be elected from among the youth leaders of the youth organisation.

(6) The Commander of the Defence League or his or her substitute shall participate in a meeting of the General Assembly with the voting right.

(7) A member of the General Board and a member of the Central Review Committee may participate in a meeting of the General Assembly with the right to speak.

[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(8) An elected member of the General Assembly and a substitute member thereof shall be elected for three years.

(9) A meeting of the General Assembly shall be called by the Commander of the Defence League or the General Board for at least twice in a year. The agenda of the meeting and the discussion of the items on the agenda shall be prepared by the person calling the meeting.

(10) The members of the General Assembly shall be notified of calling the meeting and the agenda and other documents needed for holding the meeting for at least seven days in advance.

(11) The General Assembly shall have a quorum if at least half of the members of the General Assembly and the Commander of the Defence League or his or her substitute participate therein.

(12) The decision of the General Assembly shall be implemented by the Commander of the Defence League or the General Board. If the Commander of the Defence League or the General Board does not agree with the decision of the General Assembly, the issue shall be discussed again to make a final decision at the next meeting of the General Assembly, the decision of which shall be deemed to be final if at least two thirds of the members elected to the General Assembly in the procedure provided for in subsection (3) of this section are represented.

§ 19. The General Board

(1) The management body of the Defence League is the General Board.

(2) The General Board shall:

1) submit the financial plan, the application for financing for specific purposes from the state budget, the budget and the annual report to the General Assembly for approval;

[RT I, 13.03.2014, 2 – entry into force. 23.03.2014]

2) organise the use of budgetary means;

3) give an opinion on the issues relating to the activity of the Defence League;

4) organise the work of the General Assembly;

5) submit the development plan of the Defence League to the minister responsible for the area for opinion before submitting thereof to the General Assembly for approval;

6) give an opinion on the proposals for amendment of this Act and the rules of procedure which have been prepared by other persons;

7) establish the procedure for the use of the property of the Defence League, except weapons, ammunition and other military equipment, and for conclusion of contracts and the use of non-state budget profit;

8) perform other tasks arising from the law and assigned by the General Assembly.

(3) The General Board shall consist of the Commander of the Defence League and the Chief of Staff without election and three active members of the Defence League elected by the General Assembly for three years or

three persons elected to honorary members on the basis of clause 27 (2) (1) of this Act. The elected member shall be an Estonian citizen of at least 21 years of age who has been a member of the Board of a structural unit or subunit for at least one year. A member can be re-elected.

(4) The Defence League shall be represented in legal acts by the Commander of the Defence League or one member of the General Board together with the Commander of the Defence League.

(5) In the absence of the Commander of the Defence League a person referred to in subsection 14 (1) of this Act shall represent the Defence League in legal acts together with one member of the General Board.

(6) Upon release of the Commander of the Defence League from office or termination of the active service relationship the Defence League shall be represented in legal acts by the Chief of Staff in the capacity of the Commander of the Defence League.

(7) The General Board shall be accountable to the General Assembly.

(8) A meeting of the General Board shall be chaired by the Commander of the Defence League or his or her substitute. The General Board shall have a quorum if the Commander of the Defence League or the Chief of Staff or a substitute of one of them and at least two elected members of the General Board participate in the meeting. The members of the General Board shall be notified of the calling of the meeting and the agenda and other documents needed for holding a meeting for at least seven days in advance. The Commander of the Defence League shall have the right to call the General Board extraordinarily.

(9) A member of the General Board may not be an active member:

- 1) with regard to whom a prohibition on acting as a member of the Board has been applied on the basis of § 49 of the Penal Code;
- 2) who is not allowed to be a member of the Board on the basis of law or a court decision;
- 3) whose membership is suspended;
- 4) whose earlier unlawful action or failure to act has caused the bankruptcy, compulsory dissolution or cancellation of the activity licence of a company;
- 5) with regard to whom a prohibition on business has been applied or from whom the right to be an undertaking has been withdrawn on the basis of law.

(10) A member of the General Board shall be released from liability extended to a member of the management body of a legal person if he or she:

- 1) has kept the dissenting opinion upon passing the decision forming a basis for illegal activity and the dissenting opinion has been recorded in minutes;
- 2) upon passing the decision forming a basis for illegal activity has voted against or did not participate in making the decision but the absence was allowed or did not participate in the Board meeting.

(11) [Repealed - RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(12) [Repealed - RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(13) The work of a member of the Defence League elected to the General Board shall not be remunerated.

(14) The decision of the General Board shall be implemented by the Commander of the Defence League. If the Commander of the Defence League does not agree with the decision of the General Board, the issue shall be discussed to make a final decision at the next meeting of the General Assembly, the decision thereof is deemed to be final if at least two thirds of the members of the General Assembly are represented.

§ 20. Central Review Committee

(1) The highest supervisory body of the Defence League is the Central Review Committee.

(2) The Central Review Committee shall:

- 1) be accountable to the General Assembly;
- 2) exercise supervision over the activity of the General Board;
- 3) assess compliance to the rules of procedure of the General Board;
- 4) check the implementation of the decisions of the General Assembly and the General Board;
- 5) audit the financial transactions made by the Defence League, the financial situation and the feasibility of expenses of the non-state budget income of the Defence League;
- 6) evaluate the compliance of the activity of central bodies with the requirements provided for in this Act and the rules of procedure;
- 7) prepare the procedure for audit of the Defence League and submit it to the General Assembly for approval;
- 8) coordinate the work of the audit committees of structural units and, where necessary, provide guidelines for the audit of the current year;
- 9) perform other tasks assigned by the General Assembly.

(3) The Central Review Committee shall consist of five active members or persons elected a honorary members on the basis of clause 27 (2) 1) of this Act who shall be members of the audit committee of a structural unit or subunit. The General Assembly shall elect members of the Central Review Committee and one substitute member for three years. A member of the Central Review Committee may be re-elected. The members of the Central Review Committee shall elect from among themselves the chairman of the Central Review Committee, who shall approve the agenda of the meeting and sign the minutes of the meeting.

(4) A meeting of the Central Review Committee shall be convened by the chairman of the committee, as required, or the General Assembly. The members of the Central Review Committee shall be notified of the meeting and the agenda and other documents needed for holding the meeting for at least 14 days in advance. The Central Review Committee shall have a quorum if at least four members of the Central Review Committee are present at the meeting. A person who is responsible for internal audit of the Defence League may participate in the meeting of the Central Review Committee with the right to speak.

(5) The Central Review Committee may audit the work of another audit committee of the Defence League. A member of the Central Review Committee shall be entitled to require information concerning the work of other audit committees of the Defence League.

(6) The Central Review Committee shall submit the summary of its activities to the General Assembly and the Council of Elders for opinion. The opinion of the General Board shall be added to the summary of activities of the Central Review Committee.

(7) A member of the Central Review Committee shall be independent in making a decision. Upon implementation of the tasks of the Central Review Committee a member of the Central Review Committee shall be accountable only to the General Assembly and during participation in the work of the Central Review Committee cannot be obliged to perform other tasks arising from this Act.

§ 21. Council of Elders

(1) The Council of Elders is a body elected by the General Assembly which consists of at least fifteen members of the Defence League, who are Estonian citizens of 18 years of age or older who are distinguished state or public figures.

(2) The Council of Elders shall:

- 1) introduce the activities of the Defence League;
- 2) give an opinion on an active serviceman to be appointed on a post of the Commander of the Defence League;
- 3) give an opinion on the performance of tasks and activities of the Defence League;
- 4) give an opinion on acquiring, transferring and pledging the real estate;
- 5) give an opinion on the budget and implementation of the budget;
- 6) give an opinion on the proposal to amend this Act and the rules of procedure.

(3) A member of the Council of Elders shall be elected for three years. Every year five new members shall be elected to the Council of Elders. A member may be re-elected.

(4) The members of the Council of Elders shall elect a chairman and two vice-chairmen, who shall form the governing body of the Council of Elders, from among themselves for two years. The scope of the representation of the governing body of the Council of Elders shall be determined by a meeting of the Council of Elders.

Chapter 3

Member, rights and obligations of member

§ 22. Membership of Defence League

Becoming a member and withdrawal from the membership of the Defence League is voluntary unless otherwise provided for in this Act.

[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(2) A member of the Defence League may belong only to one structural unit. The Headquarters of the Defence League, the territorial defence region and the Defence League School have no permanent members.

[RT I, 20.04.2018, 4 - entry into force 01.01.2019]

(3) A junior member under 16 years of age may not belong to a district, the *Naiskodukaitse* and the Cyber Defence Unit.

(4) A youth leader may participate in the activities of the youth organisation without obligation to belong to the composition of the youth organisation.

§ 23. Division of members

(1) The members of the Defence League are divided into active, junior, supporting and honorary members.

(2) The title of the members of the Defence League is, dependent on the structural unit, *kaitseliitlane* (a member of the Defence League district or the Cyber Defence Unit), *naiskodukaitaja* (a member of the *Naiskodukaitse*), *kodutütar* (a member of the youth organisation *Kodutütre*) or *noorkotkas* (a member of the youth organisation *Noored Kotkad*).

§ 24. Active member

(1) An Estonian citizen of at least 18 years of age may be an active member.

(2) An active member shall not be a person:

- 1) whose state of health is in noncompliance with the health requirements for an active member;
- 2) to whom a guardian has been appointed by the court due to the restricted active legal capacity;
- 3) with a criminal record for intentionally committed crime in the first degree, whose data have not been deleted from the punishment register pursuant to the Punishment Register Act;
- 4) who has been deprived of the right to work in public service by a court judgment which has entered into force;
- 5) who has been imposed a restriction on working with children for the purposes of the Republic of Estonia Child Protection Act;
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
- 6) who has participated in persecution or repression of the Estonian citizens over their political beliefs, loyalty to Estonia, social class or for being in the state or defence service of Estonia;
- 7) who has been released from a post in public service for a disciplinary offence and less than one year has passed from the release;
- 8) who has knowingly provided false data upon becoming a member.

(3) Acceptance for becoming an active member may be refused if:

- 1) the activity of the person is not in compliance with the tasks and purpose of the Defence League and may damage the reputation of the Defence League;
- 2) a person is the accused or suspect in a criminal matter;
- 3) a person has been punished for an intentionally committed criminal offence;
- 4) there is reason to believe that the behaviour or way of life of a person may pose a danger to his or her own security and the security of other persons.

(4) The health requirements for an active member shall be established by a regulation of the minister responsible for the area.

§ 25. Junior member

The Estonian citizens of at least 7-18 years of age and other natural persons who are permanent residents of Estonia may be a junior member. A junior member who is not a permanent resident of Estonia may only belong to the youth organisation.

[RT I, 06.03.2014, 2 – entry into force 07.03.2014, applied retroactively as of 01.04.2013]

(2) Upon application for becoming a junior member a person of 17 years of age or younger is required to submit a written consent of his or her parent or guardian with regard to becoming a member.

(3) The following person shall not be accepted for a junior member:

- 1) [Repealed - RT I, 20.04.2018, 4 - entry into force 01.05.2018]
- 2) who has been sentenced to imprisonment and the data of the person have not been deleted from the punishment register pursuant to the Punishment Register Act;
- 3) who has no consent of a parent or guardian regarding the becoming of a member;
- 4) who knowingly provided false data upon becoming a member.

(4) [Repealed - RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(5) Upon appointing a new guardian to a junior member the new guardian is required to confirm in writing his or her consent for continuation of the membership of the person under guardianship.

(6) A junior member cannot be invited to participate in the performance of the tasks of the Defence League provided in clauses 4 (1) 2), 4), 7) and 8), of the law enforcement agency specified in subsection 4 (2) and of the tasks of the Defence Forces specified in subsection 4 (3¹).

[RT I, 19.03.2019, 10 - entry into force. 01.07.2019]

§ 26. Supporting member

(1) A supporting member may be a natural person of at least 18 years of age who acknowledges the goals of the Defence League and contributes to achieving these goals by virtue of his or her activities.

(2) A person who has the circumstances provided for in clauses 24 (2) 2), 3), 5), 6) and 8) of this Act shall not be accepted for a supporting member of the Defence League. Becoming a supporting member of the Defence League may be refused if the circumstances provided for in subsection 24 (3) of this Act occur.

(3) A supporting member may be invited to participate in the performance of the tasks of the Defence League provided in clauses 4 (1) 1)-6) of this Act and the tasks of the law enforcement agency specified in clauses (2) 1) and 2) without the authorisation to apply direct coercion.

[RT I, 19.03.2019, 10 - entry into force. 01.07.2019]

(4) The state of health of a supporting member of the Defence League is required to be in compliance with the health requirements for a supporting member.

(5) The health requirements for a supporting member shall be established by a regulation of the minister responsible for the area.

§ 27. Honorary member

(1) An honorary member may be a natural person of 18 years of age or older who has outstanding merits in front of the Defence League.

(2) The following persons may be elected an honorary member with their prior consent:

- 1) an active member;
- 2) a supporting member;
- 3) an Estonian citizen who does not belong to the Defence League, a stateless person or a citizen of a foreign state.

(3) A person who is an active member elected an honorary member may not have the circumstances provided for in subsection 24 (2) of this Act.

(4) An honorary member elected on the basis provided in clause (2) 2) of this section may be invited to participate in the performance of the tasks of the Defence League provided in clauses 4 (1) 1)-6) of this Act and without the authorisation to apply direct coercion in the performance of the duties of the law enforcement agency specified in clauses (2) 1) and 2).

[RT I, 19.03.2019, 10 - entry into force. 01.07.2019]

(5) An honorary member elected on the basis of clause (2) 3) of this section may be invited to participate in the performance of the tasks provided for in clauses 4 (1) 1) and 3)-6) of this Act.

§ 28. Medical examination of member of Defence League and applicant to become a member

(1) A person applying to become a member of the Defence League is required to undergo medical examination the purpose of which is to identify if the person is in compliance with the health requirements for member of the Defence League.

(1¹) A leader of the structural unit may release from the medical examination provided in subsection (1) of this section:

- 1) a person who has a valid health certificate provided in § 35¹ of the Weapons Act;
- 2) an active serviceman whose state of health is in compliance with the health requirements for an active serviceman and who has the right to carry a weapon of Armed Forces;
- 3) a police officer, prison service officer and assistant police officer whose state of health is in compliance with the health requirements for a police officer, a prison service officer or an assistant police officer and who has the right to carry a weapon.

[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(2) Medical examination shall be conducted and a medical certificate shall be issued at the expense of the member of the Defence League or an applicant for becoming a member.

(2¹) A member of the Defence League is required to immediately notify the Defence League of the change of his or her state of health due to which he or she is in noncompliance with the health requirements for a member of the Defence League.

[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(3) A member of the Defence League is required to undergo medical examination at the request of the Defence League if there is a reason to believe that his or her state of health is in noncompliance with the health requirements for a member of the Defence League.

(4) In the case provided for in subsection (3) of this section the expenses related to medical examination and issue of the medical certificate shall be borne by the Defence League.

(5) Medical examination shall be organised and a medical certificate shall be issued by the family physician, involving medical specialists, where necessary.

(6) The list of data to be set out in the medical certificate shall be established by a regulation of the minister responsible for the area.

§ 29. Suspension of membership

(1) The membership of the Defence League shall be suspended:

- 1) on the basis of the written application of a member;
 - 2) as a disciplinary penalty;
 - 3) upon being referred to the medical examination on the basis provided in subsection 28 (3) of this Act.
- [RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(2) The membership of a junior member shall suspend on the basis provided for in clause (1) 1) of this section also in the case the parent or guardian who gave the consent for becoming a member submits a written application to suspend the membership of the person under guardianship.

(3) The membership of the Defence League may also be suspended for the period when a member of the Defence League is the accused or suspect in a criminal matter. The suspension shall be decided by the board or a leader entitled to accept to the Defence League upon becoming aware of the suspicion or accusation and taking account of the seriousness and character of the offence on which the suspicion or accusation is based.

(4) During the suspension of the membership a member of the Defence League shall have no right to participate in the events of the Defence League, use the property of the Defence League or act as a member of the Defence League. Upon suspension of the membership a member of the Defence League is required to return the property belonging to the Defence League and the state granted for his or her use, including the uniform of a serviceman.

(5) Upon termination or cessation of the basis for suspension of membership, the membership of the Defence League shall continue.

(6) In the case of suspension of membership on the basis of subsection (3) of this section if the judgment of conviction enters into force, a member of the Defence League shall be deemed to be excluded as of the entry into force of the court judgement.

§ 30. Amendment and termination of membership

(1) An active member may be appointed a supporting member on the basis of his or her written application and the other way round.

(2) A junior member of 18 years of age may be nominated an active member or a supporting member on the basis of his or her written application.

(3) Upon electing an active member or a supporting member as an honorary member the person is deemed to be an honorary member as of the day following the day of election.

(4) Upon amendment of the membership a member is required to be in compliance with the requirements for an applicant.

(5) The membership of the Defence League shall terminate:

- 1) upon withdrawal from the Defence League;
- 2) upon exclusion from the Defence League;
- 3) upon expulsion from the Defence League.

(6) The membership of the Defence League shall terminate with exclusion from the Defence League in the case of the death of the person or the person is declared missing if the Police and Border Guard Board have not been capable of the establishment of his or her whereabouts within 12 months as of the day the application for establishment of the whereabouts was submitted.

[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(7) A member of the Defence League is required to submit a written application to withdraw from the Defence League.

(8) A member of the Defence League who is in noncompliance with the requirements provided for in subsection 24 (2) of this Act or fails to perform the obligations prescribed for a member of the Defence League

shall be excluded from the Defence League. A member of the Defence League may be excluded from the Defence League if circumstances provided for in subsection 24 (3) occur.

(9) A junior member shall be excluded from the Defence League after the submission of the application referred to in subsection (7) of this section if his or her parent or guardian who gave the consent with regard to his or her becoming a junior member withdraws the consent.

(10) A junior member who has not submitted a written application to continue the membership of the Defence League before attaining 19 years of age shall be excluded from the Defence League.

(11) A member of the Defence League is deemed to have been expelled from the Defence League as of imposing the disciplinary penalty provided for in clause 55 (2) 5) of this Act.

(12) Upon termination of the membership of the Defence League a person is required to return to the Defence League the property of the Defence Force and the state granted to his or her possession, including the uniform of a serviceman.

§ 31. Rights of member of Defence League

(1) A member of the Defence League shall have the right to:

- 1) participate in the activities of the Defence League;
- 2) be in the employment or service relationship with the Defence League;
- 3) wear the uniform, symbols and insignia;
- 4) receive information about the activities of the Defence League.

(2) A member of the Defence League who is an active serviceman shall have no right to be elected a member of a collegial body.

§ 32. Obligations of member of Defence League

1) A member of the Defence League is required to:

- 1) A member of the Defence League is required to:
- 1) A member of the Defence League is required to:
- 1) A member of the Defence League is required to:
- 1) defend the independence and constitutional order of Estonia;
- 2) immediately notify the leader of a structural unit of an act or intention that is directed against the independence or constitutional order of Estonia;
- 3) observe the legislation providing for the activity of the Defence League and the obligations arising therefrom;
- 4) comply with lawful orders of the leader and if the compliance with the order is hindered, immediately notify the person who has given the order thereof with the justification;
- 5) maintain a weapon allotted to the Defence League, ammunition and other property granted to him or her;
- 6) upon the performance of the task wear a uniform and insignia or the insignia of the Defence League on plain clothes;
- 7) notify the Defence League of the change of his or her contact data at the earliest opportunity.

(2) The membership of the Defence League shall not relieve a person from the mandatory duty to serve in the Defence Forces.

§ 32¹. Appointment of active member of Defence League to wartime position of military rank and entering military service during mobilisation and state of war

(1) Upon appointment of an active member of the Defence League liable to national defence obligation to a wartime position of military rank in the Defence Forces (hereinafter wartime post) the provisions of the Military Service Act and the National Defence Act shall be applied.

(2) An active member of the Defence League not liable to national defence obligation may be appointed to a wartime post on the basis of the prior written consent thereof. A person shall be appointed to a wartime post by the Commander of the Defence Forces or a person authorized by him or her pursuant to the procedure provided for by the Military Service Act and the legislation issued on the basis thereof.

(3) In the interests of the Defence Forces the Defence Forces may appoint an active member of the Defence League not liable to national defence obligation, who is appointed to a wartime post to a new wartime post without his or her consent.

(4) An active member of the Defence League not liable to national defence obligation cannot suspend or terminate the membership of the Defence League or amend the membership status during mobilisation or a state of war.

(5) An active member of the Defence League not liable to national defence obligation, who is appointed to a wartime post of military rank, is considered during holding such post as a person applying for national defence

obligation and the data thereof shall be entered into the national defence obligation register as the data of a person applying for national defence obligation.

(6) The Defence Forces shall notify the Defence Resources Agency of the appointment to and release from a wartime post of an active member of the Defence League not liable to national defence obligation.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

Chapter 4

Performance of duty and order

§ 33. Performance of duty

(1) A duty is a task that a member of the Defence League shall perform with the purpose to perform the tasks of the Defence League provided in subsection 4 (1) of this Act and to participate in the composition of the Defence League in the performance of the tasks of the law enforcement agency specified in subsection (2) and the tasks of the Defence Forces specified in subsection (3¹) or to participate in guarding.
[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2) A duty shall be formalised before the performance of the task in a format which can be reproduced in writing, at the earliest opportunity in an urgent situation and this should make clear if there is a need for taking along a weapon allotted to the Defence League.

(3) A member of the Defence League shall be considered to be performing the duty from the time when he or she commences the performance of the task given.

(4) On a journey to the performance of a duty or back a member of the Defence League shall be considered to be performing the duty if the movement takes place in the procedure determined earlier.

(5) A member of the Defence League shall be considered to have terminated the duty if the person who gave the duty has considered the duty performed.

(6) A member of the Defence League may refuse to commence the performance of a duty for a good reason notifying the person who gave the duty thereof. A member of the Defence League shall not be punished for refusal to perform a duty for a good reason.

(7) The release from the performance of a duty provided for in subsection (6) of this section shall be decided by the person who imposed the duty.

(8) A member of the Defence League may be temporarily released from the performance of the duty by the immediate or direct leader or another person competent thereof.

§ 34. Order

For the purposes of this Act an order is a communication which conveys instructions of an issuer of the order during the performance of the duty. A member of the Defence League shall not be applied the regulation of an order provided for in the Estonian Defence Forces Organisation Act, except in the case a member of the Defence League has been called up to the reservist training on the basis of the Military Service Act or to an additional reservist training on the basis of the National Defence Act.
[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(2) An order shall be issued orally or in writing or by a signal.

(3) An order shall comply with Acts and the legislation established on the basis thereof.

(4) An order shall not exceed the scope of the command authority of the issuer of the order.

(5) An order issued orally or in writing shall set out the purpose of the required activity, the specific task and the term for compliance with the order.

(6) The recipient of an order who did not understand the order is required to ask explanations from the issuer of the order. The issuer of the order is required to be convinced that the recipient of the order has understood the order.

(7) An order may be issued to a member of the Defence League only for the performance of service duties and taking account of the purpose of the duty.

(8) The recipient of an order is required to comply with the received order unless otherwise provided for in this Act.

(9) A member of the Defence League may not be required to follow an order which presumes the performance of a duty which is not given to the Defence League or for the performance of which that member has no ability.

§ 35. Command authority

The Commander of the Defence League and the leader of a structural unit or subunit shall have the command authority (hereinafter together unit leader).

§ 36. Delegation of command authority

(1) A unit leader may, by an order, temporarily subordinate the members of the Defence League or a unit under his or her direction to another unit leader or member of the Defence League under his or her direction.

(2) In the case of subordination provided for in subsection (1) of this section the specific period shall be set out for the subordination and the duty during the performance of which the members of the Defence League are subordinated to another unit leader or member of the Defence League.

(3) Upon delegation of the command authority the authority to impose disciplinary penalty shall not be delegated.

(4) As a result of the subordination provided for in subsection (1) of this section the permanent structure or composition of a unit shall not change.

§ 37. Compliance with order

(1) The recipient of an order shall select the manner of compliance with the order which, in accordance with legislation, allows performance of the task assigned by the order in the most expedient manner unless the issuer has determined the manner of the compliance with the order.

(2) A member of the Defence League, who has received two or more orders which are in conflict with each other, shall notify the issuer of each subsequent order of the previous orders which are not complied with. If the issuer of the last order demands immediate compliance with his or her order, the recipient of the order shall comply with the order. The issuer of the last order shall be responsible for failure to perform the orders issued before.

§ 38. Refusal to comply with order

(1) The recipient of the order shall have the right to refuse to comply with the order if:

- 1) the order is in conflict with law;
- 2) the order exceeds the competence of the issuer of the order;
- 3) the order requires acts which the recipient of the order does not have the right to perform;
- 4) the order requires commission of an offence;
- 5) the purpose of the order is to degrade the human dignity of the recipient of the order or a third person;
- 6) the order is not issued for the performance of a duty;
- 7) the issuer of the order is not indicated in the order;
- 8) the compliance with the order is unduly dangerous to the life, health or property of the recipient of the order or other persons.

(2) Upon refusal to comply with the order provided for in clauses (1) 1)-6) and 8) of this section the recipient of the order shall immediately notify the unit leader who issued the order and a higher unit leader.

(3) Upon refusal to comply with the order provided for in clause (1) 7) of this section the recipient of the order shall immediately notify the higher unit leader thereof.

(4) A member of the Defence League may not be punished for refusal to comply with the order provided for in subsection (1) of this section.

(5) Compliance with the unlawful order shall not release a member of the Defence League from responsibility.

§ 39. Liability for consequences of compliance with order

(1) The issuer of an order shall be liable for the consequences of the compliance with the order.

(2) Disciplinary action shall be brought against the person who issued the order specified in subsection 38 (1) of this Act for issuing the order.

(3) In the case specified in clause 38 (1) 4) of this Act, the issuer of an order and the person who complies with the order shall be liable for the consequences of compliance with the order.

(4) In the case specified in clause 38 (1) 7) of this Act, the person who complies with an order shall be liable for the consequences of the compliance with the order.

(5) This chapter shall not restrict the right of a third person to submit a claim for damages nor relieve from other liability provided by law.

Chapter 5

Special equipment, self-defence equipment and weapons

§ 40. Special equipment and self-defence equipment

(1) A member of the Defence League may be provided with special equipment and self-defence equipment.

(2) For the purposes of this Act special equipment is:

- 1) handcuffs;
- 2) binding means;
- 3) a service dog.
- 4) [Repealed - RT I, 19.03.2019, 10- entry into force 01.07.2019]
- 5) [Repealed - RT I, 19.03.2019, 10- entry into force 01.07.2019]

(3) The list of the self-defence equipment of the Defence League and requirements for the self-defence equipment shall be established by a regulation of the minister responsible for the area.

(4) An active member may keep the special equipment and self-defence equipment of the Defence League at his or her place of residence if this is necessary for the performance of the duty.

(5) The conditions and procedure for depositing special equipment and self-defence equipment of the Defence League shall be established by a regulation of the minister responsible for the area.

(6) The procedure for the use of special equipment and self-defence equipment of the Defence League and the training requirements in the use thereof shall be established by the Commander of the Defence League.

§ 41. Weapon allotted to Defence League

(1) A weapon allotted to the Defence League is a weapon provided by the state to the Defence League for use in the performance of the tasks of the Defence League or a weapon acquired by the Defence League or an active member of the Defence League.

(2) Chapter 1 and §§ 11–17, 20¹ and 21 of Chapter 2 of the Weapons Act shall be applied to a weapon allotted to the Defence League in addition to the provisions of this Act.

(3) A weapon allotted to the Defence League shall be entered into the Register of Weapons of Armed Forces.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(4) A weapon allotted to the Defence League which is acquired for use in sporting, studies or for collection is not a military weapon for the purposes of the Weapons Act.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 42. Handling and use of weapon allotted to Defence League

(1) A weapon allotted to the Defence League may be given for handling and use by an active member who has undergone the Defence League training in the handling and use of a weapon.

(2) A weapon allotted to the Defence League may be used upon the performance of the duty if carrying a weapon allotted to the Defence League is prescribed upon formalising the duty.

(3) It is prohibited to handle and use a weapon allotted to the Defence League and ammunition:

- 1) while intoxicated or under the influence of narcotic or psychotropic substances;
- 2) at meetings, demonstrations, pickets, festivities and other public events, except for performing functions or duties at such public events if the Commander of the Defence League or the district commander has previously given a written consent to carry a weapon.

(4) It is prohibited to transfer a weapon allotted to the Defence League and ammunition to an intoxicated person or a person with signs of consumption of a narcotic drug or psychotropic substance.

(5) The Defence League training in the handling and use of a weapon shall include information on the legislation regulating the handling and use of the weapon, and also provide information and skills for carrying and handling weapons thereof.

(6) The requirements for training in handling and use of a weapon allotted to the Defence League shall be established by the Commander of the Defence League.

(7) An active member shall have the right to give a weapon allotted to the Defence League, including a military weapon and ammunition, to another member of the Defence League for temporary keeping, carrying and use upon the performance of a duty with the consent of the immediate leader, in other time with the consent of the district commander given in a format which can be reproduced in writing. There is no right to give a weapon allotted to the Defence League or ammunition to a junior member unless otherwise provided for by law.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(8) An active member who has not undergone the Defence League training in the handling and use of a weapon may only be given the weapon allotted to the Defence League for use in the firing range after reading the requirements for the use of a weapon.

(9) The requirements for handling and use of a weapon allotted to the Defence League that is not considered a military weapon shall be established by a regulation of the minister responsible for the area.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(10) A Weapons Act shall be applied to handling, use and transfer of a weapon allotted to the Defence League that is considered a military weapon for the purposes of the Weapons Act, except in the case provided for in subsection (7) of this section.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 43. Permit for carrying weapon allotted to Defence League

(1) A permit for carrying a weapon allotted to the Defence League (hereinafter the Defence League Firearms Licence) is a written consent given by the Commander of the Defence League or a district commander to an active member to carry and use a weapon allotted to the Defence League.

(2) The Defence League Firearms Licence may be issued to an active member:

- 1) who has undergone the Defence League training in the handling and use of a weapon;
- 2) with regard to whom there are no circumstances that give a reason to presume that he or she is not suitable to possess a weapon because of the life style and behaviour endangering his or her own security and the security of another person;
- 3) who has no circumstances provided for in clauses 36 (1) 1)–9) and 11)–15) and subsections (1¹)–(4¹) of the Weapons Act, which preclude granting a permit for the acquisition of a weapon and the weapons permit;
[RT I, 19.03.2019, 10 - entry into force 01.07.2019]
- 4) who has undergone the medical examination prescribed in § 35¹ of the Weapons Act and who has a valid medical certificate.

(3) The Defence League Firearms Licence shall not be issued to an active member who has not been issued an acquisition permit for weapons in commerce and a weapons permit pursuant to the Weapons Act.

(3¹) The Defence League Firearms Licence shall be issued for up to five years.
[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(4) The procedure for the grant and issue of a Defence League Firearms Licence and the format of the weapons permit shall be established by a regulation of the minister responsible for the area.

(5) An active member who holds the Defence League Firearms Licence is required to undergo medical examination if the validity of the medical certificate has expired or over five years has passed from the issue of the medical certificate.

(6) Upon expiry of the validity of the medical certificate or a failure to undergo medical examination after the term referred to in subsection (5) of this section has passed and submit a new medical certificate the validity of the Defence League Firearms Licence shall be suspended or annulled pursuant to the provisions of this Act.

(7) An active member who holds a Defence League Firearms Licence may be granted the right to keep the weapon allotted to the Defence League or ammunition at his or her place of residence by the Commander of the Defence League or a district commander.

(8) The conditions of keeping a weapon and ammunition allotted to the Defence League at a place of residence of an active member and the procedure for depositing thereof shall be established by a regulation of the minister responsible for the area.

(9) The medical examination provided for in subsection (5) of this section shall be executed and the medical certificate issued at the expense of the Defence League if the Defence League has granted a military weapon to an active member to keep at his or her place of residence.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 44. Suspension of validity of Defence League Firearms Licence

(1) The validity of the Defence League Firearms Licence shall be suspended by the decision of the Commander of the Defence League or a district commander:

1) for the period when an active member is serving a disciplinary penalty, except during punishment of the active member by a reprimand;

2) upon expiry of the validity of the medical certificate prescribed in § 35¹ of the Weapons Act or a failure to attend medical examination;

2¹) if the holder of the permit has been punished pursuant to misdemeanour procedure for driving a power-driven vehicle, off-road vehicle or a tram when exceeding maximum permitted level of alcohol in the bloodstream, or for piloting an aircraft, sailing a watercraft or driving a rail vehicle while being intoxicated by alcohol;

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

2²) if the holder of the permit has been punished pursuant to misdemeanour procedure for the unlawful handling of small quantities of a narcotic drug or a psychotropic substance;

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

2³) if the holder of the permit is a fugitive, suspected or accused of a criminal offence against life or health, of a criminal offence relating to firearms or ammunition or of a criminal offence committed by using a weapon or by threatening to use a weapon or of a criminal offence provided for in §§ 231–239 or §§ 241, 244, 246, 251, 255, 256 and 424 of the Penal Code;

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(1¹) In the case of a criminal record specified in clauses (1) 2¹) and 2²) of this section the weapons permit shall be suspended for a period of six months up to one year.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(1²) The Defence League may suspend a weapons permit if criminal proceedings against the holder of the permit have been terminated on the basis of §§ 202, 203¹ or 205 of the Code of Criminal Procedure. The permit may be suspended until the performance of the obligation imposed on the person under subsection 202 (2) of the Code of Criminal Procedure or until the expiry of the term provided in subsection 203¹(5) or subsection 205 (2) of the Code of Criminal Procedure.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(1³) The weapons permit of an active member shall be suspended if a court ruling made on the basis of clause 177²(1) 3) of the Code of Enforcement Procedure has entered into force in respect of the person.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(1⁴) The suspension of validity of the weapons permit provided in clause 177²(1) 3) of the Code of Enforcement Procedure shall terminate if a court ruling made under subsection 177²(1) of the Code of Enforcement Procedure has entered into force in respect of the person.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

3) if there is good reason to suspect that the holder of the permit may endanger his or her own security or the security of another person with his or her lifestyle or behaviour;

4) for the period of proceedings of the violation of the requirements for handling and use of a weapon;

5) upon violation of the requirements for handling and use of a weapon;

6) upon suspension of the membership.

(2) Upon suspension of the validity of the Defence League Firearms Licence an active member is required to bring the weapon allotted to the Defence League in his or her possession and the ammunition issued to him or her immediately into custody of the Defence League as of becoming aware of the decision.

(3) Upon the cessation of the circumstance referred to in subsection (1) of this section the Commander of the Defence League or a district commander shall restore the validity of the Defence League Firearms Licence of an active member by a written decision.

(4) An active member the validity of whose Defence League Firearms Licence has been suspended on the basis of clauses (1) 3) and 5) of this section shall undergo the Defence League training in the handling and use of a weapon again before restoring the validity of the permit.

§ 45. Annulment of Defence League Firearms Licence

(1) The Commander of the Defence League or a district commander shall annul the firearms licence with a written decision if:

- 1) an active membership is terminated;
- 2) an active members is applying therefor;
- 3) circumstances become evident with regard to an active member that preclude keeping, carrying and use of a weapon;
- 4) circumstances exist provided for in clauses 36 (1) 1)–7) or clause 9) of the Weapons Act;
[RT I, 19.03.2019, 10 - entry into force 01.07.2019]
- 5) the validity of the Defence League Firearms Licence has been suspended due to the expiry of validity of the medical certificate or a failure to attend medical examination and an active member has failed to submit a new medical certificate within 90 days;
- 6) an active member refuses to participate in the training provided for in subsection 42 (5) of this Act or fails to do so within the term prescribed;
- 7) the firearms licence or an active member's personal firearm has been destroyed or lost;
- 8) an active member's personal firearm has become unusable to the extent that does not enable the restoration thereof or the active member does not wish to restore the weapon.

(1¹) The Defence League may revoke the weapons permit if:

- 1) there is reasonable doubt with regard to the holder of the permit that he or she may endanger the national security of the Republic of Estonia;
- 2) the holder of the permit is not suitable to hold this type of a weapon due to his or her lifestyle or behaviour which jeopardises the security of himself or herself or other persons;
- 3) the holder of the permit has been punished for an offence committed repeatedly and information concerning his or her punishment has not been expunged from the criminal records database according to the Criminal Records Database Act

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2) Upon annulment of the Defence League Firearms Licence the holder thereof is required to bring the weapon allotted to the Defence League which is in his or her possession and the ammunition issued immediately to the Defence League as of becoming aware thereof.

§ 46. Acquisition of active member's personal firearm and ammunition

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(1) An active member who has a Defence League Firearms Licence may acquire a personal firearm for the performance of the duties of the Defence League with the written consent of the Commander of the Defence League or a district commander (hereinafter an active member's personal firearm).

(2) The Commander of the Defence League or a district commander shall issue a written acquisition permit. The holder of the acquisition permit is entitled to acquire a model of a firearm indicated in the permit and keep and carry the acquired firearm until entering thereof into the Register of Weapons of Armed Forces.

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(3) The acquisition permit shall consist of:

- 1) Part A, which remains to the seller of the firearm;
- 2) Part B, which remains to the holder of the firearm and shall give the right to keep and carry the firearm indicated therein until entering thereof into the Register of Weapons of Armed Forces;

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

- 3) Part C, which remains with the Defence League.

(4) An active member's personal firearm shall be entered into the Register of Weapons of Armed Forces within five days as of the acquisition. The active member's personal firearm shall not be a military weapon for the purposes of the Weapons Act.

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(5) The conditions and format for granting permission for acquisition of an active member's personal firearm shall be established by a regulation of the minister responsible for the area.

(6) Information about an active member's personal firearm, its model, calibre and number shall be entered on the Defence League Firearms Licence.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

(7) An active member shall have the right to acquire ammunition for the active member's personal firearm indicated on the Defence League Firearms Licence. The amount of ammunition to be acquired shall not exceed the amount provided for in subsection 46 (5) of the Weapons Act.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

§ 47. Handling and use of active member's personal firearm

(1) The requirements that are valid for handling and use of such a weapon allotted to the Defence League that is not a military weapon shall be applied to the handling and use of an active member's personal firearm.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(2) The Defence League shall not be the owner of an active member's personal firearm. The Defence League shall not be responsible for the damages arising as a result of the use of the active member's personal firearm if the damage has been created outside the performance of the duty.

(3) The Defence League shall have the right to issue ammunition to the owner of an active member's personal firearm for the performance of the duty.

§ 48. Transfer of an active member's personal firearm

(1) A member of the Defence League shall have the right to transfer an active member's personal firearm only to another active member or the Defence League.

(2) Upon the transfer of an active member's personal firearm to another active member the provisions of § 46 of this Act shall be applied.

§ 49. Expiry of right to handle and use active member's personal firearm

(1) The right to handle and use an active member's personal firearm shall expire upon the termination of active membership or on the basis of a corresponding written application submitted to the Commander of the Defence League or a district commander by an active member or when circumstances provided for in §§ 7–8¹ of the Weapons Act become evident, except in the case provided for in subsection 50 (5) of this Act.

(2) Upon expiry of the right to handle and use an active member's personal firearm, a person is required to bring the firearm in his or her possession and the ammunition issued thereto into custody to the Defence League immediately upon becoming aware thereof.

(3) Upon expiry of the right to handle an active member's personal firearm the owner of the firearm shall have the right to keep the firearm in the personal ownership as a civilian weapon under the conditions provided for in the Weapons Act.

(4) Upon expiry of the right to handle an active member's personal firearm and after entering the firearm into the Register of Service and Civilian Weapons an active member's personal firearm, left into personal ownership, shall be deleted from the Register of Weapons of Armed Forces.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(5) The Defence League shall have the right to transfer the firearm to the Defence League on the basis of the provisions of the Weapons Act dealing with expropriation of a weapon and ammunition if a person does not wish to keep an active member's personal firearm in personal ownership as a civilian weapon or the use of the firearm for civilian purposes is prohibited.

(6) The Defence League shall notify the Police and Border Guard Board of the deletion of the firearm left in the personal ownership as a civilian weapon from the Register of Weapons of Armed Forces.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 50. Granting of weapon allotted to Defence League to honorary and supporting member

(1) The weapon allotted to the Defence League may be temporarily granted for keeping, carrying and use to an honorary and supporting member who has undergone the Defence League training in the handling and use of a weapon,.

(2) An honorary and supporting member who has not undergone the Defence League training in the handling and use of a weapon may only be granted a weapon allotted to the Defence League for use in the firing range after they have read the requirements for the use of the weapon.

(3) An honorary and supporting member shall have the right to transfer a weapon allotted to the Defence League or ammunition to another member of the Defence League upon the performance of a duty with the consent of the immediate leader. There is no right to give a weapon allotted to the Defence League or ammunition to a junior member.

(4) An honorary and supporting member may not be granted a weapon allotted to the Defence League or ammunition for keeping at the place of residence and they shall have no right to acquire an active member's personal firearm.

(5) This section shall not be applied to an honorary member elected on the basis provided for in clause 27 (2) 1) of this Act to whom the provisions of §§ 42–49 of this Act shall be extended.

§ 51. Granting of weapon allotted to Defence League to junior member of 12 years of age or older

(1) A junior member of 12 years of age or older may use a weapon allotted to the Defence League under the direct supervision of an active member with the written consent of a parent or guardian.

(2) A junior member referred to in subsection (1) of this section may not be given a weapon and ammunition allotted to the Defence League for keeping at the place of residence and he or she shall have no right to acquire an active member's personal firearm.

§ 52. Use of firearm entered into State Register of Service and Civilian Weapons

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(1) A member of the Defence League of 18 years of age or older may use a firearm, belonging to him or her and entered into the State Register of Service and Civilian Weapons, during the performance of a duty with the consent of the Commander of the Defence League or a district commander, granted in a format which can be reproduced in writing and in the case of holding a weapons permit. The Defence League shall have the right to issue ammunition for a weapon used upon the performance of a duty. Consent may not be given for use of a firearm, entered into the State Register of Service and Civilian Weapons at a meeting, demonstration, picket, celebration and other public event.

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(2) The requirements for the use of a weapon allotted to the Defence League provided for in subsection 42 (1), clause (3) 1) and subsection (8) of this Act shall be applied to the handling and use of a firearm, entered into the State Register of Service and Civilian Weapons upon the performance of a duty.

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(3) The conditions and procedure for the use of a firearm, entered into the State Register of Service and Civilian Weapons, upon the performance of a duty shall be established by a regulation of the minister responsible for the area.

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(4) The conditions and procedure for the issue of ammunition for a firearm, entered into the State Register of Service and Civilian Weapons, upon the performance of a duty shall be established by the Commander of the Defence League.

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(5) The Defence League shall not be liable for the damages resulting from using a firearm, belonging to an active member and permitted for the civilian purposes, outside the performance of the Defence League duty.

(6) This section shall not be applied to a hunting firearm.

[RT I, 04.03.2015, 5 – entry into force 01.04.2015]

Chapter 6 Liability of member

§ 53. Liability of member

(1) A member of the Defence League who violates the legislation providing for activities of the Defence League fails to perform the duties imposed thereupon or causes damage to the interests of the Defence League with his or her activities shall bear liability in the procedure provided for by legislation.

(2) The damaging of the reputation of the Defence League or violation of the requirements of the legislation providing for the activity of a member of Defence League upon the performance of a duty or a failure to comply with the order shall be a disciplinary offence for the purposes of this Act. A member of the Defence League may be imposed a disciplinary penalty for a disciplinary offence.

(3) A unit leader shall be competent to apply awards prescribed by laws and other legislation to the subordinates for the diligent performance of a duty and service-related progress and disciplinary penalties for disciplinary offences committed by them.

(4) A collegial body shall be competent to apply recognition for the performance of duties and to take measures upon the violation of the legislation providing for the activities of the Defence League to the extent and in the procedure provided for in the rules of procedure.

(5) A member of the Defence League shall bear personal and proprietary liability for a weapon granted by the Defence League, an active member's personal firearm, ammunition and other property granted to him or her.

(6) A member of the Defence League who has caused damage to the Defence League due to wrongful violation of a duty is required to compensate for the damage to the extent specified in subsections (8) and (9) of this section.

(7) Each member of the Defence League shall be liable for the damage caused jointly by several members of the Defence League to the extent in the proportion of his or her guilt.

(8) A member of the Defence League shall be liable for the intentionally caused damage to the full extent.

(9) In case of the damage caused by negligence a member of the Defence League shall be liable for the damage to the extent determined taking account of the duties, seriousness of guilt, the instructions given to him or her, the education of the member of the Defence League, the length of the period of being a member of the Defence League, current behaviour, knowledge and skills of the member of the Defence League as well as the opportunities of the Defence League to avoid damage.

(10) If the damage has not been caused intentionally, the compensation claimed shall not exceed six times the last average monthly gross salary published by Statistics Estonia prior to the month of causing the damage.

(11) A member of the Defence League shall be liable for a disciplinary offence only in the case of guilt.

(12) The forms of guilt are negligence, severe negligence and intent.

(13) Negligence is a failure to exercise due diligence required for the performance of duties of a member of the Defence League.

(14) Severe negligence is a failure to follow due diligence required for the performance of duties of a member of the Defence League to a significant extent.

(15) Intent is a conscious desire to violate a service duty.

(16) Upon assessment of guilt the education, period of being a member, knowledge and skills of a member of the Defence League shall be taken account of.

§ 54. Awards

(1) A member of the Defence League who follows the legislation providing for the activity of the Defence League and performs his or her obligations successfully and exceptionally may be granted awards in the procedure provided for in legislation.

(2) The awards applied to a member of the Defence League are:

- 1) mitigation of the disciplinary penalty, shortening of the term or deletion thereof before expiry of term;
- 2) expression of thanks;
- 3) granting of a letter of appreciation;
- 4) bestowal of the decoration of the Defence League;
- 5) making a valuable gift.

(3) The leader who imposed the disciplinary penalty and the direct leader thereof shall have the right to delete the disciplinary penalty before expiry of term.

(4) Expression of thanks shall be presented orally in front of the line or a corresponding assembly or by a directive.

(5) The immediate and direct leader of a member of the Defence League shall have the right to express appreciation orally in front of the line or a corresponding assembly.

(6) The leader of a structural unit shall have the right to grant a letter of appreciation.

(7) A person or body with the appropriate level of competency shall have the right to bestow the decoration of the Defence League.

(8) A unit leader shall have the right to make a valuable gift.

(9) The Commander of the Defence League shall have the right to apply the awards provided for in clauses (2) 1)–3) and 5) of this section.

§ 55. Disciplinary proceedings and disciplinary penalties

(1) Disciplinary proceedings may be initiated if circumstances become evident that refer that an action with the signs of disciplinary offence has been committed.

(2) Disciplinary penalties are:

- 1) reprimand;
- 2) suspension of the right to carry a weapon allotted to the Defence League for up to one year;
- 3) suspension of the membership of the Defence League for up to one year;
- 4) withdrawal of a decoration;
- 5) expulsion from the Defence League.

(3) During the suspension of the membership of the Defence League as a punishment a member of the Defence League shall be prohibited to carry and use a weapon allotted to the Defence League. The self-defence equipment and special equipment, ammunition granted to the possession of an active member of the Defence League, a firearm entered into the Register of Weapons of Armed Forces and other property of the Defence League shall be returned to the Defence League for the period of the suspension of membership.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

(4) Upon imposing a disciplinary penalty the severity of the disciplinary offence, the nature of the case proceeded and the earlier penalties of a member of the Defence League shall be taken account of.

(5) Only one disciplinary penalty may be imposed for one disciplinary offence. Upon imposing a disciplinary penalty the misdemeanour penalty or a criminal penalty for the same act shall not be taken account of. The continuing disciplinary offence shall be considered to be a new disciplinary offence if a member of the Defence League does not terminate violation after being notified of the decision on the imposition of a disciplinary penalty.

(6) A disciplinary penalty may not be imposed if the disciplinary offence has expired. A disciplinary offence shall expire after one year has passed from the commission thereof. The expiry of the disciplinary offence shall start from the moment a member of the Defence League terminates the commission of the act. The expiry of the disciplinary penalty shall suspend for the period of the proceedings of the disciplinary case but not for longer than 180 days. The Commander of the Defence League and the leader of a structural unit shall have the right, in spite of the expiry, to initiate investigation to identify the circumstances of the commission of the act.

(7) A disciplinary penalty shall expire after one year has passed as of the entry into force of the decision on imposing a penalty.

(8) The Commander of the Defence League shall decide on the readmission as a member of a person who has been expelled from the Defence League.

§ 56. Right to impose disciplinary penalty

(1) The immediate and direct leader shall have the right to express reprimand.

(2) The board and the leader who has the right to accept a member to the Defence League shall have the right to impose suspension of the membership of the Defence League and to expel from the Defence League as a punishment.

(3) A district commander shall have the right to suspend the right to carry a weapon.

(4) A person or body with the appropriate level of competency shall have the right to withdraw a decoration.

(5) The Commander of the Defence League shall have the right to impose penalties provided for in clauses 55 (2) 1)–3) and 5) of this Act.

Chapter 7 Guarantees

§ 57. Right of active member, honorary member and youth leader to holidays

(1) At the written request of the leader of a structural unit an active member and an honorary member elected on the basis provided for in clause 27 (2) 1) of this Act shall have the right to holidays without pay for up to 30 calendar days within one year for the performance of the task of the Defence League provided in clause 4 (1) 4) of this Act and participation in the performance of the tasks of the law enforcement agency specified in subsection (2) and the tasks of the Defence Forces specified in subsection (3¹) of this Act.
[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2) At the written request of the leader of the youth organisation a youth leader shall have the right to unpaid holidays for up to ten calendar days within one year to carry out the training of junior members. If the training of junior members lasts for at least 48 consecutive hours there is a right to unpaid additional holidays.

(3) The procedure for the application for and grant of additional holidays prescribed for members of the Defence League and a youth leader in the case of the performance of a task of the Defence League provided in clause 4 (1) 4) of this Act and the task of the law enforcement agency specified in subsection (2) and the task of the Defence Forces specified in subsection (3¹) of this Act shall be established by a regulation of the minister responsible for the area.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(4) Upon written application of a person and with the consent of the leader of a structural unit the Defence League may pay compensation to an active member, an honorary member elected on the basis provided for in clause 27 (2) 1) of this Act and a youth leader to the extent of up to 30 calendar days for additional holidays granted on the basis of subsection (1) or (2) of this section. The last average gross monthly salary published by Statistics Estonia shall form a basis for calculating the compensation.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(5) The procedure for application and payment of the compensation for additional holidays by the Defence League shall be established by a regulation of the minister responsible for the area.

§ 58. Bases for social guarantees of member of Defence League

(1) A member of the Defence League performing a duty provided for in clause 4 (1) 4) of this Act who gets injured or dies shall have the right to guarantees provided for in §§ 61, 64 and 65 of this Act.

(1¹) An active member of the Defence League performing a duty related to participation in guarding and who gets injured or dies shall have the right to guarantees provided for in §§ 61, 64 and 65 of this Act.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2) A member of the Defence League who has been invited to participate in the composition of the Defence League in the performance of the tasks of the law enforcement agency provided for in clauses 4 (2) 1), 2), 4), 6) and 7) of this Act shall have the right in the case of getting injured or death only to the guarantees provided for in §§ 61, 64 and 65 of this Act.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2¹) A youth leader who gets injured or dies while organising learning activities shall have the right to guarantees provided in §§ 61, 64 and 65 of this Act.

[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(3) The guarantees provided for in subsections 80 (5) and (7) and in §§ 193–196 of the Military Service Act shall be applied to a member of the Defence League who has been invited to participate in the reservist training, including an additional reservist training in the composition of the Defence League on the basis of clause 4 (3¹) 2) of this Act. A member of the Defence League shall have no right to receive concurrently the compensation provided for in subsection 57 (4) of this Act and in subsection 80 (5) of the Military Service Act.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(4) The guarantees provided for in §§ 193–196 of the Military Service Act shall be applied to a member of the Defence League who has been invited to participate in the activity provided for in clause 4 (2) 3) of this Act in the composition of the Defence League.

(5) A member of the Defence League shall have no right to guarantees provided for in §§ 61 and 64 of this Act if getting injured or death occurred upon the performance of duties provided for in clauses 4 (1) 1)–3) and 5)–8) of this Act.

(6) A member of the Defence League who is performing the duties of a wartime post shall have no right to guarantees provided for in this Act.

[RT I, 12.03.2015, 1 – entry into force 01.01.2016]

§ 59. Ensuring safety

(1) Upon the performance of duties provided for in subsection 4 (1) and the invitation to participate in the activity provided for in clause 4 (2) 3) of this Act the Defence League shall guarantee the compliance with the occupational health and safety requirements.

(2) In the case of the invitation to participate in the performance of the tasks of a law enforcement agency provided for in subsection 4 (2) and the tasks of the Defence Forces specified in subsection (3¹) of this Act the compliance with the occupational health and safety requirements shall be guaranteed by the inviting authority.
[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

§ 60. Identification of cause of injury and death of member of Defence League

(1) In the case of getting injured and death of a member of the Defence League upon the performance of duties provided for in subsection 4 (1) of this Act and participation in the activity provided for in clause (2) 3) of this Act the investigation into the occupational health and safety shall be organised by the Defence League. At least one person who is in the employment or service relationships with the Defence League shall participate in the conduct of investigation. The result of the investigation shall be approved by the Commander of the Defence League.

(2) The procedure for the conduct of investigation into the occupational health and safety in the Defence League shall be established by the Commander of the Defence League.

(3) In the case of getting injured or death of a member of the Defence League upon participation in the performance of tasks of a law enforcement agency specified in clauses 4 (2) 1), 2), 4), 6) and 7) of this Act the occupational health and safety shall be investigated by the respective authority that applied for the invitation of the Defence League to participate. The result of the investigation shall be submitted to the Commander of the Defence League.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(4) In the case of getting injured and death of a member of the Defence League upon the participation in the performance of the tasks of a law enforcement agency specified in subsection 4 (2) and the tasks of the Defence Forces specified in subsection (3¹) of this Act the investigation of the occupational health and safety shall be organised by the Estonian Defence Force. The result of the investigation shall be submitted to the Commander of the Defence League.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(5) In the case of getting injured of a member of the Defence League upon the performance of a task of the Defence League provided for in clause 4 (1) 4) of this Act and a task of a law enforcement agency specified in clause (2) 3) and the participation in reservist training, including additional reservist training, on the basis of clause (3¹) 2) of this Act the medical connection between the occurrence of permanent incapacity for work and getting injured upon the performance of the duty shall be established by the medical commission of the Defence Forces.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(5¹) For the performance of the duties provided for in subsection (5) of this section a doctor belonging to the medical commission of the Defence Forces has the right to receive information, from the health care provider and, with the consent of a person, from the Health Information System about the state of health of a member of the Defence League.

[RT I, 09.03.2016, 1 - entry into force 01.01.2017]

(5²) If a person does not grant consent for the use of his or her health information entered into the Health Information System or there is no information in the Health Information System concerning him or her or the information is insufficient for the performance of the duties specified in subsections (5), the person shall communicate the information to the medical commission of the Defence Forces on paper or in a format which can be reproduced in writing.

[RT I, 09.03.2016, 1 - entry into force 01.01.2017]

(5³) The list of information in the Health Information System and the periods for queries, which are necessary for the performance of duties of the medical commission of the Defence Forces, shall be established by a regulation of the minister responsible for the area.

[RT I, 09.03.2016, 1 - entry into force 01.01.2017]

(6) [Repealed - RT I, 16.06.2016, 2 – entry into force 01.07.2016]

(7) In the case of getting injured of a member of the Defence League upon the participation in the performance of the tasks of a law enforcement agency specified in clauses 4 (2) 1), 2), 4), 6) and 7) of this Act the connection between the level of work ability and the injury received as a result of the performance of a duty shall be established, where necessary, by the Estonian National Social Insurance Board pursuant to the procedure provided for in § 49¹ of the Civil Service Act.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

§ 60¹. Permanent incapacity for work

(1) For the purposes of this Act permanent incapacity for work is a serious functional impairment of a member of the Defence League occurring for more than 182 consecutive calendar days as a result of an injury due to the

performance of a task of the Defence League provided in clause 4 (1) 4) or the performance of a task of a law enforcement agency specified in clause (2) 3) or upon the performance of the duties during the participation in the reservist training, including additional reservist training, on the basis of clause (3¹) 2) of this Act.
[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2) The medical commission of the Defence Forces shall establish permanent incapacity for work, its extent and reason by expert assessment of permanent incapacity for work.

(3) The extent of permanent incapacity for work is expressed as a percentage of loss of capacity for work, by a number ending with zero.

(4) The conditions and procedure for establishing the permanent incapacity for work of a member of the Defence League, its extent and reason shall be established by a regulation of the minister responsible for the area.

[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

§ 61. Compensation in case of injury or death of member of Defence League

(1) The results of the investigation carried out in the Defence League or another relevant authority and the decision of the medical commission of the Defence Forces concerning the identification of the permanent incapacity for work or the decision on the assessment of the work ability carried out by the Estonian Unemployment Insurance Fund and the decision of the Social Insurance Board with regard to the identification of the connection provided for in subsection 60 (7) of this Act, together with the opinion of the Commander of the Defence League regarding the payment of compensation, shall be forwarded by the Defence League to the Estonian Ministry of Defence for decision.

[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

(2) The Estonian Ministry of Defence shall make a decision within 60 days as of the receipt of information from the Defence League.

(3) The Estonian Ministry of Defence shall be entitled to carry out additional investigation before making the decision and request additional information therefor. The term for making a decision provided for in subsection (2) of this section shall suspend for the period of additional investigation and request for information. The additional investigation and request for information shall be formalised in a format that can be reproduced in writing.

(4) A member of the Defence League, who is declared permanently incapacitated for work by the medical commission of the Defence Forces in the case of an injury received due the performance of a duty provided for in clause 4 (1) 4) of this Act shall be paid a lump-sum compensation by the Defence League at the expense of the financial resources allocated from the state budget on the basis of the decision of the Estonian Ministry of Defence:

1) in the event of the loss of capacity for work to the extent of 10-30 per cent - in the amount equal to six times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of identification of the loss of the capacity for work;

2) in the event of the loss of capacity for work to the extent of 40-50 per cent - in the amount equal to 24 times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of identification of the loss of the capacity for work;

3) in the event of the loss of capacity for work to the extent of 60-70 per cent - in the amount equal to 48 times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of identification of the loss of the capacity for work;

4) in the event of the loss of capacity for work to the extent of 80-90 per cent - in the amount equal to 72 times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of identification of the loss of the capacity for work;

5) in the case of the loss of capacity for work to the extent of 100 per cent - in the amount equal to 96 times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of identification of the loss of the capacity for work.

[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

(4¹) A member of the Defence League, who has been established partial or no ability to work by the Estonian Unemployment Insurance Fund on the basis of the Work Ability Allowance Act in the case of an injury received due to the performance of duties upon the participation in the performance of the tasks of a law enforcement agency specified in clauses 4 (2) 1), 2), 4), 6) and 7) of this Act, shall be paid a lump-sum compensation by the Defence League at the expense of the financial resources allocated from the state budget on the basis of the decision of the Estonian Ministry of Defence:

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

1) in the case of partial work ability – in the amount equal to 24 times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of assessment of the ability to work;

2) in the case of no work ability - in the amount equal to 96 times the latest average monthly gross wages published by Statistics Estonia for the month preceding the month of assessment of the ability to work.
[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

(4²) A youth leader who has an injury received during the organisation of the learning activities, due to which the Estonian Health Insurance Fund has established partial or no work ability of him or her on the basis of the Work Ability Allowance Act, the Defence League shall pay the amount in the lump sum from the financial resource allocated from the state budget on the basis of the decision of the Estonian Ministry of Defence pursuant to the provisions of clause (4¹) 1) or 2) of this section.
[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(4³) An active member of the Defence League, who has been established partial or no ability to work by the Estonian Unemployment Insurance Fund on the basis of the Work Ability Allowance Act due to an injury received upon the performance of a duty related to the participation in guarding, shall be paid a lump-sum compensation by the Defence League from financial resources allocated from the state budget on the basis of the decision of the Estonian Ministry of Defence pursuant to the provisions of clause (4¹) 1) or 2) of this section.
[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(5) Upon death of a member of the Defence League lump-sum compensation shall be paid by the Defence League at the expense of the financial means allocated from the state budget in the amount of 150 times the last average gross monthly salary of the month prior to the month of death published by the Statistics Estonia.

(6) A member of the Defence League of 18 years of age or older shall have the right to nominate a natural person or persons to receive up to 50 per cent of the compensation specified in subsection (5) of this section.

(7) The procedure for the appointment of a natural person entitled to receive the compensation by a member of the Defence League shall be established by a regulation of the minister responsible for the area.

(8) After the payment of the compensation on the basis of this section the right of claim shall arise for the state with regard to a guilty person in the amount of the compensation paid. The minister responsible for the area or a person authorised by him or her shall represent the state in the claim case.

§ 62. Application for compensation

(1) A person entitled to receive compensation provided for in subsections 61 (4), (4¹) and (5) of this Act shall have the right to apply for compensation within one year as of the establishment of the permanent incapacity for work, assessment of work ability or death of a member of the Defence League.

(2) The conditions and procedure for application for lump-sum compensation in the case of death, permanent incapacity for work and partial or no work ability of a member of the Defence League, the assignment of the compensation and conditions and procedure for payment thereof shall be established by a regulation of the minister responsible for the area.
[RT I, 16.06.2016, 2 – entry into force 01.07.2016]

§ 63. Payment of compensation

(1) [Repealed – RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(2) [Repealed – RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(3) [Repealed – RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(4) [Repealed – RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(5) [Repealed – RT I, 23.04.2014, 1 – entry into force 01.10.2014]

(6) In the case of the death of a member of the Defence League the compensation prescribed in subsection 61 (5) of this Act shall be paid out as follows:

- 1) up to 50 per cent of the amount of compensation to a person or persons nominated by the deceased on the basis of subsection 61 (6) of this Act;
- 2) at least 50 per cent of the amount of compensation to the children, parents, widow or widower and other persons who were maintained by the deceased on the basis of the Family Law Act.

(7) Upon a failure to nominate a person or persons specified in subsection 61 (6) of this Act the total compensation shall be paid out to the persons specified in clause (6) 2) of this section. In the event that a member of the Defence League does not have a person specified in clause (6) 2) of this section, the total amount of the compensation shall be paid to a person or persons nominated on the basis of subsection 61 (6) of this Act.

§ 64. Compensation for medical treatment expenses of member of Defence League

[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(1) The medical treatment expenses of a member of the Defence League shall be covered, where necessary, if he or she was injured during the performance of a duty:

- 1) upon the performance of the task specified in clause 4 (1) 4) of this Act;
- 2) in the composition of the Defence League, being involved in the activity specified in clauses 4 (2) 1), 2), 4), 6) or 7); of this Act;
- 3) as a youth leader during the arrangement of the learning activities;
- 4) upon participation in guarding on the basis of subsection 70 (1¹) of this Act.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2) In the cases provided in subsection (1) of this section the medical treatment expenses of a member of the Defence League shall be compensated from the budget of the Defence League up to the maximum extent, if the medical commission of the Defence Forces has established that the member of the Defence League needs health care, medicine or medical equipment due to the injury received during the performance of a duty.

(3) The conditions, maximum limit and procedure for payment of compensation for medical treatment of a member of the Defence League shall be established by a regulation of the minister responsible for the area.

[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

§ 65. Covering funeral expenses of member of the Defence League

(1) The funeral of a member of the Defence League who died due to the performance of the duties shall be organised and the funeral expenses shall be covered by the Defence League up to the maximum limit.

[RT I, 28.12.2017, 8 - entry into force 01.01.2018]

(2) The conditions and procedure for payment of funeral expenses of a member of the Defence League who died due to the performance of a duty shall be established by a regulation of the minister responsible for the area.

§ 66. Circumstances that preclude payment of compensation and covering other expenses

(1) The provisions of §§ 61, 64 and 65 of this Act shall not be applied if a member of the Defence League:

- 1) was not acting in the composition of the Defence League during the event occurring;
- 2) had terminated the performance of a duty with the consent of the leader during the event occurring;
- 3) had left the location of the performance of a duty without authorisation during the event occurring;
- 4) was in an intentionally caused state of intoxication during the event occurring;
- 5) committed an act punishable by way of disciplinary procedure during the event occurring;
- 6) committed an offence during the event occurring;
- 7) committed a suicide or an attempt of suicide or a self-injury which was not related to the medical condition nor was it caused by wrongful behaviour of other persons during the event occurring;
- 8) neglected safety requirements resulting in health damage during the event occurring;
- 9) was engaged in an activity not related to duties during the event occurring for the period of which a competent person had released him or her from the performance of duty;
- 10) had previously refused to participate in health damage prevention actions or failed to participate therein;
- 11) had been suspended from service during the event occurring due to the disciplinary proceedings or on other basis provided by law;
- 12) was performing duties arising from the nomination to a post in civil service, an employment contract or duties arising from any other similar contract during the event occurring.

(2) Getting injured and death of a member of the Defence League shall not be considered resulting from the performance of a duty if the injury or death of a member of the Defence League was caused by a disease or injury known to him or her before.

(3) In addition to the provisions of subsections (1) and (2) of this section the absence of medical connection between the performance of a duty and death is considered a circumstance precluding the creation of the right to compensation and covering other expenses provided for in §§ 61, 64 and 65 of this Act.

(4) A member of the Defence League who does not provide the information necessary for identification of the loss of capacity for work or fails to appear to the medical commission of the Defence Forces without good reason shall be deemed to have abandoned compensation or covering expenses.

§ 67. Compensation for expenses incurred upon performance of duty and payment of daily allowance

(1) A member of the Defence League may be paid compensation for up to the maximum limit for expenses incurred upon the performance of a duty.

(2) The conditions, extent, maximum limit and procedure for payment of compensation to a member of the Defence League shall be established by a regulation of the minister responsible for the area.

(3) The Defence League shall be entitled to send an active member on secondment abroad for the performance of a duty and pay compensation and daily allowance related to the secondment to an active member.

(4) Daily allowance shall be paid under the conditions and to the minimum limit established by a regulation on the basis of subsection 40 (3) of the Employment Contracts Act unless compensation to a larger extent has been agreed upon between the parties.

§ 68. Catering of member of the Defence League

(1) A member of the Defence League may be ensured free catering within the extent of the determined cost upon the performance of the tasks of the Defence League provided for in subsection 4 (1) of this Act and the tasks of a law enforcement agency specified in subsection (2) and the tasks of the Defence Forces specified in subsection (3¹).

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2) The conditions, procedure and cost of ensuring catering prescribed for a member of the Defence League shall be established by a regulation of the minister responsible for the area.

§ 68¹. Processing of personal data in case of application for guarantees

The Defence League, the Ministry of Defence, the medical commission of the Defence Forces and the medical peer review commission of the Ministry of Defence shall have the right to process personal data, including health data, upon deciding on granting guarantees prescribed in this chapter to a member of the Defence League and a person related to him or her.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

Chapter 8 Guarding

§ 69. Provision of guarding

(1) For the purposes of this Act guarding is deemed to be the monitoring of a foreign mission of Estonia or a territory, building or property used for the national defence purpose (hereinafter the guarded object) and the surroundings thereof to discover a danger of attack or attack, for prevention or hindrance of the violence of law and elimination of danger and taking measures to guarantee the immunity of the guarded object or property.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(1¹) The guarded objects are divided into objects guarded on a permanent basis and objects guarded on a temporary basis.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2) The list of objects and property guarded by the Defence League on a permanent basis shall be established by a regulation of the minister responsible for the area.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2¹) An object guarded on a temporary basis may be a territory temporarily used for the provision and organization of military training, which is owned by the Defence League or which may be used by the Defence League on the basis of an agreement concluded with its owner or legal possessor in a form which can be reproduced in writing.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(3) [Repealed - RT I, 12.03.2015, 1 – entry into force 01.01.2016]

(4) The Commander of the Defence League or a person authorised by him or her shall conclude a contract for guarding with the possessor of an object guarded on a permanent basis. The contract for guarding a foreign mission of Estonia shall be concluded by the Commander of the Defence League.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(5) The contract for guarding shall include at least the following data:

- 1) the title of the district of the Defence League that is organising security, the name of the representative and contact data thereof;
- 2) the period and duration of the provision of security;
- 3) the maximum number of the guards of the guarded objects or property;
- 4) the work area of a guard;
- 5) the name and contact data of the representative of the owner of the guarded object or property;
- 6) a list of weapons and special equipment permitted for use by the guard of the guarded object or property;

7) conditions for amending the contract for guarding.

(6) The fee for organisation of guarding of an object guarded on a permanent basis and the conditions of use thereof shall be determined by the contract concluded between the administrator of state assets and the Defence League.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

§ 69¹. Designation, marking and guarding of objects guarded on temporary basis

(1) An object guarded on a temporary basis shall be designated by Commander of the Defence League, Chief of Staff of the Defence League, Commander of the territorial defence region or Commander of the Defence League district if this is indispensable for the ensuring of the security of the Defence League or third persons.

(2) The Defence League shall coordinate the designation of an object guarded on a temporary basis with the prefecture of the location of the object beforehand and inform the local government of the location of the object of the designation.

(3) An object guarded on a temporary basis shall be marked at the earliest opportunity.

(4) The procedure and signs for the marking of an object guarded on a temporary basis shall be established by a regulation of the minister responsible for the area.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

§ 70. Status of guard and person participating in guarding

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(1) A guard is a person whose duty is to provide guarding of an object guarded on a permanent basis.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(1¹) A person participating in guarding is:

1) an active serviceman in the peacetime post in the Defence League whose duty is to participate in guarding;

2) an active member of the Defence League whose duty is to participate in guarding.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(1²) Participation in guarding is:

1) assisting the guard of an object guarded on a permanent basis;

2) guarding of an object guarded on a temporary basis according to the guidelines of an active serviceman responsible for provision and organisation of military training on the object.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2) A guard may be an active member of the Defence League of at least 19 years of age and an honorary member elected on the basis of clause 27 (2) 1) of this Act.

(3) A guard and a person participating in guarding is required to have undergone the training of a guard organised by the Defence League according to the study programme approved by the Commander of the Defence League.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(4) The Commander of the Defence League or a person authorized by him or her shall conclude a respective employment contract with the guard in compliance with the law, which sets out, among other, the possessor of the guarded object or a person authorised by him or her, who shall have the right to issue temporary orders to the guard upon the performance of duties. The possessor of the object guarded on a permanent basis or the authorized representative thereof shall have no right to issue to the guard the tasks that are not provided for in the contract specified in subsection 69 (4) of this Act.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(5) The performance of the tasks of a guard is not be deemed to be the performance of a duty for the purposes of § 33 of this Act and civil service for the purposes of the Civil Service Act.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

§ 71. Obligations and authority of guard and person participating in guarding

(1) A guard shall wear a uniform, armband and emblem received from the Defence League upon the performance of the duties.

(1¹) A person participating in guarding shall wear a uniform and insignia upon the performance of a function or duty.
[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(2) The description of the armband and emblem of a guard of the Defence League and the procedure for wearing thereof shall be established by a regulation of the minister responsible for the area.

(2¹) A person participating in guarding an object guarded on the permanent basis and an object guarded on a temporary basis and marked properly may carry weapons, special equipment and self-defence equipment and apply measures and direct coercion allowed to a guard to the extent and pursuant to the procedure provided in subsections (3)-(9) of this section and §§ 72 and 73 of this Act.
[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(3) A guard shall be entitled to:

- 1) identify a person who wishes to enter the guarded object;
- 2) prevent access to the guarded object and detain a person who is trying to enter the object without permission or any other legal basis;
- 3) suspend a person who has entered the guarded object without permission;
- 4) detain a person who is suspected of the commission of an offence on the guarded object;
- 5) suspend a person who is entering or has entered the guarded object, is staying there without a corresponding permission or other legal basis, endangers the guarded object, the property kept there or the persons staying on the object or prevents the guard upon the performance of the duties thereof;
- 6) check a person and his and her clothing upon entering the guarded object and leaving therefrom by way of observation and feeling or by means of a technical device or with the help of a trained service dog in order to ensure that the person does not possess items or substances by which he or she may endanger himself or herself or other persons or the possession of which is prohibited on the guarded object;
- 7) check a thing that a person is carrying with upon entering the guarded object and leaving therefrom by way of observation or by means of a technical device or with the help of a trained service dog in order to ensure that the person does not possess items or substances by which he or she may endanger himself or herself or other persons or the possession of which is prohibited on the guarded object;
- 8) detain a person for the prevention of an imminent criminal offence or countering of an immediate threat endangering a person's life or physical inviolability.

(4) The guard may detain a person by locking him or her to a room or a vehicle and by restricting his or her physical liberty to a significant extent in another manner. The guard shall immediately notify the relevant authority of the detention of a person with the purpose of the delivery thereof. A person may not be detained for longer than six hours.

(5) A detained person shall be notified of the reason for his or her detention and, at his or her request, of the rights and obligations of the guard provided for in this chapter.

(6) Upon detention, direct coercion may be used insofar as it is unavoidable for the achievement of the objective.

(7) A person who is suspended or detained on the basis provided for in subsection (3) of this section, where there is no reason to suspect him or her of the commission of the offence, shall be directed out of the guarded object.

(8) If there is a reason to believe that a person who has been suspended or detained on the basis provided for in subsection (3) of this section has committed an offence, the person shall be immediately delivered to the Police and Border Guard Board or to a relevant authority in a foreign state.

(9) The guard shall be entitled to take into deposit an item or substance, found in the course of the check provided for in clauses (3) 6) and 7) of this section, which may pose a threat to the person himself or herself or to another person or the possession of which is prohibited on the guarded object. The taking into custody of an item or substance shall be documented. An item or substance taken into deposit in the course of the check shall also be delivered together with the delivery of the detained person to the Police and Border Guard Board or a relevant authority in a foreign state. Upon the release of the person the item or substance taken into deposit shall be returned to the person except in the case the person fails to have the permission that is needed for the possession of the item or substance. A guard shall notify the specified authority of the possession of the prohibited substance or item at the earliest opportunity.

§ 72. Weapons and special and self-defence equipment of guard

(1) A guard shall be entitled to carry a firearm, a cut-and-thrust weapon and gas weapon and special and self-defence equipment upon the performance of a duty. Handling of a firearm, a cut-and-thrust weapon and gas weapon shall take place in the procedure provided for in the Weapons Act and the legislation issued on the basis thereof unless otherwise provided for in this Act.

(2) For the purposes of this chapter a firearm is a pistol, revolver, gun and automatic firearm. Only a military weapon may be used as a firearm.
[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

- (3) For the purposes of this chapter a cut-and-thrust weapon is a truncheon and telescopic truncheon.
- (4) For the purposes of this chapter a gas weapon is a gas spray.
- (5) Only a guard who is holding the Defence League Firearms Licence shall have the right to carry a firearm.

§ 73. Use of direct coercion

(1) For the purposes of this Act direct coercion means the affecting of a natural person, animal or thing by physical force or firearm, cut-and-thrust weapon and gas weapon or special or self-defence equipment. Upon the use of direct coercion the damaging of a natural person, animal or thing shall be avoided to a larger extent insofar that is unavoidable for the achievement of the objective.

(2) Physical force may be used upon the guard of an object if identification and countering of the danger, detention of a person and the combating of a person's activity by means of an oral order of a guard is impossible or impossible in a timely manner.

(3) Special and self-defence equipment and cut-and-thrust weapon and gas weapon may be used upon the protection of the guarded object to combat an attack against the guard or another person if the attack involves a threat to life or health of the guard or other person, and to detain a person if there is a good reason to believe that he or she may damage high value proprietary benefit, escape, attack the guard or endanger other persons and himself or herself.

(4) If using handcuffs is impossible, a guard may use binding means on the bases provided for in subsection (3) of this section if this does not jeopardise the person's life, cause him or her bodily injury or severe physical pain. The using of binding means shall not last for more than one hour at a time.

(5) A service dog who has received the corresponding training may be used for the guard and protection of the guarded object. Movement within the guarded object with a service dog without muzzle shall be allowed if the dog is on leash or the territory is fenced and the appropriate signs notify of the use of a service dog. A service dog may not be left unsupervised on the guarded object.

(6) A guard may use a firearm to counter serious threat if countering the threat by means of other direct coercion means is impossible or is impossible in a timely manner with the consideration that upon using a firearm everything is done not to endanger any other substantial interest.

(7) A guard may use a firearm with regard to a person in the last resort only to make him or her incapable of attacking, offering resistance or escaping if it is impossible to achieve this objective by using a service animal or by using a firearm against a thing or by another measure of direct coercion, and if it is also necessary in order to:

- 1) counter an immediate threat to life or physical inviolability;
- 2) prevent the commission of an imminent or already on-going criminal offence in the first degree or such a criminal offence for which life imprisonment may be sentenced as a punishment.

(8) Before the application of direct coercion a guard is required to caution orally the person with regard to whom or with regard to an animal or thing in the person's possession he or she is planning to apply direct coercion. Upon cautioning it should be considered that the person cautioned should have the possibility to retreat voluntarily. It is not required to caution persons against the using of a technical barrier with regard to them.

(9) Cautioning may be neglected if it is impossible due to the urgent need to counter an immediate serious threat or eliminate a disturbance. Cautioning may not be neglected upon the using of a firearm against the crowd.

(10) If a bodily injury is caused to a person upon the application of direct coercion, the guard shall be required to guarantee first aid to the person at the first opportunity and, if necessary, call for emergency medical care or a person providing the corresponding service in a foreign state.

(11) Upon causing bodily injury to a person or causing death of a person due to the application of direct coercion by the guard, the guard is required to immediately notify orally the Police and Border Guard Board or a relevant authority in a foreign state of the occurrence and submit a written notice to the referred to authority within one day after the occurrence of the event.

(12) The written notice shall set out the time and place of the occurrence of the event, circumstances of the event, the name of the person who used direct coercion and the data of the person against whom direct coercion was used and the description of the consequences of the using of direct coercion.

(13) If the event took place in a foreign state, the name of the person who used direct coercion shall not be noted and the notice shall be approved and submitted by the possessor of the guarded object. In the case of the

guard of a foreign mission of Estonia the guard shall have immunity pursuant to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

§ 74. Guarantees prescribed to guard

A guard who has been established partial or no work ability due to the performance of a duty shall be paid compensation by the Defence League in the amount of:

- 1) an annual salary of the guard in the case of partial ability to work;
 - 2) three years' salary of the guard in the case of no ability to work.
- [RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force amended - RT I, 17.12.2015, 1)]

(2) In the case of the death of the guard upon the performance of a duty the Defence League shall pay five years' salary of the guard as a lump-sum compensation which shall be divided equally between the persons entitled to compensation. The persons entitled to compensation are the widow or widower of the guard and the person who was being maintained by the guard on the basis of the Family Law Act.

(3) The compensation shall be calculated on the basis of the average salary for the last 12 months of the guard who has partial or no work ability or who has died.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force amended - RT I, 17.12.2015, 1)]

(4) The compensation provided for in clause (1) 1) of this section shall be paid out in two equal parts. The first part shall be paid out within 30 days as of the submission of the information confirming the establishment of the partial ability to work to the Defence League. The second part shall be paid after one year has passed from making the first payment on the assumption that the work ability has not recovered. Upon the recovery of the work ability the second part shall not be paid out.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force amended - RT I, 17.12.2015, 1)]

(5) The compensation provided for in clause (1) 2) of this section shall be paid out in three equal parts. The first part shall be paid out within 30 days as of the submission of the information confirming the establishment of no work ability to the Defence League. The second part shall be paid after one year has passed and the third part shall be paid out after two years has passed from making the first payment on the assumption that the work ability has not recovered partially or totally. Upon the partial recovery of the work ability the part to be paid out shall be decreased by half. Upon the total recovery of the work ability before the expiry of the term for the payment of the second or third part, the respective part shall not be paid out.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force amended - RT I, 17.12.2015, 1)]

(6) A person entitled to receive compensation shall have the right to apply for the compensation within one year as of the establishment of the partial or no work ability or death of the guard.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force amended - RT I, 17.12.2015, 1)]

(7) The payment of compensation shall not relieve the Defence League from other obligations provided for by law upon the compensation of the guard for the partial or no work ability.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force amended - RT I, 17.12.2015, 1)]

(8) After the payment of compensation on the basis of this section at the expense of the financial means allocated to the Defence League from the state budget the right of claim shall arise for the state with regard to a guilty person in the amount of the compensation paid. The minister responsible for the area or a person authorised by him or her shall represent the state in the claim.

(9) The Defence League shall have the right to process personal data, including health data, upon deciding on granting guarantees prescribed in this section to a guard for the performance of his or her duties and a person related to him or her.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

§ 75. Organisation of guarding of objects and property of Defence League

(1) The guarding of the objects and property of the Defence League shall be financed from the budget of the Defence League.

(2) The guarding of the objects and property of the Defence League shall be organised in the procedure provided for in §§ 70–73 of this Act.

Chapter 9

Property and passive legal capacity

§ 76. Property of Defence League

The Defence League shall possess, use and dispose of the property in the procedure provided for in laws and the legislation issued on the basis thereof.

§ 77. Disposal of property of Defence League

(1) The Defence League may transfer property that is not necessary for the performance of the duties of the Defence League, guided by the principle of increasing profit that the Defence League may gain from these acts or transactions, avoiding losses and ensuring that the transactions made with the property shall be in compliance with the legislation and transparent and controllable.

(2) The Defence League may grant into the use of other person only such property that the Defence League considers to be necessary for the performance of the duties thereof but which is not currently possible or practical to use for that purpose. The procedure for granting the property to the use of other person shall be established by the General Board.

(3) The Defence League shall acquire immovable property and pledge and transfer immovable property belonging thereto on the decision of the General Assembly of the Defence League and upon approval of the minister responsible for the area.

(4) Upon the grant and transfer of its property the Defence League shall follow the provisions of Chapters 3 and 4 of the State Assets Act.

(5) The right provided for in subsection (2) of this section shall not extend to a weapon allotted to the Defence League, special equipment and self-defence equipment and a vehicle entered into the Estonian Defence Forces and Defence League motor vehicles register.

§ 78. Granting property of Defence League to use of Estonian Defence Forces

The Estonian Defence Forces shall have the right to use without charge, with the consent of the Defence League and at the agreed time, the training area, firing ranges and other buildings of the Defence League for the performance of the tasks provided for in clauses 3 (1) 2) and 4²⁾ of the Estonian Defence Forces Organisation Act. The Defence Forces and the Defence League may agree upon use of property differently from the provisions of subsections 18 (3), (5) and (6) of the State Assets Act.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

§ 79. Passive legal capacity of Defence League

(1) The Defence League may not have rights and obligations which are not arising from law and are in controversy with the purpose thereof.

(2) For the performance of its tasks the Defence League shall have the right to:

- 1) enter into contracts;
- 2) build training area and sports facilities;
- 4) provide accommodation and catering service;
- 5) publish a paper, journal, manual and other printed matter;
- 6) organise fund-raising and public events, including for charge;
- 7) on the decision of the General Assembly or the General Board establish a legal person governed by private law or become a member thereof in support of the performance of its duties;
- 8) invite persons from outside the Defence League, including a foreign state, to participate;
- 9) provide for charge services related to the principal activity.

[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(3) The Defence League shall have the right to take a loan with the permission of the Government of the Republic.

(4) The Defence League shall have the right to use without charge the training area, firing ranges, military weapons, battle equipment, uniforms and other military equipment of the Estonian Defence Forces and the necessary registered immovables and buildings thereon with the consent of the Defence Forces and at an agreed time for the performance of the tasks of the Defence League provided for in clauses 4 (1) 1)-5) and 7) of this Act and for the participation in the performance of the tasks of a law enforcement agency specified in clauses 4 (2) 1)-4), 6) and 7) and the tasks of the Defence Forces specified in subsection 4 (3¹⁾ of this Act. The Defence Forces and the Defence League may agree upon the use of the property differently from the provisions of subsections 18 (3), (5) and (6) of the State Assets Act. Pursuant to the procedure established by the administrator of state assets the state agency providing infrastructure development and maintenance services may conclude an agreement on the use of real estate in the area of government.

[RT I, 19.03.2019, 10 - entry into force 01.07.2019]

(5) The Defence League shall have no right to:

- 1) guarantee the obligations of natural and legal persons with its assets;
- 2) be a partner in the general partnership;

- 3) be a general partner in the limited partnership;
- 4) manage general or limited partnership.

§ 80. Verification of personal data and access to registers

(1) The Defence League shall have the right to receive data and evidence in the possession of a database, state and local government authority and legal person governed by public law with regard to a person wishing to become a member and the active legal capacity and punishments thereof to verify the existence of the bases provided for in subsection 24 (1), clauses (2) 2)–8) and subsection (3), subsection 25 (1) and clauses (3) 2) and 4), clause 43 (2) 2) of this Act and clauses 36 (1) 4)–8) and 11)–14) and subsections (2)–(4) of the Weapons Act to decide on the acceptance for a member and assess the compliance with the requirements for a member.

(2) The Defence League shall have the right to receive data regarding the termination of the criminal proceedings, decision on sending to the court and the court decision with regard to a member and applicant for becoming a member from the prosecutor's office to verify the existence of the bases provided for in clause 24 (3) 2) and subsection 29 (3) of this Act.

(2¹) Personal data provided for in subsections (1) and (2) of this section shall be preserved for up to five years from the termination of membership of the Defence League or refusal to accept for becoming a member of the Defence League. After the expiry of that term the data will be deleted.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

(3) The justified application for receiving the data shall be formalised in writing by the Defence League appointing the term for submission of the data, which cannot be shorter than ten days.

(4) Upon the performance of a duty provided for in clause 4 (1) 4) of this Act the Defence League shall have the right to get information with regard to an active member concerning the course of military service from the national defence obligation register, concerning the validity of the driving licence and the right to drive from the traffic register and concerning the wartime unit and wartime post and the material resources of the wartime unit and post from the mobilisation register.

(5) The Defence League shall have an obligation to verify the health data of a member of the Defence League and the applicant for becoming a member on the basis of the medical certificate.

(6) The Defence League shall have the right to receive data from the archives of the punishment register to verify the existence of the bases provided for in clause 24 (3) 3) of this Act.

§ 80¹. Processing of personal data

In the cases provided for in this Act, the Defence League shall have the right to process the personal data, including health data, of a member of the Defence League in order to verify the rights and obligations of a member of the Defence League and perform the tasks of the Defence League.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

§ 81. Bearing and covering expenses of resource-intensive training of active member

(1) The Defence League may cover the expenses of resource-intensive training needed for military training of an active member at the expense of the financial resources allocated from the state budget.

(2) The Defence League shall enter into a contract with an active member on bearing and covering the expenses of the training needed for military training and the supplementary expenses incurred and for the determination of the duration of the obligation to be an active member. The contract shall be concluded in the procedure provided for by the Law of Obligations Act if the cost of the training and supplementary expenses incurred is over 300 euros.

(3) The total duration of the training provided by the Defence League cannot exceed 120 days at a time.

(4) The contract concluded on the basis of subsection (2) of this section may prescribe covering the following expenses:

- 1) basic cost of a study and training place and the training fee;
- 2) transport expenses;
- 3) accommodation and catering expenses;
- 4) other expenses related to the secondment.

[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(5) An active member who has concluded a contract may be required to be an active member of the Defence League for up to five years. Additional conditions may be prescribed in the contract for participation in the activities of the Defence League.

(6) The procedure for calculation, covering and compensation of the expenses of resource-intensive training needed for military training and assignment of the obligation to be a member of the Defence League shall be established by a regulation of the minister responsible for the area.

(7) An active member is required to compensate for the cost of training needed for military training and supplementary expenses to the Defence League if:

- 1) he or she interrupted the training needed for military training without good reason;
- 2) his or her membership of the Defence League terminated on the bases provided for in subsection 30 (5) of this Act;
- 3) he or she is becoming a supporting member before the term provided for in the contract concluded on the basis of subsection (2) of this section.

Chapter 10

Financing and audit

§ 82. Revenue of Defence League

(1) The revenue of the Defence League is made up of:

- 1) membership fee;
- 2) financial resources allocated from the state budget;
- 3) income received on the basis of contracts;
- 4) contributions and support;
- 5) income received from non-budgetary foundation capital and foundations and other receipts;
- 6) income received from transfer of property;
- 7) income received from organisation of training and education;
- 8) other legally received income.

§ 83. Budget

(1) A balanced budget shall be prepared for all the revenues and losses of the Defence League, which shall be in compliance with the financial plan of the Defence League, rules of budget positions set out in § 6, rule of net debt burden set out in § 10 and restrictions established on the basis of § 11 of the State Budget Act.
[RT I, 13.03.2014, 2 – entry into force. 23.03.2014](2)

(2) Upon preparation of the budget the financial resources allocated from the state budget and other income shall be reflected separately.

(3) The financial resources allocated to the Defence League from the state budget shall be used for intended purpose.

§ 83¹. Financial plan of Defence League

(1) Every year the Defence League shall prepare a financial plan, which is a basis for the preparation of the budget of the Defence League.

(2) The financial plan shall be prepared and submitted pursuant to the requirements provided for in § 12 of the State Budget Act.
[RT I, 13.03.2014, 2 – entry into force. 23.03.2014]

§ 84. Tax audit, internal audit and reporting

(1) The economic activities of the Defence League shall be audited with the tax audit assigned in the procedure provided for in this Act and established in the rules of procedure of the Defence League.

(2) The accounting of the Defence League shall be organised in the procedure provided for in the Accounting Act and other legislation.

(3) The internal audit over the use of the budgetary resources for intended purpose shall be executed by a person assigned by the Commander of the Defence League.

(4) The Defence League shall submit the report on the use of foundation capital together with the annual report to the donor.

Chapter 11

Supervision

§ 85. Implementation of supervision

(1) The National Audit Office shall execute the economic control over the legality and cost-effectiveness of the use of civil sector resources allocated to the Defence League in the procedure provided for in the State Audit Office Act.

(2) Administrative supervision over the legality of the compliance with the requirements provided for in this Act and the legislation issued on the basis thereof shall be executed by the Estonian Ministry of Defence.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2¹) The Defence Forces exercise administrative supervision in the Defence League over the compliance with the requirements provided in the Medicinal Products Act and Act on Narcotic Drugs and Psychotropic Substances and Precursors thereof and legislation issued on the basis thereof.
[RT I, 20.04.2018, 4 - entry into force 01.05.2018]

(3) Administrative supervision over the compliance with the requirements established by the Commander of the Defence Forces on the basis of this Act shall be exercised by the Estonian Defence Forces.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) The administrative supervision authority shall have the right to:

- 1) require explanations and submission of documents from a person under supervision;
- 2) check a movable in the possession of a person under supervision sensuously or by means of a technical device in the presence of the representative of the Defence League, including open doors and eliminate other obstacles;
- 3) take a movable in the possession of a person under supervision for storage and, where necessary, sell or destruct the movable taken for storage;
- 4) enter the territory, fenced or marked immovable, building or room of a person under supervision in the presence of a representative of the Defence League, including open doors and gates and eliminate other obstacles;
- 5) record the situation, take samples and specimen and also carry out measurements or expertise;
- 6) suspend the performance of the act or the validity thereof;
- 7) declare the legal instrument invalid.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(5) [Repealed - RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) [Repealed - RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(7) The administrative supervision authority shall notify a person under supervision previously, if possible, of the time and manner of the exercise of supervision.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(8) The Defence League shall have the right to check the identity of the person exercising administrative supervision and the existence of the right to exercise of administrative supervision. In the case of the information protected as state secret or classified information of foreign states the Defence League shall have the right, in addition to the above, require the submission of a valid clearance to state secrets of the corresponding level or the Personnel Security Clearance Certificate to classified information of foreign states.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(9) Measures of state supervision provided for in Chapter 3 of the Law Enforcement Act shall be applied upon exercise of supervision in the place of residence or location of a member of the Defence League over a weapon allotted to the Defence League, the property belonging to the Defence League and the property belonging to the state granted to the use of the Defence League.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(10) The outcome of the administrative supervision shall be submitted to the Commander of the Defence League for an opinion before making the final decision.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(11) Upon detection of a violation in the course of the administrative supervision the minister responsible for the area or the Commander of the Defence Forces shall have the right to require the Commander of the Defence League to bring the activity of the Defence League into conformity with the legislation within the specified term. The obligation imposed on the Commander of the Defence Forces in the course of the administrative supervision shall be binding to the Defence League and a member of the Defence League.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 12

Misdemeanours related to handling weapon

§ 86. Non-compliance with requirements for handling and use of weapon allotted to Defence League and ammunition

(1) The non-compliance with the requirements for handling or use of a weapon allotted to Defence League or ammunition provided for in § 42 of this Act is punishable by a fine of up to 300 penalty units or detention.

(2) The same act if it is committed by a legal person is punishable by a fine of up to 3,200 euros.

§ 87. Carrying of weapon allotted to Defence League and ammunition while intoxicated or under the influence of narcotic or psychotropic substances

The carrying of a weapon allotted to the Defence League weapon and ammunition while intoxicated or under the influence of narcotic or psychotropic substances is punishable by a fine of up to 200 penalty units or detention.

§ 88. Unlawful carrying of Defence League weapon and ammunition at public event

The carrying of a weapon allotted to the Defence League weapon or ammunition at a public event by a person whose duty does not involve carrying a weapon or ammunition at a public event is punishable by a fine of up to 300 penalty units or detention.

§ 89. Procedure

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure shall be applied to the misdemeanours provided for in §§ 86–88 of this Act.

(2) The Estonian Ministry of Defence shall be the body conducting extra-judicial proceedings of misdemeanours provided for in § 86 of this Act.

(3) The Police and Border Guard Board shall be the body conducting extra-judicial proceedings of misdemeanours provided for in § 87 and 88 of this Act.

Chapter 13 Implementation provisions

§ 90. Continuation of membership of Defence League

(1) A person who was member of the Defence League or a specialised organisation of the Defence League before the entry into force of this Act is deemed to be a member of the Defence League according to the provisions of § 23 of this Act.

(2) A member of the Defence League of 17 years of age or younger shall submit a written consent of his or her parent or guardian to continue the membership of the Defence League within 60 days as of the entry into force of this Act.

(3) Upon failure to submit the consent provided for in subsection (2) of this section the junior member shall be excluded from the Defence League.

(4) A citizen of a foreign state and a stateless person of 17 years of age and younger who was a member of the Defence League or a specialised organisation before the entry into force of this Act shall be excluded from the Defence League upon the entry into force of this Act.

§ 90¹. Restoration of membership of Defence League

The membership of the Defence League of a person who was a member of the specialised organisation of the Defence League subject to exclusion on the basis of subsection 90 (4) of this Act shall be restored as a junior member of the youth organisation as of 1 April 2013.

[RT I, 06.03.2014, 2 – entry into force 07.03.2014]

§ 91. Considering weapon examination equal to Defence League training in handling and use of weapon

A member of the Defence League who has passed the weapon examination before the entry into force of this Act shall be deemed to have undergone the training in handling and use of a weapon allotted to the Defence League upon the entry into force of this Act.

§ 92. Substitution of document proving right to carry weapon with Defence League Firearms Licence

A document issued to an active member of the Defence League before the entry into force of this Act which proves his or her right to carry weapons noted therein shall be deemed to be the Defence League Firearms Licence upon the entry into force of this Act.

§ 93. Submission of medical certificate

(1) An active member of the Defence League who is holding the Defence League Firearms Licence upon the entry into force of this Act and who has no valid medical certificate shall submit a valid medical certificate to the Defence League at the latest on 31 October 2013.

(2) Upon failure to submit a valid medical certificate by the term provided for in subsection (1) of this section the validity of the Defence League Firearms Licence of an active member of the Defence League shall be deemed suspended as of 1 November 2013.

§ 94. Considering personal military weapon as active member's personal firearm

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

A personal military weapon acquired by an active member of the Defence League before the entry into force of this Act shall be deemed to be an active member's personal firearm upon the entry into force of this Act.

[RT I, 29.06.2018, 3 - entry into force 01.07.2018]

§ 95. Validity of earlier disciplinary penalty

A disciplinary penalty imposed on the basis of the Disciplinary Measures in Defence Forces Act shall be valid after the entry into force of this Act. Such penalty shall be enforced and shall expire according to the act under which it was imposed.

§ 96. Imposition of penalty for earlier disciplinary offence

(1) A member of the Defence League may be imposed a disciplinary penalty prescribed by this Act for a disciplinary offence committed during the validity of the Disciplinary Measures in Defence Forces Act if a penalty has not been imposed on him or her for this offence yet, taking account of the terms provided for in the Disciplinary Measures in Defence Forces Act, valid during the commission of the offence.

(2) Disciplinary proceedings initiated before the entry into force of this Act shall be terminated according to the procedure valid during the initiation of the proceedings.

§ 97. Payment of allowance upon no-fault becoming disabled and death of Member of the Defence League

(1) In the case of no-fault disability due to the performance of a duty of a member of the Defence League before the entry into force of this Act if this led to a partial or total loss of the capacity for work a lump-sum allowance shall be paid to the extent and in the procedure provided for in the Act in force during making a decision to this effect if the decision was made before the entry into force of this Act.

(2) In the case of no-fault death due to the performance of a duty of a member of the Defence League before the entry into force of this Act the persons maintained by him or her shall be paid a lump-sum allowance to the extent and in the procedure provided for in the act in force valid during making a decision to this effect if the decision was made before the entry into force of this Act.

(3) The application for allowance submitted in connection with no-fault disability or death of a member of the Defence League before the entry into force of this Act shall be reviewed; allowance shall be assigned and paid out in the procedure and to the extent valid so far.

§ 97¹. Payment of compensation in case of injury of member of Defence League

(1) A member of the Defence League to whom the first part of the lump-sum compensation has been paid out on the basis of subsection 63 (1) of this Act valid before 1 October 2014 shall be paid out the second part of the lump-sum compensation, irrespective of the recovery of his or her capacity for work.

(2) A member of the Defence League to whom the first part of the lump-sum compensation has been paid out on the basis of subsection 63 (2) of this Act valid before 1 October 2014 shall be paid out the second and third part of the lump-sum compensation, irrespective of the recovery of his or her capacity for work.

(3) A member of the Defence League to whom the first and second part of the lump-sum compensation has been paid out on the basis of subsection 63 (2) of this Act valid before 1 October 2014 shall be paid out the third part of the lump-sum compensation, irrespective of the recovery of his or her capacity for work, and additionally the amount of the second part which he or she would have received if the parts of the lump-sum compensation had not been reduced due to the recovery of his or her capacity for work.

(4) A member of the Defence League to whom the lump-sum compensation has been paid out in three parts on the basis of subsection 63 (2) of this Act valid before 1 October 2014 shall be paid out additionally the amount of the lump-sum compensation which he or she would have received if the parts of the lump-sum compensation had not been reduced due to the recovery of his or her capacity for work.

(5) A member of the Defence League to whom the part of compensation to be paid out on the basis of subsection 63 (5) of this Act valid before 1 October 2014 has not been paid due to the recovery of his or her capacity for work shall be paid out the part of the lump-sum compensation which he or she would have received if his or her capacity for work had not recovered wholly.

(6) A person is required to submit an application for the lump-sum compensation provided for in subsections (1)-(5) of this section to the Ministry of Defence at the latest on 1 February 2015.

(7) The application shall indicate the payment of which part the person wants.

(8) The Ministry of Defence shall decide payment of compensation within 30 days as of the receipt of the application.

(9) The compensation provided for in this section shall not be paid upon abandoning the compensation on the basis of subsection 66 (4) of this Act.

[RT I, 23.04.2014, 1 — entry into force 01.10.2014]

§ 97². Person with permanent incapacity for work

The condition of partial work ability provided for in § 74 of this Act shall be considered fulfilled for a guard who has been established partial incapacity for work on the basis of the State Pension Insurance Act. The condition of total incapacity for work provided for in § 74 of this Act shall be considered fulfilled for a guard who has been established total incapacity for work on the basis of the State Pension Insurance Act.

[RT I, 13.12.2014, 1 — entry into force 01.07.2016 (entry into force amended - RT I, 17.12.2015, 1)]

§ 98. Replacement and transfer of property of Defence League

(1) Immovable property which was not returned to the Defence League before the entry into force of this Act shall be replaced and transferred to the Defence League in the procedure provided for in the State Assets Act.

(2) State assets granted to the possession and use of the Defence League before 5 March 1999, except the state-owned combat weapons, ammunition and other military equipment, shall be transferred without charge to the Defence League in the procedure provided for in the State Assets Act.

§ 99. Validity of powers of elected members of collegial bodies

(1) The term of office of a person elected to a member of a collegial body according to the procedure valid before the entry into force of this Act shall be valid until the election of the new composition of the collegial body.

(2) After the entry into force of this Act, the elections of collegial bodies of the Defence League shall be held with the consideration that the elected member would commence enforcement of powers at the latest on 1 July 2013.

(3) At the elections of central bodies after the entry into force of this Act all the elected members of a corresponding collegial body shall be elected concurrently.

(4) Before the election of central bodies in 2014 one third of the members elected in the year 2013 after the entry into force of this Act shall leave each central body. The leaving members shall be decided by drawing lots.

(5) Before the election of central bodies in 2015 half of the members elected in the year 2013 after the entry into force of this Act shall leave each central body. The leaving members shall be decided by drawing lots.

(6) Election of members to the collegial body of a structural unit, the duration and transfer of the powers shall be provided for in the rules of procedure, for a subunit in the articles of association or statutes respectively.

§ 100. Validity of implementing provisions

The regulations of the Government of the Republic and the Minister of Defence issued on the basis of the Defence League Act valid before the entry into force of this Act shall be valid in the part which is not in conflict with the provisions of this Act until they are repealed.

Chapter 14 Amendments to acts

§ 101.–§ 107.[Omitted from this text]

Chapter 15 Cancellation and entry into force

§ 108. Cancellation of Defence League Act

The Defence League Act (RT I 1999, 18, 300) shall be declared invalid.

§ 109. Entry into force of Act

This Act shall enter into force on 1 April 2013.