



Number 12 of 2026

International Co-operation (Omagh Bombing Inquiry) Act 2026



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CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and commencement
2. Definitions
3. Expenses

PART 2

CO-OPERATION WITH OMAGH BOMBING INQUIRY

4. Designation of State bodies for purposes of Part
5. Request for assistance from office holder or former office holder for purposes of Inquiry
6. Request for assistance from former holder of ministerial office for purposes of Inquiry
7. Designation of office holder, former office holder or former holder of ministerial office
8. Nominated judge
9. Questioning of designated person by nominated judge
10. Questioning of designated person by or on behalf of Chairman
11. Taking of evidence under section 9 or 10

PART 3

AMENDMENT OF CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION) ACT 2019

12. Amendment of Criminal Justice (International Co-operation) Act 2019

SCHEDULE

[No. 12.]

*International Co-operation
(Omagh Bombing Inquiry) Act 2026.*

[2026.]

ACTS REFERRED TO

Civil Service Regulation Act 1956 (No. 46)

Criminal Justice (International Co-operation) Act 2019 (No. 27)

Legal Services Regulation Act 2015 (No. 65)

Policing, Security and Community Safety Act 2024 (No. 1)



Number 12 of 2026

INTERNATIONAL CO-OPERATION (OMAGH BOMBING INQUIRY) ACT 2026

An Act to provide for the taking of evidence in the State from a member or former member of An Garda Síochána, a member or former member of the Defence Forces, an office holder or former office holder of certain Departments of State or a former holder of ministerial office for the purposes of assisting the Omagh Bombing Inquiry established in the United Kingdom of Great Britain and Northern Ireland; to amend the Criminal Justice (International Co-operation) Act 2019; and to provide for related matters.

[3rd June, 2026]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the International Co-operation (Omagh Bombing Inquiry) Act 2026.
- (2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Definitions

2. In this Act—

“Chairman” means the person standing appointed as the chairman of the Inquiry;

“civil servant” has the same meaning as it has in the Civil Service Regulation Act 1956;

“counsel to the Inquiry” means a person who, under the rules governing the Inquiry, is counsel to the inquiry;

“designated person” means—

- (a) an office holder or former office holder designated under *section 7(1)(a)*, or
- (b) a former holder of ministerial office designated under *section 7(4)*;

“designated State body” means—

- (a) An Garda Síochána, or
- (b) a State body designated under *section 4*;

“former holder of ministerial office” means a person who previously held office as Taoiseach, Tánaiste, another Minister of the Government or a Minister of State and no longer holds any such office;

“former office holder”, in relation to a designated State body, means—

- (a) where the designated State body is An Garda Síochána, a person who was formerly a member of An Garda Síochána but is no longer such a member,
- (b) where the designated State body is a Department of State, a person—
 - (i) who was formerly a civil servant but is no longer a civil servant, and
 - (ii) who, in his or her capacity as a civil servant, performed duties the performance of which, for the time being, falls within the administration or business of the Department of State,

and

- (c) where the designated State body is the Defence Forces, a person who was formerly a member of the Defence Forces but is no longer such a member;

“head”, in relation to a designated State body, means—

- (a) where the designated State body is An Garda Síochána, the Commissioner of An Garda Síochána,
- (b) where the designated State body is a Department of State, the Secretary General of the Department or, where more than one person holds the rank of Secretary General in the Department, the person holding such rank who is the principal officer of the Department, and
- (c) where the designated State body is the Defence Forces, the Chief of Staff of the Defence Forces;

“Inquiry” means the Omagh Bombing Inquiry, being the inquiry under the Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland entitled the Inquiries Act 2005 into whether the bombing in the town of Omagh, County Tyrone, on 15 August 1998, could have been prevented by United Kingdom state authorities;

“member”, in relation to An Garda Síochána, has the same meaning as it has in the Policing, Security and Community Safety Act 2024;

“Minister” means the Minister for Justice, Home Affairs and Migration;

“nominated judge” means a judge of the High Court nominated in accordance with *subsection (1) or (2) of section 8*;

“office holder”, in relation to a designated State body, means—

- (a) where the designated State body is An Garda Síochána, a member of An Garda Síochána,
- (b) where the designated State body is a Department of State, a civil servant—
 - (i) serving or holding office in the Department of State, or
 - (ii) who, in his or her capacity as a civil servant, performed duties the performance of which, for the time being, falls within the administration or business of the Department of State,
 and
- (c) where the designated State body is the Defence Forces, a member of the Defence Forces;

“relevant head” means the head of a designated State body to whom a request for assistance under *section 5(1)* has been made;

“request for assistance” means a request referred to in *section 5(1)* or *6(1)*;

“rules governing the Inquiry” means the rules which, under the law of the United Kingdom of Great Britain and Northern Ireland, govern, for the time being, the conduct of the Inquiry;

“State body” means—

- (a) a Department of State, or
- (b) the Defence Forces.

Expenses

3. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, be paid out of moneys provided by the Oireachtas.

PART 2

CO-OPERATION WITH OMAGH BOMBING INQUIRY

Designation of State bodies for purposes of Part

4. (1) The Minister may, for the purposes of this Part and subject to *subsection (2)*, designate in writing a State body as a designated State body.
- (2) The Minister shall not designate a State body as a designated State body under *subsection (1)* unless—
 - (a) the Chairman has confirmed in writing to the Minister that he or she—
 - (i) is requesting that the State body be so designated, and

- (ii) intends making a request for assistance in respect of the State body if so designated,
 - (b) the Minister is satisfied that the State body concerned holds information relevant to the terms of reference of the Inquiry,
 - (c) where the State body is a Department of State that is not the Department of Justice, Home Affairs and Migration, the Minister of the Government having charge of the Department of State concerned has consented to the designation, and
 - (d) where the State body is the Defence Forces, the Minister for Defence has consented to the designation.
- (3) As soon as practicable after making a designation under *subsection (1)*, the Minister shall cause a copy of the designation to be laid before each House of the Oireachtas.
- (4) In this section, “terms of reference of the Inquiry” means the terms of reference of the Inquiry set out in the *Schedule*.

Request for assistance from office holder or former office holder for purposes of Inquiry

5. (1) This section shall apply where the Chairman makes a request in writing to the head of a designated State body for assistance, in the form of the taking of evidence in the State from an office holder or former office holder of the designated State body in accordance with this Part, for the purposes of the Inquiry.
- (2) A request for assistance under this section shall specify—
- (a) the questions that the Chairman requests be asked of an office holder or former office holder in the taking of evidence in accordance with this Part,
 - (b) the purpose for which the evidence is requested, and
 - (c) where the Chairman so wishes, any office holder or former office holder of whom the Chairman requests that a particular question specified in accordance with *paragraph (a)* be asked.
- (3) Where a request for assistance is made to a relevant head, he or she may—
- (a) subject to *subsection (4)*, accede to the request in respect of some or all of the questions specified therein in accordance with *subsection (2)(a)*, and
 - (b) subject to *subsection (5)*, where the relevant head accedes under *paragraph (a)* in relation to some or all of the questions specified in the request, accede to the request for an office holder or former office holder specified therein, in accordance with *subsection (2)(c)*, to be asked any such question.
- (4) A relevant head to whom a request for assistance is made shall, after consulting with—
- (a) the relevant Minister, and
 - (b) where the relevant Minister is not the Minister, the Minister,

refuse the request for assistance in respect of some or all of the questions specified therein, where the relevant head is of the opinion that to accede to the request in respect of those questions would—

- (i) be likely to prejudice the sovereignty, security or other essential interests of the State,
 - (ii) be likely to prejudice a criminal investigation or criminal proceedings in the State, or
 - (iii) otherwise be inconsistent with the functions, whether statutory or otherwise, of the designated State body.
- (5) A relevant head to whom a request for assistance is made that specifies, in accordance with *subsection (2)(c)*, a former office holder of whom the Chairman requests that a particular question specified in accordance with *paragraph (a)* of that subsection be asked, shall not accede to the request in that regard without the consent in writing of the former office holder.
- (6) A decision of a relevant head under *subsection (3)* in relation to a request for assistance shall—
- (a) be made as soon as practicable after the request for assistance is received,
 - (b) be in writing, and
 - (c) specify—
 - (i) the questions, if any, in respect of which the relevant head is acceding to the request for assistance,
 - (ii) the questions, if any, in respect of which the relevant head is refusing the request for assistance,
 - (iii) in each instance where the request for assistance specified an office holder or former office holder of whom the Chairman requested that a question to which *subparagraph (i)* applies be asked, whether the relevant head is acceding to or refusing the request for assistance in that respect, and
 - (iv) the reason for any refusal referred to in *subparagraph (ii)* or *(iii)*.
- (7) A relevant head shall, as soon as practicable after making a decision under *subsection (3)*, provide a copy of the decision to the Chairman and notify him or her in writing—
- (a) in relation to the questions specified in the decision to which *subsection (6)(c)(i)* applies, that the evidence concerned—
 - (i) shall be taken in accordance with *sections 9, 10 and 11*,
 - (ii) shall be given in accordance with *sections 9, 10 and 11* by one or more designated persons (including any designated person of whom the Chairman requested that such a question be asked where the relevant head is acceding, under *subsection (6)(c)(iii)*, to the request for assistance in that respect), and

- (iii) shall be provided to the Chairman subject to the condition referred to in *section 11(8)*,
 - (b) in relation to the questions specified in the decision to which *subsection (6)(c)(ii)* applies, that the request for assistance is, in respect of those questions, refused, and
 - (c) in relation to a request that a specified office holder or former office holder be asked a question to which *subsection (6)(c)(i)* applies, where the relevant head is not acceding to the request for assistance in that regard, that the request for assistance is, in that respect, refused.
- (8) In this section, “relevant Minister”, in relation to a designated State body, means—
- (a) where the designated State body is An Garda Síochána, the Minister,
 - (b) where the designated State body is a Department of State, the Minister having charge of the Department of State, and
 - (c) where the designated State body is the Defence Forces, the Minister for Defence.

Request for assistance from former holder of ministerial office for purposes of Inquiry

6. (1) This section shall apply where the Chairman makes a request in writing to the Minister for assistance, in the form of the taking of evidence in the State from a former holder of ministerial office in accordance with this Part, for the purposes of the Inquiry.
- (2) A request for assistance under this section shall specify—
- (a) the questions that the Chairman requests be asked of a former holder of ministerial office in the taking of evidence in accordance with this Part,
 - (b) the purpose for which the evidence is requested, and
 - (c) the former holder of ministerial office of whom the Chairman requests that the questions specified in accordance with *paragraph (a)* be asked.
- (3) Where a request for assistance is made to the Minister, he or she may, subject to *subsections (4) and (5)*, accede to the request in respect of some or all of the questions specified therein in accordance with *subsection (2)(a)*.
- (4) The Minister shall refuse a request for assistance made to him or her in respect of some or all of the questions specified therein, where the Minister is of the opinion that to accede to the request for assistance in respect of those questions would—
- (a) be likely to prejudice the sovereignty, security or other essential interests of the State, or
 - (b) be likely to prejudice a criminal investigation or criminal proceedings in the State.

- (5) The Minister shall not accede to a request for assistance without the consent in writing of the former holder of ministerial office specified in the request in accordance with *subsection (2)(c)*.
- (6) A decision of the Minister under *subsection (3)* in relation to a request for assistance shall—
 - (a) be made as soon as practicable after the request for assistance is received,
 - (b) be in writing, and
 - (c) specify—
 - (i) the questions, if any, in respect of which the Minister is acceding to the request for assistance, and
 - (ii) the questions, if any, in respect of which the Minister is refusing the request for assistance and the reason for the refusal.
- (7) The Minister shall, as soon as practicable after making a decision under *subsection (3)*, provide a copy of the decision to the Chairman and notify him or her in writing—
 - (a) in relation to the questions specified in the decision to which *subsection (6)(c)(i)* applies, that the evidence concerned—
 - (i) shall be taken in accordance with *sections 9, 10 and 11*,
 - (ii) shall be given in accordance with *sections 9, 10 and 11* by the former holder of ministerial office specified in the request, and
 - (iii) shall be provided to the Chairman subject to the condition referred to in *section 11(8)*,and
 - (b) in relation to the questions specified in the decision to which *subsection (6)(c)(ii)* applies, that the request for assistance is, in respect of those questions, refused.

Designation of office holder, former office holder or former holder of ministerial office

7. (1) Where a relevant head accedes to a request for assistance under *section 5* in respect of some or all of the questions specified therein, he or she shall—
- (a) subject to *subsection (2)*, designate one or more office holders or former office holders of the designated State body as the person or persons from whom the evidence concerned may be taken in accordance with *sections 9, 10 and 11*, and
 - (b) where more than one office holder or former officer holder is designated as a designated person, specify the questions in respect of which evidence shall be taken from each designated person.
- (2) Subject to *subsection (3)*, a relevant head shall not designate an office holder as a designated person unless—

- (a) in the case of a member of An Garda Síochána, the person is of the rank of chief superintendent or higher,
 - (b) in the case of an office holder in a Department of State, the person is of the grade of Principal or of an equivalent or superior grade, or
 - (c) in the case of a member of the Defence Forces, the person is of the rank of colonel or higher.
- (3) *Subsection (2)* shall not apply in respect of the designation of an office holder from whom evidence shall be taken in respect of a question where the office holder was specified in the request for assistance in accordance with *section 5(2)(c)* as the person of whom the Chairman requested that the question be asked.
- (4) Where the Minister accedes to a request for assistance under *section 6* in respect of some or all of the questions specified therein, he or she shall designate the former holder of ministerial office specified in the request in accordance with *section 6(2)(c)* as the person from whom the evidence concerned may be taken in accordance with *sections 9, 10 and 11*.

Nominated judge

8. (1) Where a relevant head or the Minister accedes to a request for assistance in respect of some or all of the questions specified therein, the relevant head or the Minister, as the case may be, shall, as soon as practicable thereafter, make an application to the President of the High Court for the nomination of a judge of that Court to take the evidence concerned in accordance with *sections 9, 10 and 11*, which application shall be accompanied by a copy of—
- (a) the request for assistance,
 - (b) the decision of the relevant head under *section 5(3)* or of the Minister under *section 6(3)*, as the case may be, and
 - (c) the notification under *section 5(7)* or *6(7)*, as the case may be.
- (2) Where a nominated judge is unable for any reason to take the evidence which he or she was nominated to take, the relevant head, in the case of a request for assistance under *section 5*, or the Minister, in the case of a request for assistance under *section 6*, may, at any point prior to the conclusion of the taking of such evidence, make an application to the President of the High Court for the nomination of another judge of that Court for that purpose, which application shall be accompanied by the documents specified in *paragraphs (a) to (c) of subsection (1)*.

Questioning of designated person by nominated judge

9. For the purpose of taking the evidence specified in a decision under *section 5(3)* to which *subsection (6)(c)(i)* of that section applies, or specified in a decision under *section 6(3)* to which *subsection (6)(c)(i)* of that section applies—

- (a) no person other than the nominated judge shall ask questions of the designated person, and
- (b) in the case of a request for assistance under *section 5*, the nominated judge shall ask the designated person only the questions—
 - (i) specified in the decision under *subsection (3)* of that section to which *subsection (6)(c)(i)* of that section applies, and
 - (ii) in respect of which the designated person is designated as the person from whom that evidence may be taken,and
- (c) in the case of a request for assistance under *section 6*, the nominated judge shall ask the designated person only the questions specified in the decision under *subsection (3)* of that section to which *subsection (6)(c)(i)* of that section applies.

Questioning of designated person by or on behalf of Chairman

- 10.** (1) Subject to *subsection (2)*, upon completion of the asking of questions of a designated person by the nominated judge under *section 9*, the Chairman or counsel to the Inquiry on his or her behalf, may ask questions of the designated person.
- (2) Where the Chairman, or counsel to the Inquiry on his or her behalf, asks questions of the designated person under *subsection (1)*, he or she shall do so only for the purpose of seeking to clarify the answers provided by the designated person to questions asked under *section 9* and shall not ask any questions of the designated person that do not relate to matters raised in such answers.

Taking of evidence under section 9 or 10

- 11.** (1) Evidence under *section 9* or *10* shall be taken—
- (a) on oath, and
 - (b) subject to *subsection (3)*, otherwise than in public.
- (2) A nominated judge may give such directions in relation to the arrangements for the taking of the evidence as he or she considers appropriate, including directions for the purposes of—
- (a) securing the safety of the designated person from whom the evidence is to be taken, and
 - (b) permitting a break to be taken in the proceedings to allow for the formulation of questions to be asked under *section 10* or the preparation of a response to such questions.
- (3) The taking of evidence under *section 9* or *10* may be done in the presence of—
- (a) the Chairman,
 - (b) a member of the Inquiry team,

- (c) a practising barrister or practising solicitor on behalf of the designated person giving evidence,
 - (d) in the case of a request for assistance under *section 5*—
 - (i) the relevant head, or
 - (ii) a practising barrister or practising solicitor on behalf of the relevant head,
 - (e) in the case of a request for assistance under *section 6*—
 - (i) the Minister, or
 - (ii) a practising barrister or practising solicitor on behalf of the Minister,
 - (f) a core participant,
 - (g) the recognised legal representative of a core participant, or
 - (h) a practising barrister, or a barrister entitled to practise in Northern Ireland, on behalf of a core participant.
- (4) The Chairman and counsel to the Inquiry shall have a right of audience before a nominated judge taking evidence under *section 9* or *10* and shall have the right to question a designated person under *section 10* and to make submissions or representations to the nominated judge.
- (5) For the purpose of giving evidence—
- (a) under *section 9*, a designated person shall not be compelled to give any evidence which he or she could not be compelled to give in criminal proceedings in the State, or
 - (b) under *section 10*, a designated person shall not be compelled to answer any question and may refuse to answer any question in whole or in part.
- (6) Without prejudice to *subsection (5)*, for the purpose of giving evidence under *section 9* or *10*, a designated person shall be entitled to the immunities and privileges of a witness before the High Court.
- (7) After the taking of evidence under *section 9*, or, where evidence is taken under *section 10*, after the taking of that evidence, the nominated judge shall—
- (a) certify the record of the evidence as a true copy of the evidence taken under *section 9* and, where applicable, *section 10*, and
 - (b) cause a copy of the record of the evidence so certified to be transmitted to—
 - (i) the Chairman,
 - (ii) the relevant head, in the case of a request for assistance under *section 5*, and
 - (iii) the Minister.
- (8) The provision of evidence to the Chairman under this Part shall be subject to the condition that it shall not, without the consent of—

- (a) the relevant head, in the case of a request for assistance under *section 5*, or
- (b) the Minister, in the case of a request for assistance under *section 6*,

be used for any purpose other than the purpose specified by the Chairman in accordance with *section 5(2)(b)* or *6(2)(b)*, as the case may be.

- (9) In this section—

“core participant” means a person designated as a core participant by the Chairman in accordance with the rules governing the Inquiry;

“member of the Inquiry team” means a person who, under the rules governing the Inquiry, is a member of the inquiry team in relation to the Inquiry;

“practising barrister” and “practising solicitor” have the same meanings as they have in the Legal Services Regulation Act 2015;

“recognised legal representative” means a person designated as a recognised legal representative by the Chairman in accordance with the rules governing the Inquiry.

PART 3

AMENDMENT OF CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION) ACT 2019

Amendment of Criminal Justice (International Co-operation) Act 2019

- 12.** The Criminal Justice (International Co-operation) Act 2019 is amended—

- (a) in section 1, in the definition of “designated United Kingdom inquest”, by the deletion of “or inquiry”, and
- (b) in section 2, by the deletion of “or inquiry” in both places it occurs.

SCHEDULE

Section 4(4)

OMAGH BOMB INQUIRY TERMS OF REFERENCE

Purpose

1. To investigate whether the car bomb detonated in Omagh, County Tyrone on 15th August 1998 in which 29 people and two unborn children were killed could have been prevented by UK state authorities, with particular attention to the matters considered by Horner J. in the application for judicial review, *Re Gallagher* [2021] NIQB 85.

Scope

2. To the extent necessary to investigate issues relating to whether the Omagh Bombing could have been prevented by UK state authorities, the Inquiry's investigations will include consideration, individually and collectively, of the following matters:

a. As background and context to the Omagh Bombing, the assessment by UK state authorities of the threat posed in Northern Ireland by dissident republican terrorists from 1st December 1997 to the date of the Omagh Bombing. This shall include consideration of any change in the assessment following the Belfast Agreement on 10th April 1998.

b. The adequacy of the measures taken by UK state authorities, including the police, security forces and Intelligence and Security Agencies, to disrupt those dissident republican terrorists who had been involved in terrorist attacks or attempted terrorist attacks in the period from 1st December 1997 to the Omagh Bombing. This shall include consideration of any change in the measures used or approach taken by UK state authorities following the Belfast Agreement on 10 April 1998.

c. The adequacy of the policies and practices of UK state authorities, including the police, security forces and Intelligence and Security Agencies, in sharing intelligence between themselves and with the authorities in the Republic of Ireland on the activities of those dissident republican terrorists who had been involved in terrorist attacks or attempted terrorist attacks in the period from 1st December 1997 to the Omagh Bombing.

d. The allegation made by Norman Baxter (former Senior Investigating Officer in the investigation into the Omagh Bombing) in the course of his evidence to the Northern Ireland Affairs Select Committee on 11 November 2009, that police investigators into previous attacks in Moira (20 February 1998), Portadown (9 May 1998), Banbridge (1 August 1998) and Lisburn (30 April 1998) did not have access to intelligence materials which may reasonably have enabled them to disrupt the activities of dissident republican terrorists prior to the Omagh Bombing.

e. Information relating to dissident republican terrorist activity said to have been passed to police between June and August 1998 by an alleged British security forces agent known by the name of Kevin Fulton and whether that might reasonably have enabled UK state authorities, whether on its own or in conjunction

with other information, to disrupt dissident republican terrorists engaged in the planning and preparation of the Omagh Bombing.

f. The nature of the intelligence said to have been obtained by the UK Government's Communication Headquarters (GCHQ), including from alleged vehicle and telephone monitoring, of dissident republican terrorists involved in the planning, preparation and conduct of the Omagh Bombing and other earlier attacks.

g. The adequacy of the analysis and handling of and response by UK state authorities to any intelligence obtained by GCHQ, including from vehicle and telephone monitoring, of dissident republican terrorists involved in the planning, preparation and/or conduct of the Omagh Bombing and other earlier attacks.

h. The extent and adequacy of steps taken by UK state authorities to track and analyse the mobile telephone usage by those suspected to be involved in dissident republican terrorist attacks before the Omagh Bombing and whether that might reasonably have enabled UK state authorities to disrupt dissident republican terrorists engaged in the planning, preparation and/or conduct of the Omagh Bombing.

i. Any other matters which are relevant to whether the Omagh Bombing on 15th August 1998 could have been prevented by UK state authorities. To the extent it is relevant to the issue of preventability by UK state authorities, this may include information sharing and investigations with and by state authorities in the Republic of Ireland.

Method

The Inquiry will examine and review all documents as the Inquiry Chairman shall judge appropriate.

The Inquiry will receive such oral and written evidence, in OPEN and CLOSED, as the Inquiry Chairman shall judge appropriate and follow such procedures as are appropriate to ensure that the Inquiry is effective, taking account of the need to protect national security interests.

Report

The Inquiry will report to the Secretary of State for Northern Ireland as soon as practicable. The Inquiry Report will make such recommendations as may seem appropriate. Given the sensitive nature of the material, the Inquiry Chairman may choose to produce both an OPEN and a CLOSED report.