[First numbered list of amendments. This list contains all amendments addressed to pages 1 to 18, inclusive, of the Bill.]
1. In page 9, lines 10 to 23, to delete all words from and including “A” in line 10 down to and including “SÍOCHÁNA” in line 23 and substitute the following:

“THREE BODIES FOR THE PURPOSE OF ACHIEVING THE HIGHEST LEVEL OF PUBLIC CONFIDENCE IN AND CO-OPERATION WITH AN GARDA SÍOCHÁNA, INCLUDING A BODY TO BE KNOWN AS OMBUDSMAN AN GHRADA SÍOCHÁNA FOR THE PURPOSES OF ENSURING TRANSPARENCY AND ACCOUNTABILITY IN THE PROCESS OF INVESTIGATING COMPLAINTS AGAINST THE GARDA SÍOCHÁNA, A BODY TO BE KNOWN AS BÓRD AN GHRADA SÍOCHÁNA FOR THE PURPOSE OF CIVILIAN OVERSIGHT IN THE MANAGEMENT OF AN GARDA SÍOCHÁNA, AND BODIES TO BE KNOWN AS PÁIRTNÉIREACHTAÍ PÓILÍNEACHTA PHOBAIL, OR IN THE ENGLISH LANGUAGE, COMMUNITY POLICING PARTNERSHIPS, FOR THE PURPOSE OF FOSTERING LOCAL CO-OPERATION AND HOLDING AN GARDA SÍOCHÁNA ACCOUNTABLE TO THE COMMUNITIES THEY SERVE.”

—Aengus Ó Snodaigh.

2. In page 9, between lines 28 and 29, to insert the following:

“(2) The Garda Síochána Acts 1923 to 2003 (so far as unrepealed by this Act), the Garda Síochána (Compensation) Acts 1941 to 2003 (so far as unrepealed by this Act) and this Act may be cited as the Garda Síochána Acts 1923 to 2004.”

—Joe Costello.

3. In page 10, before line 1, to insert the following:

“3.—Within 2 years of the coming into force of this Act, the Minister shall establish an Independent Commission to monitor and review the workings of the Act, institutions established thereunder and the operations of the Garda Síochána.”

—Jim O’Keeffe.

4. In page 10, between lines 1 and 2, to insert the following:

“‘Committee of Public Accounts’ means the committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General;”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

5. In page 10, between lines 1 and 2, to insert the following:

“‘The Garda Síochána’ shall be construed to mean references to ‘an Garda Síochána’;”

—Aengus Ó Snodaigh.
6. In page 10, line 3, to delete “means regulations made” and substitute the following:

“means—

(a) the 1989 Regulations, as amended under section 119, for as long as they continue to be in force under that section, or

(b) any regulations in force”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

7. In page 10, between lines 4 and 5, to insert the following:

“‘document’ means any book, record or other written or printed material in any form, including information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in legible form;”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

8. In page 10, between lines 5 and 6, to insert the following:

“‘Garda Board’ means Bord an Gharda Síochána established under section 106;”.

—Aengus Ó Snodaigh.

9. In page 10, to delete lines 12 and 13 and substitute the following:

“‘Community Policing Partnership’ means a committee established under section 31*;”.

—Aengus Ó Snodaigh.

[*This is the appropriate reference if amendment no. 113 is accepted.]

10. In page 10, lines 17 and 18, to delete all words from and including “and” in line 17 down to and including “member,” in line 18.

—Aengus Ó Snodaigh.

11. In page 10, line 18, to delete “volunteer” and substitute “reserve”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

12. In page 10, to delete lines 22 and 23 and substitute the following:

“‘Garda Ombudsman’ means Ombudsman an Gharda Síochána established under section 57;”.

—Aengus Ó Snodaigh.

13. In page 10, between lines 26 and 27, to insert the following:

“‘1989 Regulations’ means the Garda Síochána (Discipline) Regulations 1989 (S.I. No. 94 of 1989);”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.


—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

15. In page 10, line 31, to delete “volunteer” and substitute “reserve”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

16. In page 10, to delete lines 31 and 32.

—Aengus Ó Snodaigh.

17. In page 10, line 32, to delete “volunteer” and substitute “reserve”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
18. In page 11, between lines 3 and 4, to insert the following:

“Orders and regulations.

4.—Every order or regulation made by the Minister pursuant to this Act shall be laid before both Houses of the Oireachtas and, if a resolution annulling the regulation or order is passed within the next twenty one days after the House has sat following such laying, the order or regulation shall be annulled accordingly but without prejudice to anything previously done thereunder.”.

—Joe Costello.

19. In page 11, between lines 20 and 21, to insert the following:

“(b) protecting and promoting human rights.”.

—Aengus Ó Snodaigh.

20. In page 11, between lines 20 and 21, to insert the following:

“(b) protecting the security of our communities and providing positive leadership within our communities.”.

—Aengus Ó Snodaigh.

21. In page 11, line 21, after “property” to insert the following:

“and the human rights of individuals within the State”.

—Joe Costello.

22. In page 11, between lines 21 and 22, to insert the following:

“(c) respecting the human rights of each individual.”.

—Jim O’Keeffe.

23. In page 11, line 30, to delete “Government” and substitute “State”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

24. In page 11, between lines 32 and 33, to insert the following:

“(3) In achieving its objectives and performing its functions, the Gardaí shall have available to it modern and effective communications systems and leading edge technology for the recording of crime and the collation of data.”.

—Jim O’Keeffe.

25. In page 11, to delete lines 33 to 37 and substitute the following:

“(3) In addition to its function under subsection (1), the Garda Síochána has such functions as are conferred on it by law including those relating to immigration.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

26. In page 11, line 34, to delete “Síochána’s functions are to” and substitute “Síochána shall”.

—Joe Costello.

27. In page 11, line 39, after “rights” to insert the following:

“and ensuring fair and equal treatment and respect for all”.

—Jim O’Keeffe.

28. In page 11, line 39, after “rights” to insert the following:

“and ensuring fair and equal treatment and respect for all in accordance with the Equality Act 2004”.

—Ciaran Cuffe.
29. In page 12, before line 1, to insert the following:

“(5) An Garda Síochána shall perform its functions in a manner consistent with the Equal Status Acts 2000 to 2004, that is, without discrimination against any individual or social group identified therein.”

—Aengus Ó Snodaigh.

30. In page 12, to delete lines 1 to 3 and substitute the following:

“(5) The powers, immunities, privileges and duties of members of the Garda Síochána under or by virtue of this Act, any other enactment or at common law are exercisable in furtherance and for the more effectual performance of the functions of the Garda Síochána referred to in this section and for no other purpose.”

—Joe Costello.

31. In page 12, to delete lines 4 to 11.

—Joe Costello.

32. In page 12, between lines 11 and 12, to insert the following:

“(7) In the performance of their functions as members of the Garda Síochána, which includes functions under any other enactment and at common law, members are subject to the direction and control of, and accountable to—

(a) the Garda Commissioner, and

(b) members of superior rank to whom functions of direction, management and control have been delegated by the Commissioner, in accordance with the terms of that delegation.”

—Joe Costello.

33. In page 12, line 30, after “circumstances” to insert the following:

“either at all or without a specific direction from the Director of Public Prosecutions”.

—Joe Costello.

34. In page 12, line 40, after “direction” to insert the following:

“, provided that where it is ascertained that a failure to comply with this section or that direction has occurred, the criminal prosecution concerned shall be stayed pending a specific direction from the Director of Public Prosecutions”.

—Joe Costello.

35. In page 12, line 44, after “Síochána” to insert the following:

“(which the Director of Public Prosecutions is hereby empowered to do)”.

—Joe Costello.

36. In page 13, between lines 7 and 8, to insert the following:

“9.—Notwithstanding any other enactment, where a person has been convicted of the murder or manslaughter of a member of an Garda Síochána, he or she shall not be given preferential treatment while in the custody of the State.”

—Jim O’Keeffe.
9.—(1) The Minister may by regulations provide for the establishment of a body, to be known as the Garda Síochána Authority or in the Irish language Túdarás an Garda Síochána (‘the Authority’), for the appointment and tenure of its members and for the conduct of its business.

(2) The function of the Authority established by regulations under this section shall be to perform such functions in relation to the maintenance, management, direction and control of the Garda Síochána as may be prescribed, with the objective of securing, to the greatest extent possible consistent with the public interest and the security of the State, transparency and public accountability in relation to the management of the Garda Síochána and the actions of its members.

(3) Where the Minister proposes to make regulations under this section, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made unless a resolution approving of the draft has been passed by each such House.

(4) Where regulations have been made under this section, the Garda Commissioner and members of the Garda Síochána shall be accountable to the Authority to the extent specified in those regulations.

(5) Without prejudice to the generality of subsection (1), regulations under this section may provide for—

(a) the transfer to the Authority from the Government of the function of maintaining, equipping and paying the Garda Síochána,

(b) the transfer to the Authority from the Government of functions in relation to the appointment and removal from office of the Garda Commissioner and other members of the Garda Síochána,

(c) the transfer to the Authority from the Garda Commissioner, to such extent as may be prescribed, of functions in relation to directing and controlling the Garda Síochána and carrying on and managing and controlling generally its administration and business,

(d) the transfer to the Authority from the Minister of functions in relation to the determining or revising of priorities and the establishing or revising of performance targets for the Garda Síochána and the approval of strategy statements and policing plans,

(e) the imposition of a requirement that priorities, targets, statements and plans referred to in paragraph (d) be approved by both Houses of the Oireachtas,

(f) the conferring on the Authority of functions relating to the issuing of written directives to the Garda Commissioner,

(g) the transfer to the Authority from the Minister of functions in relation to the making of regulations for the management of the Garda Síochána and discipline matters, and

(h) the accountability of the Authority to the Houses of the Oireachtas, including the obligation of its chairperson and chief executive officer, if any, to attend before a committee of either or both Houses of the Oireachtas to give account for the general administration and business of the Authority and of the Garda Síochána.
(6) Regulations under this section may provide for—

(a) the retention by the Ministers of his or her functions either in any particular case or in a particular class of cases,

(b) the delimitation or withdrawal of the functions of the Authority in relation to a specific criminal investigation or investigations of a particular class, on grounds relating to the security of the State.”.

—Joe Costello.

38. In page 13, line 11, after “Government” to insert the following:

“, on the recommendation of an independent commission or panel, following a recruitment process conducted by that body”.

—Aengus Ó Snodaigh.

39. In page 13, between lines 11 and 12, to insert the following:

“(2) The appointment of the Garda Commissioner will be merit based, and subject to a transparent public recruitment process.

(3) The appointment of the Garda Commissioner will be subject to ratification by Bord an Gharda Síochána.”.

—Aengus Ó Snodaigh.

40. In page 13, line 17, after “regulations” to insert the following:

“, and on the recommendation of an independent commission or panel, following a recruitment process conducted by that body”.

—Aengus Ó Snodaigh.

41. In page 13, between lines 19 and 20, to insert the following:

“(2) The Government shall appoint an Assistant Commissioner with special responsibility for community policing, who shall have a budget allocation and specially appointed community policing officers.”.

—Jim O’Keeffe.

42. In page 13, between lines 19 and 20, to insert the following:

“(2) The appointment of a Deputy Garda Commissioner and Assistant Garda Commissioner will be merit-based, and subject to a transparent public recruitment process.

(3) The appointment of a Deputy Garda Commissioner and Assistant Garda Commissioner will be subject to ratification by Bord an Gharda Síochána.”.

—Aengus Ó Snodaigh.

43. In page 13, line 24, to delete “the regulations” and substitute “section 11”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

44. In page 13, lines 29 and 30, to delete all words from and including “by” in line 29 down to and including “(2)” in line 30 and substitute the following:

“, Deputy Garda Commissioner or Assistant Garda Commissioner”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
45. In page 14, between lines 13 and 14, to insert the following:

“(c) notify Bord an Gharda Síochána and give the Garda Board an opportunity to submit an opinion on the proposed removal.”.

—Aengus Ó Snodaigh.

46. In page 14, line 15, after “person” to insert the following:

“or direct Bord an Gharda Síochána or Ombudsman an Gharda Síochána”.

—Aengus Ó Snodaigh.

47. In page 14, line 19, after “person” to insert “, persons, body or bodies”.

—Aengus Ó Snodaigh.

48. In page 14, line 21, to delete “require” and substitute “direct”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

49. In page 14, line 24, to delete “require” and substitute “direct”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

50. In page 14, line 29, to delete “require” and substitute “direct”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

51. In page 14, between lines 30 and 31, to insert the following:

“(e) give any other direction that appears to the person appointed under this section to be necessary, just and reasonable for the purposes of the inquiry;”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

52. In page 14, between lines 32 and 33, to insert the following:

“(4) If a person fails or refuses to comply with or disobeys a direction or summons under subsection (3), the High Court may, on application by the person appointed under this section—

(a) order the person in relation to whom the application was made to comply with the direction or, in the case of a summons, to attend the inquiry, and

(b) make such other (if any) order as it considers necessary and just to enable the direction to have full effect or, in the case of a summons, to ensure the attendance at the inquiry.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

53. In page 14, line 35, to delete “requirement” and substitute “direction”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

54. In page 14, lines 39 and 40, to delete all words from and including “to which” in line 39 down to and including “an” in line 40 and substitute the following:

“that the person conducting the inquiry may legally direct him or her to”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

55. In page 15, between lines 12 and 13, to insert the following:

13.—The Commissioner, in consultation with the Minister shall establish guidelines and structures so as to encourage members of police forces outside the jurisdiction to—
(a) apply to become permanent members of an Garda Síochána,

(b) apply for secondment to an Garda Síochána.”. —Jim O’Keeffe.

56. In page 15, line 14, after “regulations” to insert the following:

“and subject to ratification by Bord an Gharda Síochána”. —Aengus Ó Snodaigh.

57. In page 15, between lines 20 and 21, to insert the following:

14.—(1) In making provision for any Garda recruitment process, the Commissioner shall set a target percentage of the minimum level of recruits who shall be ordinarily resident in an area designated as a RAPID or Clár area.

(2) In recruiting members of An Garda Síochána, the Garda Commissioner shall ensure that at least the minimum target level set under subsection (1) is achieved.

(3) In the annual report, the Commissioner shall provide details of the numbers recruited pursuant to subsection (2).”. —Jim O’Keeffe.

58. In page 15, to delete lines 21 to 37. —Aengus Ó Snodaigh.

59. In page 15, line 22, to delete “volunteer” and substitute “reserve”. —An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

60. In page 15, line 22, to delete “volunteer”. —Jim O’Keeffe.


62. In page 15, line 23, to delete “exercising” and substitute “performing”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

63. In page 15, line 24, to delete “volunteer” and substitute “reserve”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

64. In page 15, line 25, after “training” to insert “(including human rights training)”.

—Ciaran Cuffe.

65. In page 15, line 26, to delete “While on duty, a volunteer member has” and substitute the following:

“Subject to subsection (5)*, a reserve member has, while on duty,”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[This is the appropriate reference if amendment no. 68 is accepted.]

66. In page 15, lines 26 to 28, to delete all words from and including “volunteer” in line 26 down to and including “garda” in line 28 and substitute the following:

“Garda Síochána Support Resource member shall only have such limited powers, immunities and privileges as prescribed by the Minister”. —Jim O’Keeffe.
67. In page 15, lines 30 and 31, to delete all words from and including “not” in line 30 down to and including “then” in line 31.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

68. In page 15, between lines 37 and 38, to insert the following:

“(5) The Garda Commissioner may determine the range of powers to be exercised and duties to be carried out by reserve members.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

69. In page 15, line 41, to delete “before God”.

—Aengus Ó Snodaigh.

70. In page 16, line 9, after “whatsoever” to insert the following:

“nor to any organisation which promotes hatred of an identifiable group”.

—Aengus Ó Snodaigh.

71. In page 16, to delete lines 10 and 11.

—Aengus Ó Snodaigh.

72. In page 16, line 12, to delete “may” and substitute “shall”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, Aengus Ó Snodaigh.

73. In page 16, to delete line 29 and substitute the following:

“(f) Ombudsman an Gharda Síochána;”.

—Aengus Ó Snodaigh.

74. In page 16, between lines 33 and 34, to insert the following:

“(a) the United Nations standards and norms in crime prevention and criminal justice,

(b) the report of the Independent Commission on Policing for Northern Ireland,”.

—Aengus Ó Snodaigh.

75. In page 16, between lines 37 and 38, to insert the following:

“(5) Violations of this code of ethics shall be punishable by disciplinary proceeding or dismissal, and the reporting of violations of the code of ethics by fellow members shall be an obligation on all members of an Garda Síochána.”.

—Aengus Ó Snodaigh.

76. In page 17, line 2, to delete “not” and substitute “may be”.

—Jim O’Keeffe.

77. In page 17, line 3, to delete “but” and substitute “and”.

—Jim O’Keeffe.

78. In page 17, to delete lines 5 to 9.

—Joe Costello.

79. In page 17, line 6, after “or” to insert “staff”.

—Aengus Ó Snodaigh.
80. In page 17, between lines 24 and 25, to insert the following:

18.—Prior to the implementation of any significant work practice changes or reorganisation, the Commissioner and the Minister shall consult with Garda representative associations.”.

—Jim O’Keeffe.

81. In page 18, between lines 5 and 6, to insert the following:

19.—With reference to the powers conferred upon the Minister by this Chapter, the Minister shall at all times furnish full and prompt responses to parliamentary questions relating to the past or proposed exercise of such powers.”.

—Jim O’Keeffe.

82. In page 18, between lines 5 and 6, to insert the following:

19.—The Minister shall, in consultation with the Minister for the Environment and Local Government, devise a plan under which Gardaí would be encouraged to live in the communities where they are stationed.”.

—Jim O’Keeffe.

83. In page 18, between lines 15 and 16, to insert the following:

“(a) secure and allocate any additional resources which are required as a result of his or her actions under subsection (1),”.

—Jim O’Keeffe.

84. In page 18, between lines 18 and 19, to insert the following:

“(b) consult with Bord an Gharda Síochána before determining or revising priorities or establishing or revising performance targets,

(c) have due regard for the views expressed or recommendations made in any reports produced by the Páirtnéireachtai Póilíneachta Phobail, which shall be furnished to him by the Garda Commissioner.”.

—Aengus Ó Snodaigh.

85. In page 18, between lines 21 and 22, to insert the following:

“(c) supply the Gardaí with modern and effective communications systems and leading edge technology for the recording of crime and the collation of data, and”.

—Jim O’Keeffe.

86. In page 18, between lines 21 and 22, to insert the following:

“(c) supply Bord an Gharda Síochána with a copy of the determined priorities, the established priorities and any revisions to those priorities or performance targets, and

(d) supply the Páirtnéireachtai Póilíneachta Phobail with a copy of the determined priorities, the established priorities and any revisions to those priorities or performance targets.”.

—Aengus Ó Snodaigh.