



DÁIL ÉIREANN

**BILLE AN GHARDA SÍOCHÁNA (LEASÚ) (UIMH. 3), 2014
GARDA SÍOCHÁNA (AMENDMENT) (NO. 3) BILL 2014**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

BILLE AN GHARDA SÍOCHÁNA (LEASÚ) (UIMH. 3), 2014 —ROGHCHOISTE

GARDA SÍOCHÁNA (AMENDMENT) (NO. 3) BILL 2014 —SELECT COMMITTEE

*Leasuithe
Amendments*

SECTION 2

1. In page 3, between lines 14 and 15, to insert the following:

“Amendment of section 65(1) of Principal Act

2. Section 65(1) of the Principal Act is amended by the substitution of the following subsection for subsection (1):

“(1) The Ombudsman Commission is to consist of 1 member, who is to be appointed by the President on—

- (a) the nomination of the Government, and
- (b) the passage of resolutions by Dáil Éireann and Seanad Éireann recommending their appointment.”.”.

—Pádraig Mac Lochlainn.

2. In page 3, between lines 14 and 15, to insert the following:

- “2. Section 67(2) of the Principal Act is amended by the insertion of the following paragraph after paragraph (h):

“(i) to hold the Garda Commissioner responsible, in his capacity as the Commissioner of An Garda Síochána but not in his capacity as head of national security, for the operations of An Garda Síochána.”.”.

—Niall Collins.

SECTION 3

3. In page 3, between lines 17 and 18, to insert the following:

“Amendment of section 73 of Principal Act

3. Section 73 of the Principal Act is amended by the insertion of the following subsection after subsection (3):

“(4) The Ombudsman Commission and the Garda Inspectorate may, for the

[SECTION 3]

purposes of an investigation, recruit a pool of independent investigators in place of designated officers.”.”.

—Pádraig Mac Lochlainn.

4. In page 3, between lines 17 and 18, to insert the following:

“Amendment of section 74 of Principal Act

3. Section 74 of the Principal Act is amended by the insertion of the following subsection after subsection (4):

“(5) The Ombudsman Commission and the Garda Inspectorate may, for the purposes of an investigation, recruit a pool of independent investigators in place of designated officers.”.”.

—Pádraig Mac Lochlainn.

SECTION 4

5. In page 3, between lines 20 and 21, to insert the following:

“Amendment of section 82(1) of Principal Act

4. Section 82(1) of the Principal Act is amended by the substitution of the following subsection for subsection (1):

“(1) In this Part, unless the context otherwise requires—

‘admissible complaint’ means a complaint determined by the Ombudsman Commission under section 87 to be admissible;

‘breach of discipline’ means conduct specified in Schedule 5;

‘complainant’ means—

- (a) a person who makes a complaint,
- (b) a person on whose behalf a complaint is made, and
- (c) where a complaint is made on behalf of another by a person authorised to do so under section 83, the authorised person;

‘conduct’ includes any act or omission and a reference to the occurrence of any conduct includes the doing of an act or the making of an omission;

‘disciplinary proceeding’ means a proceeding conducted in accordance with the Disciplinary Regulations;

‘Garda Commissioner’ includes a Deputy Garda Commissioner or an Assistant Garda Commissioner acting in place of the Garda Commissioner under section 32;

‘Independent Adjudicator’ means a member of the judiciary chosen to

[SECTION 4]

adjudicate on disputes between the Ombudsman Commission and the Garda Inspectorate;

‘member of the Garda Síochána’ does not include the Garda Commissioner;

‘member of the public’ means a person other than a member of the Garda Síochána or the Garda Commissioner;

‘misbehaviour’ means conduct that constitutes an offence or a breach of discipline;

‘serious harm’ means injury that—

- (a) creates a substantial risk of death,
- (b) causes serious disfigurement, or
- (c) causes substantial loss or impairment of mobility of the body as a whole or of the function of any particular bodily member or organ.”.”.

—Pádraig Mac Lochlainn.

SECTION 5

6. In page 3, between lines 23 and 24, to insert the following:

“Amendment of section 91 of Principal Act

5. Section 91 of the Principal Act is amended by the insertion of the following subsection after subsection (2):

“(3) The Ombudsman Commission and the Garda Inspectorate may, for the purposes of an investigation, recruit a pool of independent investigators in place of designated officers.”.”.

—Pádraig Mac Lochlainn.

7. In page 3, between lines 23 and 24, to insert the following:

- “5. Section 96(1) of the Principal Act is amended by the substitution of the following subsection for subsection (1):

“(1) For the purpose of an investigation under section 95, the Ombudsman Commission—

- (a) may require a person who, in its opinion, possesses information or has a document or thing in his or her power or control that is relevant to the investigation, to provide that information, document or thing to the Commission, and
- (b) where appropriate, may require that person to attend before the Commission for that purpose,
- (c) may require the Garda Commissioner to provide the Commission with access to the Garda Síochána Police Using Leading Systems

[SECTION 5]

Effectively (PULSE) computer system,
and the person and/or Garda Commissioner shall, subject to subsection
(4), comply with the requirement.”.”.

—Niall Collins.

8. In page 3, between lines 23 and 24, to insert the following:

“Amendment of section 96(4) of Principal Act

5. Section 96(4) of the Principal Act is amended by the substitution of the following subsection for subsection (4):

“(4) A person may not be required under subsection (1)(a) or (3)(a) to provide any information, document or thing that is designated, or is of a class designated, under section 126 as relating to the security of the State, and where a dispute occurs the matter shall be referred to the independent adjudicator.”.”.

—Pádraig Mac Lochlainn.

9. In page 3, between lines 23 and 24, to insert the following:

“Amendment of section 96(5) of Principal Act

5. Section 96(5) of the Principal Act is amended by the substitution of the following subsection for subsection (5):

“(5) If a person required under subsection (1)(a) or (3)(a) to provide any information, document or thing claims that subsection (4)* applies in relation to the matter, the Ombudsman Commission shall refer the matter to the independent adjudicator.”.”.

—Pádraig Mac Lochlainn.

[*This is a reference to the subsection proposed to be inserted by amendment no. 8.]

10. In page 3, between lines 23 and 24, to insert the following:

“Amendment of section 96(6) of Principal Act

5. Section 96(6) of the Principal Act is amended by the substitution of the following subsection for subsection (6):

“(6) If the Independent Adjudicator determines that the disclosure of all or part of the information, document or thing specified in the requirement would not be prejudicial to the security of the State or that its disclosure is necessary for the proper investigation of a matter concerning the death of, or serious harm to, a person as a result of Garda operations or while in the care or custody of the Garda Síochána, the Independent Adjudicator may issue a direction—

(a) specifying that all or part, as the case may be, of the document,

[SECTION 5]

information or thing be disclosed, and

- (b) imposing any conditions or restrictions relating to the security of the State that the Independent Adjudicator considers appropriate.””.

—Pádraig Mac Lochlainn.

11. In page 3, between lines 23 and 24, to insert the following:

“5. Section 98(1) of the Principal Act is amended by the insertion of the following paragraph after paragraph (g):

“(h) the search of the Garda Síochána Police Using Leading Systems Effectively (PULSE) computer system for any purpose relevant to the investigation being conducted by the designated Officer of the Ombudsman Commission.””.

—Niall Collins.

SECTION 7

12. In page 4, line 18, to delete “and subject to the consent of the Minister,”.

—Niall Collins, Pádraig Mac Lochlainn.

13. In page 4, to delete lines 28 to 30.

—Pádraig Mac Lochlainn.

SECTION 8

14. In page 5, line 23, before “by” to insert “in subsection (1),”.

—An tAire Dlí agus Cirt agus Comhionannais.

SECTION 9

15. In page 5, between lines 28 and 29, to insert the following:

“9. The Ombudsman Commission may, if the investigation so requires, access the PULSE system.”.

—Pádraig Mac Lochlainn.

16. In page 5, line 35, to delete “as soon as practicable” and substitute “within thirty days”.

—Pádraig Mac Lochlainn.

SECTION 14

17. In page 11, between lines 3 and 4, to insert the following:

“Establishment of Criminal Justice Inspectorate

14. The Minister shall establish a Criminal Justice Inspectorate which is primarily responsible for the effectiveness and efficiency of the workings of organisations within the Criminal Justice sector including; An Garda Síochána; Garda Síochána Ombudsman Commission; The Director of Public Prosecutions; The Probation Service; The Courts Service; Irish Youth Justice Service.”.

[SECTION 14]

—Pádraig Mac Lochlainn.