



SEANAD ÉIREANN

**BILLE AN GHARDA SÍOCHÁNA (AN TÚDARÁS
PÓILÍNEACHTA AGUS FORÁLACHA ILGHNÉITHEACHA),
2015**

**GARDA SÍOCHÁNA (POLICING AUTHORITY AND
MISCELLANEOUS PROVISIONS) BILL 2015**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

BILLE AN GHARDA SÍOCHÁNA (AN TÚDARÁS PÓILÍNEACHTA AGUS FORÁLACHA ILGHNÉITHEACHA), 2015 —AN COISTE

GARDA SÍOCHÁNA (POLICING AUTHORITY AND MISCELLANEOUS PROVISIONS) BILL 2015 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 11

*1. In page 12, between lines 35 and 36, to insert the following:

“(b) by the insertion of the following subsection after subsection (5):

“(5A) A statement or admission made by a person pursuant to a direction under subsection (3) shall not be admissible as evidence in proceedings brought against that person for an offence (other than an offence under subsection (5)).”.

SECTION 13

*2. In page 14, between lines 37 and 38, to insert the following:

“(7) A statement or admission made by a person pursuant to a direction under subsection (4) shall not be admissible as evidence in proceedings brought against that person for an offence (other than an offence under subsection (6)).”.

*3. In page 14, line 38, to delete “(7) If an inquiry” and substitute the following:

“(8) If an inquiry”.

*4. In page 15, line 5, to delete “(8) As soon as practicable” and substitute the following:

“(9) As soon as practicable”.

SECTION 37

*5. In page 28, between lines 2 and 3, to insert the following:

“Amendment of section 45 of Principal Act

37. Section 45 of the Principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (a), by the substitution of “governance and financial matters” for “financial matters”, and

[SECTION.37]

(ii) in paragraph (c), by the substitution of “the Authority and the Minister” for “the Minister”,

and

(b) in subsection (2)(a), by the substitution of “Government guidelines on governance and financial issues” for “Government guidelines on financial issues”.”.

[Acceptance of this amendment involves the deletion of section 37 of the Bill.]

SECTION 43

***6.** In page 29, to delete lines 26 to 31 and substitute the following:

“(a) in subsection (4), by the substitution of the following paragraph for paragraph (c):

“(c) is made to a tribunal appointed under the Tribunals of Inquiry (Evidence) Acts 1921 to 2011, a commission of investigation established under the Commissions of Investigation Act 2004 or a committee within the meaning of section 2 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 for the purposes of a Part 2 inquiry, within the meaning of that section, under that Act,”,

and”.

SECTION 44

***7.** In page 33, line 29, to delete “or” where it secondly occurs.

***8.** In page 33, to delete lines 30 to 32 and substitute the following:

“(e) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(f) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provision of that Act.”.

[SECTION.44]

- *9. In page 37, lines 35 and 36, to delete all words from and including “one” in line 35 down to and including line 36 and substitute “four meetings of the Authority with the Garda Commissioner in each year.”.
- *10. In page 40, lines 34 and 35, to delete “Tribunals of Inquiry (Evidence) Acts 1921 to 2002” and substitute “Tribunals of Inquiry (Evidence) Acts 1921 to 2011”.
- *11. In page 41, lines 1 and 2, to delete “inquiry within the meaning of that section under that Act” and substitute “inquiry, within the meaning of that section, under that Act”.
- *12. In page 44, line 13, to delete “(other than the Chief Executive)”.
- *13. In page 44, line 17, to delete “(other than the Chief Executive)”.
- *14. In page 44, line 22, to delete “(other than the Chief Executive)”.
- *15. In page 44, to delete lines 23 to 43.
- *16. In page 45, line 2, to delete “62S. (1) The Chief Executive” and substitute the following:

“62R. The Chief Executive”.
- *17. In page 45, to delete lines 5 to 26.
- *18. In page 45, line 28, to delete “62T. (1) Subject to subsection (2)” and substitute the following:

“62S. (1) Subject to subsection (2)”.
- *19. In page 45, lines 34 and 35, to delete “Tribunals of Inquiry (Evidence) Acts 1921 to 2002” and substitute “Tribunals of Inquiry (Evidence) Acts 1921 to 2011”.

SECTION 46

- *20. In page 47, to delete lines 8 to 14 and substitute the following:

“(b) in subsection (4), by the substitution of the following paragraph for paragraph (d):

“(d) is made to a tribunal appointed under the Tribunals of Inquiry (Evidence) Acts 1921 to 2011, a commission of investigation established under the Commissions of Investigation Act 2004 or a committee within the meaning of section 2 of the Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 for the purposes of a Part 2 inquiry, within the meaning of that section, under that Act.”.

SECTION 47

- *21. In page 47, lines 16 to 18, to delete all words from and including “(1) Section” in line 16 down to and including line 18 and substitute the following:

“(1) Section 90 of the Principal Act is amended—

 - (a) in subsection (1), by the substitution of “Ombudsman Commission shall, following consultation with the Garda Commissioner, issue guidelines” for “Ombudsman Commission may issue guidelines”, and
 - (b) in subsection (7), by the substitution of “Ombudsman Commission may,

[SECTION.47]

following consultation with the Garda Commissioner, revise any guidelines issued under this section or withdraw those guidelines” for “Ombudsman Commission may revise any guidelines issued under this section or may withdraw those guidelines”.”.

SECTION 54

*22. In page 51, to delete lines 24 to 36 and substitute the following:

- “ **117A.**(1)The Minister or the Authority, as may be appropriate, may monitor and assess the measures taken by the Garda Síochána in relation to the recommendations contained in a report prepared by the Garda Síochána Inspectorate and submitted to the Minister or the Authority under section 117(2)(b).
- (2) Without prejudice to subsection (1), the Minister may request the Authority to monitor and assess the measures taken by the Garda Síochána in relation to such of the recommendations contained in a report prepared by the Garda Síochána Inspectorate, and submitted to the Minister or the Authority under section 117(2)(b), as the Minister may specify in the request.
- (3) The Garda Commissioner shall supply the Minister and the Authority with such information and documents as the Minister or the Authority, as the case may be, may require for the purposes of this section.
- (4) The Authority shall, as soon as practicable after a request to it under subsection (2), submit to the Minister a report on the matter the subject of the request and may include in the report any other matter connected with the subject matter of the request that it considers should be brought to the attention of the Minister.”.”.

SECTION 60

*23. In page 53, between lines 2 and 3, to insert the following:

“Amendment of section 18A of Comptroller and Auditor General (Amendment) Act 1993

60. Section 18A (inserted by section 132 of the Principal Act) of the Comptroller and Auditor General (Amendment) Act 1993 is amended by the substitution of “Garda Síochána and the Policing Authority as though they were Departments” for “Garda Síochána as though it were a Department”.”.