



**SEANAD ÉIREANN**

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

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

**LEASUITHE TUARASCÁLA  
REPORT AMENDMENTS**

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

### GARDA SÍOCHÁNA (POLICING AUTHORITY AND MISCELLANEOUS PROVISIONS) BILL 2015 —REPORT

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*Leasuithe  
Amendments*

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*\*Government amendments are denoted by an asterisk*

1. In page 7, line 15, to delete “the Minister” and substitute “a member of the judiciary, as delegated by the Chief Justice”.  
*—Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
2. In page 7, line 16, to delete “Minister” and substitute “member of the judiciary”.  
*—Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- \*3. In page 7, line 35, to delete “enactment specified in the *Schedule* is repealed” and substitute “enactments specified in the *Schedule* are repealed”.
4. In page 8, lines 7 and 8, to delete “shall, upon the nomination of the Authority, be made by the Government” and substitute “shall be made by the Authority”.  
*—Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
5. In page 8, line 9, to delete “nominate” and substitute “appoint”.  
*—Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
6. In page 8, line 10, to delete “, with the prior approval in writing of the Government,”.  
*—Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
7. In page 8, line 13, to delete “, with the approval of the Minister,”.  
*—Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- \*8. In page 8, line 14, to delete “selection criteria and process that are to apply to the” and substitute the following:  

“requirements relating to knowledge, ability and suitability for appointment as the Garda Commissioner for the purposes of a”.
9. In page 8, line 16, to delete “nominated” and substitute “appointed”.  
*—Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

10. In page 8, line 24, to delete “nomination” and substitute “appointment”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
11. In page 8, lines 24 and 25, to delete “for appointment”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
12. In page 8, to delete lines 26 to 40.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
13. In page 9, line 2, to delete “Minister” and substitute “Authority”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
14. In page 9, line 3, to delete “Minister” and substitute “Authority”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
15. In page 9, line 4, to delete “Minister” and substitute “Authority”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
16. In page 9, line 6, to delete “The Government shall, as soon as may be, inform the Authority” and substitute “The Authority shall, as soon as may be, inform the Government”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
17. In page 9, line 15, to delete “Government” and substitute “Authority”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
18. In page 9, lines 17 and 18, to delete “, upon the nomination of the Authority, be made by the Government” and substitute “be made by the Authority”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
19. In page 9, line 19, to delete “nominate” and substitute “appoint”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
20. In page 9, line 20, to delete “, with the prior approval in writing of the Government,”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
21. In page 9, line 23, to delete “, with the approval of the Minister,”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
- \*22. In page 9, line 24, to delete “selection criteria and process that are to apply to the” and substitute the following:  
“requirements relating to knowledge, ability and suitability for appointment to the rank of Deputy Garda Commissioner for the purposes of a”.
23. In page 9, line 26, to delete “nominated” and substitute “appointed”.  
—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

24. In page 9, lines 34 and 35, to delete “nomination by the Authority under subsection (1) for appointment” and substitute “appointment”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
25. In page 9, to delete lines 36 to 42, and in page 10, to delete lines 1 to 8.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
26. In page 10, line 10, to delete “Minister” and substitute “Authority”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
27. In page 10, line 11, to delete “Minister” and substitute “Authority”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
28. In page 10, line 12, to delete “Minister” and substitute “Authority”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
29. In page 10, line 14, to delete “The Government shall, as soon as may be, inform the Authority” and substitute “The Authority shall, as soon as may be, inform the Government”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
30. In page 10, line 25, to delete “or Deputy Garda Commissioner” and substitute “, Deputy Garda Commissioner, Assistant Garda Commissioner, chief superintendent or superintendent”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
31. In page 10, line 26, to delete “Government” and substitute “Authority”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
32. In page 10, line 36, to delete “Government” and substitute “Authority”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
33. In page 10, to delete lines 37 to 41, and in page 11, to delete lines 1 to 23.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
34. In page 11, line 24, to delete “or 13A(1)(a)”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
35. In page 11, lines 27 and 28, to delete “Government or the Authority, as the case may be,” and substitute “Authority”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
36. In page 11, line 29, to delete “Government or the Authority, as the case may be,” and substitute “Authority”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*
37. In page 11, line 31, to delete “subsection (5)” and substitute “subsection (2)”.
- Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

38. In page 11, line 32, to delete “Government or the Authority, as the case may be,” and substitute “Authority”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

39. In page 11, line 34, to delete “or 13A”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

40. In page 11, lines 36 and 37, to delete “Subject to subsection (8), the Government shall, as soon as may be, inform the Authority” and substitute “The Authority shall, as soon as may be, inform the Minister”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

41. In page 11, lines 38 and 39, to delete “subsection (1) or (4) and any related suspension from duty under subsection (5)” and substitute “subsection (1) and any related suspension from duty under subsection (2)”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

42. In page 11, to delete lines 40 to 43, and in page 12, to delete lines 1 to 5.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

43. In page 12, line 7, after “of” to insert “Garda Commissioner, Deputy Garda Commissioner,”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

44. In page 12, lines 13 and 14, to delete “and 13A (inserted by section 13)”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

45. In page 12, line 16, after “of” to insert “Garda Commissioner, Deputy Garda Commissioner,”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

46. In page 12, line 23, to delete “or (4) of section 11, the Government” and substitute “of section 11, the Authority”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

47. In page 12, line 24, to delete “Government” and substitute “Authority”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

48. In page 12, to delete lines 29 to 40 and substitute the following:

“(b) by substituting the following for subsection (2):

“(2) The Authority may, if they consider it necessary or appropriate to do so, appoint a person to—

(a) hold an inquiry into any matter giving rise to a notification under subsection (1), and

(b) report to the Authority on the findings of the inquiry.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

49. In page 12, between lines 40 and 41, to insert the following:

“(c) by substituting the following for subsection (6):

“(6) If an inquiry is held, the Authority shall—

- (a) consider the report on the findings of the inquiry,
- (b) inform the Minister of the findings of the inquiry,
- (c) make a copy of the report available to the person whose removal from office is the subject of the report, and
- (d) give that person an opportunity to make representations relating to the report.””.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

50. In page 13, to delete lines 6 and 7.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

51. In page 13, line 12, to delete “Minister” where it firstly occurs and substitute “Authority”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

52. In page 13, line 24, to delete “subsections (3) to (9) of”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

53. In page 13, to delete lines 28 to 40, to delete page 14, and in page 15, to delete lines 1 to 17.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

54. In page 15, between lines 18 and 19, to insert the following:

“(1) Section 14(1) of the Principal Act is amended by the substitution of the following subsection for subsection (1) as follows:

“(1) The Garda Commissioner may appoint, subject to and in accordance with the regulations, and subject to oversight by the Authority, such numbers of persons as he or she sees fit to the ranks of garda, sergeant and inspector in the Garda Síochána.””.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

55. In page 17, lines 7 and 8, to delete “with the consent of the Minister”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

56. In page 17, line 10, to delete “with the consent of the Minister”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

57. In page 17, lines 21 and 22, to delete “and with the approval of the Minister”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

58. In page 17, to delete lines 32 to 34.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

59. In page 19, line 24, to delete “, with the consent of the Minister.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

60. In page 19, lines 27 and 28, to delete “with the consent of the Minister”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

61. In page 20, line 14, to delete “, with the consent of the Minister.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

62. In page 20, lines 17 and 18, to delete “with the consent of the Minister”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

63. In page 21, to delete lines 2 to 25 and substitute the following:

“23. The Principal Act is amended by the substitution of the following section for section 25:

“25. (1) The Authority may issue to the Garda Commissioner written directives concerning any matter relating to the Garda Síochána.

(2) The Garda Commissioner shall, in performing the functions of that office, comply with any directive issued under this section.

(3) As soon as practicable after issuing a directive under this section, the Authority shall provide a copy of the Directive to the Minister who shall cause a copy of the directive to be laid before each House of the Oireachtas, but if compliance with this requirement might prejudice the security of the State or might impede the prevention, investigation or prosecution of an offence, it is sufficient if a written statement indicating that a directive has been issued is laid before each House.

(4) The Authority’s power under subsection (1) may not be exercised to limit the independence of a member of the Garda Síochána in performing functions relating to the investigation of a specific offence or the prosecution of an offence.

(5) The Garda Commissioner shall inform the Authority of the measures taken by the Commissioner to comply with a directive issued under this section and supply the information within the time specified by the Authority.”.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

64. In page 24, lines 33 and 34, to delete “, made with the approval of the Government”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

65. In page 24, lines 37 and 38, to delete “, with the consent of the Minister”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*



66. In page 27, lines 32 and 33, to delete “with the consent of the Minister”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

67. In page 31, to delete lines 9 to 37 and substitute the following:

**“Membership of the Authority**

**62C.** (1) The Authority shall comprise of 21 members:

- (a) 12 of whom shall be ordinary members, appointed by the Government subject to section 62D, and
  - (b) 9 of whom shall be political members appointed in accordance with subsection (2).
- (2) There shall be 9 political members elected to the Authority through the use of the D’Hondt method of election, at a date not later than 30 days after the date of enactment of this Act.
  - (3) There shall be 12 ordinary members appointed to the Authority by the Government at a date not later than 30 days after the enactment of this Act and following this appointment, the members shall, by casting a secret ballot, elect one of the ordinary members to be chairperson of the Authority.
  - (4) If a person stands elected under subsection (3), the person shall, on that day, stand elected as the first chairperson of the Authority.
  - (5) In appointing the 12 ordinary members of the Authority, the Government shall have regard to the objective of there being no fewer than 6 members who are women and no fewer than 6 members who are men.
  - (6) Except for the first appointed members of the Authority and subject to section 62E(5), a person shall not be appointed as a member of the Authority unless a resolution has been passed by each House of the Oireachtas recommending his or her appointment.
  - (7) Except for the first appointed ordinary members of the Authority and subject to section 62E(5), the Government shall appoint ordinary members of the Authority from among such persons as are recommended by the Service in accordance with section 62D for appointment as such ordinary members.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

68. In page 33, to delete lines 24 to 27.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

69. In page 34, to delete lines 8 to 17.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

70. In page 35, line 28, to delete “nominating” and substitute “appointing”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

71. In page 37, between lines 14 and 15, to insert the following:

“(i) monitor and address human rights and equality compliance by An Garda Síochána at every level of its operation and ensure issues identified by the Garda Síochána Ombudsman Commission are dealt with in an effective manner.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

72. In page 37, to delete lines 19 to 23 and substitute the following:

“(4) Any function of the Authority may be performed through or by the Chief Executive or other member of its staff duly authorised in that behalf by the Authority.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

73. In page 37, to delete lines 28 to 32 and substitute the following:

“(6) The Authority may provide for the performance of one or more of its functions by a committee, under the general direction of the Authority.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

74. In page 39, lines 18 and 19, to delete “with the consent of the Minister and the Minister for Public Expenditure and Reform,”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

\*75. In page 43, line 17, to delete “who shall be” and substitute “who, subject to subsections (2) and (3), shall be”.

\*76. In page 43, between lines 20 and 21, to insert the following:

“(2) The Minister may, before the establishment day of the Authority, designate a person to be the first chief executive officer of the Authority.

(3) If, immediately before the establishment day of the Authority, a person stands designated by the Minister under subsection (2), the Authority shall appoint that person to be the first Chief Executive.”.

\*77. In page 43, to delete line 21 and substitute the following:

“(4) The Chief Executive shall—”.

\*78. In page 43, to delete line 29 and substitute the following:

“(5) The Chief Executive shall—”.

\*79. In page 43, to delete line 33 and substitute the following:

“(6) The Chief Executive shall—”.

**\*80.** In page 43, line 39, to delete “ (5) The Chief Executive may” and substitute the following:

“(7) The Chief Executive may”.

**\*81.** In page 44, line 1, to delete “(6) The Chief Executive shall not” and substitute the following:

“(8) The Chief Executive shall not”.

**\*82.** In page 44, line 6, to delete “ (7) The Chief Executive shall” and substitute the following:

“(9) The Chief Executive shall”.

**\*83.** In page 44, line 9, to delete “ (8) The Chief Executive shall not” and substitute the following:

“(10) The Chief Executive shall not”.

**\*84.** In page 44, to delete line 12 and substitute the following:

“(11) If the Chief Executive—”.

**85.** In page 47, line 25, to delete “and subject to the consent of the Minister”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

**86.** In page 47, to delete lines 33 to 37.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

**\*87.** In page 54, between lines 5 and 6, to insert the following:

“

No. 31 of 1924	Dublin Police Act 1924	The whole Act
No. 7 of 1925	Police Forces Amalgamation Act 1925	Section 16
No. 10 of 1926	Police Forces Amalgamation (Amendment) Act 1926	The whole Act
No. 14 of 1958	Garda Síochána Act 1958	The whole Act

”.