



**Bille an Gharda Síochána (Feidhmeanna agus Limistéir
Oibríochta), 2021**
Garda Síochána (Functions and Operational Areas)
Bill 2021

Meabhrán Miniúcháin
Explanatory Memorandum



**BILLE AN GHARDA SÍOCHÁNA (FEIDHMEANNA AGUS
LIMISTÉIR OIBRÍOCHTA), 2021
GARDA SÍOCHÁNA (FUNCTIONS AND OPERATIONAL AREAS)
BILL 2021**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of the Bill is to make certain amendments to legislation to facilitate the introduction of certain changes to the structure of the Garda Síochána, primarily the abolition of Garda districts.

In addition, the Bill reassigns some of the functions performed by members of the Garda Síochána in Garda districts to other members in Garda Síochána divisions.

The Bill makes transitional arrangements in respect of the aforementioned changes and provides for related matters.

Provisions of the Bill

PART 1

Preliminary and General

Section 1 — Short title and commencement

Section 1 contains the standard short title and commencement provisions.

Section 2 — Definitions

Section 2 provides definitions for terms used in the Bill.

Section 3 — Revocation

Section 3 provides for the revocation of the Garda Síochána (Designations, Appointments and Discipline) Regulations 1924, which set out that the Garda Síochána is to be divided into districts and divisions. It also provides definitions for terms used in the section.

PART 2

Amendments

Section 4 — Amendment of enactments relating to functions and operational areas of Garda Síochána

Section 4 provides for the amendment of Acts set out in *Schedule 1* and the amendment of Regulations set out in *Schedule 2*, to remove references to:

- (a) Garda districts, replacing them with references to divisions or other appropriate wording and,

- (b) “the superintendent” of a district, replacing them with references to “a superintendent” in a division, “an inspector” or other appropriate wording.

Section 5 — Amendment of certain enactments by substitution of “area” for “district”

Section 5 provides for the amendment of miscellaneous provisions listed in *Schedule 3* and *Schedule 4* to replace the phrase “district or place” with “area or place”.

Section 6 — Amendment of Act of 1925

Section 6 provides for the amendment of the Firearms Act 1925 to provide a power for a superintendent to delegate specific functions. Under this section, a superintendent may appoint an inspector to perform certain licensing functions of the superintendent under the Act of 1925.

Section 7 — Amendment of section 10 of Sex Offenders Act 2001

Section 7 amends the Sex Offenders Act 2001. That Act requires persons to whom the legislation applies to make certain specified notifications at a district or divisional headquarters. Under this amendment, the Commissioner may designate stations at which notifications can be made instead of district headquarters. The new subsection (8A) will require that any Garda Síochána stations designated shall be in writing and a list of designated stations shall be published.

Section 8 — Amendment of section 92 of Criminal Justice Act 2006

Section 8 amends the Criminal Justice Act 2006. That Act requires persons to whom the legislation applies to make certain specified notifications at a district or divisional headquarters. Under this amendment, the Commissioner may designate stations at which notifications can be made instead of district headquarters. The new subsection (8A) will require that any Garda Síochána stations designated shall be in writing and a list of designated stations shall be published.

Section 9 — Power to amend certain statutory instruments

Section 9 provides a power for the Minister to amend specific references to a Garda district or Garda rank in Statutory Instruments, and to make certain other amendments, to give effect to a determination of the Commissioner of the Garda Síochána under section 33(1) of the Garda Síochána Act 2005.

Section 10 — Construction of references in certain enactments

Section 10 clarifies that references to district on the statute book can be construed as references to the equivalent division. It also provides that any references to superintendent in the context of a district are to be construed as references to a superintendent of the Garda Síochána in the equivalent division.

Section 11 — Construction of references to Garda division in certain enactments

Section 11 clarifies the meaning of “Garda division” in enactments being amended by the Bill and any enactment enacted after the date the section comes into operation.

Section 12 — Construction of references to Royal Irish Constabulary or Civic Guard districts in certain enactments

Section 12 provides for the construction of references to Royal Irish Constabulary (RIC) or Civic Guard districts as Garda Síochána divisions.

PART 3

Transitional Provisions

Sections 13 to 27 are transitional provisions. There is a general transitional provision as well as specific transitional provisions relating to particular enactments.

Schedule 1 provides for amendments of Acts by section 4(1).

Schedule 2 provides for amendments of statutory instruments by section 4(2).

Schedule 3 provides for amendments of Acts by section 5(1).

Schedule 4 provides for amendments of statutory instruments by section 5(2).

An Roinn Dlí agus Cirt,

Meán Fómhair, 2021.