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**An Bille um Chomhar Idirnáisiúnta (Fiosrúchán faoi  
Bhuamáil na hÓmaí), 2026**  
**International Co-operation (Omagh Bombing Inquiry)**  
**Bill 2026**

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*Meabhrán Mínitheach*  
*Explanatory Memorandum*

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**AN BILLE UM CHOMHAR IDIRNÁISIÚNTA (FIOSRÚCHÁN  
FAOI BHUAMÁIL NA hÓMAÍ), 2026  
INTERNATIONAL CO-OPERATION (OMAGH BOMBING  
INQUIRY) BILL 2026**

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**EXPLANATORY MEMORANDUM**

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**Background to and purpose of the Bill**

The Omagh Bombing Inquiry was established by the Secretary of State for Northern Ireland on 21 February 2024 to investigate whether the bombing in the town of Omagh, Co. Tyrone, on 15 August 1998 could have been prevented by United Kingdom state authorities. The Omagh Bombing was the single worst atrocity of the Troubles resulting in the deaths of 29 people and two unborn children.

The Government, on 9 July 2024, agreed to assist the Omagh Bombing Inquiry to the extent permissible under the Constitution and laws of the State. This commitment forms part of the Programme for Government to “*play our full part in legacy processes, including facilitating and supporting the Omagh Inquiry*”. At the Inquiry’s first preliminary hearing on 30 July 2024, a statement was made, on behalf of the Irish Government, which confirmed the Government’s intention to facilitate and support the Inquiry.

The purpose of the Bill is to provide a bespoke legal mechanism for the taking of oral testimony before a High Court judge in this jurisdiction for the purposes of the Omagh Bombing Inquiry. The Bill will add to the measures already implemented to deliver on the commitment to assist the Inquiry including: the Memorandum of Understanding signed by the Minister for Justice, Home Affairs and Migration on 15 April 2025, on behalf of the Government, with the Chairman of the Inquiry on matters relating to the disclosure of materials; and the making of the Data Protection Act 1988 (Section 2B) Regulations 2025 (S.I. No. 537/2025) to support the disclosure of sensitive personal data to the Inquiry.

The mechanism provided for in the Bill is modelled on that contained in section 3 of the Criminal Justice (International Co-operation) Act 2019 for the taking of oral testimony from members of An Garda Síochána for the purposes of UK troubles-related inquests.

Recognising the significance of the Omagh Bombing, the mechanism builds on the 2019 model. It includes new features aimed at maximising the evidential opportunities available to the Chairman of the Inquiry to fulfil his terms of reference and to enhance transparency.

The new features include extending the mechanism to State bodies other than An Garda Síochána and to both serving and former members of An Garda Síochána and the Defence Forces, serving and former

departmental officials and former holders of ministerial office. The Bill facilitates core participants, principally survivors and family members of victims to be present for the taking of evidence and hear first hand the evidence given before the High Court judge. The Inquiry is also enabled to ask questions to clarify evidence given by a witness to the judge.

### **Provisions of the Bill**

The Bill consists of 3 Parts with 12 sections the provisions of which are summarised below. The Bill also contains one schedule in which the terms of reference of the Inquiry are set out.

#### **Part 1 Preliminary and General (sections 1 to 3)**

This Part contains standard provisions providing for the short title and commencement (section 1) and the payment of expenses incurred by the Minister in the administration of the Act (section 3).

**Section 2** provides the necessary definitions. Of particular note are the following:

“designated State body” refers to An Garda Síochána and, where designated by the Minister, a Department of State or the Defence Forces.

“former holder of ministerial office” refers to a former Taoiseach, Tánaiste or other Minister of the Government or Minister of State.

“office holder” refers to a member of An Garda Síochána, a member of the Defence Forces or a departmental official. It is defined to take account of the transfer of functions between Departments and the movement of civil servants between Departments.

“former office holder” in relation to a designated State body means a former member of An Garda Síochána, a former member of the Defence Forces or a former departmental official.

“head” in relation to a designated State body means: in relation to An Garda Síochána, the Garda Commissioner; in relation to a Department of State, the Secretary General of the Department; and, in relation to the Defence Forces, the Chief of Staff of the Defence Forces.

“Minister” means the Minister for Justice, Home Affairs and Migration.

A number of terms relating to the Omagh Bombing Inquiry, such as Chairman and counsel to the Inquiry, are defined by reference to the rules governing the Inquiry.

#### **Part 2 Co-operation with Omagh Bombing Inquiry (sections 4 to 11)**

This Part provides for the mechanism to facilitate the taking of oral evidence before a nominated judge of the High Court for the purposes of the Inquiry.

**Section 4** empowers the Minister to designate a State body (a Department of State or the Defence Forces) in addition to An Garda Síochána for the purposes of the Act. Before the Minister may do so, he or she must be satisfied that the body concerned holds relevant information and that the Chairman of the Inquiry has confirmed in writing that assistance is required from that body. The Minister must also consult with the responsible line Minister. The written designation is to be laid before the Houses of the Oireachtas.

**Section 5** sets out the mechanism by which the Chairman may request the head of a designated State body for assistance.

Subsections (1) to (3) provide that the request must be in writing specifying the questions that the Chairman is requesting be asked of the

body and the purpose of the request. The request may also specify serving or former office holders from whom the Inquiry wishes to hear. It is for the head of the body to decide whether to agree to the request in respect of some or all of the questions or some or all of the persons specified. A head may not accede to a request in respect of a former office holder without their written consent (subsection 5).

Under subsection (4) a head is required to refuse to accede to a request in respect of any question on the grounds that to accede would be likely to prejudice the sovereignty, security and other essential interests of the State, or a criminal investigation or criminal proceedings, or, otherwise be inconsistent with the functions of the body concerned. Prior consultation is required with the Minister and, where relevant, the line Minister, before a decision to refuse to accede to a request in respect of a particular question may be taken.

Subsections (6) and (7) provide that a decision by the head of the body in respect of a request for assistance must be in writing and be made as soon as practicable to avoid any undue delay in the process. Where the head has refused to accede to a question or to a specified person giving evidence, the decision must specify the reasons for refusal. A copy of the decision must be given to the Chairman.

**Section 6** makes largely similar provision to section 5 but in respect of a request for assistance from the Chairman specifying a former holder of ministerial office. Requests for assistance must be made in writing to the Minister for Justice, Home Affairs and Migration specifying the questions to be asked and the former holder of ministerial office from whom the Inquiry wishes to hear. The Minister for Justice, Home Affairs and Migration considers and decides on the request subject to the same conditions that apply under section 5 and the written consent of the former holder of ministerial office to give evidence.

**Section 7** provides for the designation of persons (an office holder, former office holder or former holder of ministerial office) as the witnesses from whom the evidence is to be taken before the High Court. When designating an office holder who was not specified in the request, the head of the body concerned is required to designate an office holder of a minimum level of seniority.

**Section 8** sets out the process for the nomination of a judge of the High Court who is to take the evidence. The application for the nomination of the judge must be made as soon as practicable by the head of the body (or the Minister in the case of a former holder of ministerial office) after acceding to a request for assistance. Where the nominated judge is unable for any reason to take the evidence, an application may be made for the nomination of another judge to take the evidence.

**Section 9** provides that only the nominated judge is permitted to ask questions of the designated person, those questions having been approved for answer by the person concerned.

**Section 10** enables the Chairman or counsel to the Inquiry, on his behalf, to ask clarifying questions of the designated person upon the completion of the agreed questions asked by the nominated judge.

**Section 11** sets out how the evidence under sections 9 and 10 will be taken.

Subsection (1) provides that the designated person is to give his or her evidence on oath and in private subject to those permitted to be present. Subsection (3) provides for those permitted to be present and includes core participants (and their recognised legal representatives or counsel

acting on their behalf), the designated person and the relevant head (and their legal representatives), the Chairman of the Inquiry and a member of the Inquiry team. With regard to a request in respect of a former holder of ministerial office, an officer of the Minister for Justice, Home Affairs and Migration and nominated legal representative may also attend, in addition to the former Minister's legal representative.

Subsection (2) makes provision for the nominated judge to give such directions in relation to the arrangements for the taking of evidence as he or she considers appropriate. Two subject matters are explicitly referenced: directions for the purpose of securing the safety of the designated person (the witness) and directions permitting a break to be taken in the proceedings to allow for the formulation of any clarifying questions to be asked or the preparation of a response to such questions.

Subsection (4) makes provision for the Chairman and counsel to the Inquiry to have a right of audience before the nominated judge and to make submissions or representations to the nominated judge.

Subsections (5) and (6) provide for safeguards for the designated person giving evidence including an entitlement to the immunities and privileges of a witness before the High Court.

Subsection (7) provides for the nominated judge to certify the transcript of the evidence and to arrange for a copy to be given to the head of the body concerned, to the Chairman and to the Minister. Subsection (8) sets out the conditions that apply to the transcript provided to the Chairman, namely, that the evidence may not be used for a purpose other than that for which it was sought without the consent of the head of the body concerned, or, in the case of evidence given by a former holder of ministerial office, the Minister for Justice, Home Affairs and Migration.

### **Part 3 Amendment of Criminal Justice (International Co-operation) Act 2019**

**Section 12** is a technical amendment to the 2019 Act to remove a drafting ambiguity in sections 1 and 2 of that Act.

#### **Schedule**

The terms of reference of the Omagh Bombing Inquiry are set out in the Schedule.

*An Roinn Dlí agus Cirt, Gnóthaí Baile agus Imirce,  
Márta, 2026.*



