

# Garda Síochána (Functions and Operational Areas) Bill 2021

Bill No. 109 of 2021

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## Abstract

The [\*Garda Síochána \(Functions and Operational Areas\) Bill 2021\*](#) intends to facilitate the implementation of the new Garda Síochána Operating Model. The Bill proposes certain amendments to legislation to facilitate the introduction of specific changes to the structure of An Garda Síochána. These amendments primarily relate to the abolition of Garda districts and reassignment of some of the functions performed by members of the Garda Síochána in Garda districts to other members in Garda Síochána divisions.



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## Background

The [General Scheme](#) of the [Garda Síochána \(Functions and Operational Areas\) Bill 2021](#) (the Bill), then titled the *Criminal Justice (Garda Síochána Operating Model) Bill*, was published on 24 March 2021. Pre-legislative scrutiny was undertaken in relation to the Bill, and on Tuesday 25 May 2021, the Joint Committee on Justice received an oral briefing from officials in the Department of Justice.<sup>1</sup>

The Bill intends to facilitate the implementation of the new Operating Model planned by An Garda Síochána. The new Model is structured around Garda divisions. Under the Divisional Policing Model being introduced, all services will be managed and co-ordinated at divisional level, to allow greater specialisation and to release Gardaí from back office functions, and Garda districts will no longer form part of the organisational structure.<sup>2</sup>

The role of the Division is to be the primary operational unit, acting as the fundamental building block for delivering day-to-day policing, with enough capabilities and autonomy to effectively run local operations, but within a corporate framework to ensure consistency and quality of service.<sup>3</sup> Each division will be headed by a chief superintendent, as is currently the case. Superintendents will now have divisional responsibilities and will no longer be head of local districts.<sup>4</sup>

Due to these changes being introduced by the new Operating Model, statutory references to Garda districts need to be amended to ensure relevant legislation remains coherent and functional. Further, it is necessary to change the Garda rank at which certain functions and duties are carried out.

The new operating model is currently operating on a pilot basis and is due to go live in September 2021. Amendments to legislative provisions that reference Garda districts are required as the rollout of the new operating model will be severely impacted without them.

The Garda Operating Model is being introduced as part of 'A Policing Service for our Future',<sup>5</sup> which is the implementation plan based on the report of the Commission on the Future of Policing in Ireland. The Garda Inspectorate's 2015 'Changing Policing in Ireland' report<sup>6</sup> supported this change and underlines the advantages of a smaller number of divisional regions proposed in the new structure.

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<sup>1</sup> See [Joint Committee on Justice Report on Pre-Legislative Scrutiny of the General Scheme of the Criminal Justice \(Garda Síochána Operating Model\) Bill](#), 25 May, 2021. No details were made available as to any specific recommendations that were made, and the report stated: "In the course of the engagement, the Committee raised a number of questions with the officials and hope that any matters raised will be taken on board in the finalisation of this Bill."

<sup>2</sup> Minister for Justice, Heather Humphreys TD, [An Garda Síochána: Dáil Éireann Debate, Tuesday - 18 May 2021](#).

<sup>3</sup> ['Policing Authority Public Meeting Briefing'](#), 26 September 2019.

<sup>4</sup> ['New Garda Operating Model has begun despite criticism'](#), *Irish Examiner*, 26 September, 2019.

<sup>5</sup> [Implementing the Report of the Commission on the Future of Policing in Ireland Scaling Phase Iteration October 2020 – March 2022](#)

<sup>6</sup> Garda Inspectorate, ['Changing Policing in Ireland'](#), 2015

Reform of An Garda Síochána was the first of five primary goals in the 2021 Justice Plan of the Department of Justice.<sup>7</sup> It is also a priority in the current Programme for Government,<sup>8</sup> which included a commitment to “[r]apidly implement the *Report of the Commission of the Future of Policing*”.

The Garda Representative Association and the Association of the Garda Sergeants and Inspectors were critical of the implementation of the restructuring plans in 2019.<sup>9</sup> Concerns have been raised about the reduction of divisions leading to longer response times, and reduced police presence due to larger distances from HQs to certain areas now within their remit.<sup>10</sup> No criticism of the Bill as published was found in the time between the publication of the Bill and the publication of the Bill Digest.

The Bill is a technical Bill, and is divided into three Parts, with four Schedules.

- **Part 1** provides for preliminary provisions.
- **Part 2** provides for amendments to legislation to facilitate the introduction of certain changes to the structure of the Garda Síochána, primarily the *abolition of Garda districts* and *reassignment of some of the functions* performed by members of the Garda Síochána in Garda districts to other members in Garda Síochána divisions.
- **Part 3** provides for transitional arrangements in respect of the amendments and provides for related matters.

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<sup>7</sup> Department of Justice, ‘[Justice Plan 2021](#)’, pp. 8 to 16.

<sup>8</sup> Department of the Taoiseach, ‘[Programme for Government: Our Shared Future](#)’, 2020, p. 84.

<sup>9</sup> ‘[Garda groups strongly criticise commissioner’s reform plans](#)’, *Irish Times*, 2019; ‘[Fears that rural areas will lack resources after ‘out of the blue’ garda shake-up](#)’, *The Journal*, 26 September, 2019.

<sup>10</sup> ‘[New Garda Operating Model has begun despite criticism](#)’, *Irish Examiner*, 26 September, 2019

## Table of Provisions

Section	Title	Effect
1.	Short title and commencement	This is a standard provision. The Act can be cited as the Garda Síochána (Functions and Operational Areas) Act 2021. The Minister can commence the Act through Ministerial order and different sections of the Act can commence on different days.
2.	Definitions	Section 2 sets out definitions used in the Bill.
3.	Revocation	Section 3 revokes the <a href="#">Garda Síochána (Designations, Appointments and Discipline) Regulations 1924</a> , 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.
<b>Part 2: Amendments</b>		
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.
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”.
6.	Amendment of <a href="#">Firearms Act 1925</a>	Section 6 provides for the amendment of the <a href="#">Firearms Act 1925</a> to give a superintendent the power to delegate specific functions. A superintendent can appoint an inspector to perform certain licensing functions of the superintendent under the Act of 1925.
7.	Amendment of section 10 of <a href="#">Sex Offenders Act 2001</a>	Section 7 amends s.10 of the <a href="#">Sex Offenders Act 2001</a> , which requires persons to whom the legislation applies to make certain specified notifications at a district or divisional headquarters. The Commissioner will be able to designate stations rather than district headquarters at which notifications can be made. Designation of Garda Síochána stations designated will be in writing and a list of the relevant stations must be published.

8.	Amendment of section 92 of <a href="#">Criminal Justice Act 2006</a>	Section 8 amends s.92 of the <a href="#">Criminal Justice Act 2006</a> , which requires persons to whom the legislation applies to make certain specified notifications at a district or divisional headquarters. The Commissioner will be able to designate stations rather than district headquarters at which notifications can be made. Designation of Garda Síochána stations designated will be in writing and a list of the relevant stations must be published.
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 <a href="#">s.33(1)</a> of the <a href="#">Garda Síochána Act 2005</a> (which deals with the distribution of Gardaí)
10.	Construction of references in certain enactments	Section 10 clarifies that references to 'district' or 'sub-district' in legislation can be read as references to the equivalent division. It also sets out that any references to 'superintendent' in the context of a district are to be read as references to a superintendent of the Garda Síochána in the equivalent division.
11.	Construction of references to Garda division in certain enactments	Section 11 provides that a reference in legislation to a Garda division will be read as a reference to a Garda Síochána division. This section applies to a law or Statutory Instrument that is:  (a) specified in Schedule 1 or 2, (b) specified in section 6, 7 or 8, (c) amended by regulations under section 9, or (d) that comes into operation on or after the date on which this section comes into operation.
12.	Construction of references to Royal Irish Constabulary or Civic Guard districts in certain enactments	Section 12 provides that a reference in legislation, other than legislation amended by this Act, to a district or other operational area of the Royal Irish Constabulary or the Civic Guard can be read as a reference to the relevant division. A "relevant division" means the Garda Síochána division that contains the geographical area of which the district or other operational area referred to in legislation is comprised.
<b>Part 3: Transitional Provisions</b>		
13.	General transitional provisions relating to amendment of certain enactments by sections 4 and 10	Section 13 provides for transitional provisions concerning registers kept by Superintendents of Garda districts; certificates, licences, notices or other documents that have been granted, made or given by a person under a relevant enactment; orders of a court that have been made under a relevant enactment before the date on which this section

		<p>comes into operation; any legal proceedings relating to any act or decision of the Superintendent of a Garda district under a relevant provision or to which a relevant provision refers are pending or in being; a process (including any type of application process) provided for in a relevant enactment is ongoing at the date on which this section comes into operation and one or more steps in the process was taken in accordance with the relevant enactment before that date.</p> <p>Additionally, where a relevant enactment is amended by this Act, any legal proceedings (civil or criminal) in respect of a right, privilege, obligation or liability acquired, accrued or incurred under, or an offence against or contravention of, the relevant enactment before the date on which this section comes into operation may, on or after that date, be instituted, continued or enforced, and any penalty, forfeiture or punishment in respect of such offence or contravention may be imposed and carried out,</p> <p>Where, before the date on which this section comes into operation, the Superintendent of a Garda district does an act or performs a function that is in effect immediately before that date under a relevant provision, then, on or after that date, the act shall be deemed to have been done, or the function performed, by the relevant person in the equivalent division.</p>
14.	Additional transitional provision relating to amendment of <a href="#">Petty Sessions (Ireland) Act 1851</a> by section 4(1)	<p>Section 14 aims to ensure that a warrant does not become defective because of the technical changes introduced by the Bill.</p> <p>A warrant that:</p> <p>(a) before the Bill is enacted is addressed to the superintendent or an inspector of the Garda Síochána of the Garda Síochána district within which the place where the warrant is issued is situated or the person named in the warrant resides, in accordance with s.25(1) of the <i>Petty Sessions (Ireland) Act 1851</i>, and</p> <p>(b) is in effect immediately before that date, will, on or after that date, be deemed to have been addressed to a superintendent or an inspector of the Garda Síochána in the Garda Síochána division within which the place where the warrant is issued is situated or the person named in the warrant resides.</p>
15.	Additional transitional provisions relating to amendment of Act of 1925 by section 4(1)	<p>Section 15 aims to ensure that a firearm certificate remains valid following the enactment of the Bill.</p> <p>Where, before the date on which this section comes into operation—</p>



		<p>(a) a firearm certificate was granted by a Superintendent falling within the definition of “issuing person” in section 1 of the Act of 1925, then on or after that date, the Superintendent falling within that definition as amended by section 4(1), shall, where required for the purposes of the application of section 5(1) of the Act of 1925, be deemed to be the person who granted the firearms certificate referred to in that section,</p> <p>(b) a certificate referred to in section 5A(1) of the Act of 1925 was granted by a Superintendent falling within the definition of “issuing person” in section 1 of the Act of 1925, then on or after that date, the Superintendent falling within that definition as amended by section 4(1), shall, where required for the purposes of the application of section 5A(1) of the Act of 1925, be deemed to be the person who granted the certificate referred to in that section, and</p> <p>(c) a decision was made by a Superintendent falling within the definition of “issuing person” in section 1 of the Act of 1925 that was appealed, whether before or after that date, under section 15A(1) of the Act of 1925, then, on or after that date, the Superintendent falling within that definition as amended by section 4(1) shall, where required for the purposes of the application of subsections (3)(b) and (4) of the said section 15A, be deemed to be the person who made the decision referred to in that section.</p>
16.	Additional transitional provisions relating to amendment of <a href="#">Betting Act 1931</a> by section 4(1)	Section 16 aims to ensure that a certificate of personal fitness does not become invalid because of changes made in the Bill.
17.	Additional transitional provisions relating to amendment of <a href="#">Gaming and Lotteries Act 1956</a> by section 4(1)	Section 17 aims to ensure that a gaming permit does not become invalid because of technical changes in the Bill.
18.	Additional transitional provision relating to amendment of <a href="#">Firearms Act 1964</a> by section 4(1)	Section 18 aims to ensure that an authorisation under s.13 of the <a href="#">Firearms Act 1964</a> remains valid following technical changes in the Bill.
19.	Additional transitional provision relating to amendment of	Section 19 aims to ensure that an authorisation under section 9B of the <i>Firearms and Offensive Weapons Act 1990</i> remains valid following technical changes in the Bill.



	<a href="#"><i>Firearms and Offensive Weapons Act 1990</i></a> by section 4(1)	
20.	Additional transitional provisions relating to amendment of <a href="#"><i>Control of Horses Act 1996</i></a> by section 4(1)	Section 20 clarifies that existing provisions in the <a href="#"><i>Control of Horses Act 1996</i></a> will not be affected by technical changes made by the Bill.
21.	Additional transitional provisions relating to amendment of <a href="#"><i>Criminal Justice (Money Laundering and Terrorist Financing) Act 2010</i></a> by section 4(1)	Section 21 aims to ensure that an application for a certificate of fitness is not affected by the technical changes in the Bill.
22.	Additional transitional provisions relating to amendment of <a href="#"><i>Criminal Justice (Forensic Evidence and DNA Database System) Act 2014</i></a> by section 4(1)	Section 22 aims to ensure that a decision made under s.25(7) of the <a href="#"><i>Criminal Justice (Forensic Evidence and DNA Database System) Act 2014</i></a> regarding a DNA sample will not be affected by the technical changes in the Bill.
23.	Additional transitional provisions relating to amendment of <a href="#"><i>European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993</i></a> by section 4(2)	Section 23 aims to ensure that a requirement under Regulation 10(4) of the Regulations of 1993 is not affected by technical changes in the Bill.
24.	Additional transitional provisions relating to amendment of <a href="#"><i>European Union (Making Available on the Market and Supervision of Explosives for Civil Uses) Regulations 2016</i></a> by section 4(2)	<p>Section 24 provides that (1) If, before the date on which this section comes into operation, an application under Regulation 25(1) of the Regulations of 2016 was made to a “recipient competent authority” for approval of a transfer but approval under Regulation 25(2) of the Regulations of 2016 had not been granted before that date, then, on or after that date—</p> <p>(a) a reference in Regulation 25(2) of the Regulations of 2016 to the recipient competent authority that receives an</p>

		<p>application under Regulation 25(1) shall be read as if the person specified in the said paragraph (d), as amended by section 4(2), had received the application, and</p> <p>(b) a reference in Regulation 26(1) of the Regulations of 2016 to the recipient competent authority to which an application under Regulation 25(1) is made shall be read as if the person specified in the said paragraph (d), as amended by section 4(2), had been the recipient competent authority to which the application was made.</p>
25.	General transitional provisions relating to amendment of certain enactments by section 5	<p>Section 25 provides that where, before the date of the coming into operation of this section, a person or a court has imposed a requirement on a person, to reside or remain in a particular Garda district in accordance with a relevant provision then, on or after that date, the requirement to reside or remain in the Garda district shall be taken to be a requirement to reside or remain in the geographical area of which that Garda district comprised immediately before that date.</p> <p>(2) Where, before the date of the coming into operation of this section, a person has entered into a recognisance that is subject to the condition that the person resides or remains in a particular Garda district in accordance with a relevant provision, then, on or after that date, the condition shall be taken to be that the person resides or remains in the geographical area of which the Garda district comprised immediately before that date. (3) In this section— “relevant enactment” means an enactment specified— (a) in column (3) of Schedule 3, or (b) in column (3) of Schedule 4; “relevant provision” means a provision, listed— (a) in column (4) of Schedule 3, or (b) in column (4) of Schedule 4, of a relevant enactment.</p>
26.	Transitional provisions relating to amendment of section 10 of <a href="#">Sex Offenders Act 2001</a> by section 7 and amendment of section 92 of <a href="#">Criminal Justice Act 2006</a> by section 8	<p>Section 26 provides that any legal proceedings (civil or criminal) in respect of a right, privilege, obligation or liability acquired, accrued or incurred under, or an offence against or contravention of— (a) section 10 of the Sex Offenders Act 2001, or (b) section 92 of the Criminal Justice Act 2006, before the date of the coming into operation of this section may, on or after that date, be instituted, continued or enforced, and any penalty, forfeiture or punishment in respect of such offence or contravention may be imposed and carried out, as if the said section 10 had not been amended by section 7, or the said section 92 had not been amended by section 8, as the case may be.</p>
27.	Transitional provisions relating to later amalgamation of	<p>Section 27 provides that this section shall apply where, on or after the date on which this section comes into operation, under a determination under section under</p>

	<p>Garda Síochána divisions by determination under section 33(1) of <a href="#"><i>Garda Síochána Act 2005</i></a>.</p>	<p>section 33(1) of the <i>Garda Síochána Act 2005</i>, a Garda Síochána division (in this section referred to as an “existing division”) is amalgamated with one or more other Garda Síochána divisions to form a new division (in this section referred to as a “new division”).</p>
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## Reports proposing reform of the Garda policing model

### ‘Changing Policing in Ireland’ (2015)

The Garda Inspectorate’s [‘Changing Policing in Ireland’](#) report<sup>11</sup> was published in 2015.<sup>12</sup> The core aim of the review was to propose ways in which An Garda Síochána could be modernised and restructured, to ensure that the greatest proportion of personnel is deployed on front-line policing services. This included a review of the policing systems in other jurisdictions. The report noted the themes for reform that emerged from this study:

“A common theme in all of those police services was the requirement for structural adjustments to support the change programmes. In all cases, these police services have addressed redundant bureaucratic process, significantly reduced the number of regions and divisions/districts and become leaner at the top in order to protect front-line services.”<sup>13</sup>

The Report made 81 recommendations for change, with each recommendation given a timeline for actions to be implemented on either a short, medium or long-term basis. Those related to the structuring of An Garda Síochána, which was to be “leaner at the top, stronger at the foundation and empowered at the front line where policing services are delivered.” This included recommendation for:

- The creation of a new organisational structure which reduces the number of headquarters and national units as well as the number of regions in operation;
- Increased numbers of members and garda staff on front-line services;
- Enhanced investigation of serious crime by national units and local volume crime by garda divisions.<sup>14</sup>

### ‘The Future of Policing in Ireland’ (2018)

The [Commission on the Future of Policing in Ireland](#) (CoFPI) was established in May 2017 to undertake a fundamental examination of all aspects of policing. It was chaired by Dr Kathleen O’Toole and comprised national and international experts drawn from diverse backgrounds. In September 2018, following 15 months of wide-ranging consultations and intensive deliberations, the Commission published [‘The Future of Policing in Ireland’](#) report,<sup>15</sup> detailing certain [key recommendations and principles](#).<sup>16</sup> The consultation by the Commission led to the development of 10 key principles for the future of policing in Ireland. The sixth key principle stated that An Garda

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<sup>11</sup> Garda Inspectorate, [‘Changing Policing in Ireland’](#), 2015.

<sup>12</sup> The review arose out of the Haddington Road Agreement 2013-2015 (HRA), which required an independent review of the structure, operation and deployment of the Garda Síochána.

<sup>13</sup> Garda Inspectorate, [‘Changing Policing in Ireland’](#), 2015, p. i.

<sup>14</sup> Ibid., p. 4.

<sup>15</sup> Commission on the Future of Policing in Ireland, [‘The Future of Policing in Ireland’](#), September, 2018.

<sup>16</sup> Commission on the Future of Policing in Ireland, [‘The Future of Policing in Ireland – Key recommendations and principles’](#), September, 2018.

Síochána should be structured and managed to support front-line policing. The following recommendations were proposed:

**“A new district policing model should be introduced, positioning front line district police as the core of the organisation.** Currently only a small number of police in each district are designated as “community police”. In future all Garda personnel at district level, whether sworn or non-sworn, and whether assigned to emergency response. Problems affecting community safety, reduce crime and prevent harm. They should develop their own district policing plans, consulting with local community fora. They should be equipped to deliver all routine policing services, with support from the divisional level for administration and certain specialist functions. The structure of An Garda Síochána should reflect the focus on the front line by becoming flatter and less siloed. Headquarters should set policies, broad strategy, standards and objectives. Front line police units should decide how they can best deliver those objectives and be accountable to their supervisors for the outcomes. There must be a high degree of delegated authority, complemented by stronger local supervision, notably at sergeant and inspector level. Innovation, initiative and new approaches should be encouraged, and evidence-based success applauded and disseminated. Excellence on the front line should be valued and recognised. Promotion should not necessarily require Gardaí to move to other districts or divisions.

**Police divisions should be large enough to be self-sufficient for all routine administrative and operational purposes.** The current 28 Divisions seem to us to be too many and too small. We are not more prescriptive about the structure because we believe firmly that the Commissioner must be allowed to manage the organisation, and that includes deciding on the right structure. We do believe that it should be flatter than it is now, with a lower senior management ratio. Policing is changing fast and will continue to do so. Whatever structure the Commissioner may decide on in 2019 may well need to be reconfigured in 2022 or 2025. This would be quite normal in other organisations and so it should be in a police service.”<sup>17</sup>

### ‘A Policing Service for Our Future’ (2018)

The Garda Operating Model is being introduced as part of ‘[A Policing Service for our Future](#)’, which is a four-year Plan for the implementation of the recommendations outlined in the CoFPI Report.<sup>18</sup> This plan sets out the timeline for the implementation of the new Operating Model,<sup>19</sup> and the third iteration of the plan, [October 2020-March 2022](#), has been published.

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<sup>17</sup> Commission on the Future of Policing in Ireland, ‘[The Future of Policing in Ireland](#)’, September, 2018, pp. XII-XIII.

<sup>18</sup> Department of Justice, ‘[Minister Flanagan announces implementation plan for Commission on the Future of Policing in Ireland Report](#)’, December 2018.

<sup>19</sup> ‘[A Policing Service for the Future](#)’, p. 26.

## The new Garda Operating Model

On 22 August, 2019, Garda Commissioner Drew Harris published the new Garda Operating Model. It was brought into effect in August 2019 and has been implemented during the subsequent three years. The launch was welcomed by the Garda Inspectorate<sup>20</sup> and the Policing Authority.<sup>21</sup> Its stated aim is to provide a new Divisional model of policing which would address inefficient district deployment barriers and provide a more consistent approach to the deployment of resources. The commitments made included include:

- increasing the number of gardaí involved in front-line policing;
- create larger Garda divisions with a wider range of specialist skills; and
- make these new divisions more autonomous and self-sufficient.<sup>22</sup>

Under the new policing Model, the Divisional Chief Superintendent will be the lead person responsible and accountable for delivering policing services in each area. The overall goal of the new Model was summarised as “less gardaí behind desks and more gardaí on the frontline”.<sup>23</sup>

The new system was piloted in a number of divisions nationwide including: Galway, Mayo, Dublin Metropolitan Region South Central Division and Cork City.<sup>24</sup> The first five Divisions where the new Model was implemented are: Galway, Cork city, Dublin South Central, Meath/Westmeath, and Limerick.<sup>25</sup> In March 2020, An Garda Síochána announced the planned phased introduction of the Garda Operating Model in each of its 19 Divisions during 2020, and the allocation of Superintendents to each of those Divisions.<sup>26</sup>

The new model shifts An Garda Síochána’s orientation to focus on Divisions as the fundamental building block to deliver front-line policing services. These Divisions are then supported by the rest of the organisation.

**Division:** The role of the Division is to be the primary operational unit, acting as the fundamental building block for delivering day-to-day policing, with enough capabilities and autonomy to effectively run local operations, but within a corporate framework to ensure consistency and quality of service.<sup>27</sup> Each division will be headed by a chief superintendent, as is currently the case. Superintendents will now have divisional responsibilities and will no longer be head of local districts.<sup>28</sup>

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<sup>20</sup> Garda Inspectorate, ‘[Press Release](#)’, 22 August 2019

<sup>21</sup> ‘[Policing Authority welcomes the Garda Síochána’s new Operating Model](#)’, 22 August 2019.

<sup>22</sup> ‘[New Garda Divisional Policing Model Q&A: What are the changes, why are they being made and what do they hope to achieve?](#)’, *Independent*, August, 2019.

<sup>23</sup> Ibid. See also Joint Committee on Justice and Equality - [Opening statement, Drew Harris, Garda Commissioner](#), 19 June, 2019.

<sup>24</sup> Department of Justice, [Review of criminal justice structures to combat economic crime and corruption: Report of the Review Group](#), p. 49; [Garda Policing Plans: Dáil Éireann Debate, Wednesday - 23 May 2018](#).

<sup>25</sup> [An Garda Síochána Announces First Five Operating Model Divisions](#), October, 2019

<sup>26</sup> [An Garda Síochána Announces Next Phases in Introduction of Garda Operating Model at Divisional Level and Superintendent Allocation](#), March 2020.

<sup>27</sup> [Policing Authority Public Meeting Briefing](#), 26 September 2019.

<sup>28</sup> ‘[New Garda Operating Model has begun despite criticism](#)’, *Irish Examiner*, 26 September, 2019.

**Region:** The role of the Region is to ensure effective and efficient Regional co-ordination of resources and activities in line with demand, to hold the Division to account, and to provide operational Specialist Section support as required from Divisions.

**National Specialist Sections:** The role of the National Specialist Sections is to provide central best practices, policies/frameworks, and oversight, while also conducting key sensitive, complex, or specialised operations and investigations from end-to-end.

**Corporate Functions:** The role of the Corporate Functions is to enable and support effective, efficient business operations and policing at the Regional and Divisional level, and ensure that best practice strategy, approaches, governance, metrics, policies and guidelines are clearly defined and properly executed.

The Garda Inspectorate has suggested that there are significant benefits to rationalising the number of regions and divisions in the manner proposed by the new Model, including:

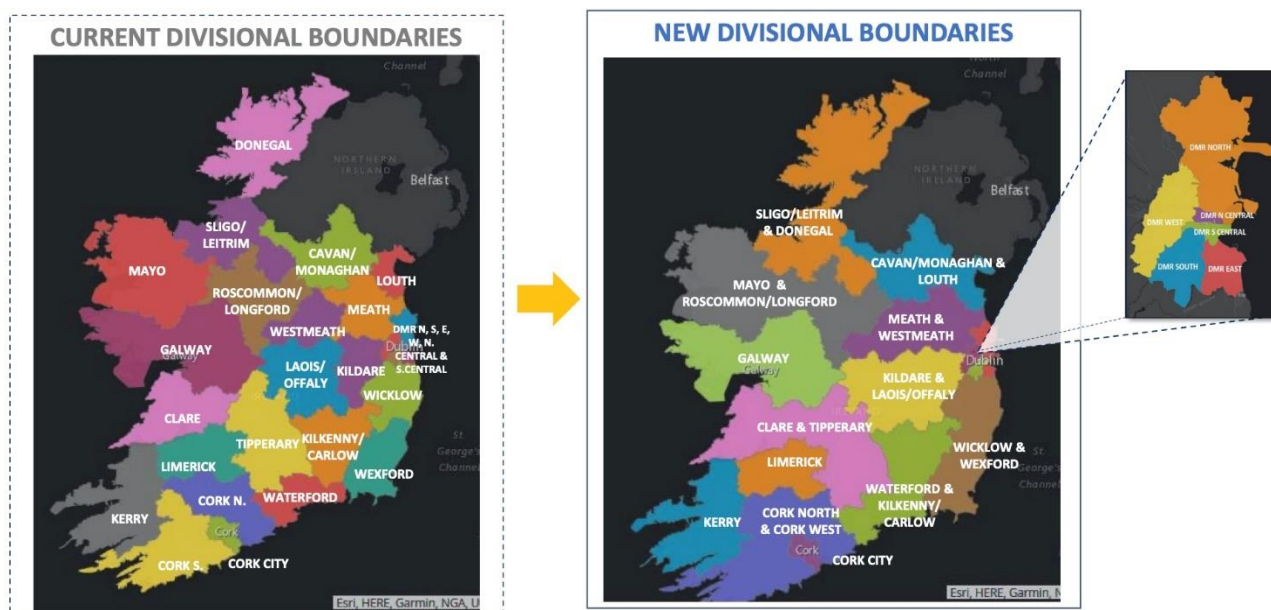
- Placing more resources on the front line.
- Creating more equitable divisions in terms of size and levels of responsibilities.
- Providing far more operational flexibility in terms of resource allocation and deployment.
- Providing significant opportunities to reduce management and administrative overheads.
- Reducing back-office support and releasing resources for front-line policing.
- Removing many geographical constraints to operational deployment.
- Providing a more consistent approach to policing through a reduced number of divisions.
- Delivering a less costly, more efficient and uniform service to the community.<sup>29</sup>

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<sup>29</sup> Garda Inspectorate, '[Press Release](#)', 22 August 2019



The map below shows the proposed changes in divisional boundaries under the new Operating Model.



**Fig. 1: Changes in Divisional Boundaries under the new Operating Model.**<sup>30</sup>

Old model	New model
6 Garda Regions	4 Garda Regions
28 Garda Divisions	19 Garda Divisions

**Table 1: Changes in numbers of Garda Regions and Divisions under the new Operating Model.**<sup>31</sup>

The Garda Representative Association and the Association of the Garda Sergeants and Inspectors were critical of the implementation of the restructuring plans in 2019.<sup>32</sup> Concerns have been raised about the reduction of divisions leading to longer response times, and reduced police presence due to larger distances from HQs to certain areas now within their remit.<sup>33</sup>

<sup>30</sup> [Policing Authority Briefing](#), 26 September 2019.

<sup>31</sup> An Garda Síochána, '[New Garda Operating Model - Facts & Key Figures](#)'.

<sup>32</sup> '[Garda groups strongly criticise commissioner's reform plans](#)', *Irish Times*, 2019; '[Fears that rural areas will lack resources after 'out of the blue' garda shake-up](#)', *The Journal*, 26 September, 2019.

<sup>33</sup> '[New Garda Operating Model has begun despite criticism](#)', *Irish Examiner*, 26 September, 2019

## Regulatory Impact Analysis

A Regulatory Impact Analysis (RIA)<sup>34</sup> of the Bill was published on February 2021. The RIA identified the primary policy objective being pursued, i.e. facilitating the implementation of the new Garda operating model, which is structured around Garda divisions rather than districts. This necessitates the amendment of statutory provisions that reference Garda districts. The RIA considered three options

1. Do nothing.
2. Introduce primary legislation to facilitate the introduction of a divisional model of policing by amending references to Garda “district” on the Statute Book.
3. Introduce primary legislation to facilitate the introduction of a divisional model of policing by amending references to Garda “district” while also changing the Garda rank at which certain functions and duties are carried out.<sup>35</sup>

The third option was considered preferable. If no amendments are made, many statutory obligations and functions would become impossible to implement as they would continue to reference “districts” which would not exist. Additionally, if changes to the Garda ranks at which certain functions are carried out are not changed, this may impact on the delivery of services under the new model. This is the option proposed by the Bill.

Additionally, the RIA did not identify any financial costs associated with the legislative changes proposed in the Scheme itself. It was indicated that failure to make the necessary changes may give rise to costs relating to the rollout of the Garda Operating Model.<sup>36</sup>

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<sup>34</sup> [‘Regulatory Impact Analysis - Criminal Justice \(Garda Operating Model\) Bill 2021’](#), February 2021.

<sup>35</sup> Ibid., pp. 1-2.

<sup>36</sup> Ibid., p. 3.

## Principal Provisions

The Bill is a technical Bill and is divided into three Parts, with four Schedules.

**Part 1** provides for preliminary provisions.

**Part 2** provides for amendments to legislation to facilitate the introduction of certain changes to the structure of the Garda Síochána, primarily the abolition of Garda districts and reassignment of some of the functions performed by members of the Garda Síochána in Garda districts to other members in Garda Síochána divisions.

**Part 3** provides for transitional arrangements in respect of the amendments and provides for related matters.

Sections 1 and 2 are standard provisions and are detailed in the table of provisions.

**Section 3** provides for the revocation of [Garda Síochána \(Designations, Appointments and Discipline\) Regulations 1924](#), which set out that the Garda Síochána is to be divided into districts and divisions.

### Part 2: Amendments

**Section 4** provides for the amendment of enactments relating to functions and operational areas of An Garda Síochána. This section provides for the amendment of Acts set out in Schedule 1 of the Bill and for the amendment of Statutory Instruments set out in Schedule 2, to remove references to:

- i) Garda districts, replacing them with references to divisions or other appropriate wording and,
- ii) “the superintendent” of a district, replacing them with references to “a superintendent” in a division, “an inspector” or other appropriate wording.

This terminology reflects the new divisional model of policing under the new Operating Model by removing and replacing references to Garda ‘district/s’, which are no longer applicable. It is also proposed to change the Garda rank at which certain functions and duties are carried out, reflecting the change under the new Model whereby Superintendents will now have divisional responsibilities and will no longer be head of local districts

**Section 5** amends certain enactments listed in Schedules 3 and 4 by substituting the phrase ‘district or place’ with ‘area or place’. This also facilitates the removal of references to Garda ‘district/s’ in legislative provisions in line with the new Operating Model

**Section 6** amends the [Firearms Act 1925](#) to provide a power for a superintendent to delegate in writing specific functions to a Garda Inspector. Under this proposed provision, a superintendent may appoint an inspector to perform certain licensing functions of the superintendent under the 1925 Act. The delegation may be revoked at any time and the delegation shall terminate if the Superintendent who made the delegation ceases to be a Superintendent in the division concerned or if the Inspector to whom the delegation is made ceases to be an Inspector in the division concerned.

### Power of a Commissioner to designate stations to receive certain notifications

**Section 7** provides for the amendment of section 10 of the [Sex Offenders Act 2001](#). Section 10 sets out provisions relating to the obligations of sex offenders to notify certain information. The

2001 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** amends section 92 of the [Criminal Justice Act 2006](#). Section 92 sets out provisions relating to the obligations on drug trafficking offenders to notify certain information. The 2006 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.

### Power of the Minister 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](#). The purposes for which the SIs may be amended include:

- (a) to amend a reference to a Garda district or sub-district to refer to the equivalent division;
- (b) to amend a reference to a specified superintendent of the Garda Síochána (including in relation to the performance by the superintendent of functions) to refer to one or more superintendents or inspectors of the Garda Síochána;
- (c) to amend a reference to a specified sergeant of the Garda Síochána (including in relation to the performance by the sergeant of functions) to refer to one or more sergeants of the Garda Síochána;
- (d) to amend a reference to a specified District Garda Síochána Headquarters to a specified Garda Síochána station;
- (e) to amend a definition where that definition refers to a Garda district or a specified superintendent to refer to the equivalent division or to one or more superintendents or inspectors of the Garda Síochána;
- (f) to provide that a reference in a statutory instrument that came into operation on or after 1 January 1946 to a Garda operational area called the Dublin Metropolitan Area is to be construed as a reference to the Dublin Metropolitan Region.

### Construction of references in certain enactments: district and superintendent

**Section 10** clarifies that references to a Garda 'district' or 'sub-district' of a district on the statute book can be construed as references to the equivalent division.

It also provides that any references to a 'superintendent' in the context of a Garda district are to be construed as references to a superintendent of the Garda Síochána in the equivalent division.

### 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 that comes into operation on or after the date on which this section comes into operation.

### **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 which modify the effect of the new enactment during the period of transition and govern the phasing out of the previous law and the coming into operation of the new enactment. There is a general transitional provision as well as specific transitional provisions relating to particular enactments. Further detail is provided in the table of provisions.

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