



STATUTORY INSTRUMENTS.

S.I. No. 196 of 2017



GARDA SÍOCHÁNA ACT 2005 (SECTION 42) (SPECIAL INQUIRY
RELATING TO THE GARDA SÍOCHÁNA) ORDER 2017

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GARDA SÍOCHÁNA ACT 2005 (SECTION 42) (SPECIAL INQUIRY
RELATING TO THE GARDA SÍOCHÁNA) ORDER 2017

WHEREAS I, FRANCES FITZGERALD, Minister for Justice and Equality, consider the matter specified in Article 2 of the following Order to be of public concern;

AND WHEREAS I have, in accordance with subsections (1) and (3A) of section 42 (amended by section 35 of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 (No. 49 of 2015)) of the Garda Síochána Act 2005 (No. 20 of 2005), consulted with the Policing Authority in relation to that matter;

AND WHEREAS I am of the opinion that the person specified in the said Article 2 has appropriate experience, qualifications, training and expertise for the purposes of the said section 42 to conduct an inquiry into the said matter of public concern:

NOW, I, FRANCES FITZGERALD, Minister for Justice and Equality, in exercise of the powers conferred on me by section 42 (amended by section 35 of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 (No. 49 of 2015)) of the Garda Síochána Act 2005 (No. 20 of 2005) (adapted by the Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 138 of 2011)), and having consulted the Policing Authority, hereby order as follows:

1. (1) This Order may be cited as the Garda Síochána Act 2005 (Section 42) (Special Inquiry relating to the Garda Síochána) Order 2017.

(2) This Order shall come into operation on 15 May 2017.

2. Judge Mary Collins, retired judge of the District Court, is hereby appointed to—

(a) inquire into a matter of public concern, namely—

(i) the storage and retention of investigation files relating to the death of Mr. James Clancy in a road traffic accident on 1 December 1987, and

(ii) the Garda Síochána investigation into the allegations made in 2005,

and

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 19th May, 2017.*

- (b) make a report to the Minister on the conclusion of the inquiry.
- 3. The terms of reference of the inquiry are specified in the Schedule.

SCHEDULE

Terms of Reference

The objective of the inquiry should be to inquire into—

- (a) the storage, retention and any subsequent destruction of files, reports, minutes, correspondence or data in Tullamore Garda Station between the years 1987 and 2005 relating to the death of Mr. James Clancy on the 1st December 1987
- (b) the transmission, storage and any subsequent loss of files, reports, minutes, correspondence or data relating to allegations in connection with the death of Mr. James Clancy understood to have been sent to the Chief Superintendent in Portlaoise in or around 2006;
- (c) the adequacy of actions taken by the Garda Síochána to investigate allegations that were made in connection with the death of Mr. James Clancy between 2005 and 2006 in particular.



GIVEN under my Official Seal,
15 May 2017.

FRANCES FITZGERALD,
Minister for Justice and Equality.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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