



STATUTORY INSTRUMENTS.

S.I. No. 639 of 2016



GARDA SÍOCHÁNA (DISCIPLINE) (AMENDMENT) REGULATIONS
2016

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I, FRANCES FITZGERALD, Minister for Justice and Equality, in exercise of the powers conferred on me by section 123 of the Garda Síochána Act 2005 (No. 20 of 2005) (as 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 section 59(2) of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 (No. 49 of 2015), after consulting with the Garda Commissioner and the Authority and with the approval of the Government, hereby make the following regulations:

1. (1) These Regulations may be cited as the Garda Síochána (Discipline) (Amendment) Regulations 2016.

(2) These Regulations shall come into operation on the 1st day of January 2017.

2. In these Regulations, “Principal Regulations” mean the Garda Síochána (Discipline) Regulations 2007 (S.I. No. 214 of 2007) as amended by the Garda Síochána (Discipline) (Amendment) Regulations 2011 (S.I. No. 620 of 2011) and the Garda Síochána (Discipline) (Amendment) Regulations 2015 (S.I. No. 503 of 2015).

3. The Principal Regulations are amended—

(a) in Regulation 7(5), by the substitution of “the Commissioner, the Government or the Authority” for “the Commissioner or the Government”,

(b) in Regulation 8(3), by the substitution of “the Government, the Authority” for “the Government”,

(c) in Regulation 31—

(i) in paragraph (1), by the substitution of “subject to paragraphs (2) and (2A)” for “subject to paragraph (2)”,

(ii) in paragraph (2), by the substitution of “Subject to paragraph (2A), if” for “If”,

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 3rd January, 2017.

(iii) by the insertion of the following paragraph after paragraph (2):

“(2A) If—

- (a) the member concerned is of the rank of Assistant Commissioner, chief superintendent or superintendent,
- (b) the breach of discipline relates solely to policing services, and
- (c) the Commissioner considers that the appropriate disciplinary action should be dismissal, a requirement to retire or resign as an alternative to dismissal or a reduction in rank,

he or she shall send a recommendation to that effect to the Authority for consideration by the Authority.”,

(iv) in paragraph (3), by the substitution of “11 and 12” for “11 to 13”, and

(v) by the insertion of the following paragraph after paragraph (3):

“(3A) Without prejudice to sections 11 and 13A, the disciplinary action that may be taken by the Authority under paragraph (2A) may include a reduction in rank.”,

(d) in Regulation 33(4), by the substitution of “the Minister or the Authority, as the case may be,” for “the Minister”,

(e) in Regulation 37(6), by the substitution of “the Minister or the Authority, for consideration by the Government or the Authority, as the case may be” for “the Minister for consideration by the Government”,

(f) in Regulation 39(4)(a), by the substitution of “the Authority” for “the Minister”, and

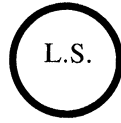
(g) the deletion of paragraphs 19, 29 and 30 of the Schedule.

4. Where on the coming into operation of these Regulations, the Commissioner has sent a recommendation under Regulation 31(2) of the Principal Regulations in respect of an Assistant Commissioner, chief superintendent or superintendent to the Minister for consideration by the Government, the Government shall consider that recommendation as if these Regulations had not come into operation.

5. Where on the coming into operation of these Regulations, the Commissioner has taken any steps under Regulation 39 of the Principal Regulations to dismiss from the Garda Síochána a member not above the rank of inspector,

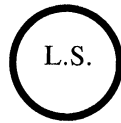
that Regulation shall apply to the dismissal of the member as if these Regulations had not come into operation.

The Government hereby approve of the making of these Regulations.



GIVEN under the Official Seal of the Government,
20 December 2016.

ENDA KENNY,
Taoiseach.



GIVEN under my Official Seal,
20 December 2016.

FRANCES FITZGERALD,
Minister for Justice and Equality.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations amend the Garda Síochána (Discipline) Regulations 2007 (S.I. No. 214 of 2007), as amended by the Garda Síochána (Discipline) (Amendment) Regulations 2011 (S.I. No. 620 of 2011) and the Garda Síochána (Discipline) (Amendment) Regulations 2015 (S.I. No. 503 of 2015), to reflect the role of the Policing Authority under the Garda Síochána Act 2005, as amended by the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015.

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