



STATUTORY INSTRUMENTS.

S.I. No. 642 of 2016



GARDA SÍOCHÁNA (PROMOTION) (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 122 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. These Regulations may be cited as the Garda Síochána (Promotion) (Amendment) Regulations 2016.

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

3. In these Regulations, “the Principal Regulations” means the Garda Síochána (Promotion) Regulations 2006 (S.I. No. 485 of 2006).

4. The Principal Regulations are amended—

(a) in Regulation 4(1) by—

(i) the substitution of the following definition for the definition of “promotion”:

“ ‘promotion’ means a recommendation for appointment to the rank of sergeant or inspector by the Commissioner;”,

(ii) the deletion of the definition of “Minister”, and

(iii) in the definition of “regional promotion board” by the substitution of “the Authority” for “the Minister”,

(b) in Regulation 7(1) by the substitution—

(i) of the following subparagraph for subparagraph (a):

“(a) keep under review, and advise the Commissioner in relation to promotions and competitions for promotion to the rank of sergeant or inspector and the system of and procedures for promotion to those ranks, and”,

and

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

(ii) in subparagraph (b), of “competitions for promotion to the rank of sergeant or inspector” for “competitions for promotion”,

(c) in Regulation 8—

(i) by the substitution of the following paragraph for paragraph (2):

“(2) The chairperson shall be appointed by the Commissioner and shall be—

(a) a member of the Garda Síochána not below the rank of Assistant Garda Commissioner,

(b) the Chief Administrative Officer, or

(c) the Executive Director, Human Resources and People Development.”,

(ii) in paragraph (3)(f), by the substitution of “the Authority” for “the Minister”, and

(iii) by the insertion of the following paragraph after paragraph (12):

“(13) In this Regulation—

‘Chief Administrative Officer’ means the member of the civilian staff of the Garda Síochána who holds the position of Chief Administrative Officer in the Garda Síochána;

‘Executive Director, Human Resources and People Development’ means the member of the civilian staff of the Garda Síochána who holds the position of Executive Director, Human Resources and People Development in the Garda Síochána.”,

(d) in Regulation 9—

(i) in paragraph (2), by the substitution of “the Authority” for “the Government” in each place it occurs,

(ii) by the substitution of the following paragraph for paragraph (3):

“(3) The Authority may, when appointing a member to the panel—

(a) consider the names of suitably qualified persons who have been recommended, at the request of the Authority, for that purpose by the Public Appointments Service, and

(b) specify the duration of the appointment of that member to the panel.”,

- (iii) in paragraph (4), by the substitution of “The Authority” for “The Minister”, and
- (iv) in paragraph (5), by the substitution of “The Authority” for “The Minister”,
- (e) in Regulation 10(1), by the substitution of “sergeant or inspector” for “sergeant, inspector, superintendent, chief superintendent or assistant commissioner”,
- (f) by the deletion of Regulation 11,
- (g) in Regulation 12—
 - (i) in paragraph (2), by the substitution of “the Authority” for “the Minister”,
 - (ii) in paragraph (3), by the substitution of “the Authority” for “the Minister”,
 - (iii) by the substitution of the following paragraph for paragraph (4):
 - “(4) The third member of the board shall be appointed by the Commissioner and shall—
 - (a) if the promotion is to the rank of sergeant, be a member not below the rank of superintendent, and
 - (b) if the promotion is to the rank of inspector, be a member not below the rank of chief superintendent.”,
- and
- (iv) in paragraph (5), by the substitution of “the Authority” for “the Minister”,
- (h) in Regulation 13—
 - (i) in paragraph (3), by the substitution of “the Authority” for “the Minister”,
 - (ii) in paragraph (5), by the substitution of “the Authority” for “the Minister”, and
 - (iii) in paragraph (6)—
 - (I) in subparagraph (c)(iii), by the substitution of “the Authority” for “the Minister”,
 - (II) in subparagraph (d), by the substitution of “the opinion of the Authority” for “the Minister’s opinion” in each place it occurs, and

(III) in subparagraph (e), by the substitution of “the opinion of the Authority” for “the Minister’s opinion” in each place it occurs,

- (i) in Regulation 14(2), by the substitution of “to the rank of inspector” for “to the rank of inspector or higher rank in such a section”,
- (j) in Regulation 15(3), by the substitution of the “the Authority” for “the Minister”, and
- (k) by the substitution of the following Regulation for Regulation 18:

“18. (1) A member shall be disqualified and excluded from a competition for promotion and shall not be appointed to the rank concerned where any attempt, direct or indirect, is made by or on behalf of the member with his or her knowledge or consent to—

- (a) canvass in relation to the competition,
- (b) personate him or her at any stage of the competition,
- (c) influence a decision of any person in relation to the competition, or
- (d) interfere with or compromise the competition in any way.

(2) A member who is disqualified from a competition under paragraph (1) shall not be eligible to apply for a competition for promotion for a period of 5 years immediately following the disqualification.”.

5. A panel of persons established by the Government under Regulation 9 of the Principal Regulations prior to the amendment of that Regulation by these Regulations shall continue in being and shall be valid for the purposes of the Principal Regulations until a panel of persons is established by the Authority under Regulation 9 of the Principal Regulations as amended by these Regulations.

6. (1) Where on the coming into operation of these Regulations—

- (a) there stands established, in accordance with the Principal Regulations, a promotion board for the purpose of holding a competition for promotion to the rank of sergeant or inspector, and
- (b) that competition has been held but not completed,

then, notwithstanding that coming into operation, that promotion board shall complete that competition.

(2) Notwithstanding the coming into operation of these Regulations, on or after that coming into operation a promotion to the rank of sergeant or inspector, as the case may be, may be made in the first instance from members selected for promotion to the rank concerned—

- (a) in a competition completed prior to that coming into operation, or
- (b) following the completion of a competition referred to in paragraph (1),

in accordance with the terms of the competition concerned.

(3) For the purpose of this Regulation, a competition is deemed to be held on the latest date on which candidates may enter into it.

7. (a) Where on the coming into operation of these Regulations an intelligence assessment is commenced but not completed under Regulation 13 of the Principal Regulations that assessment shall be—

- (i) completed in accordance with the Principal Regulations as if these Regulations had not been made, and
- (ii) a valid assessment for the purposes of the Principal Regulations.

(b) A syllabus for the Sergeant's Promotion Examination and Inspector's Promotion Examination which, on the coming into operation of these Regulations, stands determined under Regulation 13(5) shall continue in force until such time as a new syllabus has been determined under that Regulation as amended by these Regulations.

(c) An examination which, on the coming into operation of these Regulations, stands designated under Regulation 13(6)(c)(iii) of the Principal Regulations, shall remain designated until such time as the Authority determines that the designation should cease.

8. A member who, immediately prior to the coming into operation of these Regulations, is disqualified for a promotion and is not eligible for promotion under Regulation 18 of the Principal Regulations shall, on that coming into operation—

- (a) remain disqualified for the promotion concerned, and
- (b) not be eligible to apply for a competition for promotion for such of the period of 5 years referred to in that Regulation as remains unexpired on that coming 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 (Promotion) Regulations 2006 (S.I. No. 485 of 2006) to limit their application to promotions for the ranks of sergeants and inspectors in the Garda Síochána. Appointments to the ranks of Assistant Garda Commissioner, chief superintendent and superintendent are governed by the Garda Síochána Act 2005 (Appointments to the ranks of Assistant Garda Commissioner, chief superintendent and superintendent) Regulations 2016.

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