



STATUTORY INSTRUMENTS.

S.I. No. 200 of 2017



GARDA SÍOCHÁNA ACT 2005 (SECTION 42) (SPECIAL INQUIRY
RELATING TO THE GARDA SÍOCHÁNA) (NO.5) ORDER 2017

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GARDA SÍOCHÁNA ACT 2005 (SECTION 42) (SPECIAL INQUIRY
RELATING TO THE GARDA SÍOCHÁNA) (NO.5) 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)(No.5) Order 2017.

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

2. Judge Patrick McMahon, retired judge of the District Court, is hereby appointed to—

(a) inquire into a matter of public concern, namely the Garda Síochána investigations into the accusations of financial irregularity made in 1999 against Mr. Frank Mulcahy, formerly of the Irish Small and Medium Enterprises Association (ISME), and

(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.

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

SCHEDULE

Terms of Reference

The inquiry should have regard to the following objectives of—

- (a) reviewing the written material submitted to the Minister by and on behalf of Mr. Frank Mulcahy with a view to identifying the complaints made against the Garda Síochána;
- (b) distinguishing between which complaints have already been investigated, whether by the Garda Síochána or the Garda Síochána Ombudsman Commission or another body, and which have not been investigated;
- (c) having regard to objectives at (a) and (b), inquiring into such complaints that have not been investigated to establish whether or not the actions of the Garda Síochána (referred to in those complaints) were appropriate.



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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