



STATUTORY INSTRUMENTS.

S.I. No. 113 of 2025

POLICING, SECURITY AND COMMUNITY SAFETY ACT 2024
(APPOINTMENT TO THE RANKS OF ASSISTANT GARDA
COMMISSIONER, CHIEF SUPERINTENDENT AND SUPERINTENDENT)
REGULATIONS 2025

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I, JIM O'CALLAGHAN, Minister for Justice, in exercise of the powers conferred on me by sections 252 and 254 of the Policing, Security and Community Safety Act 2024 (No. 1 of 2024), having consulted with the Garda Commissioner and the Authority and with the approval of the Government, hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Policing, Security and Community Safety Act 2024 (Appointment to the Ranks of Assistant Garda Commissioner, Chief Superintendent and Superintendent) Regulations 2025.

(2) These Regulations shall come into operation on the 2nd of April 2025.

Interpretation

2. In these Regulations –

“Act of 2004” means the Public Service Management (Recruitment and Appointments) Act 2004 (No. 33 of 2004);

“Act of 2024” means the Policing, Security and Community Safety Act 2024 (No. 1 of 2024);

“appointment” means an appointment of a member or a member of the PSNI to a specified rank in accordance with these Regulations and the Act of 2024;

“candidate” means a member or a member of the PSNI who enters a competition;

“competition” has the meaning assigned to it in Regulation 4;

“panel” has the meaning assigned to it in Regulation 8;

“PSNI” means the Police Service of Northern Ireland;

“relevant code of practice” has the meaning assigned to it by Regulation 4(a)(i);

“selection competition” shall be construed in accordance with Regulation 4(a);

“specified rank” means the rank of Assistant Garda Commissioner, chief superintendent or superintendent in An Garda Síochána, as the case may be.

Board to keep requirement for competitions under review

3. (1) The Board shall keep under review the need for competitions to be held for the purpose of making appointments to specified ranks and shall ensure that the Garda Commissioner has arrangements in place to undertake required competitions without undue delay.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 8th April, 2025.*

(2) The Garda Commissioner shall keep the Board fully informed with regard to vacancies likely to arise in each of the specified ranks to enable the Board to comply with paragraph (1).

Competition for appointment

4. For the purpose of these Regulations, a competition (in these Regulations referred to as a “competition”) for appointment to a specified rank shall consist of –

- (a) a selection competition undertaken by the Service in accordance with –
 - (i) a code of practice (in these Regulations referred to as a “relevant code of practice”) in force and published by the Commission for Public Service Appointments for that purpose, and
 - (ii) the Act of 2004,

and

- (b) an appointment process conducted in accordance with these Regulations and the Act of 2024 –
 - (i) in the case of an appointment to the grade of Assistant Garda Commissioner or chief superintendent, by the Garda Commissioner and, where required by that Act, the Board, and
 - (ii) in the case of an appointment to the grade of superintendent, by the Garda Commissioner.

Principles governing competitions

5. (1) The Service shall at all times observe the standards set out in the relevant code of practice and shall select candidates, to go forward for consideration for appointment, by means of a selection competition based on merit.

- (2) A competition shall be conducted in a manner which is –
 - (a) fair, impartial and objective,
 - (b) in line with best practice,
 - (c) consistent throughout, and
 - (d) open, accountable and transparent.

Undertaking a competition and information to be provided to potential candidates

6. (1) A competition shall be undertaken in accordance with these Regulations.

(2) Where the Garda Commissioner decides to hold a competition he or she shall –

- (a) request the Service to undertake a selection competition,
- (b) determine, subject to Regulation 9(2), the period of time a panel shall remain in place following the competition,
- (c) notify members that a competition is to be held, and
- (d) notify the Chief Constable of the PSNI of the competition.

(3) A notification referred to in paragraph (2) in relation to a competition shall be made by the Garda Commissioner in such manner, and in sufficient time, to enable potential candidates to enter the competition.

(4) On receipt of a request under paragraph (2)(a), the Service shall, in sufficient time to enable potential candidates to be given a reasonable opportunity to become aware of and enter a competition, make the following information in relation to the competition available to the Garda Commissioner and the Chief Constable of the PSNI:

- (a) details of the application process;
- (b) details of the selection competition;
- (c) a description of the competencies, qualifications, and experience required for appointment to the specified rank to which the competition relates;
- (d) a description of the duties attached to the specified rank to which the competition relates;
- (e) the closing date for applications for the competition;
- (f) such other information as it considers appropriate.

(5) The Garda Commissioner shall, in such manner as he or she considers appropriate and in sufficient time to enable potential candidates to be given a reasonable opportunity to become aware of and enter a competition, cause the following information to be made available to potential candidates:

- (a) details of the appointments process referred to in Regulation 4(b);
- (b) the general terms and conditions of appointment of a person to the specified rank to which the competition relates;
- (c) the period of time a panel shall, subject to Regulation 9(2), remain in place following the competition;
- (d) such other information as he or she considers appropriate.

(6) In this Regulation, “potential candidate” means, in relation to a competition, a member or a member of the PSNI who wishes, or may wish, to enter the competition and is eligible to do so.

Eligibility to apply for competition

7. (1) Subject to Regulation 11, the following persons are eligible to apply for a competition:

- (a) in the case of a person applying for the rank of either Assistant Garda Commissioner or chief superintendent –
 - (i) a member not below the rank of superintendent who has served not less than 2 years in that rank on the date on which the competition commences, or
 - (ii) a member of the PSNI not below the rank of superintendent who has served not less than 2 years in that rank on the date on which the competition commences;
- (b) in the case of a person applying for the rank of superintendent –
 - (i) a member not below the rank of inspector who has served not less than 2 years in that rank on the date on which the competition commences, or
 - (ii) a member of the PSNI not below the rank of inspector who has served not less than 2 years in that rank on the date on which the competition commences.

(2) For the purposes of paragraph (1), a competition commences on the closing date for applications for the competition.

Selection competition and panel

8. (1) The Service shall, on receipt of a request from the Garda Commissioner under Regulation 6(2)(a), undertake a selection competition.

- (2) On completion of a selection competition, the Service shall –
 - (a) prepare a list of candidates in order of merit (in these Regulations referred to as the “panel”) whom it has selected to go forward for consideration for appointment,
 - (b) inform the Garda Commissioner of the outcome of the selection competition and furnish him or her with the details of the candidates on the panel, and
 - (c) by notice in writing, inform each candidate who participated in a selection competition –
 - (i) where he or she has been placed on a panel, of that fact, his or her place in the order of merit on the panel and the period of time that panel shall, subject to Regulation 9(2), remain in place, or
 - (ii) where he or she has not been placed on a panel, of that fact.

Appointment of candidates

9. (1) Subject to Regulations 10, 11 and 12, the Garda Commissioner shall, while a panel is in place, and where required by the Act of 2024, with the approval of the Board, make appointments to the specified rank to which a competition relates from the panel in the order of merit candidates have been placed on that panel.

(2) The Garda Commissioner may, with the approval of the Board, extend the period a panel remains in place in accordance with Regulation 6(2)(b) and, where he or she extends the period, the Chief Constable of the PSNI and each candidate on the panel concerned shall be notified in writing of the period of extension.

Candidate on panel not to be appointed in certain circumstances

10. (1) The Garda Commissioner shall not appoint a candidate from a panel unless –

- (a) the candidate –
 - (i) undertakes any clearance process required as part of the competition,
 - (ii) agrees to perform the duties attached to the rank to which the appointment concerned relates, having regard to the conditions under which those duties are, or may be required to be, performed, and
 - (iii) provides a signed undertaking to observe the code of ethics in carrying out his or her duties as a member,

and

- (b) the Garda Commissioner is satisfied –
 - (i) as to the outcome of any clearance process undertaken by the candidate, and
 - (ii) at the time of appointment, that the candidate is competent to undertake, and capable of undertaking, the duties attached to the specified rank concerned, having regard to the conditions under which those duties are, or may be required to be, performed.

(2) Where the Garda Commissioner is not satisfied of any of the matters referred to in paragraph (1)(b) in respect of a candidate who, by virtue of his or her position in the order of merit on the panel, is being considered for appointment –

- (a) the Garda Commissioner shall notify the candidate that he or she will not be appointed and specify the reasons for that decision,
- (b) the candidate concerned may request the Commissioner, in accordance with Regulation 13, to review that decision, and
- (c) the Garda Commissioner may proceed to appoint the next suitable candidate on the panel to the specified rank concerned.

(3) In this Regulation, “clearance process” includes any process, including vetting, to establish the health, character and suitability of candidates.

Disqualification of candidates

11. (1) A member or a member of the PSNI shall be disqualified for and excluded from a competition by the Garda Commissioner and shall not be appointed to the specified 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) The Service shall notify the Garda Commissioner where it becomes aware that a member or a member of the PSNI has engaged in conduct referred to in paragraph (1) during the course of a selection competition.

(3) A member or a member of the PSNI who is disqualified under paragraph (1) shall not be eligible to apply for a competition for a period of 5 years immediately following that disqualification.

(4) Paragraph (1) is in addition to any provision of the Act of 2004 which places an obligation on candidates in respect of recruitment and selection procedures.

Competition for specific post in specified rank

12. Notwithstanding that a panel exists in respect of a specified rank and the period determined under Regulation 6(2)(b) has not expired, or where the period has been extended under Regulation 9(2), that period has not expired, the Garda Commissioner may –

- (a) with the approval of the Board, decide to hold a competition in accordance with these Regulations for a particular post in that specified rank, and
- (b) subject to Regulations 11 and 13, make an appointment to that post.

Procedures for review or complaint

13. (1) A candidate may, in accordance with the relevant code of practice –

- (a) request the Service to review a selection competition undertaken by it, or
- (b) bring a complaint to the Service in relation to a selection competition undertaken by it.

(2) A request or complaint referred to in paragraph (1) shall be addressed to the Service and shall be dealt with by it in accordance with any relevant code of practice and guidelines prepared and published by the Commission for Public Service Appointments in accordance with the Act of 2004.

(3) A candidate may, by notice in writing, request the Garda Commissioner to review a decision made by him or her under Regulation 9, 10 or 12 that affects the candidate and the request shall be accompanied by representations by the candidate in relation to the decision.

(4) On receipt of a request from a candidate under paragraph (3) in relation to a decision, the Garda Commissioner shall consider the representations made by the candidate and, having considered those representations, the Garda Commissioner shall either –

- (a) confirm the decision, or
- (b) amend the decision.

Probation

14. (1) A person (in this Regulation referred to as an “appointed person”) appointed to a specified rank in accordance with these Regulations shall not be confirmed in the specified rank unless he or she has satisfactorily completed a probationary period.

(2) Subject to paragraph (7), a probationary period shall be 12 months from the date of the appointment of the person concerned to the specified rank in accordance with these Regulations.

(3) Where an appointed person is absent due to adoptive leave, carer’s leave, domestic violence leave, leave for medical care purposes, maternity leave, parental leave, parent’s leave, paternity leave or sick leave, the period of absence shall not be reckonable for the purposes of satisfying the probationary period and the probationary period shall continue on the return to work of the appointed person after such absence.

(4) Where the Garda Commissioner considers that the absence of an appointed person, on leave of a kind not referred to in paragraph (3), would not be consistent with the continuance of probation, the Garda Commissioner may require that the period of absence not be reckonable for the purposes of satisfying the probationary period and the probationary period shall continue on the return to work of the appointed person after such absence.

(5) Where an appointed person is absent due to a period of suspension having been imposed on him or her (whether such suspension is imposed under the Act of 2024, under regulations made under the Act of 2024, the Garda Síochána (Discipline) Regulations 2007 (S.I. No. 214 of 2007) or otherwise), the period of the absence shall not be reckonable for the purposes of satisfying the probationary period and the probationary period shall continue on the return to work of the appointed person after such absence.

(6) Where an appointed person is absent for a consecutive period of 4 weeks or more during the probationary period for a reason other than one referred to in paragraph (3), (4) or (5), the period of absence shall not be reckonable for the

purpose of satisfying the probationary period and the probationary period shall continue on the return to work of the appointed person after such absence.

(7) Subject to paragraph (9), where an appointed person has not, during the probationary period, demonstrated to the satisfaction of the Garda Commissioner that the appointed person is suitable for the role or has the ability to perform the functions of the specified rank efficiently and effectively, the Garda Commissioner may, from time to time, give a direction in writing that the probationary period of that appointed person be extended for such period as is specified in the direction.

(8) A direction given under paragraph (7) shall be given to the appointed person to whom it is addressed and shall specify the period of extension of the probationary period and the reasons for such extension.

(9) A probationary period shall not exceed a total of 2 years.

(10) The Garda Commissioner shall, having assessed the suitability of the appointed person within the probationary period or as soon as may be following completion of that period –

- (a) confirm the appointment of the appointed person to the specified rank, or
- (b) subject to paragraph (11) –
 - (i) where the appointed person was a member immediately before such appointment, reduce that appointed person to the rank he or she held before the appointment concerned, or
 - (ii) where the appointed person was a member of the PSNI before his or her appointment, terminate the appointment of the appointed person to the specified rank concerned and An Garda Síochána.

(11) Where the Garda Commissioner proposes, in accordance with paragraph (10), to reduce the rank of an appointed person under subparagraph (b)(i) or to terminate the appointment of an appointed person under subparagraph (b)(ii) of that paragraph, the Garda Commissioner shall notify the appointed person in writing –

- (a) of the proposal,
- (b) the reasons for that proposal, and
- (c) that he or she is entitled to make submissions, within 28 days from the date specified in the notice, to the Garda Commissioner in relation to the proposal.

(12) Where submissions are made by the appointed person concerned within the period of time allowed for submissions under paragraph (11)(c), the Garda Commissioner shall consider those submissions prior to making a final decision whether or not to reduce the appointed person to the rank he or she held before such appointment or to terminate the appointment of the appointed person, as the case may be.

(13) The Garda Commissioner shall notify the appointed person in writing of his or her final decision referred to in paragraph (12).

Reduction in rank at own request

15. (1) A member who has been appointed to a specified rank following a competition may, at his or her own request, be reduced by the Garda Commissioner to the rank he or she held immediately before such appointment was made.

(2) A member who is reduced in rank in accordance with paragraph (1) may not subsequently be appointed to a specified rank other than by way of a new competition.

The Government approves of the making of the foregoing Regulations.



GIVEN under the Official Seal of the Government,
25 March, 2025.

MICHEÁL MARTIN,
Taoiseach.



GIVEN under my Official Seal,
2 April, 2025.

JIM O'CALLAGHAN,
Minister for Justice.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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