



STATUTORY INSTRUMENTS.

**S.I. No. 668 of 2019**



GARDA SÍOCHÁNA (SPECIFIED RANKS) (SEVERANCE  
PROGRAMME) REGULATIONS 2019

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I, CHARLES FLANAGAN, Minister for Justice and Equality, in exercise of the powers conferred on me by subsection (1) of 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)), having complied with subsection (6) of that section, and after consulting with the Garda Commissioner and the Policing Authority and with the approval of the Government, hereby make the following regulations:

**Citation**

1. These Regulations may be cited as the Garda Síochána (Specified Ranks) (Severance Programme) Regulations 2019.

**Interpretation**

2. In these Regulations -

“Act of 2004” means the Public Service Superannuation (Miscellaneous Provisions) Act 2004 (No. 7 of 2004);

“applicant” means an eligible member who submits an application in accordance with Regulation 5;

“closing date” means the date specified under Regulation 4(2)(b) in the invitation under that Regulation;

“eligible member” means a member who is, under Regulation 3, eligible to leave the service of the Garda Síochána under these Regulations;

“last date of service” means the date nominated, under Regulation 7, by the Garda Commissioner;

“member” means a member of the Garda Síochána other than a reserve member;

“relevant retirement age” means -

(a) in the case of a member of a specified rank to whom the Act of 2004 applies, the age at which the member shall, under section 4(1) of that Act, cease to be a member of the Garda Síochána, and

- (b) in the case of a member of a specified rank to whom the Act of 2004 does not apply –
  - (i) if the member holds the rank of Assistant Garda Commissioner, the age at which he or she shall retire under the Garda Síochána (Retirement) Regulations 1996 (S.I. No. 16 of 1996), and
  - (ii) if the member holds the rank of chief superintendent or superintendent, the age at which he or she shall retire under the Garda Síochána (Retirement)(No. 2) Regulations 1951 (S.I. No. 335 of 1951);

“specified rank” means the rank of Assistant Garda Commissioner, chief superintendent or superintendent in the Garda Síochána.

### **Eligibility to apply to leave the service of the Garda Síochána**

- 3. A member who-
  - (a) holds a specified rank, and
  - (b) will not attain the relevant retirement age applicable to him or her before 1 April 2021,

shall be eligible to apply to leave the service of the Garda Síochána in accordance with these Regulations.

### **Invitation to apply to leave the service of the Garda Síochána**

4. (1) The Garda Commissioner shall invite applications from eligible members who wish to leave the service of the Garda Síochána in accordance with these Regulations.

- (2) An invitation under paragraph (1) shall -
  - (a) be accompanied by information relating to -
    - (i) the eligibility criteria referred to in Regulation 3,
    - (ii) the application process, and
    - (iii) the terms and conditions, specified in Regulations 8, 9 and 10, under which a member whose application under these Regulations is granted would leave the service,
  - and
  - (b) specify the closing date for the receipt by the Garda Commissioner of applications.

### **Application**

5. An application by an eligible member who wishes to leave the service of the Garda Síochána in accordance with these Regulations shall be-

- (a) made in such form and accompanied by such information as the Garda Commissioner may direct, and
- (b) submitted to the Garda Commissioner on or before the closing date.

### **Decision on application**

6. (1) The Garda Commissioner may, at his or her sole discretion, grant or refuse an application made in accordance with Regulation 5.

(2) In reaching his or her decision whether to grant or refuse an application referred to in paragraph (1), the Garda Commissioner shall consider the information contained in the application, having regard to -

- (a) the length of service of the applicant,
- (b) the rank held by the applicant and the number of applications received from members of the same rank,
- (c) the geographical area to which the applicant is assigned and the number of applications received from applicants assigned to the same geographical area,
- (d) the skills, expertise and experience of the applicant and the number of applications received from applicants with similar skills, expertise and experience, and
- (e) any other matters that the Garda Commissioner considers necessary having regard to the operational needs of the Garda Síochána.

(3) The Garda Commissioner shall, as soon as practicable after making a decision under paragraph (1), notify the applicant, in writing, of his or her decision.

(4) Where the Garda Commissioner refuses an application, the notification under paragraph (3) shall be accompanied by a statement of the reasons for the refusal and of the effect of paragraph (5).

(5) An applicant may, within 14 days of the date of the notification under paragraph (3) of a decision to refuse the application, request the Garda Commissioner, in writing, to review his or her decision, which request shall be accompanied by representations in relation to the reasons, referred to in paragraph (4), for the refusal.

(6) On receipt of a request under paragraph (5) for a review, the Garda Commissioner shall consider the representations made by the applicant and, having considered those representations, the Garda Commissioner shall -

- (a) confirm the decision to refuse the application, or
- (b) grant the application.

(7) Where the Garda Commissioner makes a decision under paragraph (6)(a), the applicant shall be notified, in writing, of the decision of the Garda Commissioner, which notification shall include the reasons for that decision.

(8) Where the Garda Commissioner grants an application under paragraph (1) or (6)(b), the applicant shall be notified, in writing, that his or her application to leave the service of the Garda Síochána has been granted and the notification shall be accompanied by a statement of -

- (a) the last date of service of the member, and
- (b) the terms and conditions, specified in Regulations 8, 9 and 10, under which the member shall leave the service of the Garda Síochána.

#### **Last date of service**

7. (1) When granting an application under Regulation 6, the Garda Commissioner shall, having regard to the operational needs of the Garda Síochána and subject to paragraph (2), nominate a date as the last date of service of the member concerned.

(2) The date nominated under paragraph (1) shall be –

- (a) not later than 31 March 2021, and
- (b) a date that is not less than 12 months before the date on which the member concerned shall attain the relevant retirement age applicable to him or her.

#### **Severance gratuity**

8. (1) Where a member leaves the service of the Garda Síochána in accordance with these Regulations, he or she shall be granted a severance gratuity not exceeding one-half of the annual remuneration of the member on his or her last date of service.

(2) In paragraph (1) “remuneration” means –

- (a) in relation to a member who holds the rank of Assistant Garda Commissioner, his or her basic salary, and
- (b) in relation to a member who holds the rank of chief superintendent or superintendent, his or her basic salary and the Availability Allowance that is payable to him or her.

**Re-employment in the Garda Síochána**

9. A member who leaves the service of the Garda Síochána under these Regulations shall not be eligible -

- (a) for re-appointment as a member at any rank in the service of the Garda Síochána, or
- (b) for appointment as a member of the civilian staff of the Garda Síochána.

**Cease to be a member of the Garda Síochána**

10. A member who leaves the service of the Garda Síochána under these Regulations shall, on and from the date immediately following his or her last date of service, cease to be a member of the Garda Síochána.

The Government hereby approve of the making of these Regulations.



GIVEN under the Official Seal of the Government,  
17 December, 2019.

LEO VARADAKAR,  
Taoiseach.



GIVEN under my Official Seal,  
16 December, 2019.

CHARLES FLANAGAN,  
Minister for Justice and Equality.

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