



STATUTORY INSTRUMENTS.

S.I. No. 118 of 2025

POLICING, SECURITY AND COMMUNITY SAFETY ACT 2024
(SECTION 256) (PERFORMANCE) REGULATIONS 2025

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(SECTION 256) (PERFORMANCE) REGULATIONS 2025

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S.I. No. 118 of 2025

**POLICING, SECURITY AND COMMUNITY SAFETY ACT 2024
(SECTION 256) (PERFORMANCE) REGULATIONS 2025**

I, JIM O'CALLAGHAN, Minister for Justice, in exercise of the powers conferred on me by section 256 of the Policing, Security and Community Safety Act 2024 (No. 1 of 2024), having consulted with the Garda Commissioner and the Police Ombudsman, and with the approval of the Government, hereby make the following Regulations:

PART 1

Preliminary

Citation

1. These Regulations may be cited as the Policing, Security and Community Safety Act 2024 (Section 256) (Performance) Regulations 2025.

Commencement

2. These Regulations shall come into operation on 2 April 2025.

Interpretation

3. (1) In these Regulations –

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

“first line manager” means, in relation to a member of An Garda Síochána, a member of garda personnel who has been assigned, whether on a long-term or temporary or acting capacity, responsibility for the day-to-day supervision of the member;

“first stage evaluation meeting” has the meaning assigned to it by Regulation 14(1);

“first stage progress review meeting” has the meaning assigned to it by Regulation 23(2);

“human resources officer” means a member of garda personnel who carries out a human resources role;

“interested party”, in relation to proceedings under these Regulations, means a person whose appointment in relation to, or whose role in, such proceedings could reasonably give rise to a concern as to whether the person could act impartially in the proceedings;

“legal practitioner” means a practising barrister or practising solicitor;

“member concerned” has the meaning assigned to it by Regulation 14(1);

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

“misconduct” has the same meaning as it has in section 257(8);

“nominated person”, in relation to a member concerned, means a person nominated by the member concerned for that purpose in accordance with Regulation 5;

“notify” means notify in writing;

“period of validity” means, in relation to an improvement plan, the period for which the improvement plan shall be valid and apply to the member concerned;

“practising barrister” and “practising solicitor” have the same meaning, respectively, as they have in the Legal Services Regulation Act 2015 (Act No. 65 of 2015);

“progress review panel” has the meaning assigned to it by Regulation 33(1);

“relevant human resources officer”, in relation to proceedings under these Regulations, means a human resources officer who has been assigned responsibility for advising, consulting or assisting, as appropriate, in the course of those proceedings;

“second line manager” means, in relation to a member concerned, a member of garda personnel who has been assigned, whether on a long-term or temporary or acting capacity, responsibility for the day-to-day supervision of the first line manager of the member concerned;

“second stage progress review meeting” has the meaning assigned to it by Regulation 28(2);

“support measures” means advice, guidance, training or any other form of support, including in relation to the health or welfare of the member concerned, that is for the purpose of assisting the member in improving his or her performance or attendance;

“third stage progress review meeting” has the meaning assigned to it by Regulation 34(1).

(2) Unless the context otherwise requires, a reference in these Regulations to a section is a reference to a section of the Act.

Application of Regulations

4. These Regulations shall apply in respect of the unsatisfactory performance or unsatisfactory attendance of members of An Garda Síochána below the rank of Assistant Garda Commissioner, other than such members who are appointed under section 94.

Nominated person

5. (1) A member concerned may, subject to paragraph (2), nominate –

- (a) a member of An Garda Síochána, or
- (b) a representative of the representative association established for the rank of the member concerned,

to act as his or her nominated person for the purpose of these Regulations.

(2) A member concerned shall not nominate a practising barrister or a practising solicitor as his or her nominated person.

(3) In this Regulation, “representative association” means an association established in accordance with section 59(1).

Postponement or adjournment of proceedings under Regulations

6. (1) Where he or she considers it appropriate, whether on the request of the member concerned or otherwise –

- (a) a first line manager may postpone or adjourn a first stage evaluation meeting or a first stage progress review meeting,
- (b) a second line manager may postpone or adjourn a second stage progress review meeting, and
- (c) the chairperson of a progress review panel may postpone or adjourn a third stage progress review meeting,

to a specified date, time and location.

(2) Where a person referred to in paragraph (1) postpones or adjourns a meeting referred to in that paragraph, the person shall notify the member concerned and any other person notified under Regulation 23(3), Regulation 28(3) or Regulation 34(2), as the case may be, of –

- (a) the postponement or adjournment,
- (b) the reasons for that postponement or adjournment, and
- (c) the date, time and location at which the meeting concerned shall be held or resumed, as the case may be.

(3) A notification under paragraph (2) in respect of a first stage evaluation meeting shall be made not less than 7 days before the date on which the meeting shall be held or resumed, as the case may be.

(4) A notification under paragraph (2) in respect of –

- (a) a first stage progress review meeting,
- (b) a second stage progress review meeting, or
- (c) a third stage progress review meeting, as the case may be,

shall be made not less than 7 days before the date on which the first stage progress review meeting, second stage progress review meeting or third stage progress review meeting shall be held or resumed, as the case may be.

Sharing of information with Garda Commissioner

7. Where any person appointed under these Regulations considers it appropriate, he or she may, at any point in proceedings under these Regulations, share with the Garda Commissioner such information in relation to those proceedings as he or she considers appropriate.

Privilege

8. A statement made, in any form and without malice, by any person at a meeting under these Regulations is privileged for the purposes of the law of defamation and so is any subsequent publication without malice of the statement made.

Service of documents

9. A notification or other document that is required to be given to a person under these Regulations shall be addressed to the person concerned by name, and may be so given to the person in one of the following ways:

- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address;
- (d) by electronic means, in a case in which the person has given notice in writing to the person giving the notification or document concerned of his or her consent to the notification or document (or notification or documents of a class to which the notification or document belongs) being given to him or her in that manner.

Electronic communications technology

10. (1) Any meeting referred to in these Regulations need not be held at a physical venue but may be conducted wholly or partly by the use of electronic communications technology so long as all attendees have the opportunity to participate in the meeting concerned.

(2) Any temporary failure or disruption of electronic communications technology shall not invalidate any part of the proceedings under these Regulations merely by virtue of that temporary failure or disruption.

(3) In this Regulation, “electronic communications technology” means technology that enables real-time transmission and real-time two-way audio or audio-visual communication enabling attendees to participate in any meeting using such technology from a remote location.

Replacement of person appointed under Regulations

11. (1) Where –

- (a) a person appointed under these Regulations (in this Regulation referred to as an “original appointed person”) is not, or will not be, in a position to continue to carry out the role to which they were so appointed, or

- (b) the Garda Commissioner makes a decision, under Regulation 33(6), that such a person is an interested party,

the Garda Commissioner shall, subject to paragraph (6), remove the original appointed person and appoint a person (in this Regulation referred to as a “replacement appointed person”) in the same manner as the original appointed person to continue to carry out the role to which the original appointed person was appointed.

(2) The Garda Commissioner shall, prior to appointing a replacement appointed person under paragraph (1) –

- (a) notify the member concerned of the proposal to do so,
- (b) give the member concerned the opportunity to make submissions in relation to the proposal, and
- (c) have regard to any such submissions made by the member concerned in deciding whether to so appoint.

(3) Where a replacement appointed person is appointed in accordance with paragraph (1), the Garda Commissioner shall –

- (a) ensure that the person is provided, on appointment, with a written account of work completed to date, and any submissions made by any person in the proceedings, and
- (b) notify the member concerned and such other persons as the Garda Commissioner considers appropriate of the appointment.

(4) The appointment, pursuant to paragraph (1), of a replacement appointed person to a progress review panel shall not affect the appointment of the other members of the panel concerned.

(5) Where a replacement appointed person is appointed under paragraph (1), the appointment shall not affect the validity of anything previously done under these Regulations by the original appointed person or a progress review panel of which he or she was a member.

(6) The Garda Commissioner shall not appoint a replacement appointed person unless he or she is satisfied that to do so would not negatively or unfairly impact on the member concerned, and where the Garda Commissioner is not so satisfied, he or she may direct in writing that the proceedings under these Regulations concerned be re-commenced.

Extension of time limits

12. (1) Subject to paragraph (5), the Garda Commissioner may, on application in writing by a person appointed under these Regulations or a member concerned, extend any time limit specified in these Regulations for such duration as he or she considers appropriate, where he or she considers that it would be in the interests of justice to do so.

(2) An application to the Garda Commissioner for an extension of a time limit pursuant to paragraph (1) shall set out the reasons for which the extension is sought and the proposed duration of that extension.

(3) Where the Garda Commissioner extends a time limit pursuant to paragraph (1), he or she shall notify the member concerned, and such other persons, subject to, or affected by, the time limit or extension concerned as the Garda Commissioner considers appropriate, of the extension and the duration thereof.

(4) The Garda Commissioner may extend a time limit pursuant to paragraph (1) on more than one occasion.

(5) This Regulation shall not apply in respect of a time limit specified in –

- (a) Regulation 21, or
- (b) Regulation 31(5)(b).

Referral of matter to be dealt with under Conduct Regulations

13. Where, at any time during the course of proceedings under these Regulations in respect of a member concerned –

- (a) a first line manager,
- (b) a second line manager,
- (c) a member of a panel appointed under Regulation 33(1), or
- (d) a review officer appointed under Regulation 40(1),

determines that any matter relating to any aspect of the performance or attendance of the member concerned may constitute misconduct, such that the matter should be dealt with by way of proceedings under the Conduct Regulations, he or she shall notify the member concerned and the Garda Commissioner of that determination and of the reasons for it.

PART 2

First Stage Evaluation

First stage evaluation meeting

14. (1) Where a first line manager of a member of An Garda Síochána (in these Regulations referred to as the “member concerned”) –

- (a) forms the opinion that the performance or attendance of a member concerned may constitute unsatisfactory performance or unsatisfactory attendance,
- (b) is requested by the Garda Commissioner to commence proceedings under these Regulations where –
 - (i) the Police Ombudsman provides a copy of a report under subsection (10) or (11) of section 208 to the Garda Commissioner pursuant to section 215(1)(a), and
 - (ii) the Garda Commissioner is of the opinion that the report discloses a matter that should be dealt with by way of proceedings under these Regulations,

- (c) receives a notification under Regulation 70(1) of the Conduct Regulations, or
- (d) receives a notification under Regulation 43(2)(d),

the first line manager shall notify the member concerned that he or she is required to attend an evaluation meeting with the first line manager (in these Regulations referred to as “a first stage evaluation meeting”) at a specified date, time and location.

(2) In forming his or her opinion under paragraph (1)(a), a first line manager may have regard to information provided to him or her by another member in respect of the performance or attendance of the member concerned.

(3) A notification under paragraph (1) shall be made not less than 14 days before the first stage evaluation meeting concerned and shall be accompanied by –

- (a) a statement setting out the purpose of the meeting and the possible determinations that can be made at the meeting,
- (b) details of the possible consequences of failure, without reasonable excuse, to attend the meeting, including that such failure may constitute misconduct on the part of the member concerned,
- (c) details of the matters that the member concerned is required to provide in advance of the first stage evaluation meeting in accordance with paragraph (4),
- (d) a description of –
 - (i) the manner in which proceedings under these Regulations operate,
 - (ii) the procedure that will be adopted at the first stage evaluation meeting, and
 - (iii) the performance or attendance, as the case may be, of the member concerned that is the subject of the meeting,
- (e) a copy of these Regulations and any other relevant procedural documents, and
- (f) copies of any documentation or other material that will be considered in the course of the meeting.

(4) A member concerned shall, not less than 3 days before a first stage evaluation meeting, provide the first line manager with a copy of any documentation or other material that the member concerned would like the first line manager to consider.

Procedure during first stage evaluation meeting

15. (1) Subject to this Regulation, a first line manager may conduct a first stage evaluation meeting in such manner as he or she considers appropriate.

(2) A first stage evaluation meeting shall be attended only by a first line manager and the member concerned.

(3) A first line manager shall, at the commencement of a first stage evaluation meeting –

- (a) explain, in ordinary language –
 - (i) the reasons why it is considered that the performance or attendance of the member concerned may constitute unsatisfactory performance or unsatisfactory attendance,
 - (ii) the purpose of the meeting and the possible determinations that can be made at the meeting, and
 - (iii) the manner in which proceedings under these Regulations operate,

and

- (b) invite the member concerned to respond in relation to –
 - (i) the matters raised in respect of his or her performance or attendance, and
 - (ii) any other relevant matters raised during the meeting.

Determination of first line manager

16. (1) A first line manager –

- (a) shall, as soon as practicable following the conclusion of a first stage evaluation meeting, or
- (b) may, where a member concerned fails to attend a first stage evaluation meeting of which he or she was notified in accordance with Regulation 14,

make a determination as to whether the performance or attendance of the member concerned constitutes unsatisfactory performance or unsatisfactory attendance.

(2) In making a determination under paragraph (1), a first line manager shall consider the response (if any) of the member concerned in relation to the matters raised in respect of his or her performance or attendance and any other relevant matters.

Where performance or attendance is determined not to constitute unsatisfactory performance or unsatisfactory attendance

17. Where a first line manager makes a determination under Regulation 16(1) that the performance or attendance of the member concerned does not constitute unsatisfactory performance or unsatisfactory attendance, subject to Regulation 18, no further action shall be taken under these Regulations in respect of the matters raised in relation to the performance or attendance of the member concerned that were the subject of the first stage evaluation meeting.

Notification of determination of first line manager

18. A first line manager shall, as soon as practicable, and in any event, not later than 7 days after a determination under Regulation 16(1) is made –

- (a) prepare a report in writing of –
 - (i) the first stage evaluation meeting (if any),
 - (ii) the determination, and
 - (iii) the reasons for that determination,
- (b) notify the member concerned of –
 - (i) the determination,
 - (ii) the reasons for that determination, and
 - (iii) the next steps to be taken under these Regulations,
- (c) provide a copy of the report prepared under subparagraph (a) to the member concerned,

and

- (d) in the case of a determination under Regulation 16(1) that the performance or attendance of the member concerned constitutes unsatisfactory performance or unsatisfactory attendance, provide a copy of the report prepared under subparagraph (a) to a relevant human resources officer.

PART 3

Improvement Plan

Preparation of improvement plan

19. (1) Where a first line manager makes a determination under Regulation 16(1) that the performance or attendance of a member concerned constitutes unsatisfactory performance or unsatisfactory attendance, the first line manager shall, as soon as practicable after the determination is made, prepare an improvement plan for the member concerned.

(2) An improvement plan shall include the following particulars:

- (a) the commencement date and period of validity of the plan;
- (b) a description of the performance or attendance, as the case may be, of the member concerned that is considered to be unsatisfactory performance or unsatisfactory attendance;
- (c) details of the nature and extent of improvement in the performance or attendance, as the case may be, of the member concerned that he or she is required to demonstrate during the period of validity of the plan and any actions required to be taken in that regard by any other person;

- (d) details of any support measures put in place, or to be put in place, by An Garda Síochána in respect of the member concerned;
- (e) timelines for the holding of progress review meetings with the member concerned in accordance with Regulation 22;
- (f) details of the possible consequences of failure to demonstrate the required nature and extent of improvement during the period of validity of the plan.

(3) In preparing an improvement plan, the first line manager shall have regard to any framework of competency relevant to the rank of the member concerned.

(4) The first line manager shall, as soon as practicable, and in any event not later than 10 days, after the notification to the member concerned under Regulation 18(b), provide a copy of the improvement plan to the member concerned.

Variation of improvement plan

20. The particulars of an improvement plan specified at subparagraphs (b), (c) and (d) of Regulation 19(2) may be varied by –

- (a) a first line manager following a first stage progress review meeting,
- (b) a second line manager following a second stage progress review meeting, or
- (c) a progress review panel following a third stage progress review meeting.

Period of validity of improvement plan

21. (1) An improvement plan shall, subject to paragraph (2) and Regulations 26(2), 31(2), 31(5)(b), 37(2), 37(3)(b) and 37(5)(b), have a period of validity of 8 months from the commencement date specified in the plan.

(2) The overall period of validity shall not exceed 18 months.

Progress review meetings

22. (1) Subject to paragraph (2), for so long as an improvement plan remains at –

- (a) first stage, a first line manager,
- (b) second stage, a second line manager, and
- (c) third stage, a progress review panel,

shall hold a meeting with the member concerned, in respect of the improvement plan (in these Regulations referred to as a “progress review meeting”) at least once in every two-month period during the period of validity of the plan.

(2) The final progress review meeting shall take place not later than 14 days prior to the expiry of the period of validity of the plan.

(3) In this Regulation –

“first stage”, in relation to an improvement plan, means the period during which the first line manager of the member concerned is responsible, in accordance with Part 4, for monitoring and assessing the performance or attendance, as the case may be, of the member concerned;

“second stage”, in relation to an improvement plan, means the period during which the second line manager of the member concerned is responsible, in accordance with Part 5, for monitoring and assessing the performance or attendance, as the case may be, of the member concerned;

“third stage”, in relation to an improvement plan, means the period during which a progress review panel is responsible, in accordance with Part 6, for monitoring and assessing the performance or attendance, as the case may be, of the member concerned.

PART 4

First Stage Progress Review

First stage progress review meeting

23. (1) Where an improvement plan is prepared in respect of a member concerned pursuant to Regulation 19, the first line manager of the member concerned, in consultation with a relevant human resources officer, shall, until such time as the improvement plan is concluded in accordance with Regulation 26(2) or he or she makes a determination under Regulation 26(3) that the member concerned shall be required to attend a second stage progress review meeting, monitor and assess the performance or attendance, as the case may be, of the member concerned, having regard to the required nature and extent of improvement specified in the improvement plan.

(2) For the purposes of paragraph (1), a first line manager shall, as soon as practicable after a member concerned is notified of an improvement plan in accordance with Regulation 19(4) and, thereafter, in accordance with Regulation 22(1), convene a progress review meeting with the member concerned (in these Regulations referred to as a “first stage progress review meeting”).

(3) A first line manager shall, not less than 7 days before a first stage progress review meeting, notify –

- (a) the member concerned,
- (b) a relevant human resources officer, and
- (c) any other person who is permitted to attend the meeting pursuant to Regulation 24 and whose attendance at the meeting the first line manager considers necessary,

that he or she is required to attend the meeting at a specified date, time and location.

(4) A notification to a member concerned under paragraph (3)(a) shall be accompanied by –

- (a) a statement setting out the purpose of the first stage progress review meeting and the possible determinations that can be made at the meeting,
- (b) a description of the manner in which proceedings under these Regulations operate,
- (c) a statement of the possible outcomes that may be imposed on a member concerned pursuant to Regulation 37(3)(b),
- (d) a description of the unsatisfactory performance or unsatisfactory attendance, as the case may be, of the member concerned that is the subject of the meeting,
- (e) details of the persons who are scheduled to attend the meeting and the respective role at the meeting of each such person,
- (f) confirmation that the member concerned is entitled to be accompanied to the meeting by a nominated person and details of the role of any such nominated person under these Regulations,
- (g) details of the possible consequences of failure, without reasonable excuse, to attend the meeting, including that such failure may constitute misconduct on the part of the member concerned,
- (h) details of the matters that the member concerned is required to provide in advance of the first stage progress review meeting in accordance with paragraph (5), and
- (i) copies of any documentation or other material that will be considered at the meeting.

(5) A member concerned shall, not less than 3 days before the first stage progress review meeting –

- (a) notify the first line manager as to whether it is intended that a nominated person shall attend the meeting with the member concerned, and
- (b) provide the first line manager with a copy of any documentation or other material that the member concerned would like the first line manager to consider.

Persons to attend first stage progress review meeting

24. The following persons may, in addition to a member concerned and a first line manager, attend a first stage progress review meeting:

- (a) the nominated person of the member concerned;
- (b) such other persons as the first line manager considers necessary.

Procedure during first stage progress review meeting

25. (1) A first stage progress review meeting shall be conducted by a first line manager of a member concerned.

(2) During a first stage progress review meeting, the first line manager shall –

- (a) outline to the member concerned –
 - (i) the opinion of the first line manager as to the extent of compliance by the member concerned with the improvement plan,
 - (ii) any aspect of the performance or attendance of the member concerned in respect of which it is considered that he or she has not demonstrated the required level of improvement,
 - (iii) any support measures that have been put in place by An Garda Síochána in respect of the member concerned, and
 - (iv) the purpose of the first stage progress review meeting,
- and
- (b) invite the member concerned, or a nominated person acting on behalf of the member concerned, to respond in relation to –
 - (i) the matters referred to in subparagraph (a), and
 - (ii) any other relevant matters raised during the meeting.

Determination of first line manager

26. (1) A first line manager –

- (a) shall, as soon as practicable following the conclusion of a first stage progress review meeting held in respect of a member concerned, or
- (b) may, where a member concerned fails to attend a first stage progress review meeting of which he or she was notified in accordance with Regulation 23(3) and (4),

make a determination as to whether the member concerned has demonstrated the required nature and extent of improvement specified in his or her improvement plan.

(2) Where the first line manager makes a determination under paragraph (1) that the member concerned has demonstrated the required nature and extent of improvement specified in his or her improvement plan, the plan shall be concluded and, subject to Regulation 27, no further action shall be taken under these Regulations in respect of the matters raised in relation to the performance or attendance of the member concerned that were the subject of the improvement plan.

(3) Where a first line manager makes a determination under paragraph (1) that the member concerned has not demonstrated the required nature and extent of improvement specified in his or her improvement plan, the first line manager

shall determine whether, having regard to the nature and extent of any improvement that has been demonstrated, the member concerned shall be required to attend –

- (a) subject to paragraph (4), a further first stage progress review meeting, or
- (b) a second stage progress review meeting.

(4) A first line manager shall only make a determination under paragraph (3)(a) where the remaining period of validity of the improvement plan is not less than two months.

(5) In making a determination under this Regulation, a first line manager shall –

- (a) consider the response (if any) pursuant to Regulation 25(2)(b) by or on behalf of the member concerned, and
- (b) consult with the relevant human resources officer who –
 - (i) attended the first stage progress review meeting, or
 - (ii) was notified of the meeting in accordance with Regulation 23(3).

(6) A first line manager may, if he or she considers it appropriate, where he or she makes a determination under paragraph (3)(a) that the member concerned shall be required to attend a further first stage progress review meeting, vary the particulars of the improvement plan of the member concerned.

(7) A first line manager shall, as soon as practicable after making a determination under paragraph (1), prepare a report in writing of –

- (a) the first stage progress review meeting (if any),
- (b) the determination made,
- (c) the reasons for that determination, and
- (d) any particulars of the improvement plan varied in accordance with Regulation 20.

Notification of determination of first line manager

27. (1) A first line manager shall, as soon as practicable, and in any event not later than 7 days, after a determination under Regulation 26(1) is made –

- (a) notify the member concerned of –
 - (i) the determination,
 - (ii) the reasons for that determination, and
 - (iii) the next steps to be taken under these Regulations,
- (b) provide a copy of the report prepared under Regulation 26(7) to –
 - (i) the member concerned, and
 - (ii) the relevant human resources officer consulted in accordance with Regulation 26(5)(b),

and

- (c) where any particulars of the improvement plan of the member concerned have been varied in accordance with Regulation 20, provide a copy of the revised plan to the member concerned.

(2) Where a first line manager makes a determination under Regulation 26(3) that the member concerned shall be required to attend a second stage progress review meeting, the first line manager shall, as soon as practicable after the determination is made –

- (a) notify the second line manager of the member concerned of that determination, and
- (b) provide the second line manager with copies of –
 - (i) the improvement plan of the member concerned, and
 - (ii) any report prepared under Regulation 26(7).

PART 5

Second Stage Progress Review

Second stage progress review meeting

28. (1) Where a second line manager receives a notification under Regulation 27(2), he or she shall, in consultation with the first line manager of the member concerned and a relevant human resources officer, until such time as the improvement plan is concluded in accordance with Regulation 31(2) or he or she makes a determination under Regulation 31(3) that the member concerned shall be required to attend a third stage progress review meeting, monitor and assess, having regard to the required nature and extent of improvement specified in the improvement plan of the member concerned, the performance or attendance, as the case may be, of the member concerned.

(2) For the purposes of paragraph (1), a second line manager shall, as soon as practicable, and in any event not later than 14 days, after the notification under Regulation 27(2) and thereafter, in accordance with Regulation 22(1), convene a progress review meeting with the member concerned (in these Regulations referred to as a “second stage progress review meeting”).

(3) A second line manager shall, not less than 7 days before a second stage progress review meeting, notify –

- (a) the member concerned,
- (b) a relevant human resources officer, and
- (c) any person who is permitted to attend the meeting pursuant to Regulation 29 and whose attendance at the meeting the second line manager considers necessary,

that he or she is required to attend the meeting at a specified date, time and location.

(4) A notification to a member concerned under paragraph (3)(a) shall be accompanied by –

- (a) a statement setting out the purpose of the second stage progress review meeting and the possible determinations that can be made at the meeting,
 - (b) a description of the manner in which proceedings under these Regulations operate,
 - (c) a statement of the possible outcomes that may be imposed on a member concerned pursuant to Regulation 37(3)(b),
 - (d) a description of the unsatisfactory performance or unsatisfactory attendance, as the case may be, of the member concerned that is the subject of the meeting,
 - (e) details of the persons who are scheduled to attend the meeting and the respective role at the meeting of each such person,
 - (f) confirmation that the member concerned is entitled to be accompanied to the meeting by a nominated person and details of the role of any such nominated person under these Regulations,
 - (g) details of the possible consequences of failure, without reasonable excuse, to attend the meeting, including that such failure may constitute misconduct on the part of the member concerned,
 - (h) details of the matters that the member concerned is required to provide in advance of the second stage progress review meeting in accordance with paragraph (5),
- and
- (i) copies of any documentation or other material that will be considered at the meeting.

(5) A member concerned shall, not later than 3 days before a second stage progress review meeting –

- (a) notify the second line manager as to whether it is intended that a nominated person shall attend the meeting with the member concerned, and
- (b) provide the second line manager with a copy of any documentation or other material that the member concerned would like the second line manager to consider.

Persons to attend second stage progress review meeting

29. The following persons may, in addition to a member concerned and a second line manager, attend a second stage progress review meeting:

- (a) the nominated person of the member concerned;
- (b) such other persons as the second line manager considers necessary.

Procedure during second stage progress review meeting

30. (1) A second stage progress review meeting shall be conducted by a second line manager.

(2) During a second stage progress review meeting, the second line manager shall –

- (a) outline to the member concerned –
 - (i) the opinion of the second line manager as to the extent of compliance by the member concerned with the improvement plan,
 - (ii) any aspect of the performance or attendance of the member concerned in respect of which it is considered that he or she has not demonstrated the required level of improvement,
 - (iii) any support measures that have been put in place by An Garda Síochána in respect of the member concerned, and
 - (iv) the purpose of the second stage progress review meeting,
- and
- (b) invite the member concerned, or a nominated person acting on behalf of the member concerned, to respond in relation to –
 - (i) the matters referred to in subparagraph (a), and
 - (ii) any other relevant matters raised during the meeting.

Determination of second line manager

31. (1) A second line manager –

- (a) shall, as soon as practicable following the conclusion of a second stage progress review meeting, or
- (b) may, where a member concerned fails to attend a second stage progress review meeting of which he or she was notified in accordance with Regulation 28(3) and (4),

make a determination as to whether the member concerned has demonstrated the required nature and extent of improvement specified in his or her improvement plan.

(2) Where a second line manager makes a determination under paragraph (1) that the member concerned has demonstrated the required nature and extent of improvement specified in his or her improvement plan, the plan shall be concluded and, subject to Regulation 32, no further action shall be taken under these Regulations in respect of the matters raised in relation to the performance or attendance of the member concerned that were the subject of the improvement plan.

(3) Where a second line manager makes a determination under paragraph (1) that the member concerned has not demonstrated the required nature and extent of improvement specified in his or her improvement plan, the second line manager shall determine whether, having regard to the nature and extent of any

improvement that has been demonstrated, the member concerned shall be required to attend –

- (a) subject to paragraph (4), a further second stage progress review meeting, or
- (b) a third stage progress review meeting.

(4) A second line manager shall only make a determination under paragraph (3)(a) where the remaining period of validity of the improvement plan, including where the period of validity has been extended in accordance with paragraph (5)(b), is not less than two months.

(5) A second line manager may, if he or she considers it appropriate, where he or she makes a determination under paragraph (3)(a) –

- (a) vary the particulars of the improvement plan of the member concerned in accordance with Regulation 20(b), or
- (b) extend the period of validity of the plan by a period of up to 4 months.

(6) In making a determination under this Regulation, a second line manager shall –

- (a) consider the response (if any), pursuant to Regulation 30(2)(b) by or on behalf of the member concerned, and
- (b) consult with the relevant human resources officer who –
 - (i) attended the second stage progress review meeting, or
 - (ii) was notified of the meeting in accordance with Regulation 28(3).

(7) A second line manager shall, as soon as practicable after making a determination under paragraph (1), prepare a report in writing of –

- (a) the second stage progress review meeting (if any),
- (b) the determination made,
- (c) the reasons for that determination, and
- (d) any particulars of the improvement plan varied in accordance with Regulation 20.

Notification of determination of second line manager

32. A second line manager shall, as soon as practicable and in any event not later than 7 days, after a determination under Regulation 31(1) is made –

- (a) notify the member concerned of –
 - (i) the determination,
 - (ii) the reasons for that determination, and
 - (iii) the next steps to be taken under these Regulations,
- (b) provide a copy of the report prepared under Regulation 31(7) to –

- (i) the member concerned,
 - (ii) the first line manager of the member concerned, and
 - (iii) the relevant human resources officer consulted in accordance with Regulation 31(6)(b),
- (c) where any particulars of the improvement plan of the member concerned have been varied in accordance with Regulation 20 or the period of validity of the plan has been extended, provide a copy of the revised plan to the member concerned,
- and
- (d) in the case of a determination under Regulation 31(3) that the member concerned shall be required to attend a third stage progress review meeting, notify the Garda Commissioner of that determination and provide him or her with copies of –
- (i) the reports prepared under Regulation 18, Regulation 26(7) and Regulation 31(7),
 - (ii) the improvement plan of the member concerned,
- and
- (iii) any documentation or other material considered in the course of –
- (I) a first stage evaluation meeting, and
 - (II) each progress review meeting,

held in respect of the member concerned.

PART 6

Third Stage Progress Review

Appointment of progress review panel

33. (1) Where the Garda Commissioner receives a notification under Regulation 32(d) of a determination by a second line manager that a member concerned shall be required to attend a third stage progress review meeting, the Garda Commissioner shall, as soon as practicable, appoint a panel (in these Regulations referred to as a “progress review panel”) for the purposes of monitoring and assessing the performance or attendance, as the case may be, of the member, until such time as the improvement plan is concluded in accordance with Regulation 37(2) or the progress review panel makes a determination under Regulation 37(3)(b).

(2) In carrying out its functions under paragraph (1), a progress review panel shall –

- (a) consult with the first line manager of the member concerned and a relevant human resources officer, and

- (b) have regard to the nature and extent of improvement specified in the improvement plan of the member concerned.
- (3) Subject to paragraph (4), a progress review panel shall consist of –
 - (a) a chairperson (in this Part referred to as the “chairperson”) being a member of An Garda Síochána who is of a rank –
 - (i) not below Assistant Commissioner, and
 - (ii) at least one rank above the member concerned, and
 - (b) two further members of An Garda Síochána, each of whom is of a rank –
 - (i) not below that of Chief Superintendent, and
 - (ii) at least one rank above the member concerned.
- (4) The Garda Commissioner shall not appoint an interested party in relation to proceedings under these Regulations as a member of a progress review panel in those proceedings.
- (5) Where a member concerned is of the opinion that a person appointed to a progress review panel is an interested party in relation to proceedings under these Regulations, the member may, by submission in writing to the Garda Commissioner, request the Garda Commissioner to make a decision as to whether the person concerned is such an interested party.
- (6) Where the Garda Commissioner receives a submission pursuant to paragraph (5) –
 - (a) he or she shall make a decision as to whether the person appointed to a progress review panel is an interested party in relation to the proceedings under these Regulations concerned, and
 - (b) notify the member concerned of his or her decision.
- (7) A decision of the Garda Commissioner under paragraph (6) shall be final.
- (8) Where a progress review panel is appointed, the Garda Commissioner shall, as soon as practicable after such appointment, provide the panel with copies of –
 - (a) the reports prepared under Regulation 18, Regulation 26(7) and Regulation 31(7),
 - (b) the improvement plan of the member concerned,
 and
 - (c) any documentation or other material considered in the course of –
 - (i) a first stage evaluation meeting, and
 - (ii) each progress review meeting,
 held in respect of the member concerned.

Arrangement of third stage progress review meeting

34. (1) For the purposes of Regulation 33(1), the chairperson of a progress review panel shall, as soon as practicable, and in any event not later than 14 days, after his or her appointment under that Regulation and thereafter, in accordance with Regulation 22(1), convene a progress review meeting (in these Regulations referred to as a “third stage progress review meeting”).

(2) A chairperson shall, not less than 10 days before a third stage progress review meeting, notify –

- (a) the member concerned,
- (b) a relevant human resources officer, and
- (c) any person who is permitted to attend the meeting pursuant to Regulation 35 and whose attendance at the meeting the panel considers necessary,

that he or she is required to attend the meeting at a specified date, time and location.

(3) A notification to a member concerned under paragraph (2)(a) shall be accompanied by –

- (a) a statement setting out the purpose of the meeting,
- (b) a description of the manner in which proceedings under these Regulations operate,
- (c) a statement of the possible outcomes that may be imposed on the member concerned pursuant to Regulation 37(3)(b),
- (d) a description of the unsatisfactory performance or unsatisfactory attendance, as the case may be, of the member concerned that is the subject of the meeting,
- (e) details of the persons who are scheduled to attend the meeting and the respective role at the meeting of each such person,
- (f) confirmation in writing of his or her right to be accompanied to the meeting by a nominated person and details of the role of any such nominated person under these Regulations,
- (g) confirmation in writing of his or her right to be accompanied to the meeting by a legal practitioner and the role of any such legal practitioner under these Regulations,
- (h) details of the possible consequences of failure, without reasonable excuse, to attend the meeting, including that such failure may constitute misconduct on the part of the member concerned,
- (i) confirmation in writing of the circumstances in which the member concerned can request a review, under Part 7, of a determination by the progress review panel under Regulation 37(1),
- (j) details of the matters that the member concerned is required to provide to the chairperson in accordance with paragraph (4),
- (k) a description of –

- (i) the procedure that will be adopted at the third stage progress review meeting, including the right of the member concerned to make submissions at the meeting or to have submissions made on his or her behalf by a nominated person or legal practitioner or both,
- (ii) the procedure, under Part 7, for a review of a determination of a progress review panel, where such a review is requested by the member concerned, and
- (iii) the performance or attendance, as the case may be, of the member concerned that is the subject of the meeting,

and

- (l) copies of any documentation or other material that will be considered by the progress review panel for the purposes of the meeting.

(4) A member concerned shall, not less than 5 days before a third stage progress review meeting –

- (a) notify the chairperson as to whether it is intended that a nominated person or a legal practitioner, or both, shall attend the meeting with the member concerned, and
- (b) provide the chairperson with –
 - (i) a copy of any documentation or other material that the member concerned would like the progress review panel to consider at the meeting, and
 - (ii) any submissions in writing that he or she wishes to make in relation to the matters raised in respect of his or her performance or attendance.

Persons to attend third stage progress review meeting

35. The following persons may, in addition to the member concerned and the members of the progress review panel, attend a third stage progress review meeting:

- (a) the nominated person of the member concerned;
- (b) a legal practitioner nominated by the member concerned;
- (c) a legal practitioner nominated by the Garda Commissioner;
- (d) such other persons as the panel considers necessary.

Procedure during third stage progress review meeting

36. (1) Subject to this Regulation, a progress review panel may conduct a third stage progress review meeting in such manner as it considers appropriate.

(2) During a third stage progress review meeting, the chairperson shall outline to the member concerned –

- (a) the opinion of the panel as to the extent of compliance by the member concerned with the improvement plan,
- (b) any aspect of the performance or attendance of the member concerned in respect of which the panel considers that he or she has not demonstrated the required level of improvement,
- (c) any support measures that have been put in place by An Garda Síochána in respect of the member concerned,
- (d) the purpose of the third stage progress review meeting,
- (e) the circumstances in which the member concerned can request a review, under Part 7, of a determination by the progress review panel under Regulation 37(1), and
- (f) the procedure, under Part 7, for such a review.

(3) The member concerned, or a nominated person or legal practitioner acting on behalf of the member concerned, may, at a third stage progress review meeting, make such submissions as the member concerned wishes to make in relation to the matters raised in respect of his or her performance or attendance and any other relevant matters.

(4) Where the member concerned is accompanied at the third stage progress review meeting by a nominated person or legal practitioner, or both, the member may, at any time during the course of the meeting, confer with the nominated person or legal practitioner, or with both such persons, in private where he or she so requests.

(5) A legal practitioner nominated by the Garda Commissioner may, at a third stage progress review meeting, make such submissions as the Garda Commissioner wishes to make in relation to the matters raised in respect of the performance or attendance of the member concerned and any other relevant matters.

(6) A verbatim record of a third stage progress review meeting shall be made by a stenographer or by electronic or other means.

Determination of progress review panel

37. (1) A progress review panel –

- (a) shall, as soon as practicable following the conclusion of a third stage progress review meeting held in respect of a member concerned, or
- (b) may, where a member concerned fails to attend a third stage progress review meeting of which he or she was notified in accordance with Regulation 34(2) and (3),

make a determination as to whether the member concerned has demonstrated the required nature and extent of improvement specified in his or her improvement plan.

(2) Where a progress review panel makes a determination under paragraph (1) that the member concerned has demonstrated the required nature and extent

of improvement specified in his or her improvement plan, the plan shall be concluded and, subject to Regulation 38, no further action shall be taken under these Regulations in respect of the matters raised in relation to the performance or attendance of the member concerned that were the subject of the improvement plan.

(3) Where a progress review panel makes a determination under paragraph (1) that the member concerned has not demonstrated the required nature and extent of improvement specified in his or her improvement plan, the panel shall determine, having regard to the nature and extent of any improvement that has been demonstrated –

- (a) subject to paragraph (4), whether the member concerned shall be required to attend a further third stage progress review meeting, or
- (b) whether the plan shall be concluded, and where the progress review panel so determines, it shall make a determination as to which of the following outcomes is the appropriate outcome to be imposed on the member concerned:
 - (i) a reduction in rank of the member;
 - (ii) dismissal of the member.

(4) A progress review panel shall only make a determination under paragraph (3)(a) where the remaining period of validity of the improvement plan, including where the period of validity has been extended in accordance with paragraph (5)(b), is not less than two months.

(5) A progress review panel may, if it considers it appropriate, where it makes a determination under paragraph (3)(a) –

- (a) vary the particulars of the improvement plan of the member concerned in accordance with Regulation 20(c), or
- (b) subject to Regulation 21(2), extend the period of validity of the plan.

(6) In making a determination under this Regulation, the progress review panel shall –

- (a) consider any submissions made by or on behalf of the member concerned under Regulation 34(4) and Regulation 36(3), and
- (b) consult with the relevant human resources officer who –
 - (i) attended the third stage progress review meeting, or
 - (ii) was notified of the meeting in accordance with Regulation 34(2), and
- (c) in the case of a determination under paragraph (3)(b), have regard to –
 - (i) the record of service and circumstances of the member concerned, and
 - (ii) his or her previous performance or attendance.

Report to Garda Commissioner and notification to member concerned of determination of progress review panel

38. (1) The chairperson of a progress review panel shall, as soon as practicable but, in any event, not later than 14 days after a determination under Regulation 37 is made, submit a report in writing prepared by the progress review panel to the Garda Commissioner –

- (a) setting out the determination of the panel, and the reasons for that determination, and
- (b) including the verbatim record, made in accordance with Regulation 36(6), of the third stage progress review meeting (if any).

(2) The chairperson of a progress review panel shall, as soon as practicable, and in any event not later than 3 days, after submitting a report under paragraph (1) to the Garda Commissioner –

- (a) notify the member concerned of –
 - (i) any determination of the panel under Regulation 37 and the reasons for that determination,
 - (ii) the next steps to be taken under these Regulations, and
 - (iii) where relevant, the circumstances in which a member concerned may seek a review under Part 7 of the determination of the panel,
- (b) provide the member concerned with a copy of the said report,
- (c) where any particulars of the improvement plan in respect of the member concerned have been varied or the period of validity of the plan has been extended, provide him or her with a copy of the revised plan, and
- (d) notify the relevant human resources officer consulted in accordance with Regulation 37(6)(b) of the determination of the progress review panel and provide him or her with a copy of the said report.

(3) Where a member concerned is notified of an outcome in accordance with paragraph (2)(a) and the member does not request a review under Part 7, the outcome shall take effect 7 days after the date on which the member concerned is so notified.

PART 7

Review

Review of determination of progress review panel under Regulation 37

39. (1) This Regulation applies where a member concerned receives a notification under Regulation 38(2) of a determination under Regulation 37(1)

that the member concerned has not demonstrated the required nature and extent of improvement specified in his or her improvement plan.

(2) Where this Regulation applies, the member concerned may, within 14 days of the notification referred to in paragraph (1) being made, by notification to the Garda Commissioner request a review, on a ground specified in paragraph (3), of –

- (a) the determination under Regulation 37(1) that the member concerned has not demonstrated the required nature and extent of improvement specified in his or her improvement plan, or
- (b) the associated determination under Regulation 37(3)(b) of the appropriate outcome to be imposed.

(3) The following grounds are specified for the purposes of paragraph (2):

- (a) a specified provision of these Regulations was not complied with in reaching the determination;
- (b) the determination is not justified having regard to the submissions made, by or on behalf of the member concerned, in the proceedings;
- (c) all the relevant facts –
 - (i) were not ascertained or disclosed,
 - (ii) were not considered, or
 - (iii) were not considered in a reasonable manner;
- (d) in the case of a determination under Regulation 37(3)(b), the outcome imposed is disproportionate in relation to the matters raised in respect of the performance or attendance of the member concerned.

(4) A notification to the Garda Commissioner under paragraph (2) –

- (a) shall specify –
 - (i) each determination to which the request for a review relates, and
 - (ii) the ground, in relation to each such determination, on which the review is being requested,

and

- (b) may be accompanied by any submissions that the member concerned wishes to make in relation to the review.

(5) Where the Garda Commissioner receives notification of a request for a review under paragraph (2), he or she shall –

- (a) as soon as practicable, notify the chairperson of the progress review panel, and
- (b) within 7 days of receiving the notification of the request for a review, confirm in writing to the member concerned that –
 - (i) the request for a review has been received,

- (ii) the Garda Commissioner shall appoint a review officer to conduct the review, and
- (iii) the imposition of the proposed outcome shall not take effect pending completion of the review.

(6) The member concerned may withdraw a request for a review under paragraph (2) at any time before the appointment of a review officer by notifying the Garda Commissioner to that effect.

(7) Where a member concerned withdraws a request for a review in accordance with paragraph (6), any outcome that did not take effect pending completion of the review shall take effect 7 days after the date on which the member submits the notification under that paragraph.

Appointment of review officer

40. (1) The Garda Commissioner shall, as soon as practicable after receipt of the notification of a request for a review under Regulation 39(2), appoint a member of An Garda Síochána (in these Regulations referred to as a “review officer”) for the purposes of conducting the review.

(2) A member appointed under paragraph (1) shall be a member not below the rank of Deputy Commissioner.

(3) Where a review officer is appointed under paragraph (1), the Garda Commissioner shall, as soon as practicable after such appointment, provide the review officer with –

- (a) a copy of the notification of the member concerned under Regulation 39(2),
 - (b) a copy of any submissions made by the member concerned under Regulation 39(4),
 - (c) copies of the reports prepared under Regulation 18, Regulation 26(7) and Regulation 31(7),
 - (d) a copy of the improvement plan of the member concerned,
 - (e) copies of any documentation or other material considered in the course of –
 - (i) a first stage evaluation meeting,
- and
- (ii) each progress review meeting,
- held in respect of the member concerned, and
- (f) a copy of the report of the progress review panel submitted to the Garda Commissioner in accordance with Regulation 38(1).

Determination of review officer

41. (1) Where a member concerned, under Regulation 39, requests a review of a determination under Regulation 37(1) that the member concerned has not

demonstrated the required nature and extent of improvement specified in his or her improvement plan, the review officer shall, as soon as practicable, after being appointed determine whether to –

- (a) affirm the determination,
- (b) quash the determination and determine that the member concerned has demonstrated the required nature and extent of improvement specified in his or her improvement plan, and that the plan can be brought to a conclusion, or
- (c) quash the determination and the outcome proposed and remit the matter for a further first stage evaluation meeting.

(2) Where a review officer quashes, pursuant to paragraph (1), a determination under Regulation 37(1) –

- (a) the associated determination under Regulation 37(3)(b) of the appropriate outcome to be imposed shall also stand quashed, regardless of whether that determination was also the subject of the request for a review under Regulation 39,

and

- (b) where the review officer further determines that the member concerned has demonstrated the required nature and extent of improvement specified in his or her improvement plan, and that the plan can be brought to a conclusion, subject to Regulation 43, no further action shall be taken under these Regulations in respect of the matters raised in relation to the performance or attendance of the member concerned that were the subject of the first stage evaluation meeting.

(3) Where a member concerned, under Regulation 39, requests a review of a determination under Regulation 37(3)(b) and paragraph (2) does not apply, the review officer shall, as soon as practicable after being appointed –

- (a) affirm the outcome, or
- (b) subject to paragraph (4), vary the outcome.

(4) Where a review officer varies an outcome under paragraph (3)(b), the review officer shall not impose an outcome that could not have been imposed on the member concerned under Regulation 37(3)(b).

(5) A determination of a review officer under this Regulation shall be final.

(6) Where a member concerned is notified, under Regulation 43, of a determination under paragraph (3) affirming or varying an outcome, the outcome, as so affirmed or varied, shall take effect 7 days after the date on which the member is so notified.

Matters to which review officer shall have regard in making determination under Regulation 41

42. A review officer shall, in making a determination under Regulation 41, have regard to the matters provided to him or her under Regulation 40(3).

Notification of determination under Regulation 41

43. (1) A review officer shall, as soon as practicable and in any event not later than 21 days, after his or her appointment under Regulation 40(1), submit a report in writing to the Garda Commissioner setting out each determination of the review officer under Regulation 41 and the reasons for each such determination.

(2) A review officer shall, as soon as practicable, and in any event not later than 3 days, after submitting a report under paragraph (1) to the Garda Commissioner –

- (a) notify the member concerned of –
 - (i) each determination of the review officer set out in the report,
 - and
 - (ii) the outcome to be imposed, affirmed or varied, as the case may be,
- (b) provide the member concerned with a copy of the said report,
- (c) notify the chairperson of the progress review panel of each determination of the review officer and provide him or her, with such notification, a copy of the said report, and
- (d) in the case of a determination under Regulation 41(1)(c), notify the first line manager of the member concerned of that determination and provide him or her, with such notification, a copy of the said report.

The Government approves of the making of the foregoing Regulations.



GIVEN under the Official Seal
of the Government,
2 April, 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
Le ceannach díreach ó
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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

€ 8.00

ISBN 978-1-3993-3742-7



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