



An Roinn Dlí agus Cirt
Department of Justice

Post-Enactment Report

Garda Síochána (Functions and
Operational Areas) Act 2022
(Act No. 7 of 2022)

June 2023



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1. Introduction

The Garda Síochána (Functions and Operational Areas) Act 2022 was signed into law by the President on the 4th of May, 2022. The Act of 2022 facilitates the implementation of the new Garda Síochána operating model, which was recommended by the Commission on the Future of Policing in Ireland. The Garda Inspectorate's 2015 'Changing Policing in Ireland' report supports this change and underlines the advantages of a smaller number of divisions proposed in the new structure.

The Act removes references to Garda district from the Statute Book to facilitate the structural changes being made to An Garda Síochána. Most of these references are replaced with references to Garda division. It also amends the rank at which certain functions and duties are assigned, to ensure that the delivery of relevant services are not affected by the new structure.

The Act will commence by ministerial order and certain parts may come into operation on different dates.

2. Policy Objective

The Act facilitates the implementation of the new operating model announced by the Garda Commissioner in August 2019.

The model is a progressive organisational move towards divisional policing, meaning that all services will be managed and coordinated at a divisional level. It will also mean that Garda districts will no longer exist. The main driver of the Act is the amendment of references to Garda districts on the Statute Book to facilitate the introduction of the new model.

The existing references to 'districts' on the Statute Book serve to allow the general operations and work of each district and their members to be carried out in-line with the current legislation and Regulations. It is therefore, necessary for those references to be amended to 'divisions' in order to facilitate an operational transition of management systems and protocols to the divisional system ensuring procedures and applications continue to function.

3. Policy Implications

The role of the division is to be the primary operational unit. The division will deliver day-to-day policing with enough capabilities and autonomy to effectively run local operations, while working within a corporate framework to ensure consistency and quality of service. Each division will be headed by a Chief Superintendent. Superintendents will now have greater divisional responsibilities and will no longer be heads of local districts.

The divisional model will have an impact on the role of superintendents within the functional structure of the Garda Síochána. As there will no longer be one superintendent in charge of a geographical area similar to a district, the Act replaces references to "the superintendent of the district" with either "a superintendent in a

division” or, in the case of certain functions which are not suitable for assignment at superintendent level under the new model, to “an inspector within the division”.

To avoid the concentration of certain duties and functions with a single divisional superintendent, the Act reassigns some of the functions of a superintendent to the rank of inspector. The Act makes rank changes in relation to the issuing of firearms certificates or in relation to the issue of fitness and probity certificates for the purposes of betting licences, for example. This transfer of responsibilities is being made to ensure that the new structure does not have an impact on the delivery of relevant services.

In relation to the issuing of firearms certificates, the Act facilitates the delegation by a superintendent of those functions, other than revocation functions, to an inspector.

4. Operation of the Act

The main operational aim of the new model is to provide more frontline Gardaí, increased Garda visibility, and a wider range of policing services for local communities.

Commencement

It is intended that the Act will be commenced in two parts. The first part to be commenced will be the provisions on drug-testing. While the second part to be commenced will be the core provisions on the operating model.

The provisions have not yet been commenced as the pilot rollout of divisions must first be completed to facilitate a smooth transition to the new model. This rollout gives time to ensure that all necessary personnel, logistics and operational management systems have been established in each division in advance of the legislation’s commencement.

Regulations to bring drug-testing into effect

Regulations to give effect to the drug-testing system within An Garda Síochána will provide for the establishment and operation of testing for controlled drugs and psychoactive substances.

Amendments will be required to the Garda Síochána (Discipline) Regulations (2007). These amendments are consequential to the introduction of drug-testing and to address the fact that a failure of a test will give rise to disciplinary issues. Drafting of the Regulations is well advanced and while not yet completed, will be the first Regulations to commence under the Act in 2023.

Regulations to change Garda districts and ranks in secondary legislation

Section 9 of the Act of 2022 provides a power to the Minister to amend specific references to a Garda district or rank in statutory instruments. It also facilitates the making of certain other amendments to section 33(1) of the Garda Síochána Act 2005, which deals with the distribution of Garda members. It is intended that any amendments made in secondary legislation will be similar to those being made in the Schedules to the Act of 2022.

The changing of grades for specified functions serves to enable Garda Síochána members of a different rank to that which was previously specified, to perform these functions as set out under certain enactments:

- to amend the Firearms Act 1925 to provide for the delegation of specified functions of a superintendent under that Act to an Inspector;
- to provide that notifications under the Sex Offenders Act 2001 and the Criminal Justice Act 2006 can take place at Garda Síochána stations designated by the Commissioner of the Garda Síochána.

To date, no statutory instruments under section 9 have been made. These Regulations will be progressed at the same time the Act is commenced in full.

Regulations to amend Garda Associations Regulations

The structures of the Garda representative bodies, are generally based around Garda districts. The existing Regulations are to be amended in order for the divisional-based model to be fully rolled out. These Amending Regulations will come into force at the same time as the Act is commenced in its entirety. To date, no amendments have been made to these Regulations.

Regulations amending Court Rules

Amendments to the Court Rules, will replace "Garda district" with "Garda division" in each place in which it appears in the Court Rules and supplementary forms. The Courts Service is responsible for amending these Regulations which will come into force at the same time as the Act is commenced in its entirety.

The Act, while technical in nature, is an important piece of the legislative framework enabling the progression of policing reform measures.

The new operating model will enhance the structure, processes and governance of An Garda Síochána, shifting the emphasis to local policing. Divisions will be more responsive to community needs and demands. The move from a district model to a divisional model will lead to greater consistency in the use of resources and will provide an opportunity to deploy Gardaí with specific skills into certain areas such as the investigation of economic crime and cybercrime, domestic violence and sexual crime.

The introduction of drug-testing will contribute to upholding the reputation and integrity of An Garda Síochána and will maintain public confidence in the quality of policing services being delivered.

