

STATUTORY INSTRUMENTS

S.I. No. 485 of 2006

Garda Síochána (Promotion) Regulations 2006

**PUBLISHED BY THE STATIONARY OFFICE
DUBLIN**

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(PRN. A6/1597)

Price €3.81

I, MICHAEL MCDOWELL, Tánaiste and Minister for Justice, Equality and Law Reform,
after consulting the Commissioner of the Garda Síochána and with the approval of the
Government, make the following regulations under and in accordance with section 122 of the
Garda Síochána Act 2005 (No. 20 of 2005):

Preliminary

Citation

1. These Regulations may be cited as the Garda Síochána (Promotion) Regulations 2006.

Commencement

2. These Regulations come into operation on the 22nd day of September, 2006.

Principles governing selection for promotion

3. (1) The selection of members for promotion in competitions held under these Regulations shall be based on merit and the readiness and suitability for promotion of the candidates.

(2) Competitions 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.

Interpretation

4. (1) In these Regulations, except where the context otherwise requires -

“central promotion board” means a promotion board established to interview candidates who have been selected by a regional promotion board;

“Council” means the Promotion Advisory Council established by Regulation 4 of the Garda Síochána (Promotion) Regulations 1987 (S.I. No. 39 of 1987);

“eligible” means eligible on the closing date for entry to the competition concerned;

“member”, when not used in relation to a member of the Council or a promotion board or panel, means a member of the Garda Síochána;

“Minister” means the Minister for Justice, Equality and Law Reform;

“promotion”, in so far as it relates to the rank of superintendent, chief superintendent or assistant commissioner, means a recommendation for appointment by the Government to that rank;

“Promotion Advisory Council” means the Council established by Regulation 4 of the Garda Síochána (Promotion) Regulations 1987 (S.I. No. 39 of 1987);

“promotion board” means a board constituted under Regulation 9 of these Regulations and includes, where appropriate, a regional promotion board and central promotion board;

“regional promotion board” means a promotion board, held in such areas as the Commissioner with the consent of the Minister and the Council may determine, to interview members serving in those areas who are candidates at a competition for promotion to the rank of sergeant or inspector;

“scheduled section” means a section of the Garda Síochána specified in the Schedule to these Regulations.

(2) References in these Regulations to a particular rank are to that rank in the Garda Síochána.

Revocations

5. The following regulations are revoked:

- (a) Garda Síochána (Promotion) Regulations 1987 (S.I.No. 39 of 1987);
- (b) Garda Síochána (Promotion) (Amendment) Regulations 1990 (S.I. No. 109 of 1990);
- (c) Garda Síochána (Promotion)(Amendment) Regulations 1993 (S.I. No. 27 of 1993);
- (d) Garda Síochána (Promotion)(Amendment) Regulations 2001 (S.I. No. 392 of 2001).

Promotion Advisory Council

Continuation of Promotion Advisory Council

6 (1) The Promotion Advisory Council shall continue in being notwithstanding the revocation of the Garda Síochána (Promotion) Regulations 1987 by Regulation 5.

(2) Members of the Council at the commencement of these Regulations are deemed to have been appointed thereunder.

Functions of Council

7. (1) Subject to these Regulations, the Council shall -

- (a) keep under review, and advise the Commissioner in relation to, promotions and competitions for promotion and the system of and procedures for promotion, and
- (b) oversee and regulate competitions for promotion on behalf of and subject to the overall control of the Commissioner.

(2) In performing its functions, the Council shall take note of relevant recommendations of the Garda Conciliation Council.

(3) Nothing in this Regulation affects the responsibility of the Commissioner for the general direction and control of the Garda Síochána.

Membership

8. (1) The Council shall consist of a chairperson and nine ordinary members.

(2) The chairperson shall be a member of the Garda Síochána not below the rank of assistant commissioner and be appointed by the Commissioner.

(3) The ordinary members of the Council shall be appointed by the Commissioner and consist of -

(a) 2 chief superintendents of whom at least one shall be a chief superintendent whose duties are or have been particularly concerned with the training of members of the Garda Síochána,

(b) a member nominated by the Garda Representative Association,

- (c) a member nominated by the Association of Garda Sergeants and Inspectors,
 - (d) a member nominated by the Representative Body for Garda Superintendents,
 - (e) a member nominated by the Representative Body for Garda Chief Superintendents, and
 - (f) 3 persons nominated by the Minister of whom one shall be a person having experience as a teacher or administrator in an institution for third level education and another shall be a person having knowledge of, and experience in, personnel management in an organisation other than the Garda Síochána or the Civil Service of the Government or of the State.
- (4) The term of office of a member of the Council is 3 years.
- (5) A member of the Council is eligible for re-appointment.

(6) A member of the Council may at any time resign his or her office as such member by letter sent to the Commissioner, and the resignation shall take effect on and from the date of receipt of the letter.

(7) The person by whom a member of the Council was nominated for appointment to the Council may at any time revoke the nomination by letter sent to the Commissioner.

(8) Where such a letter is so sent, the Commissioner shall cause the member of the Council concerned to be informed as soon as may be of the revocation, and the member of the Council is deemed to have resigned his or her office as such member one week after receipt of the letter by the Commissioner.

(9) Where a vacancy occurs among the members of the Council, the Commissioner shall, as soon as may be, appoint a person to fill the vacancy, and the person -

(a) shall be appointed under the same provision of this Regulation as the member who caused the vacancy, and

(b) shall hold office for the remainder of the term for which that member was appointed.

(10) The quorum for a meeting of the Council is 5 or such other number (not being less than 5) as it may determine from time to time.

(11) The Council may act notwithstanding one or more than one vacancy among its members.

(12) Subject to these Regulations, the Council may determine its procedure and business by standing orders or otherwise.

Promotion Boards

Promotion boards

9. (1) Promotion boards shall be established by the Commissioner from time to time as necessary after consultation with the Council and in accordance with these Regulations.

(2) The Government shall establish a panel of persons whom the Government consider to be suitably qualified for membership of promotion boards.

(3) In appointing members to the panel, the Government shall consider the names of suitably qualified persons who have been nominated for that purpose by the Public Appointments Service.

(4) The Minister may appoint persons whose names are on the panel to be members of a promotion board.

(5) The Minister may arrange from time to time for meetings of members of the panel and also, after consultation with the Commissioner, of members of promotion boards to facilitate and provide for their training in interviewing methodologies and techniques and to promote best practice and standards in that regard.

Selection for promotion to ranks below deputy commissioner

10. (1) The selection of members for promotion to the rank of sergeant, inspector, superintendent, chief superintendent or assistant commissioner shall be by means of a competition held by a promotion board.

(2) The competition shall include an interview by the promotion board with each of the candidates concerned.

(3) In competitions for promotion to the rank of sergeant or inspector, interviews shall be conducted by regional promotion boards, and the candidates selected by those boards shall be interviewed by one or more than one central promotion board.

(4) (a) All members eligible under these Regulations to be candidates in a competition for promotion conducted by a promotion board shall be permitted to be candidates.

(b) For the purposes of subparagraph (a), a competition is deemed to be held on the latest date on which candidates may enter for it.

(5) The intention to hold a competition for promotion shall be made known throughout the Garda Síochána in such manner as to enable members eligible for the competition to be given a reasonable opportunity to become aware of and enter the competition.

(6) Each candidate shall be provided with copies of any reports, assessments, evaluations, notes and other records relating to him or her that are being supplied to a promotion board for the purposes of the competition concerned.

Competitions for promotion to assistant commissioner

11. (1) Competitions for promotion to the rank of assistant commissioner shall be conducted in accordance with this Regulation.

(2) The Commissioner shall, not later than 15 days before a competition is held, send a description of the role of assistant commissioner and a statement of the competencies required for carrying out the duties of that rank to each member who, on the date on which it is proposed that the competition will commence, will have served not less than 2 years in the rank of chief superintendent.

(3) A member to whom paragraph (2) relates may apply for promotion to the rank of assistant commissioner.

(4) The application shall be in such form as the Commissioner may determine.

(5) A competition shall consist of an interview with each applicant or such number of such interviews as the promotion board concerned considers appropriate.

Composition of promotion boards

12. (1) A promotion board shall consist of 3 members.

(2) Subject to paragraph (5), two of the members shall be appointed by the Minister from the panel established under Regulation 9(2).

(3) One of those members shall be designated by the Minister as chairperson of the board concerned.

(4) The third member of the board shall be appointed by the Commissioner and shall be -

- (a) a chief superintendent, if the promotion is to the rank of sergeant,
- (b) an assistant commissioner, if the promotion is to the rank of inspector,
and
- (c) the Commissioner or a deputy commissioner, if the promotion is to the
rank of superintendent, chief superintendent or assistant commissioner.

(5) Subject to paragraph (6), if the promotion is to a position in a scheduled section, one of the members appointed to the board by the Minister shall have experience in work of the kind done by that section.

(6) Paragraph (5) applies to a promotion board established in connection with a competition mentioned in paragraph (2) of Regulation 14 only if the Council has made a determination under that paragraph in relation to the competition.

Eligibility for Promotion (Gardaí and Sergeants)

Eligibility of gardaí and sergeants for promotion

13. (1) Subject to these Regulations, a garda is eligible to be a candidate for promotion if, but only if, he or she -

- (a) has passed either a written examination in police duties instituted and conducted by the Commissioner (to be known as “the Sergeant’s Promotion Examination”) or the examination in police duties known as “the Class III Promotion Examination in police duties”, and
- (b) is shown by an intelligence assessment to have a level of intelligence which, in the opinion of the relevant interview board, is satisfactory or has passed, or is exempted by paragraph (6) from passing, the examination in educational subjects known as “the Class III Promotion Examination in educational subjects”.

(2) Subject to these Regulations, a sergeant is eligible to be a candidate for promotion if, but only if, he or she -

- (a) has passed either a written examination in police duties instituted and conducted by the Commissioner (to be known as “the Inspector’s Promotion Examination”) or the examination in police duties known as “the Class I Promotion Examination in police duties”,
- (b) is shown by an intelligence assessment to have a level of intelligence which, in the opinion of the relevant interview board, is satisfactory or has passed, or is exempted by paragraph (6) from passing, the examination in educational subjects known as “the Class I Promotion Examination in educational subjects”, and
- (c) has completed 2 years service in the rank of sergeant.

(3) In paragraphs (1) and (2), “intelligence assessment” means an assessment of intelligence -

- (a) of such kind, and
- (b) carried out by such person,

as may be determined by the Council with the approval of the Minister.

(4) If the Commissioner so decides, a garda or sergeant who -

(a) holds the degree of barrister-at-law, bachelor of laws or bachelor of civil law,

(b) holds a third level educational qualification that, in the opinion of the Commissioner, is equivalent to one of those degrees, or

(c) has been admitted as a solicitor,

is deemed for the purposes of these Regulations to have passed any part of the Sergeant's Promotion Examination or Inspector's Promotion Examination that is concerned only with a subject that was part of the syllabus for the degree or qualification concerned.

(5) The syllabus for the Sergeant's Promotion Examination and Inspector's Promotion Examination shall be determined by the Commissioner after consultation with the Council and with the approval of the Minister.

(6) A member is exempt from passing a promotion examination in educational subjects under *paragraph (1)* or *(2)* if he or she -

- (a) has obtained in the Leaving Certificate Examination of the Department of Education and Science or the Leaving Certificate Vocational Programme of that Department -
 - (i) in mathematics, a grade not lower than B3 at foundation level or not lower than D3 at a level other than foundation level,
 - (ii) in 2 languages, at least one of which must be either English or Irish, a grade not lower, in the case of Irish, than C3 at foundation level or D3 at a level other than foundation level and, in the case of any other language, than D3 at ordinary level, and
 - (iii) in not less than 2 other subjects, a grade not lower than D3 at ordinary level, or
- (b) has obtained a grade not lower than the merit grade in the Leaving Certificate Applied of the Department of Education and Science, or
- (c) has passed any of the following examinations:

- (i) the Intermediate Certificate Examination or Leaving Certificate Examination of the Department of Education and Science,
 - (ii) a matriculation examination of a recognised university in the State,
 - (iii) any other examination which is designated by the Minister for the purposes of this paragraph and in which the member has obtained passes in Irish, English and mathematics, or
- (d) has obtained grades in at least 5 subjects (including mathematics and 2 languages, at least one of which must be either Irish or English) in another examination (“the other examination”) of a kind that is, in the Minister’s opinion, of a standard not lower than the standard of either of the examinations referred to in subparagraph (a), such grades being grades that are, in the Minister’s opinion, equivalent to the grades specified in that subparagraph, or
- (e) has obtained a grade in another assessment (“the other assessment”) of a kind that includes mathematics and 2 languages (at least one of which must be Irish or English) and is, in the Minister’s opinion, of a standard not lower than the standard of the assessment referred to in

subparagraph (b), such grade being a grade that is, in the Minister's opinion, equivalent to the grade specified in that subparagraph.

(7) In subparagraph (d) of paragraph (6), the reference to the other examination includes a reference to a combination of 2 or more examinations of the kind referred to in that subparagraph or of such an examination or examinations and either of the examinations referred to in subparagraph (a) of that paragraph.

(8) In subparagraph (e) of paragraph (6), the reference to the other assessment includes a reference to a combination of 2 or more assessments of the kind referred to in that subparagraph or of such an assessment or assessments and either of the examinations referred to in subparagraph (a) of that paragraph.

(9) Subject to these Regulations, a garda is eligible to be a candidate for the Sergeant's Promotion Examination if he or she -

- (a) holds a university degree or a third level educational qualification that, in the opinion of the Commissioner, is equivalent to such a degree and has completed his or her period of probationary service in the Garda Síochána, or
- (b) has completed 3 years service therein.

Eligibility for promotion, etc., in scheduled section of Garda Síochána

14. (1) Only gardaí who have such technical qualifications (if any), knowledge and experience as may be determined by the Council are eligible for competitions for promotion to the rank of sergeant in a scheduled section.

(2) Where the Council so determines, only members who have such technical qualifications (if any), knowledge and experience as it may determine are eligible for competitions for promotion to the rank of inspector or higher rank in such a section.

(3) Paragraph (1)(a) of Regulation 13 does not apply to a promotion referred to in paragraph (1), and paragraph (2)(a) of that Regulation does not apply to a promotion referred to in paragraph (2).

(4) A competition to select members for promotion to a position in a scheduled section shall include an interview conducted by the promotion board concerned.

(5) Members appointed under Regulation 14 of the Garda Síochána (Admissions and Appointments) Regulations 1988 (S.I. No. 164 of 1988) and assigned to serve in a particular section of the Garda Síochána are not eligible for transfer to any other section or part of it on promotion or otherwise.

(6) Members serving in a scheduled section who have attained the rank of sergeant or inspector while serving in that section are not eligible for transfer in the same

rank to any other section or part of the Garda Síochána unless they have passed the Sergeant's Promotion Examination or Inspector's Promotion Examination, as the case may be.

Irish proficiency test

15. (1) Subject to paragraph (3), a garda is not eligible for promotion to the rank of sergeant unless he or she has passed a test of proficiency in the Irish language.

(2) The nature and standard of the test shall be determined by the Public Appointments Service after consultation with the Commissioner.

(3) The Commissioner, if of opinion that it is necessary to do so in the interests of the efficiency of a scheduled section, may, with the consent of the Minister, exempt a garda from compliance with this Regulation.

Miscellaneous

Reduction in rank at own request

16. A member who has been promoted to a rank not above that of inspector may, at his or her own request, be reduced by the Commissioner to his or her former rank.

Assignment to uniformed duties on promotion

17. Where a member (other than a member serving in a scheduled section) is promoted to a rank not above that of inspector, he or she shall, as soon as may be but not later than 3 months after the date of the promotion, be assigned to uniformed police duty and shall remain so assigned for a period of at least one year.

Disqualification for promotion in certain cases

18. If any attempt, direct or indirect, by or on behalf of a member to influence a decision or recommendation of any person in relation to the promotion of the member is made with the member's knowledge or consent, the member shall be disqualified for the promotion concerned and shall not be eligible for promotion during the period of 5 years immediately following the attempt.

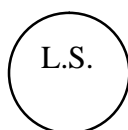
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The Government hereby approve of the foregoing regulations.

GIVEN under the Official Seal of the Government,

19th September 2006.

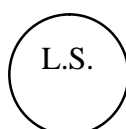


BERTIE AHERN

Taoiseach

GIVEN under my Official Seal,

19th September 2006.



MICHAEL MCDOWELL

Tánaiste and Minister for Justice,

Equality and Law Reform

EXPLANATORY NOTE

(this note is not part of these Regulations and does not purport to be a legal interpretation)

These Regulations set out the procedure to be followed in relation to the promotion of members of An Garda Síochána.