



STATUTORY INSTRUMENTS.

**S.I. No. 370 of 2021**

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GARDA SÍOCHÁNA (APPOINTMENT TO THE RANKS OF INSPECTOR  
AND SERGEANT) REGULATIONS 2021

**GARDA SÍOCHÁNA (APPOINTMENT TO THE RANKS OF INSPECTOR AND SERGEANT) REGULATIONS 2021**

I, HEATHER HUMPHREYS, Minister for Justice, in exercise of the powers conferred on me by paragraph (j) of section 122(1) (as amended by section 56(a) of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 (No. 49 of 2015)) of the Garda Síochána Act 2005 (No. 20 of 2005) (as adapted by the Justice and Equality (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 452 of 2020)), after consulting with the Garda Commissioner and the Policing Authority and with the approval of the Government, hereby make the following regulations:

**Citation and commencement**

1. These Regulations may be cited as the Garda Síochána (Appointment to the Ranks of Inspector and Sergeant) Regulations 2021.

**Interpretation**

2. In these Regulations –

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

“Act of 2005” means the Garda Síochána Act 2005 (No. 20 of 2005);

“appointment” means an appointment by the Garda Commissioner of a garda or sergeant, as the case may be, to a specified rank in accordance with these Regulations and, where appropriate, the Regulations of 2006;

“appointments process” means a process conducted by the Garda Commissioner in accordance with Regulations 12 and 13;

“candidate” means a member who enters a competition held in accordance with Regulation 5;

“Commissioner” means the Commissioner of the Garda Síochána;

“competition” shall be construed in accordance with Regulation 5;

“Inspector’s Promotion Examination” means any relevant examination instituted and conducted by the Commissioner under the Regulations of 2006 or Regulation 8, as the case may be;

“member” means a member of the Garda Síochána who falls within paragraph (a) of the definition of “member” in section 3(1) of the Act of 2005;

“National Framework of Qualifications” has the same meaning as it has in the Qualifications and Quality Assurance (Education and Training) Act 2012 (No. 28 of 2012);

“panel” shall be construed in accordance with Regulation 11;

“potential candidate” means, in relation to a competition, a member who wishes, or may wish, to enter the competition and is eligible to do so;

“Regulations of 2006” means the Garda Síochána (Promotion) Regulations 2006 (S.I. No. 485 of 2006);

“relevant code of practice” means a code of practice relating to these Regulations prepared and published by the Commission for Public Service Appointments in accordance with section 23 of the Act of 2004;

“selection process” shall be construed in accordance with Regulations 5 and 6;

“Sergeant’s Promotion Examination” means any relevant examination instituted and conducted by the Commissioner under the Regulations of 2006 or Regulation 8, as the case may be;

“specified rank” means the rank of inspector or sergeant in the Garda Síochána, as the case may be.

## **Revocation**

3. Subject to Regulation 4, the Regulations of 2006 are revoked.

## **Transitional Provisions**

4. (1) Notwithstanding the coming into operation of these Regulations, on or after that coming into operation, the Commissioner may make appointments to the rank of sergeant or inspector, as the case may be, in the first instance from members already selected as suitable for consideration for appointment to the rank concerned in a competition for promotion held in accordance with the Regulations of 2006 and in accordance with the terms of that competition.

(2) A syllabus for the Sergeant’s Promotion Examination or Inspector’s Promotion Examination which stands determined under Regulation 13(5) of the Regulations of 2006 shall, for the purposes of Regulations 9 and 10, continue in force until such time as a new syllabus has been determined under Regulation 8.

## **Competition process**

5. For the purpose of these Regulations, a competition for appointment to a specified rank shall consist of –

- (a) a selection process, to be undertaken by the Public Appointments Service in accordance with the relevant code of practice and the Act of 2004, and
- (b) an appointments process, to be undertaken by the Commissioner in accordance with these Regulations and the Act of 2005.

## **Principles governing competitions**

6. (1) The Public Appointments Service shall observe at all times the standards, including the standards in relation to competitions, as set out in the

relevant code of practice and the selection of candidates in competitions held in accordance with these Regulations shall be based on merit.

(2) A competition shall be conducted in a manner which is –

- (a) fair, impartial and objective,
- (b) in line with best practice,
- (c) consistent throughout, and
- (d) open, accountable and transparent.

### **Information to be provided to potential candidates**

7. (1) Where the Commissioner decides to undertake a competition –

- (a) the Public Appointments Service shall, in sufficient time to enable potential candidates to be given a reasonable opportunity to become aware of and enter the competition, make the following information in relation to that competition available:
  - (i) a description of the general responsibilities of the specified rank;
  - (ii) a description of the competencies, qualifications, and experience required for appointment to the specified rank;
  - (iii) details of the application process;
  - (iv) details of the selection process;
  - (v) the closing date for applications for the competition;
  - (vi) any other information as it considers appropriate, and
- (b) the Commissioner shall, in such manner as he or she considers appropriate and in sufficient time to enable potential candidates to be given a reasonable opportunity to become aware of and enter the competition, cause the following information to be made available to potential candidates:
  - (i) details of the appointments process;
  - (ii) the general terms and conditions of appointment of a person to the specified rank;
  - (iii) the period of time a panel established in accordance with Regulation 11 shall remain in operation;
  - (iv) any other information as he or she considers appropriate.

## **Sergeant's Promotion Examination and Inspector's Promotion Examination**

8. (1) Subject to Regulation 4(2) –

- (a) the syllabus for the Sergeant's Promotion Examination, and any changes to that syllabus, shall be determined by the Commissioner following consultation with the Policing Authority, and
- (b) the syllabus for the Inspector's Promotion Examination, and any changes to that syllabus, shall be determined by the Commissioner following consultation with the Policing Authority.

(2) A member to whom paragraph (3) applies and who sits the first Sergeant's Promotion Examination or the first Inspector's Promotion Examination held after the coming into operation of these Regulations shall be deemed for the purposes of these Regulations to have passed any part of that examination that is concerned only with a subject that was part of the syllabus for the degree or qualification concerned.

(3) This paragraph applies to a member who –

- (a) holds the degree of barrister-at-law, bachelor of law or bachelor of civil law that is at level 8 or higher on the National Framework of Qualifications,
- (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.

(4) Paragraph (2) shall apply only in respect of the Sergeant's Promotion Examination and the Inspector's Promotion Examination referred to in that paragraph.

## **Eligibility to apply for competition for appointment to rank of sergeant**

9. (1) A member is eligible to participate in a competition for selection for appointment to the rank of sergeant if he or she has –

- (a) passed the Sergeant's Promotion Examination –
  - (i) in the case of the first competition held after the coming into operation of these Regulations, at any time prior to the closing date for applications to that competition, and
  - (ii) in the case of all subsequent competitions, in the 5 years prior to the closing date for applications for the competition concerned,
- (b) by the closing date for applications for the competition concerned, completed 3 years' service as a garda from the date of his or her solemn declaration made in accordance with section 16 of the Act of 2005, and

- (c) been confirmed in his or her appointment as a member following satisfactory completion of the probationary period within the meaning of that term in accordance with the Garda Síochána (Admissions and Appointments) Regulations 2013 (S.I. No. 470 of 2013).

### **Eligibility to apply for competition for appointment to rank of inspector**

10. (1) A sergeant is eligible to participate in a competition for selection for appointment to the rank of inspector if he or she has –

- (a) passed the Inspector's Promotion Examination –
  - (i) in the case of the first competition held after the coming into operation of these Regulations, at any time prior to the closing date for applications to that competition, and
  - (ii) in the case of all subsequent competitions, in the 5 years prior to the closing date for applications for the competition concerned,
- (b) by the closing date for applications for the competition concerned, completed 2 years' service from the date of his or her appointment as a sergeant, and
- (c) in relation to a person promoted to the rank of sergeant as a result of a competition held in accordance with these Regulations, been confirmed in his or her appointment to the rank of sergeant following satisfactory completion of the probation period referred to in Regulation 16.

### **Selection Process and Panel of Candidates**

11. (1) Where Regulation 7 applies, the Public Appointments Service shall, on request from the Commissioner, undertake a selection process referred to in Regulation 5(a) in accordance with the Act of 2004 and with the relevant code of practice.

(2) The Public Appointments Service, having completed the selection process, shall –

- (a) prepare a list of candidates in order of merit (referred to in these Regulations as the “panel”) whom it has selected to go forward for consideration for appointment by the Commissioner, and
- (b) inform the Commissioner of the outcome of the selection process and furnish him or her with the details of the panel.

(3) The Public Appointments Service shall notify, either in writing or electronically, candidates who have been placed on a panel established under paragraph (2) of their place in the order of merit on the panel and the period of time such panel shall, subject to Regulation 12(2), remain in operation.

(4) The Public Appointments Service shall notify, either in writing or electronically, candidates who have not been placed on a panel established under paragraph (2) of that fact.

### **Appointment of candidates by Commissioner**

12. (1) Subject to Regulation 4(1) and Regulation 13, the Commissioner shall, while a panel is in operation, make appointments from the panel in the order of merit on the panel to the specified rank to which the competition for promotion relates.

(2) The Commissioner may extend the period referred to in Regulation 11(3) and, where he or she extends the period, each candidate on the panel concerned shall be notified either in writing or electronically of that extension.

(3) The appointment of candidates to a specified rank is subject to Regulation 16.

### **Selected candidates not to be appointed in certain circumstances**

13. (1) When making an appointment in accordance with Regulation 12, the Commissioner shall not appoint a candidate from the panel unless he or she is satisfied that, at the time of the appointment, the candidate is suitable and, in particular, fully competent, capable and available to undertake the duties attached to the appointment concerned, having regard to the conditions under which those duties are, or may be required to be, performed.

(2) A candidate shall not be appointed under Regulation 12 unless he or she –

- (a) agrees to participate in any clearance process that may be required by the Commissioner in advance of the appointment,
- (b) agrees to perform the duties attached to the specified rank concerned and to accept the conditions under which those duties are, or may be required to be, performed, and
- (c) provides a signed undertaking to observe the Code of Ethics for the Garda Síochána in carrying out his or her duties as a member.

(3) Where the Commissioner proposes to appoint a candidate from the panel in accordance with Regulation 12, and the candidate who, by virtue of his or position in the order of merit on the panel, is being considered by the Commissioner for appointment has not completed the clearance process referred to in paragraph (2)(a) –

- (a) the Commissioner shall notify the candidate that he or she will not be appointed at that time,
- (b) the Commissioner may proceed to appoint the next suitable candidate on the panel to the post, and
- (c) the first-mentioned candidate will otherwise remain on the panel until the clearance process has been completed.

(4) Where the Commissioner proposes to appoint a candidate from the panel in accordance with Regulation 12, and is not satisfied that the candidate who, by virtue of his or position in the order of merit on the panel, is being considered by the Commissioner for appointment meets the criteria set out in paragraph (1) –

- (a) the Commissioner shall notify the candidate that he or she has decided not to appoint the candidate at that time, setting out the reasons for the decision,
- (b) the candidate may request the Commissioner to review that decision,
- (c) the Commissioner may proceed to appoint the next suitable candidate on the panel to the post, and
- (d) the first-mentioned candidate will otherwise remain on the panel until such time as the panel expires.

(5) In this Regulation, “clearance process”, in relation to a candidate, includes any process, including vetting, to establish the health, character and suitability of the candidate.

### **Disqualification of candidates**

14. (1) A member shall be disqualified for and excluded from a competition for promotion and shall not be appointed to the rank concerned where any attempt, direct or indirect, is made by or on behalf of the member with his or her knowledge or consent to –

- (a) canvass in relation to the competition,
- (b) personate him or her at any stage of the competition,
- (c) influence a decision of any person in relation to the competition, or
- (d) interfere with or compromise the competition in any way.

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

### **Procedures for review or complaint**

15. (1) A candidate may bring a review or complaint in relation to the selection process undertaken in accordance with Regulations 5 and 6, which review or complaint shall be addressed to the Public Appointments Service and dealt with by it in accordance with any guidelines and relevant codes of practice prepared and published by the Commission for Public Service Appointments in accordance with the Act of 2004.

(2) A candidate may request the Commissioner to review any decision made by him or her in relation to the appointments process undertaken in accordance with Regulations 12 and 13, which request shall be accompanied by representations by the candidate in relation to the decision.

(3) On receipt of a request under paragraph (2) for a review, the Commissioner shall consider the representations made by the candidate and, having considered those representations, the Commissioner shall –

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

made by him or her in relation the appointments process.

## **Probation**

16. (1) A person appointed to a specified rank in accordance with Regulation 12 shall be referred to in this Regulation as an “appointed person”.

(2) An appointed person shall not be confirmed in the specified rank unless he or she has satisfactorily completed a probationary period.

(3) The probationary period shall not exceed 12 months from the date of the appointment under Regulation 12, save in accordance with paragraph (6).

(4) (a) The probationary period stands suspended where an appointed person is absent due to maternity leave, parent’s leave, paternity leave or adoptive leave and shall be completed on the return to work of the appointed person.

(b) Where the Commissioner considers that an appointed person’s absence while on leave of a kind not referred to in subparagraph (a) would not be consistent with the continuance of the probation, the Commissioner may require that the probation be suspended during any period of such leave and be continued at the end of that period.

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

(b) Where an appointed person is absent for a consecutive period of 4 weeks or more during probation for a reason other than one referred to at subparagraph (a) or paragraph (4), that period of absence shall not be reckonable for probationary purposes.

(6) (a) Where an appointed person has not demonstrated to the satisfaction of the Commissioner his or her suitability in the role, or an ability to perform the functions of the specified rank efficiently and effectively, the Commissioner may, from time to time, direct that the probationary period of the appointed person be extended for such period as is specified in the direction.

(b) An appointed person whose probation has been extended under a direction under subparagraph (a) shall be provided with a copy either in writing or electronically of that direction and the

direction shall specify the period of extension of probation and the reasons for such extension.

(7) A probationary period shall not, save in exceptional circumstances, exceed a total of 2 years.

(8) The Commissioner shall, subject to paragraph (9) and having assessed the suitability of the appointed person within the probationary period, or as soon as may be following completion of that period –

(a) confirm the appointment of the appointed person to the specified rank, or

(b) reduce the appointed person to the rank he or she held before the appointment referred to in paragraph (1).

(9) (a) Where the Commissioner proposes to reduce the appointed person to the rank he or she held before the appointment referred to in paragraph (1), the Commissioner shall notify the appointed person either in writing or electronically of the proposal and the reasons for that proposal.

(b) The appointed person shall have 28 days from the date of the notification to make submissions to the Commissioner regarding the proposal.

(c) The Commissioner shall consider those submissions and notify the appointed person either in writing or electronically of the outcome of that consideration.

### **Reduction in rank at own request**

17. (1) A member who has been appointed to a specified rank following a competition for promotion undertaken in accordance with Regulation 5 may, at his or her own request, be reduced by the Commissioner to the rank of garda or sergeant, as the case may be, which he or she held immediately before such appointment was made.

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

The Government approves of the making of the foregoing Regulations.



L.S.

GIVEN under the Official Seal of the Government,  
13 July, 2021.

MICHEÁL MARTIN,  
Taoiseach.



L.S.

GIVEN under my Official Seal,  
13 July, 2021.

HEATHER HUMPHREYS,  
Minister for Justice.

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