



STATUTORY INSTRUMENTS.

S.I. No. 64 of 2024



GARDA SÍOCHÁNA (RESERVE MEMBERS) REGULATIONS 2024

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I, HELEN MCENTEE, Minister for Justice, in exercise of the powers conferred on me by sections 15(2), 121 and 122 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 Authority and with the approval of the Government, hereby make the following regulations:

Citation

1. These Regulations may be cited as the Garda Síochána (Reserve Members) Regulations 2024.

Definitions

2. In these Regulations –

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

“designated certificate, licence or permit” means any certificate, licence or permit that is issued by the District Court, Circuit Court, Garda Síochána or Revenue Commissioners and that involves gain to the holder, including any such certificate, licence or permit issued pursuant to –

- (a) the Licensing Acts 1833 to 2018,
- (b) the Betting Acts 1931 to 2015, or
- (c) any laws regulating places of public entertainment;

“district officer” means the superintendent for the time being in charge of a Garda Síochána district;

“former member” does not include a person who was a reserve member or a member of the civilian staff of the Garda Síochána;

“prescribed training” means a course of training prescribed by Regulation 5;

“relevant district officer”, in relation to a reserve member, means the district officer of the Garda Síochána district to which the reserve member has been allocated by or on behalf of the Garda Commissioner;

“reserve trainee” means a person recruited in accordance with these Regulations for admission to the prescribed training.

Recruitment of reserve trainees – eligibility requirements

3. (1) The Garda Commissioner may not recruit a person for admission as a reserve trainee unless the following requirements are met:

- (a) the Garda Commissioner is satisfied that the person is of good character;
 - (b) the person, for the purposes of paragraph (c), supplies to a registered medical practitioner, nominated by the Garda Commissioner, a medical certificate in such form as that practitioner may determine, detailing the person's medical history for the previous 5 years;
 - (c) the person is certified by the registered medical practitioner referred to in paragraph (b) to be in good health, of sound constitution and physically and mentally fit for the purposes of performing the duties of a reserve member;
 - (d) the person is not less than 18, but under 60, years of age when commencing the prescribed training;
 - (e) the person –
 - (i) is a national of a Member State, an EEA State, the United Kingdom of Great Britain and Northern Ireland or the Swiss Confederation,
 - (ii) is entitled under section 53, 56, 57 or 59 of the Act of 2015 to the rights and privileges specified in section 53 of that Act, or
 - (iii) has had a period of one year's continuous residence in the State immediately before the date of application to be accepted as a reserve trainee and, during the 8 years immediately preceding that period, has had a total residence in the State amounting to 4 years;
 - (f) the person has, before the date of application to be accepted as a reserve trainee, obtained –
 - (i) a grade of not less than D3 or O6 in 5 subjects at not lower than ordinary level in the Leaving Certificate Examination,
 - (ii) a Level 5 Certificate (Major Award) or greater that is recognised within the National Framework of Qualifications, or
 - (iii) such other qualification that, in the opinion of Quality and Qualifications Ireland, is of a standard in terms of both level and volume of learning that is not lower than the standard of those qualifications specified at subparagraph (i) or (ii), and
 - (g) the person is proficient in either or both of the following:
 - (i) the Irish language;
 - (ii) the English language.
- (2) A former member who, on retirement, received an 'exemplary', 'very good' or 'good' discharge from the Garda Síochána is deemed to meet the

requirements of paragraphs (1)(a) and (e) and is exempt from meeting the requirements of paragraph (1)(f).

(3) The Garda Commissioner may exempt a person from meeting the requirements of paragraph (1)(f) if satisfied that the person has personal attributes which otherwise render him or her suitable to be admitted as a reserve trainee.

(4) A period of residence in the State shall not be counted for the purposes of determining whether a person meets the 5 year residency requirement under paragraph (1)(e)(iii) if –

- (a) it is in contravention of section 5(1) of the Immigration Act 2004 (No. 1 of 2004), or
- (b) it consists of a period during which the person was entitled to remain in the State in accordance only with section 16 of the Act of 2015.

(5) In this Regulation –

“Act of 2015” means the International Protection Act 2015 (No. 66 of 2015);

“EEA Agreement” has the same meaning as it has in the European Communities (Amendment) Act 1993 (No. 25 of 1993);

“EEA State” means a state, other than a Member State, that is a contracting party to the EEA Agreement;

“Leaving Certificate Examination” means the Leaving Certificate Examination of the Department of Education;

“registered medical practitioner” has the same meaning as it has in the Medical Practitioners Act 2007 (No. 25 of 2007).

Recruitment of reserve trainees – restrictions on admission to training

4. (1) Notwithstanding that the requirements of Regulation 3 are met, a person may not be recruited for admission as a reserve trainee if the person –

- (a) holds a designated certificate, licence or permit,
- (b) is a member of the Defence Forces,
- (c) is an officer of court,
- (d) is an officer of the Probation Service,
- (e) is a bailiff,
- (f) is a prison officer,
- (g) is a practising barrister or a practising solicitor within the meaning of the Legal Services Regulation Act 2015 (No. 65 of 2015),
- (h) for reward or personal gain, manages or conducts, or assists in the management or conducting of, a concern or premises which is required by law to be operated under a licence permit or

certificate, the grant of which may be opposed by the Garda Síochána,

- (i) provides a security service within the meaning of the Private Security Services Act 2004 (No. 12 of 2004),
- (j) serves summonses as a spare time activity, or
- (k) is employed in any occupation or holds any appointment or position which, in the opinion of the Garda Commissioner, may cause a conflict of interest with the proper discharge of the duties of a reserve member.

(2) Notwithstanding any other provision of these Regulations, the Garda Commissioner may not recruit a person for admission as a reserve trainee if it appears to the Commissioner that the person is generally unsuitable for such admission.

(3) In this Regulation –

“prison officer” means an officer of the Minister assigned to perform the duties of a prison officer;

“Probation Service” means those officers of the Minister assigned to perform functions in the part of the Department of State for which the Minister is responsible commonly known by that name.

Training of reserve members

5. (1) Subject to paragraph (2), for the purpose of section 15(2) of the Act of 2005, the following shall be the prescribed training:

- (a) Phase 1 - the components of which are to include –
 - (i) a welcome and introduction to the Garda Síochána,
 - (ii) an outline of what the Garda Síochána does and what it expects of reserve members,
 - (iii) an overview of the law on human rights,
 - (iv) an overview of the law, practice and procedure relating to the Garda Síochána,
 - (v) the service requirements of the Garda Síochána (including discipline, ethics, and organisational culture) and
 - (vi) motivation;
- (b) Phase 2 - the components of which are to include training in the laws relating to –
 - (i) assault,
 - (ii) road traffic offences,
 - (iii) powers of arrest, and
 - (iv) arrestable offences,

and training in the procedures relating to crime reports and Garda information technology systems;

- (c) Phase 3 - the components of which are to include –
 - (i) role-play exercises, including radio procedures, and
 - (ii) instruction in self-defence, handcuff techniques and use of equipment;
- (d) Phase 4 - training at a Garda station nominated by the Garda Commissioner, the components of which are to include –
 - (i) accompanied beat patrol with a member other than a reserve member, and
 - (ii) supervised station duty;
- (e) Phase 5 - a graduation.

(2) In the case of a former member, the prescribed training for the purpose of section 15(2) of the Act of 2005 shall consist of the components referred to in paragraph (1)(a).

Restrictions on appointment as a reserve member

6. The Garda Commissioner may not appoint a person as a reserve member if –

- (a) any of paragraphs (a) to (k) of Regulation 4(1) are applicable in respect of the person, or
- (b) the person has not completed the prescribed training.

Rank

7. A person appointed as a reserve member shall hold the rank of reserve garda.

Probation

8. (1) A person appointed by the Garda Commissioner as a reserve member shall be on probation for a period of 1 year from the date of his or her appointment.

(2) If, in the opinion of the Garda Commissioner, the period of probation of a reserve member was interrupted by a significant period of absence from duty, the Commissioner may before, or upon, the expiration of the period of 1 year extend that member's period of probation for such further period as the Commissioner, having regard to the circumstances of the case, determines.

(3) During the period of a reserve member's probation, the relevant district officer shall carry out an assessment of that member.

(4) The Garda Commissioner may at any time dispense with the services of a reserve member who is on probation if he or she considers that member is –

- (a) not suited, physically or mentally, to performing the functions of a reserve member,
- (b) not likely to perform the functions of a reserve member efficiently,
- (c) has not conducted, is not conducting or may not conduct himself or herself in a manner befitting a reserve member.

Cessation of service as a reserve member

9. (1) A reserve member's service shall end when he or she reaches the age of 65.

(2) A reserve member may end his or her service by giving notice of at least 30 days in writing to the Garda Commissioner, or such shorter period as may be accepted by the Commissioner, and that service shall end on the expiration of the notice concerned.

(3) The Garda Commissioner may at any time dispense with the services of a reserve member if he or she considers that member is –

- (a) no longer suited, physically or mentally, to performing the functions of a reserve member, or
- (b) no longer likely to perform the functions of a reserve member efficiently or otherwise to conduct himself or herself in a manner befitting a reserve member.

(4) The Garda Commissioner shall dispense with the services of a reserve member if the Commissioner becomes aware of any change in the circumstances of that member that would have made him or her ineligible for appointment under Regulation 6 had he or she not already been a reserve member.

Deployment

10. (1) A reserve member may only be placed on duty by, or on behalf of, the relevant district officer.

(2) A reserve member may not place himself or herself on duty.

(3) A reserve member shall be placed on duty under the supervision of a member of another rank as determined by the relevant district officer.

(4) A reserve member shall not be required to serve more than 208 hours of duty in any period of 12 months.

Assignment of duties

11. (1) Subject to section 15(5) of the Act of 2005, a reserve member may only be assigned duties by, or on behalf of, the relevant district officer.

(2) A reserve member shall inform the relevant district officer if a relative of that member holds a designated certificate, licence or permit for a premises

situated in the Garda Síochána district to which the reserve member is normally allocated.

(3) Where a reserve member is required to attend, in connection with that member's service, a court, tribunal or other body established by law, he or she shall be placed on duty for that purpose.

(4) In this Regulation, "relative" in relation to a reserve member, means a spouse, parent, child or sibling of that member.

Duty to carry out lawful orders

12. (1) A reserve member shall obey all lawful orders and shall at all times punctually and promptly perform all duties assigned to him or her.

(2) A reserve member shall not give or purport to give any order to a member of any other rank.

Liaison officers

13. (1) The Garda Commissioner shall appoint a member not lower than the rank of Sergeant to act as a divisional liaison officer in each Garda division in which reserve members are serving.

(2) A divisional liaison officer appointed under paragraph (1) shall coordinate the work of reserve members in his or her division and shall assist their integration into the Garda Síochána.

Annual allowance

14. (1) A reserve member shall be paid by the Garda Commissioner in respect of expenses incurred in performing functions as a reserve member an annual allowance in an amount not exceeding the amount that may be determined by the Minister for Public Expenditure, National Development Plan Delivery and Reform.

(2) In this Regulation, "expenses" does not include expenses referred to in Regulation 15.

Expenses relating to court appearances

15. (1) The Garda Commissioner may reimburse a reserve member for any expenses necessarily incurred by him or her in attending, in connection with that reserve member's service, a court, tribunal or other body established by law.

(2) The rate of expenses to be paid under this Regulation shall equal but not exceed the rates sanctioned from time to time by the Minister for Public Expenditure, National Development Plan Delivery and Reform in respect of lay witnesses who give evidence on behalf of the State in criminal cases.

Uniform and equipment

16. (1) A reserve member shall be provided with a uniform free of charge.

(2) A reserve member shall only use the uniform and any equipment issued to him or her for the purposes of his or her duty as a reserve member.

(3) Where –

(a) the service of a reserve member ends pursuant to Regulation 9(1) or (2), or

(b) his or her services are dispensed with pursuant to Regulation 8(4) or Regulation 9(3) or (4),

he or she shall immediately return to the relevant district officer all Garda property in his or her possession (including notebooks, uniform, official identification card and equipment).

Revocation

17. (1) The following are hereby revoked:

(a) the Regulations of 2006;

(b) the Garda Síochána (Reserve Members) (Amendment) Regulations 2020 (S.I. No. 603 of 2020).

(2) In this Regulation, the “Regulations of 2006” means the Garda Síochána (Reserve Members) Regulations 2006 (S.I. No. 413 of 2006).

The Government hereby approve of the foregoing Regulations.



GIVEN under the Official Seal of the Government,
20 February, 2024.

LEO VARADKAR,
Taoiseach.



GIVEN under my Official Seal,
20 February, 2024.

HELEN MCENTEE,
Minister for Justice.

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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

€ 3.00

ISBN 978-1-3993-2927-9



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