

Section 9 of Garda Síochána Act 2005 – Appointment of Garda Commissioner

- (1) Subject to this section, the appointment of a person to be the Commissioner of the Garda Síochána shall, upon the nomination of the Authority, be made by the Government.
- (2) The Authority shall not nominate a person under *subsection (1)* unless it has, with the prior approval in writing of the Government, invited the Service to undertake a selection competition for that purpose and the Service has undertaken such a competition.
- (3) The Authority shall, with the approval of the Minister, agree with the Service the requirements relating to knowledge, ability and suitability for appointment as the Garda Commissioner for the purposes of a selection competition under this section.
- (4) A person shall not be nominated by the Authority under subsection (1) unless it is satisfied that the person is suitable for appointment as the Garda Commissioner by reason of his or her possessing such relevant experience, qualifications, training or expertise as is appropriate having regard, in particular, to the functions assigned to the Garda Commissioner by or under this Act.
- (5) The Service shall provide the Authority with particulars of the experience, qualifications, training and expertise of a person whom it recommends for nomination by the Authority under subsection (1) for appointment as the Garda Commissioner.
- (6) Subject to subsection (7), where the Authority nominates a person for appointment as the Garda Commissioner under *subsection (1)*, the Government shall accept the nomination.
- (7) (a) In exceptional circumstances, where the Government, for substantial and stated reasons, are unable to accept the nomination by the Authority of a particular person for appointment as the Garda Commissioner, they shall inform the Authority of that fact and the reasons for it and request the Authority to nominate another person for appointment.
(b) The Authority shall—
 - (i) consider the Government's reasons provided in accordance with paragraph (a), and
 - (ii) unless the Authority disagrees with those reasons and wishes to make representations to the Government in that behalf, nominate another person for appointment.
- (8) A person who holds the office of Garda Commissioner may resign from office by notice in writing addressed to the Minister and the resignation shall take effect on the date the Minister receives the notice or, if a date is specified in the notice and the Minister agrees to that date, on that date.
- (9) The Government shall, as soon as may be, inform the Authority of the resignation of a person under subsection (8).