



Number 26 of 1980

OMBUDSMAN ACT 1980

REVISED

Updated to 2 April 2025

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All Acts up to and including the *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), enacted 14 April 2025, and all statutory instruments up to and including the *Policing, Security and Community Safety Act 2024 (Commencement) Order 2025* (S.I. No. 107 of 2025), made 2 April 2025, were considered in the preparation of this Revised Act.

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AN ACT TO PROVIDE FOR THE APPOINTMENT AND FUNCTIONS OF AN OMBUDSMAN, AND FOR PURPOSES CONNECTED THEREWITH. [14th July, 1980]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—(1) In this Act, save where the context otherwise requires—

“action” includes decision, failure to act and omission and cognate words shall be construed accordingly;

“civil servant” has the meaning assigned to it by the Civil Service Regulation Act, 1956;

F1[“eligible person” means—

(a) a person other than a reviewable agency or an exempt agency, and

(b) a person (being an individual who constitutes, or is a member, officer, employee or agent of, a reviewable agency or an exempt agency) in that person’s private capacity;

“entity” means a person, body of persons, organisation or group, including, in particular, an organ of government, or an element of an organ of government, at national or local level;

“exempt agency” means—

(a) an entity specified in the *Second Schedule*,

(b) an element of a reviewable agency that is excluded from review by—

(i) *Part II* of the *First Schedule*, or

(ii) an order under *section 1A* or *4(10)*;

“functions” includes powers and duties and a reference to the performance of a function includes, with respect to powers, a reference to the exercise of a power;

“local authority” means a local authority for the purposes of the F2[*Local Government Act 2001*];

F2[“Minister” means the Minister for Public Expenditure and Reform;

“reviewable agency” means—

(a) an entity (whether established before or after the enactment of the Ombudsman (Amendment) Act 2012) within the meaning of *Part I* of the *First*

Schedule, except to the extent that any element of that entity is expressed by *Part II* of that Schedule or an order under *section 4(10)* to be excluded from review, and

- (b) an entity declared by an order under *section 1A* to be a reviewable agency, except to the extent that any element of that entity is expressed by that order to be excluded.]

(2) Save where the context otherwise requires, references in this Act to any Department of State include references to the Minister of the Government having charge of that Department of State and to officers of that Minister of the Government and, if and so long as any of the functions of that Minister of the Government stand delegated to a Minister of State at a Department of State, include references to that Minister of State at a Department of State.

(3) Save where the context otherwise requires, references in this Act to F2[an entity (other than a Department of State) that is a reviewable agency or an exempt agency] include—

- (a) as respects the business and functions of F2[the entity], references to the Department of State in which any of them are comprised and to the Minister of the Government having charge of that Department of State, and
- (b) as respects functions in relation to F2[the entity] performed by a Department of State, references to that Department of State and to the Minister of the Government having charge of it,

and to officers of those Ministers of the Government and members, officers and staff of F2[the entity] and, if and so long as any of the functions of any of those Ministers of the Government stand delegated to a Minister of State at a Department of State, to that Minister of State at a Department of State.

F3[Reviewable agency.

1A.—(1) Subject to *subsections (2) and (3)*, the Minister may, after consultation with the Ombudsman, the Ombudsman for Children and such committee of the Houses of the Oireachtas as he or she considers appropriate, and with the consent of such other Minister (if any) as appears to the Minister to be responsible for the entity in question, and having regard to the need to ensure appropriate accountability and oversight of entities referred to in this subsection, may by order declare to be a reviewable agency—

- (a) an entity, being—
 - (i) a company established under the Companies Acts in pursuance of powers conferred by or under another enactment, or
 - (ii) any other entity, whether financed wholly or partly, or directly or indirectly, by means of moneys provided, or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government,
- (b) any other entity on which functions in relation to the general public or a class of the general public stand conferred by any enactment (but only in respect of those functions),
- (c) a subsidiary (within the meaning of the Companies Acts) of a company to which *paragraph (a)(i)* relates, or
- (d) an entity (other than a subsidiary to which *paragraph (c)* relates) that is directly or indirectly controlled by an entity to which *paragraph (a)(ii)* or *(b)* relates.

(2) An order made under *subsection (1)* may exclude certain elements of that entity from review.

(3) Where an order is proposed to be made under *subsection (1)* and such order excludes certain elements of an entity from review, the proposed order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.]

Appointment and term of office of the Ombudsman.

2.—(1) There is hereby established the office of Ombudsman and the holder of the office shall be known as the Ombudsman.

(2) The appointment of a person to be the Ombudsman shall be made by the President upon resolution passed by Dáil Éireann and by Seanad Éireann recommending the appointment of the person.

F4[(2A) Such appointment may be preceded by consideration by a committee of the Houses of the Oireachtas as may be designated by the Minister of a person proposed by the Government for such appointment.]

(3) A person appointed to be the Ombudsman—

(a) may at his own request be relieved of office by the President,

(b) may be removed from office by the President but shall not be removed from office except for stated misbehaviour F5[(including stated misbehavior in his or her capacity as the holder of the office of Protected Disclosures Commissioner established by section 10A of the Protected Disclosures Act 2014)], incapacity or bankruptcy and then only upon resolutions passed by Dáil Éireann and by Seanad Éireann calling for his removal,

F6[(c) shall in any case vacate the office on attaining the age of 70 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.]

(4) Subject to the provisions of this section, a person appointed to be the Ombudsman shall hold office for a term of 6 years and may be re-appointed to the office for a second or subsequent term.

(5) (a) Where a person who holds the office of Ombudsman is nominated either as a candidate for election to either House of the Oireachtas, the F4[European Parliament] or a local authority or as a member of Seanad Éireann or is appointed as a member of the F4[European Parliament] or a local authority, he shall thereupon cease to hold the office of Ombudsman.

(b) A person who is for the time being entitled—

(i) under the Standing Orders of either House of the Oireachtas to sit therein,

(ii) under the rules of procedure of the F4[European Parliament] to sit therein,
or

(iii) under the standing orders of a local authority to sit as a member thereof,

shall, while so entitled, be disqualified for holding the office of Ombudsman.

(6) A person who holds the office of Ombudsman shall not hold any other office or employment in respect of which emoluments are payable or be a member of the Reserve Defence Force.

(7) F7[...]

Salary and pension.

3.—F8[(1) There shall be paid to the holder of the office of Ombudsman such remuneration and allowances for expenses as the Minister may determine.]

(2) (a) The Minister shall make and carry out, in accordance with its terms, a scheme or schemes for the granting of pensions, gratuities or other allowances on retirement or death to or in respect of persons who have held the office of Ombudsman.

(b) The Minister may at any time make and carry out, in accordance with its terms, a scheme or schemes amending or revoking a scheme under this section.

(c) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either such House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Functions of the Ombudsman.

4.—(1) The Ombudsman shall be independent in the performance of his functions.

F9[(2) Subject to this Act, the Ombudsman may investigate any action taken by or on behalf of a reviewable agency in the performance of administrative functions where, having carried out a preliminary examination of the matter, it appears to the Ombudsman—

(a) that the action has or may have adversely affected an eligible person, and

(b) that the action was or may have been—

(i) taken without proper authority,

(ii) taken on irrelevant grounds,

(iii) the result of negligence or carelessness,

(iv) based on erroneous or incomplete information,

(v) improperly discriminatory,

(vi) based on an undesirable administrative practice,

(vii) a failure to comply with [section 4A](#), or

(viii) otherwise contrary to fair or sound administration.

(3) The Ombudsman shall not investigate an action unless—

(a) a complaint in relation to the action has been made to the Ombudsman by or on behalf of an eligible person, or

(b) it appears to the Ombudsman (on his or her own motion or on foot of a communication from a person who is not, in respect of the complaint, an eligible person or a person referred to in subsection (4A)), having regard to all the circumstances, that an investigation under this section into the action would be warranted.

(4) The Ombudsman shall not investigate an action taken by or on behalf of an exempt agency, or an action taken by or on behalf of a reviewable agency excluded from review under this Act.]

F10[(4A) The Ombudsman shall not investigate a complaint by or on behalf of an individual into any action of or on behalf of another person where—

(a) that action—

- (i) affects such individual by virtue of being a member, officer, employee or agent of an entity or entities, and
 - (ii) relates to the performance by such individual, whether alone or with others, of his or her functions as a member, officer, employee or agent of such entity or entities,
- and
- (b) any such entity is financed wholly or partly, whether directly or indirectly, by means of moneys provided by, or loans made or guaranteed by, a Minister of the Government,

but the restriction by virtue of this subsection on the investigation of that action shall only be to the extent that it relates to the performance of such functions.]

(5) The Ombudsman may—

- (a) having carried out a preliminary examination of the matter, decide not to carry out an investigation under this Act into an action in respect of which a complaint is made, or
- (b) discontinue an investigation under this Act into such an action,

if he becomes of opinion that—

- (i) the complaint is trivial or vexatious,
- (ii) the person making the complaint has an insufficient interest in the matter, F11[...]
- F9[(iii) the person making the complaint has not taken reasonable steps to seek redress in respect of the subject matter of the complaint or, having done so, has not been refused redress, or]
- (iv) F10[satisfactory measures to remedy, mitigate or alter the adverse effect of the action on the person making the complaint have been, or are proposed to be, taken by the reviewable agency concerned.]

(6) It shall not be necessary for the Ombudsman to investigate an action under this Act if he is of opinion that the subject matter concerned has been, is being or will be sufficiently investigated in another investigation by the Ombudsman under this Act.

(7) An examination or investigation by the Ombudsman shall not affect the validity of the action investigated or any power or duty of the person who took the action to take further action with respect to any matters the subject of the examination or investigation.

(8) In determining whether to initiate, continue or discontinue an investigation under this Act, the Ombudsman shall, subject to the provisions of this Act, act in accordance with his own discretion.

(9) F11[...]

F10[(9A) Without prejudice to section 6(7), the Minister may designate a committee of the Houses of the Oireachtas to receive periodic reports from the Ombudsman and make recommendations to the Ombudsman regarding the exercise of his or her functions under this Act.]

F10[(10) (a) The Minister, after consultation with the Ombudsman, the Ombudsman for Children and such committee of the Houses of the Oireachtas as he or she considers appropriate, and with the consent of such other Minister (if any) as appears to the Minister to have responsibility for that entity, and having regard to the public interest and the need to ensure a balance between—

(i) appropriate accountability and oversight of entities subject to this Act, and

(ii) the ability of those entities to conduct adequately their affairs,

may by order declare an entity—

(I) to be an exempt agency (including an entity that immediately before the making of the order was a reviewable agency),

(II) specified in the Second Schedule to be a reviewable entity, or

(III) specified in Part II of the First Schedule to be a reviewable agency on the basis of different elements of that agency's functions to those specified in that Part.

(b) An order made under paragraph (a) may specify the inclusion or exclusion of elements of an entity.

(c) Where an order is proposed to be made under paragraph (a), a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

(d) The Minister shall consult such committee of the Houses of the Oireachtas as he or she considers appropriate prior to taking any action under paragraph (c).]

F10[(11) Where a dispute arises between an entity and the Ombudsman as to whether an entity is a reviewable agency, the question shall be submitted to the Minister whose determination shall be binding.]

F12[Duty on reviewable agencies to give assistance and guidance, etc.]

4A.—(1) This section applies when an action taken by or on behalf of a reviewable agency ("the agency") in the performance of administrative functions affects—

(a) a right, privilege or other benefit to which an eligible person is or may be entitled, or

(b) an obligation, liability, penalty or other detriment to which an eligible person is or may be subject.

(2) The agency shall, consistent with the resources available to the agency—

(a) give reasonable assistance and guidance to that person in any dealings of the person with the agency in relation to the action taken by the agency, having particular regard to the needs of the person as a result of any disability,

(b) ensure that the business of the person with the agency in relation to that action is dealt with properly, fairly, impartially and in a timely manner, and

(c) provide information to the person on any rights of appeal or review in respect of that action and on the procedures for, and any time limits applying to, the exercise of those rights.]

Exclusions.

5.—F13[(1) Subject to subsection (2), the Ombudsman shall not investigate any action taken by or on behalf of a person—

(a) if the action is one in relation to which—

(i) the person affected by the action has initiated in any court civil legal proceedings and the proceedings have not been dismissed for failure to disclose a cause of action or a complaint justiciable by that court whether

the proceedings have been otherwise concluded or have not been concluded,

- (ii) the person affected by the action has a right, conferred by or under an enactment, of appeal, reference or review to or before a court in the State (not being an appeal, reference or review in relation to a decision of a court), or
 - (iii) the person affected by the action has a right of appeal, reference or review to or before a person, other than a reviewable agency, who is independent in the performance of his or her functions in relation to the appeal, reference or review,
- (b) if the action relates to or affects national security or military activity or (in the opinion of the Ombudsman) arrangements regarding participation in organisations of states or governments,
- (c) subject to *subsection (2A)*, if the action relates to or affects—
- (i) recruitment or appointment to any office or employment, or
 - (ii) the terms and conditions (including the terms and conditions upon and subject to which pensions, gratuities or other superannuation benefits are payable), being—
 - (I) the terms and conditions upon and subject to which a person holds any office or is employed in any capacity, or
 - (II) the terms and conditions of a contract for services,
- (d) if—
- (i) in a case where a complaint is made to the Ombudsman in relation to the action, the complaint is not made before the expiration of 12 months from the time of the action or the time when the person making the complaint became aware of the action, whichever is the later, or
 - (ii) in any other case, a period of 12 months has elapsed since the time of the action,
- (e) if the action was taken before the date on which the reviewable agency concerned first became subject to review under this Act, or was taken on a date on which the reviewable agency concerned was otherwise not subject to review under this Act,
- (f) if the action is one to which [section 8 of the Ombudsman for Children Act 2002](#) applies,
- (g) if the action—
- (i) falls within a category of complaint or dispute to which paragraph (a), (b) or (c) of subsection (2) of [section 131 of the Pensions Act 1990](#) applies, and
 - (ii) is not excluded from the jurisdiction of the Pensions Ombudsman by virtue of regulations under paragraph (b) or (c) of subsection (7) of that section.
- (2) Notwithstanding subsection (1), the Ombudsman—
- (a) may investigate insurability and entitlement to benefit under the [Social Welfare Consolidation Act 2005](#), and

- (b) if it appears to the Ombudsman that special circumstances make it proper to do so, may investigate an action to which paragraph (a) or (d) of that subsection applies.]

F14[(2A) Subsection (1)(c) does not affect the power of the Ombudsman to investigate an action, taken within a reviewable agency having responsibility for the administration of laws relating to employment, that relates to a complaint made under such a law.]

(3) Where a Minister of the Government so requests in writing (and attaches to the request a statement in writing setting out in full the reasons for the request), the Ombudsman shall not investigate, or shall cease to investigate, an action specified in the request, being an action of—

- (a) a Department of State whose functions are assigned to that Minister of the Government, or
- (b) F13[a reviewable agency (other than a Department of State)] whose business and functions are comprised in such a Department of State or in relation to which functions are performed by that Department of State,

(whether or not all or any of the functions of that Minister of the Government stand delegated to a Minister of State at a Department of State).

Reports etc., by
the Ombudsman.

6.—(1) In any case where a complaint is made to the Ombudsman in relation to an action and the Ombudsman decides not to carry out an investigation under this Act into the action or to discontinue such an investigation, he shall send to the person who made the complaint a statement in writing of his reasons for the decision and, if the decision follows the receipt by the Ombudsman of a request under [section 5](#) (3) of this Act, a copy of the request and of the statement in writing of the reasons for the request attached to the request and he shall send to such other (if any) person as he considers appropriate such statement in writing in relation to the matter as he considers appropriate.

F15[(2) In any case where the Ombudsman conducts an investigation under this Act, the Ombudsman shall send a statement in writing of the results of the investigation to—

- (a) the reviewable agency concerned,
- (b) the Department of State in which are comprised the business and functions of, or which performs functions in relation to, a reviewable agency (other than a Department of State) to whom a statement is sent under paragraph (a),
- (c) any other person who has or, in a case where a complaint in relation to the action the subject of the investigation has been made to the Ombudsman, is alleged in the complaint to have taken or authorised the action, and (d) any other person to whom the Ombudsman considers it appropriate to send the statement.

(3) Where, following an investigation under this Act into an action, it appears to the Ombudsman that the action adversely affected an eligible person and was of a kind referred to in [section 4\(2\)\(b\)](#), the Ombudsman—

- (a) may recommend to the reviewable agency concerned—
 - (i) that the matter in relation to which the action was taken be further considered,
 - (ii) that measures or specified measures be taken to remedy, mitigate or alter the adverse affect of the action, or

- (iii) that the reasons for taking the action be given to the Ombudsman,
 - and
 - (b) may also request that reviewable agency to notify the Ombudsman within a specified time of the agency's response to the recommendation.
- (3A) Where the Ombudsman makes a recommendation to a reviewable agency under subsection (3)(a)(ii) in relation to an action of a particular kind, the Ombudsman—
 - (a) may make a recommendation in general terms to such reviewable agencies as the Ombudsman considers appropriate with regard to remedying, mitigating or altering the adverse effect on eligible persons of actions of that kind by any such reviewable agency, and
 - (b) may also request any such reviewable agency to notify him or her within a specified time of the response of that reviewable agency to the recommendation.
- (4) Where the Ombudsman carries out an investigation under this Act into an action the subject of a complaint referred to in section 4(3)(a), the Ombudsman shall notify the person who made the complaint of—
 - (a) the result of the investigation,
 - (b) the recommendation (if any) made under subsection (3)(a) in relation to the matter, and
 - (c) the response (if any) made to that recommendation by the reviewable agency concerned.]
- (5) Where it appears to the Ombudsman that the measures taken or proposed to be taken in response to a recommendation under subsection (3) of this section are not satisfactory, he may, if he so thinks fit, cause a special report on the case to be included in a report under subsection (7) of this section.
- (6) The Ombudsman shall not make a finding or criticism adverse to a person in a statement, recommendation or report under subsection (1), (3) or (5) of this section without having afforded to the person an opportunity to consider the finding or criticism and to make representations in relation to it to him.
- (7) The Ombudsman shall cause a report on the performance of his functions under this Act to be laid before each House of the Oireachtas annually and may from time to time cause to be laid before each such House such other reports with respect to those functions as he thinks fit. The terms of a request under [section 5](#) (3) of this Act and of the statement in writing of the reasons for the request attached to the request shall be included in a report under this section.
- (8) For the purposes of the law of defamation, any such publication as is hereinafter mentioned shall be absolutely privileged, that is to say—
 - (a) the publication of any matter by the Ombudsman in making a report to either House of the Oireachtas for the purpose of this Act,
 - (b) the publication by the Ombudsman—
 - (i) to a person mentioned in subsection (1) of this section of a statement sent to that person in pursuance of that subsection,
 - (ii) to a person mentioned in subsection (2) of this section of a statement sent to that person in pursuance of that subsection,

(iii) to a person mentioned in subsection (3) of this section of a recommendation made to that person by the Ombudsman in pursuance of that subsection,

(iv) to a person mentioned in subsection (4) of this section of a notification given to that person pursuant to that subsection.

Powers of the Ombudsman in respect of examinations and investigations.

7.—(1) (a) The Ombudsman may, for the purposes of a preliminary examination, or an investigation, by him under this Act, require any person who, in the opinion of the Ombudsman, is in possession of information, or has a document or thing in his power or control, that is relevant to the examination or investigation to furnish that information, document or thing to the Ombudsman and, where appropriate, may require the person to attend before him for that purpose and the person shall comply with the requirements.

F16[(aa) A requirement under paragraph (a) shall be made by notice in writing given to the person to whom it is directed and shall specify the period within which and the place at which any information, document or thing is to be furnished to the Ombudsman or the place at which a person is to attend before the Ombudsman.]

(b) Paragraph (a) of this subsection does not apply to information or so much of a document as relates to decisions and proceedings of the Government or of any committee of the Government and for the purposes of this paragraph, a certificate given by the Secretary to the Government and certifying that any information or document or part of a document so relates shall be conclusive.

F16[(c) If it appears to the Ombudsman that a person has failed to comply with a requirement under paragraph (a), the Ombudsman may apply to the Circuit Court for an order under paragraph (d).

(d) If, on an application under paragraph (c), the Circuit Court is satisfied as to the failure of the person concerned to comply with the requirement concerned, the Court may, subject to subsection (2), make an order directing that person to comply with the requirement.

(e) An application under paragraph (c) shall be made to the judge of the Circuit Court for the Dublin Circuit.]

(2) Subject to the provisions of this Act, a person to whom a requirement is addressed under this section shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

(3) A person shall not by act or omission obstruct or hinder the Ombudsman in the performance of his functions or do any other thing which would, if the Ombudsman were a court having power to commit for contempt of court, be contempt of such court.

(4) Any obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to a Department of State or civil servant imposed by the **Official Secrets Act, 1963**, shall not apply to an examination or investigation by the Ombudsman under this Act, and, subject to **section 9 (2)** of this Act, the State shall not be entitled in relation to any such examination or investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(5) The Ombudsman may, if he thinks fit, pay to the person affected by an action in respect of which an investigation is held by the Ombudsman under this Act and to any other person who attends or furnishes information for the purposes of the investigation—

(a) sums in respect of travelling and subsistence expenses properly incurred by them, and

(b) allowances by way of compensation for loss of their time,

of such amount as may be determined by the Minister.

(6) A statement or admission made by a person in a preliminary examination, or investigation, under this Act by the Ombudsman shall not be admissible as evidence against that person in any criminal proceedings.

(7) Nothing in subsection (3) of this section shall be construed as applying to the taking of any such action as is mentioned in [section 4 \(7\)](#) of this Act.

Conduct of investigations.

8.—(1) An investigation by the Ombudsman under this Act shall be conducted otherwise than in public.

(2) Where the Ombudsman proposes to carry out an investigation under this Act into an action he shall afford—

(a) any F17[[reviewable agency concerned](#)], and

(b) any other person who appears or, in a case where a complaint in relation to the action has been made to the Ombudsman, is alleged, to have taken or authorised the action,

an opportunity to comment on the action and, if a complaint in relation to the action has been made to the Ombudsman, on any allegations contained in the complaint.

(3) Subject to the provisions of this Act, the procedure for conducting an investigation shall be such as the Ombudsman considers appropriate in all the circumstances of the case.

(4) The Ombudsman may determine whether any person may be represented, by counsel, solicitor or otherwise, in an investigation by him under this Act.

F18[Reference of questions of law to High Court.]

8A.— The Ombudsman may refer any question of law arising in an investigation under this Act to the High Court for determination.]

Secrecy of information.

9.—(1) Information or a document or thing obtained by the Ombudsman or his officers in the course of, or for the purpose of, a preliminary examination, or investigation, under this Act shall not be disclosed except for the purposes of—

(a) the examination or investigation and of any statement, report or notification to be made thereon under this Act, or

(b) any proceedings for an offence under the [Official Secrets Act, 1963](#), alleged to have been committed in respect of information or a document or thing obtained by the Ombudsman or any of his officers by virtue of this Act,

and the Ombudsman or his officers shall not be called upon to give evidence in any proceedings (other than such proceedings as aforesaid) of matters coming to his or their knowledge in the course of a preliminary examination, or an investigation, under this Act.

(2) (a) A Minister of the Government may give notice in writing to the Ombudsman, with respect to any F19[[exempt record](#)] specified in the notice, or any class of F19[[exempt record](#)] so specified, that, in the opinion of the Minister of the Government, the disclosure (other than to the Ombudsman or officers of the Ombudsman) of that F19[[exempt record](#)] or of F19[[exempt records](#)]

of that class, would, for the reasons stated in the notice, be prejudicial to the public interest.

(b) The Revenue Commissioners may give notice in writing to the Ombudsman, with respect to any F19[exempt record] in their power or control specified in the notice, or any class of such F19[exempt record] so specified, that in the opinion of the Revenue Commissioners the disclosure (other than to the Ombudsman or officers of the Ombudsman) of that F19[exempt record] or of F19[exempt records] of that class, would, for the reasons stated in the notice, be prejudicial to the public interest.

(c) Where a notice is given under this subsection, nothing in this Act shall be construed as authorising or requiring the Ombudsman or any officer of the Ombudsman to communicate to any person or for any purpose any F19[exempt record] specified in the notice or any F19[exempt record] of a class so specified.

F19[(d) In this subsection, "exempt record" has the meaning given by section 2 of the Freedom of Information Act 1997.]

Staff of the
Ombudsman.

10.—F20[(1) (a) The power of appointing a person to be an officer or servant of the Ombudsman shall be vested in the Ombudsman.

(b) The Minister for Finance shall from time to time determine the number of officers and servants appointed to the Office of the Ombudsman and all such officers and servants shall hold office on such terms and conditions as the Minister for Finance shall determine.]

(2) Officers and servants of the Ombudsman shall be civil servants in the Civil Service of the State.

(3) The Ombudsman may delegate to any of his officers any of his functions under this Act save those conferred by subsections (5) and (7) of section 6 of this Act or by this section.

(4) F21[...]

F22[Use of title
of ombudsman.

10A.—(1) A person shall not, in connection with any trade, profession, business or occupation, use the title of ombudsman, either alone or in conjunction with another word or phrase, unless the person—

(a) is authorised to do so by or under an Act of the Oireachtas,

(b) has, by reason of the functions to be performed by him or her, obtained the prior consent in writing of the Minister to do so, or

(c) had commenced so to use that title before 9 July 2008.

(2) The Minister shall, for the purposes of deciding whether to give consent under subsection (1)(b), consult both—

(a) the Ombudsman, and

(b) such other Ministers of the Government as the Minister considers appropriate, having regard to the functions to be performed by the person who is seeking that consent.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both.]

Expenses. **11.**—Any expenses incurred in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title and commencement. **12.**—(1) This Act may be cited as the Ombudsman Act, 1980.
(2) This Act shall come into operation on such day as may be appointed by the Government by order.

Section 4.

F23[FIRST SCHEDULE

Reviewable Agencies

PART I

- (a) a Department of State;
- (b) an entity established by or under any enactment, statutory instrument or charter (other than the Companies Acts) or any scheme administered by a Minister of the Government;
- (c) a company (within the meaning of the Companies Acts) a majority of the shares in which are held by or on behalf of a Minister of the Government;
- (d) any entity (other than an entity to which *paragraph (a) or (b)* relates) established or appointed by the Government or a Minister of the Government;
- (e) a subsidiary (within the meaning of the Companies Acts) of a company to which *paragraph (c)* relates;
- (f) an entity (other than a subsidiary to which *paragraph (e)* relates) that is directly or indirectly controlled by an entity to which *paragraph (b), (c), (d) or (e)* relates;
- (g) an entity on which functions are conferred by or under statute, statutory instrument or charter, but only in respect of those functions;
- (h) a higher education institution in receipt of public funding;
- (i) an entity that immediately prior to the enactment of the Ombudsman (Amendment) Act 2012 was subject to review by the Ombudsman.]

F24[Residential Institutions Statutory Fund Board]

F25[PART II

Part I of this Schedule does not include a reference to—

- (a) the Adoption Authority of Ireland, insofar as it relates to the making of an adoption order or the recognition of an intercountry adoption effected outside the State, within the meaning of the *Adoption Act 2010*;
- (b) An Bord Altranais, except as it relates to an action taken in the performance of administrative functions relating to the establishment and maintenance of a register of nurses under the *Nurses Act 1985* and to its role as the competent authority for the purposes of mutual recognition of nursing qualifications obtained in or recognised by a Member State;
- (c) Bord na Radharcmhastóirí, except as it relates to an action taken in the performance of administrative functions relating to the establishment and maintenance of a register of optometrists and dispensing opticians under the Opticians Acts 1956 and 2003 and to its role as competent authority for the purposes of the mutual recognition of relevant qualifications obtained in or recognised by a Member State;
- (d) the Courts Service, except as it relates to an action taken in the performance of administrative functions under *section 5* of the *Courts Service Act 1998*;

- (e) the Dental Council, except as it relates to an action taken in the performance of administrative functions relating to the establishment and maintenance of a register of dentists and dental practitioners under the **Dentists Act 1985** and to its role as the competent authority for the purposes of mutual recognition of dental qualifications obtained in or recognised by a Member State;
- (f) the Department of Justice and Equality, insofar as it relates to an action—
 - (i) taken in the administration of the law relating to immigration or naturalisation,
 - (ii) taken in the administration of the prisons or other places for the custody of persons committed to custody by the Courts,
 - (iii) involving the exercise of the right or power referred to in Article 13.6 of the Constitution, or
 - (iv) involving the remission of any forfeiture or disqualification imposed by a court exercising criminal jurisdiction;
- (g) the Health and Safety Authority, except as it relates to an action taken in the performance of administrative functions under **section 34** of the **Safety, Health and Welfare at Work Act 2005**;
- (h) the Health and Social Care Professionals Council, except as it relates to an action taken in the performance of administrative functions under Part 4 of the **Health and Social Care Professionals Act 2005**;
- (i) the Health Service Executive, insofar as it relates to an action taken—
 - (i) by persons when acting on behalf of the Health Service Executive and (in the opinion of the Ombudsman) solely in the exercise of clinical judgement in connection with the diagnosis of illness or the care or treatment of a patient, whether such opinion is formed by the person taking the action or by any other person; or
 - (ii) an action taken by the Health Service Executive when acting on the advice of persons referred to in *subparagraph (i)*, being actions of the Health Service Executive that, in the opinion of the Ombudsman, were taken solely on such advice;
- (j) the Legal Aid Board, insofar as it relates to the provision of legal services (advice or representation) by solicitors of the Legal Aid Board, or by private solicitors working under the auspices of the Legal Aid Board, to clients;
- (k) a local authority (within the meaning of the **Local Government Act 2001**), insofar as it relates to the performance of reserved functions within the meaning of that Act;
- (l) the Medical Council, except as it relates to an action taken in the performance of administrative functions relating to the establishment and maintenance of a register of medical practitioners under the **Medical Practitioners Act 2007** and to its role as the competent authority for the purposes of mutual recognition of medical qualifications obtained in or recognised by a Member State;
- (m) the Personal Injuries Assessment Board, except as it relates to an action taken in the performance of administrative functions under Part 3 of the **Personal Injuries Assessment Board Act 2003**;

- (n) the Pharmaceutical Society of Ireland, except as it relates to an action taken in the performance of administrative functions relating to the establishment and maintenance of registers of pharmacists, pharmaceutical assistants and retail pharmacy businesses under the **Pharmacy Act 2007** and to its role as the competent authority for the purposes of the mutual recognition of relevant qualifications obtained in or recognised by a Member State;
- (o) the Pre-Hospital Emergency Care Council, except as it relates to an action taken in the performance of administrative functions relating to the establishment and maintenance of registers of pre-hospital emergency care practitioners under the **Pre-Hospital Emergency Care Council (Establishment) Order) 2000 (S.I. No. 109 of 2000)** and to its role as the competent authority for the purposes of mutual recognition of relevant qualifications obtained in or recognised by a Member State;
- (p) the Private Residential Tenancies Board, except as it relates to an action taken in the performance of administrative functions under Part 7 of the **Residential Tenancies Act 2004**;
- (q) the Property Services Appeal Board, except as it relates to an action taken in the performance of administrative functions relating to the establishment and maintenance of a register of licensed property service providers under the **Property Services (Regulation) Act 2011** and to the specification of qualification and other requirements for property service providers under that Act;
- (r) the Property Services Regulatory Authority, except as it relates to an action taken in the performance of administrative functions relating to the establishment and maintenance of a register of licensed property service providers under the **Property Services (Regulation) Act 2011** and to its role relating to the specification of qualification and other requirements for property service providers under that Act;
- (s) the Radiological Protection Institute of Ireland, except as it relates to an action taken in the performance of administrative functions under **section 7** of the **Radiological Protection (Amendment) Act 2002**;
- (t) the Veterinary Council of Ireland, except as it relates to an action taken in the performance of administrative functions relating to the establishment and maintenance of a register of veterinary practitioners and a register of veterinary nurses under the **Veterinary Practice Act 2005** and to its role as the competent authority for the purposes of the mutual recognition of veterinary qualifications obtained in or recognised by a Member State.]

Section 4.

F26[SECOND SCHEDULE

Exempt Agencies

1. Abbey Theatre
2. Aer Lingus
3. An Bord Pleanála
4. An Post

5. Army Pensions Board
6. Arramara Teoranta
7. Bantry Bay Harbour Commissioners
8. Bord Gais Éireann
9. Bord na gCon
10. Bord na Móna
11. Broadcasting Authority of Ireland
12. Bus Átha Cliath — Dublin Bus
13. Bus Éireann
14. Central Bank of Ireland
15. Coillte Teoranta
16. Coimisinéir Teanga
17. Commission for Aviation Regulation
18. Commission for Communications Regulation
19. Commission for Energy Regulation
20. Commission for Public Service Appointments
21. Commission to Inquire into Child Abuse
22. Commissioners of Irish Lights
23. Comptroller and Auditor General
24. Córas Iompair Éireann
25. Cork Airport Authority plc.
26. Coroners appointed under the [Coroners Act 1962](#)
27. Criminal Assets Bureau
28. Data Protection Commissioner
29. Defence Forces
30. Director of Public Prosecutions
31. Drogheda Port Company
32. Dublin Airport Authority plc.
33. Dublin Port Company
34. Dun Laoghaire Harbour Company
35. EirGrid plc.
36. Electricity Supply Board
37. Employment Appeals Tribunal

- 38. Environmental Protection Agency
- 39. Equality Tribunal
- 40. Financial Services Ombudsman
- 41. Galway Harbour Company
- 42. F27[...]
- 43. Garda Síochána
- F28[44. Fiosrú - Oifig an Ombudsman Póilíneachta]
- 45. Health Insurance Authority
- 46. Horse Racing Ireland
- 47. Housing Finance Agency plc.
- 48. Human Rights Commission
- 49. Iarnród Éireann — Irish Rail
- 50. Irish Auditing and Accounting Supervisory Authority
- 51. Irish Aviation Authority
- 52. Irish Bank Resolution Corporation Limited
- 53. Irish Film Board
- 54. Irish Financial Services Appeals Tribunal
- 55. Irish National Petroleum Corporation Limited
- 56. Irish National Stud Company Limited
- 57. Judge Advocate-General
- 58. Judicial Appointments Advisory Board
- 59. Judicial Studies Institute
- 60. Labour Court
- 61. Labour Relations Commission
- 62. Law Reform Commission
- 63. Marine Casualty Investigation Board
- 64. Medical Bureau of Road Safety
- 65. Mental Health (Criminal Law) Review Board
- 66. Mental Health Commission
- 67. Mining Board
- 68. National Advisory Committee on Drugs
- 69. National Asset Management Agency
- 70. National Concert Hall

- 71. F29[...]
- 72. National Disability Authority
- 73. National Economic and Social Development Office
- 74. National Lottery Company (within the meaning of the **National Lottery Act 1986**)
- 75. National Oil Reserves Agency
- 76. F30[...]
- 77. National Tourism Development Authority
- 78. National Treasury Management Agency
- 79. New Ross Port Company
- 80. Office of the Attorney General
- 81. Office of the Confidential Recipient
- 82. Office of the Director of Corporate Enforcement
- 83. Office of the Information Commissioner
- 84. Office of the Inspector of Prisons
- 85. Office of the Ombudsman
- 86. Office of the Ombudsman for Children
- 87. Office of the Ombudsman for the Defence Forces
- 88. Office of the President
- 89. Pensions Ombudsman
- 90. Poisons Council
- 91. Port of Cork Company
- 92. Port of Waterford Company
- 93. Private Security Authority
- 94. Private Security Appeal Board
- 95. Raidió Teilifís Éireann
- 96. Railway Procurement Agency
- 97. Referendum Commission
- 98. Refugee Appeals Tribunal
- 99. Refugee Applications Commissioner
- 100. Residential Institutions Redress Board
- 101. Rights Commissioners
- 102. Shannon Airport Authority plc.
- 103. Shannon Foynes Port Company

104. Social Welfare Tribunal

105. Standards in Public Office Commission

106. State Pathologist

107. Teilifís na Gaeilge

108. Valuation Tribunal

109. Voluntary Health Insurance Board

110. Wicklow Port Company]

F31[111. An tÚdarás Póilíneachta agus Sábháilteachta Pobail

112. Oifig an Scrúdaitheora Neamhspleáchum Reachtaíocht Slándála]

ACTS REFERRED TO

Civil Service Commissioners Act, 1956	1956, No. 45
Civil Service Regulation Acts, 1956 and 1958	
Court Officers Acts, 1926 to 1961	
Court (Supplemental Provisions) Act, 1961	1961, No. 39
Fisheries (Consolidation) Act, 1959	1959, No. 14
Harbours Acts, 1946 to 1976	
Health Acts, 1947 to 1970	
Health (Corporate Bodies) Act, 1961	1961, No. 27
Interpretation Act, 1937	1937, No. 38
Local Government Act, 1941	1941, No. 23
Official secrets Act, 1963	1963, No. 1
Social Welfare Acts, 1952 to 1979	



Number 26 of 1980

OMBUDSMAN ACT 1980

REVISED

Updated to 2 April 2025

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Ombudsman Acts 1980 to 2012: this Act is one of a group of Acts included in this collective citation (*Ombudsman (Amendment) Act 2012* (38/2012), s. 1(2)). The Acts in the group are:

- *Ombudsman Act 1980* (26/1980)
- *Finance Act 1981* (16/1981), s. 52
- *Ombudsman (Amendment) Act 1984* (19/1984)
- *Ombudsman (Amendment) Act 2012* (38/2012)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.