Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 49 *of* 1998

PROTECTIONS FOR PERSONS REPORTING CHILD ABUSE ACT 1998

REVISED

Updated to 1 February 2019

This Revised Act is an administrative consolidation of the *Protections for Persons Reporting Child Abuse Act 1998*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Local Government Act 2019* (1/2019), enacted 25 January 2019, and all statutory instruments up to and including *Brown Crab (Conservation Of Stocks) Regulations 2019* (S.I. No. 26 of 2019), made 1 February 2019, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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PROTECTIONS FOR PERSONS REPORTING CHILD ABUSE ACT 1998

REVISED

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Designated officers.
3. Protection from civil liability of persons who have reported child abuse.
4. Protection of employees from penalisation for having reported child abuse.
5. False reporting of child abuse.
6. Saving.
7. Short title and commencement.

ACTS REFERRED TO

Health Act, 1970	1970, No. 1
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict., c. 93
Terms of Employment (Information) Act, 1994	1994, No. 5
Unfair Dismissals Act, 1977	1977, No. 10
Unfair Dismissals Acts, 1977 to 1993	

Number 49 *of* 1998

PROTECTIONS FOR PERSONS REPORTING CHILD ABUSE ACT 1998

REVISED

Updated to 1 February 2019

AN ACT TO PROVIDE PROTECTION FROM CIVIL LIABILITY TO PERSONS WHO REPORT CHILD ABUSE IN CERTAIN CIRCUMSTANCES, TO PROVIDE PROTECTION TO SUCH PERSONS FROM PENALISATION BY THEIR EMPLOYERS, TO PROVIDE FOR AN OFFENCE IN RESPECT OF THE FALSE REPORTING OF CHILD ABUSE AND TO PROVIDE FOR RELATED MATTERS. [23*rd December*, 1998]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Editorial Notes:

E1 Act included among Acts referred to in definition of "health and social services" (23.12.2004) by *Health Act 2004* (42/2004), s. 2 and sch. 1, S.I. No. 886 of 2004.

Interpretation.

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

"the Act of 1994" means the Terms of Employment (Information) Act, 1994;

"appropriate person" means a designated officer or a member of the Garda Síochána;

"child" means a person who has not attained 18 years of age;

"employee" and "employer" have the same meaning as they have in the Act of 1994;

F1**[**'designated officer' means an employee of the Health Service Executive or the Child and Family Agency appointed under section 2 of this Act to be a designated officer for the purposes of this Act.**]**

F2**[**...**]**

"the Minister" means the Minister for Health and Children;

"welfare", in relation to a child, comprises the moral, intellectual, physical, emotional and social welfare of the child.

(2) In this Act a reference to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

Annotations

Amendments:

F1 Substituted (1.01.2014) by *Child and Family Agency Act 2013* (40/2013), s. 97 and sch. 2, part 10 item 1, S.I. No. 502 of 2013.

F2 Deleted (1.01.2005) by *Health Act 2004* (42/2004), s. 75 and sch 7, part 9 item 1(b), S.I. No. 887 of 2004.

Modifications (not altering text):

C1 Functions transferred from Minister and Department of Health and Children to Minister and Department of Children and Youth Affairs (3.06.2011) by *Office of the Minister for Children and Youth Affairs (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 218 of 2011), arts. 2, 3 and sch., subject to transitional provisions in arts. 4-8.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Children and Youth Affairs.

(2) References to the Department of Health and Children contained in any Act or any instrument made thereunder and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Children and Youth Affairs.

3. (1) The functions vested in the Minister for Health and Children by or under the Acts specified in the Schedule are transferred to the Minister for Children and Youth Affairs.

...

(3) References to the Minister for Health and Children contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Children and Youth Affairs.

Editorial Notes:

E2 Previous affecting provision: definition substituted (1.01.2005) by *Health Act 2004* (42/2004), s. 75 and sch. 7 part 9 item 1(a), S.I. No. 887 of 2004, superceded as per F-note above.

Designated officers.

F3**[2.** (1) The Health Service Executive and the Child and Family Agency shall from time to time as occasion may require (including a case in which a direction is given under this section), appoint one or more employees of the Health Service Executive or of the Child and Family Agency as the case may be, to be a designated officer or officers for the purposes of this Act; in making any such appointment, the Health Service Executive and the Child and Family Agency shall comply with any direction under this section for the time being in force.

(2) The Minister may, with the consent of the Minister for Health, give a direction in writing to the Health Service Executive or the Minister may give a direction in writing to the Child and Family Agency requiring it to appoint to be designated officers each person falling within a category or categories of employee of the Health Service Executive or the Child and Family Agency specified in the direction.

(3) The Minister may give a direction in writing to the Health Service Executive or the Child and Family Agency amending or revoking a direction given to it under this section (including a direction under this subsection).**]**

Annotations

Amendments:

F3 Substituted (1.01.2014) by *Child and Family Agency Act 2013* (40/2013), s. 97 and sch. 2, part 10 item 2, S.I. No. 502 of 2014.

Editorial Notes:

E3 Provision for continuation of appointment as designated officer and revocation and amendment of such appointment by the Child and Family Agency made (1.01.2014) by *Child and Family Agency Act 2013* (40/2013), s. 93, S.I. No. 502 of 2013.

E4 Previous affecting provision: section substituted (1.01.2005) by *Health Act 2004* (42/2004), s. 75 and sch. 7 part 9 item 1(a), S.I. No. 887 of 2004, substituted as per F-note above.

Protection from civil liability of persons who have reported child abuse.

3.—(1) A person who, apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that—

(*a*) a child has been or is being assaulted, ill-treated, neglected or sexually abused, or

(*b*) a child's health, development or welfare has been or is being avoidably impaired or neglected,

unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.

(2) The reference in *subsection (1)* of this section to liability in damages shall be construed as including a reference to liability to be the subject of an order providing for any other form of relief.

F4**[**(3) This section does not apply to a communication that is a protected disclosure within the meaning of the Protected Disclosures Act 2014.**]**

Annotations

Amendments:

F4 Inserted (15.07.2014) by *Protected Disclosures Act 2014* (14/2014), s. 24(1) and sch. 4 part 1 item 1, S.I. No. 327 of 2014.

Protection of employees from penalisation for having reported child abuse.

4.—(1) An employer shall not penalise an employee for having formed an opinion of the kind referred to in *section 3* of this Act and communicated it, whether in writing or otherwise, to an appropriate person if the employee has acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.

F5**[**(1A) Subsection (1) does not apply to a communication that is a protected disclosure within the meaning of the Protected Disclosures Act 2014.**]**

(2) In proceedings F6**[**under Part 4 of the Workplace Relations Act 2015 before an adjudication officer or the Labour Court**]** in relation to a complaint that *subsection (1)* of this section has been contravened, it shall be presumed, until the contrary is proved, that the employee concerned acted reasonably and in good faith in forming the opinion and making the communication concerned.

(3) If a penalisation of an employee, in contravention of *subsection (1)* of this section, constitutes a dismissal of the employee within the meaning of the Unfair Dismissals Acts, 1977 to 1993, relief may not be granted to the employee in respect of that

penalisation both F6**[**under Part 4 of the Workplace Relations Act 2015**]** and under those Acts.

(4) An employee may present a complaint to a rights commissioner that his or her employer has contravened *subsection (1)* of this section in relation to him or her and, if he or she does so, the commissioner shall give the parties an opportunity to be heard by the commissioner and to present to the commissioner any evidence relevant to the complaint, shall give a decision in writing in relation to it and shall communicate the decision to the parties.

F6**[**(5) A decision of an adjudication officer under section 41 of the Workplace Relations Act 2015 in relation to a complaint of a contravention of *subsection (1)* shall do one or more of the following, namely—

(a) declare that the complaint was or, as the case may be, was not well founded,

(b) require the employer to comply with *subsection (1)*, and, for that purpose, require the employer to take a specified course of action,

(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all of the circumstances, but not exceeding 104 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.**]**

F6**[**(6) A decision of the Labour Court under section 44 of the Workplace Relations Act 2015, on appeal from a decision of an adjudication officer referred to in *subsection (5)*, shall affirm, vary or set aside the decision of the adjudication officer.**]**

(7) F7**[**...**]**

Annotations

Amendments:

F5 Inserted (15.07.2014) by *Protected Disclosures Act 2014* (14/2014), s. 24(1) and sch. 4 part 1 item 1, S.I. No. 327 of 2014.

F6 Substituted (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 52(1) and sch. 7 part 1 ref. 12(a)-(d), S.I. No. 410 of 2015, subject to transitional provisions in subs. (3).

F7 Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 52(1) and sch. 7 part 1 ref. 12(e), S.I. No. 410 of 2015, subject to transitional provisions in subs. (3).

Editorial Notes:

E5 Redress and appeal procedures for disputes under subs. (5) provided (1.10.2015) by *Workplace Relations Act 2015* (16/2015), ss. 41, 44 and sch. 5 part 1 item 8, sch. 6 part 1 item 12, sch. 6 part 2 item 12, S.I. No. 410 of 2015.

E6 Subs. (1) included in definitions of "employment enactment" and "relevant enactment" (1.08.2015) by *Workplace Relations Act 2015* (16/2015), s. 2 and sch. 1 part 2 item 2, S.I. No. 338 of 2015, with the following effects:

- Authorised officers or inspectors under employment enactments deemed to be appointed under *Workplace Relations Act 2015* (16/2015), s. 26(2) and subject to termination under s. 26(4).
- Powers of inspectors for purposes of relevant enactments defined in *Workplace Relations Act 2015* (16/2015), s. 27.
- Workplace Relations Commission, an inspector or an adjudication officer authorised to disclose employer's registered number or employee's PPSN to enable Labour Court to perform functions under relevant enactments by *Workplace Relations Act 2015* (16/2015) s. 31(5).
- Power of Workplace Relations Commission and official body to disclose information to each other concerning the commission of offence under relevant enactment provided by *Workplace Relations Act 2015* (16/2015), s. 32.

- Power of Workplace Relations Commission and contracting authority to disclose information to each other concerning the commission of offence under employment enactment/ relevant enactment provided by *Workplace Relations Act 2015* (16/2015), s. 33.
- Powers of Minister to prosecute under relevant enactments transferred to Workplace Relations Commission and references construed by *Workplace Relations Act 2015* (16/2015), s. 37.
- Functions of EAT to hear claims under employment enactments transferred to Workplace Relations Commission and references to EAT construed by *Workplace Relations Act 2015* (16/2015) s. 66(1), (2), not commenced as of date of revision.

False reporting of child abuse.

5.—(1) A person who states to an appropriate person that—

(*a*) a child has been or is being assaulted, ill–treated, neglected or sexually abused, or

(*b*) a child's health, development or welfare has been or is being avoidably impaired or neglected,

knowing that statement to be false shall be guilty of an offence.

F8**[**(1A) This section does not apply to the making of a statement that is a protected disclosure within the meaning of the Protected Disclosures Act 2014.**]**

(2) A person guilty of an offence under this section shall be liable—

(*a*) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both,

(*b*) on conviction on indictment, to a fine not exceeding £15,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be instituted within 2 years from the date on which the offence was committed or, if later, 2 years from the date on which evidence that, in the opinion of the person by whom the proceedings are brought, is sufficient to justify the bringing of the proceedings comes to that person's knowledge.

(4) For the purposes of *subsection (3)* of this section, a certificate signed by or on behalf of the person bringing the proceedings as to the date on which the evidence referred to in that subsection relating to the offence concerned came to his or her knowledge shall be *prima facie* evidence thereof and in any legal proceedings a document purporting to be a certificate issued for the purpose of this subsection and to be so signed shall be deemed to be so signed and shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate.

Annotations

Amendments:

F8 Inserted (15.07.2014) by *Protected Disclosures Act 2014* (14/2014), s. 24(1) and sch. 4 part 1 item 1, S.I. No. 327 of 2014.

Modifications (not altering text):

C2 Application of subs. (2)(a) affected (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(2), (3), S.I. No. 662 of 2010. The Euro equivalent of £1,500 is €1,904.61.

Definitions.

3.— In this Part— ...

"class C fine" means a fine not exceeding €2,500;

...

Class C fines.

6.— ...

(2) Subject to subsection (3), where an enactment enacted during a period specified in column (2) of the Table opposite a particular reference number specified in column (1) of the Table provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that falls within the range of amounts specified in column (3) of the Table opposite the same reference number, a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine, but shall instead be liable to a class C fine.

(3) Where an enactment enacted before the commencement date provides that a person who commits an offence under the enactment shall be liable, upon summary conviction, to a fine not exceeding an amount that—

(*a*) was provided for by virtue of a subsequent enactment enacted during a period specified in column (2) of the Table opposite a particular reference number specified in *column (1)* of the Table, and

(*b*) falls within the range of amounts specified in *column (3)* of the Table opposite the same reference number,

a person who commits that offence after the commencement date shall, upon summary conviction, not be liable to that fine but shall instead be liable to a class C fine.

TABLE

Reference Number (1)	Period (2)	Range of amounts (3)
1.	1 January 1997 to day immediately before commencement date	Not greater than €2,500 but greater than €1,000
...	...	...

...

Editorial Notes:

E7 False reporting of child abuse designated a serious offence (26.01.2011) by *Communication (Retention of Data) Act 2011* (3/2011), s. 1 and sch. 1 item 5, commenced on enactment.

E8 In relation to subs. (2)(b), the Euro equivalent of £15,000 is €19,046.07.

Saving.

6.—*Section 3* of this Act is in addition to, and not in substitution for, any privilege or defence available in legal proceedings, by virtue of any enactment or rule of law in force immediately before the passing of this Act, in respect of the communication by a person to another (whether that other person is an appropriate person or not) of his or her opinion that—

(*a*) a child has been or is being assaulted, ill-treated, neglected or sexually abused, or

(*b*) a child's health, development or welfare has been or is being avoidably impaired or neglected.

Short title and commencement.

7.—(1) This Act may be cited as the Protections for Persons Reporting Child Abuse Act, 1998.

(2) This Act shall come into operation one month after its passing.

Number 49 *of* 1998

PROTECTIONS FOR PERSONS REPORTING CHILD ABUSE ACT 1998

REVISED

Updated to 1 February 2019

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

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1977, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Workplace Relations Act 2015* (16/2015)
- *Protected Disclosures Act 2014* (14/2014)
- *Child and Family Agency Act 2013* (40/2013)
- *Communication (Retention of Data) Act 2011* (3/2011)
- *Fines Act 2010* (8/2010)
- *Health Act 2007* (23/2007)

• *Health Act 2004* (42/2004)

All Acts up to and including *Local Government Act 2019* (1/2019), enacted 25 January 2019, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

• *Office of the Minister for Children and Youth Affairs (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 218 of 2011)

All statutory instruments up to and including *Brown Crab (Conservation Of Stocks) Regulations 2019* (S.I. No. 26 of 2019), made 1 February 2019, were considered in the preparation of this revision.