



STATUTORY INSTRUMENTS.

S.I. No. 300 of 2015



OMBUDSMAN ACT 1980 (SECTION 1A) (NO. 2) ORDER 2015

OMBUDSMAN ACT 1980 (SECTION 1A) (NO. 2) ORDER 2015

I, BRENDAN HOWLIN, Minister for Public Expenditure and Reform, in exercise of the powers conferred on me by subsection (1) of section 1A of the Ombudsman Act 1980 (No. 26 of 1980) (inserted by section 4 of the Ombudsman (Amendment) Act 2012 (No. 38 of 2012)), and having complied with the requirements of subsections (1) and (3) of that section, hereby order as follows:

1. This Order may be cited as the Ombudsman Act 1980 (Section 1A) (No. 2) Order 2015.

2. This Order comes into operation on the 24th day of August 2015.

3. In this Order—

“nursing home” has the meaning assigned to it in section 2 of the Health (Nursing Homes) Act 1990 (No. 23 of 1990),

“relevant subvention” has the meaning assigned to it by section 7 (inserted by section 3 of the Health (Nursing Homes) (Amendment) Act 2007 (No. 1 of 2007)) of the Health (Nursing Homes) Act 1990,

“State support” has the meaning assigned to it in section 3 of the Nursing Homes Support Scheme Act 2009 (No. 15 of 2009).

4. Subject to article 6, it is declared that a nursing home is a reviewable agency in respect of any actions taken by or on behalf of it in the performance of administrative functions.

5. There is excluded from review any nursing home that does not provide care services to any person in receipt of a relevant subvention or State support in respect of meeting the costs of their care services.

6. The Ombudsman shall not investigate an action taken:

(a) by persons when acting on behalf of a nursing home and (in the opinion of the Ombudsman) solely in the exercise of clinical judgment in connection with the diagnosis of illness or care or treatment of a patient, whether such opinion is formed by the person taking the action or by any other person;

(b) by a nursing home when acting on the advice of persons referred to in paragraph (a), being actions of the nursing home that, in the opinion of the Ombudsman, were taken solely on such advice.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 17th July, 2015.

7. The Ombudsman Act 1980 (Section 1A) Order 2015 (S.I. 270 of 2015) is revoked.

The Minister for Health consents to the making of the above Order.



GIVEN under the Official Seal of the Minister for Health,
15 July 2015.

LEO VARADKAR,
Minister for Health.



GIVEN under my Official Seal,
15 July 2015.

BRENDAN HOWLIN,
Minister for Public Expenditure.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27



Wt. (B31383). 285. 7/15. Clondalkin. Gr 30-15.