



Number 3 of 2025

Financial Services and Pensions Ombudsman (Amendment) Act 2025



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CONTENTS

Section

1. Definition
2. Amendment of section 2 of Principal Act
3. Amendment of section 3 of Principal Act
4. Amendment of section 8 of Principal Act
5. Amendment of section 9 of Principal Act
6. Amendment of section 10 of Principal Act
7. Amendment of section 11 of Principal Act
8. Amendment of section 13 of Principal Act
9. Amendment of section 14 of Principal Act
10. Amendment of section 15 of Principal Act
11. Amendment of section 17 of Principal Act
12. Amendment of section 44 of Principal Act
13. Amendment of section 47 of Principal Act
14. Amendment of section 50 of Principal Act
15. Amendment of section 55 of Principal Act
16. Amendment of section 56 of Principal Act
17. Amendment of section 58 of Principal Act
18. Amendment of section 59 of Principal Act
19. Amendment of section 62 of Principal Act
20. Short title and commencement

[No. 3.]

*Financial Services and Pensions
Ombudsman (Amendment) Act 2025.*

[2025.]

ACTS REFERRED TO

Central Bank Act 1997 (No. 8)

Consumer Protection (Regulation of Credit Servicing Firms) Act 2015 (No. 21)

Consumer Protection (Regulation of Credit Servicing Firms) Act 2018 (No. 36)

Data Protection Act 2018 (No. 7)

Financial Services and Pensions Ombudsman Act 2017 (No. 22)

National Asset Management Agency Act 2009 (No. 34)



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FINANCIAL SERVICES AND PENSIONS OMBUDSMAN (AMENDMENT) ACT 2025

An Act to amend the Financial Services and Pensions Ombudsman Act 2017; to make provision regarding the calculation of expenses incurred by the Ombudsman in the performance of his or her functions; to provide for the appointment of additional persons to act as Ombudsman; to make further provision for the conduct of investigations; to provide for certain other consequential amendments; and to provide for related matters. [15th April, 2025]

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act, “Principal Act” means the Financial Services and Pensions Ombudsman Act 2017.

Amendment of section 2 of Principal Act

2. Section 2 of the Principal Act is amended—

(a) in subsection (1)—

- (i) in the definition of “financial service provider”, by the insertion of the following paragraphs after paragraph (g):

“(ga) a person who, before the commencement of the Consumer Protection (Regulation of Credit Servicing Firms) Act 2015, engaged in any of the activities referred to in subparagraphs (i) to (iii) of paragraph (a) of the definition of ‘credit servicing’ in section 28(1) of the Central Bank Act 1997 and does not otherwise fall within paragraph (gb);

(gb) a person who, before the commencement of the Consumer Protection (Regulation of Credit Servicing Firms) Act 2018, engaged in any of the activities referred to in subparagraphs (i) to (iii) of paragraph (a) of the definition of ‘credit servicing’ in section 28(1) of the Central Bank Act 1997 and does not otherwise fall within paragraph (ga);”;

and

- (ii) by the insertion of the following definition:

“ ‘Credit Reviewer’ has the meaning given to it by the Guidelines issued under section 210(1) of the National Asset Management Agency Act 2009 (S.I. No. 127 of 2010);”,

and

(b) by the insertion of the following subsection after subsection (3):

“(4) For the purposes of the application of this Act to a complaint, a reference in this Act to a financial service provider or a pension provider, as the case may be, shall, unless the context otherwise requires, be construed as including a person who was a financial service provider or a pension provider, as the case may be, at the time of the conduct complained of.”.

Amendment of section 3 of Principal Act

3. Section 3 of the Principal Act is amended by the substitution of the following subsection for subsection (3):

“(3) The calculation of expenses to be charged to the levy, under subsection (2)(a), and to the Oireachtas, under subsection (2)(b), shall be based on the percentage division of the complaints received by the Ombudsman in the 3 immediately preceding financial years between—

- (a) complaints relating to financial service providers, and
- (b) complaints relating to pension providers.”.

Amendment of section 8 of Principal Act

4. Section 8 of the Principal Act is amended—

- (a) in subsection (1)(b), by the substitution of “a person or more than one person” for “a person”,
- (b) in subsection (5), by the substitution of “any Deputy Ombudsman” for “Deputy Ombudsman”,
- (c) in subsection (6), by the substitution of “the Ombudsman or a Deputy Ombudsman” for “the Ombudsman or Deputy Ombudsman”,
- (d) in subsection (7), by the substitution of “any Deputy Ombudsman” for “Deputy Ombudsman”, and
- (e) in subsection (8), by the substitution of “any Deputy Ombudsman” for “Deputy Ombudsman”.

Amendment of section 9 of Principal Act

5. Section 9 of the Principal Act is amended, in subsection (1), by the substitution of “the Ombudsman or a Deputy Ombudsman” for “the Ombudsman or Deputy Ombudsman”.

Amendment of section 10 of Principal Act**6.** Section 10 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “The Minister shall appoint a person specified in subsection (1A)” for “Where there are 2 or more Deputy Ombudsmen, one of those shall be appointed by the Minister”,
- (b) by the insertion of the following subsection after subsection (1):

“(1A) The person referred to in subsection (1) shall be—

 - (a) where there is one Deputy Ombudsman, that Deputy Ombudsman,
 - (b) where there is more than one Deputy Ombudsman, one of those Deputy Ombudsmen, or
 - (c) where there is no Deputy Ombudsman, a member of staff appointed under section 15(1).”,
- (c) in subsection (3), by the substitution of “a person” for “a Deputy Ombudsman”, and
- (d) in subsection (4), by the substitution of “A person appointed under this section” for “A Deputy Ombudsman”.

Amendment of section 11 of Principal Act**7.** Section 11 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “remove the Ombudsman or a Deputy Ombudsman” for “remove the Ombudsman or Deputy Ombudsman”,
- (b) in subsection (2), by the substitution of “a Deputy Ombudsman” for “Deputy Ombudsman”, and
- (c) in subsection (3), by the substitution of “a Deputy Ombudsman” for “Deputy Ombudsman”.

Amendment of section 13 of Principal Act**8.** Section 13 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “a Deputy Ombudsman” for “the Deputy Ombudsman”,
- (b) in subsection (2), by the substitution of “a Deputy Ombudsman” for “the Deputy Ombudsman”, and
- (c) in subsection (3), by the substitution of “A Deputy Ombudsman” for “The Deputy Ombudsman”.

Amendment of section 14 of Principal Act**9.** Section 14 of the Principal Act is amended—

- (a) in subsection (2), by the substitution of “any Deputy Ombudsman” for “the Deputy Ombudsman”, and
- (b) in subsection (3), by the substitution of “any Deputy Ombudsman” for “Deputy Ombudsman”.

Amendment of section 15 of Principal Act

- 10.** Section 15 of the Principal Act is amended, in subsection (11), by the substitution of “a Deputy Ombudsman” for “the Deputy Ombudsman” in both places where it occurs.

Amendment of section 17 of Principal Act

- 11.** Section 17 of the Principal Act is amended—

- (a) in subsection (2), by the substitution of the following paragraph for paragraph (a):

“(a) a Deputy Ombudsman;”,

and

- (b) in subsection (5), by the substitution of the following paragraph for paragraph (b):

“(b) a Deputy Ombudsman,”.

Amendment of section 44 of Principal Act

- 12.** Section 44 of the Principal Act is amended, in subsection (2)(c)(i), by the substitution of “Workplace Relations Commission, the Credit Reviewer” for “Workplace Relations Commission”.

Amendment of section 47 of Principal Act

- 13.** Section 47 of the Principal Act is amended, in subsection (3)(b), by the substitution of “examined and cross-examined on oath or affirmation” for “examined on oath”.

Amendment of section 50 of Principal Act

- 14.** Section 50 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “subsection (3)(b) and section 44(2)(a)(i)” for “sections 44(2)(a)(i) and 54(1)”, and
- (b) in subsection (3)(c), by the substitution of “Workplace Relations Commission, the Credit Reviewer or the Pensions Authority,” for “Workplace Relations Commission or Pensions Authority”.

Amendment of section 55 of Principal Act**15.** Section 55 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “financial service providers, or certain classes of financial service providers, and pension providers, or certain classes of pension providers,” for “financial service providers and pension providers”, and
- (b) in subsection (2)(e), by the substitution of “financial service providers, or certain classes of financial service providers, and pension providers, or certain classes of pension providers,” for “financial service providers and pension providers”.

Amendment of section 56 of Principal Act**16.** Section 56 of the Principal Act is amended—

- (a) in subsection (4), by the substitution of “Subject to subsection (4A), the Ombudsman shall” for “The Ombudsman shall”, and
- (b) by the insertion of the following subsection after subsection (4):

“(4A) Where an investigation into a complaint made under this Part includes an oral hearing, the Ombudsman shall, on his or her own motion or upon the application by or on behalf of a party to the complaint, having consulted with the parties to the complaint and having considered the nature or circumstances of the complaint and whether it is in the interests of justice to do so, decide whether the oral hearing shall be conducted in public.”.

Amendment of section 58 of Principal Act**17.** Section 58 of the Principal Act is amended by the insertion of the following subsection after subsection (3):

“(3A) The Ombudsman shall conduct a mediation under this section in private.”.

Amendment of section 59 of Principal Act**18.** Section 59 of the Principal Act is amended, in subsection (1)—

- (a) in paragraph (d), by the substitution of “misleading,” for “misleading, or”,
 - (b) by the substitution of the following paragraph for paragraph (e):

“(e) refuses to comply with a summons to attend before, or to be examined and cross-examined on oath or affirmation by, the Ombudsman, or”,
- and
- (c) by the insertion of the following paragraph after paragraph (e):

“(f) gives evidence on oath or affirmation that is false and that he or she knows to be false,”.

Amendment of section 62 of Principal Act

19. Section 62 of the Principal Act is amended—

(a) in subsection (1), by the substitution of “section 60 or 61” for “section 61 or 62”,

(b) by the substitution of the following subsection for subsection (2):

“(2) Subject to subsection (2A), the Ombudsman—

(a) shall publish—

(i) decisions made by him or her after the establishment day in relation to complaints concerning financial service providers, and

(ii) case studies in relation to complaints concerning pension providers,

and

(b) may, if he or she considers it appropriate to do so in any particular case, publish, in such form as he or she thinks fit, a report in relation to any investigation under this Part and the result of that investigation,

in such a manner that—

(I) ensures that—

(A) a complainant shall not be identified by name, address or otherwise, and

(B) a financial service provider or a pension provider, as the case may be, shall not be identified by name or address,

and

(II) ensures compliance with the Data Protection Regulation and the Data Protection Act 2018.”,

(c) by the insertion of the following subsection after subsection (2):

“(2A) Where the Ombudsman has, as part of an investigation into a complaint, conducted an oral hearing in public under section 56(4A), the Ombudsman may identify the complainant and either the financial service provider or the pension provider concerned when publishing decisions, case studies or reports, as the case may be, under subsection (2).”,

(d) by the repeal of subsection (3), and

- (e) in subsection (4), by the substitution of “any decision, case study or report, as the case may be, under subsection (2)” for “any report under subsection (2) or (3)”.

Short title and commencement

- 20.** (1) This Act may be cited as the Financial Services and Pensions Ombudsman (Amendment) Act 2025.
- (2) This Act shall come into operation on such day or days as the Minister for Finance may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.