

# The Faroese Ombudsman Act

## Løgting Act no. 60 of 10 May 2000 on the Ombudsman of the Løgting

### Part 1

#### The Ombudsman and the Løgting

§ 1. The Løgting shall elect a person outside its ranks for a five year period to supervise the Faroese public administration.

(2) If the Ombudsman dies in office or he for other reasons is unable to carry out his duties, the leadership of the Løgting shall determine who shall assume the office, until the Løgting elects another Ombudsman. The same shall apply if the Ombudsman offers his resignation, or the Løgting terminates his period in office according to (3).

(3) If the Løgting no longer has confidence in the Ombudsman, two thirds of the Members of the Løgting may terminate his period in office.

§ 2. The Ombudsman, who cannot sit in the Løgting nor on municipal councils, shall if at all possible have a legal scientific education.

§ 3. Acts of the Løgting may provide general rules for the institution of the Ombudsman. Otherwise, the Ombudsman conducts his official duties independently of the Løgting.

### Part 2

#### Jurisdiction

§ 4. The responsibilities of the Ombudsman extend to all the Faroese public administration (of the Land and of the Kommunur municipalities).

(2) The scope of the Act shall extend to association, institutions, organisations etc. that function as part of the public administration within the scope of the Administration Act, the Freedom of Information Act or the Data Protection Act.

(3) In his assessment of municipal administration, the Ombudsman shall consider the special circumstances under which municipalities function.

(4) Inter-municipal corporations fall within the jurisdiction of the Ombudsman.

(5) The jurisdiction of the Ombudsman does not include administrative entities of the Realm, the Løgting and bodies under the Løgting.

§ 5. The ombudsman shall supervise that those administrative entities mentioned in § 4 do not make mistakes or wrongfully discharge their duties and that the public administration does not commit injustice towards the individual citizen.

### Part 2

#### Complaints and Own Initiative

§ 6. Anyone can submit a complaint to the Ombudsman concerning those in § 4 mentioned administrative authorities.

(2) A person who complains shall mention his name in the complaint. The complaint shall be submitted to the Ombudsman at the latest one year after the facts complained about took place.

(3) A complaint concerning decisions that a possible higher authority may change cannot be submitted to the Ombudsman before the higher authority concerned has made its decisions on the matter. The time limit mentioned in (2) shall in such cases be counted from the day that the higher authority made its decision.

(4) The Ombudsman determines whether there is basis for further investigation in matters submitted as complaints.

(5) The Ombudsman may on his own initiative take up a matter for consideration and conduct the necessary investigations of the matter.

### Part 4

#### Investigations

§ 7. If the Ombudsman decides to take up a complaint for consideration he shall immediately notify the administration concerned on the content of the complaint, unless there is risk that this may hinder the investigation. Furthermore, the administration shall be asked to submit an evaluation of the matter before the Ombudsman decides to make his assessment of the matter according to § 10 (2). The Ombudsman can set a time limit for the evaluation.

§ 8. Those administrations referred to in § 4 have a duty to provide the Ombudsman with the information and provide all those documents that he in his capacity demands to have presented.

(2) The Ombudsman can subpoena people to the law court to make witness statements on circumstances that are material in the conduct of investigations. In such cases, the provisions of the Administration of Justice Act shall apply. The court meetings are not public. The person, the complaint relates to, shall be entitled to be present in the company of an advisor when such witness statements are made.

(3) The Ombudsman has the right to visit places that are investigated and he has free access to conduct investigations on all necessary premises.

§ 9. The Ombudsman has a duty of secrecy concerning the circumstances that come to his knowledge during the conduct of his office. The duty of secrecy remains in force after the Ombudsman leaves office and does also extend to the staff of the Ombudsman institution.

### Part 5

#### Conclusions

§ 10. If the Ombudsman concludes that serious mistakes or carelessness has been made on part of one of the administrations mentioned in § 4, the Ombudsman shall inform the leadership of the Løgting, the Prime Minister and the relevant ministers and/or municipal councils and make recommendations to them.

(2) The Ombudsman has a right to make his criticism publicly, make recommendations or in other ways make clear his assessment of a case that he has investigated.

(3) The Ombudsman can recommend to relevant authorities that a free court trial is given in accordance with the Administration of Justice Act §§ 330-336c in matters that have been dealt with in accordance with this Act.

§ 11. The Ombudsman shall provide the Løgting with an annual report on his work. The Report shall be published before 1 July.

(2) If the Ombudsman notifies the Løgting, a minister or a municipal council of a matter or if he includes a matter in his annual report, he shall inform what those concerned have pleaded in their defence.

§ 12. If the Ombudsman becomes aware of defects in statutes, secondary legislation or administrative decisions, the Ombudsman shall notify the Løgting and relevant minister of this. If this pertains to municipal matters or inter-municipal administration, the Ombudsman shall also notify municipal councils.

§ 13. If the Ombudsman so demands, the law courts may refuse to admit civil litigation against the Ombudsman for decisions that he has made based on this Act.

## **Part 6**

### **Pay and Pension**

§ 14. The remuneration of the Ombudsman, hereunder also the question of pension and severance pay shall be provided in an Act of the Løgting.

(2) The Ombudsman can not without the consent of the Løgting serve in the employment of public or private companies, undertakings or entities.

(3) Possible questions of the impartiality of the Ombudsman in a given matter shall be submitted to the leadership of the Løgting, which shall appoint another to deal with the particular matter if lack of legal impartiality is determined.

§ 15. The Ombudsman may request to be released from office giving six months notice effective from the first day of a calendar month.

## **Part 7**

### **Administration**

§ 16. The Ombudsman shall hire and terminate the institution's staff.

§ 17. The expenses incurred by the Ombudsman institution shall be authorised by the Budget Act of the Løgting.

(2) The Ombudsman shall file a statement of accounts for the institution; it shall be audited by the auditor of the Løgting.

## **Part 8**

### **Provisions on Entering into Force**

§ 18. This Act shall enter into force on 1 January 2001.

(2) Complaints on activities in the period from 1 January 2000 until this Act enters into force can nonetheless be submitted to the Ombudsman.