

# **ANNUAL REPORT**

## **The Ombudsman of Barbados 2009**





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## LETTER OF TRANSMITTAL

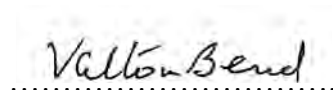
His Honour The President  
The Senate  
Parliament Buildings  
Bridgetown

His Honour The Speaker  
The House of Assembly  
Parliament Buildings  
Bridgetown

Dear Mr. President and Mr. Speaker:

I have the honour to submit the Annual Report of the activities of the Office of the Ombudsman covering the calendar year January 1, 2009 to December 31, 2009 to facilitate it's laying before Parliament. The Report is made pursuant to Section 13(6) of the Ombudsman Act, Cap. 8A of the Laws of Barbados.

Yours faithfully,

A handwritten signature in dark ink, reading "Valton Bend", is written over a horizontal dotted line.

VALTON D. BEND  
Ombudsman

## THE LOGO OF THE OMBUDSMAN FOR BARBADOS



The logo of the Office of the Ombudsman for Barbados was designed with a great deal of care and consideration; the symbolic significance of the logo's elements is as follows:

**Colours:** The colours of the Barbadian flag, ultramarine and gold, are the primary colours used in the rendering of the logo. The ultramarine reflects our sea and sky while the gold suggests the sand of our beaches.

**Black and white:** The central portion of the logo is rendered in black and white, with the left being the photographic negative of the right. These colours are representative of the Ombudsman's commitment to champion the cause of all Barbadians irrespective of colour, religion, class, gender, age or political persuasion.

**Equal signs:** The equal signs appear on both sides of the shield and are also photographic negatives of each other; they represent equality and the Ombudsman's commitment to act impartially and expeditiously in the handling of public grievances.

**Shield:** The Ombudsman is the advocate of the people and the principal aspect of his role is to shield the people of Barbados from injustice and maladministration at the hands of Government agencies.

**Central figure:** The abstracted form at the center of the shield represents the human and personal aspects of advocacy. The Office of the Ombudsman is not a faceless entity but a group of dedicated people committed to serve all Barbadians.

**Sugar cane:** Initially the source of our enslavement and subsequently the source of our economic independence; sugar cane has been central to our very existence as a nation and the foundation that we now build upon. The crossed sugar cane also provides a significant historical tie with the Barbadian coat of arms.

The logo of the Office of the Ombudsman for Barbados was developed in 1998 during the tenure of Mr. Carl Ince who was at that time the Ombudsman for Barbados. This logo was designed by the Design Services Section of the International Development Division of the Barbados Investment and Development Corporation (BIDC).

The records of the office tend to indicate that the principal officers of the BIDC with whom this office collaborated were Messrs Michael Piggott and Philip Marshal.



# MAP OF BRIDGETOWN



## **THE MESSAGE OF THE OMBUDSMAN**

The essence of the Ombudsman system is to hear and determine allegations of bias, unfair treatment and maladministration against government officials. The process involves laying a complaint which alleges an infringement of the civil rights of the citizen at the hands of a government agency. The department is informed of the complaint and is invited to respond. It may be settled quickly to the satisfaction of the parties. There are complex matters that require meetings, explanations and in-depth investigation. The relevant facts are discovered. Adjustments may be made and practices affecting the rights of the citizen may be abandoned. A fair hearing is the standard employ. Resolution to some matters are based on conciliation negotiation and mediation.

I am satisfied that departments generally follow acceptable standards in the delivery of service to the public. The areas giving rise to complaint are easily rectified. Members of the public seeking assistance often express thanks and satisfaction for the service rendered.

Public officials are reminded that they have a responsibility to provide excellent service to the public. The public also have a right to expect excellent service from agencies of government. The benefit of providing excellent service is the avoidance of litigation and costs against central government. A satisfied public is the yardstick of good administration. Good administration promotes democracy and ensures peace, order and good government in society.

The Office of the Ombudsman will continue to work with departments of government in a spirit of co-operation. It will assist each agency to live up to its creed and maintain its integrity. As a stakeholder, in the administration our focus is to ensure that genuine service is delivered to members of the public. Their overall satisfaction is a measure of our success. Our common purpose is to ensure that the principles of good governance are observed, maintained and upheld, confidence in our democracy and reliance on our institutional integrity would not be compromised.

**VALTON D. BEND**  
Ombudsman



## **HISTORICAL BACKGROUND**

The Office of the Ombudsman for Barbados was established in 1987 in spite of the fact that the legislation had been enacted some six years earlier. The Ombudsman's Office was established to provide a safeguard against maladministration and to protect its rights and interests of citizens. The Ombudsman approach is not new, since the redressing or resolving of complaints and or grievances of the people resulting from illegal or unfair administrative practices has long been the practice in this country. This fact may be best explained by an examination of many items of local legislation e.g. the National Insurance and Social Security Act and the regulations made pursuant to his act Cap 47 of the Laws of Barbados or the Town and Country Development Act Cap 240. These items of legislation clearly provide mechanisms by which the public who feel aggrieved by the action or inaction of state bureaucrats of such agencies at no financial cost to the state may appeal the decisions of these agencies.

## **FUNCTIONS OF THE OMBUDSMAN**

Section 6(1) of the Ombudsman Act makes provision for the Ombudsman to investigate complaints from members of the public after he has received a written complaint.

In addition, this section of the legislation also provides that if he is of the opinion that, or if either House of Parliament resolves that there are reasons of special importance which made investigation (s) by the Ombudsman desirable in the public interest, he so does.

The main functions of the Ombudsman include:-

1. Investigation and the settling of grievances against government agencies.
2. Making recommendations for corrective measures when investigations reveal unlawful or unreasonable administrative procedures; and
3. Provide recommendations where appropriate for the improvement of administrative systems and their operations.

## **ANALYSIS OF COMPLAINTS RECEIVED IN THE YEAR 2009**

During the calendar year 2009 three hundred and twenty-eight (328) complaints were made to this office by members of the Barbadian public. This represents a 121.6 % increase compare to to the previous year. In addition, sixty-one (61) complaints were brought forward from earlier years, this made a total of three hundred and eighty-nine (389) complaints investigated during the year 2009. Of these complaints two hundred and thirty-eight (238) were resolved and ninety-eight (98) carried forward. This can be seen in fig.1 which shows an analysis of the complaints in numbers received in the year 2009 compared with those for the years 2002 through to 2009.

Fig. 1

<b>Year</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Complaints Brought forward	212	183	132	186	153	101	28	61
Complaints received	184	115	226	255	189	141	148	328
Withdrawn	0	1	0	3	5	2	2	6
Outside Jurisdiction	1	3	6	4	6	3	8	47
Resolved	212	162	166	281	230	209	105	238
Outstanding	183	132	186	153	101	28	61	98

Fig. 2 shows an analysis of complaints by bar chart for the year 2009 compared with those for the years 2002 through 2009

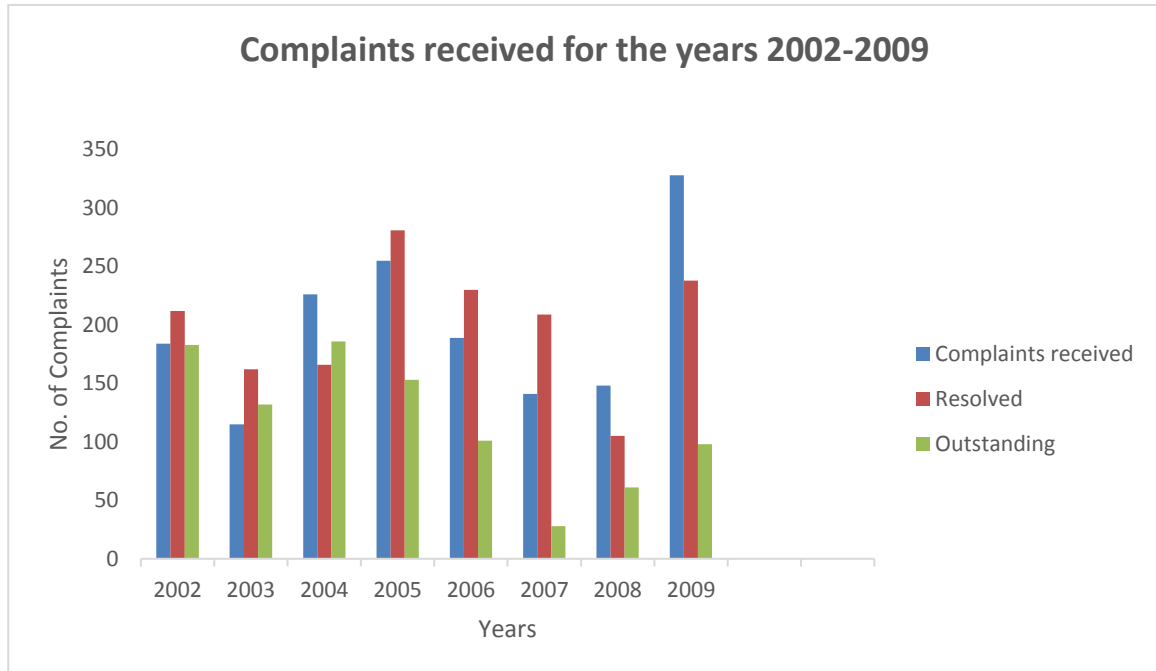


Fig. 1

The agencies against which complaints were made to this Office in 2009.

<u>Departments</u>	<u>Complaints</u>
Attorney General's Chambers	6
Barbados Agricultural Management & Dev.	1
Barbados Community College	1
Barbados Defence Force	1
Barbados Industrial Development Corp.	1
Barbados Port Authority	5
Barbados Postal Service	3
Barbados Water Authority	29
Child Care Board	3
Court Process Office	7
Customs Department	3
Environmental Protection Department	5
Geriatric Hospital	3
Government Electrical Department	2
Her Majesty's Prisons	3
Immigration Department	8
Inland Revenue Department	4
Insurance Corporation of Barbados	8
Labour Department	1
Land Tax Department	8
Licensing Authority	2
Marshals	3
Ministry of -Education, Youth Affairs & Sports	12
Ministry of Finance	1
Ministry of Foreign Affairs and Foreign Trade	1
Ministry of Health	4
Ministry of Housing, Lands & the Environment	4
Ministry of International Transportation	1
Ministry of Public Works & Transport	17
Personnel Administration Division	22
Police Department	30
Psychiatric Hospital	4
Queen Elizabeth Hospital	3
Registration Department	5
Rural Development Commission	4
Samuel Jackman Prescod Polytechnic	1
Sanitation Service Authority	1
Town and Country Development Planning Office	10
Transport Board	3
Treasury	1
Urban Development Commission	5
Welfare Department	2
National Conservation Commission	1
National Housing Corporation	14



Fig. 1

The agencies against which complaints were made to this Office in 2009.

<u>Departments</u>	<u>Complaints</u>
National Insurance Department	19
National Petroleum Corporation	1
Outside Jurisdiction	<u>54</u>
<b>Total</b>	<b><u>328</u></b>

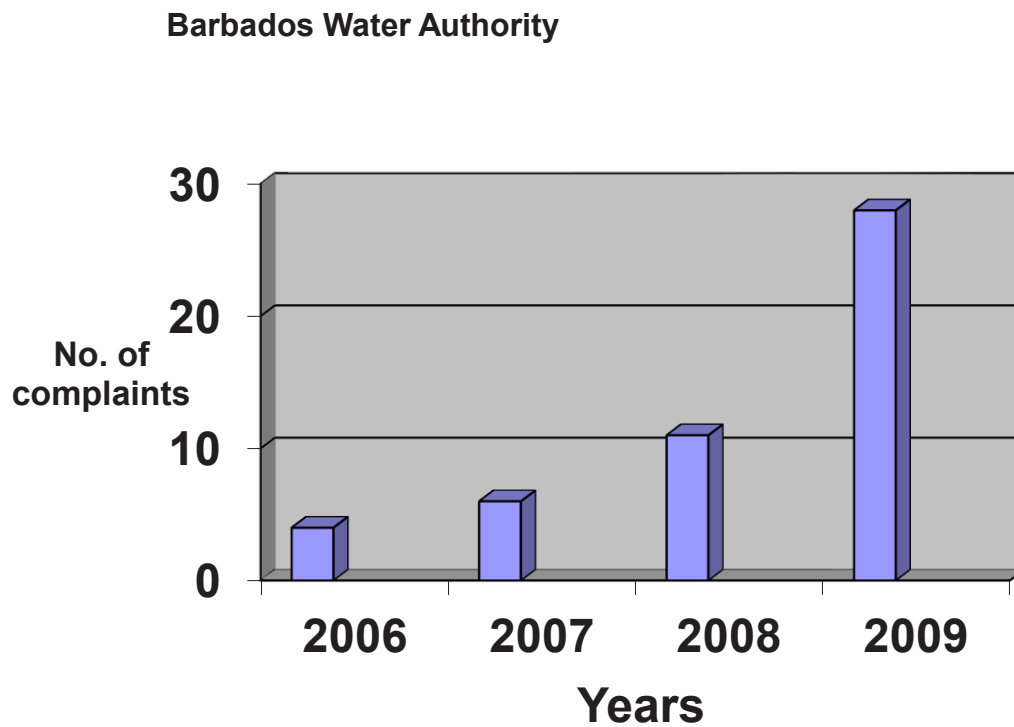
## **BARBADOS WATER AUTHORITY**

During the calendar year 2009 twenty-eight (28) members of the public made complaints to this Office against the management of the Barbados Water Authority. Fig. 3 shows the number of complaints which were made against that agency for the years 2006 to 2009.

Fig.3

Year	2006	2007	2008	2009
No. of complaints	4	6	11	28

This may be seen graphically in the chart below:



A total of nine (9) complaints were made to this Office during the year 2009 against the management of the Town and Country Development Planning Office. This was four (4) complaints more than the five (5) which were made against the agency for the year 2008.

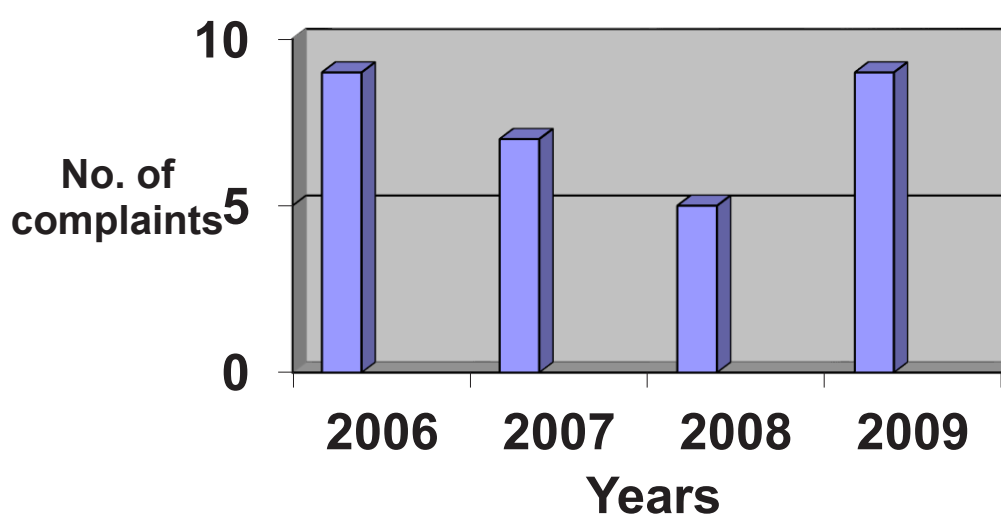
Fig 4

### **Town & Country Development Planning Office**

Year	2006	2007	2008	2009
No. of complaints	9	7	5	9

This may be seen graphically in the chart below:

### **Town & Country Dev. Planning Office**



Three (3) complaints were made to this Office during the year 2008 against the Ministry of Housing, Lands and Rural Development. There were no complaints made against the Ministry for the year 2008.

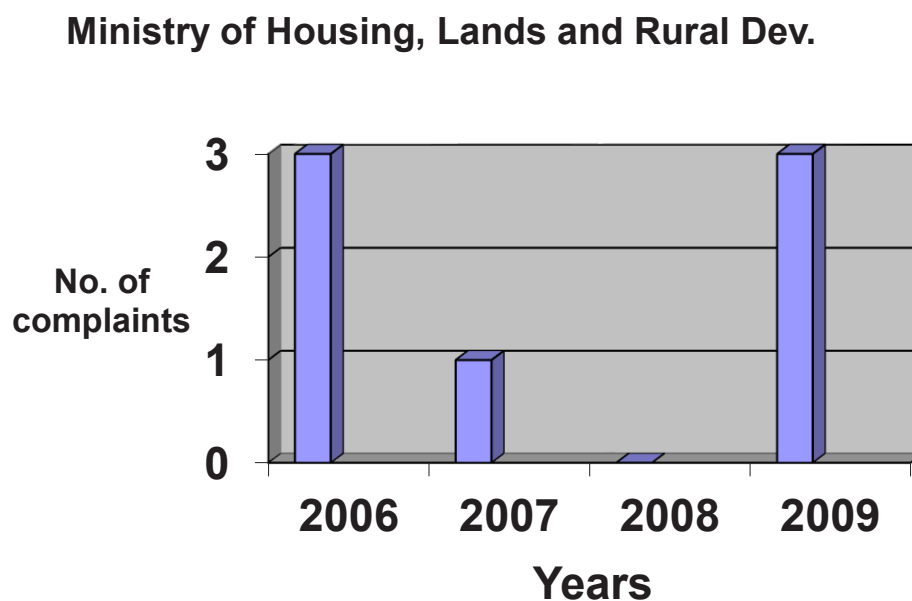
Fig. 5- below graphically shows the complaints which have been made against this agency for the years 2006 to 2008.

Fig. 5

### **Ministry of Housing, Lands and Rural Development**

<b>Year</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>No. of complaints</b>	3	1	0	3

This may be seen graphically in the chart below:





A total of thirty (30) complaints were made to this Office during the year 2009 against the Royal Barbados Police Force. This was twenty-three (23) complaints more than the seven (7) which were made against the Force in the year 2008.

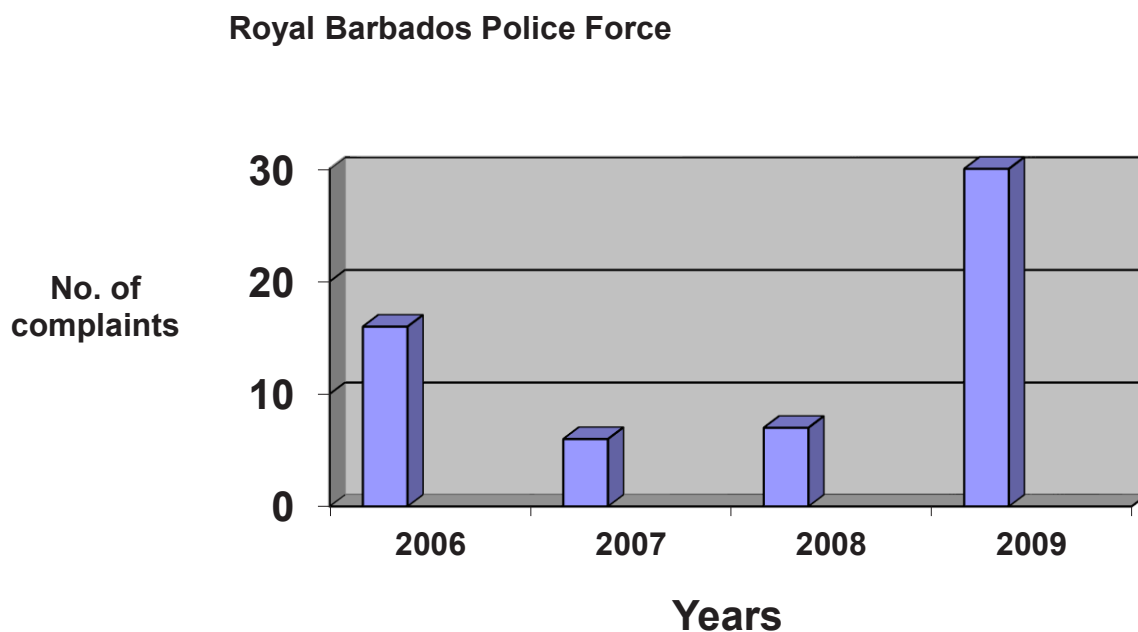
Fig.6- below graphically shows the complaints which have been made against that agency for the year 2008.

Fig. 6

### Royal Barbados Police Force

Year	2006	2007	2008	2009
No. of complaints	16	6	7	30

This may be seen graphically in the chart below:



## **NATIONAL INSURANCE DEPARTMENT**

During the calendar year 2009 a total of twenty (20) complaints were made to this Office against the management of the National Insurance Department from members of the public. This represents an increase of five (5) complaints to the number made against the National Insurance Department during the year 2008.

The National Insurance Department manages the Social Security payments for all Barbadians in respect of: –

- (a) Old Age Non-Contributory Pension
- (b) Old Age Contributory Pension
- (c) Sickness Benefits
- (d) Survivors Benefits
- (e) Maternity Benefits
- (f) Funeral Grants
- (g) Unemployment Benefits
- (h) Invalidity Benefits
- (i) Employment Injury Benefits
- (j) Disablement Benefits
- (k) Duplication of Benefits
- (l) Prescribed Degree of Disablement

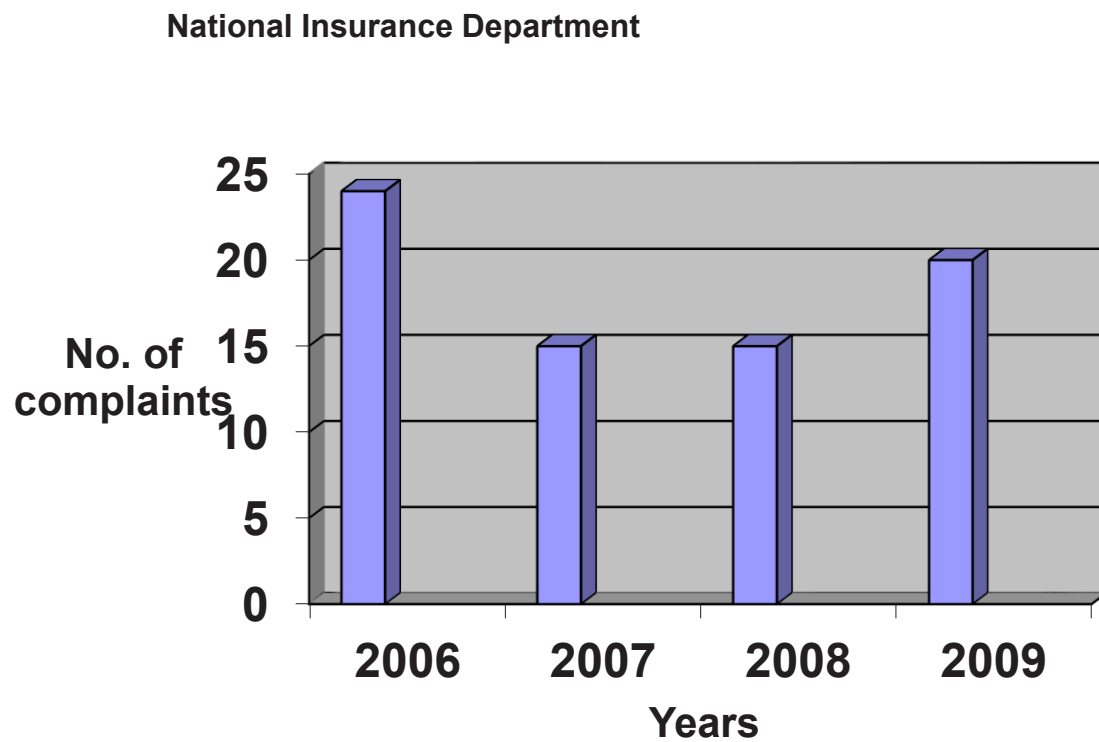
That Office also plays a key function in the management of the Severance Payments to all those persons who qualify for such payments.

**Fig. 7**

**National Insurance Department**

Year	2006	2007	2008	2009
No. of complaints	24	15	15	20

This may be seen graphically in the chart below:



Four (4) complaints were made to this Office during the year 2009 against the Inland Revenue Department. This was two complaints more than the two (2) which had been made against the agency in the year 2008.

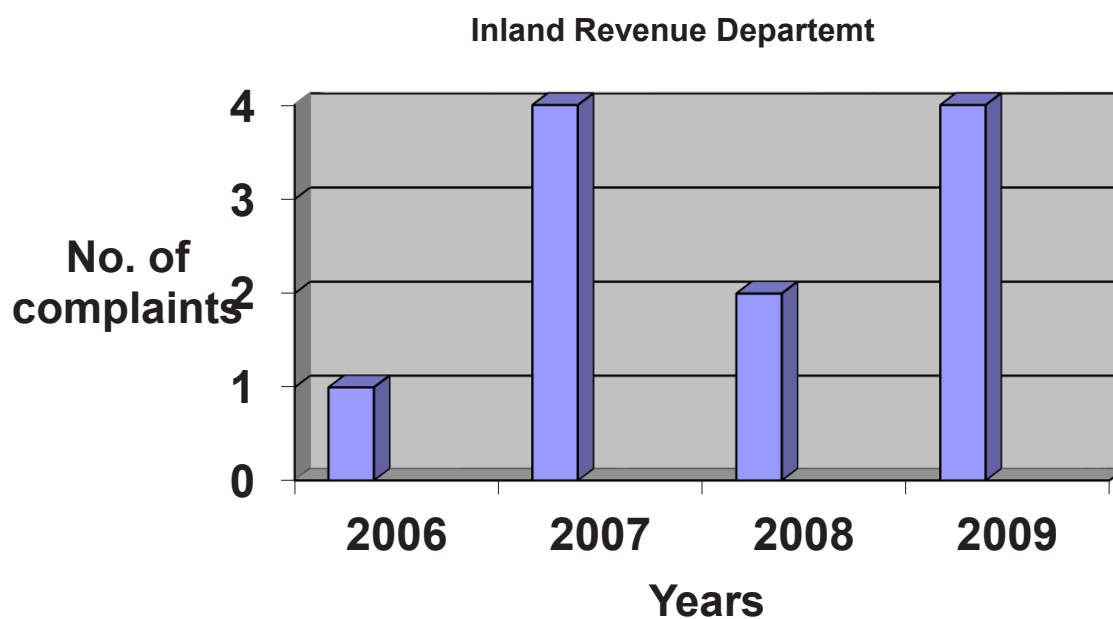
Fig. 8 below graphically shows the complaints which have been made against that agency for the years 2006 to 2009.

Fig. 8

### **Inland Revenue Department**

Year	2006	2007	2008	2009
No. of complaints	1	4	2	4

This may be seen graphically in the chart below:





## H.M. Prisons Dodds

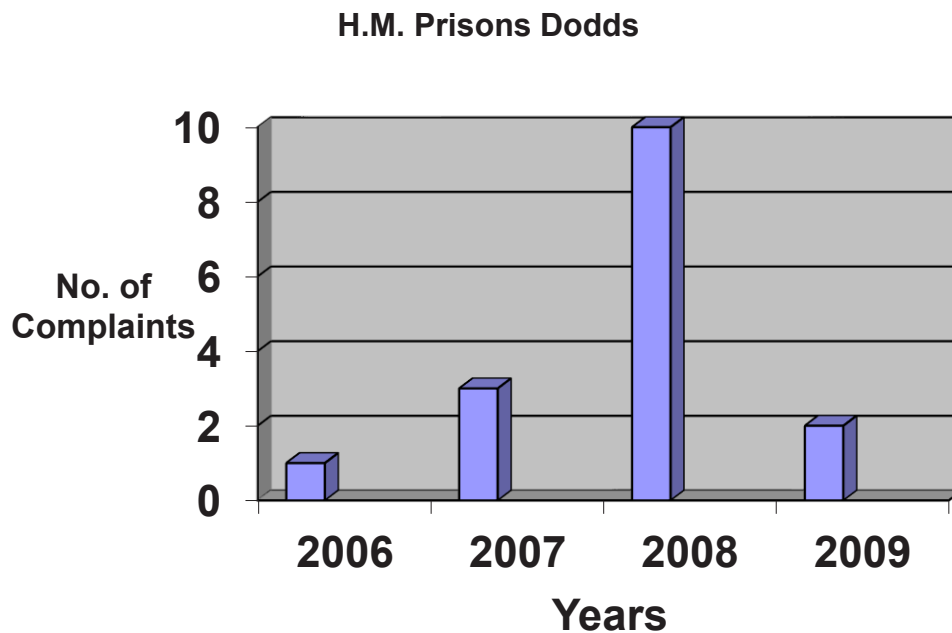
During the year 2009 a total of two (2) complaints were made to this Office against Her Majesty's Prisons, Dodds. This was eight complaints less than the ten (10) which had been made against the agency in the year 2008.

Fig. 15. below graphically shows the complaints which have been made against that agency for the years 2006 to 2009:

**Fig. 15**

Year	2006	2007	2008	2009
No. of complaints	1	3	10	2

This may be seen graphically in the chart below:



### **LISTED BELOW ARE FIVE (5) SAMPLE COMPLAINTS**

1. An elderly lady visited this Office and made a complaint against the Barbados Water Authority. She complained that she received a water bill in the amount of two thousand, five hundred and eighty-two dollars and thirty-one cents (\$2,582.31). The last bill she received prior to that one was for March 2009 and it was paid in April 2009. She was aware that the Department was in the process of relocating to Green Hill.

The complainant visited the BWA office promptly on receiving the bill only to learn that there was a leak on her property, which she got fixed immediately. She again visited the BWA but got no relief. She was of the opinion that had she received the bills for April and May, 2009 the amount would not have been that substantial. A check was made with her neighbours to ascertain if they had received their bills for the months of April and May, 2009. She was also sent a due for disconnection notice for the end of July 2009 and was made to sign an agreement to repay the outstanding balance on the account.

This office contacted the BWA who informed that the Authority had granted approval for the revision in the payment terms as was previously agreed upon. The BWA also promised to investigate the matter and inform this office of their position, that agency no longer gave rebates for leaks on customer premises.

The matter was also referred to the Welfare Department concerning the granting of assistance to the complainant. After thorough investigation the Welfare Department informed this Office that the matter had been resolved as they had assisted the complainant with the payment of the arrears of her water supply.

2. A complainant lodged a complaint to this Office against the Barbados Water Authority. He was querying why his water bill for the period September 2009 was for the sum of four hundred and eighty-eight dollars and fifty cents (\$488.50) and the subsequent disconnection of his service.

The matter was referred to the BWA for investigation who advised that the complaint was passed to their Commercial Superintendent for her investigation and response. After the matter was thoroughly investigated, it was revealed that the amount charged was not for a one month period but represented accumulated charges from July to September 2009. It was also revealed that a service becomes due for disconnection when the account is sixty (60) days in arrears and the complainant unfortunately fell into that category and disconnection resulted.

The complainant was informed about the outcome of the investigation and the matter was resolved.

3. A complainant approached this office and stated that she was paid a Survivor's Pension for one (1) year but was refused Survivor's Benefits after her husband passed away in 2005.

This Office contacted the National Insurance Department which informed that the complainant applied for survivor's benefit and was awarded a survivor's pension for one (1) year in accordance with Regulation 37 (1) (c) of the National Insurance and Social Security (Benefit) Regulations 1967, which states that

**“37. (1) A spouse of a deceased person who at the date of death of the deceased person (c) with effect from 5<sup>th</sup> June 1977 was not fifty (50) years of age or over was not an invalid or being fifty (50) years or over had been married to the deceased for less than three (3) years, shall be entitled to a Survivor's Pension for a period of one (1) year.”**

The complainant's application fell under the above Regulation since she was less than fifty (50) years old at the time of her husband's death. However, in December 2006 the National Insurance and Social Security (Benefit) Regulations, 1967 were amended to include Regulation 37 (1) (d) which makes provision for spouses between the ages of 45 and 49 who were married for over three years.

The provision was not applicable to the complainant since her application was made prior to the amendment. The complainant was notified of the outcome of the investigation. Matter resolved.

4. A complainant complained that he was working from July 2007 to October 2007. He was on sick leave because he had hurt his back. He claimed that money was being deducted from his wages by his employer and not being paid to the National Insurance department.

A meeting was held with the National Insurance Department and the matter discussed where it was determined that not enough contributions were made. The complainant was informed of the outcome of the matter which was resolved.

5. A complainant visited this office and made a complaint that renovations to her neighbour's roof which was higher than the previous roof was posing a threat to her property. The previous roof was not problematic. She claimed that considerable rain water was accumulating on her property directly from the property in question. She also stated that Town Planning had issued a partial certificate of compliance hoping that guttering be installed.

The matter was referred to the Town and Country Planning Development Office who advised that the property in question was completed satisfactorily for which planning permission was granted.

The complainant stated that she was satisfied with the completed work.



1 L.R.O. 1995

*Ombudsman*

CAP. 8A

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**CHAPTER 8A**

**OMBUDSMAN**

**ARRANGEMENT OF SECTIONS**

**SECTION**

1. Short title.
2. The Ombudsman.
3. Appointment and removal.
- 3A. Salary.
4. Administrative provisions.
5. Powers of investigation.
6. Conditions of investigation.
7. Legal remedies.
8. Complaints.
9. Procedure of investigation.
10. Power to obtain information.
11. Secrecy of information.
12. Obstruction and contempt.
13. Reports.
14. Communications privileged.
15. Regulations.
16. Expenses.

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**FIRST SCHEDULE**

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**SECOND SCHEDULE**

3 L.R.O. 1989

Ombudsman

CAP. 8A ss.1-3

## CHAPTER 8A

## OMBUDSMAN

*An Act to provide for the establishment of the office of Ombudsman.*

1980-68.  
1988-5.

[5th January, 1981]

Commence-  
ment.  
S.I. 1980/  
191.

1. This Act may be cited as the *Ombudsman Act*.

Short title.

2. (1) There shall be an Ombudsman for Barbados who shall, in accordance with this Act, investigate and report upon allegations of improper, unreasonable or inadequate administrative conduct.

The Ombuds-  
man.

(2) The Ombudsman shall perform his functions in accordance with his own independent judgment but shall be responsible to Parliament for the general discharge of his duties.

(3) The Ombudsman shall not enter upon the duties of his office until he has taken and subscribed the oath of office in the form set out in the First Schedule.

First  
Schedule.

(4) The Ombudsman shall not be a member of the Senate or of the House of Assembly and shall not hold any other office of emolument or engage in any other occupation for reward.

3. (1) Subject to subsection (2), the Ombudsman shall be appointed by the Governor-General, by instrument under the Public Seal, on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

Appoint-  
ment and  
removal.

(2) The Governor-General shall before appointing a person to be the Ombudsman, submit the proposed appointment to each House of Parliament for approval.

(3) The Ombudsman may be removed from office in accordance with the provisions of section 105 of the *Constitution* which shall apply to his office as if enacted by this Act and the

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prescribed authority for that purpose shall be the Prime Minister acting after consultation with the Leader of the Opposition.

(4) The Ombudsman shall vacate office on attaining the age of 65 years but may be re-appointed by the Governor-General in the same manner as under subsection (1) for one further period not exceeding 5 years.

(5) The Ombudsman may resign office at any time by written notice to the Governor-General.

Salary,  
1988-5.

3A. (1) There shall be paid to the Ombudsman a salary at such annual rate as the Governor-General specifies by order.

(2) An order made under this section shall be subject to negative resolution.

(3) An order made under this section may contain such supplementary provisions as the Governor-General may consider necessary or expedient for the purposes of the order.

Administra-  
tive pro-  
visions.

4. (1) Any function of the Ombudsman under this Act may be performed by any officer of the Ombudsman authorised by him for that purpose.

(2) The officers of the Ombudsman shall be public officers appointed in accordance with section 94 of the *Constitution*.

(3) The Ombudsman may charge such fees in connection with his functions in such amounts and subject to such conditions as the Governor-General may prescribe.

(4) All fees received by the Ombudsman pursuant to subsection (3) shall be paid to the Accountant General.

Powers  
of investi-  
gation.

5. (1) The purpose of an investigation by the Ombudsman shall be to ascertain whether injustice has been caused by improper, unreasonable or inadequate administrative conduct on the part of a government ministry, department or other authority subject to this Act.

1988-5.

(2) The Ombudsman may investigate any course of conduct or anything done or omitted by any person in the exercise of administrative functions respecting any business of the Government, including the administration of any statutory board or department of the Government responsibility for which has



been assigned to the Prime Minister or any other Minister pursuant to section 72 of the *Constitution*, not being functions concerned with a matter specified in the Second Schedule.

Second  
Schedule.

(3) The Governor-General may, by order, amend the Second Schedule; but any such order shall be subject to affirmative resolution.

(4) An investigation by the Ombudsman shall not be prevented by any provision in any enactment, other than the *Constitution*, to the effect (howsoever expressed) that any matter or thing shall be final or conclusive or shall not be disputed, reviewed or called in question.

(5) If any question arises whether the Ombudsman is empowered to make an investigation or to exercise any power under this Act he may, if he thinks fit, apply to the High Court which may determine the question by declaratory order.

6. (1) The Ombudsman shall not make an investigation without first receiving a written complaint in accordance with this Act, unless he is of opinion or either House of Parliament resolves that there are reasons of special importance which make investigation by the Ombudsman desirable in the public interest.

Conditions  
of investi-  
gation.

(2) In deciding whether to make, continue or discontinue an investigation authorised by this Act the Ombudsman shall in all cases act in accordance with his own discretion which shall not be questioned; and in particular he may refuse to investigate any matter on the ground that it is trivial or that the complaint is frivolous or vexatious or not made in good faith, or that the complainant has not a sufficient interest therein.

7. (1) Subject to subsection (2), the Ombudsman shall not investigate any case where, in his opinion, the complainant would at any time have had a remedy or right of appeal in a court of law, tribunal or similar body established by the *Constitution* or by or under any enactment or by or on behalf of Her Majesty.

Legal  
remedies.

(2) Notwithstanding subsection (1), the Ombudsman may investigate such a case if he is satisfied that for special reasons the complainant could not fairly be expected to have had recourse to such remedy or right of appeal.

- (b) might involve the disclosure of deliberations of the Cabinet; or
- (c) might involve the disclosure or proceedings of the Cabinet or of any committee of the Cabinet relating to matters of a secret or confidential nature and would be injurious to the public interest,

the Ombudsman shall not require the information or answer to be given or the document or thing to be produced or access to the premises to be allowed.

(4) Subject to subsection (3), no information, answer, document or thing shall be withheld from the Ombudsman on the ground that its disclosure would be contrary to the public interest.

Secrecy of  
information.

11. (1) Information obtained by or on behalf of the Ombudsman in the course of an investigation shall not be disclosed in legal proceedings or otherwise except

- (a) for the purposes of the investigation and any report thereon under this Act;
- (b) for the purposes of proceedings (or possible proceedings) for an offence of perjury connected with an investigation under this Act; or
- (c) for the purposes of proceedings under section 12.

(2) The Attorney General may give written notice to the Ombudsman that disclosure by the Ombudsman of any specified information or document, or of any class of information or document, would, in his opinion, be prejudicial to the safety of Barbados or otherwise contrary to the public interest; and in that case the Ombudsman and his officers shall not communicate such information or document to any person or in any manner.

Obstruction  
and  
contempt.

12. (1) If any person without lawful excuse obstructs the Ombudsman or any officer of his in the performance of his functions under this Act or fails to act as lawfully required by the Ombudsman, the Ombudsman may certify the offence to the High Court.

(2) Where an offence is so certified the High Court may, after hearing any person properly desiring to be heard, punish the offender in the same manner as for contempt of court.

13.(1) The Ombudsman shall make a report to each <sup>Reports.</sup> complainant explaining the result of his investigation, or his reasons for not investigating or partially investigating the complaint.

(2) Where the Ombudsman makes an investigation on his own initiative or pursuant to a resolution of either House of Parliament he shall make a report thereupon to that House of Parliament.

(3) In the case of a completed investigation the report of the Ombudsman shall state whether he finds that injustice has been sustained by reason of improper, unreasonable or inadequate conduct on the part of any person, government ministry or department or other authority subject to investigation under this Act and, in any case where he so finds, what action, if any, he recommends by way of remedy or compensation for the injustice.

(4) The Ombudsman shall, before making any report, afford an opportunity to be heard to any person, government ministry or department or other authority upon whose conduct he proposes to make adverse comment.

(5) A copy of each report made by the Ombudsman on a particular case shall be sent by him to the principal officer of the relevant government ministry or department or authority and also, if the Ombudsman thinks fit, to any other person whose conduct is the subject of the complaint or of comment in the report.

(6) The Ombudsman shall, in each calendar year, prepare for laying before each House of Parliament a general report on his functions under this Act.

(7) The Ombudsman may, from time to time, prepare for laying before each House of Parliament such other reports as he may think fit, including

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- (a) a report on the inequitable or unreasonable nature or operation of any enactment or rule of law, and
- (b) a report on any case where in his opinion injustice has been sustained as aforesaid and the injustice has not been or will not be remedied or compensated.

(8) In making any report the Ombudsman may name or refrain from naming any person as he may think fit.

(9) The Ombudsman shall submit his reports made under subsections (6) and (7) to the Speaker of the House of Assembly and to the President of the Senate (or, if the office of Speaker or President is vacant or the Speaker or President, as the case may be, is for any reason unable to perform the functions of his office, to the Deputy Speaker or Deputy President) who shall cause them to be laid before the House of Assembly and the Senate respectively.

Com-  
munications  
privileged.

14. For the purposes of the law of defamation

- (a) any communication made by or to the Ombudsman for the purposes of a complaint or investigation shall be privileged in the same manner as if it were made in the course of proceedings in the High Court;
- (b) any report of the Ombudsman under this Act shall be deemed to be authorised to be published by both Houses of Parliament;
- (c) any communication between the Ombudsman and a member of either House of Parliament for the purposes of the Ombudsman's functions shall be deemed to be a proceeding in Parliament.

Regula-  
tions.

15. (1) The Governor-General may make regulations generally for the administration of this Act and, in particular, for prescribing any thing required to be prescribed under this Act.

(2) Regulations made under this Act shall be subject to affirmative resolution.

16. All expenses incurred by the Ombudsman in connection with his functions under this Act or the regulations shall be defrayed out of moneys voted for the purpose by Parliament. Expenses.

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FIRST SCHEDULE

Section 2(3)

OATH FOR THE DUE EXECUTION OF THE OFFICE  
OF OMBUDSMAN

I, \_\_\_\_\_, appointed Ombudsman of Barbados in accordance with the Ombudsman Act, Cap. 8A, do swear that I will faithfully and impartially perform the duties of my office.

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SECOND SCHEDULE

1988-5.

Section 5(2)

MATTERS NOT SUBJECT TO INVESTIGATION

1. Action taken in matters certified by the Minister responsible for Foreign Affairs or other Minister of the Crown to affect relations or dealings between the Government of Barbados and any other Government or any international organisation of States or Governments.
2. Action taken, in any country or territory outside Barbados, by or on behalf of any officer representing or acting under the authority of Her Majesty in respect of Barbados or any other public officer of the Government of Barbados.
3. Action taken by the Attorney General under the *Extradition Act*. Cap. 189.
4. Action taken by or with the authority of the Attorney General or any other Minister of the Crown, the Director of Public Prosecutions or Commissioner of Police for the purposes of investigating crime or protecting the security of Barbados, including action taken with respect to passports.
5. The commencement or conduct of civil or criminal proceeding before any court of law in Barbados, or proceedings under the *Defence Act*. Cap. 159.
6. Action taken in connection with the exercise or possible exercise of the prerogative of mercy under the *Constitution* or otherwise.

THE LAWS OF BARBADOS

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- 1988-5. 7. Action taken in matters relating to contractual or other commercial transactions, being transactions of a department of government or a statutory board not being transactions relating to
- (a) the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;
  - (b) the disposal of surplus land acquired compulsorily or in circumstances in which it could be acquired compulsorily.
8. Any action or advice of a qualified medical practitioner or consultant involving the exercise of professional or clinical judgment.
9. Any matter relating to any person who is or was a member of the armed or police forces of Barbados in so far as the matter relates to
- (a) the terms and conditions of service of such member; or
  - (b) any order, command, penalty or punishment given to or affecting him in his capacity as such member.
10. Any action which by virtue of any provision of the *Constitution* may not be enquired into by any court.
11. The grant of honours or awards.
- 1988-5. 12. Matters relating to the grant of liquor licences.
13. Matters relating to the regulation of public utilities.
- Cap. 190. 14. Any function of the Minister under the *Immigration Act* or the regulations made thereunder.
15. Any judicial function not specifically excluded by paragraphs 1 to 14.



## COMPLAINT FORM

ID Number

1. NAME .....

2. ADDRESS .....

.....

3. TELEPHONE NUMBER (Home) ..... (Work) .....

4. *What Ministry, Department or Statutory Board are you complaining against?*

.....

5. *Have you complained to the Ministry, Department or Statutory Board about this matter?*

- If so, on what date did you complain? .....

- Was your complaint in writing? .....

- Have you received a written reply? .....

6. *What are you complaining about?*

.....

.....

.....

.....

.....

.....

.....

*(If there is not enough space please continue on a separate sheet)*

Signature:..... Date:.....

**Form to be returned to:**

The Office of the Ombudsman  
2nd Floor, Trident House,  
Lower Broad Street,  
BRIDGETOWN.

**For official use only**



