

ANNUAL REPORT

The Ombudsman of Barbados 2016



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LETTER OF TRANSMITTAL

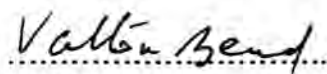
His Honour The President
The Senate
Parliament Buildings
Bridgetown

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, 2016 to December 31, 2016 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,



Ombudman

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 Office of the Ombudsman strives to improve the quality of public administration and enhance the culture of service through independent, objective and impartial investigation into complaints received and by self-initiated studies. The Office operates without fear or favour, bias or prejudice. Our role is limited to finding out the facts of a case and coming to a fair conclusion on evidence.

As a provider of administrative justice, it is our responsibility to be satisfied that there is an accountable system of justice within the Public Service. There have been many challenging cases this year and many satisfactory resolutions. I commend all ombudsmen staff and volunteers for their outstanding resident advocacy and collaboration with agency, community, and facility partnerships throughout the state.

The powers, duties and functions of the Ombudsman are defined in the Ombudsman Act, *Chapter 8A of the Laws of Barbados* and there has been little change over the years in the manner in which the Office has exercised its powers and carried out its duties and functions. The approach over the years had been to investigate and resolve mostly maladministration complaints.

The challenge for our Office in regard to its human rights mandate, is to position itself to handle human rights issues. We collaborate with International Human Rights Bodies in that respect. The Office also assists Government in the preparation of State documents to UN Treaty Bodies in order to preserve international standards of human rights and freedoms in Barbados.

In May 2016 approximately 20 representatives from 11 Offices of Ombudspersons and related institutions in the Caribbean region (Barbados, Belize, Jamaica, Puerto Rico, St. Lucia and Trinidad and Tobago) and Costa Rica met in Kingston, Jamaica at the Faculty of Law, UWI, Mona to discuss issues of citizen security and human rights, with a focus on the inter-American human rights system.

The Office of the Ombudsman however does not work in isolation. Other Ministries, organizations, and institutions have played an important part in assisting us in the delivery of our strategic objectives and I wish to commend and thank them for their most valuable assistance.

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 2016

During the calendar year 2016 thirty-seven (37) new complaints were made to the Ombudsman for Barbados by members of the Barbadian public. It should be noted that a number of complaints was resolved in the year under review, though not all of those resolved cases pertained to that year of filing the complaint.

The agencies which complaints were made to this Office in 2016

Departments	Complaints
Barbados Revenue Authority	3
Court Process Office	3
Defence and Security	1
Her Majesty's Prisons	2
Immigration Department	1
Ministry of Agriculture & Rural Development	1
Ministry of Education	1
Ministry of Health	1
National Insurance Department	3
Outside Jurisdiction	6
Personnel Administration Division	1
Police Department	13
Welfare Department	<u>1</u>
Total	<u>37</u>

Fig 2

Year	2009	2010	2011	2012	2013	2014	2015	2016
Complaints Brought forward	61	107	267	362	412	503	529	554
Complaints received	337	218	122	58	125	29	28	37
Withdrawn	6	---	----	-----	-----	-----	-----	-----
Outside Jurisdiction	47	58	27	8	28	3	3	6
Resolved	238	-----	-----	-----	6	-----	-----	-----
Outstanding	107	-----	362	412	503	529	554	511

Fig 2 shows an analysis of the complaints in numbers received in the year 2016 compared with those for the years 2009 through to 2016.

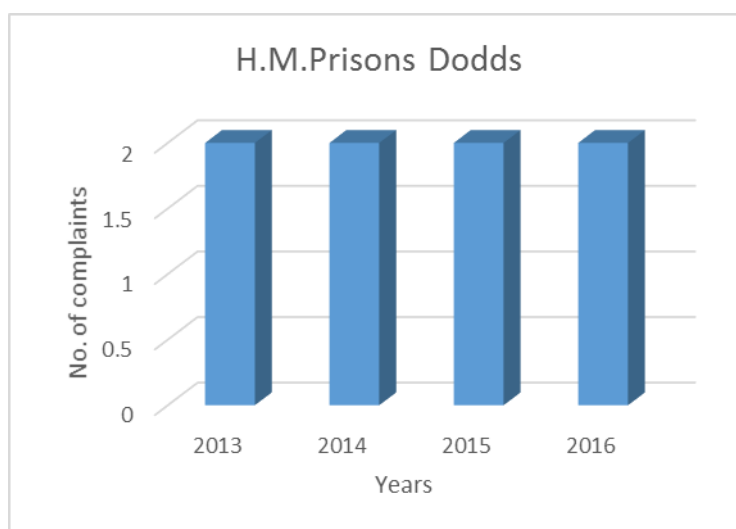
H.M. Prisons Dodds

During the year 2016 two (2) complaints were made to this Office against Her Majesty's Prisons, Dodds. This was the same as that which had been made against the agency in the year 2015.

Fig.4. below graphically shows the complaints which have been made against this agency for the years 2013 to 2016

Fig.4

Year	2013	2014	2015	2016
No. of complaints	2	2	2	2



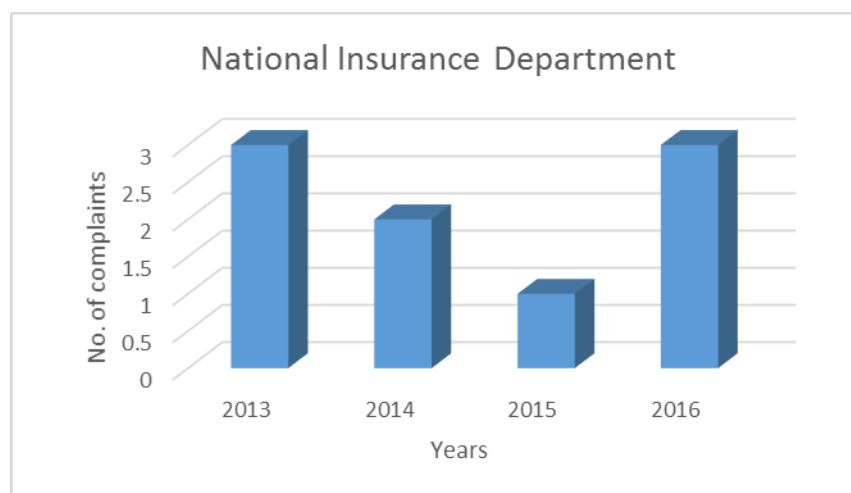
National Insurance Department

During the year 2016 three (3) complaints were made to this Office against the National Insurance Department. This was two complaints more than the one (1) which had been made against the agency in the year 2015.

Fig.5. below graphically shows the complaints which have been made against this agency for the years 2013 to 2016:

Fig.5

Year	2013	2014	2015	2016
No. of complaints	3	2	1	3

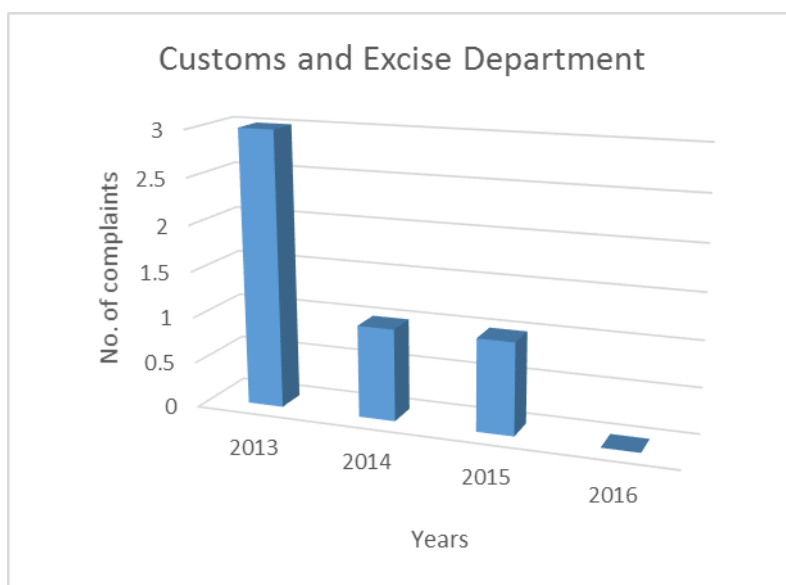


Customs And Excise Department

During the year 2016 no complaints were made to this Office against the Customs and Excise Department. There was only one complaint made against the agency in the year 2015.

Fig. 6 below graphically shows the complaints which have been made against this agency for the years 2013 to 2016:

Year	2013	2014	2015	2016
No. of complaints	3	1	1	0

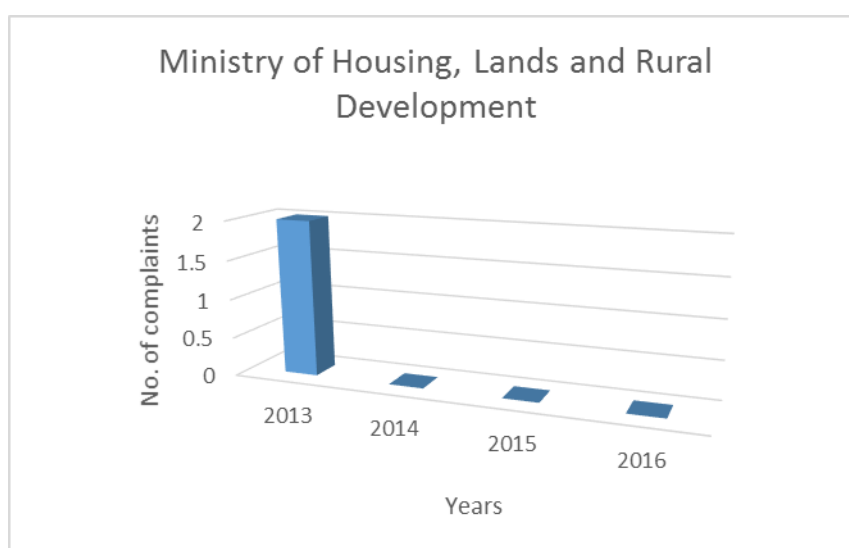


Ministry of Housing, Lands and Rural Development

During the year 2016, there were no complaints made to this Office against the Ministry of Housing, Lands and Rural Development. There were also no complaints made against that Ministry in the year 2015.

Fig. 7 below graphically shows the complaints which have been made against this agency for the years 2013 to 2016.

Year	2013	2014	2015	2016
No. of complaints	2	0	0	0

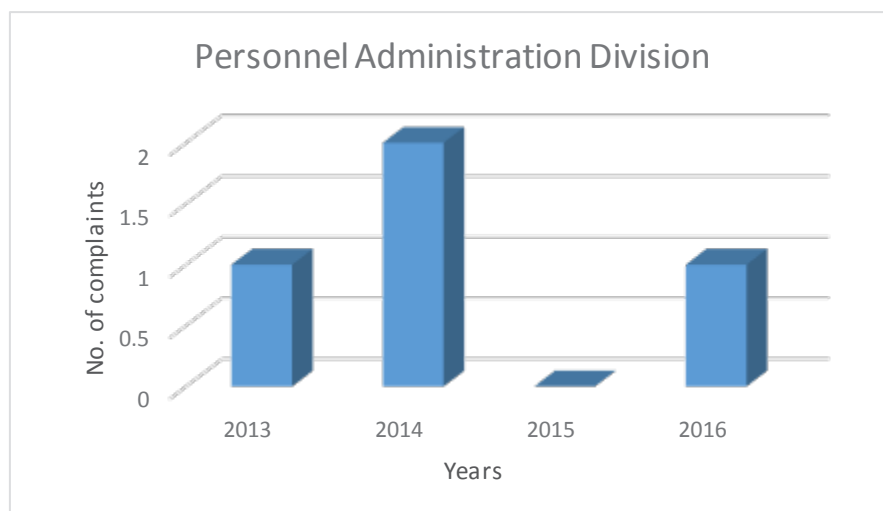


Personnel Administration Division

During the year 2016 one (1) complaint was made to this Office against the Personnel Administration Division. There were no complaints made against that agency in the year 2015.

Fig. 8 below graphically shows the complaints which have been made against this agency for the years 2013 to 2016:

Year	2013	2014	2015	2016
No. of complaints	1	2	0	1

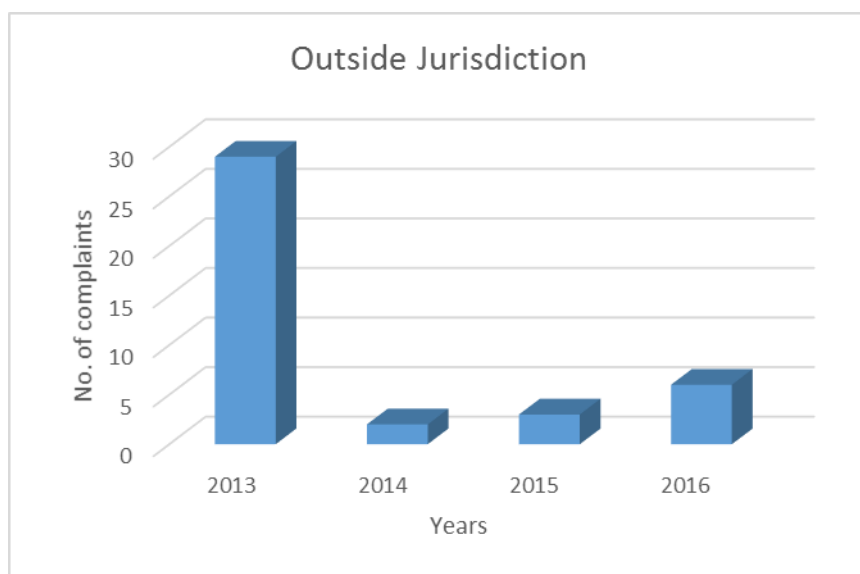


Outside Jurisdiction

During the year 2016, there were six (6) complaints made to this Office which were Outside Jurisdiction. There were three (3) complaints made Outside Jurisdiction in the year 2015.

Fig. 9 below graphically shows the complaints which have been made against this agency for the years 2013 to 2016:

Year	2013	2014	2015	2016
No. of complaints	29	2	3	6

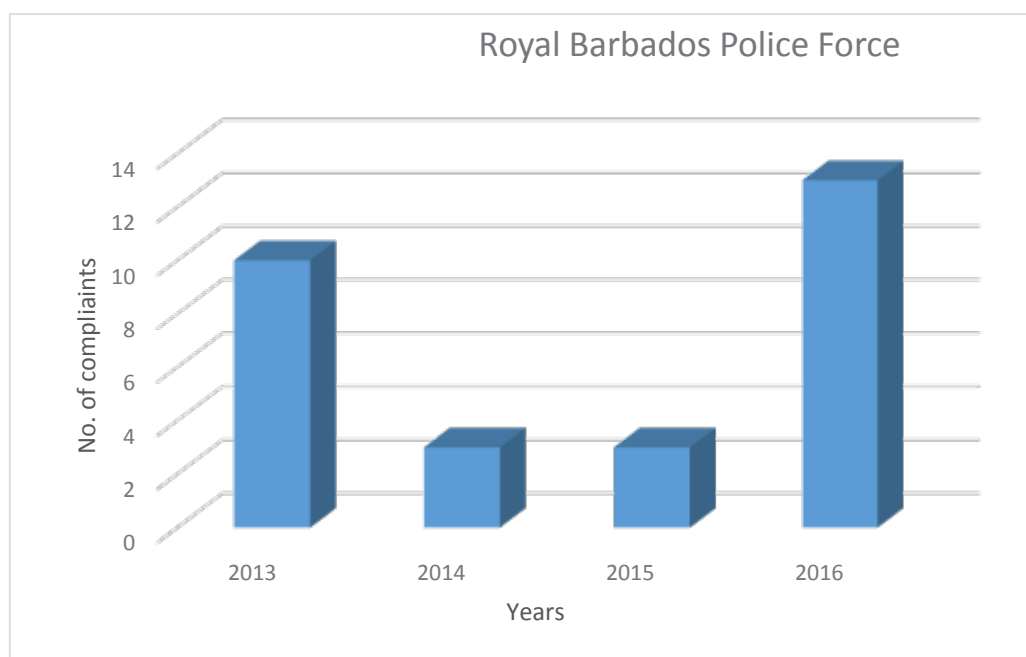


Royal Barbados Police Force

During the calendar year 2016, thirteen (13) members of the public made complaints to this Office against the management of the Royal Barbados Police Force.

Fig. 10 shows the number of complaints, which have been made against this agency between the period for the years 2013 to 2016:

Year	2013	2014	2015	2016
No. of complaints	10	3	3	13



LOCAL AND REGIONAL MEETINGS AND SEMINARS

1. The Office of the Ombudsman in collaboration with the United Nations Children Fund (UNICEF) hosted two one-day seminars focusing on Human Rights relating to Children during the year 2016. These seminars were held during the months of February and October 2016 at UN House, Marine Gardens, Hastings, Christ Church. The seminars lasted from 8:30 a.m. to 3:00 p.m.

This initiative was intended for wide participation amongst Barbados' student population, whereby a minimum of two (2) senior students chosen from seventeen Secondary Schools participated on those events. These interactive sessions cover topics such as violence and bullying, including cyber bullying, discipline in a modern era, anger management and conflict resolution.

Figures 11 and 12 below shows a section of the students who attended the seminar.

Fig.11

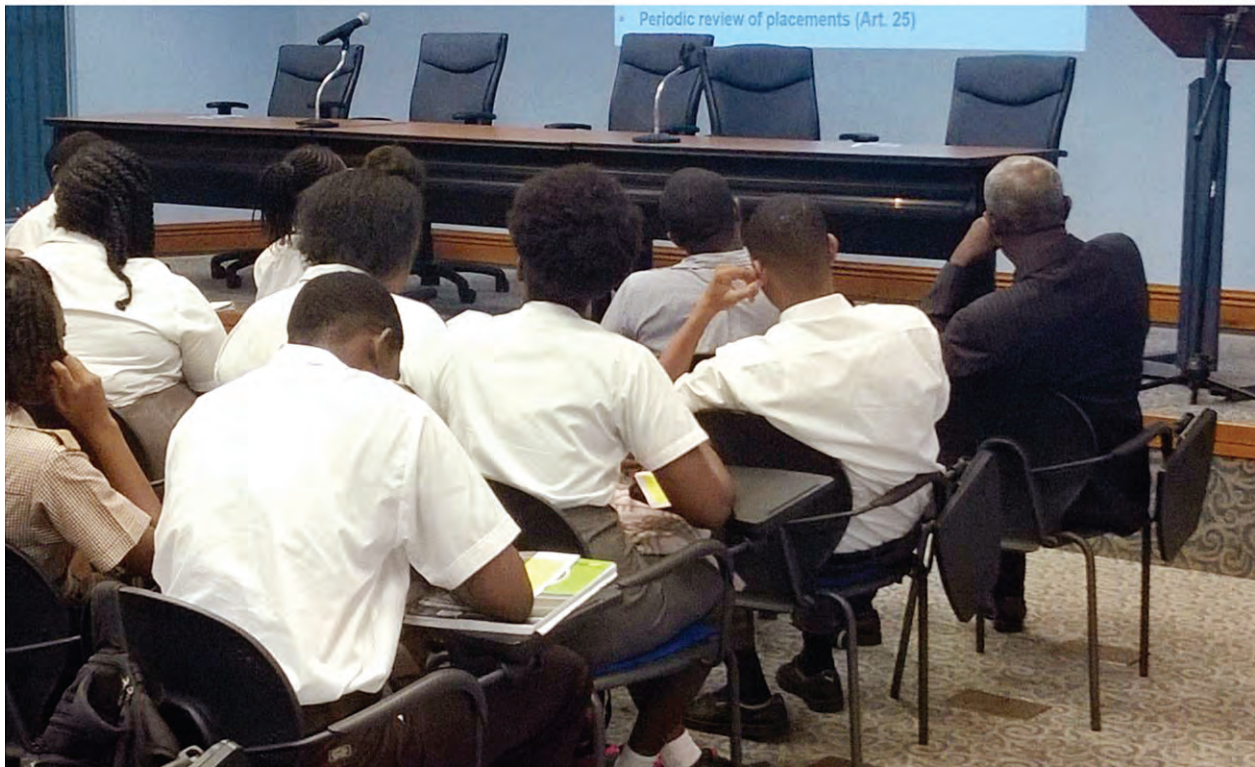


Fig.12



2. On May 19 and 20, 2016 approximately 20 representatives from 11 Offices of Ombudspersons and related institutions in the Caribbean region (Barbados, Belize, Jamaica, Puerto Rico, St. Lucia and Trinidad and Tobago) and Costa Rica met in Kingston, Jamaica at the Faculty of Law, UWI, Mona to discuss issues of citizen security and human rights, with a focus on the inter-American human rights system.

Barbados was represented at the seminar by Mr. Valton Bend, Ombudsman.

The seminar was organised by the Inter-American Commission on Human Rights (IACHR), which was represented by its President, Commissioner James Cavallaro, and Second Vice President, Commission Margaret May Macaulay, and the Faculty of Law UWI, Mona. It was funded by the European Union to the tune of \$20,000 Euros.

The Seminar was opened on Thursday, May 19 with a welcome from the Deputy Principal, University of the West Indies, Mona, Professor Ishenkumba Kahwa. Greetings were brought from the European Union, the Organization of American States and the United Nations in Jamaica and remarks were provided by the President of the IACHR, Commissioner James Cavallaro. The Hon. Delroy Chuck Q.C, MP, Minister of Justice in Jamaica, gave the Opening Address and underscored the commitment of his Government to the promotion and protection of human rights. He indicated that the Government of Jamaica took seriously its obligations under regional and international human rights instruments to which it is a signatory.

At the end of the Seminar the Ombudspersons and related institutions present issued a joint statement on citizen security and human rights. There was also a consensus on the use of Mediation by Ombudsmen as an alternative to investigations in certain cases.

Also noteworthy was the view that Ombudsmen should incorporate human rights into their work whether or not they have a specific mandate. This was based on UN General Assembly Resolution 63/169 of March 20, 2013 which recognized the role of the Ombudsman in the promotion of human rights, the rule of law, and respect for justice and equality.

SAMPLE CASES

1. A major local producing company requested the assistance of the Office of the Ombudsman in mediation with the Barbados Revenue Authority (BRA) to have outstanding VAT refunds for that company either paid or netted against Corporation Tax payable by the company. The amount in dispute was in excess of \$5M.

Meetings were held with the BRA and an agreement was reached between the two parties satisfactory to both sides.

2. The Office of the Ombudsman received a complaint from an incarcerated individual who complained of mistreatment by members of the Royal Barbados Police Force.

An investigation was carried out by this office, involving the assistance of senior Officers of the Police Force. After the matter had reached an advanced stage, it was agreed that from that point, the matter would be handled internally by the Force.

3. The Office of the Ombudsman received a complaint from an incarcerated individual who complained of mistreatment by members of the Royal Barbados Police Force. The main issue however turned on the admissibility of the confession statement which formed part of the Prosecution's case against the complainant.

This matter could not be advanced by the Office of the Ombudsman as matters of forced confession statements would be dealt with during the Voir Dire at trial.

4. The Office of the Ombudsman received a complaint from an individual living outside of the jurisdiction complaining that the National Insurance Department was tardy in processing her mother's NIS pension.

A meeting with the National Insurance Department revealed that monies were sent to the mother of the complainant via draft to the overseas address, which had been submitted, by the complainant. The matter was therefore considered as resolved.

5. The Office of the Ombudsman received a complaint from an individual who complained of mistreatment by members of the Royal Barbados Police Force. The complainant presented as a transgender female, and complained of being arrested by Police Officers and mistreated and insulted while at the Police Station. A series of insulting and derogatory remarks were alleged to have been made by the officers present at the Station.

The complainant alleged that when a request was made for a glass of water, the response was given that there were no cups to drink from, but recourse could be had by going into the shower and drinking water from the shower head.

The matter was investigated and eventually resolved.

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.

FIRST SCHEDULE

SECOND SCHEDULE

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.

Complaints.

8. (1) A complaint under this Act may be made by any person or body of persons, whether incorporated or not, other than a government department, public authority or body constituted for purposes of the public service or for managing any industry or undertaking in public ownership.

(2) A complaint may be made by the person aggrieved or his duly authorised agent; and where the aggrieved person has died, the complaint may be made on his behalf by his personal representative or by such other suitable person as the Ombudsman determines.

(3) A complainant shall be a citizen or a resident of Barbados (or shall have been such at the time of his death) or shall have been in Barbados or on a ship or aircraft or installation registered in or belonging to Barbados at the time of the act or omission of which he complains.

(4) A complainant who is no longer in Barbados shall, if the Ombudsman so directs, be permitted to re-enter and remain in Barbados, subject to such conditions as the Minister responsible for immigration may direct, for the purposes of the investigation.

(5) A complaint may not be made later than 12 months from the day on which the complainant first knew of the facts giving rise to his complaint; but the Ombudsman may extend this time if in his opinion there are special circumstances which justify such extension.

(6) The Ombudsman shall determine any question whether a complaint is duly made to him.

Procedure
of investi-
gation.

9. (1) The procedure of an investigation by the Ombudsman shall, subject to this Act, be such as he shall determine.

(2) An investigation by the Ombudsman shall be held in private and he may make such inquiries from such persons and in such manner as he may think fit.

(3) The Ombudsman may determine whether any person may be represented by an attorney-at-law or otherwise in an investigation.

(4) The Ombudsman shall, before making an investigation give to the principal officer of the department or authority concerned, and to any other person against whom the complaint is made, an opportunity to comment upon the complaint.

(5) No person shall be entitled, as of right, to be consulted or heard by the Ombudsman, except in the manner provided by this Act.

(6) The Ombudsman may, in the manner prescribed, reimburse the complainant and any other person who assists in an investigation for expenses incurred and time lost.

10. (1) Subject to subsection (3), the Ombudsman may, for the purpose of an investigation, require any Minister, officer or member of the department or authority concerned or any other person (including the complainant) to supply any information, produce any document or thing, attend for examination, or allow access by the Ombudsman to any premises of the department or authority.

Power to
obtain in-
formation.

(2) The Ombudsman shall, for such purposes, have the same powers as the High Court (including the power to administer oaths and affirmations) but subject to the same rules relating to immunity and privilege from disclosure as apply in the High Court and subject also to the following provisions of this section.

(3) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or thing or the allowing of access to any premises

(a) might prejudice the security, defence or international relations of Barbados or the investigation or detection of offences;

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- (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 ^{Reports.} 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 Expenses.
with his functions under this Act or the regulations shall be
defrayed out of moneys voted for the purpose by Parliament.

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.

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.

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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.

