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GRENADA

ACT NO. 20 OF 2013**I assent,**CECILE E. F. LA GRENADE
*Governor-General.**17th September, 2013*

AN ACT to amend the Ombudsman Act Cap. 218B of the 2010 Continuous Revised Edition of the Laws of Grenada.

[27th September, 2013].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows:

1. This Act may be cited as the

Short title.

OMBUDSMAN (AMENDMENT) ACT, 2013

2. In this Act—

Interpretation.

“principal Act” means the Ombudsman Act Cap. 218B of the 2010 Continuous Revised Edition of the Laws of Grenada.

Amendment
to section 11.

3. Section 11 of the principal Act is amended by repealing subsection (1) and substituting the following subsection—

“(1) Subject to subsection (2), the Ombudsman shall receive such emoluments and may be subject to such other terms and conditions of service as may from time to time be prescribed under this Act.”

Amendment to
section 15.

4. Section 15 of the principal Act is amended by repealing subsection (3) and substituting the following subsection—

“(3) A delegate shall, upon request by a person affected by the exercise of any power delegated to him or her, produce the instrument of delegation, or a copy of the instrument as provided for in the third Schedule, for inspection.”

Amendment
to section 19.

5. Section 19 of the principal Act is amended—

(i) by repealing subsection (2) and substituting the following subsection—

“(2) The finance required for the salary and allowances of the Ombudsman, and for the resources described in section 14 and subsection (1) of this section, shall not exceed a maximum amount indicated in an Ombudsman plan approved by the House of Representatives and shall be a charge on the Consolidated Fund without any further appropriation under any other enactment, other than under this Act, provided that the Ombudsman shall present to the House of Representatives by the 15th day of September of each year, an Ombudsman Plan, which will indicate the activities for the ensuing year.”

- (ii) in subsection (3) by deleting the words “Finance and Audit Act” and substituting with the words “Public Finance Management Act”.

6. Section 22 of the principal Act is amended by repealing subsection (1)(c) and substituting the following subsection—

Amendment
to section 22.

“(c) shall be made within one year after the day the complainant first had notice of the administrative action, but the Ombudsman may extend this time for a further period of six months, if in his opinion there are special circumstances which justify such extension.”

7. Section 23 of the principal Act is amended in subsection (2) by deleting the words “subsection (2)” and substituting the words “sub-section (1)”.

Amendment
to section 23.

8. Section 27 of the principal Act is amended in subsection (9)—

Amendment to
section 27.

- (i) by deleting the word “process” and substituting the word “powers”;
- (ii) by deleting the word “as” appearing after the word “witnesses” and substituting the word “and”.

9. Section 29 of the principal Act is hereby repealed and substituted with the following section—

Amendment to
section 29.

“29.—(1) 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 Grenada or the investigation or detection of offences;
- (b) might involve the disclosure of deliberation 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.

(2) Subject to subsection (1), no information, answer, document or thing should be withheld from the Ombudsman on the ground that its disclosure would be contrary to the public interest.”

Amendment to
Schedule II.

10. Schedule II of the principal Act is hereby repealed and substituted with the following Schedule—

“SCHEDULE II**MATTERS NOT SUBJECT TO INVESTIGATION**

(1) Action taken in matters certified by the Minister responsible for Foreign Affairs or the Minister of the Crown to affect relations or dealings between the Government of Grenada and any other Government or any international organisation of States or Governments.

(2) Action taken in any country or territory outside of Grenada, by or on behalf of any officer representing or acting under the authority of Her Majesty in respect of Grenada or any other public officer of the Government of Grenada.

(3) Action taken by the Attorney-General relating to the extradition of any person under the Extradition Act.

(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 of crime or protecting of the security of Grenada, including action taken with respect to passports.

(5) The commencement or conduct of civil or criminal proceedings before any Court of Law in Grenada, or before any international court or tribunal.

(6) Action taken in connection with the exercise or possible exercise of prerogative of mercy under the Constitution or otherwise.

(7) Action taken in matters relating to contractual or commercial transaction, 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 critical judgment.

(9) Any matter relating to any person who is or was a member of the armed or police force of Grenada 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 honor or awards.

(12) Matters relating to the grant of liquor licences.

(13) Matters relating to the regulation of public utilities.

(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.”

Insertion of
Schedule.

11. The principal Act is amended by inserting after the Second Schedule the following Schedule—

“THIRD SCHEDULE

INSTRUMENT OF DELEGATION

I, _____ pursuant to section 15 of the Ombudsman Act Cap 218B, do hereby delegate the following powers, functions and duties;—

(i)

(ii)

(iii)

upon _____ for the time being.

This delegation does not permit the sub-delegation of the powers in accordance with Section 15(1) of the Ombudsman Act Cap 218B.”

Approved by:

Passed in the House of Representatives this 2nd day of August, 2013.

RAPHAEL DONALD

Acting Clerk to the House of Representatives.

Passed in the Senate this 21st day of August, 2013.

RAPHAEL DONALD

Acting Clerk to the Senate.

GRENADA