



Co-operative Republic
of Guyana



The Ombudsman's

ANNUAL REPORT

2024



CO-OPERATIVE REPUBLIC
OF GUYANA

Report of the Ombudsman

Annual Report for 2024

Presented to the National Assembly pursuant to Article 194 (4) of the Constitution of the Co-operative Republic of Guyana.

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MISSION STATEMENT

The Office of the Ombudsman is established to guarantee protection to members of the public against the abuse or misuse of power by the bureaucracy.

To achieve this goal the Office is committed and dedicated to the following:

1. To investigate and resolve complaints promptly against injustice done to members of the public by government departments and other authorities.
2. To provide informal, dependable and freely accessible service to members of the public;
3. To treat members of the public with courtesy, compassion, honesty and respect their privacy;
4. To educate members of the public of the services of the Office of the Ombudsman;
5. To be ethical, transparent and accountable;
6. To offer guidance to members of the public whose complaints are outside the jurisdiction of the Ombudsman; and
7. To ensure that members of the public are treated alike and there is no discrimination on the ground of race, place of origin, political opinions, colour, creed or sex.

The Hon Justice (Ret'd) Winston Patterson
Ombudsman
Office of the Ombudsman
39 Brickdam, Stabroek, Georgetown.
Telephone #: 226-2294 or 226-1211

**HON. JUSTICE (RET'D)
WINSTON PATTERSON
OMBUDSMAN
TEL: 226-2294**



**OFFICE OF THE OMBUDSMAN
39 BRICKDAM, STABROEK,
GEORGETOWN
TEL: 226-1211**

28th February, 2025

**The Honourable Mr. Manzoor Nadir, M.P
Speaker of the National Assembly
Parliament Building
Brickdam,
Georgetown.**

Dear Sir,

Re: Annual General Report 2024

I have the honour to submit to you my Annual General Report on the Performance of the functions of the Office of the Ombudsman for the year 2024.

I shall be grateful if you will lay it before the National Assembly in accordance with Article 194 (4) of the Constitution of the Co-operative Republic of Guyana.

Yours Sincerely,

Ombudsman

INTRODUCTION

Guyana was the first country to establish a complaint handling institution with the appointment of an Ombudsman in 1966 within the Caribbean Region. Complaints by members of the public against unjust administrative decisions of government officers or statutory agencies are investigated with efficiency and impartiality.

Constitutionally, the Ombudsman has no jurisdiction over certain agencies. However, in those situations letters of referrals are usually written to the relevant government offices or statutory bodies with copies of the complaints included.

The Office of the Ombudsman offers opportunities for negotiation and mediation and if unsuccessful, an impartial and thorough investigation is conducted. The ombudsman is a dispute resolution body and is flexible and swifter than the courts. He is enabled to adjust to the practicalities of a complaint circumstanced by virtue of the flexibility of the process.

As a constant reminder, our services are free and confidential and address a variety of personal and work-related issues as well as mal-administrative decisions/actions taken by government officials or statutory bodies against vulnerable citizens.

Moving forward, this agency is always motivated to consider the interest of citizens on whose behalf legitimate complaints are diligently investigated. This vital constitutional duty assists complainants to save time and money whilst giving them much needed support.

This office is passionately advocating for disadvantaged citizens. In keeping with our mission, it will always be our remedial work done to right the wrongs proven against any government agency/official. Furthermore, our willingness and commitment to assist, propel us to carry forward the vision to ensure that no person/complainant be denied his/her right to fair, just and humane treatment.

This agency is immensely appreciative for the understanding and cooperation of those government departments and statutory bodies in making this vision a reality.



Appointment of Ombudsman

In Guyana the Ombudsman is appointed by the President acting after consultation with the Opposition Leader.



Procedure for filing complaints

A complaint is made directly to the Ombudsman by the aggrieved person himself or by one authorized by him.

The aim of the Ombudsman is to assist public officers in the performance of their duties to prevent recurrence of mistakes and to further enhance the performance of the departments.

As is customary, in the preparation of this report it is noted that complaints within my jurisdiction are numerically lower than those outside of my jurisdiction. Notwithstanding that however, all complaints are dealt with dispassionately.

OMBUDSMAN'S PARTICIPATION AT CONFERENCES/WORKSHOPS

CMJA Annual Conference held at the Kigali Convention Centre in Kigali, Rwanda

Cabinet's approval for Guyana's participation at the CMJA's Annual Conference convened at the Kigali Convention Centre in Kigali, Rwanda, "The land of a thousand Hills" is hereby respectfully acknowledged.

This Conference was a success having had in attendance over three hundred delegates from forty-five Commonwealth jurisdiction. Notably there were several delegates from non-Commonwealth jurisdictions, Poland and USA for example.

Guyana was represented at a meeting of the CMJA Council members scheduled for Sunday September 8, 2024 from 9:30 hrs. to 16:00 hrs. It was an informative meeting and, in my presentation, I emphasized inter alia our resolve to enhance Democratic Principles. This is evidenced by the recent appointments of nearly a dozen Puisne Judges and Magistrates respectively fortifying the Judicial arm of Government visa-vie its independence.

Our Court of Appeal has been refitted with a new south west wing building. This three-story building provides spacious

and conducive environment in the deliverance of justice which is being served in an efficient and accessible manner. On Monday, May 13th, 2024 this new wing was commissioned by our Hon. Attorney General and Minister of Legal Affairs, Mr. Anil Nandlall S.C.M.P.

At a Conference welcome reception hosted by His Lordship Chief Justice Dr. Faustin Ntezilyaya, welcome greeting was extended on behalf of the Judiciary of Rwanda. However, the tone of this annual conference was set at the formal opening on Monday September 9, 2024 by His Lordship the Hon. Chief Justice who highlighted in his welcome to delegates that the CMJA Conference is always a rare opportunity for us to share experiences, network and bond for the benefit of all.

Following the above presentation, remarks were made by Hon. Mrs. Justice Lynne Leitch the President of CMJA who with pleasure welcomed all to this Conference in Kigali, Rwanda a beautiful gathering place to learn, share and reflect on Environmental Justice and the Human Rights to a healthy environment.

The year twenty, twenty-four marks the 30th Anniversary of the Genocide in Rwanda. The CMJA in collaboration with the

local organizing committee, arranged a visit to the Kigali Genocide Memorial Museum, the final resting place for more than two hundred and fifty thousand victims of the genocide, a place of remembrance and learning comprising exhibitions, memorial gardens, educational facilities and the Genocide Archive of Rwanda. The main exhibition explores the history of Rwanda during its slide into genocide; the one hundred days of genocide against the Tutsi and the aftermath.

Focusing on our theme, several eminent speakers expounded on the theme "environmental justice" which left a positive impact on the assembly. After plenary, participants were more aware that the air we breathe, the water we drink and the land we exist on are all impacted by various forms of pollution; thus, environmental justice is affected by these triple planetary crises. All things considered, environmental justice contemplates issues such as pollution, environmental degradation and the much talked about climate change.

Encouraging Ethical Practices in Public Offices – The Role of the Ombudsman

A round table discussion on Ethical Behaviour in the Public Service "Promoting Integrity and Effectiveness in Public Bodies and Authorities Responsible for Preventing

Corruption," hosted by the Hon. Minister of Parliamentary Affairs and Governance was held at the Guyana Pegasus Hotel (Savannah Suite) on July 9th, 2024. My presentation re-enforced the theme and I informed/reminded the distinguished assembly that the office of the Ombudsman is an established constitutional agency and can certainly encourage ethical practices as required in public offices.

My office is created by Article 122 of the Guyana Constitution and is empowered to carry out certain investigations while the Ombudsman Act Cap. 19:04, makes provision for the carrying out of the functions as determined by the constitution. To achieve this goal, the Ombudsman must be committed and dedicated in applying ethical principles in the execution of his duty consistent with our mission statement.

The Ombudsman Act provides for complaints to be made by any aggrieved person to the Office of the Ombudsman for investigations to be undertaken. It is to be noted that the Ombudsman has jurisdiction over certain entities to ensure that the officer against whom a complaint is made under Section 3(4) of the Act did not breach his statutory duty or misconducted himself or committed any criminal offence.

If, in the opinion of the Ombudsman any one or more of the proscriptions is breached, he refers the matter to the competent authority for disciplinary or other proceedings against the officer.

Thus, it can be readily appreciated that the Ombudsman's investigative role is limited to statutory and other legal breaches. As a matter of fact, a public officer may act unethically but, in a manner, as contemplated by the Act and thus may not fall foul of Section 3(4) of the Act.

The Ombudsman oversees the authorities and there must be some degree of formalism in dealing with individual cases.

The issue or theme of the case must be defined and authorities given time to explain themselves. Ombudsman must continue to conduct his impartial investigation, record his findings, then make his recommendations, after which authorities are expected to follow up.

There may be pitfalls in exercising authority. "He who wields authority, wields a God given weapon and he must constantly be on guard lest he misuses it for selfish gains."

Authority must never be exercised in an arbitrary capricious manner, thus the need for prudent consideration and ethical application to the issue at hand.

Ethics speaks to morality and integrity. It has been said that one cannot legislate for morality, but I will posit that absence of ethics in the behaviour of public officials may leave much to be desired in the discharge of their functions.

The adoption of ethical considerations by public officers in the discharge of their functions would be commendable. For example, Section 2(2) provides that anyone

lawfully detained may make a written complaint to the Ombudsman and the person in charge of the place of detention is to send the letter unopened to the Ombudsman.

But what is to prevent the person in charge from acting unethically by reading the letter whilst it is being written or read it before sealing it in the envelope and delivering an unopened envelope?

There may be other instances where it may seem as though the public official is acting within the four corners of the law. Whereas, on closer inspection he or she could also be acting unethically. For example, Section 4(1) permits the Ombudsman to request information and documents from public officers and departments and they, under the guise of fully providing the information and documents, may unilaterally decide what to give and what not to give and the Ombudsman may not be aware of their deceitful unethical behaviour.

Thus, it can be seen that with the absence of ethical behaviour, members of the public may be denied fair treatment by public officials and that would weaken confidence in public institutions and ultimately undermine the rule of law.

Therefore, it is imperative that public officials are encouraged to include ethical behaviour in the daily execution of their duties since to do so they would be obeying the spirit and intent of the law and members of the public will be able to discern this and foster a conducive climate for interactions.

I must say that although Section 3(3) of the Ombudsman Act gives the Ombudsman a wide discretion whether he should give someone a hearing before requesting information from him, equity, fairness and ethics demand that the Ombudsman afford the person a hearing.

Ethical behaviour is the cornerstone of any effective and trustworthy public service. It ensures that public officials act in the best interests of citizens, uphold justice and maintain public trust. Without ethical practices, corruption, inefficiency, and public distrust can thrive, thus undermining the very fabric of our society.

By creating a culture of integrity, we can promote ethical practices within public offices. This involves setting clear ethical guidelines, establishing a zero-tolerance policy against corruption whilst recognizing and rewarding ethical behaviour.

Encouraging ethical practices in public offices is collective responsibility. As the Ombudsman, my role is to promote ethical practices in public offices. It is imperative that public officials uphold high standards of integrity and accountability by working together. We can build a public service that is not only effective but also trusted and respected by all citizens.

Human Rights and Anti – Corruption Expo December 9 and 10, 2024.

In observance of Anti – Corruption Day Monday December 9 and International Human Rights Day Tuesday December 10, the Ministry of Parliamentary Affairs and Governance hosted a two days expo at the Arthur Chung Conference Centre. Participants included national and international organizations with emphasis on human rights.

My Agency participated as an exhibitor advancing and enhancing citizens' rights in Guyana.

Visitors

During the year under review, two members from the Ethnic Relations Commission paid: a courtesy call to the Ombudsman's office.

After extending warm welcome, they were briefed on the types of complaints which usually come to the Ombudsman's attention from time to time. At the conclusion of the session, the visitors expressed their appreciation for the reception and information gained.

REVIEW OF THE YEAR 2024

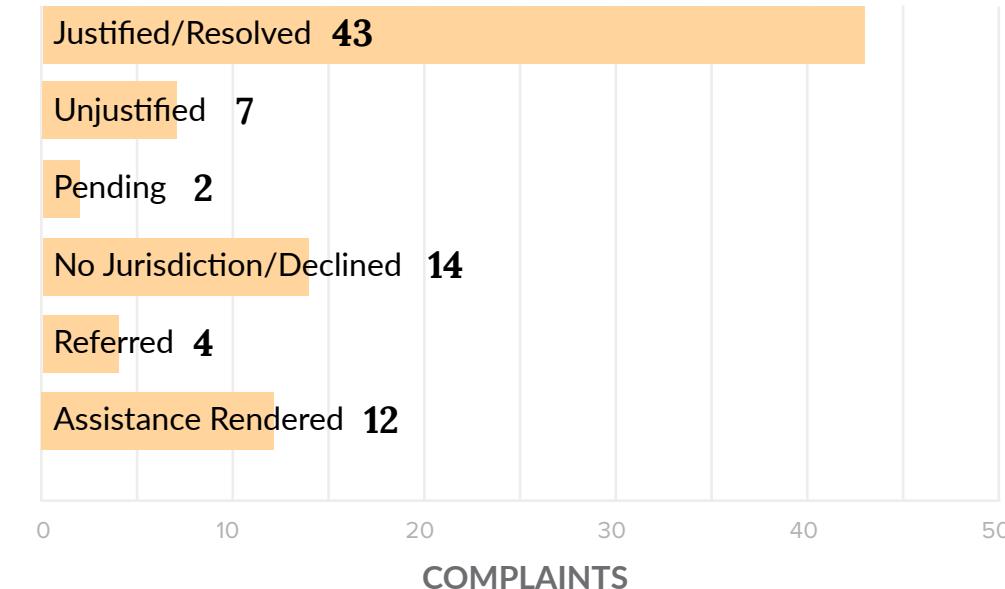
A key role of the Ombudsman's Office is to investigate whether there is or there is not any act of maladministration and the rule of natural justice is observed and applied in any given situation.

A large number of the complaints received were made by persons who visited my office without an appointment as is costumery. Several matters involving: The Courts, private/domestic nature and lawyers were amicably resolved whilst a small number of complainants apologised when informed that they were the ones at fault and not the accused officials/agencies. A few matters were discontinued or withdrawn.

Eighty- two complaints were received and processed. They are categorized as follows:

- **Justified/Resolved** i.e. if there is sufficient evidence to support a finding that an agency has erred and that agency agrees to implement the recommendation.
- **Unjustified** i.e. if there is insufficient evidence to support a determination against an agency.
- **Declined** for want of jurisdiction.
- **Assistance rendered** i.e. when complaints do not fit into any of the above mentioned categories, but some assistance has been rendered.
- **Referrals** i.e. matters which were forwarded to the relevant agencies because of lack of Jurisdiction.

Complaints disposed of in this period were as follows:



Complaints in which jurisdiction was declined pursuant to Articles 192 (3) and 193 of the Constitution included:

- (a) The Law Courts - I am precluded from investigating the commencement or conduct of civil or criminal proceedings in any court.
- (b) Where complainant has a remedy by way of proceedings in court: and
- (c) Stale and frivolous complaints.

Complaints in which I had no jurisdiction include: Legal Practitioners, matters of private nature and the police. However, certain complaints against the police come under my jurisdiction. In relation to some of these complaints, I spoke with the police officers

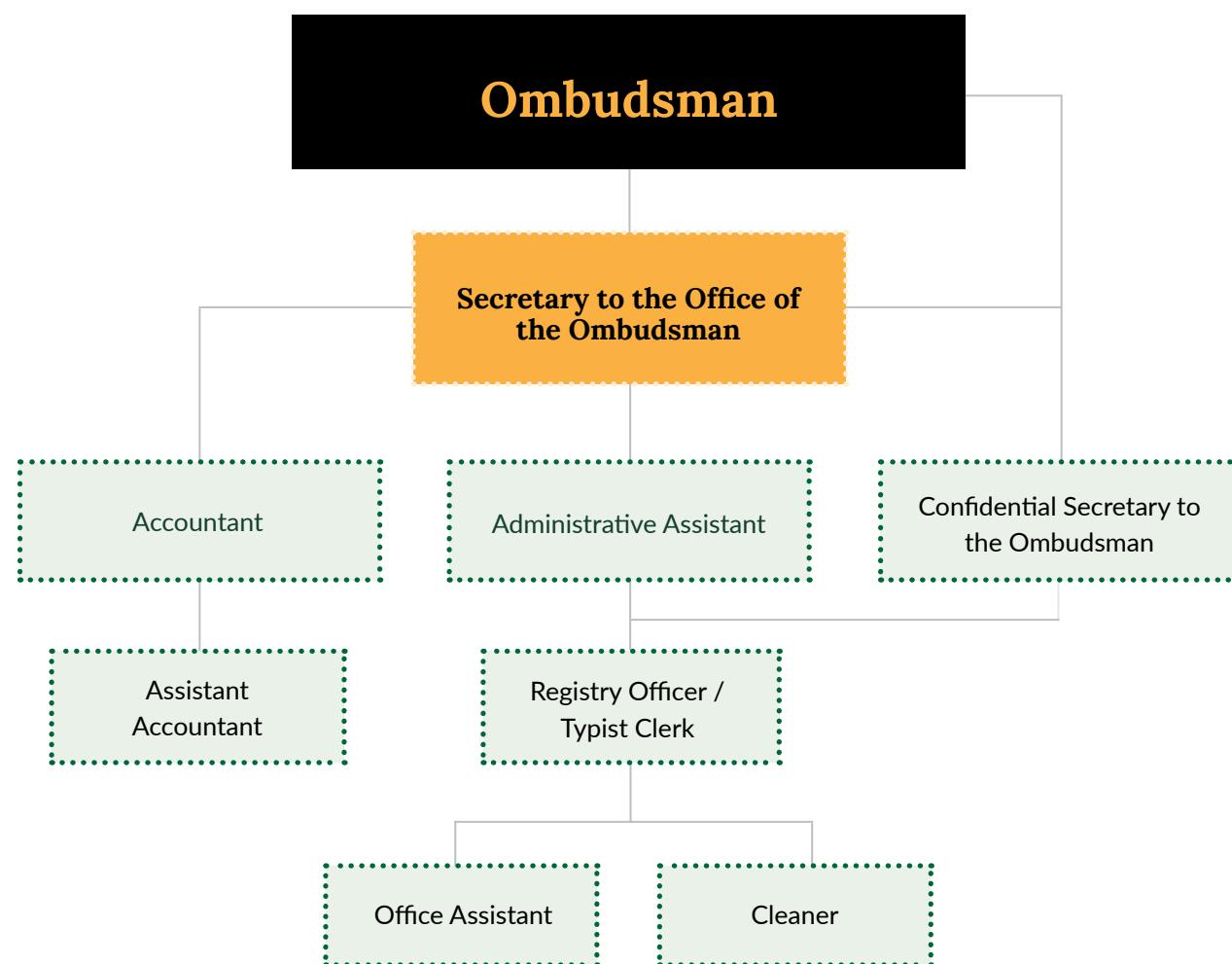
concerned while others were referred to the Commissioner of Police, Police Complaints Authority and the Office of Professional Responsibility.

Accommodation

The Office of the Ombudsman remains the occupant on the top floor of a three storeyed building at 39 Brickdam, Stabroek, Georgetown. The ground floor of the said building houses Police Complaints Authority and the Guyana Bar Association Secretariat whereas Public Service Appellate Tribunal is located on the first floor in the aforementioned building.

OUR STAFF

The staff of the Office of the Ombudsman are public officers employed by the Ministry of the Public Service. The staff consists of Nine (9) employees, as shown below:



SELECTED COMPLAINTS SUMMARY

Guyana Police Force

- Dismissal of Guyana Police Force Lance Corporal.

A former Lance Corporal of the Guyana Police Force complained that the force committed an act of mal-administration by unceremoniously discharging him from the Guyana Police Force without giving him a hearing and despite his best efforts to engage the administration he failed. Subsequently, he was charged with a criminal offence and was exonerated.

Thereafter, every effort to reach and have the matter amicably resolved with the force's administration proved futile. Complainant states "As such my status quo remained the same. I therefore called upon your esteem office to look into this matter for a speedy resolution."

Regarding this complaint, it is noted that a letter of discharge dated 9/10/2015 and signed by the Commissioner of Police effectively discharged the complainant from the Guyana Police Force with effect from 2015/10/06 on the grounds that: having regards to the conditions of the force and his usefulness as a Lance Corporal such discharge is desirable in the Public Interest in

accordance with Section 35(1) of the Police Act Chapter 16:01.

This former Lance Corporal submitted a complaint at my office on the 17/7/2024 requesting an intervention into this matter. As a matter of interest, I wish to state that the powers and jurisdiction of the Ombudsman are derived from the Constitution and Article 192 (4)(a) is applicable in this case.

Having confronted the complainant to ascertain the reason for so great a delay, of nine years to be exact, he indicated that he had gone on with his life rearing cattle at a back dam in Berbice and a lawyer whose name he mentioned advised him to file a complaint at the Ombudsman's Office against the Police Force. In my opinion this complainant is a simple and honest man but was ill advised by an unscrupulous lawyer whose only aim must have been to extort/fleece the ordinary man's money. Be that as it may, this is a stale and frivolous complaint and the complainant was informed accordingly.

He was grateful for having had an opportunity to be heard and said in a seemingly satisfied manner "Sir thanks ...me al right a back-dam man."

- Delayed Outstanding Payments from the Guyana Police Force.

Complainant complained that he has been dealt with unfair treatment by the Guyana Police Force for over two years. He was contracted to provide a range of services for an agreed sum of money which was outstanding.

Needless to say, a large amount of money having been invested in providing those services, the delayed payment was negatively affecting the level of efficiency in the business operation. Distracted by the situation, multiple attempts to resolve the issue by reaching out to various authorities within the Guyana Police Force and the Office of Professional Responsibility were made but the response has been dismissive with regards to when the outstanding payments will be received.

The complainant therefore requested any sort of intervention this office could render in this matter as it was a quite frustrating situation which greatly affected the growth of his business.

I wrote the Commissioner of Police enclosing a copy of the letter of complaint but did not receive a reply. Several weeks later I sent a reminder. Thereafter, I was informed by the complainant that the matter was settled and they were paid by the Guyana Police Force.

Mahaica-Mahaicony-Aباري/ Agriculture Development Authority

The complainant a former employee of the MMA/ADA complains that despite his persistent efforts through written communication and verbal requests, he has been unsuccessful in receiving his retirement benefits. According to him, it has been a challenging journey and he finds himself feeling disheartened by the lack of progress so he approached this office seeking my support and intervention in resolving this matter during this time of uncertainty.

Complainant was employed by MMA/ADA from July 1980 until December 1995. However, in 1992 the authority decided to downsize its operations which resulted in rationalization of the staff, some of whom were absorbed by the Ministry of Agriculture while others were given a choice of a pay off or a monthly pension. The process at the Ministry of Agriculture and Public Service was taking some time so he accepted an offer at the Guyana Rice Development Board and started working there in November, 1995.

He was promised a transfer of his services but some months later, he learnt that his services cannot be transferred since GRDB is a new organisation. His colleagues who were absorbed by the Ministry of Agriculture received full benefits and the persons who came off from the MMA/ADA also received their full benefits.

I wrote the Authority. It replied that complainant submitted his employment records and following the receipt of those records, his case was thoroughly examined by MMA/ADA's Board of Directors on the evidence provided. After careful consideration, it was decided that complainant's request for payment of employment benefits could not be favourably considered by the Authority, as the threshold for the payment of those benefits was not met.

Assessing the evidence in this case it is clear that the Authority is not at fault. It acted properly, complainant was given a choice which he regrettably exercised to his detriment. He was informed accordingly. He said "after fifteen (15) years of service I was left out in the cold. I have to admit that I probably made a bad judgement move but I was wrongly advised."

Prolonged delay by Attorney-at-Law in Land Matter.

The complainant an approved re-migrant to Guyana after some thirty-eight (38) years residing in the United States of America discussed a very long and prolonged matter when he was represented by a lawyer in the High Court. The Court ruled in his favour. The lawyer who represented him has been fully paid for his representation but is yet to complete the final filing of all property transfer documents.

For over two years there have been endless excuses for not completing the required documents. Complainant claimed to be very frustrated and requested that I look into the undue delay of the aforementioned matter.

Update: The situation is much improved. The complainant and counsel are engaged in meaningful discussion in order to expedite this long outstanding matter.

Court Matter – Bail pending Appeal.

Complainant; an amputee and a former police officer, lodged a complaint at this office on behalf of his son who is incarcerated in prison for over twenty months.

He has been awaiting an appeal bail hearing since 2022 even though he retained two lawyers on separate occasions to proceed with an appeal for his son. Complainant requested the support and intervention of my office to expedite an early response and resolution of this matter.

A timely intervention has revealed that all relevant documents are on file awaiting an early firm date for hearing by the competent authority. The competent authority is presently processing this and other similar matters.

Complaint against Magistrate

Complainant, a landlord who rented his property, filed a plaint against the tenant for possession. The tenant was served a notice to quit in compliance with a clause in the tenancy agreement signed by both parties. According to him, the tenant breached the contract by his late payments of the rent, damage to his property, having dogs on the premises and loosing them on complainant whilst throwing a cutlass on him threatening his life.

After the court hearing, he was shocked and devasted. He made a report to the police station concerning the assault on him and the threat to his life by the tenant. In submitting this complaint against the magistrate, he said: "Sir I was shocked and devastated to this effect, since I had mentioned I was threatened by the tenant who chased me out the yard, losing his dogs and throwing cutlass on me. The time period was unfair and the reason for a trial unjustified, he having breached a few clauses within the contract which became null and void. Situation would escalate since so much was then given to the tenant who had already threaten my life and continue to damage my property. The time allotted the tenant to move out was even more than what the tenant asked."

I uplifted a certified copy of the case jacket wherein it was stated that the matter was indeed adjourned to five months hence after the defendant - tenant requested three or four months to vacate the premises whereas,

complainant suggested one month since the tenant was served a timely notice to quit, owed several months' rent and is in breach of the tenancy agreement.

It was explained to the complainant that the magistrate was apparently of the opinion that she will not grant the tenant another adjournment beyond that date and the adjournment may very well be to his advantage. The complainant was relieved and composed. He was reassured having heard the likely reason why the magistrate granted the adjournment to that specific date and time.

Update: the court ruled in favour of the complainant and granted all appropriate orders against the tenant. The complainant was relieved and very satisfied at the outcome.

GO-INVEST – Forced into Retirement.

Complainant; a former employee of GO-INVEST a semi-autonomous agency submitted her letter of complaint to this agency stating that an injustice was done to her. According to her after twenty-eight (28) years of service with that agency, she was forced into retirement and trust that my good office would be of some help to her. At the time of her interview for the job, she was told that by virtue of the agency being semi-autonomous, the age of retirement would

be five (5) years longer than that of regular Public Servants thus bringing it to sixty (60) years.

Twenty-eight years later, she was given a rewritten office manual in which a change regarding the age of retirement is similar to that of regular public servants. She was summoned to a meeting with the deputy CEO and the Finance Manager then issued a letter of retirement giving her six weeks' notice.

At that meeting with the two senior executives, she was promised that all her benefits will be paid for her years of service with the agency. In stating her case she said: "Sir I never opted to resign, I was never called or summoned by the agency and given an option to stay or resign. I was forced into retirement and feel an injustice was done to me. I trust your office could be of some help to me."

This complainant at the time of her employment, was initially given an employment letter which stated inter alia that she will retire at age sixty. She had that legitimate expectation and did not perceive that at fifty-seven years of age, having given twenty-eight unbroken years of service to the agency, she would be sent on retirement. This she claims has affected her superannuation benefits. However, the doctrine of legitimate expectation should not be misunderstood since it may not be applicable in certain situations.

In view of the above, I wrote the CEO enclosing a copy of the letter of complaint, but received no reply. After several weeks, a reminder with the relevant enclosures were sent. I have received no response.

National Insurance Scheme

• Refusal to merge contributions.

Complainant was unable to get a record of her contributions from NIS. She expressed her deepest disappointment and frustration regarding her experience with NIS. Recently she checked at the NIS office and was informed that during the years she worked at the Office of the Ombudsman, her contributions were being paid using her Birth Certificate. Hence those contributions were not added to her present contributions. She is now married and uses her married Surname.

Despite the fact she has produced all relevant documents: birth certificate, ID card, marriage certificate among others, NIS still refused to merge her contributions. Complainant brought this matter to my attention strongly believing that I can rectify this issue and provide her with a suitable resolution.

Contact having been made with the Head Office Manager directly, I am awaiting an update from NIS.

- Non-payment of death benefits.

This complainant is an eighty-four years old former police officer and retired employee of Guyana Geology and Mines Commission where she worked for over twenty years. Her husband now deceased was also an employee of GGMC. He died in August 1974 in Potaro River while on duty leaving six young children who were between the ages of thirteen years and fifteen months.

As his widow, complainant was receiving pension payment from NIS. However, in 2013 payments were discontinued. This agency's help was requested by the complainant who also craves the assistance of the Ombudsman's office to have payments restored.

When contacted NIS stated that the complainant was overpaid sixteen thousand dollars. She should have been receiving one pension and not two.

Therefore, NIS discontinued payment of the deceased benefits when it was discovered. Notwithstanding the above, this is a stale complaint which falls squarely within Article 192 (4)(a) of the Constitution. This complainant has had knowledge for more than twelve months before the complaint was received by the Ombudsman's office.

In conclusion there is insufficient evidence to support a determination against the NIS. The complainant was accordingly informed.

- Updating NIS contributions for the purpose of obtaining benefits.

Complainant claims that he worked as a police officer in the Guyana Police Force from 1983 – 1991 and thereafter, he was employed at Omai Gold Mines from 1991 – 2001.

At present, he resides in the United States of America. In November 2022 he visited Guyana, and checked with the NIS office and the police department/Force in furtherance of his NIS benefits claim; but due to the fact that it was taking him longer than expected to get answers, he had to return to USA.

Complainant reached out to my office via email and requested the use of my good office to assist him in processing his NIS contributions. Contact was made with NIS which advised that the complainant should request his contributions record from NIS records department; as well as his records of service for contributions made to NIS by his former employers for the periods he worked with those agencies. Complainant was notified/informed accordingly.

AGENCIES COMPLAINTS ARE AGAINST

Within Jurisdiction

Guyana Defence Force
Environmental Protection Agency
Guyana Lands and Surveys Commission
Guyana Police Force
Ministry of Health
Land Registry
Ministry of Housing & Water
Guyana Revenue Authority
Ministry of Education
National Insurance Scheme
Regional Executive Office Region # 6
Deeds Registry
GOINVEST
Public Works

Total Complaints

卷之三

Without Jurisdiction

- Judiciary/Court Matters
- Private Matters/Miscellaneous
- Pooran Brothers
- Citizens Bank
- Scotia Bank
- Complaints against Legal Practitioner
- Referrals
- Public Service Commission

Total Complaints

11
21
1
1
1
15
4
1

APPENDIX A

The Ombudsman's Act, Cap 19:04

LAWS OF GUYANA		
<i>Ombudsman</i>	Cap. 19:04	3

CHAPTER 19:04 OMBUDSMAN ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Mode of complaint.
3. Procedure in respect of investigation.
4. Evidence.
5. Disclosure of certain matters not to be required.
6. Secrecy of information.
7. Proceedings not to be questioned or to be subject to review.
8. Proceedings privileged.
9. Power of entry on premises.
10. Delegation of powers.
11. Reports.
12. Offences.
13. Prescription of authorities subject to the Ombudsman's jurisdiction.

SCHEDULE—Authorities subject to the Ombudsman's jurisdiction.

17 of 1967

An Act to make provision for matters supplementary and ancillary to those provided for by Part 2 of Chapter 5 of the Constitution of the Co-operative Republic of Guyana.

[9th September, 1967]

Short title.

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

Mode of complaint.

2. (1) All complaints to the Ombudsman and requests for investigation by him shall be made in writing.

LAWS OF GUYANA

4 Cap. 19:04 *Ombudsman*

(2) Notwithstanding anything provided by or under any enactment, where any letter written by any person detained on a charge or after conviction of any offence is addressed to the Ombudsman, it shall be immediately forwarded, unopened, to the Ombudsman by the person for the time being in charge of the place where the writer is detained.

Procedure in respect of investigation.
[O. 80/1980]
c. 1:01

3. (1) Where the Ombudsman proposes to conduct an investigation under article 192(1) of the Constitution he shall afford to the principal officer of the department or authority concerned an opportunity to make, orally or in writing as the Ombudsman thinks fit, representations which are relevant to the matter in question and the Ombudsman shall not, as a result of such an investigation, make any report or recommendation which may adversely affect any person without his having had an opportunity to make, orally or in writing as deemed sufficient by the Ombudsman, representations relevant to the matter investigated.

(2) Every such investigation shall be conducted in private.

(3) It shall not be necessary for the Ombudsman to hold any hearing and, subject as hereinbefore provided, no person shall be entitled as of right to be heard by the Ombudsman. The Ombudsman may obtain information from such persons and in such manner, and make such inquiries, as he thinks fit.

c. 1:01

c. 8:01

(4) If, during or after any investigation, the Ombudsman is of opinion that there is evidence of any breach of duty, misconduct or criminal offence on the part of any officer or employee of any department or authority to which article 192 of the Constitution applies, the Ombudsman may refer the matter to the authority competent to take such disciplinary or other proceedings

L.R.O. 1/2012

LAWS OF GUYANA

Ombudsman

Cap. 19:04

5

against him as may be appropriate.

(5) Subject to this Act, the Ombudsman may regulate his procedure in such manner as he considers appropriate in the circumstances of the case.

(6) Where any person is required under this Act by the Ombudsman to attend before him for the purposes of an investigation, the Ombudsman shall cause to be paid to such person, out of moneys provided by Parliament for the purpose, the fees, allowances and expenses, subject to qualifications and exceptions corresponding to those, that are for the time being prescribed in the Sixth Schedule to the Criminal Law (Procedure) Act, so, however, that the like functions as are so prescribed and assigned to the Registrar of the Supreme Court of Judicature shall, for the purposes of this subsection, be exercisable by the Ombudsman and he may, if he thinks fit, disallow, in whole or in part, the payment of any amount under this subsection.

c. 10:01

Evidence.

4. (1) Subject to this section and section 5, the Ombudsman may from time to time require any person who in his opinion is able to give any information relating to any matter that is being investigated by the Ombudsman to furnish to him any such information, and to produce any documents or papers or things which in the Ombudsman's opinion relate to any such matter as aforesaid and which may be in the possession or under the control of that person. This subsection shall apply whether or not the person is an officer, employee, or member of any department or authority, and whether or not such documents, papers, or things are in the custody or under the control of any department or authority.

(2) The Ombudsman may summon before him and examine on oath-

(a) any person who is an officer or

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employee or member of any department or authority to which article 192 of the Constitution applies and who in the Ombudsman's opinion is able to give any such information as aforesaid; or

- (b) any complaint; or
- (c) any other person who in the Ombudsman's opinion is able to give any such information;

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and for that purpose may administer an oath. Every such examination by the Ombudsman shall be deemed to be a judicial proceeding for the purposes of the Title 21 of the Criminal Law (Offences) Act (which relates to perjury)

(3) Subject to subsection (4) no person who is bound by the provisions of any enactment, other than the Official Secrets Acts, 1911 to 1939 (or any Act of the Parliament of Guyana replacing the same in its application to Guyana), to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any questions put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.

(4) With the previous consent in writing of any complainant, any person to whom subsection (3) applies may be required by the Ombudsman to supply any information or answer any question or produce any document or paper or thing relating only to the complainant, and it shall be the duty of the person to comply with that requirement.

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(b) Subject to subsection (4) every person shall have the like privileges in relation to the giving of information, the answering of questions, and the production of documents and papers and things, as witnesses have in any court.

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(6) Except on the trial of any person for an offence under Title 21 of the Criminal Law (Offences) Act in respect of his sworn testimony, or for an offence under section 12 of this Act, no statement made or answer given by that or any other person in the course of any inquiry by, or any proceedings before, the Ombudsman under the Constitution or this Act shall be admissible in evidence against any person in any court or at any inquiry or in any other proceedings and no evidence in respect of proceedings before the Ombudsman shall be given against any person.

(7) No person shall be liable to prosecution for an offence against the Official Secrets Acts, 1911 to 1939, or any enactment, other than this Act, by reason of his compliance with any requirement of the Ombudsman under this section.

Disclosure of certain matters not to be required.

5. (1) Where the Attorney-General certifies that the giving of any information or the answering of any question or the production any document or paper or thing—

- (a) might prejudice the security, defence or international relations of Guyana (including Guyana's relations with the Government of any other country or with any international organisation);
- (b) might involve the disclosure of the deliberations of Cabinet; or
- (c) might involve the disclosure of proceedings of Cabinet, or of any

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Committee of 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, as the case may be, the document or paper or thing to be produced.

(2) Subject to subsection (1), no rule of law which authorises or requires the withholding of any document or paper, or the refusal to answer any question, on the ground that the disclosure of the document or paper or the answering of the question would be injurious to the public interest shall apply in respect of any investigation by or proceedings before the Ombudsman.

Secrecy of information. [O. 80/1980]

6. A person who performs the functions appertaining to the office of the Ombudsman or any office or employment there under—

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- (a) shall regard as secret and confidential all documents, information and things which have been disclosed to any such person in the execution of any of the provisions of articles 192 and 194 of the Constitution;

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Provided that no disclosure made by any such person in proceedings for an offence under section 12 of this Act, or under Title 21 of the Criminal Law (Offences) Act and by virtue of section 4(2) of this Act, or which the Ombudsman considers it requisite to make in the discharge of any of his functions and for the purpose of executing any of the said provisions or the provisions of section 3(4) or section 11 of this Act, shall be deemed inconsistent with any duty imposed by this paragraph; and

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(b) shall not be called upon to give evidence in respect of, or produce, any such documents, information or things in any proceedings, other than proceedings mentioned in the preceding proviso.

Proceedings not to be questioned or to be subject to review.

7. No proceeding of the Ombudsman shall be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of the Ombudsman shall be liable to be challenged, reviewed, squashed, or called in question in any court.

Proceedings privileged.

8. (1) Except in the case of proceedings for an offence under section 12(d), no proceedings, civil or criminal, shall lie against any person appointed to any office, or to perform any functions, referred to in section 6 for anything he may do or report or say in the course of the exercise or intended exercise of his functions under the Constitution or this Act, unless it be shown that he acted in bad faith.

(2) Anything said or any information supplied or any document, paper or thing produced by any person for the purpose or in the course of any inquiry by or proceedings before the Ombudsman under the Constitution or this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

Power of entry on premises.
[O. 80/1980]
c.1:01

9. (1) The Ombudsman may, for the purpose of executing any provisions of article 192 of the Constitution but subject to this section, at any time enter upon any premises occupied by any department or authority to which the article applies and inspect the premises and, subject to sections 4 and 5 of this Act, carry out therein any inquiry or investigation that is within his jurisdiction for the said purpose.

(2) Before entering upon any such premises the Ombudsman shall notify the principal officer of the

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department or as the case may require the authority by which the premises are occupied.

(3) The Attorney-General may from time to time by notice to the Ombudsman exclude from the application of subsection (1) any specified premises or class of premises, if he is satisfied that the exercise of the power conferred by this section might prejudice the security, defence or international relations of Guyana (including Guyana's relations with the Government of any other country or with any international organisation).

Delegation of powers.
[O. 80/1980]

10. (1) With the prior approval in each case of the President, functions hereinbefore assigned to the Ombudsman may from time to time, by direction under his hand, be delegated to any person who is appointed as mentioned in section 8(1) of this Act.

(2) No such delegation shall prevent the exercise of any power by the Ombudsman.

(3) Any such delegation may be made subject to such restrictions and conditions as the Ombudsman may direct, and may be made either generally or in relation to any particular case or class of cases.

(4) Any person purporting to perform any function of the Ombudsman by virtue of a delegation under this section shall, when required to do so, produce evidence of his authority to exercise the power.

Reports.

11. The Ombudsman may from time to time in the public interest publish reports relating generally to the exercise of his functions or to a particular case or cases investigated by him, whether or not the matters to be dealt with in such reports may have been the subject of a report to the Assembly.

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Offences.
[6 of 1997]

12. Every person who—

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the exercise of his powers under this Act;
- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act;
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his powers under this Act; or
- (d) in a manner inconsistent with his duty under section 6(a), deals with any documents, information or things mentioned in that paragraph, is liable on summary conviction to a fine of thirty-two thousand five hundred dollars and to imprisonment for six months.

Prescription of
authorities
subject to the
Ombudsman's
jurisdiction.
[O. 80/1980]
c. 1:01

13. (1) The authorities mentioned in the Schedule are authorities to which article 192 of the Constitution applies.

(2) The President may, by order, amend the Schedule by the addition thereto or deletion there from of any authority or the substitution therein, for any authority, of other authority.

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SCHEDULE

AUTHORITIES SUBJECT TO THE OMBUDSMAN'S
JURISDICTION

Central Board of Health
Central Housing and Planning Authority
Sea Defence Board
Drainage and Irrigation Board

Public Corporations established under the Public
Corporations Act, Cap. 19:05

Guyana Rice Board
Guyana Electricity Corporation

National Insurance Board

City Council, Town Council and other town councils, and
district councils, within the meaning of the Municipal and
District Councils Act, Cap. 28:01, and local authorities under
the Local Government Act, Cap. 28:02



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