

CHAPTER VIA

OMBUDSMAN

The Ombudsman

93A (1) There shall be an Ombudsman for Bermuda.

(2) The Governor, acting after consultation with the Premier who shall first have consulted the Opposition Leader, shall, by instrument under the Public Seal, appoint the Ombudsman.

(3) No person shall be qualified to be appointed as Ombudsman if he is or has been within the preceding three years:

- (a) a Senator or a member of, or a confirmed candidate for election to, the House of Assembly; or
- (b) the holder of any office in any political party.

(4) The office of Ombudsman shall become vacant:

- (a) at the expiration of the period specified in the instrument by which he was appointed;
- (b) if he resigns his office by writing under his hand addressed to the Governor;
- (c) if he becomes a Senator or a member of, or a confirmed candidate for election to, the House of Assembly or the holder of any office in any political party; or
- (d) if the Governor, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions of this office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, or for contravention of subsection (5) of this section.

(5) Subject to such exceptions as the Governor, acting in his discretion, may authorise by directions in writing, the Ombudsman shall not hold any other office of emolument either in the public service or otherwise, nor engage in any occupation for reward other than the duties of his office.

(6) Section 103(1)(b) of this Constitution shall have effect as if a reference to the Ombudsman were inserted after the reference to a judge of the Supreme Court or the Court of Appeal; and section 93(2)(a) of this Constitution shall have effect as if a reference to the Ombudsman were inserted after the reference to a judge of the Court of Appeal.