



**OFFICE OF THE COMPLAINTS COMMISSIONER**  
**(OMBUDSMAN)**  
**TONY CLARKE'S BUILDING | WATERLOO ROAD | GRAND TURK**  
**TURKS AND CAICOS ISLANDS | TKCA 1ZZ**  
**Tel: (649)-338-2927**  
**Email: [Complaints\\_Commission@gov.tc](mailto:Complaints_Commission@gov.tc)**  
 [www.Complaintscommissiontci.com](http://www.Complaintscommissiontci.com)



**Notice of Intention to Investigate**

Name:	
Government Department/Board:	
Statutory Body/Bodies:	
Corporation Body:	
Address:	

1. In accordance with Section 13 Subsections 1 and 2 of the Complaints Commissioner (Ombudsman) Ordinance 2015 (Ordinance 12 of 2015) I wish to inform you that it is my intention to conduct an Investigation.

2. The Administrative Action forming the subject of the Investigation is:

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3. When conducting an investigation, the Commissioner may:
- a) Obtain information from any person, and in the manner he considers appropriate;
  - b) Make such inquiries as he considers appropriate;
  - c) Determine whether a person may be represented by his attorney or otherwise; and
  - d) On giving reasonable notice to a senior officer in the authority subject to the investigation, and at a reasonable time-
    - i) Enter the premises occupied by the authority for inspection; and
    - ii) Subject to section 15 and 16, carry out in those premises, any investigation which is within his jurisdiction.



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4. Your attention is drawn to Sections 15 and 16 of the Complaints Commissioner (Ombudsmen) Ordinance 2015 (Ordinance 12 of 2015)

15. (1) For purpose of an investigation, the Commissioner—

- a) May require a Minister, officer or member of the authority subject to investigation. Complainant or any other person who in the Commissioner's opinion is able to furnish information or produce documents relevant to the investigation. To furnish such information or produce such documents;
- b) May summon before him and examine on oath or affirmation a person referred to in paragraph (a): and
- c) Shall have the same powers as the Court in so far as those powers relate to the attendance and examination of witnesses and in respect of the production of documents.

(2) The Commissioner shall not require—

- a) A person to furnish information or answer any question relating to proceedings or deliberations of Cabinet or any committee of Cabinet;
- b) A person to produce any document as relates to proceedings in paragraph (a) or that might prejudice the matters mentioned in such proceedings: or
- c) A member of Cabinet to furnish information or answer any question.

(3) For purposes of subsection (2) a certificate issued by the Governor and certifying that any information, question or part of a document relates to proceedings shall be conclusive.

(4) Subsection (2) (c) shall not apply where a member of Cabinet is the person being investigated and –

- a) The action in respect of which the complaint is made was taken in pursuance of a decision of Cabinet; and
- b) The document or information in question is required by the, member of Cabinet to establish the true facts.

(5) Subject to subsection (2) a person shall not be compelled to give evidence or produce any document which he could not be compelled to give evidence or produce in civil proceedings before the Court.



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16. (1) Every person shall have the same privileges in relation to –

- a) The giving of information to the Commissioner: and
- b) The production of documents and things to the Commissioner.

As witnesses have in the Court.

(2) Compliance with any requirement of the Commissioner under section 15-

- a) Is not a breach of any relevant obligation of secrecy or non- disclosure or of the enactment or provision by which that obligation is imposed:
- b) Shall not make a person liable to prosecution for an offence against any enactment by reason only of that person's compliance with any requirement of the Commissioner under that section.

(3) Except in proceedings for an offence under section 19(2), 22 or 23—

- a) No statement made or answer given by any person in the course of any investigation by or proceedings before the Commissioner shall be admissible in evidence against that person or any other person in any court or in any inquiry or other proceeding: and
- b) No evidence in respect of proceedings before the Commissioner shall be given against any person.

6. Kindly be informed that you have the right to comment on any allegations contained in this administrative action within **FOURTEEN DAYS OF RECIEPT OF THIS NOTICE.**

Dated this                      day of    20

**Paul Harvey**  
**Complaints Commissioner (Ombudsman)**



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