

## SCHEDULE

### THE CONSTITUTION OF ST HELENA, ASCENSION AND TRISTAN DA CUNHA

## CHAPTER 1

### ST HELENA

#### PART 9

#### COMPLAINTS COMMISSIONER

##### **Complaints Commissioner**

**113.**—(1) The Governor, acting in his or her discretion, may from time to time appoint a Complaints Commissioner to investigate, in accordance with any Ordinance enacted pursuant to section 60, any complaint of maladministration in the government of St Helena or such other matters as may be prescribed by Ordinance.

(2) No person shall be qualified for appointment as a Complaints Commissioner if he or she is a Member of the Legislative Council or an officer of the St Helena Public Service.

(3) A Complaints Commissioner shall vacate office—

- (a) at the expiration of the period specified in the instrument by which he or she was appointed;
- (b) if he or she resigns office by writing under his or her hand addressed to the Governor;
- (c) if he or she becomes a Member of the Legislative Council or is appointed to hold or act in any office in the St Helena Public Service; or
- (d) if the Governor, acting in his or her discretion, directs that he or she shall be removed from office for inability to discharge the functions of the office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour.

##### **Functions of Complaints Commissioner**

**114.**—(1) A Complaints Commissioner shall have such functions, powers and jurisdiction as may be prescribed by Ordinance.

(2) In the investigation of any complaint or other matter, a Complaints Commissioner shall act independently and shall not be subject to the direction or control of the Governor, the Executive Council or any other person or authority.