

PITCAIRN, HENDERSON

DUCIE & OENO ISLANDS

No 2 of 2024

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Enacted by the Governor of the Islands
of Pitcairn, Henderson, Ducie and Oeno

OMBUDSMEN (RETIREMENT AGE) AMENDMENT ORDINANCE

DATE MADE: *7 May 2024*

DATE PUBLISHED: *7 May 2024*

An Ordinance to remove the compulsory retirement age for the office of Ombudsman.

Citation and
commencement

1. –(1) This Ordinance may be cited as the Ombudsmen (Retirement Age) Amendment Ordinance 2024.

(2) This Ordinance shall come into operation on the day after it is published.

Principal
Ordinance

2. This Ordinance amends the Ombudsmen Ordinance.

Section 3 amended
(Ombudsmen)

3. In subsection (6) of section 3, delete the words “, and shall so resign his or her office on attaining the age of 72 years”.

Ombudsmen (Retirement Age) Amendment Ordinance 2024

Explanatory Note and Legal Report

This Ordinance removes the compulsory retirement age of Ombudsmen under the Ombudsmen Ordinance.

Section 3 of the Ombudsmen Ordinance sets out the criteria for appointment to the office of Ombudsman for Pitcairn. Appointments to the office of Ombudsman are for a term of 5 years. Under subsection (6), an Ombudsman may resign at any time, and is required to resign upon attaining the age of 72. Ombudsmen may also be removed from their office by the Governor where they are unable to perform the functions of office, or for bankruptcy, neglect of duty, or misconduct.

This Amendment Ordinance removes the requirement to resign due to age. This will expand the pool of candidates that could fill the role of Ombudsman to include older candidates that still have capacity to undertake a part time appointment such as that of ombudsman. In particular, this would ensure that candidates with knowledge and experience of Pitcairn are not unnecessarily excluded from consideration for the role, or do not have their appointments cut short unnecessarily. Suitability can be assessed at the time of appointment, and any individual can resign at any time if the appointment is no longer appropriate, or if necessary be removed from office should capacity become an issue.

Consistency with the Constitution

In my opinion, this draft Ordinance is consistent with the Constitution, and in particular s 59 of the Constitution.

Simon Mount KC
Attorney General of Pitcairn
20 March 2024