

- 25. Staff
- 26. Class-child ratio

(1) There shall be an Advisory Committee on the Prerogative of Mercy which shall consist of-

- (a) the Vice-President or a Minister appointed by the President by instrument in writing under his or her hand;
- (b) the Attorney-General; and
- (c) a person qualified to practise in Botswana as a medical practitioner, appointed by the President by instrument in writing under his or her hand.

(2) A member of the Committee appointed under subsection (1)(a) or (c) of this section shall hold his or her seat thereon for such period as may be specified in the instrument by which he or she was appointed:

Provided that his or her seat shall become vacant-

- (i) in the case of a person who, at the date of his or her appointment, was the Vice-President or a Minister, if he or she ceases to be the Vice-President or a Minister; or
- (ii) if the President, by instrument in writing under his or her hand, so directs.

(3) The Committee shall not be summoned except by the authority of the President who shall, as far as is practicable, attend and preside at all meetings of the Committee, and, in the absence of the President, the member of the Committee appointed under subsection (1)(a) of this section shall preside.

(4) The Committee may act notwithstanding any vacancy in its membership and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings.

(5) Subject to the provisions of this section, the Committee may regulate its own procedure.

55. Functions of Advisory Committee on Prerogative of Mercy

(1) Where any person has been sentenced to death for any offence, the President shall cause a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere as he or she may require, to be considered at a meeting of the Advisory Committee on the Prerogative of Mercy; and after obtaining the advice of the Committee he or she shall decide whether to exercise any of his or her powers under section 53 of this Constitution.

(2) The President may consult with the Committee before deciding whether to exercise any of his or her powers under the said section 53 in any case not falling within subsection (1) of this section.

56. Constitution of offices

Subject to the provisions of this Constitution and of any Act of Parliament, the powers of constituting and abolishing offices for Botswana shall vest in the President.

CHAPTER V

Parliament (ss 57-94)

PART I

Composition (ss 57-70)

57. Parliament

There shall be a Parliament of Botswana which shall consist of the President and a National Assembly.

58. Composition of National Assembly

(1) The President shall be *ex-officio* a member of the National Assembly, and shall be entitled to speak and to vote in all proceedings of the National Assembly.

(2) In addition to the President the National Assembly shall consist of-