

- 25. Staff
- 26. Class-child ratio

(2) Where any question is referred to the High Court in pursuance of this section, the High Court shall give its decision upon the question and the court in which the question arose shall, subject to any appeal, dispose of the case in accordance with that decision.

106. Appeal to Court of Appeal

An appeal shall lie as of right to the Court of Appeal from any decision of the High Court which involves the interpretation of this Constitution, other than a decision of the High Court under section 69(1) of this Constitution:

Provided that no appeal shall lie from a determination of the High Court under this section dismissing an application on the ground that it is frivolous or vexatious.

PART V

Judicial Committee (s 107: repealed)

107. *[The Judicial Committee was abolished by the Judicial Committee (Abolition of Appeals) Act, 1973, and with effect from 5th October, 1973, no appeal lies to the Judicial Committee.]*

CHAPTER VII

The Public Service (ss 108-116)

108. Power to specify qualifications for certain offices

Subject to the provisions of this Constitution and of any Act of Parliament, power to specify the qualifications and disqualifications for holding such public offices as he or she may constitute shall vest in the President.

109. Public Service Commission

(1) There shall be a Public Service Commission for Botswana which shall consist of a Chairman and not less than two nor more than four other members.

(2) The members of the Public Service Commission shall be appointed by the President.

(3) A person shall not be qualified for appointment as a member of the Public Service Commission if he or she is a Member of the National Assembly or a public officer, or is or has within the two years immediately preceding his or her appointment been actively engaged in politics.

(4) For the purposes of this section a person shall be deemed to be or to have been actively engaged in politics in circumstances in which he or she would be deemed to be or to have been so engaged for the purposes of section 64(4)(b) of this Constitution.

(5) Subject to the provisions of this section, the office of a member of the Public Service Commission shall become vacant-

- (a) at the expiration of three years from the date of his or her appointment;
- (b) if any circumstances arise that, if he or she were not a member of the Commission, would cause him or her to be disqualified for appointment as such; or
- (c) if he or she is removed from office in accordance with the provisions of subsection (6) of this section.

(6) Subject to subsection (7) of this section a member of the Public Service Commission may be removed from office by the President for inability to discharge the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(7) If the President considers that the question of removing a member of the Public Service Commission under subsection (6) of this section ought to be investigated, then-

- (a) the President shall appoint a tribunal which shall consist of a Chairman and not less than two other members selected by the Chief Justice from among persons who hold or have held high judicial office; and
- (b) the tribunal shall enquire into the matter and report on the facts thereof to the President and recommend to him or her whether the member ought to be removed under subsection (6) of this section, and the President shall act in accordance with that recommendation.