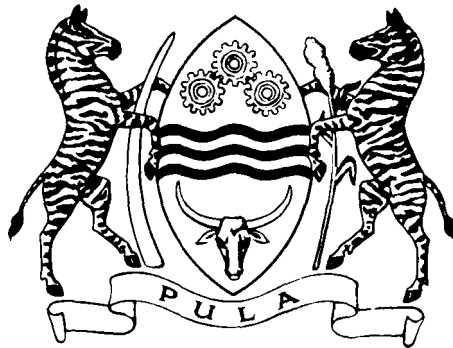


# REPUBLIC OF BOTSWANA



## GOVERNMENT GAZETTE

### EXTRAORDINARY

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COMMISSIONS OF INQUIRY ACT  
(Cap. 05:02)

Appointment of Commission of Inquiry

IN EXERCISE of the powers conferred on the President by section 2 of the Commissions of Inquiry Act, a Commission to inquire into the rationalization, restructuring, co-ordination and possible integration of all courts in Botswana, is hereby appointed.

2. The members of the Commission shall consist of the following persons -

- (a) Hon. Mr. Justice T. A. Aguda ..... Chairman
- (b) Hon. Mr. Justice J. J. Trengove ..... Member
- (c) Dr Bojosi Othogile ..... Member

3. The following shall be the Secretaries to the Commission —

- (a) Mr Boiteko Silver Moeng
- (b) Mr Leonard Nfila

4. The Terms of Reference of the Commission are as follows:—

- (a) To enquire into the desirability or otherwise of the restructuring of the Superior Courts of Botswana into a single Supreme Court of Botswana with an Appellate Division.
- (b) In case a single Supreme Court is recommended, then to consider the desirability or otherwise of the establishment of Divisions of the Supreme Court not being the Appellate Division in various geographical areas of the country, and the limitations, if any, which may be placed on the substantive jurisdiction of any one or more of such Divisions.
- (c) In the event that the Commission does not consider it desirable to create Judicial Divisions of the Supreme Court in various geographical areas as mentioned in subparagraph (b), then to consider the desirability or otherwise of the establishment of a Circuit Court System in order to provide adequate service to every part of the country.
- (d) To examine into the existing Magistrates Courts and the Customary Courts of Appeal structures, and the suitability or otherwise of increasing or widening their substantive jurisdictions, or both.
- (e) To consider the desirability or otherwise of bringing the appointment and discipline of any or all of the judges of the Customary Courts under the jurisdiction of the Judicial Service Commission.
- (f) To review the terms and conditions of service including retirement ages of the judges and justices whose appointments come under the jurisdiction of the Judicial Service Commission and those whose appointments are within the prerogative of the President.
- (g) To consider the adequacy or otherwise of the Constitutional provisions relating to the Judicial Service Commission.
- (h) To make recommendations in respect of each and every one of the terms herein mentioned. In addition, the Commission shall be free to examine into and make recommendations in respect of any other matters which the Commission may consider incidental to the proper execution of its recommendations in respect of such terms.

5. All persons wishing to give evidence or to place material before the Commission should contact:

The Secretary,  
Commission of Enquiry on the Judiciary  
Private Bag 009  
Gaborone

DATED this 18th day of January, 1996.

Q.K.J. MASIRE,  
*President.*