

**Statutory Instrument No. 55 of 1967**

**THE CONSTITUTION OF BOTSWANA  
THE PUBLIC SERVICE COMMISSION RULES, 1967**

The annexed Rules made by the Public Service Commission in terms of section 110 (13) of the Constitution for the regulation of the procedure are published for public information —

**PART I  
PRELIMINARY**

**Citation**

1. These rules may be cited as the Public Service Commission Rules, 1967.

**Interpretation**

2. In these rules unless the context otherwise requires —  
“Chairman” “responsible officer” and “member” shall have the meanings assigned thereto in regulation 2 (1) of the Regulations;  
“Commission” means the Public Service Commission;  
“Regulations” means the Public Service Commission (Supplementary Provisions) Regulations, 1965 and 1967;  
“Secretary” means the Secretary to the Commission;  
“transfer” means the appointment of a public officer to an office of emolument other than that to which he was last substantively appointed, in circumstances which do not involve promotion; but does not include the posting of an officer from one place of employment to another in circumstances which do involve his assumption of some other office of emolument.

**Departure from Rules**

3. The Commission will conform to these rules in the exercise of its functions save that, subject to the provisions of the Constitution and of any other law, it may depart therefrom where it is of the opinion that a procedure other than that prescribed in these rules is more appropriate or convenient in the circumstances of the case.

**PART II  
GENERAL RULES OF PROCEDURE**

**Functions of Secretary**

4. The Secretary shall conduct the correspondence and keep the records of the Commission, and perform such other administrative duties as the Commission may from time to time direct.

**Chairman and Quorum**

5. (1) Every meeting of the Commission shall be presided over by the Chairman.  
(2) A majority of all the members of the Commission which includes the Chairman shall constitute a quorum at any meeting of the Commission.

**Record of Meetings and Decisions**

6. (1) The Secretary shall keep a record of the members present and of the business transacted at every meeting of the Commission.

(2) Any member who is present when a decision is made shall be entitled to dissent therefrom and to have his dissent and his reasons therefor set out in writing in such record.

#### **Circulation of Papers**

7. (1) Decisions may be made by the Commission without a meeting by circulation of the relevant papers among the members and the expression of their views in writing:

Provided that the Chairman may direct that the papers shall not be circulated in accordance with the provisions of subsection (1) to any member who through interest, illness, absence from Botswana or otherwise is, in the opinion of the Chairman, incapacitated from voting on such papers.

(2) Any decision under the provisions of subsection (1) shall be by the unanimous agreement of all members to whom the relevant papers are circulated as aforesaid (being a majority of all the members of the Commission) and in any case in which the views of members are not unanimous the matter shall be placed on the agenda for the next meeting.

#### **Irregular Representations**

8. In carrying out its duties under the provisions of the Constitution, or of any other law, the Commission may reject any representations made to it otherwise than in accordance with the Regulations or these Rules.

#### **Commission to Inform Responsible Officer of Contrary Views**

9. Whenever the Commission proposes to act in a manner which in the opinion of the Commission is substantially at variance with the recommendation made to the Commission by the responsible officer, the Commission will so inform the responsible officer.

#### **Hearing Responsible Officer or Head of Department**

10. The Commission at the request of the responsible officer will —

- (a) hear the responsible officer personally in connection with any recommendation made by him to the Commission;
- (b) hear the head of department personally in connection with any recommendation made to the Commission which affects his department.

#### **Forms**

11. (1) The Commission shall determine the forms to be used by it in the discharge of its functions.

(2) The forms contained in the Schedule shall be used for the purposes of the regulations and these rules.

### **PART III**

#### **APPOINTMENT, PROMOTION, AND TRANSFER OF OFFICERS**

##### **Consultation and Selection Boards**

12. In exercising its functions in connection with the appointment, promotion or transfer of an officer in the public service the Commission may —

- (a) consult with any other person; and
- (b) seek the advice of a selection board constituted by the Commission which may appoint to it members of the Commission or persons who are not members of the Commission.

### **Procedure to be Followed in Dealing with Appointments**

13. (1) The Commission shall determine the procedure it will follow in dealing with applications for appointment to the public service including the proceedings of any selection board appointed by the Commission.

(2) The Commission may in its discretion interview any applicant for appointment to the public service in the presence of a responsible officer or other officer or otherwise and may, additionally or alternatively, require any selection board appointed under the provisions of subrule (1) so to interview a candidate.

### **False Statement for Purposes of Obtaining Appointment**

14. If the Commission receives a report alleging that a public officer made a statement which was to his knowledge untrue for the purposes of obtaining his appointment, and, if after giving the officer an opportunity to make representations, the Commission is satisfied as to the truth of such allegation, it may forthwith summarily terminate such appointment.

### **Matters to be Considered by Commission**

15. (1) In exercising its powers in connection with the appointment, promotion or transfer of officers in the public service the Commission shall —

- (a) give effect to any relevant schemes of service or other statements by the President regarding the qualifications or disqualifications for any public office;
- (b) have regard to the maintenance of a high standard of efficiency in the public service;
- (c) in the case of officers already serving in the public service, take into account qualifications, experience and merit.

(2) Where the Commission is unable to fill a post by the transfer or promotion of a suitable citizen of Botswana already in the public service, it will call for applications for the post by advertisement, unless for special reasons in any case it determines this not to be necessary.

(3) In exercising its powers in connection with acting appointments, the Commission will be guided by the foregoing principles but will also take administrative convenience into consideration.

(4) The Commission will not make an appointment by way of transfer unless —

- (a) in the case of an officer serving on permanent and pensionable terms it has ascertained the officer's views as to such transfer; or
- (b) in the case of an officer serving on contract terms the officer has consented to the transfer.

## **PART IV**

### **DISCIPLINARY PROCEEDINGS**

#### **Disciplinary Action while Criminal Proceedings Pending**

16. If criminal proceedings are instituted against an officer in any Court, the Commission will not consider disciplinary proceedings upon any grounds involved in the criminal charge, without the consent of the officer, pending the result of the criminal proceedings.

#### **Disciplinary Action Following Criminal Conviction**

17. (1) Where an officer has been convicted of a criminal offence the Commission may, in its discretion, in any disciplinary proceedings, accept without further proof that the officer committed the offence of which he was convicted upon production before it of a certified copy of the record of such proceedings.

(2) Where an officer has been convicted of a criminal offence for which he has been sentenced to imprisonment without the option of a fine the Commission shall obtain a certified copy of the record of the proceedings and after perusal thereof may dismiss the officer, without requiring disciplinary proceedings to be instituted against him:

Provided that no final decision shall be taken pending the determination of any appeal from the conviction.

#### **Disciplinary Action After Acquittal on Criminal Charge**

18. (1) No officer acquitted of a criminal charge will be dismissed or otherwise punished by the Commission on any charge upon which he has been acquitted unless in acquitting the officer the court had no occasion to inquire into the truth or falsity of any evidence tendered in the case and relevant to the truth or falsity of the allegations against the officer.

(2) Nothing in this rule shall prevent the officer being dismissed or otherwise punished on any charges arising out of his conduct in the matter, unless the charges raise substantially the same issues as those on which he has been acquitted.

#### **Action by the Commission on Receiving Responsible Officer's Report**

19. The Commission shall, on receiving the report of the responsible officer made under regulation 48 of the Regulations —

- (a) call for such further statements or other information relative to the charge preferred against the officer as it may think fit; or
- (b) determine to take no further action in the matter and, in such event, shall inform the officer concerned and the responsible officer accordingly; or
- (c) refer the matter to a committee for inquiry in accordance with the provisions of regulations 49 to 53 of the Regulations; or
- (d) itself conduct an inquiry in accordance with the provisions of rule 20; or
- (e) proceed under the provisions of rule 21.

#### **Application of the Regulations in the Case of an Inquiry by the Commission**

20. If the Commission on considering the responsible officers report made under regulation 21 of the Regulations is of the opinion that an inquiry should be conducted by it the provisions of regulations 49 to 53 inclusive of the Regulations shall apply in relation to disciplinary proceedings before the Commission as they do in relation to disciplinary proceedings before a Committee.

#### **Proceedings Without Inquiry**

21. (1) If the Commission, on considering the responsible officer's report made under regulation 48 of the Regulations, is of the opinion that the officer has failed to exculpate himself of the charges preferred, it may decide not to institute an inquiry if it considers that the misconduct alleged is not serious enough to warrant an enquiry or that no useful purpose would be served by instituting an inquiry.

(2) If the Commission decides not to institute an inquiry but to proceed to deal with the misconduct alleged it shall cause the officer to be so informed and shall, in addition, supply the officer with the substance of any information prejudicial to him and relevant to the charge which has not previously been made available to him, and that he shall have the opportunity to submit in writing to the Secretary through his responsible officer any representations he may wish to make to the Commission further to any written statement he may have made in reply to the charges preferred against him.

(3) The Commission shall determine the matter in the light of the responsible officer's original report, any further information it may have obtained in the matter and such further representations as may have been made by the officer against whom a charge has been preferred under subrule (2).

#### **Findings of Inquiry**

22. If an inquiry is held in pursuance of paragraph (c) or (d) of rule 19 the Commission shall at the conclusion of the inquiry or on receiving the Commission's report as the case may be inform the responsible officer and the officer against whom the charge was preferred of the findings thereof.

### **PART V**

#### **MISCELLANEOUS**

##### **Policy of Commission in Relation to Normal Retirement**

23. The Commission will require an officer to retire from the public service of the Government of Botswana —

- (a) at attaining the age of fifty-five years;
- (b) in the case of a female officer, on marriage;

in accordance with the provisions of section 9 of the Pensions (Consolidation) Law, 1965 (Law No. 17 of 1965) unless, in the opinion of the Commission, it is not in the interests of the public service of the Government of Botswana that the Commission should require the officer so to retire.

##### **Copies of Certain Documents to be Supplied in Proceedings under section 112 of the Constitution**

24. Where the President directs that an appeal shall be heard by a tribunal under the provisions of section 112 of the Constitution the Commission shall supply to the appellant and the tribunal —

- (a) the reasons for its decision in the matter;
- (b) in the event of any inquiry under the provisions of rule 20 or under the provisions of regulations 49 to 53 of the Regulations having taken place a record of the proceedings at such inquiry;
- (c) a copy of every document considered by the Commission in making its decision in the matter which has not previously been supplied to the appellant.

##### **Recusation**

25. A member interested in any matter dealt with by the Commission shall so inform the Chairman and not take part in any proceedings of the Commission relative to such matter unless the Commission otherwise directs.

**VACANCY REPORT**

(Note: A separate copy of the form to be used for each vacancy reported. When a promotion is recommended to fill the vacancy which if approved will involve a consequential vacancy, a report of the consequential vacancy may be made simultaneously).

To the Secretary to the Public Service Commission

**1. REPORT OF VACANCY**

I report the following vacancy exists/will exist:

*Title of Post Within Estimates*

*Grade of Salary  
Scale or Fixed  
Salary*

Expenditure Head, Part and

Subhead..... Item No. ....

Reason why vacancy has occurred: Date of occurrence of Vacancy:

.....  
.....  
.....

I confirm that the published Estimates show financial provision to enable the vacancy to be filled from the above date:

**2. The official qualifications for this post are stated as follows.....**

.....(ref:.....)

**3. I attach a list of the most senior officers in this Ministry/Department who are citizens of Botswana and in the grade(s) below the vacancy.**

**4. (a) I recommend that the vacancy be filled by the promotion of the following citizen public officer;**

<i>Name</i>	<i>Present Rank and Date of Appointment Thereto</i>	<i>Existing Salary</i>
-------------	---	------------------------

.....	.....	.....
.....	.....	.....

(If he is not the senior officer, detailed reasons should be given, on an attached sheet if necessary, for the recommendation and for the supersession of other citizen officers); or

**(b) I do not know of any citizen public officer qualified and suitable for the vacancy and recommend the probationary appointment of.....who is a citizen and whose application P.S.C. Form 2 is attached; or**

(c) I do not know of any citizen qualified or suitable for the vacancy, and, in the absence of a citizen, recommend that the vacancy be filled by the promotion of the following non-citizen public officer:

<i>Name</i>	<i>Present Rank and Date of Appointment Thereto</i>	<i>Existing Basic Salary</i>
.....	.....	.....
.....	.....	.....

(If he is not the senior public officer in rank detailed reasons should be given, on an attached sheet if necessary, for the recommendation and for the supersession of other officers); or

(d) I do not know of any citizen qualified or suitable for the vacancy and, in the absence of a citizen, recommend that the vacancy be filled by the renewal of the contract/temporary appointment of the following non-citizen public officer:

.....  
whose present appointment is.....which began on.....  
and expires on.....;or

(e) I do not know of any person qualified and suitable for the vacancy and recommend recruitment/locally/in the following countries.....

(Note: Please cross out the four of the alternative recommendations 3(a), (b), (c), (d) and (e) which are not being made).

5. In the event of the Commission wishing to advertise this vacancy I recommend that the advertisement be published in terms of the attached draft.

Departmental Reference  
.....

Signed.....  
(Permanent Secretary or other  
Responsible Officer)

Appointment.....

Date: .....

REPUBLIC OF BOTSWANA

APPLICATION FOR APPOINTMENT TO THE PUBLIC SERVICE

(Form to be completed by the applicant in his own handwriting).

1. APPOINTMENT DESIRED. (Application for more than one post may be made. Posts to be listed in order of preference).

Post	Department
.....	.....
.....	.....
.....	.....
.....	.....

2. PERSONAL DETAILS.

NAME in full, Mr., Mrs., Miss ..... (BLOCK CAPITALS)

ADDRESS ..... (BLOCK CAPITALS)

MAIDEN NAME (Married women and widows) ..... (BLOCK CAPITALS)

Date of Birth	Age last birthday	Place of Birth	Nationality*	Single or Married
.....	.....	.....	.....	.....

\*(Botswana applicants should state Tribe and Chief and District in Botswana in which local tax is paid).

Number of Children: . . . Sons: Aged respectively . . . . . years.

. . . Daughters: Aged respectively. . . . . years.

Name	Nationality at Birth	Place of Birth	Occupation
*Father	.....	.....	.....
*Mother	.....	.....	.....
*Wife/Husband	.....	.....	.....

\*Father

\*Mother

\*Wife/Husband

\*Maiden name must be given in case of Mother and Wife. If dead the questions above should nevertheless be answered.

Address of Father (if living) .....

Have you previously been an applicant Yes or No. If answer is "Yes", give particulars. for employment with the Botswana Government? .....

Knowledge of languages other than English. ....

**3. EDUCATIONAL RECORD**

(a) Schools

Dates		Name and Place of School	Examinations passed, and any distinctions gained in School work	Name of Head or Housemaster
From	To			

(b) University (or other similar institution)

Dates		University, etc.	Subjects read	Name of College Tutor or Professor who knew you best
From	To			
Degree, Diploma or Professional Qualifications		Date Obtained		Result or class obtained in each part of course

**4. SERVICE IN ARMED FORCES**

Dates		Service and Branch thereof	Rank on Discharge	Decorations, Mentions in Dispatches etc.	Reason for Discharge
From	To				

**5. CIVIL EMPLOYMENT RECORD.** (From completion of education to present time)

Dates		Name and Business of Employer	Address	Position Held	Reason for leaving
From	To				

Salary in present employment, or in last employment if not at present employed. £/R. ....

If the whole of your career, including education, is not accounted for by your answers to sections 3, 4 and 5, give further details to account for the gaps.

or No.

any serious illnesses ?

**6. HEALTH**

(a) Do you suffer from any bodily injury or defect? Yes or No. If answer is "Yes", give particulars.

(b) Have you suffered from any serious illnesses ?

**7. CHARACTER**

Have you ever been convicted of a criminal offence? Yes or No.

If the answer is "Yes", particulars of all offences must be given.

Date	Nature of offence	Description and place of Court	Sentence or Order of Court

**PERSONAL REFERENCES AND TESTIMONIALS.**

This application should be accompanied by references as to character by two persons of standing who have known you well for a considerable time. They should be requested to indicate on the reference their address and occupation. In addition, it is important, so far as practicable, that every stage of the candidates career, including education, should be covered by testimonials from School or University Authorities and previous employers.

**8. WHEN AVAILABLE**

How soon would you be available to take up an appointment if selected?

**9. PHOTOGRAPH.**

You are requested to paste hereon an unmounted photograph of yourself. Any photograph of recent date which provides a good likeness is sufficient.

Signature of Applicant . . . . . Date . . . . .

**RECOMMENDATION FOR ACTING PAID APPOINTMENT**

To the Secretary to the Public Service Commission

1. I report the post of.....  
title of salary scale, or fixed salary.....to be temporarily vacant  
with effect from.....by reason of the.....  
of the substantive holder Mr.....
2. I recommend that Mr.....present appointment.....  
salary scale or fixed salary.....be appointed to act with effect  
from.....until.....
3. Mr.....is/is not a citizen of Botswana and is/is not the senior  
officer eligible to act. (Unless both parts of this statement are in the affirmative  
explain below why you propose the supersession of citizens and/or senior officers).

Departmental Reference

.....

Signed .....  
(Permanent Secretary or other  
Responsible Officer)

Appointment.....

Date.....

J.C. BARRETT,  
Secretary.

Public Service Commission,  
GABERONES.  
6th October, 1967.