

Lesotho

## Interpretation Act, 1977

Act 19 of 1977

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# Lesotho

## Interpretation Act, 1977

### Act 19 of 1977

[Published in Government Gazette](#)

Assented to on 17 October 1977

Commenced on 2 December 1977

*[This is the version of this document as it was from 2 December 1977 to 18 December 1993.]*

## ACT

To amend and consolidate the law relating to the construction, application and interpretation of legislation; to make general provisions with regard thereto; to define terms and expressions used in Acts; to make general provision with regard to the exercise of statutory powers and duties, the appointment of members of boards and committees, the imposition of penalties, the printing of Acts; and for connected purposes.

Enacted by the Assembly

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Interpretation Act 1977.

#### 2. Application

- (1) Save where the contrary intention appears either from this Act or from the context of any other Act, the provisions of this Act shall apply to this Act and to any other Act in force, whether such Act came or comes into operation before or after the commencement of this Act, and to any instrument made or issued under or by virtue of any such Act.
- (2) This Act is binding on the Crown.

### Part II – General provisions and interpretation

#### 3. Interpretation

- (1) "act", when used with reference to an offence or civil wrong, includes a series of acts, an illegal omission and a series of illegal omissions;

"Act" and "enactment" mean—

- (a) any Act enacted by the Assembly;
- (b) any Proclamation, Law, Order Regulations or Act made, passed or enacted by any legislative authority in Lesotho prior to the 27th April 1973;
- (c) any subsidiary legislation made under (a) or (b);

"adult" means a person who has attained the age of 21 years;

"aircraft" means any machine which can derive support in the atmosphere from the reactions of the air;

"**alien**" means any person who is not a Lesotho citizen;

"**amend**" means repeal, revoke, cancel, add to or vary and the doing of all or any of such things simultaneously or by the same Act or instrument;

"**Assembly**" means the Interim National Assembly of Lesotho established under section 4 of the Lesotho Order 1973;

[O. 13 of 1973]

"**Christian name**" means any name prefixed or suffixed to a surname, whether received in Christian baptism or otherwise;

"**commencement**" used with reference to any Act means the day on which the Act came or comes into operation;

"**constitution**" means the Lesotho Order 1973;

[O. 13 of 1973]

"**consul**" and "consular officer" mean any person, including the head of a consular post, recognized by the competent authority of the receiving state as entrusted in that capacity with the exercise of consular functions;

"**contravene**" in relation to any requirement or condition prescribed in any Act or in any grant, permit, licence, lease or authority granted under or by virtue of any Act includes a failure to comply with that requirement or condition;

"**court**" means any court of Lesotho of competent jurisdiction;

"**definition**" means the interpretation given by an Act to any word or expression;

"**district**" means any one of the administrative districts into which Lesotho is divided;

"**District Administrator**" in relation to a district means the District Administrator appointed for that district;

"**export**" means to take out or cause to be taken out of Lesotho by air or land;

"**financial year**" means the period from the 1st day of April in any year to the 31st day of March in the immediately succeeding year, both days inclusive;

"**functions**" includes powers and duties;

"*Gazette*" means—

- (a) the Lesotho *Government Gazette* and any supplement thereto;
- (b) any *Special Gazette* or *Extra-ordinary Gazette*;

"**Government**" means the Government of Lesotho;

"**Government Printer**" means the Government Printer of Lesotho and any other printer authorised by or on behalf of the Government to print any Act or any other document of the Government;

"**import**" means to bring or cause to be brought into Lesotho by air or land;

"**infant**" and "minor" mean a person who has not attained the age of 21 years;

"**instrument**" includes any publication in the *Gazette* having legal effect;

"**the King**" means the King of Lesotho or the person exercising the functions of the office of King of Lesotho;

"**land**" includes land covered by water and any estate, right, interest or easement in or over any land;

"**law**" includes—

- (a) any instrument having the force of law made in exercise of a power conferred by a law; and
- (b) the customary law of Lesotho and any other unwritten rule of law;

"**magistrate**" used with reference to, or in connection with, any matter means a magistrate or acting magistrate appointed under section 5 of the Subordinate Courts Proclamation and entitled to exercise powers and jurisdiction in respect of that matter;

*[Proc. 58/1938]*

"**Minister**" in relation to the functions conferred or imposed by any Act means the Minister responsible for such functions pursuant to an assignment of responsibility made by the King in accordance with section 31 of the Lesotho Order 1973;

*[O. 13 of 1973]*

"**month**" means a calendar month;

"**oath**", "swear" and "affidavit" include the affirmation or declaration of persons allowed or required by law to make an affirmation or declaration in lieu of an oath;

"**offence**" includes any contravention or other breach of, or failure to comply with any provision of any Act for which a penalty is provided;

"**or**", "other" and "otherwise" shall be construed disjunctively and not as implying similarity unless the word "similar" or some other word of like meaning is added;

"**per cent**", when used in relation to a rate of interest payable in any circumstances, means the rate of interest specified payable in respect of a year, unless it is expressly provided that it is payable in respect of any other period;

"**person**" includes any company or association or body of persons, corporate or unincorporate;

"**police officer**" means a member of the Lesotho Mounted Police;

"**power**" includes any privilege, authority and discretion;

"**prescribed**" and "provided", when used in or with reference to any Act, mean prescribed or provided by or under that Act;

"**public holiday**" means any day which is a public holiday by virtue of the Public Holidays Act 1967;

*[Act 3 of 1967]*

"**public office**" means any office of emolument in the public service;

"**public officer**" means a person holding or acting in a public office;

"**Public Seal**" means the Public Seal of Lesotho;

"**the public service**" means, subject to section 2 of the Public Service Order 1970, service in respect of the Government;

*[O. 21 of 1970]*

"**registered**", when used with reference to a document, means registered under provisions of any law applicable to the registration of such a document;

"**repeal**" includes revoke, rescind or cancel;

"**sell**" includes exchange, barter and offer to sell or expose for sale;

"**sign**", with reference to a person who is unable to write his name, includes mark;

"**Speaker**" means the Speaker of the National Assembly;

"**statutory corporation**" means a body directly incorporated by an Act;

"**street**" or "road" includes any highway, street, road, bridge, square, court, alley, lane, footway, parade, thoroughfare, passage or open space to which the public are entitled or permitted to have access, whether on payment or otherwise;

"**subsidiary legislation**" and "regulations" mean any proclamation, rule, regulation, order, resolution, notice, rule of court, by-law or other instrument made under or by virtue of any Act and having legislative effect;

"**treaty**" means a treaty, convention or agreement made with a foreign state, and any protocol or declaration attached thereto or independent thereof but referring thereto;

"**will**" includes any testamentary instrument;

"**words**" includes figures and symbols;

"**writing**" and "printing" include writing, printing, lithography, photography, typewriting and any other mode of representing words in a visible form;

"**year**" means a calendar year.

- (2) In any Act—
- (a) references to "Basutoland" and to "the Territory" shall be construed as references to Lesotho;
  - (b) references to the former Executive Council and to a member of that Council shall be construed as references to the Government and to a Minister respectively;
  - (c) references to "the Sovereign," "the King", "the Crown", "the Paramount Chief" and "Motlotlehi" shall be construed as references to the person exercising the functions of the office of King of Lesotho.

#### **4. Grammatical variations, gender and number**

- (1) Where a word or expression is defined in an Act, the definition shall extend to the grammatical variations and cognate expressions of such word or expression.
- (2) Words and expressions importing the masculine gender include the female.
- (3) Words and expressions in the singular include the plural and words and expressions in the plural include the singular.

#### **5. Service by post**

- (1) Where an Act authorises or requires a document to be served or a notice to be given by post or by registered post, the service or notice shall be deemed to be effected by properly addressing, pre-paying the postage thereon and dispatching by post or by registered post, as the case may be, to the last known postal address of the person to be served or given notice, a letter containing the document or notice, and, unless the contrary is proved, such service or notice shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.
- (2) For the purposes of subsection (1) "postal address" includes a post office box number and, where a letter is so addressed, delivery in the ordinary course of post means delivery into the post office box bearing the corresponding number.

### **Part III – General provisions as to Acts**

#### **6. Acts to be public Acts**

Every Act shall be a public Act and shall be judicially noticed as such.



## 7. Sections and Schedules

- (1) Every section of an Act shall have effect as a substantive enactment without introductory words.
- (2) Every schedule to or table in an Act and any notes to such schedule or table shall be construed and have effect as part of such Act.

## 8. Citation of Act

Where an Act is referred to, it shall be sufficient for all purposes to cite it—

- (a) by its title, short title or citation; or
- (b) by reference to the year in which it was passed and by its number among the Acts of that year.

## 9. Reference to Act as amended

- (1) Where in an Act a reference is made to another Act, such reference shall be deemed to include a reference to that other Act as it may from time to time be amended.
- (2) Where an Act repeals and re-enacts, with or without modification, any provision of a former Act, references in any other Act to the provision so repealed shall be construed as references to the provision so re-enacted.

## 10. Citation of part of Act

In any Act, a description or citation of a portion of an Act shall be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

## 11. Construction of reference to section, Part etc.

- (1) Where in any Act there is a reference to a section, Part, Chapter or schedule by number or letter only, and not in conjunction with the title or short title of any other Act such reference shall be construed as a reference to the section, Part, Chapter or schedule of that number or letter contained in the Act in which such reference occurs.
- (2) Where in a section of an Act there is a reference to a sub-section, paragraph, sub-paragraph or other division by number or letter only, and not in conjunction with the number of a section of that or of any other Act, such reference shall be construed as a reference to the subsection, paragraph, sub-paragraph or other division of that number or letter contained in the section in which such reference occurs.
- (3) The provisions of subsections (1) and (2) shall apply *mutatis mutandis* to subsidiary legislation.
- (4) A reference to an Act in any Act shall include a reference to subsidiary legislation made under the Act to which reference is made.

## 12. Preamble, marginal notes and headings

- (1) The preamble of an Act may be referred to for assistance in explaining the scope and object of the Act.
- (2) Marginal notes and headings in the body of an Act form no part of the Act but shall be deemed to have been inserted for convenience of reference only.

### 13. Enactment always speaking

Every enactment shall be construed as always speaking and anything expressed in the present tense shall be applied to the circumstances as they occur so that effect may be given to each enactment according to its true spirit, intent and meaning.

### 14. Shall and may

In an enactment passed or made after the commencement of this Act, "shall" shall be construed as imperative and "may" as permissive and empowering.

### 15. General principles of interpretation

Every enactment shall be deemed remedial, and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

## Part IV – Commencement, amendment and repeal of Acts

### 16. Commencement of Acts

Every Act shall—

- (a) be published in the *Gazette*;
- (b) come into operation on the expiration of the day next preceding the day of its publication or, if it is provided in the Act or in some other law that such Act shall come into operation on some other day, then it shall come into operation on the expiration of the day next preceding that other day.

### 17. Act and amending Act to be read as one

An Act which amends another Act shall be read and construed as one with the amended Act, and the amended Act may, in the amending Act, be referred to as the "principal Act", "principal regulations" or as the case may be.

### 18. Effects of repeal generally

Where an Act repeals in whole or in part another Act, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of the Act so repealed or anything duly done or suffered under the Act so repealed;
- (c) affect any right, privilege obligation or liability acquired, accrued or incurred under the Act so repealed;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed;
- (e) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment referred to in paragraphs (c) and (d); and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act had not been passed.

### 19. Repealed Act not revived

Where an Act repealing in whole or in part a former Act is itself repealed, such last repeal shall not revive the Act or provision previously repealed, unless words be added reviving the same.

## 20. Repeal and substitution

Where an Act repeals in whole or in part another Act and substitutes other provisions therefor, the repealed Act shall remain in force until the substituted provisions come into operation.

## 21. Repeal of amended Act to include amendments

Where an Act which has been amended by another Act is repealed, such repeal shall include the repeal of all those provisions of that other Act by which the first-mentioned Act was amended.

## 22. Effect of expiry of Act

Upon the expiry or lapse of an Act, [section 18](#) shall apply as if the Act had been repealed.

## Part V – Subsidiary legislation

### 23. General provisions with regard to power to make subsidiary legislation

Where an Act confers powers on any authority to make subsidiary legislation, the following provisions shall have effect with reference to the making thereof—

- (a) when any subsidiary legislation purports to be in exercise of a particular power or powers, it shall be deemed also to be made in exercise of all other powers thereunto enabling;
- (b) no subsidiary legislation shall be inconsistent with the provisions of any Act;
- (c) subsidiary legislation may at any time be amended by the authority by which it was made, or if that authority has been lawfully replaced by another authority, by that other authority.
- (d) where an Act confers powers on an authority to make subsidiary legislation for any general purpose, and also for any special purposes the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose;
- (e) subsidiary legislation may provide that a contravention or breach thereof shall be punishable by a fine not exceeding 600 rand or by a term of imprisonment not exceeding six months or by both such fine and imprisonment;
- (f) subsidiary legislation may amend any forms contained in the Act under which such subsidiary legislation is made and may prescribe new forms for the purpose thereof and for the purposes of such subsidiary legislation; and
- (g) subsidiary legislation may provide for the imposition of fees and charges in respect of any matter with regard to which provision is made in such subsidiary legislation or in the Act under which such subsidiary legislation is made.

### 24. Effect of subsidiary legislation

Subsidiary legislation shall have the same force and effect and shall be as binding and shall be construed for all purposes as if it had been contained in the Act under which it was made.

### 25. Construction of subsidiary legislation

Where an Act confers power to make subsidiary legislation, expressions used in the subsidiary legislation shall have the same meaning as in the Act conferring the power, and any reference in such subsidiary legislation to "the Act" shall be construed as a reference to the Act conferring the power to make such subsidiary legislation.

## 26. Exercise of statutory powers between enactment and commencement of Act

Where an Act is not to come into operation on or before the expiration of the day next preceding the day of its publication and confers power—

- (a) to make any appointment;
- (b) to hold elections;
- (c) to make subsidiary legislation;
- (d) to make, grant or issue instruments;
- (e) to issue notices;
- (f) to prescribe forms; or
- (g) to do any other thing,

that power may, for the purpose of making the enactment effective upon its commencement, be exercised at any time after the publication of the Act in the *Gazette*, but any appointment, subsidiary legislation, instrument, notice, form or thing made, granted, issued, prescribed, given or done under the power shall not have effect until the commencement of the Act, except in so far as may be necessary to make the Act effective upon its commencement.

## 27. Rules to be laid before National Assembly

- (1) All rules (excepting rules of court), regulations and by-laws shall be laid on the table of the Assembly at its next sitting after their publication in the *Gazette*.
- (2) Where rules, regulations or by-laws have been laid on the table of the Assembly in accordance with sub-section (1), the Assembly may, by resolution passed at the next sitting of the Assembly held after the sitting at which they were so laid, provide for their amendment, and the rules, regulations or by-laws shall, without prejudice to anything done thereunder, be deemed to be amended as from the date of publication in the *Gazette* of the resolution.
- (3) In subsection (1) "rules of court" means rules made by the Chief Justice for regulating the practice and procedure of any court, tribunal or other body exercising judicial functions.

## 28. Effect of repeal on subsidiary legislation

- (1) Where an Act—
  - (a) repeals a former Act and substitutes other provisions therefor; or
  - (b) repeals a former Act and re-enacts such former Act with or without modification, subsidiary legislation made under the former Act and in force at the commencement of the repealing Act shall, so far as it is not inconsistent with the repealing Act, continue in force and have the like effect for all purposes as if made under the repealing Act until repealed or replaced by subsidiary legislation made under the repealing Act.
- (2) Where any subsidiary legislation is continued in force by virtue of sub-section (1), such subsidiary legislation may be amended as if it had been made under the repealing Act.

## 29. Forms

Where a form is prescribed by or under any Act, deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate the form used.

## Part VI – Powers

### 30. Presumption of lawful exercise of powers

Where an Act confers powers upon a person to—

- (a) make any subsidiary legislation; or
- (b) exercise any power,

and the Act conferring the power prescribes conditions subject to the observance, performance or existence of which the power conferred may be exercised, those conditions shall be deemed to have been fulfilled if in the subsidiary legislation or instrument exercising the power there is a statement to the effect that the subsidiary legislation is made, or the power exercised, subject to the conditions prescribed by the Act.

### 31. Exercise of powers

- (1) Where an Act confers a power or imposes a duty, then the power may be exercised and the duty shall be performed from time to time as occasion requires.
- (2) Where an Act confers a power or imposes a duty on the holder of a public office as such, then the power may be exercised and the duty shall be performed by the holder for the time being of that public office or by a person duly appointed to act for him.

### 32. Construction of enabling words

- (1) Where an Act confers upon a person power to do or enforce the doing of any act or thing, all such powers shall be deemed to be also conferred as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.
- (2) Without prejudice to the generality of subsection (1) where an Act confers power—
  - (a) to provide for, prohibit, control or regulate any matter, the power shall include power to provide for the same by the licensing thereof and power to prohibit acts whereby the prohibition, control or regulation of such matter might be evaded;
  - (b) to grant a licence, permit, authority, approval or exemption, the power shall include power—
    - (i) to renew the licence, permit authority, approval or exemption;
    - (ii) to impose reasonable conditions subject to which the licence, permit, authority, approval or exemption may be granted;
  - (c) to approve any person or thing, the power shall include power to withdraw approval thereof;
  - (d) to give directions, the power shall include power to couch the same in the form of prohibitions.
- (3) Without prejudice to the generality of subsection (1) whenever in an Act the expression "as the Minister may appoint or "as the Minister may direct" or "as the Minister may specify" or "as the Minister may prescribe" or "as may be designated by the Minister", or any similar expression referring to a Minister appears and no power is expressly conferred upon the Minister to make the appointment, give the direction or specification, prescribe or make the designation as the case may be, such power shall nevertheless be deemed to be conferred.
- (4) Subsection (3) shall have effect in relation to a public officer or other person as it has effect in relation to a Minister.

**33. Power to issue licences etc. discretionary**

- (1) Where an Act confers power upon a person to issue, grant, give or renew a licence, authority, approval or permit, the person so empowered shall have a discretion either to issue, grant, give or renew or to refuse to issue, grant, give or renew the licence, authority, approval or permit.
- (2) Nothing in this section shall affect any right which may be conferred by any Act upon any person to appeal against a refusal to issue, grant, give or renew a licence, authority, approval or permit.

**34. Power to appoint includes power to suspend, dismiss, reappoint etc.**

- (1) Where an Act confers a power or imposes a duty upon a person to make an appointment or to constitute or establish a board, tribunal, commission, committee, council or similar body the person having such power or duty shall also have the power—
  - (a) to remove, suspend, dismiss or revoke the appointment of, and to re-appoint or reinstate, any person appointed in exercise of such power or duty;
  - (b) to revoke the appointment, constitution or establishment of, or to dissolve, any board, tribunal commission, committee, council or similar body appointed, constituted or established, in exercise of such power or duty, and to re-appoint, re-constitute or re-establish the same; and
  - (c) to specify the period for which any person appointed in exercise of such power or duty shall hold such appointment.
- (2) Where the power or duty conferred under sub-section (1) is only exercisable upon the recommendation, or subject to the approval or consent of some other person, then such recommendation, approval or consent is also required for the exercise of the additional power referred to in paragraphs (a), (b) and (c) of subsection (1).

**35. Exercise and delegation of powers by Ministers**

- (1) Where an Act confers a power or imposes a duty or entrusts a function to a Minister that power may be exercised, and that duty shall, and that function may, be performed by any other Minister to whom the administration of the Act may be assigned by the King, either specifically or by way of general assignment of responsibility for specified business of the Government or by any other Minister acting on behalf of any such Minister.
- (2) A Minister may delegate to any public officer the exercise of any power, other than the power to make subsidiary legislation, and the performance of any duty, conferred or imposed upon him by any Act.

**36. Effect of delegation of powers and duties**

- (1) Where a Minister has delegated powers and duties under [section 35\(2\)](#), or where an Act confers power upon any person to delegate the exercise on his behalf of any of the powers or the performance of any of the duties conferred or imposed upon him under any Act—
  - (a) the delegation shall not preclude the Minister or the person so delegating from exercising or performing at any time any of the powers or duties so delegated;
  - (b) the delegation may be conditional, qualified or limited in such manner as the Minister or the person so delegating may think fit;
  - (c) the delegation may be to a named person or to the person for the time being holding any office designated by the Minister or by the person so delegating;
  - (d) notice of such delegation shall be published in the *Gazette*; and

- (e) the delegation may be amended by the Minister or the person so delegating.
- (2) The delegation of any power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of any duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.

### **37. Power to make public instruments and perform Acts**

Where an Act confers power upon a person to make, issue or approve any proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list, the power shall include power—

- (a) to amend or suspend such proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list;
- (b) to substitute another proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list for one already made, issued or approved;
- (c) to withdraw approval of any proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list so approved; and
- (d) to declare the date of coming into operation, and the period of operation, of any such proclamation, order, notice, declaration, instrument, notification, licence, permit, register or list.

### **38. Power to relate back appointment**

Any appointment made under the provisions of an Act may be declared to have effect as from the date upon which the person appointed in fact began to exercise the powers and perform the duties of his appointment, not being a date earlier than the commencement of the Act under which the appointment is made.

## **Part VII – Boards and committees, and corporations**

### **39. Power to appoint chairman etc.**

Where an Act confers power upon a person to appoint persons to be members of a board, tribunal, commission, committee, council or similar body, the person so appointing may appoint a chairman, a deputy-chairman, a vice-chairman and a secretary of the board, tribunal, commission, committee, council or similar body.

### **40. Appointment of alternates**

Where a board, tribunal, commission, committee, council or similar body is established by or under an Act, a person empowered by that Act to appoint any or all of the members thereof may—

- (a) appoint one or more duly qualified persons to be alternate members of the same, and any one such alternate member may attend any meeting of the same when a substantive member is temporarily unable to attend for any reason; and
- (b) appoint a duly qualified person to be a temporary member of the same in the place of any substantive member who is precluded by illness, absence from Lesotho or any other cause from exercising his functions as such,

and when attending a meeting of such board, tribunal, commission, committee, council or similar body, such alternate or temporary member shall be deemed for all purposes to be a member of the same.

**41. Powers of board etc. not affected by vacancy**

Where a board, tribunal, commission, committee, council or similar body is established by or under an Act, the powers of such board, tribunal, commission, committee, council or similar body shall not be affected by—

- (a) any vacancy in the membership thereof;
- (b) any defect in the appointment or qualification of a person purporting to be a member thereof; or
- (c) any minor irregularity in the convening of any meeting thereof.

**42. Power of majority**

- (1) Where an Act confers a power or imposes a duty upon a body or number of persons consisting of or being not less than three, such power may be exercised or duty performed in the name of that body or number of persons by a majority of those persons.
- (2) Whenever such body or number of persons is assembled, the chairman or other member presiding shall have a casting as well as a deliberative vote, in all matters in which a decision is taken by vote by whatever name such vote may be called.

**43. Seal**

Where an Act constitutes a board, tribunal, commission, committee, council or similar body to be a body corporate, and a document requires to be sealed with the common seal of the body corporate, then such common seal shall be affixed by the chairman of the board, tribunal, commission, committee, council or similar body, or by any member thereof appointed by the chairman for that purpose, and shall be authenticated by the signature of the chairman or such member.

**44. Powers vested in corporations**

Words in an Act establishing a corporation—

- (a) vest in the corporation power—
  - (i) to sue and be sued;
  - (ii) to contract and be contracted with by its corporate name;
  - (iii) to have a common seal and to alter or change it at pleasure;
  - (iv) to have perpetual succession;
  - (v) to acquire and hold personal property or movables for the purposes for which the corporation is constituted and to alienate the same at pleasure; and
  - (vi) to do and suffer all such other acts and things as bodies corporate may lawfully do and suffer;
- (b) vest in a majority of the members of the corporation the power to bind the others by their acts; and
- (c) exempt from personal liability for its debts, obligations or acts such individual members of the corporation as do not contravene the provisions of the Act incorporating them.

**Part VIII – Public officers****45. References to public officer**

In any Act, instrument, warrant or process of any kind, a reference to a public officer, or to a person holding a public office by a term designating his office, shall include a reference to any person for the



time being lawfully discharging the functions of that office or any part of such functions, and any person appointed to act in or perform the duties of such office, or any part of such duties, for the time being.

#### **46. Change of title of office**

The King may, by notice (which may be given retrospective effect) in the *Gazette*, declare a change in title of any public office or public body, or of any person referred to in any Act, and such change of title shall have effect from the date specified in such notice or, if no date is specified therein, from the date of publication thereof in the *Gazette* and with effect from that date any reference in any Act to the former title of such public office, public body or person shall be read and construed as a reference to that office, body or person by such new title as the King may declare in the notice.

#### **47. Appointment of officers by name or office**

Where by any Act an authority is empowered to appoint a person—

- (a) to exercise a power or perform a duty; or
- (b) to be a member of a board, tribunal, commission, committee, council or similar body; or
- (c) to be or do any other thing;

that authority may make the appointment either by appointing a person by name or by appointing the holder of an office by the terms designating his office; and any such appointment of the holder of an office shall be construed as the appointment of the person for the time being lawfully holding, acting in or performing the functions of the office.

#### **48. Power to appoint while holder on retirement leave**

- (1) Where the holder of any public office is on leave of absence pending the relinquishment by him of such office, another person may be appointed to the same public office.
- (2) Where two persons are holding the same public office by reason of an appointment made in accordance with subsection (1), then, for the purposes of any Act and in respect of any power conferred or duty imposed upon the holder of such office, the person last appointed to the office shall be deemed to be the holder thereof.

### **Part IX – Time and distance**

#### **49. Computation of time**

- (1) In computing time for the purposes of an Act—
  - (a) a period of days from the happening of any event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;
  - (b) where any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day is a Sunday or public holiday, the act or proceeding shall be considered as done or taken in due time, if it is done or taken on the next following day, not being a Sunday or public holiday;
  - (c) where an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, Sundays and public holidays shall not be reckoned in the computation of the time.
- (2) If the time limited by an Act for any proceeding or the doing of anything under its provisions expires or falls upon a Sunday or public holiday, the time so limited shall be extended to, and such thing may be done on, the day next following not being a Sunday or public holiday.

**50. Prescription of a number of days**

Where a number of days not expressed to be "clear days" is prescribed the same shall be reckoned exclusively of the first day and inclusively of the last; where the days are expressed to be "clear days" or where the term "at least" is used both the first day and the last shall be excluded.

**51. Provision where no time prescribed**

Where no time is prescribed, or allowed within which anything shall be done, such thing shall be done without unreasonable delay, and as often as due occasion arises.

**52. Power to extend time**

Where in an Act a time is prescribed for doing any act or taking any proceeding and power is given to a court or other authority to extend such time, then the power may be exercised by the court or other authority although the application for the same is not made until after the expiration of the time prescribed.

**53. Distance**

In the measurement of any distance for the purposes of an Act, that distance shall be measured in a straight line on a horizontal plane.

**54. Warrants etc. valid on Sunday and public holiday**

A summons, notice, warrant or other process may be issued, served or executed and any arrest, search or seizure may be carried out or made on any day, including Sunday or a public holiday, and at any hour of the day or night.

**Part X – Penalties and legal proceedings****55. *Ex-officio* proceedings not to abate on death of errors**

Any civil proceedings taken by or against any person in virtue of his office shall not be discontinued or abated by his death, resignation, or absence, or removal from office, but may be carried on by or against, as the case may be, the person for the time being holding that office.

**56. Imposition of penalty no bar to civil action**

The imposition of a penalty or fine by or under an Act shall not, in the absence of express provision to the contrary, relieve any person from liability to answer in damages to a person injured.

**57. Penalties prescribed may be maximum penalties and cumulative**

- (1) Where in an Act a penalty is prescribed for an offence under that Act, such provision shall mean that the offence shall be punishable by a penalty not exceeding the penalty prescribed.
- (2) Where in an Act more than one penalty is prescribed for an offence, the use of the word "and" shall mean that the penalties may be inflicted alternatively or cumulatively.

**58. Statement of penalty at end of section**

Where in an Act a penalty is set out at the foot of any section or part thereof, the same shall mean that a contravention of that section or part shall be an offence under that Act punishable by a penalty not exceeding the penalty so set out.

**59. Amendment of penalty**

Where an act or omission constitutes an offence and the penalty for such offence is varied between the time of the commission of the offence and the conviction therefor, the offender shall be liable to the penalty prescribed at the time of the commission of the offence.

**60. Evidence of signature of Solicitor-General of D.P.P.**

Where under any Act the consent or authority of the Solicitor-General or the Director of Public Prosecutions is necessary before any action or prosecution is commenced, any document purporting to be the consent or authority of the Solicitor-General or the Director of Public Prosecutions shall be received as *prima facie* evidence in any proceeding without proof being given that the signature to the consent or authority is that of the Solicitor-General or the Director of Public Prosecutions as the case may be.

**Part XI – Miscellaneous****61. Gazette to be evidence of matters therein**

A copy of the *Gazette* containing any Act or any instrument, or a copy of any Act or instrument, purporting to be printed by the Government Printer, shall be *prima facie* evidence in all courts and for all purposes of the due making and tenor of such Act or instrument.

**62. Rectification**

The Solicitor-General may, by order published in the *Gazette*, rectify any clerical or printing error appearing in any Act.

**63. Reprint of the Solicitor**

The Government Printer may, with the authority-General, print copies of any Act with all additions, omissions, substitutions and amendments effected by any amending Acts, and such copies shall be deemed to be authentic copies of the Act so amended as at the date of printing.

**64. Saving of rights of the Crown**

No Act shall in any manner affect the rights of or be binding on the Crown, unless it is therein expressly provided or unless it appears by necessary implication that the Crown is bound thereby.

**65. Repeal of proclamation**

The General Interpretation Proclamation is repealed.

[12 of 1942]