

Lesotho

Justices of the Peace and Commissioners of Oaths Proclamation Proclamation 13 of 1945

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Justices of the Peace and Commissioners of Oaths Proclamation
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Justices of the Peace and Commissioners of Oaths Proclamation

Proclamation 13 of 1945

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[13 of 1945; 53 of 1948; Cap. 34; 18 of 1955; 13 of 1960]

To make better provision for the appointments, powers and jurisdiction of Justices of the Peace and Commissioners of Oaths.

1. Short title

This Proclamation may be cited as the Justices of the Peace and Commissioners of Oaths Proclamation.

Part I

2. Appointment of Justices of the Peace

The Resident Commissioner¹ may appoint Justices of the Peace for Basutoland, who shall hold their commissions during the pleasure of the Resident Commissioner. The name and address of every person so appointed shall be notified by the Resident Commissioner in the *Gazette*, and on the cancellation of any such appointment that fact shall be likewise notified.

- (2) Any person holding or lawfully acting in an office mentioned in this sub-section shall, during his tenure of that office, or while he is so acting, and except when suspended from exercising the powers thereof, be a Justice of the Peace for the area in this sub-section specially provided, that is to say—
- (a) the Commissioner of Police, and every Senior District Officer shall be a Justice of the Peace for each District in Basutoland;
 - (b) any commissioned officer of the police shall be a Justice of the Peace for the area in which he holds his office;
 - (c) any District Officer shall be a Justice of the Peace for the District in which he holds office, and as such shall possess within such area the powers and jurisdiction conferred, and shall perform the duties and obligations imposed, by any law in force therein upon Justices of the Peace.

3. General powers and duties of Justices of the Peace appointed under this Proclamation

Every person who has been appointed or has become a Justice of the Peace shall during his tenure of office —

- (a) possess within his area the powers and jurisdiction conferred, and perform the duties and obligations imposed, by any law in force in that area upon Justices of the Peace;

¹

As amended by 13 of 1960.

- (b) carry out such instructions for the preservation of the peace and good order of his area as he may from time to time receive from the District Commissioner of the district in which the area is situated and shall further perform such other duties as the High Commissioner may, from time to time lawfully assign to him.

Part II – Commissioners of Oaths

4. Appointment of Commissioners of Oaths

The Resident Commissioner¹ may appoint Commissioners of Oaths for Basutoland who shall hold their Commissions during the pleasure of the Resident Commissioner. The name and address of every person so appointed shall be notified by the Resident Commissioner in the *Gazette*, and on the cancellation of any such appointment that fact shall be likewise notified.

5. *Ex officio* Commissioners of Oaths

- (1) Any person holding, or lawfully acting in, any office specified in the Schedule to this Proclamation shall, during his tenure thereof or while he is so acting and except when suspended from exercising the functions thereof, be a Commissioner of Oaths for the area described in the second column of that Schedule opposite the name of his office.
- (2) The Resident Commissioner¹ may, from time to time by Notice in the *Gazette*, amend the said Schedule by the addition thereto of any office whatsoever, or by the deletion therefrom of any office mentioned in that Schedule, and by prescribing an area of jurisdiction in respect of any office so added.

6. Powers and jurisdiction of Commissioners of Oaths

A Commissioner of Oaths may, within the area in respect of which he is under this Proclamation appointed, or declared to be a Commissioner of Oaths, administer an oath on affidavit, or take a solemn or attested declaration, whenever requested to do so, or whenever he, if he is also a member of the Basutoland Mounted Police, considers it desirable that a statement on oath or solemn or attested declaration be obtained in connection with any offence, and the person concerned is willing to make such statement or declaration,² or whenever statements on oath or solemn or attested declarations are required by any law in force in that area: Provided that he shall not administer an oath or take a solemn or attested declaration in respect of any matter in which he has not, or does not believe himself to have, jurisdiction, cognisance or authority.

7. Penalties for false statements in affidavits, etc.

Any person who, in an affidavit or solemn or attested declaration made before a person competent to administer the oath or take the declaration, makes a false statement corruptly or maliciously, or makes such statement knowing it to be false and with the intention of injuring another person or benefiting himself, shall be guilty of an offence and liable upon conviction to the penalties prescribed by law for the crime of perjury.

1

As amended by 13 of 1960.

1

As amended by 13 of 1960.

2

As amended by 18 of 1955.

8. Regulations

The High Commissioner in Council¹ may make regulations not inconsistent with this Proclamation prescribing the form and manner in which oaths and declarations shall be taken, when not prescribed by any other law, and generally for the better carrying out of the objects and purposes of this Proclamation.

9. Previous oaths valid

The oaths and solemn declarations at any time previously administered and taken by the holder of any office specified in the Schedule to this Proclamation, if administered or taken in the ordinary course of his duties, are hereby declared to be valid.

¹

As amended by 13 of 1960.

Schedule

Ex officio Commissioners of Oaths³

Office held	Area in which oath may be administered or declaration taken
Agricultural and Veterinary Services—	
Director of Agricultural and Livestock Services	Basutoland.
Principal Agricultural Officer	Basutoland.
Principal Veterinary Officer	Basutoland.
Central Stores—	
Comptroller of Stores	Basutoland.
District Administration—	
Administrative Officers, including Cadets	Basutoland.
Education—	
Director of Education	Basutoland.
Deputy Director of Education	Basutoland.
Judicial—	
Registrar and Master of the High Court	Basutoland.
Judicial Commissioner	Basutoland.
Magistrate	Basutoland.
Legal—	

Legal Secretary	Maseru District.
Leper Settlement—	
Superintendent, Leper Settlement	Maseru District.
Medical—	
Director of Medical Services	Basutoland.
National Treasury—	
Sub-Accountant, Basuto National Treasury	Basutoland.
Police—	
All members of the Basutoland Mounted Police of or above the rank of Sergeant	Basutoland.
Post and Telegraphs—	
Postmaster	Basutoland.
Senior Postmaster	Basutoland.
Prisons—	
Superintendent of Prisons	Basutoland.
Assistant Superintendent of Prisons	Basutoland.
Senior Gaoler	District in which stationed.
Public Works—	
Director of Public Works	Basutoland.
Public—	
Attorneys admitted to practice in the Territory	Basutoland.

Justices of the Peace	Area for which empowered or appointed to function.
Secretariat—	
Government Secretary	Basutoland.
First Assistant Secretary	Basutoland.
Treasury—	
Financial Secretary	Basutoland.
Assistant Treasurer	Maseru District.
Accountant	Maseru District.
Assistant Accountant	Maseru District.