

IN THE HIGH COURT OF LESOTHO

In the Application of :

TS'OEU THULO MAHLAKENG	1st Applicant
ABNERSON MOYISI S. MAJEKE	2nd Applicant
PAMELA CELIWE CQOLI	3rd Applicant

v

LESOTHO LAW SOCIETY	Respondent
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J U D G M E N T

Delivered by the Hon. Chief Justice Mr. Justice  
T.S. Cotran on the 23rd day of August 1984

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The applicants in the above applications have all passed the examinations entitling them to receive a degree of Bachelor of Law of the National University of Lesotho on the 29th of September next and are now applying for admission as advocates in terms of s.6(1)(c)(iii) of the Legal Practitioners Act 1983 which came into force on the 16th April 1984 vide L.N. 61/84 in Gaz. No. 20 of 1984.

The position under the Legal Practitioners Act 1967 was that degree holders from the National University of Lesotho were, if everything else was in order, entitled to admission as advocates and the problem now is whether the text used in s.6(1)(c)(iii) of the new Act had intended those degree holders to sit for a further examination called the "Bar Practical Examination" set by the "Law Society" or the "Chief Justice", or whether that provision applies only to those citizens of Lesotho who had obtained a degree

/of Bachelor

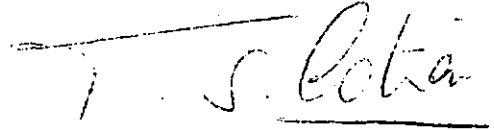
of Bachelor of Law from a university outside Lesotho and want to be admitted to practise as advocates in Lesotho.

I have no doubt in my mind that no change in the law was intended for the holders of Bachelor of Law degree from the National University of Lesotho. The curriculum for the LL.B at the National University of Lesotho and its duration is geared towards both the academic and the practical. The section should be read as if there is a semi colon instead of the first comma and no "comma" appears after the words "outside Lesotho". One section was intended to cover two categories of degree holders, viz, persons, whether or not they are citizens of Lesotho, who hold a Bachelor of Law degree from the National University of Lesotho, and Lesotho citizens who hold a Bachelor of Law degree not obtained at the National University of Lesotho but from some other foreign university. The latter, but not the former, must sit for a Bar Practical Examination, but need not have in addition a minimum period of 5 years experience in the profession as in s.6(1)(c)(i) and s.6(1)(c)(ii). The rationale behind the provision is to give some advantage to a Lesotho citizen who studied abroad and passed a Bachelor of Law degree, intending to practise law after his return home, the advantage, however, not extending to an exemption from the Bar Practical Examinations envisaged to test his or her knowledge of Lesotho laws before the degree holder is permitted to set up a name plate.

The applicants will be admitted upon producing to the Registrar copy of their degrees to be awarded on the 29th September 1984.

/May

May I add that whilst the Law Society had originally objected to the admission of the applicants the objection was withdrawn and they argued in favour of admission.

A handwritten signature in dark ink, appearing to read 'T. S. Letia', is written over a horizontal line.

CHIEF JUSTICE

23rd August 1984

For Applicants : Mr. Mphutlane

For Law Society : Mr. Moilola