<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Short title</td>
</tr>
<tr>
<td>2.</td>
<td>Interpretation</td>
</tr>
<tr>
<td>3.</td>
<td>Establishment of Commission</td>
</tr>
<tr>
<td>4.</td>
<td>Membership of Commission</td>
</tr>
<tr>
<td>5.</td>
<td>Qualifications for appointment</td>
</tr>
<tr>
<td>6.</td>
<td>Term of Office</td>
</tr>
<tr>
<td>7.</td>
<td>Functions of Commission</td>
</tr>
<tr>
<td>8.</td>
<td>Certain matters to be considered</td>
</tr>
<tr>
<td>9.</td>
<td>Interim Reports</td>
</tr>
<tr>
<td>10.</td>
<td>Allowances to certain members</td>
</tr>
<tr>
<td>11.</td>
<td>Termination of appointment</td>
</tr>
<tr>
<td>12.</td>
<td>Resignation</td>
</tr>
<tr>
<td>13.</td>
<td>Meetings of the Commission</td>
</tr>
<tr>
<td>14.</td>
<td>Staff of the Commission</td>
</tr>
<tr>
<td>15.</td>
<td>Advisers and Consultants</td>
</tr>
<tr>
<td>16.</td>
<td>Funds of the Commission</td>
</tr>
</tbody>
</table>
17. Application of Funds
18. Proper Accounts to be kept
19. Audit
20. Annual reports of the Commission
21. Regulations
22. Repeal
LESOTHO LAW REFORM COMMISSION ACT 1993

ACT NO. 5 OF 1993

(Date of Assent: 16 December 1993)

An Act to establish the Lesotho Law Reform Commission.

Enacted by the Parliament of Lesotho.

Short title

1. This Act may be cited as the Lesotho Law Reform Commission Act 1993

Interpretation

2. In this Act, unless the contrary intention appears:

"chairperson" means the chairperson of the Commission;

"Commission" means the Lesotho Law Reform Commission established under section 3;

"member" means a member of the Commission appointed under section 4;

"Minister" means the Minister responsible for Law and Constitutional Affairs.
Establishment of Commission

3. There is established a body to be called the Lesotho Law Reform Commission.

Membership of the Commission

4. (1) The Commission consists of -

(a) the Attorney-General; and

(b) not more than 7 other members.

(2) The members referred to in subsection (1)(b) shall be appointed by the King on the advice of the Minister.

(3) Before advising the King under subsection (2), the Minister may consult relevant interest groups.

(4) The King on the advice of the Minister, shall nominate a member of the Commission to be chairperson.

Qualifications for appointment

5. A person may not be appointed as a member of the Commission unless that person -

(a) holds one of the professional qualifications specified by the Legal Practitioners Act 1983 (or by or under any law amending or replacing that Act) as a
qualification a person must hold before he or she may apply to be admitted as a legal practitioner in Lesotho; or

(b) has extensive experience in industry, commerce, public administration, tertiary education, the service of the government or an authority of the government or in community or gender issues.

Term of office of members

6. A member of the Commission, other than the Attorney-General, holds office for a period of two years upon terms and conditions specified in the instrument of appointment and is eligible for re-appointment.

Functions of the Commission

7. (1) The functions of the Commission are -

(a) to review the laws of Lesotho with a view to the systematic development and reform of law, including in particular -

(i) the modernization of the law by bringing it into accord with current conditions; and

(ii) the elimination of defects in the law; and

(iii) the simplification of the law; and

(iv) the adoption of new or more effective methods for the administration of the law; and
(b) to consider such proposals for the making of laws as are referred to the Commission by the Minister;

(c) to carry out such other law reform projects as are referred to the Commission by the Minister; and

(d) to consider proposals relating to the consolidation of laws or the repeal of laws that are obsolete or unnecessary; and

(e) to make reports to the Minister arising out of any such review, consideration or project and, in such reports, to make such recommendations as the Commission thinks fit.

(2) The Minister may modify terms of reference given to the Commission and give directions to the Commission as to the order in which it is to deal with references.

Certain matters to be considered

8. (1) In the performance of its functions, the Commission shall review laws of Lesotho and consider proposals with a view to ensuring that the laws and proposals are consistent with the protection of fundamental human rights and freedoms specified in Chapter II of the Constitution of Lesotho.

(2) In the performance of its functions, the Commission shall have regard to the Principles of State Policy set out in Chapter III of the Constitution of Lesotho.
Interim report

9. In respect of a reference from the Minister -

(a) the Commission may, at any time before making its final report, make an interim report on its work under the reference; and

(b) the Minister may, at any time before the Commission makes its final report direct the Commission to make an interim report on its work under the reference.

Allowances to certain members

10. A member of the Commission other than a member appointed from the public service may receive such allowances as the Minister may, in consultation with the Minister of Finance, determine.

Termination of appointment

11. The King acting on the advice of the Minister may terminate the appointment of a member of the Commission, other than the Attorney-General, on the grounds that the member -

(a) is unable to exercise the functions of the office; or

(b) has been convicted of a criminal offence and sentenced to imprisonment without the option of a fine; or

(c) is unfit for duties; or
(d) is incapable of carrying out his or her duties effectively; or

(e) the public interest so requires.

Resignation

12. A member of the Commission, other than the Attorney-General, may resign office by writing delivered through the Minister to the King.

Meetings of the Commission

13. (1) The Commission shall meet at least 4 times a year and whenever the Minister directs the chairperson to convene a meeting.

(2) The quorum for a meeting shall be 4 members.

(3) A question arising at a meeting of the Commission is to be decided by a majority of the votes of members present and voting.

(4) The chairperson presides at all meetings of the Commission at which he or she is present.

(5) In the event of the absence of the chairperson from a meeting, the members present shall elect a member to preside at that meeting and the person so elected presides accordingly.

(6) At a meeting, the chairperson or other member who presides has a deliberative vote and, in the event of equality of votes, has a casting vote.
Staff of the Commission

14. The staff of the Commission shall be persons appointed or employed under the Public Service Order 1970 or employed under terms and conditions determined by the Minister.

Advisers and consultants

15. (1) The chairperson may, with the approval of the Minister, engage persons having suitable qualifications and experience as advisers or consultants to the Commission.

(2) The terms and conditions of the engagement of a person as an adviser or consultant shall be determined by the chairperson with the approval of the Minister.

Funds of the Commission

16. The funds of the Commission consist of -

(a) any grant from the Government; and

(b) any donation; and

(c) such sums of money as may accrue to the Commission in the performance of its functions.

Application of funds

17. The funds of the Commission shall be applied only in the discharge of its functions.
Proper accounts to be kept

18. The Commission shall cause to be kept proper accounts and proper records of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incurring of liabilities by the Commission.

Audit

19. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Commission and shall draw the attention of the Minister to any irregularities disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his so doing.

(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in subsection (1).

(3) The Auditor-General shall, at least once in each year report to the Minister the result of the inspection and audit carried out under subsection (1).

(4) The Auditor-General or an officer authorised by him may at all reasonable times -

(a) inspect the accounts, records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of funds by the Commission; or
(b) make copies of, take extracts from, any such documents or papers; or

(c) require any person to furnish such information in the possession of the person or to whom the person has access as the Auditor-General or authorised person considers necessary for the purposes of the functions of the Auditor-General under this Act and the person so required shall comply with the requirements.

(5) A person who obstructs the Auditor-General or an authorised officer in the performance of duties under this section is guilty of an offence and liable on conviction to a fine not exceeding M500 or to imprisonment for a term not exceeding 3 months, or both.

Annual reports of the Commission

20. (1) The Commission shall, not later than 90 days after the end of each financial year, prepare and furnish to the Minister a report of its operations during that year together with financial statements in respect of that year in such form as the Auditor-General may approve.

(2) Before submitting financial statements to the Minister, the Commission shall submit them to the Auditor-General who shall report to the Minister -

(a) whether the statements are in agreement with the accounts and records; and

(b) whether the statements are based on proper accounts and records; and
(c) such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3) The Minister shall cause the report and financial statements of the Commission together with the report of the Auditor-General to be laid before each House of Parliament.

Regulations

21. The Minister may make regulations, not inconsistent with this Act, prescribing all matters that -

(a) are required or permitted to be prescribed by this Act; or

(b) are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Repeal


LETSIE III
KING OF LESOTHO

NOTE

The explanatory memorandum to the Lesotho Law Reform Commission Bill 1993 that was introduced into the National Assembly on 27 September 1993 is published as Government Notice No. 85 of 1993.