



LESOTHO

## PRACTICE DIRECTION NO.1 OF 2021

ISSUED BY THE HONOURABLE CHIEF JUSTICE S.P. SAKOANE

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### JUDGMENTS: FORM AND CITATION

1. With effect from 1 February 2021 a form of neutral citation is introduced in the High Court. A unique number will be given by the official shorthand writers to each approved judgment issued out of this court. The judgments will be numbered in the following way:

High Court:-

- |                          |                              |                                  |
|--------------------------|------------------------------|----------------------------------|
| (a) Criminal cases       | [2021] LSHC Crim 1, 2, 3 etc | (Date, month and year delivered) |
| (b) Civil cases          | [2021] LSHC Civ 1, 2, 3 etc  | “                                |
| (c) Commercial cases     | [2021] LSHC Comm 1, 2, 3 etc | “                                |
| (d) Constitutional cases | [2021] LSHC Const 1,2,3 etc  | “                                |
| (e) Labour appeals       | [2021] LSHC Lab 1, 2, 3 etc  | “                                |
| (f) Land cases           | [2021] LSLC Lan 1, 2, 3 etc  | “                                |

2. For example, under these new arrangements, the tenth numbered constitutional judgment of the year would be cited: **X v. Y [2021] LSHC Const 10 (5 February 2021)**.

3. The neutral citation will be the official number attributed to the judgment by the court and must always be used when the judgment is cited in a later case. Once the judgment is reported, the neutral citation will appear in front of the familiar citation from the law report series. Thus: **X v. Y [2021] LSHC Const 10 (5 February 2021)**.
4. For the avoidance of doubt, it should be emphasised that the High Court requires that where a case has been reported in the official Law Reports it must be cited from that source. Unreported judgments may only be used when a case is not reported in the Law Reports.
5. It will in future be permissible to cite a judgment reported in a series of reports, by means of a copy of a reproduction of the judgment in electronic form that has been authorised by the publisher of the relevant series, provided that (1) the report is presented to the court in an easily legible form (a 12-point font is preferred but a 10-11 point is acceptable) and (2) the lawyer citing the judgment is satisfied that it has not been reproduced in a garbled form from the data source. In any case of doubt, the court will rely on the printed text of the report (unless the editor of the report has certified that an electronic version is more accurate because it corrects an error contained in an earlier printed text of the report).
6. Lawyers who do not follow this practice direction by not citing reported versions of judgments and those with neutral citations in their submissions may be mulcted with costs.

### **Concluding comments**

7. The changes described in this practice direction follow what has become accepted international practice. They are intended to make it easier to distribute, store and search judgments, and less expensive and time-consuming to reproduce them for use in court.



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**S.P. SAKOANE**  
**CHIEF JUSTICE**

9 FEBRUARY 2021