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CONTENTS

No.		Page
LEGAL NOTICES		
73	Security Interests in Movable Property Regulations, 2020	851
74	Rectification of Errors Notice, 2020.....	855
75	Legal Aid (Amendment) Regulations, 2020.....	857

OTHER NOTICES

(See Supplement of the Gazette)

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LEGAL NOTICE NO. 73 OF 2020

Security Interests in Movable Property Regulations, 2020

Arrangement of Regulations

Regulations

1. Citation and commencement
2. Interpretation
3. Purpose
4. Operations of the registry
5. Establishment of client account
6. Application for client account
7. Format of application
8. No fee for client account
9. Access to client account
10. Fees
11. Payment methods

LEGAL NOTICE NO. 73 OF 2020

Security Interests in Movable Property Regulations, 2020

Pursuant to section 44 of the Security Interests in Movable Property Act, 2020¹, I,

RETŠELISITSOE MATLANYANE

Governor of the Central Bank of Lesotho, the Commissioner of Financial Institutions, make the following regulations -

Citation and commencement

1. These Regulations may be cited as the Security Interests in Movable Property Regulations, 2020, and shall come into operation on the date of publication in the Gazette.

Interpretation

2. (1) In these regulations, unless the context otherwise requires -

“Act” means the Security Interest in Movable Property Act, 2020.

“Access information” means information assigned for the purpose of maintaining the integrity of the registry, such as, passwords, access numbers, user identifications, and other personal identification numbers; and

“authorised user” means a person who has log-on access to the registry;

Purpose

3. The purpose of these Regulations is to operationalize access to the registry established under section 30(1) of the Act.

Operations of the registry

4. (1) The performance of duties and functions of the registrar under the act and these regulations may be carried out by any member of staff of the registrar.

(2) The Registry shall be accessible for registration of documents, searching the database and other registry services except during periods of scheduled maintenance and interruptions beyond the control of the Registrar.

(3) All filings shall be made on the registry, and the Registrar shall not accept paper-based or other physical filings.

(4) Notices will be effective immediately upon complete registration in the Registry.

(5) The Registrar shall maintain records of lapsed or terminated registration notices including all associated amendments, continuation and termination notices, for a period of ten (10) years beyond the date of the lapse or termination, as the case may be.

Establishment of client account

5. Any person who intends to file notices into the registry shall establish a client account with the Registrar.

Application for client account

6. An application for a client account shall be submitted to the Registrar through the Registry.

Format of application

7. The application shall be in a format approved by the Registrar and shall be accompanied by documentation specified in the registry.

No fee for client account

8. There shall be no fee for the establishment of a client account.

Access to client account

9. (1) In order for the holder of a client account to have access to the registry, the authorised user shall enter the relevant access information.

(2) The Registrar shall not be required to verify whether -

(a) an authorised user is entitled to use the access information; or

(b) a filing party is entitled to file a notice of security interest or change notice, as the case may be.

(3) It shall be the responsibility of the client account holder to ensure security of the relevant access information

Fees

10. The fees payable at time of transacting in the registry shall be as indicated in schedule 1.

Payment methods

11. (1) Payments in favour of client accounts shall be made through means provided in the Registry.

(2) Funds deposited into a client account may be used to pay registry fees.

DATED:

**RETŠELISITSOE MATLANYANE
COMMISSIONER OF FINANCIAL INSTITUTIONS**

NOTE

1. Act No. 12 of 2020

SCHEDULE 1

Fees Payable for Transacting

(Reg. 10)

(a)	Registration of an initial notice of security interest	-	M10
(b)	Registration of amended notice	-	M5
(c)	Registration of continuation notice	-	M5
(d)	Provision of a certified search report	-	M10
(e)	Requisition of data extract of the entirety of the public information held in the registry	-	M100

LEGAL NOTICE NO. 74 OF 2020

Rectification of Errors Notice, 2020

Pursuant to section 62 of the Interpretation Act, 1977¹, I,

HAAE PHOOFOLO

Attorney-General, rectify the following errors:

Business Licensing and Registration Act, 2019

1. The Business Licensing and Registration Act, 2019² is rectified as follows:

- (a) in section 26(3) by deleting “15(10)” and substituting “15(9)”;
- (b) in section 35(4) by deleting
“34(b)” and substituting “34(1)(b)”;
- (c) in section 44(2) -
 - (i) in paragraph (1) by inserting the words “local entrepreneurship and” after the word “of”; and
 - (ii) in paragraph (m) by deleting the word “premise” and substituting the word “premises”;

- (d) in section 44(3) by -
 - (i) deleting the word “or” after the semi-colon;
 - (ii) deleting the full stop after the word “Act” and substituting a semi-colon;
 - (iii) inserting the following paragraph (b):
 - (c) with regard to a foreign business, the minimum capital requirement in section 4(4), and the minimum number of jobs required in section 4(4)(b).”.

Declaration of COVID-19 Disaster-Induced State of Emergency Notice, 2020

2. The Declaration of COVID-19 Disaster-Induced State of Emergency Notice, 2020³ is rectified by deleting the words “State of disaster-induced emergency” before the word “exists” and substituting the words “disaster-induced state of emergency”.

Appointment of Members of Pardons Committee Notice, 2020

3. The Appointment of Members of the Pardons Committee Notices, 2020⁴ are rectified by deleting the word “Pardon’s” wherever it appears in the Legal Notices and substituting “Pardons”.

Appointment of Marriage Officer Notice, 2019

4. The Appointment of Marriage Officer Notice, 2019⁵ is rectified by deleting “ANGLICAN CHURCH OF LESOTHO” and substituting “RAPTURED CHURCH OF CHRIST”.

DATED:

**HAAE PHOOFOLO KC
ATTORNEY-GENERAL
NOTE**

1. Act No. 19 of 1977
2. Act No. 3 of 2019
3. L.N. No. 40 of 2020
4. L.N. Nos. 33, 34 and 35 of 2020
5. G.N. No. 24 of 2019

LEGAL NOTICE NO. 75 OF 2020

Legal Aid (Amendment) Regulations, 2020

In exercise of the powers conferred in me by section 14 of the Legal Aid Act, 1978¹, I,

NQOSA LEUTA MAHAO

Minister of Justice and Law make the following regulations -

Citation and commencement

1. These Regulations may be cited as the Legal Aid (amendment) Regulations, 2020 and shall come into operation on the date of publication in the Gazette.

Contribution and Qualification for legal assistance

2. Schedule II of the Legal Aid Regulations, 1979² is amended by -
 - (a) deleting subregulation (1) and substituting the following -

“(1) A person who qualifies for legal assistance to earn M3,000.00 per month to contribute M600.00
 - (b) deleting subregulation (2) and substituting the following:

“(2) A person who earns from M3,000.00 to M6,000.00 per month to contribute M1,000.00.”,

notwithstanding above, the Chief Legal Aid Counsel may, in the interest of justice and depending on the circumstances of a case, determine an amount of payment.

Fees and disbursements in criminal matters

3. Schedule III A of Legal Aid Regulations, 1979² is amended by -
 - (a) deleting subregulation (1)(a) and substituting the following -
“M6,500”;
 - (b) deleting subregulation (1)(b) and substituting the following -
“M8,000”;
 - (c) deleting subregulation (1)(c) and substituting the following -
“M10,000”.

Fees and disbursements in civil matters

4. Schedule III B of Legal Aid Regulations, 1979² is amended by -
 - (a) deleting subregulation (2)(a) and substituting the following -
“M6,500.00”;
 - (b) deleting subregulation (2)(b) and substituting the following -
“M10,000.00”; and
 - (c) deleting subregulation (2)(c) and substituting the following -
“M12,500.00”.

DATED:

**PROF. NQOSA LEUTA MAHAO
MINISTER OF JUSTICE AND LAW**

NOTE

1. Act No. 19 of 1978
2. L.N. No. 32 of 1979