

The Internal Security (General) Act, 1984

ACT NO. 24 OF 1984

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SCHEDULE

*The Internal Security (General) Act, 1984***ACT NO. 24 OF 1984****ACT**

[Date of Assent: 23.7.84]

[Date of Commencement: see section I]

To consolidate and amend the law relating to internal security in Lesotho.

Enacted by the Assembly.

PART I — PRELIMINARY

1. This Act may be cited as the Internal Security (General) Act, 1984 and shall come into operation on a date to be fixed by and the Minister by notice in the Gazette.

2. The Minister may, from time to time, by notice in the Gazette, provide that,

- (a) the whole of Part III which is for the time being in force shall cease to be in force; or
- (b) the whole of that Part which is not for the time being in force shall come in force again.

3. (1) In this Act, unless the context otherwise requires,

"ammunition" means ammunition for any firearm as hereinafter defined and includes grenades, bombs and other like missiles, whether capable of use with such a firearm or not, and prohibited ammunition;

"Commissioner" means the Commissioner of Lesotho Mounted Police;

"dangerous weapons" means anything which is capable if used, of causing fear or physical injury in a person, physical injury to a person or the death of a person;

"essential service" means any of the following services operated by any person whomsoever, wholly or in part in Lesotho;

- (a) any service for the supply and distribution of water, electricity, food, milk (including the care of milk cows), fuel and other essentials of life;
- (b) public transport (including the care of any railway, road, bridle path, bridge, vessel, dam and airfield) whether by rail, road, water or air, undertakings for the carriage of goods or passengers, for securing the means of locomotion or transit and services for the handling of goods;

- (c) public services (including telegraph, telephone, wireless and postal communications and the care of Government offices;
- (d) public health services (including the care of hospitals) night soil collection sanitary and conservancy services, town cleansing and any services required for the prevention or cure of disease whether in human beings, animals, or otherwise required for the health and well-being of the community;
- (e) any educational service including the care of any school, college or university;
- (f) a service that the Minister has declared to be an essential service under the power conferred on him by section 4;

"explosives" means gunpowder, nitroglycerine, dynamite, tovox and other nitroglycerine admixture, gun-cotton, blasting powder, detonators, fuse and every other substance used to produce a practical effects by explosion and any other substance or device declare by the Minister by notice in the Gazette under section 77 to be an explosive, other than fireworks or ammunition, gunpowder or percussion caps regulated by any other law or fireworks manufactured for the purposes of amusement;

"firearm" except where otherwise expressly provided, means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged and includes any prohibited weapon whether it is such lethal weapon as aforesaid or not, any component part of any such lethal or prohibited weapon, and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon and includes an air gun, air rifle, air pistol, water or spray gun;

"Headman" means a Headman whose office is established by the Chieftainship Act. 1968 or by or under any other law including customary law. and references to a Headman are references to the person who, under the law, including customary law. for the time being in force in that behalf, is recognized as entitled to exercise the functions of the office of a Headman and includes a Chief to the extent that he exercises the functions of a Headman;

"meeting" means an assembly, concourse or gathering of persons pursuing a common purpose;

"peace officer" includes a sheriff or a deputy sheriff, any officer, non-commissioned officer or trooper of a police force established under any law or of any body of persons carrying out under any law the functions of a police force in Lesotho, a gaoler or a warder of any prison or gaol, and any chief recognised as such under "any law";

"procession" means an assembly, concourse or gathering of persons pursuing a common purpose which moves from one place to another with or without vehicles;

"protected place" means a place which has been declared to be a protected place under section 38;

"protected vehicle" means a vehicle which has been declared to be a protected vehicle under section 38;

"public officer" means a person holding or acting in any office of emolument in the service of the King in respect of the Government of Lesotho and includes, to the extent of his authority, a person for the time being authorised to exercise the functions of that office;

"public place" means a place to which at the material time the public or any section of the public have or are permitted to have access whether on payment or otherwise, including a place as is described herein notwithstanding that it is private property and has not been dedicated to the use of the public;

"subversive" without limiting its ordinary meaning, includes —

- (a) supporting, propagating or advocating any act or thing prejudicial to public order, the security of Lesotho or the administration of justice;
- (b) inciting to violence or other disorder or crime, or counselling defiance or disobedience to the law or lawful authority;
- (c) being involved personally or by directing, organizing or training another person or other persons, in the commission, attempted commission, preparation or instigation of any act involving the use or threatened use of violence for the purpose of putting the public or any section of the public in fear;
- (d) intended or calculated to support or assist or benefit, in or in relation to such acts, or intended acts as are hereinafter described, persons who act, intend to act or have acted in a manner prejudicial to public order, the security of Lesotho or the administration of justice, or who incite, intend to incite or have incited to violence or other disorder or crime, or who counsel, inter-counsel or have counselled defiance of or disobedience to the law or lawful authority;
- (e) connection, association, or affiliation with, or support for, an unlawful organization;
- (f) intended or calculated to bring into hatred or contempt or to excite disaffection against any public officer, or any class of public officers in the execution of his or their duties;
- (g) intended or calculated to seduce a public officer from his allegiance or duty;

"unlawful organization" means any organization so declared
'to be unlawful by the Minister under section 10; and

"use" in relation to dangerous weapon means wield or
empty that weapon with intent to cause fear or physical
injury in a person, physical injury to a person or the
death of a person.

(2) When any provision of Part III ceases to be in force,
section 18 of the Interpretation Act 1977, applies as if that provi-
sion of that Part were then repealed by another Act.

(3) No rule of law and no enactment other than this Act
shall be construed as limiting or otherwise affecting the opera-
tion of any provision of this Act for the time being in force but,
subject to the foregoing, any power conferred by this Act shall
not derogate from His Majesty's prerogative.

PART II — ESSENTIAL SERVICES, SABOTAGE, SUBVERSION ETC.

4. (1) An essential service is such a service as is defined
in section 3, and includes a service declared to be an essential
service pursuant to subsection (2).

(2) The Minister may, from time to time, by notice in the
Gazette, declare any service or thing that is necessary for main-
taining supplies and services that are essential to the life of the
community, to be an essential service for the purposes of this
Act and, for so long as that notice is in force, that service or
thing is, in addition to anything contained in section 3 and sub-
section (1), an essential service for the purposes of this Act.

5. (1) A person who, without just cause or excuse, advises,
encourages, incites, instigates, commands, aid or procures or
conspires with any other person engaged or employed in an es-
sential service to do or omit to do any act, which act or omission
hinders or interferes with, or is likely to hinder or interfere with,
the carrying on of an essential service, is guilty of an offence.

(2) In a prosecution for an offence under subsection (1),
the burden of proof that he had just cause or excuse is on the
person accused of the offence.

6. (1) A person who wilfully,

(a) destroys or damages;

(b) attempt to destroy or to damage;

(c) does or omits to do any act with intent to, or knowing
that that act or omission will or is likely to hinder, in-
terfere with, or impair the usefulness or efficiency, or
prevent or impede the working or carrying on of, all
essential service or any property used or intended to
be used for the purposes of an essential service,

is guilty of the offence of sabotage.

(2) In a prosecution for an offence under subsection (1) it shall be presumed, unless the contrary is proved, that the accused wilfully acted or omitted to act as alleged against him.

7. A person who, with subversive intention, inside or outside Lesotho,
- (a) does any act;
 - (b) makes any preparation to do any act;
 - (c) threatens to do any act;
 - (d) utters or writes any words;
 - (e) directs, organises or trains a person or persons to do any act; or
 - (f) supports or benefits a person who does, intends to do or has done, any act,

is guilty of the offence of subversion.

8. A person is guilty of an offence if, inside or outside Lesotho, he,

- (a) solicits or invites another person to give or lend, whether for consideration or not, any money or other property;
- (b) receives or accepts from another person, whether for consideration or not, any other property; or
- (c) gives, lends or otherwise makes available to any person, whether for consideration or not, any money or other property; knowing, suspecting or intending that the money or other property will or may be applied or used for all or in connection with the commission, preparation or instigation of any subversive activity.

9. (1) A person is guilty of an offence if he has information he knows or believes might be of material assistance,

- (a) in preventing any subversive activity; or
- (b) in securing the apprehension, prosecution or conviction of a person for an offence involving the commission, preparation or instigation of any subversive activity.

and he fails to disclose the information as soon as is reasonably practicable to a member of the police force.

(2) In a prosecution for an offence under this section, it shall be presumed, unless the contrary is proved, that the accused knew or believed that the information might be of material assistance as alleged against him under this section.

(3) Proceedings for an offence under this section may be taken, and the offence may for the purpose of those proceedings, be treated, as having been committed, in any place where the offender is or has at any time been since he first knew or believed that the information might be of material assistance within the meaning of subsection (1).

10. (1) The Minister may, by notice in the Gazette, declare any organization unlawful if in his opinion that organization is involved in subversive activity or in promoting or encouraging it.

(2) The declaration referred to under subsection (1) may be in the form of a name or description of such organization.

(3) The Minister may, by notice in the Gazette, remove the name or description of an organization which had been unlawful pursuant to this Act if in his opinion such organization has ceased to be engaged in subversive activity or in promoting or encouraging it or the organization has, for any reason, ceased to exist.

11. (1) A person who inside or outside Lesotho,

(a) belongs or professes to belong to an unlawful organization;

(b) solicits or invites financial or other support for an unlawful organization or knowingly makes or receives; any contribution in money or otherwise to the resources of an unlawful organization; or

(c) solicits or invites any person to become a member of an unlawful organization or to carry out on behalf of such an organization, order, or direction given, or requests made, by a member of that organization,

is guilty of an offence.

(2) A person is not guilty of an offence under this section if he proves, that after the date of commencement of a notice by the Minister pursuant to section 10, he has not taken part in any activities of that organization-

(3) The court that convicts a person of an offence under this section may order the forfeiture of any money or other property which at the time of the offence he had in his possession or under his control for the use or benefit of the unlawful organization.

12. (1) A person convicted of an offence under this Part is, subject to subsection (3), liable,

(a) to a fine of not less than ten thousand Maloti but not exceeding one hundred thousand Maloti; or

(b) to imprisonment for a term of not less than five years but not exceeding twenty years.

(2) Subject to subsection (3), no suspended sentence shall be imposed in respect of an offence under this part.

(3) The court convicting a person for an offence under this Part may,

(a) impose a sentence of a fine of less than ten thousand maloti or to imprisonment for a term of less than five years; or

(b) impose a suspended sentence, if, in the opinion of the court, there are extenuating circumstances to warrant the sentence.

PART III — DETENTION FOR INVESTIGATION OF SUBVERSIVE ACTIVITIES

13. (1) A member of the police force may arrest without warrant a person whom he reasonably suspects to be a person involved in subversive activity.

Powers of arrest and detention for subversive activity

(2) A person arrested under this section shall not be detained by right of that arrest for more than 14 days after his arrest, but may be further temporarily detained by order of the Commissioner under section 14.

(3) The Criminal Procedure and Evidence Act 1981 shall not apply to a person detained by reason of an arrest under this section.

A. 7 of 1981

(4) This section is without prejudice to any power of arrest conferred by this or any other law.

14. (1) If it appears to the Commissioner that there are grounds for suspecting a person to be involved in subversive activity, the Commissioner may make an interim custody order for the further temporary detention of that person for a period not exceeding 14 days.

Interim custody orders in cases of subversive activity

(2) An interim custody order shall be signed by the Commissioner and the Commissioner shall report such detention to the Minister.

(3) If a person is detained under an interim custody order and a detention order is not made in respect of that person within 14 days following the date of the interim custody order, that interim custody order shall cease to have effect and the person detained shall be released unless he is in custody under some other provision of this or any other law or is arrested under this Part or information, other than, or for reasons, other than, those stated under section 17(1) in respect of the interim custody order,

15. (1) The Minister shall, for the purposes of this Act, appoint such number of advisers as he may determine to advise him on matters concerning the detention and release of persons.

Advisers

(2) An adviser shall be a person who, in the opinion of the Minister, has experience that will enable him to advise independently and impartially on matters assigned to an adviser by or under this Act.

(3) An adviser shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for reappointment.

16. (1) The Minister may, at any time before the expiration of the period of 14 days following the date of an interim custody order, refer the case to an adviser and, unless the cases so referred, the order shall cease to have effect at the expiration of that period.

(2) A reference to an adviser under this section shall be by notice in writing signed by or on behalf of the Minister and a copy of the notice shall be sent to the person detained.

17. (i) As soon as possible after a case has been referred to an adviser under section 16 the person detained shall be served with a statement in writing of the activities of which he is suspected.

(2) A detained person may, within seven days following the date on which he receives such statement, send to the Minister,

- (a) written representations concerning his case; or
- (b) a written request that he be seen personally by an adviser; and

the Minister shall send a copy of those representations and request, one or either of them as the case may be, to the adviser.

18. (1) If the case of a person detained under an interim custody order is referred to an adviser he shall independently and impartially consider it and report to the Minister his opinion

- (a) concerning the health of the person detained; and
- (b) whether the detention of that person is or is not necessary for the investigation of subversive activities with a view to criminal proceedings before a Subordinate Court or the High Court.

(2) In considering any case referred to him an adviser shall have regard to any oral or written information made available to or obtained by him and to oral and written representations made by the person detained.

(3) No person shall be present during the consideration of a case by an adviser except —

- (a) the person who is detained;
- (b) any assistant to the adviser; and
- (c) any person who is present in the interests of security, but subject to the requirements of the adviser relating to privacy of communication between him and the person detained-

19. (1) After receiving a report made by an adviser under section 18(1) the Minister shall consider the case of the person to whom it relates and may make an order for the detention of that person if the Minister is satisfied that he has been involved in subversive activities and that his detention is necessary for the investigation of those activities with a view to criminal proceedings before a Subordinate Court or the High Court, but if the Minister is not so satisfied he shall, in writing signed by him or on his behalf, order the release of the person.

(2) If a person is detained under an interim custody order and a detention order is not made in respect of that person within 14 days following the date of the interim custody order, that interim custody order shall cease to have effect and the person detained shall be released unless he is in custody under some other provision of this or any other law or is arrested under this Part on information other than that or for reasons other than

those stated under section 17(1) in respect of that interim custody order.

(3) A detention order shall be signed by the Minister or such other person as the Minister may designate in that behalf and shall have effect for a period specified in that order but not exceeding 14 days following the date of that detention order.

20. (1) The Minister may, on his own initiative or upon the recommendation of the Commissioner or upon the request of the person so detained, at any time, re-consider the detention of a person under this Part and may rescind or affirm the order under which he is detained.

Release
from
detention

(2) If the re-consideration was at the request of the person detained the decision of the Minister shall be conveyed to him in writing signed by or on behalf of the Minister

(3) The person who has custody of the person detained shall release him when the order for his detention expires or when there is produced to him an order in writing signed by or on behalf of the Minister, rescinding that order under this Act or any other law or is arrested under this Part or on information or for reasons other than those stated under section 17(1).

21. (1) A person who is required to be detained under an interim custody order or under a detention order may be detained in a prison or in some other place approved by the Minister and such person is deemed to be in legal custody at any place where or at any time he is so detained.

Custody of
person
detained for
subversive
activity

(2) A member of the police force, a prison officer, or any other person authorised by the Minister may take all steps that are necessary for fingerprinting, palm-printing, foot-printing, photographing, measuring or otherwise identifying a person so detained or obtaining physical information relating to an offence under this Act and may use such reasonable force as may be necessary for that purpose.

(3) A person for the time being having custody of a person required to be detained under an interim custody order or under a detention order shall have all the powers, authority, protection and privileges of a member of the police force.

(4) A person required to be detained under an interim custody order or under a detention order shall be subject to such conditions as may be prescribed by the Minister by regulations.

(5) The person referred to in subsection (4) shall be deemed to be still in custody or under detention despite his removal from the place of his custody or detention.

22. (1) A person who is required to be detained under an interim custody order or under a detention order and who is at large, may be arrested without warrant by any member of the police force or by any prison officer.

(2) When a person is required to be detained under an interim custody order or under a detention order and he is at large, that order shall not cease to have effect under section 16 or section 19 while he remains at large,

(4) Where a person referred to in this section is taken into custody, sections 16 and 19 shall have effect as if the date of interim custody order or of the detention order, as the case may be, were the date on which he was taken into custody.

23. (1) Unless a person detained under an interim custody order or under a detention order declines to be so visited, each person so detained shall be visited at least once each week by an adviser for the purpose of receiving a communication that that person may under this Part make to the Minister.

(2) Section 18(3) shall apply to a visit under this section and the adviser shall inform the Minister of his opinion concerning the health of the person detained.

(3) A person detained under an interim custody order or under a detention order who wishes to make a communication to the Minister under this Part, may do so through a person in whose custody he is or through an adviser under sub-section (1) and that communication shall immediately be sent to the Minister.

Escaping from detention etc.

24. (1) A person who —

- (a) is detained under an interim custody order or detention order and escapes;
- (b) rescues a person who is detained under an interim custody order or detention order, or assists a person so detained in escaping or attempting to escape; or
- (c) inside or outside Lesotho knowingly harbours a person required to be detained under an interim custody order or detention order or gives him assistance with intent to prevent, hinder or interfere with his being taken into custody,

is guilty of an offence.

(2) Section 12 applies *mutatis mutandis* to an offence under this section.

Going armed in public

PART IV — OFFENCES AGAINST PUBLIC SAFETY, PUBLIC ORDER, PUBLIC MORALITY AND THE RIGHTS OF PERSONS

25. (1) A person who goes armed in public without lawful excuse in such a manner as to cause terror to any person is guilty of an offence and liable on conviction to a fine of four hundred maloti or to imprisonment for one year and his arms may be forfeited to the Government.

offensive conduct conducive to breach of the peace

(2) In a prosecution for an offence under subsection (1) the burden of proof of lawful excuse is on the person accused of the offence.

26. A person who, in a public place, uses obscene, abusive, threatening or insulting words or behaviour or swears, shouts, screams or otherwise conducts himself with intent to provoke a breach of the peace or whereby a breach of the peace is commit-

ted or likely to be committed is guilty of an offence and liable on conviction to a fine of four hundred Maloti or to imprisonment for one year or to both.

27- A person who uses obscene, abusive or insulting language to his employer, or to a person placed in authority over him by his employer, in a manner where a breach of the peace is committed or is likely to be committed is guilty of an offence and liable on conviction to a fine of four hundred Maloti or to imprisonment for one year.

28. (1) Subject to the provisions of the Human Rights Act 1983, relating to freedom of expression and association, a person who, without lawful excuse, the proof whereof shall lie upon him, utters any words, or does any act or thing, indicating or implying that it is or might be desirable to do, or to omit to do, any act the doing or omission of which is likely —

- (a) to bring death or physical injury to any person or to any class, community or body of persons;
- (b) to lead to the damage or destruction of any property; or
- (c) to prevent or defeat by violence or by other unlawful means the execution or enforcement of any law or to lead to defiance or disobedience of any such law, or of any lawful authority,

is guilty of an offence and liable on conviction to a fine of two thousand Maloti or to imprisonment for a period of five years or to both.

29. (1) A person who, with intent to compel another person to abstain from doing, or to do, an act which that other person has a legal right to do or abstain from doing, wrongfully and without legal authority —

- (a) uses violence to or intimidation to that other person or his wife or children or injures his property;
- (b) persistently follows that person about from place to place;
- (c) hides any tools, clothes or other property owned or used by that other person or deprives him of or hinders him in the use thereof;
- (d) watches or besets the house or other place where that other person resides or works or carries on business or happens to be or the approach to that house or place; or
- (e) follows that other person in a disorderly manner in or through any street, or road,

is guilty of an offence and liable on conviction to a fine of one thousand Maloti or to imprisonment for a period of three years or to both.

(2) Attending at or near any house or place in such numbers or otherwise in such manner as to be likely to intimidate any person in that place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace, is deemed

to be a watching and besetting of that house or place within the meaning of this section.

- 30.** A person who,
- (a) without lawful excuse, publicly does an indecent act;
 - (b) in a public place, solicits for immoral purposes;
 - (c) plays bets at any game of chance or pretended game of chance for money or money's worth in a public place;
 - (d) commits any nuisance in a public place or within view or hearing of persons in a dwelling house;
 - (e) conducts himself in a manner that causes or is likely to cause injury to a person or damage to property or to any public amenity, facility, fixture, building, monument or ornament;
 - (f) goes about as a gatherer or collector of alms, or endeavours to procure contributions of any nature or kind, under any false or fraudulent pretence;
 - (g) is found in or upon or near premises or in a road or highway or a place adjacent thereto or in a public place at a time and under circumstances that show that he is there for an illegal or disorderly purpose;
 - (h) places any placard or other document, writing or painting on or otherwise defaces any house, building, wall, fence, lamp-post or gate, without the consent of the owner or occupier thereof;
 - (i) neglects to clear a private yard, passage or a venue, by which neglect a nuisance by offensive smell or otherwise is caused;
 - (j) has in his custody or possession without lawful excuse, the proof of which excuse shall be on such person, any picklock, key, crow or other implement of house-breaking;
 - (k) is found by night wearing a mask or other disguise with intent to commit an offence;
 - (l) is found by night without lawful excuse, the proof of which excuse shall be on him, in or upon any dwelling house, shop, store, stable, garage or outhouse or in any enclosed yard, garden or area; or
 - (m) is found by night armed with a dangerous weapon with intent to commit an offence or who, being thereto required, does not assign a valid and satisfactory reason for being so armed,

is guilty of an offence and liable on conviction to a fine of four hundred Maloti or to imprisonment for one year or to both.

31. A person who uses obscene, abusive, threatening or insulting language, or swears, shouts, screams or otherwise conducts himself in a manner that gives, or is likely to give such provocation to any person as to cause such person to break the peace or to commit any offence against the person, is guilty of an offence and liable on conviction to a fine of four hundred Maloti or to imprisonment for one year or to both.

32. A person who, in a public place or on premises where drunken the sale, supply and consumption of liquor is permitted by or persons, etc. under any law, behaves while drunk in a riotous or disorderly manner or who is drunk when in possession of a dangerous weapon, is guilty of an offence and is liable on conviction to a fine of four hundred Maloti or to imprisonment for one year or to both.

Criminal
Trespass

33. A person who —

- (a) enters into or upon property or a dwelling house in the possession or occupation of another person with intent to commit an offence or to insult or annoy any person or to intrude upon the privacy of any person;
- (b) having entered into or upon the property or dwelling house in the possession or occupation of another person, remains there with intent to commit an offence or to insult or annoy any person or to intrude upon the privacy of any person; or
- (c) enters into or upon property or a dwelling house in the possession or occupation of another person without the permission of that other person, and who fails, refuses or neglects to leave that property or house after being ordered to do so by that other person or by any person authorised by or on behalf of that person,

is guilty of an offence and liable on conviction to a fine of four hundred Maloti or to imprisonment for one year or to both.

34. A person who, in any place whatever, acts or conducts himself in such manner or speaks or publishes such words that it might reasonably be expected that the natural and probable consequences of his act, conduct or speech or publication will, under the circumstances, be the commission of public violence by members of the public generally or by persons in whose presence the act or conduct took place or to whom the speech or publication was addressed, is guilty of an offence and is liable on conviction to a fine of one thousand Maloti or to imprisonment for a period of five years or to both.

35. A person who consorts with or is found in the company of any person who is carrying arms, ammunition or explosives in contravention of this Act, in circumstances which raise a reasonable presumption that he intends, or is about, to act, or has recently acted with such person in a manner prejudicial to public safety or the maintenance of public order, is guilty of an offence, and is liable on conviction to a fine of two thousand Maloti or to imprisonment for a period of five years or to both.

Personating
a public
officer

36. A person who pretends to hold any particular office as a public officer, knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office is guilty of an offence and is liable on conviction to imprisonment for a period of three years or to a fine of one thousand Maloti or to both.

Wearing,
carrying or
selling
uniform,
garb or
token of
a public
officer

37. A person who, not belonging to a certain class of public officers,

- (a) wears any uniform or garb;
- (b) carries any token resembling any uniform, garb, or token,

used by that class of public officers, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public officers; or

(c) sells any such uniform, garb or token without a licence, is guilty of an offence and liable on conviction to a fine of two hundred maloti or to imprisonment for a period of six months or to both.

(2) The Minister responsible for Trade may, in consultation with the Minister, on application therefor being made, grant a licence for the sale of uniforms, garb or token of a class of public officers.

PART V — PROTECTED PLACES, VEHICLES AND AIRCRAFT

Protected
places,
vehicles,
and aircraft

38. (1) For the purposes of this Act a protected place and a protected vehicle or aircraft, is any place, vehicle or aircraft that the Minister has declared to be a protected place or a protected vehicle or aircraft under subsection (2).

(2) The Minister may, in the interests of public safety and for the maintenance of supplies or essential services declare from time to time, by notice in the Gazette, any place, vehicle or aircraft to be a protected place, a protected vehicle or a protected aircraft.

(3) A member of the police force in command of police in the area in which the protected place is situated, or in charge of the protected vehicle, or protected aircraft, shall cause such precautions to be adopted in relation to that place, vehicle or aircraft as are reasonably calculated to prevent, or to reduce to a minimum, the risk of inadvertent or accidental approach to, entry into, or presence in, that place, vehicle or aircraft.

Offences to
approach,
enter or be
in protected
place,
vehicle or
aircraft

39. (1) Subject to any exemption for which provision may be made in a notice under section 38, a person who approaches, enters, or is in a protected place or a protected vehicle or protected aircraft without the permission of the person in charge of that place, vehicle, or aircraft or without the permission of a member of the police force on duty at that place, vehicle, or aircraft is guilty of an offence and liable on conviction to a fine of one thousand Maloti or to imprisonment for one year or to both.

(2) Unless the contrary is proved, it shall be presumed that the accused had no exemption or permission for the act alleged against him under this section.

40. A person who approaches, enters or is in a protected place, protected vehicle or protected aircraft and who, while he is approaching, entering or in that place, vehicle, or aircraft fails or refuses to stop when called upon to do so by the person in charge of that place, vehicle, or aircraft or who fails or refuses to comply with directions given to him by that person or member of the police force, is guilty of an offence and liable on conviction to a fine of One thousand Maloti or to imprisonment for a period of one year or to both.

41. A person in charge of a protected place, vehicle or aircraft or a member of the police force on duty at the protected place, or a person duly authorised by that person in charge or member of the police force, may, without warrant,

Power to stop, search and use force at protected place, vehicle or aircraft

- (a) call upon a person who is approaching, entering or in a protected place, vehicle or aircraft to stop;
- (b) search a person who is approaching, entering or in a protected place, protected vehicle or aircraft in order to ascertain whether he has in his possession or under his control anything that is or may be harmful or dangerous to that protected place, protected vehicle or aircraft or to any person or thing in that place, vehicle or aircraft or for any other purpose for which a search may be made under any other law;
- (c) detain a person for the purpose of searching him pursuant to paragraph (b) ;
- (d) remove a person from a protected place, vehicle, or aircraft; or
- (e) use force in stopping, detaining, searching or removing a person pursuant to this subsection which force may, if the stopping, detaining, searching or removal cannot be effected by other means, extend to causing injury to that person.

42. For so long as Part III is in force, and if the person in charge of a specified protected place or specified protected vehicle or aircraft believes, upon reasonable grounds, that it is necessary in the interest of public safety or public order and the maintenance of supplies or essential services and that section 41 is insufficient, it shall be lawful for that person to take measures for ensuring the safety of that place, vehicle or aircraft including measures that may cause physical injury or death, to, or the fear of physical injury or death in a person.

43. A person who —

- (a) fails to stop a vehicle of which he is in charge or control, or who fails to stop, when required to do so under section 54; or
- (b) refuses to answer, or fails to answer to the best of his

Failure to stop or answer

knowledge and ability, a question addressed to him under section 54;

is guilty of an offence and liable on conviction to a fine of one thousand Maloti or to imprisonment for a period of one year or to both.

44. (1) A person who uses or attempts to use or threatens to use a dangerous weapon, explosive, firearm or any form of violence against a member of the police force in the execution of his duty for the preservation of the peace and the maintenance of order pursuant to this Act is guilty of an offence and liable on conviction to a fine of five thousand Maloti or to imprisonment for a period of five years or to both.

(2) If the court finds aggravating circumstances under subsection d) it may, if the circumstances so require, impose a sentence of imprisonment without the option of a fine.

(3) Unless the contrary is proved, it shall be presumed that the accused knew that the person named in the allegation against him was a member of the police force.

PART VI — DANGEROUS WEAPONS

45. (1) A person who manufactures a dangerous weapon is guilty of an offence-

(2) A person who is in possession of a dangerous weapon is guilty of an offence unless he is able to prove that such weapon is possessed by him for a lawful purpose.

(3) A person who sells or supplies any dangerous weapon is guilty of an offence unless he is able to prove that he had good grounds for believing that the person purchasing or acquiring it required it for a lawful purpose.

(4) A person guilty of an offence under this section is liable to a fine of five hundred Maloti or to imprisonment for a period of one year or to both.

(5) Nothing in this section prohibits the possession of a dangerous weapon solely as a trophy, curiosity or ornament, if authorised thereto in writing by the Commissioner or an officer delegated by him.

46. (1) Whenever a member of the Lesotho Mounted Police has reason to believe that any dangerous weapon is being kept in or upon any land, premises, vehicle or any other means of transport such member is authorized to enter upon and search such land or premises or search any such vehicle or other means of transport at any time without warrant and to seize any dangerous weapon found thereon and the owner or occupier of any such land, premises or the owner or person in charge of such vehicle or other means of transport shall be deemed to be the person in possession of any dangerous weapon so found.

(2) A member of Lesotho Police force is authorised to arrest without warrant a person who commits or attempts to commit an offence under section 48 or 49 or whom he has reasonable grounds to suspect of having committed such offence.

(1) Whenever a member of the Lesotho Police Force is in doubt as to whether any object is a dangerous weapon within the meaning of this Act it shall be lawful for him to take possession thereof, and keep it in safe custody until such time as the Commissioner or an officer delegated by him issues a directive as to its disposal.

47. A person who, inside or outside Lesotho,

(a) without the permission of the Minister, trains or drills another person to the use of arms or the practice of military exercises, movements, or evolutions;

(b) is present at a meeting or assembly of persons, held without the permission of the Minister, for the purpose of training or drilling other persons to the use of arms or the practice of military exercises, movements or evolutions; or

(c) a meeting or assembly held without the permission of the Minister, is trained or drilled to the use of arms or the practice of military exercises, movements or evolutions or is present at such meeting or assembly for the purpose of being so trained or drilled,

is guilty of an offence and liable on conviction to a fine of five thousand Maloti or to imprisonment for a period of five years, or to both.

48. (1) A person who, inside or outside Lesotho, instructs or trains another person or receives instruction or training in the making or use of dangerous weapons, firearms, explosives or incendiary or corrosive devices otherwise than with lawful authority or for industrial, agricultural or sporting purposes is guilty of an offence and liable on conviction to a fine of ten thousand Maloti or to imprisonment for a period, of ten years or to both.

(2) In a prosecution for an offence under this section, it shall be presumed, unless the contrary is proved, that the accused had no lawful authority for the instruction or training given or received or intended to be given or received or that the instruction was not given or received or intended to be given or received for industrial, agricultural or sporting purposes.

(c) The court convicting a person of an offence under this section, may order the forfeiture or destruction of anything which appears to the court to have been in his possession for purposes connected with the offence.

49 (1) A person who inside or outside Lesotho,

(a) does any act with intent to cause, by an explosive or by an incendiary device or substance, an explosion or fire or other incident of a nature likely to endanger human life or to cause injury to persons or damage property or

(b) makes or has in his possession or under his control any explosive or any incendiary device or substance or corrosive device or substance with intent by means thereof

to endanger human life or to cause injury to persons or damage to property; whether an explosion or fire or other incident does or does not take place and whether death or injury to a person or damage to property has been actually caused or not,

is guilty of an offence and liable on conviction to a fine of ten thousand Maloti or to imprisonment for a period of ten years or to both.

(2) The court convicting a person of an offence under this section may order the forfeiture or destruction of anything which appears to the court to have been in his possession or under his control for purposes connected with the offence.

Possessing explosive, incendiary or corrosive for unlawful purposes

50. (1) A person who, inside or outside Lesotho, makes or knowingly has in his possession or under his control any explosive or any incendiary device or substance or corrosive device or substance under such circumstances as to give rise to a reasonable belief that he is not making it or does not have it in his possession or under his control for a lawful object is guilty of an offence and liable on conviction to a fine of five thousand Maloti or imprisonment for a period of five years or to both such fine and imprisonment.

(2) Unless the contrary is proved it shall be presumed that the accused did not have a lawful purpose in making or having in his possession or under his control, the thing specified in the allegation against him under this section.

(3) The court convicting a person of an offence under this section may order the forfeiture or destruction of anything which appears to the court to have been in his possession or under his control for purposes connected with the offence.

Bomb Hoaxes etc.

51. (1) A person who, inside or outside Lesotho —

- (a) places an article or substance in any place whatever; or
- (b) dispatches an article or substance by post, rail or any other means whatever of sending things from one place to another, with the intention in either case of inducing in some other person a belief that it is likely to explode or ignite and thereby or otherwise cause personal injury or damage to property,

is guilty of an offence.

(2) A person who, inside or outside Lesotho, communicates information which he knows or believes to be false to another with the intention of inducing in him or any other person a belief that a bomb or other thing liable to explode or ignite or otherwise cause personal injury or damage to property is present anywhere, is guilty of an offence.

(3) For a person to be guilty of an offence under subsection (1) or (2) it is not necessary for him to have a particular person in mind as the person in whom he intends to induce the belief mentioned in those subsections.

(4) A person who is guilty of an offence under sub-section (1) or (2) is liable on conviction to a fine of five thousand Maloti or imprisonment for a period of five years or to both.

(5) Unless the contrary is proved, it shall be presumed that the accused intended to induce the belief alleged against him under this section.

52. (1) A person who, without lawful authority or reasonable excuse, interferes with works executed, or any apparatus, equipment or any other thing used in or in connection with the control exercise of powers conferred by section 56 is guilty of an offence and liable on conviction to a fine of one thousand Maloti or to imprisonment for a period of one year or to both.

(2) Unless the contrary is proved, it shall be presumed that the accused had no lawful authority or reasonable excuse under this section.

PART VII — CONTROL, ENTRY AND SEARCH

53. (1) A member of the police force may, without warrant, for the purpose of ascertaining whether there is unlawfully premises or any other place including a dwelling house, an explosive or any incendiary device or substance, or any corrosive device or substance, enter that place and search it with a view to exercising the powers conferred by sub-section (3).

(2) A member of the police force may, without warrant, stop a person in a public place and search him for the purpose of ascertaining whether he has an explosive or any incendiary device or substance or any corrosive device or substance or any corrosive device or substance unlawfully with him, with a view to exercising the powers conferred by sub-section (3).

(3) If an explosive or incendiary device or substance or corrosive device or substance is found in the course of a search under this section, a member of the police force may without warrant seize it or destroy it or both, unless it appears to him that it is, has been and will be used only for a lawful purpose.

54. (1) A member of the police force may, without warrant, detain or stop a vehicle on a road or elsewhere, and may detain

or stop a person for the purposes of searching that vehicle and of searching that person and anyone in or near that vehicle, with the object of ascertaining one or more of the following matters:

- (a) that person's identity and movements;
- (b) if an explosion, fire or any other incident has caused loss of or danger to human life or injury to a person or serious damage to property, what that person knows about any person involved in it or killed or injured in it;
- (c) the presence of anything with respect to which an offence under this Act has been, or is suspected on reasonable grounds to have been committed;
- (d) the presence of anything as to which there are reasonable grounds for believing that it will afford evidence of the commission of an offence under this Act; or

(e) the presence of anything as to which there are reasonable grounds for believing that it is intended to be used for the purpose of committing an offence under this Act. and may without warrant search that vehicle and anyone in or near it, or that person, for any such thing and may, without warrant, seize that thing or destroy it or both unless it appears to him that it has been or will be used only for a lawful purpose.

(2) A member of the police force and a person in charge of a protected place or protected vehicle, and every owner or occupier of premises, and a person authorised to do so by such member of the police force, person in charge, owner or occupier, is authorised to arrest without warrant a person,

- (a) who, in his presence, commits an offence under this Act;
- (b) whom he has reasonable grounds to suspect of having committed an offence under this Act; or
- (c) whom he finds attempting to commit an offence under this Act, or clearly manifesting an intention to do so.

55. f1) A member of the police force of the rank of Sergeant or above may, without warrant, enter premises or any other place, including a dwelling house, or order a member of a lower rank so to enter, for the purpose of ascertaining whether there is unlawfully an explosive or any incendiary or corrosive device or substance, firearm or ammunition or anything capable of being used in its manufacture, or whether there is a transmitter or transceiver, and may search for such a thing, transmitter, or transceiver with a view to exercising the powers conferred by sub-sections (3) and (4).

(2) A member of the police force may, without warrant, stop a person in a public place and may search him or a person who is not in a public place for the purpose of ascertaining whether he has unlawfully with him a thing described in sub-section (1), or has a transmitter or transceiver with him, with a view to exercising the powers conferred by sub-sections (3) and (4).

(3) A member of the police force who is authorised to search premises or any other place or a person under this Act may seize any thing, other than a transmitter or transceiver that is described in sub-section (1) and that is found in the course of the search and may retain and, if necessary, destroy it unless it appears to him that it is being, has been and will be used only for a lawful purpose.

(4) A member of the police force who is authorised under this Act to search any premises or other place or person, may seize a transmitter or transceiver found in the course of the search and may retain it unless it appears to him that the transmitter or transceiver has been, is being and is likely to be used only lawfully.

56. A person specifically authorised to do so by the Minister, or a member of the police force of the rank of Sergeant or above may, if he considers it to be immediately necessary for the preservation of peace or the maintenance of order, wholly or partly close a road or divert or otherwise interfere with a road or the use of a road.

57. (1) A member of the police force of the rank of Sergeant or above may, without warrant, if he believes on reasonable grounds that a person is unlawfully detained in such circumstances that his life is in danger, enter or order a member of a lower rank so to enter, premises or any other place, vehicle or aircraft for the purposes of ascertaining whether that person is so detained there and release him.

(2) If that member of the police force believes upon reasonable grounds that it is necessary for the release of that person and for his safety, it shall be lawful for him to take measures for ensuring that person's release and safety, including measures that may cause physical injury or death to a person involved in detaining him or the fear of physical injury or death in that person.

PART VIII — JURISDICTION, EVIDENCE AND AUTHORITY FOR PROSECUTIONS

58. Notwithstanding anything to the contrary contained in any law, the High Court shall have jurisdiction in respect of any offence under or related to this Act committed outside Lesotho,

59. (1) A document purporting to be an order, notice or direction made or given by the Minister for the purpose of any provision contained in or made under this Act and to be signed by him or on his behalf shall be received in evidence and shall, until the contrary is proved, be deemed to be made or given by him.

(2) Prima facie evidence of such an order, notice or direction may in legal proceedings be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Minister and stating that the document is a true copy of the order, notice or direction, and the certificate shall be received in evidence and shall, until the contrary is proved, be deemed to be made or issued by the Minister.

60. f) The possession by a person of a document —
(a.) addressed to him as a member of an unlawful organisation;

(a) relating or purporting to relate to the affairs of an unlawful organization; or

(c) emanating or purporting to emanate from an unlawful organization or office of an unlawful organization,

is evidence that that person belonged to that organization at the time when he had the document in his possession unless it is proved that he did not belong to that organization.

(2) If it is proved that at the time when that person is alleged to have had that document in his possession —

- (a) the document and that document were both present in any place, vehicle or aircraft; or
- (b) the document was in a place of which he was the occupier or which he habitually used,

the court may accept the fact proved as sufficient evidence of his possessing that document at that time unless it is proved that he did not at that time know of its presence in the place, vehicle or aircraft in question or, if he did know, that he had no control over it.

61. (1) If a person is charged with having with him or possessing an article described in sub-section (2) in such circumstances as to constitute an offence to which this section applies and it is proved that at the time of the alleged offence —

(a) the document and that article were both present in any place, vehicle or aircraft; or

(b) the article was in a place of which he was the occupier or which he habitually used,

the court may accept the fact proved as sufficient evidence of his having with him, possessing and if relevant, knowingly possessing that article at that time unless it is proved that he did not at that time know of its presence in the place, vehicle or aircraft in question or, if he did know, that he had no control over it.

(2) This section applies to an explosive, incendiary, corrosive firearm, ammunition, substance or other thing which it is an offence under an enactment specified in the Schedule for the alleged offender to have with him or to possess.

62. (1) Prosecutions for an offence under section 6, 7, 8, 9, 11, 24 and 48 to 51 inclusive, shall not be instituted except with the consent in writing of the Director of Public Prosecutions.

(2) Notwithstanding sub-section (1), a warrant for the arrest of a person may be issued and executed, and a person may be arrested and detained under Part III or may be remanded in custody or on bail, but no further or other proceedings shall be taken until the consent of the Director of Public Prosecutions has been obtained for instituting a prosecution.

63. (1) Whenever in the opinion of the Commissioner there is any danger that any person likely to give material evidence for the State in any criminal proceedings in connection with which may serve as a basis for a charge relating to an offence referred to in Part II may be tampered with or intimidated or that any such person may abscond, or whenever he deems it to be in the interests of such person or of the administration of justice, he may issue a warrant for the arrest and detention of such person.

(2) Notwithstanding any other law, any person arrested by virtue of a warrant under subsection (1) shall, as soon as possible, be taken to the place specified in the warrant and detained there or at any other place determined by the Commissioner from time to time, in accordance with regulations made under this Act.

(3) Any person arrested and detained under a warrant referred to in subsection (1) shall be detained for the period terminating on the day on which the criminal proceedings in question are concluded, unless —

- (a) the Commissioner orders that he be released earlier; or
- (b) no charge sheet in respect of an accused in the criminal proceedings in question has been lodged or no indictment has been served on such accused, as the case may be, within a period of six months as from the date upon which the said person was so arrested, in which case the said person shall be released after the expiration of the said period of six months.

(4) No person, other than a relative of the person detained, shall have access to any person detained under subsection (1), except with the consent of and subject to such conditions as may be determined by the Minister by regulations or an officer in the service of the State delegated thereto by him.

(5) Any person detained under subsection (1) shall, not less than once a fortnight, be visited in private by a magistrate or by a medical officer.

(6) For the purposes of the Criminal Procedure and Evidence Act, 1981, any person detained under subsection (1) shall be deemed to have attended the criminal proceedings in question as a witness for the State during the whole of the period of his detention.

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PART IX — PUBLIC MEETINGS AND PROCESSIONS

64. (1) This Part applies to all meetings and processions in, through, across or along any place to which at the material time the public or any section of the public have or are permitted to have access whether on payment or otherwise, including such a place as is described in this subsection notwithstanding that it is private property and has not been dedicated to the use of the public

Application
of Part IX

(2) A reference in this Part to a public place is a reference to such a place as is described in subsection (1).

65. (1) Where it appears to him to be necessary or expedient in the interests of public order or security, a peace officer may at any time direct that a meeting or procession in a public place shall,

- (a) disperse;
- (b) assemble at some other place;
- (c) vary its route; or
- (d) avoid a specific public place.

Power to
prevent
danger or
harm at
meetings or
processions

(2) A direction under this section may be given in such manner as the peace officer concerned considers most efficacious to bring it to the notice of all persons who are joining or who are at or near the meeting or procession, and for the purpose of a direction to avoid a specified public place, a peace officer may direct that access to that public place shall be carried or closed to the public, and may so bar or close access to that place:

Provided that no person shall, in pursuance of this subsection, be denied access to the place at which he ordinarily resides, if he is able to satisfy a peace officer that he ordinarily resides there.

(3) This section applies notwithstanding sections (>7 and

Disorderly
conduct and
dangerous
weapons

66. (1) A person who is not acting in pursuance of lawful authority, and who at or near a meeting or procession, through, across, or along a public place, acts in a disorderly manner or uses offensive or insulting language with intent to prevent the transaction of the business of that meeting or procession is guilty of an offence.

(2) A person who, while at or near a meeting or through, across or along a public place,

(a) uses a dangerous weapon otherwise than in pursuance of lawful authority; or

(b) uses a dangerous weapon while resisting a peace officer acting in pursuance of lawful authority,

is guilty of an offence.

(3) For the purpose of this section, a person does not act in pursuit of lawful authority unless he is acting in his capacity as a peace officer or under the authority of a peace officer or as a authority by any other law.

(4) A person convicted of an offence under this section is liable to a fine of five hundred Maloti or to imprisonment for one year or to both.

Control of
processions
and
meetings

67. (1) Any person who wishes to organise a procession or hold a meeting shall apply in writing for permission to do so to the peace officer specified in this section who may grant such permission but if the peace officer to whom application is made suspects upon reasonable grounds that the procession or meeting is likely to cause or result in a breach of the peace he may refuse to grant permission.

(2) Application in pursuance of subsection (1) shall be made and signed by the person, or one of the persons, organizing the procession or holding the meeting or if organised by a body or persons having a director, manager, chairman, secretary or other such officer the application shall be made and signed by that officer.

(3) The application shall specify —

(a) the full and correct names and address of that person or body of persons; and

(b) (i) in the case of a meeting, the time and place at which the meeting is to be held; and

(ii) in the case of a procession, the route that is to be taken by the procession, and the time and place at which the procession is to start and end,

and the person by whom an application is made shall forthwith give such further information as the peace officer receiving the

application may reasonably require for the purpose of determining whether powers conferred by section 68 or section 69 need be exercised.

(4) For the purpose of this Part the peace officer to whom application shall be made in pursuance of subsection (1) shall —

- (a) in relation to a place in an urban area, be the member of the police force in command of police in that urban area; and
- (b) in relation to a place which is not in an urban area, be the Headman having authority in that place,

and for the purpose of this section an urban area means an area that is for the time being so designed under any law in force.

68. (1) A peace officer to whom application is made under section 67 for a meeting or procession in, through, across or along any street, road, passage, square, park, recreation ground or open space to which all members of the public habitually or by right have access, may have regard to the time and place at which and the circumstances in which the meeting or procession is to take place and to the route to be taken by a procession, and may give directions imposing upon any person organising or taking part in the meeting or procession conditions which are necessary to prevent danger or harm to public safety and public order.

(2) Without prejudice to the generality of subsection (1),

those directions may include conditions —

- (a) prescribing the times during which and the place at which a meeting or procession may be held;
- (b) prescribing the route to be taken by a procession;
- (c) prohibiting a procession from entering specified public places;
- (d) regulating the display of flags, banners posters or emblems; or
- (e) regulating the use of apparatus for the reproduction or amplification of sound.

(3) The exercise of any of the powers conferred by this section shall not prevent the exercise thereafter of the powers conferred by sections 65 and 69.

69. A peace officer to whom application is made under section 67 may, notwithstanding that directions may have been given under section 68, if it is necessary in order to prevent danger or harm to public safety and public order direct that a meeting or procession shall not be held at the time or place or along the route approved under section 67.

70. (1) A person who, knowingly and in respect of a street, road, passage, square, park, recreation ground or open space, to which members of the public habitually or by right have access,

- (a) organises or assists in organizing a meeting or proces-

sion there without permission having been given under section 67;

- (b) fails or refuses to comply with a direction lawfully given under section 68;
- (c) organises or assists in organising a meeting or procession there in contravention of a direction lawfully given under section 69; or
- (d) attends or takes part in, or incites any other person to attend or take part in, a meeting or procession there in contravention of a direction lawfully given under section 68 or 69,

is guilty of an offence.

(2) A person who, in respect of a street, road, passage, square, park, recreation ground or open space to which members of the public habitually or by right have access,

- (a) in an application made under section 67 knowingly or recklessly makes a false statement; or
- (b) fails or refuses to give information which he is required to give under section 67,

is guilty of an offence.

(3) A person convicted of an offence under this section is liable to a fine of five hundred Maloti or to imprisonment for one year or to both.

71. For the purposes of this Part, a meeting or procession in, a public place, road, passage, square, park, recreation ground or open space to which members of the public habitually or by right have access is unlawful,

- (a) if it contravenes or varies a direction lawfully given under section 65;
- (b) if permission has not been given in pursuance of section 67;
- (c) if it contravenes or varies any condition lawfully imposed under section 69;
- (d) if it contravenes a direction given under section 70;
- (e) if there is a threat of violence or a breach of the peace; or
- (f) if it is unlawful under any other law.

72. (1) A person who,

- (a) joins or remains in an unlawful meeting or procession; or
- (b) addresses an unlawful meeting or procession except for the purpose of inducing it to disperse,

is guilty of an offence and liable on conviction to a fine of five hundred Maloti or to imprisonment for one year or to both.

(2) For the purpose of this section a meeting or procession is unlawful if it is so under section 71.

73. A peace officer may, without warrant, arrest any person whom he suspects on reasonable grounds to be committing[^] or to have recently committed, an offence under section 66, 71 or 72.

PART X — SUPPLEMENTARY AND REPEALS

74. When an order is made or a direction is given under this Act the authority empowered to make or give it shall, if no special method of making or giving it is prescribed in this Act, cause notice of the effect thereof to be given as soon as may be, in such manner as the authority considers most efficacious to bring it to the notice of all persons who are affected by it.

75. (1) Expenses incurred by the Minister under or by virtue of this Act shall be paid out of money provided by Parliament.

(2) The Minister may pay to an adviser appointed under section 16 remuneration and allowances determined by him and may at the request of an adviser pay reasonable expenses incurred by him or by any other person at his request in connection with a reference to an adviser under Part III.

76. (1) If under this Act any property is taken, occupied, destroyed or damaged, or any other act is done interfering with private right of property, compensation shall, subject to this section, be payable by the Minister.

(2) A question concerning compensation under this section shall, in default of agreement, be referred for determination to the High Court or an arbitrator to be appointed by the High Court.

(3) The procedure for determining a question referred under sub-section (2) shall be that prescribed by rules made by the Chief Justice after consultation with the Minister, or under the Arbitration Act 1980, as the Chief Justice may direct.

(4) Nothing in this section shall be construed as giving to a person by whom an offence has been committed a right to compensation in respect of property taken, occupied, destroyed, damaged or otherwise affected in connection with the offence.

77. The Minister may, by notice in the Gazette, declare a substance or device to be an explosive and section 3 shall, for so long as that declaration is in force, have effect as if it had been amended by the inclusion of a reference to that substance or device.

78. (1) The Minister may make regulations for giving effect to the principles and purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations,

- (a) prescribing the form or permit or document which may be given under this Act;
- (b) for the control of the use of loud-speakers, public address systems or other devices for the purposes of

calling persons together or of addressing meetings or processions;

- (c) imposing directions relating to the maintenance of public order or safety to which all organizations or any specified organization or specified persons shall be subject in convening meetings or organizing proceedings;
- (d) controlling the display of flags, banners, posters or emblems;
- (e) prohibiting the possession of certain dangerous weapons at or near meetings or processions;
- (f) prescribing the conditions under which a person may be detained under section 21 (4);
- (g) prescribing the conditions under which a witness referred to in section 63(3) may be detained;
- (h) prescribing the conditions under which a person shall have access to a witness referred to in section 63 (2); and
- (i) prescribing any matter required to be prescribed under this Act.

79. The Minister may, by notice in the Gazette, amend the Schedule to this Act.

80. No proceedings, whether civil or criminal shall be brought in any court of law against —

- (a) the Government or any Ministry or department of Government;
- (b) any officer or member of the Force;
- (c) any person employed in the public service; or
- (d) any person acting under authority or by the direction or with the approval of any officer, member or person referred to in paragraphs (a), (b) or (c),

by reason of any commencement, statement or information advised, commanded, ordered, directed, done, made or published by him at any time or after the coming into force of this Act with intent,

- (i) to prevent, suppress or discourage internal disorder in any part of Lesotho;
- (ii) to maintain or restore good order or public safety or essential services therein;
- (iii) to preserve life or property therein; or
- (iv) to terminate a state of emergency in any place in Lesotho whether such a state of emergency has been declared in terms of the Emergency Powers Act, 1982 or not.

(2) If in any proceedings brought against any officer, member or person referred to in subsection (1) the question arises whether any act, announcement, statement or information advised, commanded, ordered, directed, done, made or published

by him with an intent mentioned in subsection (1), it shall be presumed, until the contrary is proved, that such act, announcement or information was advised, commanded, ordered, directed, done, made or published by him with such an intent.

(3) This section applies also in respect of any default by any officer, member or person referred to in subsection (1) in complying with any duty or any law in connection with advising, commanding, ordering, directing or doing any such act.

(4) Ever proceeding referred to in this section which may have been brought or commenced prior to the coming into operation of this Act, shall lapse and shall be deemed to be void.

81. Nothing in this Act contained shall be construed as invalidating any judgement given in any court, any restriction or detention order lawfully made, or any act performed or thing done in accordance with any law in existence at the time such act was performed or thing was done.

82. (1) The Internal Security (Arms and Ammunition) Act 1966 is amended,

- (a) by repealing sections 29 and 32; and
- (b) by deleting the reference to sections 29 and 32 wherever occurring in sections 36 and 43 of the aforesaid Act.

(2) The following laws are repealed;

- (a) The Dangerous Weapons Order, 1970;
- (b) The Internal Security (Public Meetings and Processions) Act, 1973;
- (c) The Internal Security (General) Act, 1982.

(3) Notwithstanding subsections (1), and (2), in so far as any order made, direction given or any other thing done under any of the laws repealed by this Act could have been made, given or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by this Act but shall have effect as if made, given or done under that corresponding provision.

SCHEDULE (Section 61(2))

Laws in respect of Offences of Possession, etc.

Section 45 of this Act (Control of possession and sale or supply of dangerous weapons).

Section 49 of this Act (Possessing explosive, incendiary or corrosive device with intent to endanger life or cause injury or damage).

Section 50 of this Act (Possessing explosive, incendiary or corrosive device for unlawful purposes).

Regulation 69(2) read with regulation 121(1) and (4) of the Explosives Regulations, 1959 — G.N. 22 of 1959 (Possessing explosives except as provided).

Sections 18, 43, 44 and 46 of the Telecommunications Act, 1979. (A. 12 of 1979).

Regulation 7 of the Internal Security (Public Meetings and Processions) Regulations, 1973 (L.N. No. 41 of 1973).

The Internal Security (Arms and Ammunition) Act, 1966. (A. 17 1966).

Section 3 (Possession of firearm or ammunition).

Section 19 (Possession of prohibited weapons and ammunition).

Section 21 (Possession of firearms or ammunition by young persons).

Section 23 (Person convicted of crime, etc.) (Possessing firearms or ammunition).

Section 24 (Possession of firearms or imitation firearms in certain cases).

Section 26 (Possession of firearms or ammunition with intent to endanger human life or to cause injury).

Section 27 (Having with him a firearm or imitation firearm with intent to commit an offence or resist or prevent arrest).

Section 29 (Having with him firearm or ammunition in a public place).

Section 30 (Having with him a firearm when trespassing on land).

Section 34 (Possession of more than one firearm).

Section 36 (Having with him firearms and failing to hand over).

The description in this Schedule of the contents of a specified provision of the law is for convenient reference and information and does not limit or otherwise affect the content of that provision.

LEGAL NOTICE NO. 39 OF 1985

The Internal Security (General) Regulations 1985

In exercise of the powers conferred by section 78 (2) (f) and (g) of the Internal Security (General) Act, 1984,1,

Leabua Jonathan

Prime Minister and Minister of Defence make the following Regulations:—

1. These Regulations may be cited as the Internal Security (General) Regulations 1985 and shall come into operation from the date of publication of this Gazette.

2. The Commissioner of Police may:—

- (1) allow access to a family, relative, lawyer and medical officer of a detained person;
- (2) grant such permission in writing and on such conditions as he may determine;
- (3) ensure that the detainee is provided with reasonable necessities and facilities.

3. In the case of a person detained under Section 63 (g) of the Act, the following provisions shall apply:—

- (1) The Commissioner of Police shall designate the place where such arrested person is to be detained;
- (2) such detainee while so detained shall be in lawful custody;
- (3) the family of such detainee shall have access to him;
- (4) such detainee shall be allowed food, tobacco and beverages from his home subject to such conditions as the Commissioner may determine.

Leabua Jonathan,
Prime Minister and Minister of Defence.