



Supplement No. 1 to Gazette No. 44 of 18th August, 2006

CONTENTS

No. Page

LEGAL NOTICES

126	High Court (Amendment) Rules, 2006	215
127	Assignment of Responsibility for Government Business Constitution - Section 89	227
128	Assignment of Responsibility for Government Business Constitution - Section 89	227
129	Assignment of Responsibility for Government Business Constitution - Section 89	228

LEGAL NOTICE NO. 126 OF 2006

High Court (Amendment) Rules, 2006

In exercise of powers conferred upon me by section 16 of the High Court Act, 1978¹, I,

MAHAPELA LEBOHANG LEHOHLA

Chief Justice, make the following rules-

Citation and commencement

1. These rules may be cited as the High Court (Amendment) Rules, 2006, and shall come into operation on the date of publication in the Gazette.

Tariff of fees for Advocates

2. Rule 55 of the High Court Rules, 1980², is amended by deleting sub-rule (1) and substituting the following-

“(1) The tariff of fees for advocates when costs are awarded as between party and party-

- (a) in a cause of action not exceeding M100 000,00 shall not exceed the amounts set out in the Fourth Schedule; and;
- (b) in any other matter, shall be determined by the Registrar but shall not exceed twice the amounts as set out in the Fourth Schedule.”

Amendment of Fourth Schedule

3. The Fourth Schedule to the High Court Rules, 1980, is deleted and substituted with the following-

"FOURTH SCHEDULE

(Rule 55(1))

Tariff of Fees for Advocates

In this Schedule "King's Counsel" means King's Counsel appointed by His Majesty Letsie III King of Lesotho, or a Queen's Counsel appointed by Her Majesty Queen Elizabeth II in the United Kingdom or in any part of the British Commonwealth of Nations, or a Senior Counsel appointed by the President of the Republic of South Africa, such Counsel having been admitted to practice in the High Court of Lesotho.

	King's Counsel	Junior Counsel
1. Interlocutory motions unopposed and applications for Provisional Sentence unopposed.	M 300,00 to M 600,00	M 150,00 to M 400,00
2. Interlocutory motions opposed (including Provisional Sentence) reviews and arguments on pleadings including exceptions.	M 1000,00 to M 2000,00	M 500,00 to M1200,00
3. Consultation to settle affidavits, stated cases and on trial and to receive advice on litigation (per 1/2 hour).	M 300,00	M 300,00
4. Settling of notice of motion or affidavits, where consultation not held.	M 300,00	M 200,00
5. Appearance in Court-		
(a) First day of hearing-		
(i) opposed applications;	M 2000,00 to M 4000,00	M1500,00 to M3000,00
(ii) stated cases;	M 2000,00	M1500,00

		to	to
		M 4000,00	M3000,00
(iii)	trials;	M 3000,00	M2000,00
		to	to
		M 4000,00	M3000,00
(iv)	appeals or reviews from Subordinate Courts;	M 1500,00	M1000,00
		to	to
		M 3000,00	M2000,00
(v)	appeals from Judicial Commissioner;	M1500,00	M1000,00
		to	to
		M3000,00	M2000,00
(vi)	review proceedings from Courts or tribunals subordinate to the High Court.	M 1500,00	M1000,00
		to	to
		M 3000,00	M2000,00
(b)	Subsequent (not necessarily consecutive) days; 2/3 of the amount allowed on the first day of hearing;		
(c)	Noting judgment-		
(i)	with no arguments on any matter;	M 150,00	M 100,00
(ii)	with arguments as to costs or other matter.	M 1500,00	M1000,00
		to	to
		M 2000,00	M1500,00
(d)	Application for leave to appeal;	M 1500,00	M1000,00
(e)	Postponement previously arranged;	M 150,00	M 100,00
(f)	Postponement opposed;	M 1500,00	M1000,00
		to	to
		M 2000,00	M1500,00

6. Drawing Pleadings-
- (a) other than replication or rejoinder; M 300,00 M 200,00
- (b) replication, rejoinder. M 250,00 M 150,00
7. Advice on evidence. M 300,00 M 200,00
to to
M 500,00 M 400,00
8. All consultations other than those referred to above (per 1/2 hour). M 300,00 M 200,00
9. Drawing exceptions, applications to strike out etc. M 400,00 M 300,00
10. Settling Summons where consultation not held. M 300,00 M 200,00
11. Settling stated case, where consultation not held. M 300,00 M 200,00

TRAVELLING AND SUBSISTENCE ALLOWANCE

1. Where an Advocate travels by motor vehicle to Court, a travelling allowance shall be allowed at the rate of M2,50 per kilometre.
2. A subsistence allowance for Advocates may be allowed at the rate of M500,00 per night.

Amendment of Fifth Schedule

4. The Fifth Schedule of the High Court Rules is repealed and substituted by the following-

“FIFTH SCHEDULE

(Rule 56(5))

Tariff of Fees for Attorneys**A****TAKING INSTRUCTIONS**

- | | | |
|----|---|----------------------------|
| 1. | To institute or to defend any proceedings. | M 175,00
to
M 300,00 |
| 2. | For advice on evidence or on commission. | M 50,00
to
M 100,00 |
| 3. | For case on opinion or for Counsel's guidance in preparing pleadings, including exceptions: a fee equivalent to the fee allowed under item 2 of Section D of this Schedule. | |
| 4. | For statements of witness. | M 30,00
to
M 100,00 |
| 5. | To set down cause, issue subpoena or writ or any other simple document. | M 10,00 |
| 6. | To draft a petition, affidavit or important pleading: a fee equivalent to one half of the fee allowed under item 6 of section D of this Schedule, for drafting Petition, Affidavit or important pleading. | |

Provided that in cases where instructions are taken but no petition or affidavit is actually drawn, the Taxing Master shall allow a fee in his discretion, but not less than. M 20,00.

- | | | |
|----|--------------------|---------|
| 7. | To note an appeal. | M 75,00 |
|----|--------------------|---------|

8.	To prosecute or defend an appeal (exclusive of perusal of the record).	M 50,00 to M 200,00
9.	Taking instructions after receipt of plea.	M 100,00 to M 200,00
10.	To make any interlocutory or procedural application.	M 100,00 to M 200,00

B

ATTENDANCE AND PERUSAL

1.	Inclusive fee for attending the receipt of and perusing and considering -	
(a)	summons, petition, affidavit, pleading Counsel's advice and drafts, report, or important letter, notice or document, per folio;	M 10,00
(b)	a formal letter, a record stock sheets in voluntary surrenders, judgments or any other material document not elsewhere specified, per folio.	M 5,00
2.	Inclusive fee, for attending the receipt of and considering a plan or exhibit or other material document in respect of which the basis of remuneration cannot be calculated per folio.	M 15,00 to M 100,00
3.	Making searches in offices of record, per half hour of part thereof -	
(a)	by an Attorney;	M 100,00
(b)	by an articled clerk.	M 20,00
4.	Sorting out, arranging and paginating papers for pleadings,	

	advice on evidence or brief on trial or appeal, per half hour or part thereof.	M 100,00
5.	Attending to give or take disclosure, per half hour or part thereof.	M 50,00
6.	Attending on witness to obtain witness statement, per half hour or part thereof.	M 50,00
7.	Attending to bespeak and thereafter to procure translation.	M 50,00
8.	Attending to peruse Roll, to establish if matter is on the Roll.	M 15,00
9.	Other attendances, including telephone calls other than formal telephone calls.	M 15,00 to M 50,00

NOTE:

The fees allowed under this section shall be in addition to the fees allowed for instructions under section A of this Schedule.

C**ATTENDANCE - FORMAL**

1.	To serve or deliver (other than by post) any necessary document or letter or despatch any telegram- Provided that if the cost of posting such document or letter is less than M7,50 only the actual cost of posting shall be allowed. (No additional fee shall be allowed for the filing of any document at Court).	M 10,00
2.	To sue out any process or file any document.	M 10,00
3.	To set down cause for trial.	M 10,00
4.	To search for any return.	M 10,00

5.	On Counsel, for instance, with brief to make appointment, to deliver brief or to collect brief.	M 10,00
6.	On signature of powers of attorney to sue or defend.	M 10,00
7.	On jurat.	M 10,00
8.	Attending receipt of a formal acknowledgement.	M 7,50
9.	Other formal attendances including telephone calls.	M 10,00

D

DRAFTING AND DRAWING

1	Drafting instructions for case on opinion, for Counsel's guidance in preparing pleadings, including further particulars and requests for further particulars, including exceptions, per folio.	M 20,00
2.	Drafting instructions to Counsel for advice on evidence or brief on trial or on commission, per folio.	M 20,00
3.	Drafting instructions to Counsel for argument in respect of all classes of pleadings, exceptions, or on motion petition or appeal, per folio.	M 20,00
4.	Drafting statement of witnesses, per folio.	M 10,00
5.	(a) Power of attorney to sue or defend;	M 10,00
	(b) Drawing formal notices and subpoenae, per folio.	M 10,00
6.	Drawing a petition, affidavit, any notice (other than a formal notice), summons, further particulars requested and furnished, plea, order of court, writ of execution, arrest or attachment and an important document or pleading not otherwise provided for, per folio	M 20,00

(The minimum charged under this item for drafting a summons, petition or affidavit shall be M 25,00 but the minimum charge shall not apply in the case of a formal affidavit of non return in restitution suits, verifying affidavits of service and other formal affidavits).

- | | | |
|----|--|---------|
| 7. | Letter or telegram, per folio (including making copy). | M 10,00 |
| 8. | Drawing index to brief, per folio. | M 7,50 |
| 9. | Drawing short brief | M 7,50 |

NOTE 1:

In computing the number of folios of the documents referred to in items 1,2,3, and 4 of this section, the Taxing Master shall deduct the portions consisting of quotations from other documents and papers, but if he does so he shall treat those portions as annexures where relevant.

NOTE 2:

The charges allowed in this section for drafting and drawing do not, except in the case of items 5,7 and 9 include making the first fair copy which shall be charged under item 1 of section F of this Schedule.

E

APPEARANCE, CONFERENCE AND INSPECTION

- | | | |
|----|--|----------|
| 1. | (a) Attendance by an Attorney in Court or before a Judge in Chambers or before an arbitrator, commissioner, referee or at an inspection directed by the Court, per half hour or part thereof - | |
| | (i) if Counsel is employed; | M 100,00 |
| | (ii) if Counsel is not employed | M 200,00 |

This rate of remuneration shall not be applicable in respect of time spent in travelling or waiting, but the Taxing Master may, in respect of time necessarily spent, allow such additional remuneration, not exceeding M250,00 per day,

and he may also allow a reasonable amount to cover the costs of necessary conveyance;

- (b) Preparing for trial (where Counsel not employed) per half hour or part thereof, but not more than 2 hours; M 200,00
- (c) Attendance by an Attorney in Court to note judgement only-
 - (i) where Counsel employed; M 50,00
 - (ii) where Counsel not employed. M 100,00
- 2. Attendance of Attorney's articled clerk to assist in contested proceedings, per half hour or part thereof. M 50,00
- 3. Any conference or consultation with Counsel with or without witnesses and on pleadings, exceptions, particulars to pleadings, applications, petitions, affidavits, testimony and on any other matter which the Taxing Master may consider necessary, per half hour or part thereof. M 200,00
- 4. (a) Any conference or consultation with client, witness, or opposite party, and any other conference or consultation which the Taxing Master may consider necessary per half hour or part thereof. M 200,00
- (b) Attending conference in terms of Rule 36, per half hour or part thereof -
 - (i) by an Attorney; M200,00
 - (ii) by an articled clerk. M 50,00
- 5. Any inspection in situ, or otherwise, per half hour or part thereof-
 - (a) by an Attorney; M 200,00
 - (b) by an articled clerk M 50,00

The above rates of remuneration shall not be applicable in respect of time spent in travelling, but the Taxing Master shall, in respect of time necessarily so spent, allow additional remuneration not exceeding M300,00 per day, and he may also allow the reasonable cost of necessary conveyance.

6. Evidence

Such just and reasonable charges which the Taxing Master considers to have been properly incurred in procuring evidence and attendance of witnesses whose fees have been allowed on taxation. The qualifying expenses of a witness shall not be allowed without an order of court or the consent of all interested parties.

F

MISCELLANEOUS

1. Brief and copying-

For making copies for Court, Registrar, Counsel or Attorney, or for service or for any necessary purpose, the charge will be at the rate of M3,00 per page for a copy (including the first copy of any document drafted in respect of which a charge is recoverable under item 1,2,3,4,6 and 8 of section D of this Schedule).

- | | | |
|----|--|----------------------------|
| 2. | For giving a written opinion (as between Attorney and client). | M 150,00
to
M 500,00 |
|----|--|----------------------------|

3. General -

Inclusive fee for consultation and discussions with client or Counsel on trial not otherwise provided for or separately charged.	M 400,00
--	----------

4. A folio shall consist of 100 words with four letters being regarded as a word.

G**BILL OF COSTS:**

In connection with a bill of costs for work done or services rendered by an attorney, he shall be entitled to charge-

1. For drawing the bill of costs, making the necessary copies and attending settlement 5% of the amount of the Attorney's fees, either charged in the bill if not taxed, or as allowed on taxation.
2. For arranging and attending taxation 5% of the total fees allowed. If more than 25% of the fees are taxed off, the fee for arranging and attending taxation shall not be allowed.

H**TRAVELLING AND SUBSISTENCE ALLOWANCE**

1. A travelling allowance for Attorneys shall be allowed at the rate of M2,50 per kilometre where the Attorney travels more than five kilometres to court from his office by motor vehicle.
2. A subsistence allowance for Attorneys shall be allowed at the rate of M500,00 for each night if it is necessary for him to remain at the place where the court is situated.

I**ATTORNEY TO CHARGE ON THE TARIFF OF FEES
ALLOWED TO COUNSEL**

Where an Attorney performs work which, but for the provisions of section 42(1) of the Legal Practitioners Act of 1983³, could only be done by Counsel, the Attorney shall be entitled to charge on the tariff of fees to be allowed to Counsel, except that the Attorney shall not be entitled to charge fees for work done as an Attorney in addition to the fees charged by him as Counsel in respect of the same work. ^v

DATED: 21ST-JULY-2006

**MAHAPELA LEBOHANG LEHOHLA
CHIEF JUSTICE**

1. Act No. 5 of 1978.
 2. Legal Notice No. 9 of 1980.
 3. Act No. 11 of 1983.
-

LEGAL NOTICE NO. 127 OF 2006

**Assignment of Responsibility for Government Business
Constitution - Section 89**

I, KING LETSIE III, pursuant to section 89 of the Constitution of Lesotho and acting in accordance with the advice of the Prime Minister, assign to the **HONOURABLE**

REFILOE MOSES MASEMENE

being a Minister of Government of Lesotho, responsibility for the business of Government relating to **COMMUNICATIONS, SCIENCE AND TECHNOLOGY** from the 5th July, 2006 until the return of the **HONOURABLE THOMAS MOTSOAHAE THABANE**, to office.

DATED: 5TH JULY, 2006.

**LETSIE III
KING OF LESOTHO**

LEGAL NOTICE NO. 128 OF 2006

**Assignment of Responsibility for Government Business
Constitution - Section 89**

I, KING LETSIE III, pursuant to section 89 of the Constitution of Lesotho and acting in accordance with the advice of the Prime Minister, assign to the **HONOURABLE**

REFILOE MOSES MASEMENE

being a Minister of Government of Lesotho, responsibility for the business of Government relating to **COMMUNICATIONS, SCIENCE & TECHNOLOGY** from 16th to 17th July, 2006 being the period of the absence of the

HONOURABLE THOMAS MOTSOAHAE THABANE from Lesotho.

DATED: 16TH JULY, 2006.

**LETSIE III
KING OF LESOTHO**

LEGAL NOTICE NO. 129 OF 2006

**Assignment of Responsibility for Government Business
Constitution Section 89**

I, KING LETSIE III, pursuant to section 89 of the Constitution of Lesotho and acting in accordance with the advice of the Prime Minister, assign to the **HONOURABLE**

MPEO MAHASE - MOILOA

being a Minister of Government of Lesotho, responsibility for the business of Government relating to **PUBLIC WORKS & TRANSPORT** from 17th to 19th July, 2006 being the period of the absence of the **HONOURABLE POPANE LEBESA** from Lesotho.

DATED: 17TH JULY, 2006

**LETSIE III
KING OF LESOTHO**