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ACT NO. 3 OF 2021

Appropriation (2021/2022) Act, 2021

An Act to make provision for the issue, from Consolidated Fund of the Government of Lesotho, of the sums necessary to meet the public expenditure for certain purposes during the year ending on the 31st March, 2022.

ENACTED BY THE PARLIAMENT OF LESOTHO.

Short title and commencement

1. This Act may be cited as the Appropriation (2021/2022) Act, 2021 and shall be deemed to have come into operation on the first day of April, 2021.

Issue from the Consolidated Fund

2. There may be issued from the Consolidated Fund the sum of M19,060,342,497 (Nineteen Billion, Sixty Million, Three Hundred and Forty Two Thousand and Four Hundred and Ninety Seven Maloti) for the purposes specified in section 3.

Purposes to which the money is to be applied

3. The moneys granted by this Act shall be applied for the purposes of meeting the expenditure approved for each head.

SCHEDULE A
RECURRENT EXPENDITURE

HEAD	MINISTRY	AMOUNT M
001	AGRICULTURE AND FOOD SECURITY	344,648,919
002	HEALTH	2,394,976,453
003	EDUCATION AND TRAINING	2,484,287,004
004	FINANCE	880,922,498
005	TRADE AND INDUSTRY	34,034,571
006	DEVELOPMENT PLANNING	1,034,178,492
007	JUSTICE AND CORRECTIONAL SERVICES	237,887,237
008	HOME AFFAIRS	157,477,534
009	PRIME MINISTER'S OFFICE	104,831,175
010	COMMUNICATIONS, SCIENCE AND TECHNOLOGY	181,264,705
011	LAW, HUMAN RIGHTS AND CONSTITUTIONAL AFFAIRS	96,060,684
012	FOREIGN AFFAIRS AND INTERNATIONAL RELATIONS	429,131,956
013	PUBLIC WORKS	73,982,477
014	FORESTRY AND LAND RECLAMATION	140,635,185
015	ENERGY AND METEOROLOGY	28,802,381

016	LABOUR AND EMPLOYMENT	51,039,252
017	TOURISM, ENVIRONMENT AND CULTURE	79,135,798
018	AUDITOR GENERAL'S OFFICE	26,754,631
019	HIS MAJESTY'S OFFICE	10,799,862
020	PUBLIC SERVICE COMMISSION	11,862,714
030	CENTRALISED ITEMS	493,669,982
035	NATIONAL SECURITY SERVICES	55,425,501
036	DISASTER MANAGEMENT AUTHORITY	16,976,900
037	DEFENCE	553,271,848
038	NATIONAL ASSEMBLY	89,306,094
039	SENATE	23,138,916
040	OMBUDSMAN	7,482,523
041	INDEPENDENT ELECTORAL COMMISSION	92,848,720
042	LOCAL GOVERNMENT AND CHIEFTAINSHIP AFFAIRS	474,473,348
043	GENDER AND YOUTH, SPORTS AND RECREATION	67,742,109
044	PUBLIC SERVICE	41,272,506
045	JUDICIARY	107,420,436
046	SOCIAL DEVELOPMENT	906,943,362
047	DIRECTORATE ON CORRUPTION AND ECONOMIC OFFENCES	19,836,820

048	MINING	23,047,760
049	POLICE AND PUBLIC SAFETY	681,857,678
050	SMALL BUSINESSES DEVELOPMENT, COOPERATIVES AND MARKETING	57,960,710
051	WATER	145,259,652
052	TRANSPORT	73,981,470
	TOTAL	12,734,629,863

SCHEDULE B
CAPITAL EXPENDITURE

HEAD	MINISTRY	AMOUNT M
001	AGRICULTURE AND FOOD SECURITY	449,966,217
002	HEALTH	582,107,069
003	EDUCATION AND TRAINING	141,166,829
004	FINANCE	882,753,774
005	TRADE AND INDUSTRY	265,281,467
006	DEVELOPMENT PLANNING	73,894,426
007	JUSTICE AND CORRECTIONAL SERVICES	28,427,334
008	HOME AFFAIRS	261,504,430
010	COMMUNICATIONS, SCIENCE AND TECHNOLOGY	28,390,427
012	FOREIGN AFFAIRS AND INTERNATIONAL RELATIONS	5,000,000
013	PUBLIC WORKS	800,233,620
015	ENERGY AND METEOROLOGY	1,128,645,135
017	TOURISM, ENVIRONMENT AND CULTURE	19,235,649
019	HIS MAJESTY'S OFFICE	20,000,000
035	NATIONAL SECURITY SERVICES	5,000,000
042	LOCAL GOVERNMENT AND CHIEFTAINSHIP	203,966,650

AFFAIRS

043	GENDER AND YOUTH, SPORTS AND RECREATION	12,293,570
045	JUDICIARY	9,000,000
046	SOCIAL DEVELOPMENT	11,500,000
048	MINING	2,335,294
049	POLICE AND PUBLIC SAFETY	63,974,697
050	SMALL BUSINESSES DEVELOPMENT, COOPERATIVES AND MARKETING	5,446,664
051	WATER	709,953,702
052	TRANSPORT	15,635,680
	TOTAL	5,725,712,634

SCHEDULE C**ADMINISTRATION ACCOUNT**

HEAD	TITLE	AMOUNT M
031	CONTINGENCIES FUND	600,000,000
	TOTAL	600,000,000

SUMMARY

SCHEDULE A	RECURRENT EXPENDITURE	12,734,629,863
SCHEDULE B	CAPITAL EXPENDITURE	5,725,712,634
SCHEDULE C	ADMINISTRATION ACCOUNT	600,000,000
TOTAL		19,060,342,497

GOVERNMENT NOTICE NO. 10 OF 2021

The Parliament of Lesotho

**Statement of Objects and Reasons of the
Appropriation (2021/2022) Act, 2021**

**(Circulated by authority of the Honourable Minister of Finance
Hon. Thabo Sophonea)**

The object of this Bill is to allocate for 2021/2022 fiscal year, the amount of M19,060,342,497 to Government Ministries for both Recurrent and Capital Expenditure.

The sources of the amount to be allocated are the Government Revenues which amount to M15,527,756,713, Donor grants of M1,327,357,652 and External loans of M 2,269,491,415.

The Bill is prepared in accordance with section 112(1) and (2) of the Constitution of Lesotho.

ACT NO. 4 OF 2021

Education (Amendment) Act, 2021**Arrangement of sections**

1. Short title and commencement
2. Interpretation
3. Purpose and objective of the Act
4. Administration of the Act
5. Compulsory attendance
6. Registration
7. Application
8. Requirement for registration of schools
9. Classification of schools
10. Funding of schools
11. Inspectorate of Schools
12. Inspection
13. School Principals
14. Duties of a principal
15. School Boards
16. Meetings of the Board
17. Responsibilities of the School Board
18. Educational Secretaries
19. Secretariat to Government Controlled Schools
20. Functions of the Teaching Service Commission
21. Tenure of office
22. Secondment of teachers
23. Special assignment for teachers
24. Whole time of teacher at disposal of school
25. Arbitration
26. Teaching Service Tribunal
27. Retirement of teachers on permanent and pensionable terms
28. Representation of teachers

ACT NO. 4 OF 2021

Education (Amendment) Act, 2021

An Act to amend the Education Act, 2010¹.

ENACTED BY PARLIAMENT OF LESOTHO

Short title and commencement

This Act may be cited as the Education (Amendment) Act, 2021 and shall come into operation on the date of publication in the Gazette.

Short title and commencement

1. Section 1 of the Education Act, 2010 (referred to in this Act as the Principal Law) is amended by inserting “Basic” before “Education Act” and wherever Education Act appears.

Interpretation

2. Section 2 of the Principal Law is amended by -

(a) inserting the following definitions in their alphabetical order -

“examination centre” means a place designated and registered as such, for conducting examinations at the material time;

“immediate supervisor” means a teacher’s direct superior and in the case of a principal, means the Chairperson of the School Board;

“non-teaching staff” means a person who does not teach or impart knowledge in a class; and

(b) by deleting the following definitions -

(i) “Chief inspector” and substituting “Head of Inspectorate”;

(ii) “Conciliation Board” and substituting the following -

“Conciliator” means a person appointed as such under section 225 (3) of the Labour Code, 1992;

- (iii) “dispute of interest” and substituting the following -

“dispute of interest” means a trade dispute concerning a matter of mutual interest to an employee but does not include a dispute of right; and

- (iv) “teacher” and substituting the following -

“teacher” means a person registered in accordance with section 34 and who is a qualified teacher.

Purpose and objective of the Act

3. Section 3 of the Principal Law is amended by -

- (a) deleting “and” at the end of paragraph c;
- (b) deleting the full stop at the end of paragraph (d) and substituting “and”; and
- (c) inserting after paragraph (d), the following paragraph -
- “(e) improve teacher administration and management processes and be teacher supportive.”

Administration of the Act

4. Section 4 of the Principal Law is amended by inserting after subsection (3), the following subsection -

- “(3a) The Minister shall take necessary measures to ensure that proper teaching and learning at a school is not compromised and where circumstances warrant, the Minister may take appropriate action against the relevant structures after following due process”.

Compulsory attendance

5. Section 6(5) of the Principal Law is amended by deleting in line 2 -
- (a) “each” and substituting “a”; and
 - (b) “is guilty of” and substituting “commits”.

Registration

6. Section 7 of the Principal Law is amended in -
- (a) subsection (3) -
 - (i) paragraph (d), by deleting “basic education” and substituting “intermediate”;
 - (ii) paragraph (g), by deleting “or” at the end of the paragraph;
 - (iii) paragraph (h), by deleting the full-stop and inserting at the end of the paragraph, “or” and
 - (iv) by inserting after paragraph (h), the following paragraph -
 - “(i) combined school which provides any three or more levels of education”.
 - (b) subsection (5) by deleting -
 - (i) in paragraph (a), “not exceeding M3000” and substituting “not exceeding Twenty Thousand Maloti or imprisonment for a period not exceeding ten years or both”; and
 - (ii) in paragraph (b), “not exceeding M5000” and substituting “not exceeding Eighty Thousand Maloti”.

Application

7. Section 8 of the Principal law is amended -
- (a) by deleting “or” at the end of paragraph (d);
 - (b) in paragraph (e) -
 - (i) by deleting the coma at the end of the paragraph; and substituting a semi-colon;
 - (ii) inserting “and” at the end of the paragraph; and
 - (c) by inserting after paragraph (e), the following paragraph -
 - “(f) register an examination centre”.

Requirement for registration of schools

8. Section 9 of the Principal Law is amended -
- (a) in paragraph (f) by deleting “the second” “or”, and substituting “and”
 - (b) in paragraph (g) by deleting the full stop and substituting a semi colon; and
 - (c) by inserting after paragraph (g), the following paragraphs -
 - (i) “(h) the proposed staff establishment of a school; and
 - (ii) the proposed curriculum and assessment in compliance with the national curriculum”.

Classification of schools

9. Section 12 of the Principal Law is amended in paragraph (a)(iii) by delet-

ing “in the Teaching Service” and substituting “within the government payroll”;

Funding of schools

10. Section 13(1) of the Principal Law is amended -

- (a) by deleting paragraph (b);
- (b) in subsection (5), by deleting “board” and substituting “proprietor”; and
- (c) by inserting after subsection (5), the following subsection -

“(6) The Minister may withdraw the whole or part of the grant if the proprietor does not comply with the law after consultation with the proprietor”.

Inspectorate of Schools

11. Section 18 of the Principal Law is amended, -

- (a) by deleting “Chief Inspector” wherever it appears and substituting “Head of Inspectorate”; and
- (b) by deleting subsection (2) and renumber sequentially”.

Inspection

12. Section 19 of the Principal Law is amended -

- (a) by deleting -
 - (i) subsection (1) and substituting the following -

“(1) Where in the course of an inspection, an inspector discovers a breach of discipline committed by a teacher, the inspector shall instruct an immediate supervisor of the teacher, to take disciplinary action against the teacher in

terms of the disciplinary code and the instructed supervisor shall comply with the instruction.”
and

(ii) subsection (5), and substituting the following -

“(5) If the immediate supervisor fails to comply with the provisions of subsection (1), he commits a breach of discipline and is liable to disciplinary action.”

(b) by inserting after subsection (5), the following subsection and re-number sequentially -

“(6) If the immediate supervisor fails to take disciplinary action in accordance with subsection (1), the Minister may, notwithstanding the provisions of section 57, appoint a committee to inquire into the alleged breach of discipline and the committee shall make recommendations to the appointing authority.”

School Principals

13. Section 20 of the Principal law is amended -

(a) by deleting subsection (2) and substituting it with the following -

“(2) A principal of a public school shall be appointed by the appointing authority as may be prescribed”.

(b) in subsection (4), by deleting,

(a) “under” and substituting “with”; and

(b) “service” and substituting “Council”; and

(c) by deleting subsection (6) and substituting the following -

“(6) A principal of a public school who, upon the coming into effect of this Act is engaged under a performance contract, shall, upon the expiration of his engagement, have an option to re-apply and be engaged in terms of subsection (2)”.

Duties of a principal

14. Section 21 of the Principal Law is amended -

(a) by deleting -

(i) in paragraph (j) “three” and substituting “six”;

(ii) “and” at the end of paragraph (j);

(iii) paragraph (k) and substituting the following -

“(k) shall, within six months at the end of the year, submit to the Board a report on the performance of the school during the previous year; and

(b) by inserting the following after paragraph (k) -

(l) shall perform other duties as may be prescribed by the Minister or delegated to him or her by the School Board”.

School Boards

15. Section 23 of the Principal Law is amended by -

(a) by deleting subsection (1) and substituting the following -

“(1) There is established a School Board, which shall be the governing body of a school.”; and

- (b) by inserting after subsection (2), the following subsection -

“(2a) A teacher shall not hold a position other than that of a teacher’s representative or a secretary in a board of a school where he teaches.

- (c) by deleting subsection (8) and substituting the following -

“(8) The tenure of office of an elective Board member, is a period of five years and is renewable for one term.”

Meetings of the Board

16. Section 24 of the Principal Law is amended by inserting after subsection (5), the following subsection -

“(6) A Board member who has a conflict of interest on any matter which is subject for consideration by the Board, shall recuse himself from the meeting of the Board.”

Responsibilities of the School Board

17. Section 25 of the Principal Law is amended by -

- (a) deleting paragraph (a) and renumbering sequentially”;
- (b) inserting -
- (i) in paragraph (c) after “demotion”, “dismissal”, “suspension”, and after the word “teacher” or a non-teaching staff.
- (ii) in paragraph (d) a “comma” after “promote”; and after “demote”, “suspend and dismiss”;
- (iii) in paragraph (f), after “promotion”, “dismissal”;

-
- (iv) in paragraph (h), after “accounts”, “and the performance report of the school for the previous year”;
 - (v) deleting a full stop in paragraph (h) and substituting a semi colon and “and” and
 - (vi) after paragraph (h), the following paragraph -
 - “(i) present at the annual parents meeting within six months from the end of the financial year, the annual performance report from the previous year”.

Educational Secretaries

18. Section 26 of the Principal Law is amended by -

- (a) deleting -
 - (i) in subsection (1), line three -
 - (aa) “appointed” and substituting, “nominated”; and
 - (bb) “approved” and substituting “appointed
 - (ii) in subsection (4) paragraph (b), “and”; and in paragraph (c), the “full stop” and substituting a semi-colon and “and”;
 - (iii) subsection (5), and substituting -
 - “(5) The Minister may take appropriate action as prescribed, against an Educational Secretary who does not carry out his work satisfactorily.”; and
 - (iv) in subsection (9) “the suspension of future subvention” and substituting “appropriate

disciplinary measures being instituted against him.” and

- (b) inserting in subsection (4) after paragraph (c), the following paragraph -

“(d) supervise the administration of schools under his “responsibility”.

Secretariat to Government Controlled Schools

19. Section 27 is amended -

- (a) in subsection (1), by inserting after the second “Schools” “which shall be an office in the public service” and
- (b) deleting subsection (2) and renumbering sequentially”.

Functions of the Teaching Service Commission

20. Section 42 of the Principal Law is amended -

- (a) in subsection (1) by inserting after “transfer”, “a coma” and “suspend;
- (b) by inserting after subsection (2) the following subsection:”.

“(3) The Commission shall appoint, promote, transfer, suspend and remove from office, nonteaching staff at the recommendation of the School Board, Proprietor and the Principal Secretary” and in the case of the Educational Secretariat, the Commission shall act at the recommendation of the Educational Secretary.

Tenure of office

21. Section 47 of the Principal Law is amended by -

- (a) deleting -

-
- (i) subsection (1) and substituting the following -
 - (1) A tenure of Office of a member of the Commission is five years”; and
 - (ii) subsection (2)”.

Secondment of teachers

22. Section 54 of the Principal Law is amended by -

- (a) by deleting subsection (1), and substituting the following -
 - “(1) The Teaching Service Commission may second a teacher to an organisation outside the teaching service for a period not exceeding five years.”; and
- (b) by inserting after subsection (2), the following subsection -
 - “(3) A teacher who is on secondment in terms of subsection (1), shall continue to contribute to the Public Officers Defined Contribution Pension Fund for continuity of his service and terminal benefits.”.

Special assignment for teachers

23. The principal law is amended by inserting after Section 54, the following section -

“54A. The Teaching Service Commission may authorise the appointment of a teacher to perform duties of a different or similarly graded position in the public service for a period of up to five years which is renewable, after which the teacher shall return to his substantive post.

Whole time of teacher at disposal of school

24. Section 55 of the Principal Law is amended in the heading by deleting

“Whole” and substituting “Full”;

Arbitration

25. Section 60 of the Principal Law is amended by inserting after subsection (5), the following subsection -

“(6) The cost of arbitration shall be incurred by the Ministry.”

Teaching Service Tribunal

26. Section 61 of the Principal Law is amended -

(a) in subsection (1), by inserting after

(i) “appeals”, the following -

“and review” and

(ii) “formation”, the following -

“a comma”, and “school board”; and

(b) by inserting after subsection (1), the following subsections -

“(1a) The Tribunal shall have powers to deal with dismissal cases occasioned by the operation of law.

(1aa) The Tribunal shall within thirty calendar days arrange for a referred matter to be heard”.

Retirement of teachers on permanent and pensionable terms

27. Section 62 of the Principal Law is amended -

(a) in subsection (1), by deleting “sixty five” and substituting “sixty”;

(b) in subsection (2), by deleting “fifty five” and

substituting “fifty”; and

- (c) by deleting subsection (4) and substituting the following -

(4) A teacher who is entitled to retire at the age of “sixty-five” shall, upon coming into effect of this Act, have an option to retire at any age from “fifty” to “sixty five” years.

Representation of teachers

28. Section 65 of the Principal Law is amended -

- (a) in subsection (1), by inserting in line 1 after “formations” the following -

“that represents forty percent of teachers,”;

- (b) in subsection (2) by deleting “three” and substituting “five”; and

- (c) by inserting after subsection (2) the following subsection -

“(3) A teacher formation which is representative of 40% of teachers within a bargaining unit, shall have the benefits of membership within the Education Labour Relations Council”.

NOTE

1. Act No. 3 of 2010

GOVERNMENT NOTICE NO. 11 OF 2021

The Parliament of Lesotho**Statement of Objects and Reasons of the
Education (Amendment) Act, 2021**

(Circulated by the authority of the Minister responsible for education and training Professor Ntoi Rapapa)

The main object of the Bill is to amend the Education Act, 2010 in order to improve the general management of Education Sector and maintain the principles of good governance.

The Bill is fraught with short comings such as inconsistency with other laws like Teachers Pension Act, 1994 and Public Officers Defined Contribution Pension Fund Act, 2008. The said contraventions make it practically impossible to pay out the gratuities that were agreed to with the principals upon completion of at least twelve consecutive months of their contracts. The Bill therefore provides for employment of principals on permanent and pensionable terms in order to remedy the defects.

The Bill further, clarifies the roles and responsibilities of persons and institutions tasked with the administration of Education. These include the Ministry of Education and its structures, churches and other proprietors, Local Government structures, Teachers formations, principals and parents. As a result, the Ministry of Education will be able to execute its mandate effectively and efficiently in line with current demands on education.

Furthermore, the Bill provides for guidance on redeployment of teachers, systematic appraisal of teachers and principals including the role of inspectors in teachers' disciplinary processes. The Bill also provides for the reduction of retirement age of teachers from sixty five years to sixty years.