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Business Licensing and Registration (Amendment) Regulations, 2021

Pursuant to section 44 of the Business Licensing and Registration Act, 2019¹, I,

THABISO MOLAPO

Minister responsible for trade and industry, make the following regulations -

Citation and commencement

1. These Regulations may be cited as the Business Licensing and Registration (Amendment) Regulations, 2021 and shall come into operation on the date of publication in the Gazette.

Amendment of regulation 2

2. Regulation 2 of the Business Licensing and Registration Regulations 2020², (in these Regulations called “the principal regulations”) is amended by inserting after the definition of “identification document” the following -

““indigenous citizen” means a person whose ancestry can be traced back to at least three generations as citizens of Lesotho”.

Amendment of regulation 4(2)

3. Regulation 4(2) of the principal regulations is amended by deleting “Registrar” and inserting “Licensing Officer”.

Amendment of regulation 6

4. Regulation 6 of the principal regulations is amended -

- (a) in subregulation (2), by inserting “ a business permit” after “a licence”; and
- (b) by adding “or Registrar” after “Licensing Officer” wherever it occurs.

Amendment of regulation 9

5. Regulation 9 of the principal regulations is amended by deleting the words “except that a licence for retail sale of used motor vehicles, betting and gambling shall be renewed every six months”.

Amendment of regulation 34

6. Regulation 34 of the principal regulations is deleted and substituted with the following -

“List of reserved business activities

34. (1) For the purposes of the promotion and development of indigenous entrepreneurship and small, medium and micro- sized enterprises, the business activities set out in Schedule 16 are reserved exclusively for indigenous citizens.

(2) A licence issued to a non-indigenous citizen or an enterprise whose proprietor, shareholder, partner or director is not an indigenous citizen shall remain in force until the expiry of the licence.

(3) Where shares or interests are transferred to a non-indigenous citizen, the licence shall not be renewed upon expiry.

(4) Upon application by an indigenous citizen, the Licensing Officer may issue a licence under subregulation (1) to a foreign business which is in a joint venture or partnership with an enterprise wholly owned by indigenous citizens.

(5) Where a licence is issued under subregulation (4), the Licensing Officer or the Registrar shall revoke the licence or registration if satisfied that the relationship between the indigenous citizen and the foreign enterprise is a pretense.”

Amendment of Schedules to the Regulations

7. (1) Schedule 4 of the principal regulations is amended -

(a) in item 37 “Retail sale of used motor vehicles” by -

-
- (i) deleting subitems (d) and (f) and renumbering accordingly;
 - (ii) inserting after subitem (h) a new subitem -
 - “(i) Shall not offer, sell or display a used vehicle unless the vehicle has been inspected and certified as safe and roadworthy by the relevant authority in Lesotho or such other inspection company approved by the Minister responsible for transport”;
 - (b) in item 38 “Betting and gambling” by deleting subitem (e) and renumbering accordingly;
 - (c) by deleting item 39 “Wholesale of alcoholic beverages not consumed on spot (Off-sale)”;
 - (d) by deleting item 40 “Retail sale of alcoholic beverages to be consumed on the spot”; and
 - (e) by deleting item 41 “Retail sale of beverages in specialised stores” is deleted;
- (2) Schedule 16 of the principal regulations is amended -
- (a) by deleting item 3 “Motor dealer”;
 - (b) by deleting item 36 “Retail sale in non-specialised stores (Division 471)” and substituting with the following item -
 - “36. Convenience and grocery stores”; and
 - (c) by deleting item 40 on “Wholesale and retail sale of pharmaceutical and medical goods, cosmetics and toilet articles in specialised stores, including wholesale and retail sale of health-related articles or products” and substituting with the following item -

“40. Retail sale of pharmaceutical and medical goods, including retail sale of health-related articles or products in specialized stores”.

DATED:

**DR. THABISO MOLAPO
MINISTER OF TRADE AND INDUSTRY**

NOTE

1. Act No. 3 of 2019
2. L. N. No. 69 of 2020

