



LESOTHO

Government Gazette

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No. 12

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LEGAL NOTICE

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LEGAL NOTICE NO. 25 OF 2023

High Court (Standard Operating Procedures) Notice, 2023

Pursuant to section 131(a) of the Constitution of Lesotho¹, read with section 16 of the High Court Act, 1978² and section 76 of the Land Court Act, 2010³, I,

SAKOANE PETER SAKOANE

Chief Justice of Lesotho make the following Notice:

Citation and commencement

1. This Notice may be cited as the High Court (Standard Operating Procedures) Notice, 2023 and shall come into operation on the date of publication in the Gazette.

Standard operating procedures

2. (1) Any matter that is brought to the High Court for determination shall be filed with the office of the Registrar of Court in line with the established standard operating procedures.

(2) The Registrar's Clerk and the Roll Officer shall -

(a) be responsible for checking and ensuring that a file is in compliance with the standard operating procedures before it can be submitted to a judge for determination; and

(b) accordingly sign for such files.

(3) Each file shall have a checklist attached inside and marked to indicate compliance with these standard operating procedures as follows :

DATED:

**SAKOANE PETER SAKOANE
CHIEF JUSTICE OF LESOTHO**

NOTE

1. Constitution of Lesotho 1993
2. Act No. 5 of 1978
3. Act No. 8 of 2010

CHECKLIST I

Constitutional Application (Rule 11)¹

STEPS	YES	NO
Court Application/Notice of Motion		
Founding Affidavit (with annexures if any)		
Proof/Return of Service		
Draft Order		
Notice of Opposition		
Opposing/Answering Affidavit		
Replying Affidavit		
Notice of Set Down (NSD)		
Proof of Service		
Indexation		
Pagination		
Cancelled/Defaced Revenue Stamps		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST II
Election Petitions (Rule 3)²

STEPS	YES	NO
Petition		
Verifying Affidavit (with annexures if any)		
Proof/Return of Service		
Draft Order		
Notice of Opposition		
Opposing/Answering Affidavit (with annexures if any)		
Replying Affidavit (with annexures if any)		
Notice of Set Down (NSD)		
Proof of service of (NSD)		
Consolidated Indexation and Pagination		
Translation of Documents		
Cancelled/Defaced Revenue Stamps		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST III

Application/Notice of Motion (Rule 8(1))³

STEPS	YES	NO
Court Application/Notice of Motion		
Founding Affidavit (with annexures if any)		
Proof/Return of Service		
Draft Order		
Notice of Opposition		
Opposing/Answering Affidavit (with annexures if any)		
Replying Affidavit (with annexures if any)		
Notice of Set Down (NSD)		
Proof of service		
Consolidated Indexation and pagination		
Translation of Documents		
Cancelled/Defaced Revenue Stamps		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST IV

Urgent Application (Rule 8(22))⁴

STEPS	YES	NO
Certificate of Urgency		
Notice of Motion		
Founding Affidavit (with annexures, if any)		
Draft Order		
Proof/Return of Service		
Notice of Opposition		
Opposing/Answering Affidavit (with annexures, if any)		
Replying Affidavit (with annexures, if any)		
Notice of Set Down (NSD)		
Proof of service of (NSD)		
Consolidated Indexation and Pagination		
Translation of Documents		
Cancelled/Defaced Revenue Stamps		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST V

Application for Edictal Citation (Rule 5)⁵

STEPS	YES	NO
Notice of Motion		
Affidavit setting out grounds for leave to sue by edictal citation		
Draft Order		
Return of Service		
Notice of Set Down (NSD)		
Cancelled/Defaced Revenue Stamps		
Indexation		
Pagination		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

Checked by: Registrar’s Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST VI

**Application for Attachment of Property or Arrest of Person to Found or
Confirm Jurisdiction (Rule 6)⁶**

STEPS	YES	NO
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Notice of Motion
 Affidavit setting out property or right in the property and
 good cause to arrest
 Return of Service
 Notice of Set Down (NSD)
 Cancelled/Defaced Revenue Stamps
 Indexation
 Pagination
 Compliance with Schedules 3 and 5 of Practice Direction
 No. 2 of 2021

Checked by: Registrar’s Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST VII

**Application for Judgement on Confession or by Default Judgement
(Rule 27)⁷**

STEPS	YES	NO
Summons Commencing Action		
Declaration		
Return of service		
Draft Order		
Dies Induciae having expired		

Barred in default of plea

Indexation

Pagination

Cancelled/Defaced Revenue Stamps

Compliance with Schedules 3 and 5 of Practice Direction

No. 2 of 2021

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST VIII

Application for Summary Judgement (Rule 28)⁸

STEPS	YES	NO
Summons		
Affidavit verifying cause of action and amount		
Liquid document		
Liquidated amount		
Delivery of Movable		
Ejectment		
Draft Order		
Notice of Set Down (NSD)		
Proof of Service of NSD		
Cancelled/Defaced Revenue Stamps		

Indexation
 Pagination
 Compliance with Schedules 3 and 5 of Practice Direction
 No. 2 of 2021

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST IX

Exceptions and Applications to Strike Out (Rule 29)⁹

STEPS	YES	NO
Notice of Motion		
Affidavit setting out grounds of exception/striking out		
Notice of Set Down		
Proof of Service of (NSD)		
Draft Order		
Cancelled/Defaced Revenue Stamps		
Pagination		
Indexation		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST X

Applications to Set Aside Irregular Proceedings (Rule 30)¹⁰

STEPS	YES	NO
Notice of Motion		
Affidavit setting out irregularity/impropriety		
Proof of Service		
Notice of Set Down		
Proof of Service of (NSD)		
Draft Order		
Cancelled/Defaced Revenue Stamps		
Pagination		
Indexation		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST XI

Provisional Sentence (Rule 9)¹¹

STEPS	YES	NO
Summons for Provisional Service		
Declaration (with annexures, if any)		
Documents founding the Summons		
Draft Order		
Return/Proof of Service of Summons		
Notice of Set Down		
Proof of Service of NSD		
Cancelled/Defaced Revenue Stamps		
Pagination		
Indexation		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST XII

Application for Variation/Rescission (Rule 45)¹²

STEPS	YES	NO
Court Application/Notice of Motion		
Founding Affidavit (with annexed order/judgement)		
Proof/Return of Service		
Notice of set down		
Proof of Service		
Draft Order		
Cancelled/Defaced Revenue Stamps		
Pagination		
Indexation		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST XIII

Summons Commencing Action (Rule 18)¹³

STEPS	YES	NO
Summons and Declaration with prayer		
Special Power of Attorney by Counsel		
Return/Proof of Service		
Appearance to Defend		
Special Power of Attorney by Counsel		
Request for further particular (where applicable)		
Answer to request for particulars (where applicable)		
Request to plead (where applicable)		
Special Plea (if any)		
Notice to set down matter for Pre-trial conference (PTC)		
Proof of Service of NSD for PTC		
Joint PTC minutes		
Notice to make Discovery		
Discovery Effected/Not Effected		
Cancelled/Defaced Revenue Stamps		
Indexation (Including that of bundles where applicable)		
Pagination (Including that of bundles where applicable)		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		
Compliance with Practice Direction No. 3 of 2021 (for Matrimonial causes)		

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST XIV

Review Applications (Rule 50)¹⁴

STEPS	YES	NO
Court Application/Notice of Motion		
Founding Affidavit (with decision or proceedings if any)		
Draft Order to despatch decision or record		
Proof/Return of Service		
Notice to amend, add or vary Notice of Motion		
Notice of Opposition		
Answering/Opposing Affidavit		
Replying Affidavit		
Notice of Set Down (NSD)		
Translation of Documents		
Consolidated Indexation		
Pagination		
Cancelled/Defaced Revenue Stamps		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

Checked by: Registrar's Clerk

Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST XV**Appeals (Rule 52)¹⁵**

STEPS	YES	NO
Notice of Appeal and Grounds		
Application for date of hearing within four weeks of noting appeal		
Lodging of original record with four copies		
Proof/Return of Service		
Copies of records to respondent (s)		
Translation of documents		
Consolidated Indexation		
Pagination		
Cancelled/Defaced Revenue Stamps		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

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Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST XVI

Commercial Actions (Rule 7(a))¹⁶

STEPS	YES	NO
Summons and Declaration with prayer		
Special Power of Attorney by Counsel		
Proof/Return of Service		
Appearance to Defend		
Request for further particulars (where applicable)		
Request to plead (where applicable)		
Special plea (if any)		
Notice of set down (NSD) for Pre-trial Conference (PTC)		
Proof of Service of NSD		
Joint PTC minutes		
Discovery Effected/Not Effected		
Cancelled/Defaced Revenue Stamps		
Indexation (Including that of bundles)		
Pagination (Including that of bundles)		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

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Names:.....

Signature:.....

Date:.....

Counter-checked by: Roll Officer

Names:.....

Signature:.....

Date:.....

CHECKLIST XVII

Land Application (Rules 12 and 13)¹⁷

STEPS	YES	NO
Originating application		
Grounds for relief (with annexures if any)		
Proof/Return of Service		
Draft Order		
Answer		
Notice of Set Down (NSD) for PTC		
Proof of Service		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		
Cancelled/Defaced Revenue Stamps		
Indexation		
Pagination		
Compliance with Schedules 3 and 5 of Practice Direction No. 2 of 2021		

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Counter-checked by: Roll Officer

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Signature:.....

Date:.....

1. Constitutional Litigations Rules No. 194 of 2000
2. National Assembly Election Petition Rules L.N. No. 54 of 1993
3. High Court Rules L.N. No. 9 of 1980
4. High Court Rules L.N. No. 9 of 1980
5. High Court Rules L.N. No. 9 of 1980
6. High Court Rules L.N. No. 9 of 1980
7. High Court Rules L.N. No. 9 of 1980
8. High Court Rules L.N. No. 9 of 1980
9. High Court Rules L.N. No. 9 of 1980
10. High Court Rules L.N. No. 9 of 1980
11. High Court Rules L.N. No. 9 of 1980
12. High Court Rules L.N. No. 9 of 1980
13. High Court Rules L.N. No. 9 of 1980
14. High Court Rules L.N. No. 9 of 1980
15. High Court Rules L.N. No. 9 of 1980
16. The High Court (Commercial Court) Rules No. 159 of 2011
17. Land Court Rules No. 1 of 2012