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ACT NO. 12 OF 2000

Lesotho Highlands Development Authority (Amendment) Act, 2000**An Act to amend the Lesotho Highlands Development Authority Order, 1986¹****Enacted by the Parliament of Lesotho****PART 1 - PRELIMINARY****Short title and commencement**

1. This Act may be cited as the Lesotho Highlands Development Authority (Amendment) Act, 2000 and shall come into operation on the date of its publication in the Gazette.

Interpretation

2. Section 3 of the Lesotho Highlands Development Authority Order 1986 (Principal Law) is amended -

- (a) by inserting after definition of “Chief Executive” the following definition -

“ “Commission” means the Lesotho Highlands Water Commission established under the Treaty between the Government of the Kingdom of Lesotho and the Government of the Republic of South Africa on the Lesotho Highlands Water Project of 1986.”;

- (b) by deleting the definition of “Minister” and substituting the following definition -

“ “Minister” means the Minister responsible for Natural Resources.”.

PART III - CHIEF EXECUTIVE**Appointment of the Chief Executive**

3. Section 7 of the Principal Law is amended -

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

- “(1) There shall be a Chief Executive of the Authority who shall be appointed by the Board in consultation with the Commission, on such terms and conditions as the Board may determine with the approval of the Commission.”;
- (b) in subsection (2), by deleting “five years” and substituting “three years”.

Functions of the Chief Executive

4. Section 8 of the Principal Law is deleted and substituted with the following section -

- “8. (1) The Chief Executive shall be responsible for -
 - (a) the execution of the policies of the Board and the transaction of its day to day business;
 - (b) presenting proposals concerning the implementation, operation and maintenance of the Lesotho Highlands Water Project and the internal administration and procedures of the Authority to the Board for approval;
 - (c) preparing and presenting to the Board for approval the annual budget and proposals for borrowings of the Authority;
 - (d) controlling the expenditure and borrowings of the Authority within limits set by the Board and ensuring that the costs incurred are accurately recorded and allocated;
 - (e) providing the Board with any information it may request in discharging its duties;
 - (f) issuing tender documents and signing agreements, undertakings and contracts on behalf of the Authority;
 - (g) appointing and terminating the appointment of

managerial, professional and administrative staff; and

- (h) carrying out such other duties as the Board may from time to time assign to the Chief Executive.

(2) The Chief Executive shall, in the case of emergency or in the event that the safety and security of the Lesotho Highlands Water Project is threatened, and after consultation with the Chairman of the Board, take such appropriate steps as are necessary to deal with the emergency.

(3) The Chief Executive shall as soon as practicable submit a report to the Board on any action taken under subsection (2).”.

PART IV - THE BOARD

Composition of the Board

5. Section 9 of the Principal Law is amended -

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

-

“(1) The governing body of the Authority shall be a Board of Directors who shall be accountable to the Commission.”;

- (b) in subsection (2), by deleting paragraphs (a) to (c) and substituting them with the following paragraphs -

“(a) The Chief Executive appointed under section 7, who shall be an *ex-officio* member;

(b) eight non-executive directors, and

(c) not more than four executive directors including the Chief Executive.”

- (c) by deleting subsection (3) and substituting it with the following -

“(3) members referred to in subsection (2) (b) shall be appointed by the Commission on such terms and conditions as the

Commission may determine, from a list of candidates submitted to it by the Minister in accordance with the following nomination procedure -

- (a) requests for applications shall be advertised by the Minister in suitable publications with specifications established by the Commission;
- (b) a selection panel with relevant experience and appointed by the Minister shall screen the candidates, conduct interviews and draw up a short list for submission to the Minister, and
- (c) the Minister shall nominate, from the shortlist, at least four suitably qualified candidates for each discipline identified by the Commission and forward his nomination list to the Commission;
- (d) by inserting the following new subsections -

“(4) The Chairman of the Board shall make recommendations for executive directors for consideration and appointment by the Commission.

(5) The Chairman and Vice-Chairman of the Board shall be appointed by the Commission from among the non-executive directors of the Board.

(6) The office of the Chairman of the Board of the Authority shall act as the channel of communication between the Board and the Commission.

(7) The Board shall establish the operational policies of the Authority on all matters with which it is entrusted.

(8) The Board may delegate any of its powers to the Chief Executive or any member of the staff of the Authority”.

Tenure of office

6. Section 10 of the Principal Law is amended -

- (a) by deleting subsection (1) and substituting it with the

following subsection (1) -

- “(1) A person shall not be appointed to be a member of the Board under section 9 (2) unless he has experience and shown capacity in skills and areas of expertise as the Commission may, from time to time, determine.”;
- (b) in subsection (2), by deleting “other than the Chairman and the Chief Executive”;
- (c) in subsection (3) -
 - (i) from the opening paragraph, by deleting “other than the Chairman and the Chief Executive”;
 - (ii) by deleting paragraph (c) and substituting it with the following -
 - “(c) is an unrehabilitated insolvent;”
 - (iii) in paragraph (g), by deleting “Minister” and substituting “Commission”;
 - (iv) by inserting the following new paragraphs -
 - “(h) has been removed from office of trust because of misconduct;
 - (i) conducts his affairs in a way that has a potential of creating a conflict of interest with his position as a member of the Board;
 - (j) is found to be incompetent in the performance of his duties.”.
- (d) by deleting subsection (4) and substituting it with the following subsection -
 - “(4) The Commission may determine the appointment of a member if it considers it necessary in the interest of effective performance of the functions of the Authority under this Order or if the public interest so requires.”;

- (e) by deleting subsection (5) and (6) and substituting them with the following -

“(5) The Commission shall advise the Minister of every appointment or termination of appointment under this section and the Minister shall publish the appointment or termination by notice in the Gazette.”

Vacancy

7. Section 11 of the Principal Law is amended by deleting “Minister” and substituting “Commission”.

Meetings of the Board

8. Section 12 of the Principal Law is amended by -

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

“(2) The Chairman shall preside at the meeting of the Board and in his absence the Vice- Chairman.”;

- (b) deleting subsection (4) and substituting it with the following -

“(4) The quorum at the meeting of the Board shall be at least the appointed directors of the Board, the majority of which shall be non-executive members.”.

Remuneration of members of the Board

9. Section 13 of the Principal Law is deleted and substituted with the following -

“13. A member of the Board shall be paid such remuneration, fees and allowances as may be determined by the Commission and reimbursed for any expenses.”.

PART VI - FUNCTIONS OF THE AUTHORITY

Additional duties of the Authority

10. Section 19 of the Principal Law is amended by adding the following subsections -

“19 (4) Notwithstanding the provisions of subsections (1), (2) and (3), the Minister shall have the power to confer on the Lesotho Highlands Development Authority or any of its employees such additional duties or responsibilities as may be necessary from time to time or as he may deem fit.

(5) In the exercise of the power under subsection (4), the Minister shall consult with his counterpart, the Minister of Water Affairs and Forestry of the Republic of South Africa.”.

PART VIII - THE SCHEME

Acquisition of interests in land, etc.

11. Section 38 of the Principal Law is amended in subsections (1) (b) and (2) by deleting “Minister of Interior, Chieftainship Affairs and Rural Development” and substituting it with “Minister of Local Government.”.

PART XIV - RULES AND REGULATIONS

Regulations

12. Section 59 of the Principal Law is amended by deleting paragraph (a) and renumbering subsequent paragraphs accordingly.

Repeal

13. The Lesotho Highlands Development Authority (Amendment) Order, 1989² is repealed.

N O T E

1. Order No. 23 of 1986
2. Order No. 3 of 1989

ACT NO. 13 OF 2000

Motor Vehicle Theft Act, 2000

An Act to make provision in respect of the theft of motor vehicle and for matters related thereto

Enacted by the Parliament of Lesotho

Short title

1. This Act may be cited as the Motor Vehicle Act, 2000.

Interpretation

2. In this Act, unless the context otherwise requires -

“Minister” means the Minister responsible for the Ministry of Home Affairs;

“motor vehicle” means any vehicle designed or adapted for propulsion or haulage on a road by means of mechanical or electrical power without the aid of rails, and includes any trailer;

“motor vehicle dealer” means any person who deals by way of business in motor vehicles or trailers, including a manufacturer and a repairer or panel-beater of such vehicles, and in relation to a scrapyard for motor vehicles or parts thereof, or where any such vehicle or parts are found, means the owner or person in charge of such scrapyard;

“offensive weapon” means any article made or adapted for use for causing injury to a person, or intended by any person having it for such use, and includes, but is not limited to, a firearm, a spear, an axe, a hatched, a club and a knife;

“police officer” has the same meaning as in the Police Act 1998 and includes a special constable;

“possession”

- (a) includes not only having in one’s personal knowledge, but also knowing having a vehicle or parts thereof in the actual possession or custody of any other person, or

having a vehicle or parts thereof in any place or road (whether belonging to, or occupied by oneself or not) for the use of benefit of oneself or any other persons;

- (b) if there are two or more persons and any one or more of them with the knowledge and consent of the rest has or have a vehicle or parts thereof in his or their custody or possession, it shall be deemed and taken to be in custody and possession of each and all of them.

Theft of motor vehicle

3. (1) A person who steals a motor vehicle, or receives a motor vehicle knowing or having reason to believe it to be stolen vehicle, is guilty of an offence and, notwithstanding the provisions of any other written law, liable for a first offence to imprisonment for a period not less than eight years but not exceeding sixteen years without the option of a fine, and for a second or subsequent offence to imprisonment for a period not less than ten years but not exceeding twenty years without the option of a fine.

(2) Where, for the purpose of stealing a motor vehicle, or in the course of stealing a motor vehicle, violence or the threat of violence is used, the penalty shall be imprisonment for a period not less than fifteen years but not exceeding twenty five years without the option of a fine, and if the violence used or threat involves the use of a firearm or other offensive weapon the penalty shall be imprisonment for a period not less than fifteen years but not exceeding thirty years without the option of fine.

(3) A person charged under subsection (1) may be convicted of the offence of stealing a motor vehicle or of receiving a motor vehicle notwithstanding that the person stated in the charge to be the owner of the vehicle is wrongly named as the owner of the vehicle.

(4) A person who procures, incites, hires, directs or instigates another person to contravene the provisions of subsection (1) is guilty of an offence and on conviction is liable to the same penalties as the person who contravenes those provisions.

(5) A sentence imposed in respect of an offence under this section shall be consecutive to and not concurrent with any other sentence imposed on the same accused person, and no sentence or any part of any sentence imposed in respect of an offence under this section shall be suspended.

Theft of motor vehicle parts

4. (1) A person who steals parts of a motor vehicle or receives parts of a motor vehicle knowing or having reason to believe that the parts were stolen is guilty of an offence and, notwithstanding the provisions of any other written law, liable for a first offence to imprisonment for a period not less than six years but not exceeding eight years without the option of a fine, and for a second or subsequent offence to imprisonment for a period not less than eight years but not exceeding sixteen years without the option of a fine.

(2) Where, for the purposes of stealing parts of a motor vehicle, or in the course of stealing parts of a motor vehicle, violence or threat of violence is used, the penalty is imprisonment for a period not less than ten years but not exceeding fifteen years without the option of a fine, and if the violence used or threat involves the use of a firearm or other offensive weapon, the penalty is imprisonment for a period not less than fifteen years but not exceeding twenty years without the option of a fine.

(3) A person charged under subsection (1) may be convicted of the offence of stealing parts of a motor vehicle or of receiving stolen parts of a motor vehicle notwithstanding that the person stated in the charge to be the owner of the vehicle is wrongly named as the owner of the motor vehicle from which the parts were stolen.

(4) A person who procures, incites, hires, directs or instigates another person to contravene the provisions of subsection (1) is guilty of an offence and on conviction is liable to the same penalties as the person who contravenes those provisions.

(5) A sentence imposed in respect of an offence under this section shall be consecutive to and not concurrent with any other sentence imposed on the same accused person, and no sentence or any part of any sentence imposed for an offence under this section shall be suspended.

Presumptions

5. In any proceedings, where it is proved to the satisfaction of the court that a person -

- (a) was found in possession of a motor vehicle reasonably suspected of being stolen;

- (b) was found in possession of a motor vehicle of which the engine or chassis number or the registration marks of numbers, or other identification marks have been altered, disfigured, obliterated or tampered within any manner;
- (c) was found in possession of a motor vehicle and is unable to produce a bill of sale or other satisfactory evidence or ownership, identifying the vehicle and the person from whom it was obtained, and from which such person can be traced;
- (d) was found in possession of any forged registration book, papers, or other documents of registration or ownership in relationship to a motor vehicle;
- (e) has imported into Lesotho a motor vehicle or parts thereof in contravention of any law for the time being in force in relation to the importation of motor vehicles or parts thereof,

it is presumed that such person is guilty of an offence under section 3 of this Act in relation to the motor vehicle concerned, and liable to the penalties provided thereunder, unless the contrary is proved.

Reporting by motor dealer

6. (1) A motor dealer or manager of a motor dealer's business who discovers, or has reasonable grounds to suspect, that the registration number, engine or chassis number of, or any other identification mark on a motor vehicle or motor vehicle engine or motor vehicle part delivered to him or received by him in the course of his business, has been altered, disfigured, defaced, obliterated or tampered with in any manner, shall forthwith report the matter to the nearest police station, and the police shall thereafter, in the absence of any satisfactory explanation, seize the vehicle or engine or vehicle part concerned.

(2) A motor dealer or manager of a motor dealer's business who fails to comply with the provisions of subsection (1), or who is found in possession of a motor vehicle, a motor vehicle engine, or any part of a motor vehicle the identification mark of which has been altered, disfigured, defaced, obliterated or tampered within any manner, which he had not reported in accordance with subsection (1), and for which he is unable to provide a satisfactory explanation,

is guilty of an offence and on conviction and is liable to imprisonment for a period not less than 5 years or a fine not less than M15 000 or both.

(3) A sentence imposed under this section shall not run concurrently with any other sentence imposed on the accused person, and no such sentence or any part of such sentence shall be suspended.

(4) A court convicting a motor dealer under this section shall, in addition to any other sentence imposed, cancel or suspend for such period as may be specified, which shall not be less than two years, any licence or permit to trade held by such dealer.

Disposal, purchase or sale of motor vehicle

7. (1) A person who -

- (a) sells, transfers or otherwise disposes of a motor vehicle, and who, at the time of such sale, transfer or disposal, fails to furnish to the purchaser or to the person to whom such motor vehicle is transferred or delivered, a document effecting such sale, transfer or disposal; or
- (b) purchases, or receives or accepts delivery of a motor vehicle and, at the time of purchase, transfer or delivery, does not demand and receive from the seller, transfer or deliver a document effecting such purchase, transfer or delivery,

is guilty of an offence and on conviction is liable to imprisonment for a period not less than 2 years or a fine not less than M6 000 or to both.

(2) Notwithstanding the provisions of subsection (1), it shall be sufficient defence for a purchaser of a vehicle from a motor dealer if he produces a declaration or certificate from such dealer specifying the dealer's name and his place of business, and stating that the motor vehicle has been lawfully sold to the purchaser, and -

- (a) in the case of a motor vehicle purchased outside Lesotho, such declaration or certificate is produced to and stamped by a customs officer at the point of entry into Lesotho, and within 7 days of such importation the purchaser presents the vehicle, together with the decla-

ration or certificate, to a police station for verification by the police;

- (b) in the case of a motor vehicle purchased in Lesotho, the purchaser presents the vehicle, together with declaration or certificate to a police station within 7 days of the purchase of the vehicle, for verification by the police.

(3) A dealer who refuses or fails to issue a declaration or certificate as required under subsection (2)(a), or who issues a false declaration or certificate, and any purchaser who fails to present as motor vehicle and a declaration or certificate to a police station as required under subsection (2)(b), is guilty of an offence and is liable on conviction to imprisonment for a period not less than 3 years or to a fine not less than M5 000.

(4) Notwithstanding the sentence prescribed under subsection 1 or 2, where a motor vehicle sold or purchased is proved to be a stolen vehicle, the accused person or dealer is liable to a sentence prescribed under section 3.

Tampering with motor vehicle

8. (1) A person who knowingly tampers with, alters or carries out repairs on, or subject to subsection (2), repairs or assists in the tampering with, an alteration or repair of a motor vehicle or the engine or any part of a motor vehicle, engine or part, is guilty of an offence on conviction is liable to imprisonment for 9 years and to a fine of M15 000.

(2) If in carrying out any repairs or other work on a motor vehicle, the engine or chassis number or any other part of that motor vehicle by which it can be identified are thereby altered, obscured or obliterated, the person carrying out such repairs or other work, the person assisting him in carrying out such repairs or other work or the owner of that vehicle shall, as soon as possible after such repairs or works have been carried out, cause the registration book relating to the vehicle to be amended at the nearest registration office to reflect the alteration, obscuration or obliteration, and any person who fails or neglects to comply with the provisions of this subsection is guilty of an offence and is liable on conviction to the penalties provided in subsection (1).

(3) Any owner or person in charge of a motor vehicle shall, when and if the vehicle in question is painted in a different colour from that indicated in the registration book relating to such vehicle, as soon as possible, ensure that

the registration book concerned is amended to record the change of colour, and that such amendment is verified at the nearest registration office, and any owner or person in charge who fails or neglects to comply with the provision of this subsection is guilty of an offence and is liable on conviction to the penalties provided in subsection (1).

False identification plates etc

9. (1) A person who is found -

- (a) driving or being in charge or in control of a motor vehicle which bears false identification plates; or
- (b) driving or being in charge or in control of a motor vehicle which bears no identification plates, and fails to give a satisfactory explanation thereof,

commits an offence and is liable on conviction, to imprisonment for a period not less than 5 years or a fine not less than M7 000 or to both.

(2) Any person who unlawfully possesses, manufactures, cuts or causes to be manufactured or cut any identification plate, key, instrument, stamp, book or document used or designed or likely to be used in the commission of an offence under this Act, is guilty of an offence and on conviction is liable to imprisonment for a period not less than 3 years or to a fine not less than M6 000 or to both.

(3) No person shall manufacture, cut or cause to be manufactured or cut, any identification plate of a vehicle without satisfactory proof, and keeping a record of, the identity of the person requesting such identification plate or key, and production of the registration of vehicle concerned, and any person who contravenes or fails to comply with the provisions of this subsection is guilty of an offence and on conviction is liable to the penalties prescribed in subsection (2).

Breaking into motor vehicle

10. (1) A person who breaks into a motor vehicle without the consent of the owner or a person in lawful possession thereof, shall, unless the contrary is proved, be presumed to have broken into it with the intention of stealing, whether of the vehicle or of articles in the vehicle, and is guilty of an offence and on conviction is liable to imprisonment for a period not less than 3 years or to a fine not less than M6 000 or to both.

(2) A conviction and sentence imposed in terms of subsection (1) is in addition to any conviction and sentence imposed in respect of the theft of the vehicle concerned or of the theft of anything in the vehicle.

Competent verdicts

11. (1) Where a person has been charged with an offence under section 3 or section 8(2) the court trying him may convict him of any of the following offences notwithstanding that he was not originally charged with such offence-

- (a) attempting to steal a motor vehicle;
- (b) attempting to receive a motor vehicle knowing or having reason to believe it to be stolen;
- (c) conspiring with any other person in the commission of the offence; and
- (d) selling, disposing of or assisting in the sale or disposal of a motor vehicle knowing or having reason to believe it to be stolen.

(2) A person convicted of an offence under subsection (1) is liable to imprisonment for a period not less than 5 years or to a fine not less than M10 000 or to both.

Dealing in stolen motor vehicle

12. (1) A person who engages in the business of stealing, or selling of stolen motor vehicles, or of any other dealings in stolen motor vehicles, is guilty of an offence, and on conviction is liable to imprisonment for a period not less than 15 years but not exceeding 30 years, and to a fine of M100 000 or in default ten years imprisonment, and in addition shall forfeit to the Crown all assets traceable to such business.

(2) Any sentence imposed in respect of an offence under subsection (1) shall be consecutive to and not concurred with any other sentence imposed on the accused person, or any part thereof, and no such sentence or any part thereof shall be suspended.

Dereliction of duty by public officers

13. (1) Any public officer who fails, omits or neglects to carry his duty

under this Act or any law regulating the registration of or importation of a motor vehicle commits an offence and is liable on conviction to a fine not less than M12 000 or imprisonment for a period not exceeding 6 years or to both.

(2) Where a motor vehicle, the subject of a contravention of subsection (1) is proved to be a stolen vehicle, the person, guilty of contravening that subsection, shall be liable to be sentenced as an accomplice to the theft or any other offence involving that motor vehicle.

(3) Where a public officer who is convicted under subsection (1) is shown to have intentionally failed, omitted or neglected his duty, he shall, in addition to any sentence imposed under this Act, be summarily dismissed from the public service with loss of benefits.

Search, seizure and arrest

14. (1) Any police officer may, without a warrant, stop, arrest and search any person found driving, or in possession, or in charge, or control of a motor vehicle if he believes, on reasonable grounds, that the vehicle is a stolen vehicle, whether or not that person has stolen it himself, or received it knowing or having reason to believe it to be stolen, or has assisted in stealing the vehicle, and may seize the vehicle and any documents relating to it.

(2) A police officer who has arrested any person or seized any motor vehicle in accordance with the provisions of subsection (1), shall, as soon as possible, take that person and that vehicle, and any documents seized relating to the vehicle, to the nearest police station.

(3) Where a motor vehicle seized under this section is taken before a court for the purpose of a prosecution in respect thereof, the court shall not release such vehicle until the conclusion of any such prosecution, and unless, within 6 months of the date of such conclusion, or the date of seizure of the vehicle, whichever is the later, application is made for such release supported by satisfactory documentary proof of lawful ownership or lawful possession thereof, and if, at the conclusion of such period of 6 months the vehicle remains unclaimed it shall be handed back to the police to be dealt with as an unclaimed vehicle in accordance with the provisions of section 19.

Provision as to bail

15. (1) Where a person is charged with an offence under section 3 or 10, of this Act the amount of bail to be fixed by a court shall not be less than

half the value of the motor vehicle suspected of having been stolen.

(2) Where a person is charged with any other offence under this Act the amount of bail to be fixed by a court shall not be less than half the amount of the maximum fine fixed for that offence.

(3) No person charged with an offence under this Act shall be released on his own recognisance.

Driver's licence

16. (1) The court sentencing a person for an offence under section 3 of this Act shall withhold and cancel the driving licence of such person and disqualify that person from driving for a period twice the term of imprisonment to which he is sentenced.

(2) Where the driving licence has been so withheld under subsection (1) and cancelled three times, the court shall, on the third occasion, disqualify that person from driving or from obtaining another driving licence for life.

(3) Any person who obtains or attempts to obtain another driving licence during any period when he is disqualified in accordance with the provisions of this section, and any person who obtains or attempts to obtain a driving licence for him or on his behalf, is guilty of an offence and liable to imprisonment for a period not less than 3 years and for a period not exceeding 5 years, without the option of a fine.

Orders of compensation

17. (1) Where, on a conviction for an offence under this Act, it is proved that any person has suffered loss or damage as a result of such offence, the court may order the accused person to pay compensation for such loss or damage to the person who has suffered it, and where more than one person is convicted jointly for the offence any such order of compensation may be made against any one of the accused persons, or against them all, or against any number of them, jointly and severally.

(2) Any order of compensation made under this section shall be in addition to and irrespective of any other sentence imposed on the accused, and may include the actual loss suffered as well as loss arising as a result of or attributable to the offence.

Forfeiture of assets derived from theft

18. (1) Upon application made by the police to the court of a Chief Magistrate or above, the court may order an investigation by the police into the dealing and assets of any person reasonably suspected of being engaged in the business of stealing or receiving motor vehicles, or dealing in stolen vehicles, or any other fraudulent activities in relation to motor vehicles.

(2) If, upon such investigation, it is found that any assets of such person have been derived from or are attributable to any of the activities referred to in subsection (1) the court may order the forfeiture of such assets to the Crown.

(3) For the purposes of subsection (1) and (2) the court may make an order -

- (a) authorising the police to search for and seize any assets of the person concerned, pending the investigations;
- (b) requiring any person to make available to the police any document relevant to the location or identification of any assets of such person;
- (c) prohibiting of any dealing in any assets of such person without an order of the court; and
- (d) requiring any bank or other financial institution to produce to the police any information relevant to any assets of such person.

(4) Any person who has any interest in any assets seized or forfeited under this section may apply to the court to have such assets released.

(5) Any person who deals with any assets, which are subject to an order of the court under this section, in breach of or contrary to the terms of such order is guilty of an offence and liable to imprisonment for a period not less than 5 years or to a fine not less than M5 000 or to both.

Unclaimed motor vehicle

19. (1) Any motor vehicle seized by the police in accordance with the provisions of this Act and of which the owner is not known or cannot be found or the accused is at large or late and the case cannot be finalised, and any motor vehicle found abandoned on any road or in any convenient place or premises may be removed to the nearest or most convenient police station, and if not previously claimed by its owner, which claim shall be supported by satisfactory proof and all relevant documents, shall be dealt with in accordance with the provisions of subsection (2).

(2) As and when he considers it necessary, the Commissioner of Police shall cause to be published in the Gazette and in at least one newspaper circulating in Lesotho, and at a place outside Lesotho where the motor vehicle is suspected to be registered, a notice giving particulars of all abandoned or seized motor vehicles, or where no particulars are available, a fair description of the vehicles and a warning that if any of the vehicles remain unclaimed after a reasonable period of time, which shall not be less than two months after the date of the last notice published, they shall be forfeited to the Crown and dealt with as the Commissioner of Police may direct, which may include sale by public auction.

(3) A vehicle seized, or taken into custody, by the police before the commencement of this Act, because it is suspected to have been stolen, or because the person lawfully entitled to it is unknown or cannot be traced, shall, within one month from the commencement of this Act, or within six months of its being seized or taken into custody, whichever is the longer period, be dealt with in accordance with the provisions of subsection (2).

Regulations

20. The Minister may, for the better carrying out of the provisions of this Act, make Regulations.