

(2) A Regent shall, before entering upon the duties of his office, take and subscribe the oath of allegiance and the oath for the due execution of his office which is set out in Schedule 1 to this Constitution.

(3) The oaths referred to in the foregoing provisions of this section shall be administered to the King or, as the case may be, to the Regent, by the Chief Justice (or, in the absence of the Chief Justice, by a judge of the Court of Appeal or some other judge of the High Court) in the presence of such of the judges of the Court of Appeal, such of the other judges of the High Court and such Ministers of the Government of Lesotho and such other authorities of the Government of Lesotho as are able to attend.

52. Abdication

The King may, at any time, abdicate, but such abdication shall not affect the right of any person who is entitled to succeed to the office of King.

53. Vacation of the office of King

(1) If, in the opinion of the Prime Minister -

(a) the King declines to take and subscribe the oath set out in Schedule 1 to this Constitution;

(b) the King having taken and subscribed the said oath, thereafter fails or declines to abide by any of its terms; or

(c) the King is unable to perform the functions of his office due to infirmity of body or mind, the Prime Minister may report the facts thereof to the National Assembly and the Senate.

(2) On receiving a report under subsection (1), the National Assembly and the Senate shall each determine and declare by resolution whether the circumstances are such that the person holding the office of King should cease to hold such office and, subject to the provisions of subsection (3), where it is so declared that the person holding the office of King should cease to hold that office, that person shall vacate the office of King with effect from such date as may be specified in the resolution or if no date is so specified, on the date on which the resolution is passed.

(3) Where the resolutions of the two Houses of Parliament made under subsection (2) differ, the resolution of the National Assembly shall prevail.

(4) The Prime Minister shall cause to be published in the Gazette every resolution made by the Houses of Parliament under this section and, if as a consequence of such a resolution the person holding the office of King has vacated his office, shall give notice of that fact and of the date (in this section referred to as the "effective date") of his so vacating his office.

(5) Whenever the person holding the office of King has vacated office in accordance with this section, any act performed or any thing done on or after the effective date by the person so vacating the office or by the Regent or by a person designated under this Constitution to perform the functions of the office of King which purports to have been performed or done by such person in the exercise of the office of King shall be null and void.

CHAPTER VI PARLIAMENT

Part I Composition of Parliament

54. Establishment of Parliament

There shall be a Parliament which shall consist of the King, a Senate and a National Assembly.

55. Composition of Senate

The Senate shall consist of the twenty-two Principal Chiefs and eleven other Senators nominated in that behalf by the King acting in accordance with the advice of the Council of State:

Provided that –

(a) a Principal Chief may, by notice in writing to the President of the Senate, designate any other person to be a Senator in his place either generally or for any sitting or sittings of the

Senate specified in the notice and may, by notice in like manner, vary or revoke any such designation; and

(b) the Council of State shall not meet for the purpose of tendering advice to the King for the nomination of Senators following a general election of members of the National Assembly until after the first sitting of the National Assembly following that general election.

56. Composition of National Assembly

The National Assembly shall consist of eighty members elected in accordance with the provisions of this Constitution.

57. Elections to National Assembly

(1) Lesotho shall, in accordance with the provisions of section 67 of this Constitution, be divided into constituencies and each constituency shall elect one member to the National Assembly in such manner as, subject to the provisions of this Constitution, may be prescribed by or under any law.

(2) Subject to the provisions of subsections (3) and (4), every person who -

(a) is a citizen of Lesotho; and

(b) has attained the age of twenty-one years; and

(c) possesses such qualifications as to residence as may be prescribed by Parliament, shall be qualified to be registered as an elector in elections to the National Assembly under a law in that behalf; and no other person may be so registered.

(3) No person shall be qualified to be registered as an elector in elections to the National Assembly who, at the date of his application to be registered -

(a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to any foreign power or state; or

(b) is under sentence of death imposed on him by any court in Lesotho; or

(c) is, under any law in force in Lesotho, adjudged or otherwise declared to be of unsound mind.

(4) Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is connected with the election of members of the National Assembly or who is reported guilty of such an offence by the court trying an election petition shall not be qualified to be registered as an elector in elections to the National Assembly for such period (not exceeding five years) following his conviction or, as the case may be, following the report of the court as may be so prescribed.

(5) Subject to the provisions of subsections (6) and (7), every person who is registered in any constituency as an elector in elections to the National Assembly shall be qualified to vote in such elections in that constituency in accordance with the provisions of any law in that behalf; and no other person may so vote.

(6) Parliament may provide that a person who holds or is acting in any office that is specified by Parliament and the functions of which involve responsibility for, or in connection with, the conduct of an election in any constituency shall not be qualified to vote in that election in that constituency.

(7) Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is connected with the election of members of the National Assembly or who is reported guilty of such an offence by the court trying an election petition shall not be qualified to vote in any election to the National Assembly for such period (not exceeding five years) following his conviction or, as the case may be, following the report of the court as may be so prescribed.

58. Qualifications for membership of Parliament

(1) Subject to the provisions of section 59 of this Constitution, a person shall be qualified to be nominated as a Senator by the King acting in accordance with the advice of the Council of

State or designated by a Principal Chief as a Senator in his place if, and shall not be so qualified unless, at the date of his nomination or designation, he -

(a) is a citizen of Lesotho; and

(b) is able to speak and, unless incapacitated by blindness or other physical cause, to read and write either the Sesotho or English languages well enough to take an active part in the proceedings of the Senate.

(2) Subject to the provisions of section 59 of this Constitution, a person shall be qualified to be elected as a member of the National Assembly if, and shall not be so qualified unless, at the date of his nomination for election, he -

(a) is a citizen of Lesotho; and

(b) is registered in some constituency as an elector in elections to the National Assembly and is not disqualified from voting in such elections; and

(c) is able to speak and, unless incapacitated by blindness or other physical cause, to read and write either the Sesotho or English language well enough to take an active part in the proceedings of the National Assembly.

59. Disqualifications for membership of Parliament

(1) No person shall be qualified to be nominated as a Senator by the King acting in accordance with the advice of the Council of State or designated by a Principal Chief as a Senator in his place and no person shall be qualified to be elected as a member of the National Assembly if, at the date of his nomination or designation or, as the case may be, at the date of his nomination for election, he -

(a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to any foreign power or state; or

(b) is under sentence of death imposed on him by any court in Lesotho; or

(c) is under any law in force in Lesotho, adjudged or otherwise declared to be of unsound mind; or

(d) is an unrehabilitated insolvent, having been adjudged or otherwise declared insolvent under any law in force in Lesotho; or

(e) subject to such exceptions and limitations as may be prescribed by Parliament, has any such interest in any such government contract as may be so prescribed.

(2) Parliament may provide that a person who, at the date of his nomination for election, holds or is acting in any office that is specified by Parliament and the functions of which involve responsibility for, or in connection with, the conduct of any election to the National Assembly or the compilation of any register of electors for the purposes of such an election shall not be qualified to be elected as a member of the National Assembly.

(3) Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is connected with the election of members of the National Assembly or who is reported guilty of such an offence by the court trying an election petition shall not be qualified to be nominated for election as a member of the National Assembly for such period (not exceeding five years) following his conviction or, as the case may be, following the report of the court as may be so prescribed.

(4) Parliament may provide that, subject to such exceptions and limitations as may be prescribed by Parliament, a person shall not be qualified to be nominated as a Senator or elected as a member of the National Assembly if -

(a) he holds or acts in any office or appointment that is so prescribed; or

(b) he is a member of the Defence Force; or

(c) he is a member of the Police Force; or

(d) he is a member of the National Security Service; or

(e) he is a member of the Prison Service.

(5) No person shall be qualified to be elected as a member of the National Assembly who, at the date of his nomination for election as such a member, is a Principal Chief or is otherwise a Senator.

(6) In subsection (1)(e) "government contract" means any contract made with the Government of Lesotho or with a department of that Government or with an officer of that Government contracting as such.

60. Tenure of seats of members of Parliament

(1) A Senator (other than a Principal Chief) or a member of the National Assembly shall vacate his seat as such -

(a) if he ceases to be a citizen of Lesotho; or

(b) if any circumstances arise that, if he were not such a Senator or a member of the National Assembly, would cause him to be disqualified under section 59(1) of this Constitution to be nominated or designated as such or, as the case may be, to be elected as such; or

(c) at the next dissolution of Parliament after his nomination, designation or election; or

(d) in the case of a member of the National Assembly, if he ceases to be registered in some constituency as an elector in elections to the National Assembly or if he ceases to be qualified to vote in some constituency in such elections; or

(e) in the case of a member of the National Assembly, if any circumstances arise that, if he were not a member of the National Assembly, would cause him to be disqualified to be elected as such under section 59(5) of this Constitution or under any law made in pursuance of section 59(2), 59(3) or 59(4) of this Constitution; or

(f) in the case of a Senator nominated under section 55 of this Constitution, if any circumstances arise that, if he were not such a Senator, would cause him to be disqualified to be so nominated under any law made in pursuance of section 59(4) of this Constitution.

(2) Parliament may, in order to permit any member of either House of Parliament who has been sentenced to death, adjudged or declared to be of unsound mind, adjudged or declared insolvent or convicted or reported guilty of any offence prescribed under section 57(4), 57(7) or 59(3) of this Constitution to appeal against the decision in accordance with any law, provide that, subject to such conditions as may be prescribed by Parliament, the decision shall not have effect for the purpose of this section until such time as may be so prescribed.

61. President of Senate

(1) There shall be a President of the Senate who shall be elected by the Senate either from among the persons who are Senators or from among other persons.

(2) A person shall not be qualified to be elected as President-

(a) if he is a Minister or an Assistant Minister; or

(b) in the case of a person who is not a Senator, if he would not be qualified to be nominated or designated as a Senator under section 59(1) of this Constitution or under a law made in pursuance of section 4 of this Constitution.

(3) The President shall vacate his office -

(a) if, having been elected from among the Senators, he ceases to be a Senator otherwise than by reason of dissolution of Parliament; or

(b) in the case of a President who was elected from among persons who were not Senators, if any circumstances arise that would cause him to be disqualified to be nominated or designated as a Senator under section 59(1) of this Constitution or under a law made in pursuance of section 59(4) of this Constitution; or

(c) if he becomes a Minister or an Assistant Minister; or

(d) when the Senate first meets after a dissolution of Parliament; or

(e) if he is removed from office by resolution of the Senate supported by the votes of two-thirds of all the Senators.

(4) No business shall be transacted in the Senate (other than the election of a President) at any time when the office of President is vacant.

62. Vice-President of Senate

(1) There shall be a Vice-President of the Senate who shall be elected by the Senate either from among the persons who are Senators or from among other persons.

(2) A person shall not be qualified to be elected as Vice President -

(a) if he is a Minister or an Assistant Minister; or

(b) in the case of a person who is not a Senator, if he would not be qualified to be nominated or designated as a Senator under section 59(1) of this Constitution or nominated or designated as a Senator under section 59(1) of this Constitution or under a law made in pursuance of section 59(4) of this Constitution.

(3) The Senate shall elect a Vice-President-

(a) subject to the provisions of section 61(4) of this Constitution, when it first meets after a dissolution of Parliament; and

(b) when it first meets after the office of Vice-President has otherwise become vacant, or as soon thereafter as may be convenient.

(4) The Vice-President shall vacate his office -

(a) if, having been elected from among the Senators, he ceases to be a Senator otherwise than by reason of a dissolution of Parliament; or

(b) in the case of a Vice-President who was elected from among persons who were not Senators, if any circumstances arise that would cause him to be disqualified to be nominated or designated as a Senator under section 59(1) of this Constitution or under a law made in pursuance of section 59(4) of this Constitution; or

(c) if he becomes a Minister or an Assistant Minister; or

(d) when the Senate first meets after a dissolution of Parliament; or

(e) if he is removed from office by resolution of the Senate.

63. Speaker of National Assembly

(1) There shall be a Speaker of the National Assembly who shall be elected by the Assembly either from among the persons who are members thereof or from among other persons.

(2) A person shall not be qualified to be elected as a Speaker -

(a) if he is a Minister or an Assistant Minister; or

(b) in the case of a person who is not a member of the National Assembly, if he would not be qualified to be elected as such a member under section 59(1) of this Constitution or under a law made in pursuance of section 59(3) or 59(4) of this Constitution.

(3) The Speaker shall vacate his office -

(a) if, having been elected from among the members of the National Assembly, he ceases to be a member of the Assembly otherwise than by reason of a dissolution of Parliament; or

(b) in the case of a Speaker who was elected from among persons who were not members of the National Assembly, if any circumstances arise that would cause him to be disqualified to be elected as such a member under section 59(1) of this Constitution or under a law made in pursuance of section 59(3) or 59(4) of this Constitution; or

(c) if he becomes a Minister or an Assistant Minister; or

(d) when the National Assembly first meets after a dissolution of Parliament; or

(e) if he is removed from office by resolution of the National Assembly supported by the votes of two-thirds of all the members thereof.

(4) No business shall be transacted in the National Assembly (other than the election of a Speaker) at any time when the office of Speaker is vacant.

64. Deputy Speaker of National Assembly

(1) There shall be a Deputy Speaker of the National Assembly who shall be elected by the Assembly either from among the persons who are members thereof or from among other persons.

(2) A person shall not be qualified to be elected as Deputy Speaker -

(a) if he is a Minister or an Assistant Minister; or

(b) in the case of a person who is not a member of the National Assembly, if he would not be qualified to be elected as such a member under section 59(1) of this Constitution or under a law made in pursuance of section 59(3) or 59(4) of this Constitution.

(3) The National Assembly shall elect a Deputy Speaker -

(a) subject to the provisions of section 63(4) of this Constitution, when it first meets after a dissolution of Parliament; and

(b) when it first meets after the office of Deputy Speaker has otherwise become vacant, or as soon thereafter as may be convenient.

(4) The Deputy Speaker shall vacate his office -

(a) if, having been elected from among the members of the National Assembly, he ceases to be a member of the National Assembly otherwise than by reason of a dissolution of Parliament; or

(b) in the case of a Deputy Speaker who was elected from among persons who were not members of the National Assembly, if any circumstances arise that would cause him to be disqualified to be elected as such a member under section 59(1) of this Constitution or under a law made in pursuance of section 59(3) or 59(4) of this Constitution; or

(c) if he becomes a Minister or an Assistant Minister; or

(d) when the National Assembly first meets after a dissolution of Parliament; or

(e) if he is removed from office by resolution of the National Assembly.

65. Clerks to Houses of Parliament and their staffs

(1) There shall be a Clerk to the Senate and a Clerk to the National Assembly.

(2) The offices of the Clerks to the two Houses and of the members of their staffs shall be offices in the public service.

(3) Nothing in this section shall be construed as preventing the appointment of one person to the offices of Clerk to the Senate and Clerk to the National Assembly or the appointment of one person to any office on the staff of the Clerk to the Senate and any office on the staff of the Clerk to the National Assembly.

66. Constituency Delimitation Commission

(1) There shall be a Constituency Delimitation Commission which shall consist of -

(a) a Chairman, who shall be a person appointed, by the King, acting in accordance with the advice of the Judicial Service Commission, from among the judges of the High Court or of the Court of Appeal; and

(b) two other members, each of whom shall be appointed by the King, acting in accordance with the advice of the Judicial Service Commission, from among persons who hold or have held, or who are qualified to hold, high judicial office.

(2) A person shall not be qualified to be appointed as a member of the Commission -

(a) if he is or has at any time been nominated as a candidate for election as a member of the National Assembly constituted under this Constitution; or

(b) if he is a public officer (other than a judge of the High Court or of the Court of Appeal).

(3) Subject to the provisions of this section the office of a member of the Commission shall become vacant -

(a) at the expiration of five years from the date of his appointment; or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified to be appointed as such under subsection (2).

(4) A member of the Commission may be removed from office only for inability to exercise the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(5) A member of the Commission shall be removed from office by the King if the question of his removal from office has been referred to a tribunal appointed under subsection (6) and the tribunal has recommended to the King that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) if the Chairman of the Commission represents to the King that the question of removing a member of the Commission under this section ought to be investigated, then -

(a) the King shall appoint a tribunal which shall consist of a Chairman and not less than two other members, selected by the Chief Justice from among persons who hold or have held high judicial office; and

(b) the tribunal shall enquire into the matter and report on the facts thereof to the King and recommend to him whether the member ought to be removed under this section.

(7) If the question of removing a member of the Commission has been referred to a tribunal under this section, the King, acting in accordance with the advice of the Chairman of the Commission, may suspend that member from the exercise of the functions of his office and any such suspension may at any time be revoked by the King, acting in accordance with such advice as aforesaid, and shall in any case cease to have effect if the tribunal recommends to the King that that member should not be removed.

(8) The Chairman of the Commission and any other member of the Commission who is a judge of the High Court or of the Court of Appeal shall be removed by the King from his office as a member of the Commission if, and shall not be so removed, unless, he is removed under section 121 or, as the case may be, section 125 of this Constitution from his office as a judge; and, accordingly, the provisions of subsections (5) and (6) shall not apply in relation to the Chairman or such a member.

(9) In the exercise of its functions under this Constitution the Commission shall not be subject to the direction or control of any other person or authority.

(10) The Commission may by regulation or otherwise regulate its own procedure and, with the consent of the Prime Minister, may confer powers or impose duties on any public officer or on any authority of the Government of Lesotho for the purpose of the discharge of its functions.

(11) The Commission may, subject to its rules of procedure, act notwithstanding any vacancy in its membership or the absence of any member and its proceedings shall not be invalidated by the presence or participation of any person not entitled to be present at or to participate in those proceedings:

Provided that any decision of the Commission shall require the concurrence of a majority of all the members thereof.

67. Constituencies

(1) For the purpose of elections to the National Assembly, Lesotho shall, in accordance with the provisions of this section, be divided into eighty constituencies having such boundaries as may be prescribed by order made by the Constituency Delimitation Commission.

(2) All constituencies shall contain as nearly equal numbers of inhabitants of or above the age of twenty-one years as appears to the Commission to be reasonably practicable, but the Commission may depart from this principle to such extent as it considers expedient in order to take account of -

(a) the density of population, and in particular the need to ensure adequate representation of sparsely populated rural areas;

- (b) the means of communication;
- (c) geographical features;
- (d) community of interest; and
- (e) the boundaries of existing administrative areas:

Provided that the number of inhabitants, of or above the age of twenty-one years, of any constituency shall not exceed or fall short of the population quota by more than ten per cent.

(3) The Commission shall review the boundaries of the constituencies into which Lesotho is divided in the case of any review after the review of boundaries referred to in Section 159(3), not less than eight nor more than ten years from the date of completing its last review, and may, by order, alter the boundaries in accordance with the provisions of this section to such extent as it considers desirable in the light of the review:

Provided that whenever a census of the population has been held in pursuance of any law the Commission may carry out such a review and make such an alteration to the extent which it considers desirable in consequence of that census.

(4) Every order made by the Commission under this section shall be published in the Gazette and shall come into effect upon the next dissolution of Parliament after it was made.

(5) For the purposes of this section the number of inhabitants of any part of Lesotho of or above the age of twenty-one years shall be ascertained by reference to the latest census of the population held in pursuance of any law:

Provided that if the Commission considers, by reason of the passage of time since the holding of the latest census or otherwise, that it is desirable so to do it may instead or in addition have regard to any other available information which, in the opinion of the Commission, best indicates the number of those inhabitants.

(6) in this section "the population quota" means the number obtained by dividing by eighty the number of the inhabitants of Lesotho of or above the age of twenty-one years.

68. Chief Electoral Officer

(1) There shall be a Chief Electoral Officer whose office shall be an office in the public service.

(2) The functions of the Chief Electoral Officer shall be -

(a) to register as electors the citizens of Lesotho who qualify to be registered as such;

(b) to compile a general register of electors and constituency registers of electors for the several constituencies and to maintain such register or registers up to date;

(c) to conduct elections of members of the National Assembly; and

(d) to perform such other functions as may be conferred on him by or under any other law.

(3) Parliament shall make provision for the manner in which the Chief Electoral Officer shall exercise his functions and for the exercise of his authority over officers subordinate to him and may provide that the Chief Electoral Officer may exercise his functions personally or through officers subordinate to him.

(4) In the exercise of his functions under this section, the Chief Electoral Officer shall not be subject to the direction or control of any other person or authority.

69. Decision of questions as to membership of Parliament

(1) The High Court shall have jurisdiction to hear and determine any question whether -

(a) any person is validly nominated or designated as a Senator under section 55 of this Constitution;

(b) any person has been validly elected as a member of the National Assembly; or

(c) the seat in Senate or the National Assembly of any member thereof has become vacant.

(2) An application to the High Court for the determination of any question under subsection (1)(a) may be made by any Senator or by any person who is registered as an elector in elections to the National Assembly or by the Attorney-General and, if it is made by a person

other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

(3) An application to the High Court for the determination of any question under subsection (1)(b) may be made by any person qualified to vote in the election to which the application relates or by the Attorney-General and, if it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

(4) An application to the High Court for the determination of any question under subsection (1)(c) may be made by any member of the National Assembly or by any person registered as an elector in elections to the National Assembly or by the Attorney-General and, if it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.

(5) Parliament may make provision with respect to -

(a) the circumstances and manner in which and the conditions upon which any application may be made to the High Court for the determination of any question under this section; and
(b) the powers, practice and procedure of the High Court in relation to any such application, but, subject to any provision in that behalf made by Parliament under this subsection, the practice and procedure of the High Court in relation to any such application shall be regulated by rules made by the Chief Justice.

(6) The determination by the High Court of any question under this section shall not be subject to appeal.

Part 2 Legislation and Procedure in Parliament

70. Power to make laws

(1) Subject to the provisions of this Constitution, the legislative power of Lesotho is vested in Parliament.

(2) Nothing in subsection (1) shall be construed as preventing Parliament from conferring on any other person or authority the power to make any rules, regulations, by-laws, orders or other instruments having legislative effect as Parliament may determine.

71. Oath to be taken by members of Parliament

(1) Every member of either House of Parliament shall, before taking his seat in that House, take and subscribe the oath of allegiance before the House, but a member may before taking and subscribing that oath take part in the election of the President or of the Speaker.

(2) Any person elected as President or Vice-President or elected as Speaker or Deputy Speaker shall, if he has not already taken and subscribed the oath of allegiance under subsection (1), take and subscribe that oath before the appropriate House before entering upon the duties of his office.

72. Presiding in Senate

There shall preside at any sitting of the Senate -

(a) the President of the Senate; or

(b) in the absence of the President, the Vice-President; or

(c) in the absence of the President and the Vice-President, such Senator as the Senate may elect for that purpose.

73. Presiding in National Assembly

There shall preside at any sitting of the National Assembly -

(a) the Speaker of the National Assembly; or

(b) in the absence of the Speaker, the Deputy Speaker; or

(c) in the absence of the Speaker and the Deputy Speaker, such member of the Assembly as the Assembly may elect for that purpose.

74. Quorum in the Houses of Parliament

(1) If objection is taken by any Senator who is present that there are present in the Senate (besides the person presiding) fewer than eight Senators and, after such interval as may be prescribed in the rules of procedure of the Senate, the person presiding ascertains that there are still fewer than eight Senators present, he shall thereupon adjourn the Senate.

(2) If objection is taken by any member of the National Assembly who is present that there are present in the Assembly (besides the person presiding) fewer than twenty members of the Assembly and, after such interval as may be prescribed in the rules of procedure of the Assembly, the person presiding ascertains that there are still fewer than twenty members of the Assembly present he shall thereupon adjourn the Assembly.

75. Voting in Parliament

(1) Save as otherwise provided in this Constitution, any question proposed for decision in either House of Parliament shall be determined by a majority of the votes of the members present and voting.

(2) The person presiding in either House of Parliament shall, if he is a member thereof, have an original vote but he shall have no casting vote, and whenever there is an equality of votes on any question, the motion before the House shall be deemed to have been negated.

(3) The rules of procedure of either House of Parliament may make provision under which a member who votes upon a question in which he has a direct pecuniary interest shall be deemed not to have voted.

76. Right of Ministers, Assistant Ministers and the Attorney-General to address, etc., either House

(1) A Minister or an Assistant Minister who is a member of the National Assembly shall be entitled to attend all meetings of the Senate and to take part in all proceedings thereof but he shall not be regarded as a member of, or be entitled to vote on any question before, the Senate; and a Minister or an Assistant Minister who is a Senator shall be entitled to attend all meetings of the National Assembly and to take part in all proceedings thereof but he shall not be regarded as a member of, or be entitled to vote on any question before, the National Assembly.

(2) The Attorney-General shall be entitled to attend the National Assembly or the Senate and to take part in the proceedings of either House of Parliament but he shall not be entitled to vote on any question before the National Assembly or the Senate.

77. Unqualified persons sitting or voting

(1) Any person who sits or votes in either House of Parliament knowing or having reasonable grounds for knowing that he is not entitled to do so shall be guilty of an offence and liable to a fine not exceeding one hundred maloti, or such other sum as may be prescribed by Parliament, for each day on which he so sits and votes in that House.

(2) Any prosecution for an offence under this section shall be instituted in the High Court and shall not be so instituted except by the Director of Public Prosecutions.

78. Mode of exercise of legislative power

(1) The power of Parliament to make laws shall be exercisable by bills passed by both Houses of Parliament (or, in the cases mentioned in section 80 of this Constitution, by the National Assembly) and assented to by the King.

(2) A bill may originate only in the National Assembly.

(3) When a bill has been passed by the National Assembly it shall be sent to the Senate and -

(a) when it has been passed by the Senate and agreement has been reached between the two Houses on any amendments made to it by the Senate; or

(b) when it is required to be presented under section 80 of this Constitution, it shall be presented to the King for assent.

(4) When a bill has been presented to the King for assent in pursuance of subsection (3), he shall signify that he assents or that he withholds assent.

(5) When a bill that has been duly passed is assented to in accordance with the provisions of this Constitution it shall become law and the King shall thereupon cause it to be published in the Gazette as a law.

(6) No law made by Parliament shall come into operation until it has been published in the Gazette but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.

(7) All laws made by Parliament shall be styled "Acts of Parliament" and the words of enactment shall be "Enacted by the Parliament of Lesotho".

79. Restrictions with regard to certain financial measures

Except with the consent of the cabinet signified by a Minister neither House of Parliament shall -

(a) proceed upon any bill (including any amendment to a bill) that, in the opinion of the person presiding, makes provision for any of the following purposes -

(i) for the imposition of taxation or the alteration of taxation otherwise than by reduction;

(ii) for the imposition of any charge upon the Consolidated Fund or any other public fund of Lesotho or the alteration of any such charge otherwise than by reduction;

(iii) for the payment, issue or withdrawal from the Consolidated Fund or any other public fund of Lesotho of any moneys not charged thereon or any increase in the amount of such a payment, issue or withdrawal; or

(iv) for the composition or remission of any debt due to the Government of Lesotho; or

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes.

80. Limitation of powers of Senate

(1) When a bill that is passed by the National Assembly and that is certified by the Speaker of the National Assembly under subsection (2) as an Appropriation bill is sent to the Senate it shall forthwith be introduced in the Senate and shall be passed by the Senate without delay; and if it is not passed by the Senate by the end of the day after the day on which it was sent to the Senate or if it is passed by the Senate with amendments to which the National Assembly does not by then agree, the bill, with such amendments, if any, as may have been agreed to by both Houses, shall, unless the National Assembly otherwise resolves, be presented to the King for assent.

(2) When a bill that in the opinion of the Speaker of the National Assembly is an Appropriation bill is sent to the Senate from the National Assembly it shall bear a certificate of the Speaker of the National Assembly that it is an Appropriation bill.

(3) When a bill, other than a bill that is certified by the Speaker as an Appropriation bill, is passed by the National Assembly and, having been sent to the Senate at least thirty days before the end of the session, is not passed by the Senate within thirty days after it is so sent or is passed by the Senate with amendments to which the National Assembly does not agree within thirty days after the bill was sent to the Senate, the bill, with such amendments, if any, as may have been agreed to by both Houses, shall, unless the National Assembly otherwise resolves, be presented to the King for assent.

(4) When a bill is presented to the King in pursuance of this section for assent it shall bear a certificate by the Speaker of the National Assembly that this section has been complied with.

(5) A certificate given by the Speaker of the National Assembly under this section shall be conclusive for all purposes and shall not be questioned in any court.

(6) Any function that, under this section, falls to be exercised by the Speaker of the National Assembly may, if he is absent or is for any other reason unable to exercise the functions of his office, be exercised by the Deputy Speaker.

81. Regulation of procedure in Parliament etc.

(1) Subject to the provisions of this Constitution, each House of Parliament may regulate its own procedure and may in particular make rules for the orderly conduct of its own proceedings.

(2) Each House of Parliament may act notwithstanding any vacancy in its membership (including any vacancy not filled when the House first meets after any general election) and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House shall not invalidate those proceedings.

(3) Parliament may, for the purpose of the orderly and effective discharge of the business of the two Houses, make provision for the powers, privileges and immunities of those Houses and the Committees and the members thereof (including any person who is President or Vice-President or Speaker or Deputy Speaker of either House, having been elected from among persons who were not members thereof).

Part 3 Summoning, Prorogation and Dissolution

82. Sessions of Parliament, etc.

(1) Each session of Parliament shall be held at such place within Lesotho and shall begin at such time as the King shall appoint:

Provided that -

(a) the time appointed for the meeting of Parliament after Parliament has been prorogued shall be not later than twelve months from the end of the preceding session; and

(b) after Parliament has been dissolved, the time appointed for the meeting of the National Assembly shall not be later than fourteen days after the holding of a general election of members of the National Assembly and the time appointed for the meeting of the Senate shall be such time as may be convenient after the nomination of one or more Senators in accordance with section 55 of this Constitution.

(2) Subject to the provisions of subsection (1), the sittings of each House of Parliament shall be held at such time and place as that House may, by its rules of procedure or otherwise, determine.

83. Prorogation and dissolution of Parliament

(1) The King may at any time prorogue or dissolve Parliament.

(2) Subject to the provisions of subsection (3), Parliament, unless sooner dissolved, shall continue for five years from the date when the two Houses of Parliament first meet after any dissolution and shall then stand dissolved.

(3) At any time when Lesotho is at war Parliament may from time to time extend the period of five years specified in subsection (2) for not more than twelve months at a time:

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

(4) In the exercise of his powers to dissolve or prorogue Parliament, the King shall act in accordance with the advice of the Prime Minister:

Provided that -

(a) if the Prime Minister recommends a dissolution and the King considers that the Government of Lesotho can be carried on without a dissolution and that a dissolution would not be in the interests of Lesotho, he may, acting in accordance with the advice of the Council of State, refuse to dissolve Parliament;

(b) if the National Assembly passes a resolution of no confidence in the Government of Lesotho and the Prime Minister does not within three days thereafter either resign or advise a dissolution the King may, acting in accordance with the advice of the Council of State, dissolve Parliament; and

(c) if the office of Prime Minister is vacant and the King considers that there is no prospect of his being able within a reasonable time to find a person who is the leader of a political party

or a coalition of political parties that will command the support of a majority of the members of the National Assembly, he may, acting in accordance with the advice of the Council of State, dissolve Parliament.

(5) A resolution of no confidence in the Government of Lesotho shall not be effective for the purposes of subsection (4)(b) unless it proposes the name of a member of the National Assembly for the King to appoint in the place of the Prime Minister.

84. General elections

(1) Subject to the provisions of subsection (2), a general election of members of the National Assembly shall be held at such time within three months after any dissolution of Parliament as the King may appoint.

(2) If, after a dissolution of Parliament and before the holding of a general election of members of the National Assembly, the King is advised by the Council of State that, owing to a state of war or of a state of emergency in Lesotho, it is necessary to recall Parliament, the King shall recall the Parliament that has been dissolved and that Parliament shall be deemed to be the Parliament for the time being (and the members of the dissolved Parliament shall be deemed to be the members of the recalled Parliament), but the general election of members of the National Assembly shall proceed and the recalled Parliament shall, if not sooner dissolved, stand dissolved on the day immediately preceding the day fixed for such general election or, if more than one such day, the first of such days.

CHAPTER VII ALTERATION OF CONSTITUTION

85. Alteration of Constitution

(1) Subject to the provisions of this section, Parliament may alter this Constitution.

(2) A bill for an Act of Parliament under this section shall not be passed by Parliament unless it is supported at the final voting in the National Assembly by the votes of the majority of all the members of the Assembly and, having been sent to the Senate, has become a bill that, apart from this section, may be presented to the King for his assent under subsection 80(1) or (3) as the case may be, of this Constitution.

(3) A bill to alter any of the following provisions of this Constitution, that is to say -

(a) this section, sections 1(1) and 2, Chapter II except sections 18(4) and 24(3), sections 44 to 48 inclusive, 50(1) to (3), 52, 86, 91 (1) to (4), 92, 95, 103, 104, 107, 108, 118(1) and (2), 119(1) to (3), 120(1), (2), (4), and (5), 121, 123(1), (3), (4), 125, 128, 129, 132, 133 and sections 154 and 155 in their application to any of the provisions mentioned in this paragraph; and

(b) sections 37, 38, 54 to 60 inclusive; sections 66, 67, 68, 69(1) and (6), 70, 74, 75(1), 78(1), (2), (3) and (4), 80(1), (2), and (3), 82(1), 83 and 84; sections 134 to 142 inclusive, 150 and 151 and sections 154 and 155 in their application to any of the provisions mentioned in this paragraph,

shall not be submitted to the King for his assent unless the bill, not less than two nor more than six months after its passage by Parliament, has, in such manner as may be prescribed by or under an Act of Parliament, been submitted to the vote of the electors qualified to vote in the election of the members of the National Assembly, and the majority of the electors voting have approved the bill:

Provided that if the bill does not alter any of the provisions mentioned in paragraph (a) and is supported at the final voting in each House of Parliament by the votes of no less than two-thirds of all the members of that House it shall not be necessary to submit the bill to the vote of the electors.

(4) Nothing in section 80 of this Constitution affects the operation of subsection (3).

(5) In this section -