



LESOTHO Government Gazette

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LEGAL NOTICE NO. 89 OF 2014

Industrial Licensing Regulations, 2014

Pursuant to section 32 of the Industrial Licensing Act 2014¹, I,

S'KHULUMI PAUL NTSOAOLE

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

Citation and commencement

1. These regulations may be cited as the Industrial Licensing Regulations, 2014 and shall come into operation on the date of publication in the Gazette.

Interpretation

2. In these regulations, unless the context otherwise requires,
 - (a) "register" means the industrial licences register kept pursuant to the Act;
 - "the Act" means the Industrial Licensing Act 2014;
 - (b) words and expressions used shall have the same meaning as in the Act.

Application for a licence

3. (1) An application for the grant, renewal or transfer of a licence shall be -
 - (a) as set out in the First Schedule;
 - (b) in duplicate;
 - (c) accompanied by the documents stated in section 4 of the Act;
 - (d) addressed and submitted to the Office of the Director or

any other office as the Director may designate.

(2) An application for a licence shall not be considered unless sub-regulation (1) has been complied with.

(3) The impact assessment report referred to in section 4 of the Act shall not be required where the application is for an activity stated in the Second Schedule.

(4) The Director shall, in determining whether or not the applicant has capital resources required to undertake the industrial activity, consider the creditworthiness of the applicant, the bankability of applicant's proposal or the letter of intent issued by a prospective investor in favour of the applicant's proposal.

Electronic applications and online service

4. (1) A person may submit an application for a licence to the Director through an online service in a manner made available by Director.

(2) A document required by the Act or these regulations to be submitted to the Director may be submitted through an online service in a manner made available by the Director.

(3) A person who intends to become an authorized user of the online service shall apply to the Director who may seek documentation or other evidence sufficient to authenticate the identity of the person to the satisfaction of the Director.

(4) Where a person has been approved as an authorized online user, the Director shall provide the person with relevant access information, and upon provision of the relevant access information the authorised user shall be responsible for keeping the access information confidential.

(5) An authorised online user may enter information in the register by entering the relevant access information and the Director shall not be required to verify that the user is entitled to use the access information entered.

(6) The Director may disclose access information only if -

- (a) the Director is satisfied that the person to whom the access information is to be disclosed is entitled to the information;
- (b) the disclosure of the access information is necessary to facilitate the operation of the registry; and
- (c) ordered by a court of law.

* Records and books to be kept

✓ 5. A licensee shall keep records and books in a written form and -

- (a) in any of the official languages;
- (b) legibly, in manual or digital format, with the following specifications -
 - (i) size 12 font;
 - (ii) Times New Roman theme font;
 - (iii) on white A4 size paper;
 - (iv) properly and elegantly bound;
 - (v) paginated;
 - (vi) have numbered headings;
 - (vii) have a binding margin of at least 2.7cm; and
 - (viii) clearly typewritten or printed in black ink.

✓ Application fee

6. An application fee -

- (a) for the grant or renewal of a licence shall be as prescribed in the Third Schedule;

- (b) paid in accordance with these regulations shall be non-refundable.

* Industrial licence

7. (1) The Director may, upon payment of a fee set out in the Third Schedule, issue an industrial licence.
- (2) A licence issued under the Act shall be issued in the Form set out in the Fourth Schedule.

Licence fees

8. The fee for the grant or renewal of a licence issued under the Act shall be as set out in the Third Schedule.

Conditions attached to a licence

9. (1) The Director shall:
- (a) inscribe, at the back of a licence, or attach to the licence the conditions which the licensee shall comply with;
 - (b) make and keep a list of permits required for each industrial activity.

- (2) A licence shall not be transferable except following a merger or acquisition of a company in terms of the Companies Act 2011².

* Duration

10. (1) Unless revoked, suspended or cancelled, a licence issued pursuant to the Act shall be valid for a calendar year or such other period as the Director may inscribe on the licence.
- (2) A licensee shall notify the Director, in writing, if the licensee ceases industrial operations and the licensee shall clearly state the date on which the operations ceased or are likely to cease.

~~11~~ Duplicate licence

11. (1) The Director may, where satisfied that a licence issued under the Act is lost, destroyed or defaced, issue a duplicate licence.

(2) An application for a duplicate licence shall be -

- (a) in writing with full details of the circumstances in which the licence was lost, destroyed or defaced;
- (b) in duplicate;
- (c) accompanied by the fee set out in the Third Schedule.

~~12~~ Register

12. (1) The Director shall keep and maintain an up to date industrial licences register containing the following information:

- (a) the full names and identification number of the holder of the licence;
- (b) the full names of partners in the case of a partnership and managing director or chief executive officer in the case of a company;
- (c) the full names and identification details of the operations manager;
- (d) the nature of the operations as stated in the Lesotho Business Classification Code set out in the First Schedule of the Companies Regulations, 2012³;
- (e) the trade name, if any, under which the business is carried on, if the trade name, in the opinion of the Director, is not -
 - (i) misleading;
 - (ii) offensive to any person or class of persons;

- (iii) suggestive of blasphemy or indecency;
 - (iv) prohibited under section 14 of the Companies Act 2011;
 - (f) the licence details including conditions;
 - (g) the postal and residential address of the business or the licence holder;
 - (h) full details of the location of the industrial operations; and
 - (i) any other information the Director may think necessary.
- (2) The Director may keep the register referred to in subregulation (1) in such manner as the Director thinks fit including, either wholly or partly, by means of a device or facility that -
- (a) records or stores information electronically or by other means; and
 - (b) permits the information so recorded or stored to be readily inspected or reproduced in usable form.
- (3) An extract, certified by the Director, containing particulars of a document filed in the register shall, in the absence of proof to the contrary, be deemed as evidence of the entry of those particulars.
- (4) The Director may -
- (a) upon request and on payment of a fee specified in the Third Schedule, allow any person to inspect any non-confidential document that constitutes part of the register but the confidentiality of a document shall be determined by the Director;
 - (b) upon application by any person and if satisfied that it is necessary, make copies of documents or extracts of documents filed for record.

Publication of non-complying enterprises

13. The Director -

- (a) may publish the names of a licensee who fails to comply with the provisions of the Act or these regulations;
- (b) shall exercise the powers under paragraph (a) in a manner calculated to achieve compliance with the Act or these regulations and to promote public health, national security and environmental protection.

e. Suspension and cancellation

14. (1) A licence is valid unless expired, suspended or cancelled in accordance with the Act or these regulations.

(2) The Director shall cancel a licence if the licensee, being -

- (a) a company, is removed from the Register of Companies;
- (b) a partnership, is dissolved;
- (c) an individual, becomes insolvent or dies.

(3) Upon receipt of an inspection report indicating that a licensee has -

- (a) ceased operations for a period exceeding 3 months or failed to commence operations for at least 6 months, after the proposed commencement date;
- (b) failed to comply with rules and regulations related to health, environment, occupational safety or labour law;
- (c) failed to comply with any condition of the licence or any other law relating to relevant industrial activities;
- (d) contravened any law relating to public health, environment protection or national security;

- (e) misused the licence or used the licence for a purpose it was not issued for;
- (f) allowed any other person to use the licence as if that person were a licensee.

the Director may suspend or cancel the licence.

(4) Before suspending or cancelling a licence under subregulation (3), the Director shall give the licensee a hearing after which, the Director shall serve the licensee with a suspension or cancellation notice stating the reasons for the suspension or cancellation and in the case of a suspension, the period for which it is to be effective.

(5) The Director may, in writing, revoke a suspension if the Director considers that the necessity for the suspension no longer exists.

(6) The notice referred to in subregulation (4) shall be served on the licensee at his place of business or, in his absence or if he cannot be found, on any person apparently in charge of the enterprise to which the licence relates or on any senior or other employee found at the business premises.

(7) Copies of the notice referred to in subregulation (4) shall be forwarded to the Commissioner of Police, relevant senior trade and industry officials, labour, border control and import and export authorities, and shall be published in a widely circulating newspaper or any other media.

(8) The Director may cancel a licence if the reasons for which it was suspended have not changed before the expiry of the suspension and the provisions of subregulation (4) shall apply.

(9) Where a licence has been suspended or cancelled, the licensee shall cease business operations within 24 hours of receipt of the relevant notice, failing which regulation 17 shall apply.

Mergers and acquisitions

15. (1) The provisions of regulation 4 shall apply to the transfer of a licence following a merger or acquisition under the Companies Act 2011.

(2) The notification under section 8(2) of the Act shall be fulfilled by furnishing the Director with a Merger Certificate issued by the Registrar of Companies.

* Display of a licence

16. In complying with section 9 of the Act, a licensee shall display an original licence or a copy duly certified by the issuing authority.

Procedure for closure of an industrial enterprise

17. (1) Upon request by the Director, the Commissioner of Police shall, pursuant to sections 6(2) and 31 of the Act, assist the Director to close an industrial operation by -

- (a) taking control of the business premises and locking out all persons;
- (b) blocking access to the business premises.

(2) Notwithstanding subregulation (1), after the closure, the licensee shall be responsible for security of the business premises and all the assets within the premises.

(3) The Commissioner of Police, a police officer, the Director or an authorised officer by the Director may enter the business premises of a closed industrial enterprise to ensure that no industrial activities are going on.

* Appeal to the Tribunal

18. (1) Pursuant to section 16 of the Act, a notice of appeal shall be submitted to the Principal Secretary and the Principal Secretary shall advise the Minister to constitute the Tribunal.

(2) The notice of appeal shall be as prescribed in the Fifth Schedule and accompanied by the fee prescribed in the Third Schedule.

(3) The Principal Secretary shall designate a senior officer to serve as the Secretary to the Tribunal.

Foreign Direct Investment (FDI) entry threshold

19. Entry threshold for foreign investment in industrial activities shall be US\$250,000 in line with the Lesotho Schedule of Commitments under the World Trade Organisation General Agreement on Trade in Services. C

S'KHULUMI PAUL NTSOAOLE
MINISTER RESPONSIBLE FOR TRADE AND INDUSTRY

FIRST SCHEDULE

INDUSTRIAL LICENSING ACT 2014

MINISTRY OF TRADE AND INDUSTRY, COOPERATIVES
AND MARKETING

APPLICATION FOR INDUSTRIAL LICENCE

(section 4) and (regulation 3)

(Grant, Renewal or Transfer)

PLEASE SEE NOTES

FOR OFFICE USE

stamp,
name/signature/date

1. Tick the type of licence required:

- (a) Small Scale Industry ☐
- (b) Medium Scale Manufacturing Industry ☐
- (c) Large Scale Manufacturing Industry ☐

2. Enter the value of annual turnover (actual or expected): M.....
THEKISO EA SELEMO (Maloti)3. Enter the value of capitalization including working capital:
..... CHELETE EA LETSETE (Maloti)

4. Tick the organization type from the list:

- (a) Sole Proprietor ☐
- (b) Private Co. (PTY) LTD ☐
- (c) Public Ltd. Co. ☐
- (d) Partnership ☐
- (e) Cooperative Society or Association ☐

5. Enter owner details (complete panel (a), (b) or (c) – based on organization type:

(a) Sole Owner (attach certified copy passport)

(i) Name (ii) Date of Birth
Surname First Names DD/MM/YYYY

(ii) Gender ☐ Female ☐ Male ☐ (iv) Nationality (v) ID Number

(vi) Passport Number (vii) Date of Issue (viii) Contact/Mobile No.
DD/MM/YYYY

(ix) E-mail (x) Address
Motse/Village Ramotse/Headman Setereke/District

(b) Partnership (attach certified copy of Partnership Deed and passports of partners

No.	Surname	First Names	Date of Birth & Nationality	Passport Number/ID Number Date of issue Date of expiry	Contact/Mobile Number E-mail Address	Physical address
-----	---------	-------------	-----------------------------	--	---	------------------

(c) Private Co./Public Co./Cooperative Society or Association

(i) Name of CEO or General Manager (surname and first names) if expatriate copy of work permit)

(ii) Date of Birth (DD/MM/YY) (iii) Nationality

(iii) Passport No. (iv) Date of Issue (v) (Date of expiry) (attach copy passport)

(vi) Work Permit (if applicable) expiry date (DD/MM/YY) (viii) Contact number

(viii) Mobile number (ix) e-mail address

6. Enter full name of the Partnership, company, cooperatives society or association
7. Enter trade name of the enterprise
8. Enter physical address of industrial operations
9. Enter the commencement date of industrial operations

y	y	y	y	m	m	d	d		

10. Enter the postal address of the place of business

11. Enter contact details

Telephone Number

Fax Number

e-mail

12. Describe the main Business Activity

Business classification Code (if known):

Description of Business:

13. List Main raw materials to be used as inputs

Raw materials or Inputs HS Code (if known)

14. Main Business Products

Product HS Code (if known)

15. Enter Annual Training Budget (tick one)
- ☐
- No Training Budget
- ☐
- Yes (enter budget amount) M.....

16. Enter Projects Costs (in Maloti)

Fixed Capital

Land & Land Development	Buildings	Plant & Machinery	Misc fixed costs (vehicles, office furniture etc)	Working Capital	Total
M.....	M.....	M.....	M.....	M.....	M.....

17. Enter Personnel Details

Category	No. of locals	Wages and Salaries (M)	No. of Expatriates	Wages and Salaries (M)	Enter Skills/experience of Expatriates	Plan to replace Expatriates if any
Human Resource						
Finance						
Marketing						
Production						
Factory						
Import & Export						
Other (Specify).....						
Technician						

EngineerSupervisorSkilled
WorkerOther
(Specify)Total

18. Enter Infrastructure Requirements

Land (in Sq. meters)	Factory Shed for rent	Electricity (in kw)
Developed Undeveloped	(in Sq. meters)	(connected load)

19. Is Water involved in production process? (tick one) Yes ☐ No ☐20. Are there any effluent disposal arrangements? (tick one) Yes ☐ No ☐

If yes, enter the following:

(a) Annual Discharge (in cubic meters)

(b) Effluent Type (e.g. sludge, solid)

(c) Discharge Method (tick one)- Septic Tank ☐
Connected to main sewer line ☐

Other (specify)

21. State the type of machinery used

22. List Licence Number and date of first registration and licensing of other businesses/enterprises of the owner(s)

Licence Number	1st Registration date and licensing	Type of business per Lesotho Business Classi- fication List
1.		
2.		
3.		

Caution: Please ensure that you have correctly and truthfully answered all questions. Failure to do so may result in delayed processing and even rejection of this application.

23. Applicant's Declaration

I declare that the information given on this form is true and accurate.

Signature

Date

Declarant's full name Designation Contact number and e-mail address

FOR OFFICE USE ONLY

HS CODE for inputs

HS CODE for final products

- 1.
- 2.
- 3.

SECOND SCHEDULE

ACTIVITIES WHICH DO NOT REQUIRE IMPACT ASSESSMENT
UPON APPLICATION FOR AN INDUSTRIAL LICENCE (reg 3(3))

1. Manufacturing of concrete products
2. Water bottling *
3. Bakery
4. Pre-packing
5. Jewellery manufacturing
6. Tombstone manufacturing
7. Printing
8. Ice cubes manufacturing
9. Arts and crafts
10. Graphic design and sign writing
11. Honey processing

THIRD SCHEDULE

FEES PAYABLE UNDER THE ACT AND THE REGULATIONS (regs.
5,7,9,10,16)

Annual fees

1. The fees stated in this Schedule are payable for a calendar year or part thereof irrespective of date of grant, renewal, duplicate or transfer of licence thereof.
- * 2. Where the application is submitted on or after the first day of September in any year, the licence fee payable shall be half of the prescribed fee.
3. All fees payable under this Schedule are non-refundable.
4. The fees payable under the Act and these Regulations shall be as set out in the Table of Fees.

TABLE OF FEES

ITEM	FEE FOR MSMES	FEE FOR OTHER HOLDERS
Application fee	M50 ✓	M500
Application for transfer of licence following merger or acquisition	M000 100 ✓	M500 ✓
Late renewal fee	M10 per month ✓	M1000 per month
Licence fee for grant, renewal or duplicate licence ✓	M100 ✓	M3 000 ✓
Appeal notification fee	M500	M2,500
Register inspection fee	M250	M250
Fee for extracts from the Register or copies of filed documents	M20 per page	M20 per page

FOURTH SCHEDULE

GOVERNMENT OF LESOTHO

MINISTRY OF TRADE AND INDUSTRY, COOPERATIVES
AND MARKETINGIndustrial Licensing Act 2014
Industrial Licence (s 5 (6) and reg. 6(7))

Licence Number:.....

Licence is hereby granted to: subject to limitations, duties and restrictions inscribed on the reverse side of this licence or attached to it and as stipulated in the Act and the Regulations

Owned by (if applicable):.....

Operating from:.....

Category (micro, small, medium or large):.....

Licenced Activity:.....

Date of renewal:

Licence Fee Paid : M..... Penalties paid (if any)..... Receipt No.....

FIFTH SCHEDULE

Notice of Appeal

MINISTRY OF TRADE AND INDUSTRY, COOPERATIVES
AND MARKETING

Government of Lesotho

Industrial Licensing Act 2014 (s. 16, 17) and reg. 13)

The Chairperson
Industrial Licensing Tribunal

Please take note that I, (full name) of (physical address) intend to appeal against the decision of the Director of Industry made on (date) in respect of on the following grounds:

1.
2.
3.

(If the space provided is not enough you may provide additional grounds on a separate page.)

Please find attached the following documents relating to this matter:

1.
2.
3.

Further note that I will be represented by in this matter.

Signature

Date

NOTE

1. Act No. 10 of 2014
2. Act No. 18 of 2011
3. L.N. No. 57 of 2012

LEGAL NOTICE NO. 90 OF 2014

Liquor Licensing (Appointment of Members of the Board) Notice, 2014

Pursuant to section 4(1) of the Liquor Licensing Act, 1998¹, I

'MAMAHELE RADEBE

Minister of Tourism, Environment and Culture appoint the following persons as members of the Board with effect from 1st June, 2014.

Principal Secretary	-	Ministry of Tourism, Environment and Culture - Chairperson
Mr. Abram Mphokathe	-	Lesotho Liquor Restaurant Owners Association
Mr. Nkareng Masike	-	Lesotho Chamber of Commerce
Mr. Sepinare Masupha	-	Commissioner of Police
Mrs Florence Motoa	-	Ministry of Trade and Industry, Cooperatives and Marketing
Mr. Khoanyane Moeletsi	-	Ministry of Health
Mr. Alphonsi Moeti	-	Consumer Protection Association

DATED:

'MAMAHELE RADEBE
MINISTER OF TOURISM, ENVIRONMENT AND CULTURE

NOTE

1. Act No. 8 of 1998

Caution: Please ensure that you have correctly and truthfully answered all questions. Failure to do so may result in delayed processing and even rejection of this application.

23. Applicant's Declaration

I declare that the information given on this form is true and accurate.

Signature

Date

Declarant's full name Designation Contact number and e-mail address

FOR OFFICE USE ONLY

HS CODE for inputs

HS CODE for final products

- 1.
- 2.
- 3.

SECOND SCHEDULE

ACTIVITIES WHICH DO NOT REQUIRE IMPACT ASSESSMENT UPON APPLICATION FOR AN INDUSTRIAL LICENCE (reg 3(3))

1. Manufacturing of concrete products
2. Water bottling
3. Bakery
4. Pre-packing
5. Jewellery manufacturing
6. Tombstone manufacturing
7. Printing
8. Ice cubes manufacturing
9. Arts and crafts
10. Graphic design and sign writing
11. Honey processing

THIRD SCHEDULE

FEES PAYABLE UNDER THE ACT AND THE REGULATIONS (regs.
3,7,9,10,16)

Annual fees

1. The fees stated in this Schedule are payable for a calendar year or part thereof irrespective of date of grant, renewal, duplicate or transfer of licence thereof.
2. Where the application is submitted on or after the first day of September in any year, the licence fee payable shall be half of the prescribed fee.
3. All fees payable under this Schedule are non-refundable.
4. The fees payable under the Act and these Regulations shall be as set out in the Table of Fees.

TABLE OF FEES

ITEM	FEE FOR MSMES	FEE FOR OTHER HOLDERS
Application fee	M50	M500
Application for transfer of licence following merger or acquisition	M100	M500
Late renewal fee	M10 per month	M1000 per month
Licence fee for grant, renewal or duplicate licence	M100	M3 000
Appeal notification fee	M500	M2,500
Register inspection fee	M250	M250
Fee for extracts from the Register or copies of filed documents	M20 per page	M20 per page