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ACT NO. 8 OF 2004

FIFTH AMENDMENT TO THE CONSTITUTION ACT 2004

An Act to amend the Constitution of Lesotho¹.

ENACTED BY THE PARLIAMENT OF LESOTHO

Short title and commencement

1. This Act may be cited as the Fifth Amendment to the Constitution Act, 2004, and shall come into operation on the date of publication in the Gazette.

Appointment, etc. of public officers

2. Section 137 of the Constitution of Lesotho (hereinafter referred to as "the Constitution") is amended by deleting subsection (1) and substituting the following—

"(1) Subject to the provisions of this Constitution, the power to appoint persons to hold or act in offices in the public service (including the power to confirm appointments), and the power to terminate appointments of such persons, save the power to discipline and terminate the appointment of such persons for disciplinary reasons, is vested in the Public Service Commission.".

Independent Electoral Commission

3. Section 66 of the Constitution² is amended by deleting subsection (7) and substituting the following –

"(7) A member of the Electoral Commission shall hold office for such term, being not more than five years, as is specified in his instrument of appointment, and may be reappointed for only one further term not exceeding five years.".

Amendment of section 149

4. Section 149 of the Constitution³ is amended by-
 - (a) deleting "Prison Service" wherever it appears and substituting "Lesotho Correctional Service"; and
 - (b) deleting "Director of Prisons" wherever it appears and substituting "Commissioner of Correctional Service".

NOTE

1. Constitution of Lesotho 1993
2. As amended by Act No. 7 of 1997 and Act No. 4 of 2001
3. As amended by Act No. 1 of 1996