





# TRAINING MANUAL ON SECURE LAND TENURE AND INHERITANCE RIGHTS IN LESOTHO



A Manual for Training of Trainers, Paralegals
And/or Community Trainers



# **FORWARD**

There is a great need to educate people about their inheritance rights in Lesotho, to prevent illegal property grabbing and other forms of abuse. The Master of the High Court works with children, guardians, and all those in need of legal advice on administration of property, succession, and inheritance in Lesotho. The Master of the High Court encourages communities as a whole to protect themselves and their children, when inheritance is concerned. This means writing property wills and being knowledgeable about land tenure and inheritance laws in Lesotho.

This trainer's manual serves as an important resource covering inheritance and marriage laws, as well as information about how to protect your family and property from abuse. It is intended for use by all concerned community members. The Master of the High Court fully supports Habitat for Humanity Lesotho in its advocacy efforts and hopes that this manual will help to raise awareness about inheritance rights throughout the country.

Master of the High Court, Government of Lesotho, 2009

# **ACKNOWLEDGEMENTS**

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Women and Law Southern Africa (WLSA), who took their time to develop the initial training manual in additional to training our paralegals; Federation of Women Lawyers – Lesotho (FIDA) who conducted the initial research on the subject matter; Office of the Master of High Court; Child and Gender Protection Unit (CGPU) and District Councils of Maseru, Botha Bothe and Quthing whose support added tremendous value in the public campaigns which shaped the content of this manual.

Thank you also to the 60 paralegals who used this manual in Maseru, Quthing and Botha Bothe districts and provided constructive feedback that was used to improve the training modules. We also appreciated the supportive role they played during the refinement of the manual's content.

We would also want to extend our appreciation to Habitat for Humanity Lesotho management and staff who gave maximum support before, during and after the production of this manual.

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# **DEFINITION OF CONCEPTS**

For the purposes of clear understanding, it is necessary that some concepts be defined; their legal interpretation may differ with their dictionary or internationally agreed meanings and may distort the import of this manual.

### Child

According to national and international standards, a child is referred to as any person who is below the age of 18 years. However, in this survey and report, a "child" or "children" refers to those in a household who are entitled to inherit, to have a share or to benefit from the estate of the said household. Child or children in this context can be referred to as the heirs of the household.

### The Heir

Section 11(2) of the Laws of Lerotholi (Customary) provides that the heir shall be the firstborn son of the first wife if the deceased was a polygamist. It goes on to say that if there is no male in the first house then the heir will be the firstborn son in the second house, etc. If there is no male child among the houses, the first widow becomes the heir. Notwithstanding this, her powers are still limited as the law says that she should consult with her in-laws in utilizing the property. Generally speaking, females do not inherit under customary law.

Under legal statute, the heir is the firstborn son in the family. It should be noted that the received law do not recognize polygamy and as such the issue of more than one house is not addressed.

### Household Head

Household head is a male person in the family, whether nuclear or extended. It comes into play when all the concerned families have no male children; an uncle is brought from the extended family to inherit the property of the said family or families.

### Orphans and Vulnerable Children (OVC)

According to the National Policy on Orphans and Vulnerable Children (2005), an orphan is defined as any person who is under the age of 18 and has lost one or both parents. One who has lost both parents is referred to as "a double orphan." A vulnerable child is defined as any person below the age of 18 who has had one or both parents desert or neglect him/her to the extent that he/she has reduced means of survival and is exposed to dangers of abuse, exploitation and/or criminalization and is, therefore, in need of care and protection.

# **LIST OF RELEVANT LAWS**

**T**he following laws are relevant to inheritance rights, secure land tenure, and marriage in Lesotho. The below laws may be referenced throughout this manual.

- Wills Ordinance of 1845
- Inheritance Act of 1873
- Wills Act of 1876
- Laws of Lerotholi 1903
- Administration of Estates Proclamation 1935
- Intestate Succession Proclamation of 1953
- Marriage Act of 1974
- · Land Act of 1979 as Amended
- The Constitution of 1993
- Local Government Act of 1997
- Legal Capacity of Married Persons Act of 2006



# **INTRODUCTION**

This training manual on secure land tenure and inheritance rights sets out some of the legal issues relating to Lesotho secure land tenure and inheritance rights in a simplified manner.

The manual is written for training of trainers, paralegals and/or community trainers to enhance their understanding of secure land tenure and inheritance rights in Lesotho. Additionally, it is intended to serve as a guide when they are conducting land tenure and inheritance rights trainings or campaigns for men, women and children at the grassroots level.

This training manual is also intended to provide support to enhance existing advocacy efforts which use trained paralegals working at the community level to train widows as well as the larger community about legal inheritance rights and encourage change in cultural practices to ensure that women and children are not displaced from their homes upon death of the male head of household. In other words, widespread knowledge of rights described here aims to change attitudes among all community members and capacitate individuals to defend their property rights ultimately resulting in enhanced security of tenure.

This manual has been developed and revised based on research, best practices and successful activities implemented over a two year period by Safe Space. The project is implemented by Habitat for Humanity Lesotho in partnership with Women and Law Southern Africa (WLSA), Office of the Master of High Court, and Child and Gender Protection Unit (CGPU).

Trainers should use this manual as a guide, but should adapt accordingly based on specific objectives of their trainings in the particular cultural and environmental context.

We have suggested additional reading in Annex A for further reference on secure land tenure and inheritance rights in Lesotho.



# **CHAPTER 1: GETTING STARTED**

Habitat for Humanity Lesotho (HFH Lesotho) began its work on secure land tenure and inheritance rights in 2007, with the realization that helping people escape poverty housing involved more than just building new homes. Particularly in a country like Lesotho, with an increasing number of widows and OVC subjected to property grabbing and displacement, the need to educate people about their property and inheritance rights is crucial.

Therefore, HFH Lesotho began training community-level paralegals, which included teachers, chiefs and local council-members, on inheritance and property laws in the districts of Maseru, Botha Buthe and Quthing. HFH Lesotho produced advocacy materials in the form of pamphlets. Altogether, 60 volunteer paralegals were trained and deployed to their communities, where, over a period of six months, each paralegal held 12 public gatherings, six school visits, and 30 visits to families, individuals, or societies. The purposes of the meetings were to educate people about the need to secure land and inheritance rights and to empower them to protect their families by registering their marriages or documenting payment of bohali (bride price) and writing wills or instructions.

Inheritance in Lesotho is governed by customary and civil law. Most of these laws are very old and do not address the current realities. However, more Basotho especially in rural and remote areas are leaning towards customary law of inheritance and are reluctant to make wills.

The three training modules found in this manual focus on the often competing systems of customary law and civil law and their impact on the following:

- Laws governing land administration
- Inheritance rights
- Marriages in Lesotho.

They explore the rights of women and children upon the death of their spouses and parents respectively.

# **CHAPTER 2: LAND TENURE SYSTEM IN LESOTHO**

### I. ADMINISTRATION OF LAND IN LESOTHO

Lesotho has a dual legal system, the customary law and the Roman Dutch Law (the Received law). Both systems are applicable in land matters and/or issues. The statutory law is also a very significant part of the legal system in Lesotho and plays a major role in land matters. The Land Act¹ provides that all land allocations made after its commencement should comply with its requirements. It further provides that holding title to land² can be held either under customary law or the Land Act. However customary law has been blamed over the years for its inability to provide security of tenure, hence the enactment of the Land Act.

There are many different players involved in land administration in Lesotho, each with his/her own role and responsibility. Some of the key participants in the process include:

### Minister

In Lesotho land is vested in the Basotho nation and held by the State. The Minister is the overall administrator and is responsible for formulation and implementation of land policies. The minister has the power to allocate land and grant consent to other land transactions, such as land transfers.

### Local Authorities

This consists of Urban Land Committees and Councils as established by the Local Government Act. They are the land allocating authorities and they act in consultation with the Commissioner of Lands and the Minister responsible for land. They are also responsible for other land administrative issues, such as prohibition of environmental degradation. The Councils work together with the Chiefs in ensuring that land matters related to inheritance issues are dealt with accordingly.

### Commissioner of Lands

The Commissioner of Lands is responsible for issuing titles to land and facilitates land registration, custodian of copies of registered titles to land and all other land transactions. He is also the adviser to the land committee.

### Deeds Registrar

The Register of Deeds is responsible for the registration of all land leases and deeds of transfers.

### Government Ministries

There are a number of government ministries that are involved in the administration of land. Primarily there is the Ministry of Local Government and Chieftainship and the Ministry of Agriculture. For instance, actions related to land use in planning occur at the Ministry of Agriculture and actions related to physical planning and survey occur at the Ministry of Local Government and Chieftainship.

### II. CUSTOMARY PERSPECTIVE OF SECURE LAND TENURE

Under customary law, the chiefs and local headmen (as designated by the Commissioner General in a Gazette) and the local Community councilors (as described by Local Government Act of 1997), are given power to allocate land for residential and agricultural purposes. In so doing, the land committee which comprises of both the chiefs and community councilors shall exercise fairness and non-discrimination.

- Section 7, Part I of the Laws of Lerotholi prohibits discrimination in land allocation as it provides that land is not a commodity for inheritance
- Land rights do not automatically and, as a general principle, pass from one generation to another within a family
- When an allottee passes away, agricultural land returns back to his chief to allot to another of his subjects
- A member of the deceased allottee's family may be given first preference when re-allocation is effected

### III. CIVIL PERSPECTIVE OF SECURE LAND TENURE

Land in Lesotho belongs to Basotho Nation, and the King holds it in trust on behalf of the Nation<sup>3</sup>. Access to land under the Land Act is by way of the leasehold and allocations. Land registration was introduced on the belief that it provides certainty of ownership and security of tenure and also promotes investment in the land. Similarly leases are regarded as a more secure tenure system because a lease vests certain rights on the allotee such as being used as collateral. Furthermore it gives the leaseholder certainty as to how long the land is going to be used and is also an easier form of proof of holding title to land.

Leases are issued for residential, agricultural, industrial and commercial purposes. The period of the lease depends on the purpose for which it was given. For instance, period of lease for agricultural purposes would depend on the discretion of the issuing authority. For residential purposes, the period

is ninety (90) years and for commercial and industrial purposes is for a period of sixty (60) and thirty (30) years respectively<sup>4</sup>. All leases have the option of renewal on expiration.

### **MODULE I: LAND TENURE SYSTEM**

### Materials

Flip Charts, Markers and Pictures

### **Objectives**

By the end of the session participants should be able to:

- Understand the land tenure systems currently in force in Lesotho
- Understand land rights from customary and civil points of view
- Understand legal rights to hold title to land
- Be familiar with the procedure to register land
- Understand steps to take in land disputes

### Suggested Activities

- Ask participants who owns land in Lesotho.
- Ask participants to brainstorm why they think they have a right to hold title to land. Ask participants to brainstorm why it is important to know one's legal right to hold title to land.

### Procedure to Hold Title to Land & Capacity to Hold Land under Codified Customary Law

- Only married Basotho men are capable of holding title to land under customary law<sup>5</sup>.
   There are other conditions that a married adult male must fulfill before land can be allocated.
   These include:
- Be a bona fide Mosotho that is born of Basotho parents.
- Pledge allegiance to the King and the local chief or headmen in whose area of jurisdiction one is residing or intending to reside.
- Observe and perform social obligations expected of him by the community, such as attending public gatherings and doing voluntary work such as tree planting<sup>6</sup>.

<sup>5</sup>lbid

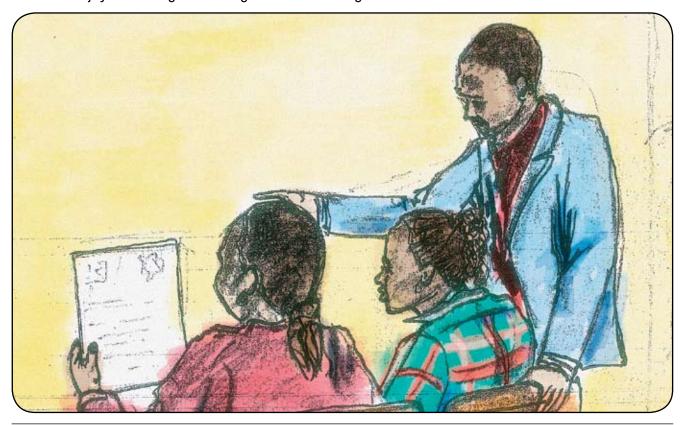
<sup>&</sup>lt;sup>6</sup>Vusi Israel Mashenene, Land Tenure and Agricultural Development in Lesotho 3

### Land Allocation under Customary Law

- The applicant fills in an application form (Form A) obtainable from the chief or headman's office.
- The applicant describes in detail the location, size and reasons for which the land is sought.
- The applicant will then be given opportunity to make representations motivating his application before the Allocating Committee<sup>7</sup>.
- If it is in the land committee's opinion that the applicant deserves the land applied for, the land committee will take measurements of the area requested and thereafter issue a Form C in the names of the applicant.
- The minutes of the hearings and the allocations are supposed to be properly recorded and kept by the chief. But in practice there is no such record keeping and where it is done it is very poorly maintained<sup>8</sup>.

### **Conditions of Land Allocation**

- · Allottee rights are limited to use of land
- Allottee cannot sell but can transfer their title to land<sup>9</sup>.
- One enjoys these rights as long as he owes allegiance to the land committee



<sup>7</sup>Urban Land Committee in urban centres and Village Development Councils in rural areas <sup>8</sup>Interview with executive chieftainship June 2004

<sup>9</sup>Mashenene Vusi, The Proposed Land Reform Policy for Lesotho in the 21<sup>st</sup> century: A critique 62

### Land Dispute- Jurisdiction

Basotho Courts  $\Longrightarrow$  Central Court  $\Longrightarrow$  Judicial Commissioners Court

⇒ High Court ⇒ Court of Appeal

### Procedure and Capacity to Hold Title to Land under Civil Law

The Land Act - Section 6 outlines persons capable of holding title to land in Lesotho. They include:

- Citizens of Lesotho.
- Holders of a resident permit.
- Companies, corporations, societies, and partnership registered and incorporated according to the laws of Lesotho.

### Land Allocation under Civil Law

- Sites are advertised.
- Applications are made to the Land Committee for grant of title.
- Successful applicants are issued a Form C3 that is used for proof of application to hold title to land.
- The Land Act requires that the allotee may apply for lease within three (3) months after the issuing
  of Form C3.
- The Land Act also provides that if a land site which an individual holds title to is publicly advertised, the individual has 14 days to lodge a formal complaint.
- An advertisement shall be published in a national newspaper in order to allow adverse claims to be lodged by persons who wish to challenge the issuing of a lease<sup>10</sup>.
- If no adverse claims are lodged, a lease shall be issued and registered in the Deeds Registry for right to use and occupy<sup>11</sup>.
- Regarding the right of transfer, a deed of transfer shall be effected to validate the transfer.

### **Land Disputes Jurisdiction**

Magistrate's Court —> Land Tribunal —> High Court —> Court of Appeal.

11 Ibid

<sup>&</sup>lt;sup>10</sup>Franklin A., Land Laws in Lesotho; The Politics of 1979 Land Act 47

# **CHAPTER 3: INHERITANCE RIGHTS IN LESOTHO**

### **Background**

Lesotho's legal dualism came into being in 1884, when the British Government introduced the Law of the Cape of Good Hope<sup>12</sup>. Basotho already had their own customs and traditional system of rulership and therefore the introduction of the law, for the time being in force in Cape of Good Hope, introduced another system of law. This law is commonly known as the Roman Dutch Law or the received law<sup>13</sup> or the common law<sup>14</sup>.

### **Customary Law**

The source of this law is the Laws of Lerotholi which provide principles of inheritance and administration of the estate of the deceased in one law<sup>15</sup>.

Inheritance is dealt with under part 1 of the Laws of Lerotholi. Section 11 provides that the heir shall be first male son born in the first house, or the first male son born in the second house, or the third house if no male son in the first, second house and so on.

Section 12 makes a provision for a situation where the heir is a minor. In that case the guardian is appointed (usually the mother) and she has to keep an inventory of the assets, which will be subject to inspection by the uncles. The guardian has no right to sell without consent of uncles and other family members entitled to make decisions. Section 12 (3) also makes a provision for maintenance of minor children, including both boys and girls.

Section 13 (1) provides that the heir shall take care of the widow or widows and he shall also share with his younger brothers.

Section 14 (4) provides that where there is a dispute, the family council shall intervene.

Regarding the writing of wills, Section 14 (1) provides for written instructions by the deceased. It however limits freedom of testation as it provides that the deceased may not disinherit the heir of the bigger portion of the property.

<sup>&</sup>lt;sup>12</sup>General Law Proclamation No. 2 B of 1884.

<sup>&</sup>lt;sup>13</sup>Sebastian Poulter: Legal dualism in Lesotho 1999 at 2

<sup>&</sup>lt;sup>14</sup>S. Poulter 3

<sup>&</sup>lt;sup>15</sup>Part 1 of the Laws of Lerotholi

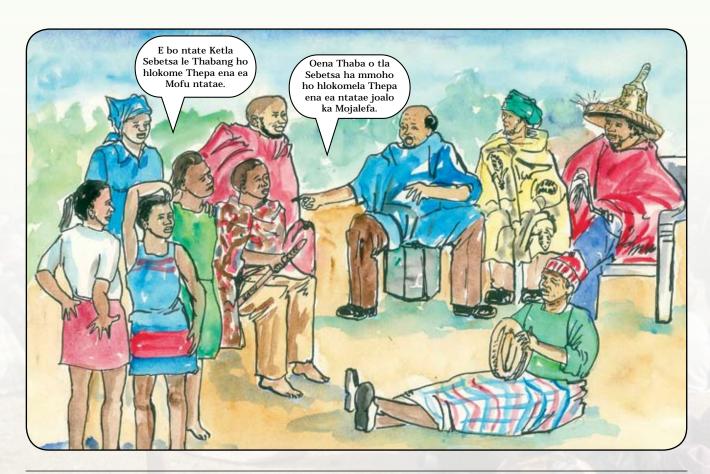
### Civil Law

Intestate Succession Proclamation No.2 of 1953

Section 1 (1), provides that where a spouse dies intestate, survived by a spouse and children, the surviving spouse gets half of the estate and a child's share provided the estate does not exceed M1200.00. In other words if the surviving spouses' share and a child share is over M1200.00, the surviving spouse gets his or her share only.

According to Section 1(1) (b), if parties are married out of community of property then the surviving spouse inherits only a child's share or to the extend of an amount of M1200, however, if there are no children or other descendants who are sibling of the deceased, the surviving spouse succeeds to the extend of M1200.00.

If the deceased spouse does not have children or parents or siblings, then the surviving spouse becomes the sole heir. The main limitation of this law is that it applies to people who are married by civil rites and who have abandoned their customary mode of life<sup>16</sup>.



<sup>&</sup>lt;sup>16</sup>Section 3 of Intestate Proclamation No. 2 of 1953

### Law of Inheritance Act 26 of 1873

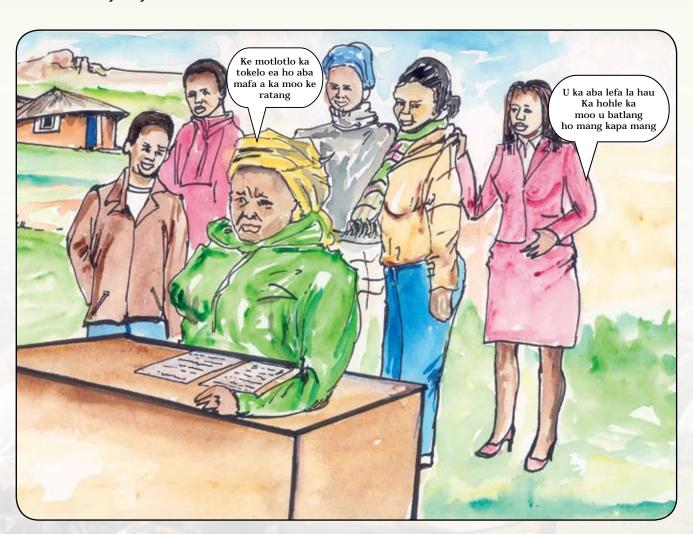
This law provides for freedom of testation of Basotho. It allows anybody competent to make a will and has a right to disinherit a child, parent, relative or descendent without giving any reason and regardless of any law, usage or custom in force in the country<sup>17</sup>.

### The Wills Ordinance No.15 of 1845 and Wills Act No.22 of 1876

It provides for proper signing of the will, that is the will should be signed by testator at the bottom of every page, with two witnesses in the presence of one another.

### Administration of Estates Proclamation No.19 of 1935

This law is the administrative law that provides for administration of estates whether intestate or testate. This law was made specifically to apply to the estates of Europeans, hence it provides for a limitation in its application in Section 3 (b). This section excludes estates of Africans from its application unless such Africans are married under European law and have abandoned the customary way of life.



<sup>&</sup>lt;sup>17</sup>Section 5 of Intestate Proclamation No. 2 of 1953

### MODULE II: INHERITANCE RIGHTS

### Materials

Flip Charts, Markers and Pictures

### **Objectives**

The module is designed to stimulate participants to understand inheritance rights in Lesotho. By the end of the session participants should be able to:

- Explain inheritance according to customary and civil laws.
- State some practical problems involved in inheritance.
- Suggest some ways of promoting women and children's inheritance rights.
- Explain why widows and children are commonly disposed of their property.
- Get an understanding of wills and written instructions.

### Suggested Activities

- Step 1: Ask participants who can inherit under customary and civil laws.
- Step 2: Record all the answers.
- Step 3: Ask Participants why only a first born male is entitled to inherit under customary law.
- Step 4: Record all the answers.
- Step 5: Ask participants to brainstorm on the importance of having both male and female as heirs.
- Step 6: Record all answers.
- Step 7: Ask participants on what a will is and who can draw a will.
- Step 8 Record all answers.
- Step 9 Ask participants what written instructions are and their conditions.
- Step 10 Record all answers.
- Step 11: Consolidate all the answers.

### Inheritance under Customary Law (Laws of Lerotholi)

- An heir is the first born mal child of the first married wife.
- A person can alienate his property through written instructions which should be authenticated by the chief and an heir may not be deprived of the bigger portion.
- An heir has the responsibility to look after all dependants of his late father.

### Inheritance under Civil Law

- Common Law: a minor child has the right to be maintained out of the estate of the deceased parents
- Inheritance Act, 1873: provides for freedom of testation.
- Administration of Estates Proclamation, 1935: provides that the Proclamation applies only to people who have abandoned customary way of life and adopted a European way of life, and who, if married, have married under civil law. It also provides that the original will is kept by the Master of the High Court while a copy or duplicate is kept by the owner or his/her lawyer.
- Intestate Proclamation, 1953: provides for a situation where person dies without making a will
  and states that the surviving spouse gets half of the estate and a child's share.
- Wills Act, 1954: provides that a will must be properly signed by the testator or testatrix and two witnesses in each page.
- Land Act, 1979 (as amended): provides that women married in community of property do not have right to hold title to land but could have such title after the death of their husbands.

### Link between Women and Children's Inheritance Rights

- Step 1: Divide participants into 5 groups and ask them to discuss whether there is a link between women and children's inheritance rights.
- Step 2: Ask each group to report their findings in plenary.
- Step 3: Record the feedback.

Step 4: Give additional views based on evidence.





# **CHAPTER 4: MARRIAGES IN LESOTHO**

### WHAT IS MARRIAGE?

Marriage is a legal relationship, established by means of a state ceremony, between two and consenting persons of different sexes, obliging them to live together for life and to afford each other conjugal privileges exclusively<sup>18</sup>.

There are two types of marriages according to Lesotho legal system namely, Customary Marriage—must be in terms of Part II section 34 of Laws of Lerotholi (potentially polygamous) and Civil Marriage—must be in terms of Marriage Act of 1974 (purely monogamous).

### Essentials for a Valid Marriage in Lesotho

Customary Marriage	Civil Marriage
(a) There is agreement between the parties to the marriage.	Parties must be competent to marry.
(b) There is agreement between the parents of the parties or between those who stand in loco parentis to the parties as to the marriage and to the amount of bohali (agreed upon payment made by groom's family to bride's family).	Parties must consent to enter into marriage.
(c) There is payment of part or all of the bohali; Provided that if the man dies before the woman goes to his parents' house the bohali shall be returned and the marriage shall be null and void <sup>19</sup> .	Marriage must be solemnised before a competent marriage officer.
(d) There is no age limit imposed for a boy or girl to marry.	Parties must be 21 years old or above except where a boy is 18 years and a girl is 16 years and written consent of the Minister responsible for Marriages is required. However, in practice the parents or guardians usually give the consent.

The most important issue is that someone must be able to prove his/her marriage. In the customary marriage one should prove part or full payment of bohali through a document (Lengolo la Likhomo) which should also be authenticated by the chief. Under Civil law, a marriage certificate is sufficient evidence of a valid marriage.

<sup>&</sup>lt;sup>18</sup>W.C.M. Maqutu. 2005. Contemporary Family Law (The Lesotho Position), National University of Lesotho Publishing House. Roma 180 <sup>19</sup>Laws of Lerotholi, section 34 (1)(c)

Marriage in Lesotho can be dissolved by death and divorce. There are two grounds of divorce in Lesotho which include adultery or desertion. Adultery refers to extra-marital relations. There are two forms of desertion: malicious desertion and constructive desertion. Under malicious desertion, one spouse goes out of the house leaving his/her spouse without reasonable cause. Under constructive desertion, spouses are still living in the same house but one makes it impossible for his/her spouse to continue living in same house. For example, one spouse may deny the other spouse the conjugal rights.

MODULE III: MARRIAGES IN LESOTHO

### Materials

Flip chart, Cards, Markers

### **Objectives**

By the end of the session participants should be able to:

- Define types of marriages according to the Legal System of Lesotho
- Explain differences between customary marriage and civil marriage
- Explain requirements for each marriage
- Explain grounds and consequences for dissolution of a marriage

### Suggested Activities

- Step 1: Ask participants to brainstorm the meaning of marriage, requirements for each marriage, and consequences of dissolution of either marriage.
- Step 2: Record all answers on a flip chart and discuss.

### Essential Elements of a Valid Marriage

### Customary Marriage:

- · Consent of parties.
- · Consent of parents.
- Agreement on bohali.
- Part or full payment of bohali.

### Grounds for Dissolution of a Valid Marriage

### Customary Marriage

- Death
- Divorce:
  - (i) Adultery
  - (ii) Desertion constructive & malicious
- Jurisdiction for Dissolution of Customary Marriage:

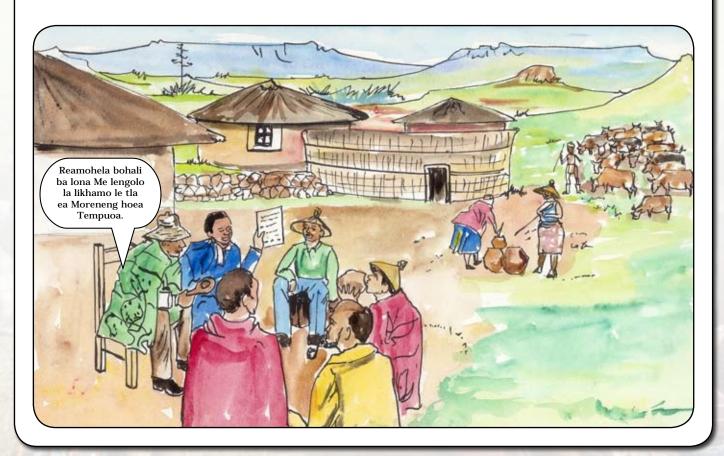
Basotho Courts —> Central court —> Judicial Commissioners Court —> High Court —> Appeal Court

### Consequences of Dissolution of a Valid Marriage

### Customary Marriage

A court may order the following:

- Retention or return of bohali.
- Custody of children. (Court takes into consideration what may seem just in accordance with circumstances in which the dissolution is granted.)
- Division of the joint estate.



### Essential Elements of a Valid Marriage

### Civil Marriage

- Consent of parties.
- Consent of parents (mandatory where a girl is 16 and a boy is 18 and both have not attained the age of 21).

### Conditions of a Civil Marriage

Competence to marry (section 29 - Marriage Act, 1974)

- No person may marry who has previously been married to a person still living unless the previous marriage has been dissolved by the sentence of a competent court.
- No insane person who is incapable of giving consent to a marriage may marry.
- No persons may intermarry who are related to each other by forbidden degrees of relationship.

### Two Types of Civil Marriages

Marriage in Community of Property

- Universal ownership of assets (present & future)
- · Community of benefits & loses
- Each party share 50% of the property
- Parties have equal capacity to consult one another in relation to:
- a) Disposal of the assets of the joint estate
- b) Contracting debts for which the joint estate is liable; and
- c) Administering the joint estate

Marriage out of Community of Property (ante-nuptial contract)

- Ante-nuptial contract is entered into before marriage is solemnised
- · Each party owns exclusively property acquired by him/her
- Joint household necessaries may be shared proportionally according to one's financial means, unless the parties agree otherwise

### Grounds for Dissolution of a Valid Marriage

Civil Marriage

- Death
- Divorce:
  - (i) Adultery

- (ii) Desertion constructive & malicious
- Jurisdiction for Dissolution of Civil Marriage:

### Consequences of Dissolution of a Valid Marriage

Civil Marriage

A court makes an order in relation to:

- · Custody of children.
- Division of the joint estate (where marriage is in community of property).



<sup>8</sup>W.C. M. Maqutu. 2005. Contemporary Family Law (The Lesotho Position), National University of Lesotho Publishing House. Roma 180

# **ANNEX A: LIST OF RELEVANT CONTACTS**

### **WOMEN AND LAW SOUTHERN AFRICA**

**Dolphin House** 

23 Mots'oeneng Road, Industrial Area

P.O. Box 0961, Maseru 105

Tel: 2231 3123 Fax: 2231 0361

### FEDERATION OF WOMEN LAWYERS

P.O. Box 54, Maseru *Tel: 2232 5466* 

### **MASTER OF THE HIGH COURT**

**Qhobosheaneng Phace 1 First Floor** 

P.O. Box 33, Maseru 100

Tel: 2232 0521

### **OFFICE OF MASTER OF THE HIGH COURT**

LAW OFFICE

P.O. Box 40, Quthing 700

Tel: 2275 0223

### MASERU CENTRAL POLICE

Child and Gender Protection Unit

P.O. Box 48, Maseru

Tel: 2233 1275

### **BOTHA-BOTHE / LESOTHO MOUNTED POLICE**

Child and Gender Protection Unit P.O. Box 05. Botha-Bothe 400

Tel: 2246 0288 Fax: 2246 0002

### MAFETENG / LESOTHO MOUNTED POLICE

Child and Gender Protection Unit

P.O. Box 2, Mafeteng

Tel: 2270 0200

### **MOHALE'S HOEK**

### **ROYAL LESOTHO MOUNTED POLICE**

Child and Gender Protection Unit

P.O. Box 15

Mohale's Hoek

Tel: 2278 5215

### **QUTHING / LESOTHO MOUNTED POLICE**

Child and Gender Protection Unit

P.O. Box 2, Quthing

Tel: 2275 0215

### TEYATEYANENG / LESOTHO MOUNTED POLICE

Child and Gender Protection Unit

P.O. Box 16, Teyateyaneng

Tel: 2250 0200

### THABA-TSEKA / LESOTHO MOUNTED POLICE

Child and Gender Protection Unit

P.O. Box 5, Thaba-Tseka

Tel: 2290 0215

### LERIBE / LESOTHO MOUNTED POLICE

Child and Gender Protection Unit

P.O. Box 3, Leribe

Tel: 2240 0300

### **MOKHOTLONG / LESOTHO MOUNTED POLICE**

Child and Gender Protection Unit

P.O. Box 13, Maseru

Tel: 2292 0203

### **PEKA / TLALINYANE POLICE**

Child and Gender Protection Unit

P.O. Box 13, Maseru

Tel: 2250 0401

# **ANNEX B: BIBLIOGRAPHY & SUGGESTED READINGS**

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