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# **Land (Amendment) Order, 1986**

**Order No. 27 of 1986**

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ORDER NO. 27 OF 1986

*Land (Amendment) Order, 1986*

*(Date of Commencement: See section 1)*

ORDER

To amend the Land Act, 1979.

1. This Order may be cited as the Land (Amendment) Order, 1986, and is deemed to have come into operation on the 20th day of January, 1986. Short title and commencement
2. Section 2 of the Principal Act is amended, Amendment of section 2 of A. 17 of 1979
  - (a) in the definition of "allottee" by deleting the words "or licence";
  - (b) by deleting the definition of "licence";
  - (c) in the definition of "title" by deleting the words "or licence".
3. Section 4 of the principal Act is amended by deleting the word "licence". Amendment of section 4 of A. 17 of 1979
4. Section 6 of the principal Act is amended, Amendment of section 6 of A. 17 of 1979
  - (a) by deleting paragraph (a) and substituting the following paragraph,  
"(a) a citizen of Lesotho who is a Mosotho";
  - (b) by deleting paragraph (b);
  - (c) in paragraph (c), by deleting the words "citizens of Lesotho" and substituting the following words,  
"citizens of Lesotho who are Basotho";
  - (d) in paragraph (f), by deleting the words "citizens of Lesotho" and substituting the following words,  
"citizens of Lesotho who are Basotho"; and
  - (e) by adding after subsection (2) the following new subsections,  
"(3) For the purposes of this section, the question whether a person is a citizen of Lesotho who is a Mosotho shall be determined by the Minister.  
(4) Nothing in subsection (1) (a), (c), (e) and (f) shall be construed as affecting the rights of persons or bodies lawfully holding title to land before the commencement of this Order."
5. Section 11 of the principal Act is amended by deleting the words "or licence" occurring in the marginal note and in the section. Amendment of section 11 of A. 17 of 1979

6. Section 20 of the principal Act is amended by deleting the words "or licence" occurring in the marginal note and in the section.

7. Section 21 (2) (a) of the principal Act is amended by deleting the words "or licence".

8. Section 27(2) of the principal Act is amended by deleting the words "or licence, as the case may be".

9. Section 28(3) of the principal Act is amended by deleting the word "licences" and substituting the word "allocations".

10. Section 30(1) of the principal Act is amended by deleting the words "or licences" and "or licence" and substituting the following words respectively, "or allocations" and "or allocation".

11. Section 31 of the Principal Act is amended by deleting the words "or licence" and substituting the words "or allocation".

12. Section 33 of the principal Act is amended by deleting the words "and licences"

13. Part IV of the principal Act is amended by deleting from the heading the words "and licences".

14. Section 34 of the principal Act is amended by deleting the words "and licences".

15. Section 35(2) of the principal Act is repealed and replaced by the following subsection,

"(2) Notwithstanding subsection (1) (b),

(a) no consent shall be required to a lessee's disposal of his interest by valid will or surrender if the lease is in respect of land held for residential, commercial or industrial purposes only; and

(b) no consent shall be given for the disposal of an interest in land which is undeveloped except as the Minister may determine having regard to any special circumstances or speculative dealings in land."

16. Section 36 of the principal Act is amended, Amendment  
of section 36  
of A. 17 of  
1979
- (a) by deleting subsection (1);
- (b) by inserting after subsection (5) the following new subsection,
- “(6) The decision of the Minister to withhold consent under this section shall be final and shall not be questioned in any court of law.”
17. Section 38 of the principal Act is repealed. Repeal of  
section 38 of  
A. 17 of  
1979
18. Section 43 of the principal Act is repealed. Repeal of  
section 43 of  
A. 17 of 1979
19. Section 45 of the principal Act is amended, Amendment  
of section 45  
of A. 17 of  
1979
- (a) by repealing the following words “licencees”, “of termination of their licence or” and “as the case may be”; and
- (b) by inserting the following new subsection after subsection (2),
- “(3) Where the Minister has declared any area of agricultural land to be a selected development area under this section, the lessee or allottee of such land shall be entitled to compensation for any loss incurred through being deprived of his land.”
20. Section 46(2) of the principal Act is repealed and replaced by the following subsection, Repeal and  
replacement  
of section 46  
(2) of A. 17  
of 1979
- “(2) Where the development scheme is such as not to permit the grant of a lease for the purpose of which the lessee or allottee formerly held the land, the lessee or allottee shall have the option of either accepting a plot for any one of the purposes of the development scheme or of claiming compensation for being deprived of his lease or allocation.”
21. Section 49 of the principal Act is amended by deleting the words “or licence” occurring in the marginal note and in the section. Amendment  
of section 49  
of A. 17 of  
1979
22. Section 50 of the principal Act is amended, Amendment  
of section 50  
of A. 17 of  
1979
- (a) by deleting the following words, “or licence” and “or terminated”;
- (b) by renumbering section 50 as section 50(1); and
- (c) by inserting after section 50(1) the following new subsection,
- “(2) Where the Minister has declared any area of agricultural land to be a selected agricultural area under this

- section, the lessee or allottee of such land shall be entitled to compensation for any loss incurred through being deprived of his land."
- Amendment of section 54 (2) (a) of A. 17 of 1979
23. Section 54(2) is amended by deleting paragraph (e).
- Repeal and replacement of section 56 (2) (a) of A. 17 of 1979
24. Section 56(2) (a) of the principal Act is repealed and replaced by the following paragraph,  
“(a) to the value of the property as certified by the Government valuer having regard to the present and replacement value;”
- Amendment of section 61 (1) of A. 17 of 1979
25. Section 61(1) of the principal Act is amended by deleting the words “or licence”.
- Amendment of section 63 of A. 17 of 1979
26. Section 63 of the principal Act is amended by deleting the words “or licence” and “in the case of a lease”.
- Repeal of section 70 of A. 17 of 1979
27. Section 70 of the principal Act is repealed.
- Amendment of section 71 (2) of A. 17 of 1979
28. Section 71(2) of the principal Act is amended by deleting the words “or licence”
- Amendment of section 75 (2) (a) of A. 17 of 1979
29. Section 75(2) (a) of the principal Act is amended by deleting the words “and licences”.
- Amendment of section 83 (1) of A. 17 of 1979
30. Section 83(1) of the principal Act is amended by deleting the words “or licence”.
- Amendment of section 89 (a) of A. 17 of 1979
31. Section 89 of the principal Act is amended,  
(a) in paragraph (a) by deleting the words “and licence”; and  
(b) in paragraph (i) by deleting the words “and licence fees”.
- Amendment of Third Schedule to A. 17 of 1979
32. The Third Schedule to the principal Act is amended,  
(a) in Form B, by deleting the words “or licence”;  
(b) in Form C. 3,  
(i) by deleting the words “a licence” occurring in paragraph (1);  
(ii) by deleting the word “licence” occurring in paragraph (2); and  
(iii) by deleting the alternative paragraph (3).