



# LESOTHO

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**Business Licensing and Registration Regulations, 2020**

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**LEGAL NOTICE NO. 69 OF 2020****Business Licensing and Registration Regulations, 2020**

Pursuant to section 44 of the Business Licensing and Registration Act, 2019<sup>1</sup>, I,

**THABISO MOLAPO**

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

**Citation and commencement**

1. These Regulations shall be cited as the Business Licensing and Registration Regulations, 2020 and shall come into operation on the date of publication in the Gazette.

**Interpretation**

2. In these regulations -

“Act” means the Business Licensing and Registration Act, 2019;

“authorised user” means a person who has been registered to use the electronic business licensing and registration system;

“identification document” means, in the case of a Lesotho citizen, a valid passport, identification card or a driver’s license and, in the case of a foreigner, a valid passport, but does not include an employment card, a voter’s card or any other card or document; and

“financial institution” means a financial institution registered and licensed under the Financial Institutions Act, 2012<sup>2</sup>.

**Application for a business licence**

3. An application for the grant and renewal of a licence shall be -

- (a) as set out in Form A of Schedule 1; and
- (b) addressed and submitted to the Licensing Officer or any

other office as the Licensing Officer may designate.

### **Foreign enterprise**

4. (1) Pursuant to section 4(4) of the Act, an application for the renewal of a licence or registration of a foreign enterprise shall provide proof of the following:

- (a) the investment of not less than two million Maloti;
- (b) business account maintained at a financial institution;
- (c) corporate social responsibility plan for first applications or report for renewal or transfer applications;
- (d) plan or progress on transfer of technology and skills;
- (e) plan or report on efforts made towards the advancement of the business undertakings owned by Lesotho citizens; and
- (f) compliance with the Workman's Compensation Act, 1977<sup>3</sup> for renewal or transfer applications.

(2) An application for a business permit under section 4(3) of the Act shall be as set out in Form B of Schedule 1 and shall be submitted and addressed to the Registrar.

### **Processing of licence applications**

5. (1) The Licensing Officer shall acknowledge receipt of an application in writing to the applicant, and shall specify -

- (a) the period within which he shall determine the application; and
- (b) in the case of a refusal, the procedure under which the refusal by the Licensing Officer to grant a licence may be appealed in terms of the Act.

(2) Pursuant to section 5(1) of the Act, the Licensing Officer shall within five working days from the date of receipt of an application form -

- (a) in the case of an incomplete application form or incomplete information or documentation, inform the applicant of the need to provide additional information or documentation to the Licensing Officer; or
- (b) issue the licence subject to any condition imposed by the Licensing Officer in terms of the Act; or
- (c) refuse the application for a licence giving the reasons for such refusal.

(3) An application form shall not be complete unless the Licensing Officer is in receipt of all the documentation required under subsection (1) and the documentation shall be submitted together with the application form, certificate of occupancy, business permit or recommendation from a public authority set out in Schedule 2 of the Act.

(4) The Licensing Officer shall not issue a licence unless the licence fee is paid in full and the receipt for the payment is issued.

#### **Electronic applications and online service**

6. (1) The Registrar may establish and maintain a central business licensing and registration electronic system.

(2) A person may use the electronic system to apply for a licence or the registration of a business.

(3) A document required under the Act or these regulations to be submitted to the Licensing Officer may be submitted electronically using the electronic system.

(4) A person who intends to become an authorised user of the electronic system shall apply to the Licensing Officer who may request documentation or other evidence sufficient to authenticate the identity of the person to the satisfaction of the Licensing Officer.

(5) Where a person is approved as an authorised user, the Licensing Officer shall provide the person with relevant access information, and upon provision of the relevant access information it shall be the responsibility of the authorised user to keep the access information confidential.

(6) An authorised user shall enter information in the register by entering the relevant access information, and the Licensing Officer shall not be required to verify that the user is entitled to use the access information entered.

(7) The Licensing Officer may disclose the access information to a third party only if -

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

#### **Records and books to be kept**

7. A licensee or registree shall keep relevant books and records 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 with at least 1.5 line spacing;
  - (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.

### **Business licence**

8. (1) A licence issued under the Act shall be issued by the Licensing Officer in the form set out in Schedule 2.

(2) The Licensing Officer may issue a short term licence if satisfied that the circumstances support the issuance of such a licence.

### **Duration**

9. A licence shall be valid for a period stated in the licence, except that a licence for retail sale of used motor vehicles, betting and gambling shall be renewed every six months.

### **Duplicate licence**

10. (1) The Licensing Officer may, where satisfied that a licence is lost, destroyed or defaced, issue a duplicate licence.

(2) An application for a duplicate licence shall state full details of the circumstances in which the licence was lost, destroyed or defaced and shall be in the form set out in Schedule 3.

### **Conditions attached to a licence**

11. (1) Where a business activity is to be carried out on commercial premises, the licensee shall display, in a conspicuous place on the premises by the entrance of the business, a certificate of occupancy in respect of the business premises.

(2) Where applicable -

- (a) a person carrying out the business activity, and or his employees, shall possess the required professional qual-



ifications as may be determined by the licensing officer;  
or

- (b) a licensee who employs workers on the premises on which the licensed activity is carried out on shall comply with the laws and regulations relating to occupational health and safety issued by the Ministry of Labour and Employment.
- (3) A licensee shall comply with the conditions prescribed in the Schedule 4 or by any other relevant authority.
- (4) The Licensing Officer shall -
  - (a) inscribe, at the back of a licence, or attach to the licence, any other condition which the licensee shall comply with; and
  - (b) prepare and keep a list of requirements for each business activity.
- (5) Failure to comply with this regulation shall attract a penalty set out in section 5 of the Act.

### **Mergers and acquisitions**

12. (1) The provisions of regulations 3 and 5 shall apply to the transfer of a licence following a merger or acquisition.

(2) A notification under section 9(2) of the Act shall be fulfilled by furnishing the Licensing Officer with a certificate issued by the relevant authority and a confirmation regarding the status of the company from the Registrar of Companies.

### **Register**

13. (1) The Licensing Officer shall keep and maintain an up to date business register which shall contain the following information:

- (a) the full names and identification number of the holder

- of the licence or registered business activity;
- (b) the full names of partners in the case of a partnership, trustee in case of trust, executive members in case of an association or a cooperative 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, 2012<sup>4</sup>;
  - (e) the business name of the enterprise;
  - (f) the trade name, if any, under which the business is carried on;
  - (g) the licence or certificate details including conditions;
  - (h) the postal and residential address of the business or the licence or certificate holder;
  - (i) full details of the location of the business operations; and
  - (j) any other information the Licensing Officer may consider necessary.

(2) The Licensing Officer may keep the register referred to in sub-regulation (1) in such a manner as the Licensing Officer may consider necessary including, either wholly or partly, by means of a device or facility that -

- (a) records or stores information electronically or by any other means; and
- (b) permits the information so recorded or stored to be readily inspected or reproduced in usable form.

(3) The Licensing Officer shall review the business classification

list annually, but may update such classification list as and when the circumstances so require.

(4) An extract certified by the Licensing Officer which contain particulars of a document filed in the register shall, in the absence of proof to the contrary, be deemed as evidence of the entry on such particulars.

(5) The Licensing Officer may -

(a) upon request and on payment of a fee specified in these regulations 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 Licensing Officer;

(b) upon application by any person and if satisfied that it is necessary, make copies of documents or extracts of documents filed for record, except confidential documents.

#### **Grounds for suspension and cancellation**

14. (1) The Licensing Officer may cancel a licence where-

(a) any of the grounds set out in section 12 of the Act have been proved;

(b) the Licensing Officer is made aware and has proof of the death of a licensee who is a natural person;

(c) the Licensing Officer becomes aware of proof of dissolution, deregistration or liquidation of a licensee who is a legal person; or

(d) the licence was issued on the basis of false or incorrect documentation or information submitted at the application stage or subsequently thereof.

(2) The Licensing Officer may suspend or cancel the licence in the following circumstances -

- (a) upon receipt of an inspection report indicating that the licensee -
  - (i) has ceased operations for a period exceeding 3 months or failed to commence operations for at least 6 months, after proposed commencement date;
  - (ii) is no longer using the premises for the same commercial activity for which it was licensed;
  - (iii) failed to comply with rules and regulations related to health, environment, occupational safety or labour laws; or
  - (iv) failed to comply with any condition of the licence or any other law relating to relevant business activities;
- (b) where the licensee has failed for three consecutive calendar years to settle the licence fee;
- (c) the licensee misused the licence or used the licence for a purpose it was not issued for;
- (d) the licensee allowed any other person to use the licence as if that person is a licensee;
- (e) the registree allowed any other person to use the certification certificate as if that person is a registree; or
- (f) the licensee or registered business person contravened any law relating to or connected with the business.

#### **Procedure for suspension and cancellation**

15. (1) The Licensing Officer shall give the licensee a hearing before suspending or cancelling a licence.
- (2) After the hearing, where the Licensing Officer remains dissatis-

fied with the explanations given by the licensee, the Licensing Officer 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.

(3) The Licensing Officer may, in writing, revoke a suspension if the ground for the suspension no longer exists.

(4) A notice referred to in subregulation (2) shall be served on the licensee at his place of business or registered office in the case of a legal entity, and if 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.

(5) Copies of the notice referred to in subregulation (2) shall be forwarded to the Commissioner of Police, relevant senior trade and industry officials, import and export authorities, Tax and border control authorities, and shall be published in a widely circulating newspaper or any other media.

(6) The Licensing Officer may cancel a licence if the ground for which it was suspended has not been changed at or before the expiry of the suspension and provisions of subregulations (2), (4) and (5) shall apply.

(7) Where a licence has been suspended or cancelled, the licensee shall cease commercial operations in respect of which the licence was granted within 24 hours of receipt of the relevant notice.

(8) A licence may be cancelled by the Licensing Officer at the request of the licensee or the request of a person authorised to so act on behalf of the licensee, and where the licensee is a natural person the consent of the person so authorized shall be required.

(9) In the case of a cancellation at the request of the licensee, such request shall be made on the form set out in the Schedule 5.

#### **Effective date for cancellation**

16. (1) The effective date of cancellation of a licence shall be the day following the date of -

- (a) death of a licensed natural person;
- (b) the cessation of commercial operations by a licensed natural person that has ceased operations;
- (c) dissolution or liquidation order of a legal person;
- (d) de-registration of a legal person;
- (e) issue of the licence for a period of three consecutive calendar years during which the licensee failed to renew the licence.

(2) Where the premises are no longer suitable for the licensed commercial activity, the effective date of cancellation of a licence shall be the date following the date of the issue of the revised certificate of occupancy.

#### **Procedure for closure of business**

17. (1) Upon request by the Licensing Officer, the Commissioner of Police shall, pursuant to sections 26(3) and 41(2) of the Act, assist the Licensing Officer to close a business operation by-

- (a) taking control of the business premises and locking out all persons; and
- (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 or an officer authorised by Commissioner, the Licensing Officer or an authorised officer by the Licensing Officer may enter the premises of the closed business to ensure that no business activities are being carried out.

#### **Procedure for business registration**

18. (1) The application for registration shall be submitted to the Regis-

trar, in the form set out in Schedule 6.

(2) The notification referred to in section 14(4) of the Act shall be as set out in Schedule 7.

### **Registration of companies and commercial partnerships**

19. (1) Every registered company or commercial partnership shall be deemed to be registered under the Act.

(2) Any number allocated to a company or commercial partnership by the Registrar of Companies under the Companies Act, 2011<sup>5</sup> or Partnership Proclamation, 1957<sup>6</sup> shall be deemed to be the business registration number of that company or commercial partnership.

(3) On the coming into effect of these Regulations, the Registrar shall issue a business registration card to -

- (a) every existing and active company or commercial partnership;
- (b) every company after issuing the certificate of incorporation.

(6) Every commercial partnership shall, before commencing business activities, notify the Registrar in such a manner as may be approved by the Registrar of -

- (a) the business name of the commercial partnership;
- (b) the general nature of the business of the partnership;
- (c) the principal place of business and any other place where the business is carried on; and
- (d) the date of proposed date of commencement of business.

### **Business identification card**

20. (1) The Registrar shall, upon receipt of a properly completed application form and the fee set out in these regulations, issue a business identification card in the form prescribed in Schedule 8.

(2) A business identification card is valid for three years, unless cancelled by the Registrar, provided that the business identification card for a foreign enterprise shall be valid for one year.

(3) A business identification card for a foreign enterprise shall be renewed annually.

### **Issuance of business identification card to foreign enterprises**

21. Pursuant to section 15(2) of the Act the Registrar shall not issue a business identification card to a foreign enterprise unless the application is accompanied by a business permit and -

- (a) a business plan as prescribed in section 4(4) of the Act; and
- (b) the required capital resources of M2 000 000 Maloti is deposited in the financial institution.

### **Effect of registration**

22. The business identification card shall not be construed as implying that the requirements of any law in relation to any business operated by that person or to persons carrying on the business or employed in the business are complied with.

### **Registration of business name**

23. (1) The provisions of section 21 of the Act apply to any person who has a place of business in Lesotho and who operates a business in Lesotho under a name which -

- (a) in the case of a partnership, does not consist of the surnames of all partners who are individuals and the corpo-



rate names of all partners who are bodies corporate without any addition other than an addition permitted by the Act;

- (b) in the case of an individual, does not consist of his surname without any addition other than one so permitted;
- (c) in the case of a company, being a company, which is capable of being wound up under the Companies Act 2011, does not consist of its corporate name without any addition other than the one so permitted.

(2) The following are permitted additions for the purposes of this regulation -

- (a) in the case of a partnership, the forenames of individual partners or the initials of those forenames or, where two or more individual partners have the same surname, the addition of "s" at the end of that surname; or
- (b) in the case of an individual, his forename or its initial;
- (c) in any case, any addition merely indicating that the business is carried on in succession to a former owner of the business.

(3) The application for registration of a business name shall be in accordance with Schedule 9.

(4) The Register shall register the business name in the business name register and issue the registration of a name certificate in respect of the approved business name.

(5) The registration of a name certificate shall be as set out in Schedule 10.

(6) The Registrar shall approve a business name that complies with the provisions of section 21 of the Act.

### **Use of business name and logo**

24. (1) A registered business shall ensure that its full name and address are clearly stated on all documents issued or signed by or on behalf of the registered business.

(2) Where a registered business has or uses a logo, it shall use the same logo in all its written communication.

(3) A registered business shall not use in its logo, communication or other documents -

- (a) a design that resembles, similar or identical to the national flag;
- (b) words or designs that impart or suggest that the registered business enjoys the patronage of the Government of Lesotho or any part of the Commonwealth or General Assembly of the United Nations or any other organization referred to in section 21(2)(e) of the Act,

without the consent of the Registrar.

(4) Where a registered business does not use a logo, the registered business shall affix a business date stamp in all its communication which shall contain the date, name and address of the registered business.

### **Registration of changes**

Notification of changes in terms of section 22 of the Act shall be submitted in the form set out in Schedule 11.

### **Cessation of business**

A notice of business cessation in terms of section 23 of the Act shall be submitted in the form set out in Schedule 12.

### **Publication of non-complying enterprises**

27. (1) The Licensing Officer or Registrar of Companies may publish

the names of enterprises which fails to comply with the provisions of the Act or these Regulations.

(2) The Licensing Officer or Registrar of Companies shall exercise the powers under subregulation (1) in a manner calculated to achieve compliance with the Act or these Regulations and to promote public health, national security and environmental protection.

### **Inspection**

28. Registrar or a person acting on his behalf shall, before issuing a licence-

- (a) arrange for the inspection of a business enterprise and the preparation of an inspection report;
- (b) contact relevant authorities and facilitate speedy preparation of impact assessment reports on public health, occupational health and environmental protection.

### **Conduct of inspection**

29. (1) The Registrar of Companies may assign officers in his Department as inspectors under this Act to ensure compliance with the provisions of the Act and these Regulations.

(2) An inspector shall possess an identity card issued by the Registrar of Companies and shall present the identity card upon entry into any premises to be inspected or to any person from whom the inspector requires information.

(3) An inspector may -

- (a) enter at any reasonable time, any premises at which a business enterprise is being conducted and which is subject to the provisions of the Act and these Regulations;
- (b) inspect the premises referred to in paragraph (a) and conduct investigations during regular working hours and any other reasonable time, within reasonable limits and in a reasonable manner; and

- (c) take original or copies of documentation, including electronic documents.

(4) In conducting an inspection and investigations, the inspector may require the attendance and testimony of witnesses and the production of evidence.

(5) An inspector shall treat as confidential and not reveal any trade secrets which may come to his knowledge in the course of executing his duties, unless the inspector is required to divulge the information -

- (a) by a court of law; or
- (b) as a part of his work as an inspector.

(6) An inspector, who has a personal, pecuniary or direct interest in a matter that may prejudicially affect the consideration of the matter shall not inspect or supervise that matter to avoid the possibility of prejudice.

(7) A person whose business is subject to consideration under the Act shall at reasonable time allow an inspector access to premises and documentation.

(8) An inspector, exercising powers conferred by the Act and these Regulations, shall not be liable for anything done by him in good faith for the purposes of enforcing the Act and Regulations or otherwise acting in the course of duty.

(9) Any inspector who abuses his position or who causes unlawful damage to property, seizes property unlawfully or who breaches the confidentiality of information acquired by him in the course of his duties commits an offence and is liable to punishment under the Act and the Penal Code, 2010<sup>7</sup>.

### **Appeal to the Tribunal**

30. (1) The Principal Secretary shall designate a senior public officer within the Ministry of Trade and Industry to serve as the Secretary to the Tribunal.

(2) A notice for an appeal against the decision made under the Act

shall be -

- (a) in a form set out in Schedule 13;
  - (b) filed with the Secretary of the Tribunal within 14 days from the date of the decision;
  - (c) accompanied by a fee prescribed in these Regulations; and
  - (d) clearly state the grounds for the appeal and request by the appellant.
- (3) Where an appeal has been filed with the Secretary, the Secretary shall, within one working day of such filing notify the Licensing Officer of the appeal.
- (4) The appellant shall have the right to make his representation before the Tribunal.
- (5) The appellant and the Licensing Officer or Registrar of Companies, shall, at least one week prior to the date set for the hearing of the appeal, submit to the Tribunal all evidence, statements and documents relating to the decision appealed against.
- (6) The evidence of witnesses in the appeal hearing shall be produced either orally or by an affidavit.
- (7) The Tribunal shall decide the appeal based on the evidence, statements and documents submitted by both parties.
- (8) The Tribunal shall, as far as practicable, decide the appeal after one sitting.
- (9) Any notice sent by the Tribunal shall be deemed to have been delivered and duly notified if it is hand delivered or sent by registered post to the addressee at his place of business, habitual residence or mailing address.
- (10) Except as provided in the Act, all hearings or sittings of the Tribunal shall be open to the public and the decisions shall be made in public sitting.

### **Disclosure of interest by members of the Tribunal**

31. (1) For the purposes of section 35(1)(b) of the Act, a member of the Tribunal shall be deemed to have an interest in a business if, he is -

- (a) the owner of the business;
- (b) a partner or member in the business;
- (c) a shareholder or holds stock in the business;
- (d) an agent for the business;
- (e) an officer of the company in terms of Companies Act,
- (f) a manager, officer or employee of the business; or
- (g) a parent, grandparent, brother, sister, uncle, aunt, great-uncle, great aunt, son, daughter, grandson, grand-daughter, cousin, father-in-law, mother-in-law, brother-in-law or sister-in-law of the appellant or license holder.

(2) A member of the Tribunal shall declare on oath that he shall not disclose information that came to his knowledge during the performance of his duties and shall sign a confidentiality declaration in a form as set out in Schedule 14.

### **Licence and other fees**

32. (1) The schedule of fees and charges payable under the Act and these regulations are set out in Schedule 15.

(2) The Licensing Officer may issue a notice for the renewal of a licence stating that -

- (a) payment should be made within the period stated in the notice, not being less than thirty-one days;
- (b) if the licensee fails to pay the fee as requested in the notice, the Licensing Officer may demand the full settle-

ment of the licence fee and charge a monetary penalty, and if the licensee fails to pay the penalty, the officer may suspend or cancel the licence.

(3) A business activity may not be carried out unless all licence fees due in respect of that activity for the preceding years have been paid in full.

(4) This regulation shall, with necessary amendments, apply to payable business registration fees.

#### **Administrative monetary penalty and fine**

33. (1) Pursuant to section 43 of the Act, the Licensing Officer may charge a licensee a penalty fee for failure to comply with a provision of the Act or to fulfill his duties and obligations under these Regulations as set out in Schedule 15.

(2) The Licensing Officer or Registrar may recommend to the relevant authority that a foreign natural person involved in a business which has failed to comply with any of the provisions of these regulations, the Act, any business-related law or who has been convicted under the Act be considered for deportation and their work permit be cancelled.

(3) This regulation is subject to a penalty provision set out in the Act.

#### **List of reserved businesses activities**

34. (1) For the purposes of the promotion and development of local entrepreneurship and micro, small and medium enterprises, the business activities set out in Schedule 16 shall be reserved exclusively for citizens of Lesotho, excluding a naturalized and registered citizen of Lesotho.

(2) A licence issued to a naturalized or registered citizen of Lesotho, or an enterprise of which the proprietor, shareholder, partner or director is not a citizen of Lesotho shall remain in force until the expiry of the licence.

#### **Amendment of Schedules to the Act**

35. (1) Schedule 1 of the Act is amended by -

- (a) inserting the following items -
    - (i) under item 6 on "Food and beverages service activities", the following sub-items -
      - "6.5 wholesale and retail sale of alcoholic beverages consumed on the spot
      - 6.6 wholesale and retail sale of fresh produce
      - 6.6 slaughtering and converting animals into edible products (abattoir)";
    - (ii) under item 7 on "Personal service activities"-
      - "7.4 funeral parlor";
  - (b) by making the following amendments under item 9 on "Repairs and Maintenance"-
    - (i) the heading, "Repairs and Maintenance" is deleted and replaced with "Trade, repairs and maintenance of motor vehicles";
    - (ii) inserting the following sub-item -
      - "(c) retail sale of used motor vehicles"; and
  - (c) inserting the following new item after item 12 -
    - "13. Gambling and betting activities".
- (2) Schedule 2 of the Act is amended as follows -
- (a) in item 5 by deleting item 5.2 and renumbering accordingly;
  - (b) under item 7 on "Personal services activities"-
    - (i) deleting "Department of Public Health" which



appears in the margin and replacing it with “National Environment Service”; and

- (ii) inserting after sub-item 7.3 the following item-  
“7.4 Funeral Parlour”.

**DATED:**

**DR. THABISO MOLAPO  
MINISTER OF TRADE AND INDUSTRY**

**NOTE**

1. Act No. 3 of 2019
2. Act No. 3 of 2012
3. Act No. 13 of 1977
4. L.N. No. 57 of 2012
5. Act No. 18 of 2011
6. Proc. No. 78 of 1957
7. Act No. 2 of 2010

## SCHEDULE 1

## FORM A

**Business Licensing and Registration Regulations, 2020**  
**Application Form For a Business Licence or Renewal of a**  
**Business Licence**

(Reg. 3(a))

**Application for a business licence**

1. Name of the Company or entity or individual .....
2. Business registration number .....
3. Name under which the operations will be/are carried on .....
4. Capital to start the business .....
5. Number of jobs to be created/created .....
6. The registered office address of the company .....
7. The address where the activities will be carried on .....
8. Full names and details of the person who is or will be in active control of the trade activity and marketing operations in Lesotho:
  - (a) Full names:.....
  - (b) Identification details (Identification Document, passport, drivers' licence) .....
  - (c) Residential details of the directors or officers, Partners or managers or members as the case may be .....
9. State business activity .....
10. State the date the enterprise intends to commence operations or the date it started operating in Lesotho .....

- 
11. Affirm that -
- (a) all possible action has been taken, or will be taken, to ensure that the operations do not negatively affect public health, national security and environment protection in the surrounding area or any part of Lesotho and provide proof thereof;
  - (b) Employee welfare has been and will be considered in the operational plans of the enterprise and provide proof thereof;
12. State fully the persons who have effective control of the enterprise and full names of all the investors .....
13. Application to be accompanied by
- (a) Certificate of Occupancy issued under Building Control Act, 1995<sup>1</sup>;
  - (b) Fire protection plan and emergency exit map.
  - (c) Other documents affirming fulfilment of requirement under the Act to receive a licence;
  - (d) In case of foreign business, the applicant shall submit the following:
    - (i) Business Permit;
    - (ii) Strategic nature of the business to the Lesotho economy;
    - (iii) Skills transfer policy to citizens of not more than five years;
    - (iv) proof of source of investment capital;
  - (e) Proof that capital is deposited and invested in the local financial institution;
  - (f) the plan of corporate social responsibility;
  - (g) Proof of compliance with Workman's Compensation Act, 1977<sup>2</sup>;
  - (h) in the case of application for a renewal of a licence, the old li-

cence is attached.

I solemnly declare that the information herein contained is, to the best of my knowledge and belief, true and correct. I acknowledge that should the information provided be found to be misleading or false, I may be prosecuted or the issued licence be suspended or revoked.

.....  
Name and Signature of Applicant

## SCHEDULE 1

## FORM B

**Business Licensing and Registration Regulations, 2020**  
**Application For a Business Permit****(Reg. 4 (2))**

1. Name of the Company, entity or individual .....
2. Capital resources to start the business .....
3. Source of capital resources .....
4. Number of jobs to be created/created .....
5. The registered office address of the company .....
6. Full names and details of the person who is or will be in active control of the trade activity and marketing operations in Lesotho:
  - (a) Full names: .....
  - (b) Identification details (Identification Document, passport, drivers' licence) .....
  - (c) Residential details of the directors or officers, Partners or managers or members as the case may be .....
7. Does the person stated in 6 above speak English? Provide proof of English language proficiency (spoken and written)
8. State business activity .....
9. State the date the enterprise intends to commence operations or the date it started operating in Lesotho .....
10. Affirm that -
  - (a) all possible action has been taken, or will be taken, to ensure that

the operations do not negatively affect public health, national security and environment protection in the surrounding area or any part of Lesotho and provide proof thereof;

- (b) Employee welfare has been and will be considered in the operational plans of the enterprise and provide proof thereof.

11. State fully the persons who have effective control of the enterprise and full names of all the investors .....; including their nationalities.

12. Have you or any person stated in item 6 above that you or the person has been convicted of any criminal offence? (provide police clearance from the Lesotho Mounted Police or home country)

13. Application be accompanied by -

- (a) copy of identification documents;
- (b) proof of funds and such proof may be in the form of a statement from a business account from a financial institution;
- (c) a business plan indicating clearly the strategic nature of the business to the Lesotho economy;
- (d) a clear plan on how the applicant will contribute towards advancement of business undertakings owned by Lesotho citizens;
- (e) a comprehensive plan on skills and technology transfer within a period of at least two years;
- (f) the capital shall be deposited and invested in the local financial institution;
- (g) the plan of corporate social responsibility;
- (h) proof of compliance with Workman's Compensation Act, 1995;
- (i) copy of a valid visa;

- (j) proof of educational qualification, or other competency proof relating to the business activity to be undertaken in Lesotho.

14. If the application is approved, how many foreigners will you employ?

I solemnly declare that the information herein contained is, to the best of my knowledge and belief, true and correct. I acknowledge that should the information provided be found to be misleading or false, I may be prosecuted or issued licence be suspended or revoked.

.....  
Name and Signature of Applicant

N.B All documents which are not in English should be accompanied by official English translations and applicant may be required to attend an interview.

## SCHEDULE 2

### Business Licensing and Registration Regulations, 2020 Business Licence Form

(Reg. 8 (1))

#### Business licence

License is hereby granted to

..... (name of company/ individual/  
entity)

to ..... (describe the business activity) at ..... (address  
where business is activity is carried) subject to the conditions on the reverse of  
or attached to the licence, as prescribed in the Act and Regulations made pursuant  
to the Act.

License fee paid: M .....

Date of issue: .....

This licence is valid from ..... to ..... (for renew-  
able and temporary licenses).

.....  
Licensing Officer

**SCHEDULE 3**

**Business Licensing and Registration Regulations, 2020  
Application for Duplicate Licence**

**(Reg. 10(2))**

Name of licensee (company name/individual/ entity).....

The address where the business activity is carried out .....

Registration Number .....

Licence Number .....

Business activity .....

Reason for a duplicate license:

☐

Lost

☐

Destroyed

☐

Defaced

Details of the loss, destruction or deface

.....  
.....

Attach supporting documents in respect of the loss, destruction and defacement.

.....  
Name and Signature of Applicant



**SCHEDULE 4****Business Licensing and Registration Regulations, 2020  
Business Trading Conditions****(Reg. 11(3))****General conditions**

1. It shall be an offence for the holder of a licence issued by the Licensing Officer, or any employee or other person acting on his behalf, to make -
  - (a) a false or misleading statement about goods or services which he or she sells or offers for sale to the public;
  - (b) a false and misleading price indication about goods or services that he sells or offers for sale to the public.
2. Where a false or misleading statement is made under paragraph 1 of this Schedule by an employee or other person acting on behalf of the proprietor, the proprietor will be the person deemed to have committed the offence.
3. It shall be a defence for the proprietor charged with an offence under paragraph 1 of this to show that he took all reasonable precautions and exercised due diligence to avoid committing an offence.
4. All business enterprises shall operate business accounts with financial institutions within Lesotho.
5. Goods or services shall be provided at or less than a displayed or advertised price.
6. An amount of change shall be rounded to the nearest 5 lisente in favour of the buyer.

**Premises**

7. The business premises shall be on the commercial land and no person shall reside, live or sleep on the business premises.
8. Commercial premises, if any, referred to in the licence shall at all times

be kept clean and tidy both within the premises and in the immediate vicinity outside the premises and no pets should be found in the business premises (except in pet shops).

9. Any person carrying out a business activity shall be responsible for the cleaning of the pavement, the space beneath the pavement and of the street space in front of the commercial premises.
10. Any person carrying out a business activity shall ensure that the business premises have adequate parking bay and parking marshals where necessary.
11. During and After the trading hours the licensee is forbidden from leaving any waste or any objects on the pavement, the space beneath the pavement and the street space in front of his commercial premises.
12. The business activity carried on the premises or things stored within the premises shall not:
  - (a) cause annoyance to neighbours and the general public;
  - (b) be likely to occasion any fire or explosion;
  - (c) emit exhalation, fumes, vapours, gases, dust or emit noxious or offensive odours into the premises or atmosphere that may cause damage or are injurious to health;
  - (d) cause nuisance by way of noise or any other destruction.
13. When a business activity exposes for sale any article or any other thing placed outside the premises the person responsible for the commercial activity shall ensure that these do not cause an obstacle to pedestrians.
14. Any business activity which is carried on in any premises indicated in the licence or outside premises is governed by these regulations.
15. Traders shall keep the business premises free from rodents and pests.
16. Business premises shall be fumigated every 3 months and fumigation certificate shall be produced upon demand by inspector.

17. Trader shall ensure that there is no traffic congestion in front or around his business premises.

#### **Repair and maintenance of motor vehicles and motor cycle**

18. Where the business activity comprises of repair and maintenance of vehicles:

- (a) No vehicles shall be displayed for sale, repaired or be washed or cleaned in any part of the street.
- (b) No vehicles of any kind, commercial or otherwise, new or second hand may be parked in any public place for the intention of exhibiting it for sale or for repair and maintenance.
- (c) The premises for repairs and maintenance of motor vehicles shall be fumigated for pests and rodents every 3 months and the owner shall provide proof.

#### **Protection of minors**

19. Magazines, books, videos, DVDs or any other items or materials which by their nature are objectionable for use or consumption by minors, or any items which by their nature are objectionable by general use shall not be sold or hired to minors or displayed in any manner within the commercial premises where they will be accessible to or within the reach of such minors.

20. Tobacco, tobacco products, alcoholic beverages and other recreational products shall not be sold, marketed or displayed in any manner within the commercial premises where they will be accessible to or within the reach of such minors.

#### **Noise abatement**

21. No business activity located in an urban area can generate noise that can be heard from outside the premises that causes annoyance and disturbance to neighbours and general public by playing of music by live bands or amplified music or other means between the hours of 7.00 a.m. to 5.00 p.m.

**Street hawker**

22. A street hawker may carry out business activity from any place, in any street, by trading, that is by parking his means of carriage according to the traffic regulations in any street where he stops to sell to his customers and after serving such customers moves to another place.

23. Street Hawker is subject to the following conditions:

- (a) that while the street hawker stops to sell to his customers, no nuisance or inconvenience is caused to the inhabitants or passers-by in the street;
- (b) that any means of carriage used by hawker is parked within a permitted parking space and no inconvenience is caused to the flow of traffic;
- (c) that when a street hawker stops his means of carriage to sell to his clients, the means of carriage must not be parked within fifty metres of walking distance from the next open-air market.

**Commercial fairs and exhibitions**

24. Any commercial fair or a commercial exhibition may only be held on a any premises registered to host fairs or exhibitions.

25. Registration for a commercial fair or commercial exhibition shall be valid for seven consecutive days including Sundays and Public Holidays except Good Friday: provided that any commercial fair or commercial exhibition organised for more than seven consecutive days or further period shall not exceed thirty days.

26. Registration number for any commercial fair or exhibition shall be shown on any advert and any promotional material advertising the activity.

**Auctioneers**

27. The registered auctioneer may sell any goods by public or electronic auction, and, on the same day and at the same place as a public auction sale, sell out of hand any such goods which were offered for sale by him at such auction

sale but remain unsold.

### **Cleaning services**

28. A cleaning services licensee may deliver services at a customer's premises.

29. A dry-clean licence shall not be issued unless the premises have a functioning drainage system and dry-cleaning activities shall be restricted to the licensed premises.

30. A licence for a laundromat licence may only be issued if the premises on which the laundromat is to be operated have a functional drainage system.

31. A laundromat licensee shall only carry out laundromat services on the licensed premises.

### **Fresh produce**

32. A fresh produce licensee shall not prepare and sell fast food unless obtained a separate licence of fast food activities without full restaurant services, and

33. A person who owns or manages a farm not for commercial purposes shall not require a fresh produce licence to sell fresh farm produce.

### **Funeral parlours**

34. A funeral parlour licensee:

(a) may sell coffins, wreaths, flowers, grave covers or tombstones and related accessories; and

(b) shall operate on the commercial premises.

### **Funeral undertaker and cremation activities**

35. A person issued with a funeral undertaker and cremation licence -

(a) Shall receive and prepare corpses including repatriated for bur-

ial or cremation;

- (b) Shall subject to the right to use other premises for storage only, be restricted to the fixed premises specified in the licence.;
- (c) Shall have a functional drainage system;
- (d) Shall have a proper and functional cold room and equipment for preservation of corpse;
- (e) May arrange for vehicle for staff for funeral and grave side services;
- (f) May embalm the corpse where required and performed by specialist;
- (g) Shall keep and maintain clear personal records of the corpse;
- (h) Shall make transfer or repatriation of remains for funeral and burial services;
- (i) May order floral distributes on behalf of the family;
- (j) For cremation the facility shall have a proper incinerator and shall ensure that the ashes are preserved in the proper manner pending distribution to the family;
- (k) May provide memorial wall facility for cremated bodies;
- (l) May provide place of prayer; and
- (m) May exhume buried corpse upon approval by relevant authority.

**36. Fast food licence**

- (a) The premises shall be clean and tidy both within and in the immediate vicinity outside and around the premises.
- (b) The premises shall be free from pests and rodents and shall be fumigated every three months.

- (c) The employees shall be supplied with and wear protective clothing;
- (d) The business shall have a proper waste management plan;
- (e) The business shall ensure that the ingredients used are labelled and with clear expiry date indicated on the packaging;
- (f) The employees shall have a valid food handles certificate;
- (g) The Licensing Officer shall not issue or renew a fast food licence unless the premises have an oil and water separator trap;
- (h) A fast food licensee shall not sell unprepared food in the licensed premises;
- (i) The mobile fast food shall be licensed and shall keep the unit clean and tidy both within and in the immediate vicinity outside and around the premises;
- (j) Mobile fast food shall be free from pests and rodents and shall be fumigated every 3 months; and
- (k) The mobile fast food unit shall not obstruct the flow of traffic, pedestrians or block pavements.

**37. Retail sale of used motor vehicles**

- (a) Shall have a covered structure with concrete slab on the floor without tents or nets;
- (b) Shall have fire emergency plan and emergency exit;
- (c) Shall ensure that ground rent has been paid to the authority;
- (d) Licence shall be renewed twice a year;
- (e) Shall submit to the licencing officer every three months, a list of imported vehicles and of sale records of buyers;

- (f) Shall import not more than 100 cars per annum including branches and subsidiaries;
- (g) Display of motor vehicle shall be within confinement within the business premises;
- (h) Renewal of registration shall be subject to recommendation by the inspector;
- (i) The business shall bank the proceeds of the business within the local financial institution; and
- (j) The business shall not receive payments in cash, payments shall be made through local financial institutions platforms.

**38. Betting and gambling**

- (a) The business shall not operate from public bars, shebeens or taverns;
- (b) The business shall operate from the designated outlets;
- (c) The business shall not allow the persons under the age of 18 years to enter the premises or participate in the activity;
- (d) The business shall operate from 10:00 am to 05:00 pm;
- (e) The licence shall be renewed twice a year;
- (f) Renewal of licence shall be subject to recommendation by the inspector; and
- (g) The trader shall not sell alcoholic beverages, but may sell snacks and light meals.

**39. Wholesale of alcoholic beverages not consumed on spot (Off-sale)**

- (a) The business shall sell only to registered retailers only not individuals;



- (b) The business shall operate from 09:00am to 06:00pm from Monday to Friday, on weekends from 09:00am to 1:00pm;
- (c) The registration shall be renewed annually;
- (d) The business shall not allow the person under the age of 18 years to enter the premises, shall require identification documents at all times;
- (e) Require import permit for alcoholic beverages not produced in country;
- (f) The business shall sell in bulk at all times and no sale to any person under the age of 18 years; and
- (g) For renewal the business shall submit customer data in any form required by the Registrar.

**40. Retail sale of alcoholic beverages to be consumed on the spot**

- (a) The registration shall be renewed annually;
- (b) The business shall not allow the person under the age of 18 years to enter the premises, shall require identification documents at all times;
- (c) The business shall not sell to any person under the age of 18 years;
- (d) The business shall not play music on its premises;
- (e) The business shall not have a juke box or any similar musical instrument;
- (f) The business shall be at least 3km away from existing health care facilities and schools;
- (g) The operating hours for shebeens from 10:00am to 08:00pm everyday;

- (h) The operating hours for taverns and public bars from 10:00 am to 12Midnight from Monday to Thursday, from Friday to Saturday and public holidays from 10:00am to 06:00am, on Sunday from 10:00 am to 10:00pm; and
- (i) For renewal the business shall submit customer data in any form required by the Registrar.

**41. Retail sale of beverages in specialised stores**

- (a) The business shall not sell alcoholic beverages to any person under the age of 18 years and shall require identification document;
- (b) The business shall not play music on its premises;
- (c) The business shall not have a juke box or any similar musical instrument;
- (d) The business shall be at least 3km away from existing churches, healthcare facility and schools;
- (e) The business shall operate from 09:00 am to 08:00 pm Monday to Saturday, on Sunday to 09:00 to 1:00pm; and
- (f) The business may sell snacks and related products.

**42. Wholesale and retail sale of meat, fish, seafood and including poultry and meat products**

- (a) The business shall have proper and adequate cold storages;
- (b) The business shall have white walls;
- (c) The business shall be kept clean and tidy both within and the immediate vicinity outside and around the premises;
- (d) The business shall have facilities to facilitate bulk products for wholesale;

- (e) The business shall be free from pests and rodents and be fumigated every 3 months;
- (f) The products shall have clear labels of ingredients and expiry dates;
- (g) The employees shall have protective clothing;
- (h) Employees shall have valid food handler's certificates;
- (i) The business shall comply with guidelines and rules provided by Public Health or any other authority;
- (j) The business shall not allow pets in the premises;
- (k) The business shall separate products according to type and category;
- (l) The business shall not sell any products other meat and meat products but may sell spices, sauces and frozen food products;
- (m) The wholesaler shall sell to retailers only and provide retailers with identification numbers;
- (n) The wholesaler shall keep and maintain the records of retailers; and
- (o) The business shall have incinerator to dispose of condemned carcass and spoiled products.

#### SCHEDULE 5

#### **Business Licensing and Registration Regulations, 2020 Cancellation of a Business License on Request of Licencee (Reg 15 (9))**

##### **Details of license**

1. Business registration number.....

2. Licence number.....
3. Type of business ..... (Company/entity/individual)
4. Reasons for cancellation:

**Declaration**

By means of this application, I hereby apply to cancel my trader's license. I confirm that the information supplied in this form is to the best of my knowledge and belief true and correct. I acknowledge that should the information provided be found misleading or false, I may be prosecuted.

.....  
Name and signature of applicant

.....  
DATE

**SCHEDULE 6****Business Licensing and Registration Regulations, 2020  
Business Registration Form****(Reg. 18(1))**

FOR OFFICE USE ONLY

BUSINESS IDENTIFICATION NUMBER

Stamp, name/signature/date

**PLEASE SEE NOTES**

The registration form **MUST** be completed in capital letters with a black ink -

**Part A- Company or other entity (Foreign Enterprise)**

1. Business Name
2. Trade name .....

3. the type of business activity (the Business Classification Code) .....
4. the registered address of the company/ entity .....
5. the addresses where the business activity will be carried on .....
6. Details of occupancy certificate (where applicable) .....
7. details of director or members

Surname	Name	Physical address of director or member	Conduct details and email	Identification/ passport number	national- ity
---------	------	--	---------------------------------	---------------------------------------	------------------

Attach:

- (i) Business Permit Number
- (ii) Proof Capital resources of not less than M2,000 000
- (iii) Skill transfer Plan
- (iv) Number of jobs created or to be created
- (v) Proof of capital deposited and invested in the local financial institution
- (vi) Business plan indicating the strategic nature of the business to the Lesotho economy,
- (vii) Plan or report on advancement of business undertakings by citizens
- (viii) Proof of compliance with Workman's Compensation Act

Date of commencement of business .....

#### Declaration

I solemnly declare that the information herein contained is, to the best of my knowledge and belief, true and correct. I acknowledge that should the information provided be found to be misleading or false, I may be prosecuted.

Date of application .....

NB: Some business activities require proof of relevant qualifications for the business being registered. Other businesses have operating requirements. Please

consult the Licencing officer.

**Part B - Sole Owner (attach certified copy of Identification Document/ passport/ drivers License)**

- (i) Name of owner .....
- (ii) Name of Business .....
- (iii) Trade Name .....
- (ii) Date of Birth .....
- (iv) Address of owner .....
- (v) address where the business activity is carried on .....
- (vi) Business activity .....
- (iii) Gender          Female          Male
- (iv) Nationality .....
- (vi) Identification Number/ Passport Number /Drivers licence  
Number .....
- (vii) Date to commence a business
- (viii) Contact and Mobile Number .....
- (ix) E-mail .....

**Foreign owner Attach:**

- (i) Business Permit
- (ii) Proof Capital not less than M2,000 000
- (iii) Skill transfer Plan
- (iv) Number of jobs created or to be created
- (v) Proof of capital deposited and invested in the local financial institution
- (vi) Business plan indicating strategic nature of the business to the Lesotho economy
- (vii) Plan or report on advancement of business undertakings by citizens
- (viii) Proof of compliance with Workman's Compensation Act

**Declaration**

I solemnly declare that the information herein contained is, to the best of my knowledge and belief, true and correct. I acknowledge that should the information provided be found to be misleading or false, I may be prosecuted.

Date of application .....

Name and signature .....

**Part C: Partnership (attach certified copy of Partnership Deed and identification document/ passports /driver licence of partners)**

1. Name and Number of the Partnership .....
2. Address of registered office .....
3. The address of where the business activity is carried .....
4. Business activity .....

Surname	First Names	Date of Birth & nationality	Passport Number/ Identification Number/ drivers licence	Conduct Mobile number E-mail Address	Physical address of partners
---------	----------------	-----------------------------------	---	--	---------------------------------------

**5. Partnership with non-citizens (foreigners) to attach:**

- (i) Business Permit
- (ii) Proof Capital not less than M2,000 000
- (iii) Skill transfer Plan
- (iv) Number of jobs created or to be created
- (v) Proof of capital deposited and invested in the local financial institution
- (vi) Business plan indicating strategic nature of the business to the Lesotho economy
- (vii) Plan or report on advancement of business undertakings by citizens
- (viii) Proof of compliance with Workman's Compensation Act

6. Names of every person responsible for the management of the business; including residence and work permit details for non-citizens,

.....  
 .....  
 .....

7. the date or proposed date of commencement of business .....

Caution: Please ensure that you have correctly and truthfully answered all relevant questions. Failure to do so may result in delayed processing and even re-

jection of this application.

#### 8. Declaration

I solemnly declare that the information herein contained is, to the best of my knowledge and belief, true and correct. I acknowledge that should the information provided be found to be misleading or false, I may be prosecuted.

Signature ..... Date .....

Full names ..... Conduct number and e-mail address.....

FOR OFFICE USE ONLY

### SCHEDULE 7

#### Business Licensing and Registration Regulations, 2020 Notification of Other Business Locations

(Reg. 18(2))

#### Application for a business licence

1. Name of the Company or entity or individual .....
2. Business registration number .....
3. Name under which the operations will be/are carried on .....
4. Capital to start the business at the new location .....
5. Number of jobs to be created/created at the new location .....
6. The registered office address (where notices will be served).....
7. The address where the activities will be carried on (new location) .....
8. Full names and details of the person who is or will be in active control of the trade activity and marketing operations at the new location
  1. Full names: .....



- 
2. Identification details (Identification Document, passport, drivers' licence) .....
  3. Residential details of the directors or officers, Partners or managers or members as the case may be
  9. State business activity .....
  10. State the date the enterprise intends to commence operations at the new location .....
  11. Affirm that
    - (a) all possible action has been taken, or will be taken, to ensure that the operations do not negatively affect public health, national security and environment protection in the surrounding area or any part of Lesotho and provide proof thereof; and
    - (b) employee welfare has been and will be considered in the operational plans of the enterprise and provide proof thereof.
  12. State fully the persons who have effective control of the enterprise and full names of all the investors .....
  13. Application be accompanied by -
    - (a) Certificate of Occupancy issued under Building Control Act in respect of the new location;
    - (b) Fire protection plan and emergency exit map;
    - (c) Other documents affirming fulfilment of conditions under Schedule 1 of the Act to receive a licence;
    - (d) In case of foreign business, the applicant shall submit the following:
      - (i) Business Permit;
      - (ii) Strategic nature of the business to the Lesotho economy;
      - (iii) Skills transfer policy to citizens of not more than five

- years;
- (iv) proof of source of investment capital;
- (v) proof that the capital is deposited and invested in the local financial institution;
- (vi) the plan of corporate social responsibility with respect to the community at the new location; and
- (vii) Proof of compliance with Workman's Compensation Act relating to operations at the new location.

I solemnly declare that the information herein contained is, to the best of my knowledge and belief, true and correct. I acknowledge that should the information provided be found to be misleading or false, I may be prosecuted or issued licence be suspended or revoked.

.....  
Name and Signature of Applicant

#### SCHEDULE 8

#### **Business Licensing and Registration Regulations, 2020 Business Identification Card (Reg. 20(1))**

NAME OF company/ individual/ entity .....

Business Name .....

BUSINESS IDENTIFICATION NUMBER .....

BUSINESS NAME .....

Business activity	Address of registered office/	Address where the business activity is carried	Other Places of Business
----------------------	-------------------------------------	--	--------------------------

REGISTRATION FEE PAID ..... RECEIPT NUMBER .....

Date of issue .....

Expiry date .....

**SIGNATURE AND SEAL  
REGISTRAR OF BUSINESSES**

**SCHEDULE 9**

**Business Licensing and Registration Regulations, 2020  
Application for Registration of a Business Name**

**(Reg. 23 (3))**

**For Sole Proprietor**

1. I the undersigned, ..... (name as it appears in the Business ID), holder of business Id No. .... hereby apply to have registered as the business name of my business the name .....

2. The said name has been adopted in good faith for the purpose of identifying my business and is readily distinguishable from every name, trademark well known nationally, regionally, internationally or company name included in registers or other records prescribed by the Registrar.

Signed .....

Date of application .....

**For Partnership**

1. We, the undersigned, ..... (name as it appears in the Business ID), holder of business Id No. .... hereby apply to have registered as the business name of our business the name .....

2. The said name has been adopted in good faith for the purpose of identifying my business and is readily distinguishable from every name, trademark well known nationally, regionally, internationally or company name included in registers or other records prescribed by the Registrar.

Signed .....  
(all partners must sign)

Date of application .....

**For Companies or other entities**

1. We, ..... [name of company] incorporated under the Companies Act 2011, registered number ..... are desirous of trading under the name.....

2. The said name has been adopted in good faith for the purpose of identifying the company and is readily distinguishable from every name trademark well known nationally, regionally, internationally included in registrars or other records prescribed by the Registrar.

3. This application is made on behalf of the company by ....., who has been authorised by the company to make the application. (attach letter of authority)

Signature and Name .....

Date of the application .....

**SCHEDULE 10**

**Business Licensing and Registration Regulations, 2020**  
**Certificate of Business Name**

**(Reg. 23(5))**

I, the Registrar, hereby certify that the ..... (name of the company/individual /entity), registered number ..... has been approved to trade under the name:

..... with effect from .....

Date:

Signed:

Registrar:

## SCHEDULE 11

**Business Licensing and Registration Regulations, 2020**  
**Notification of Changes Form**

(Reg 25)

Notice is hereby given that there have been the following changes in .....  
 (name of company/individual/entity), registered as No. .... with busi-  
 ness ID No. ....

The particulars of the change are as follows:

1.      Ownership of business
2.      Management of business
3.      Business activity
4.      Business name .....
5.      Business address or registered office address .....

Effective date of change .....

Notification made by ..... (in case of legal person, indicate capacity)

Name:

Signature

Date of notification

## SCHEDULE 12

**Business Licensing and Registration Regulations, 2020**  
**Notification of Cessation of Business**

(Reg 32(a))

I hereby give notice that on ..... [date],

..... (company/individual/entity), registered on .....,  
with registration No. .... and business ID number ..... And  
/Licence number where applicable ..... ceased/will cease to have a  
place of business in Lesotho.

The reasons for cessation are as follows: .....

Signed

Name and surname

Date of application .....

### SCHEDULE 13

#### Business Licensing and Registration Regulations, 2020 Notice of Appeal

(Reg 31(2))

#### MINISTRY OF TRADE AND INDUSTRY

The Chairperson  
Business Enterprises Licensing Tribunal

Please take note that I, ..... (full name) of ..... (physical address) intend  
to appeal against the decision of the Licensing Officer or Registrar made on  
..... in respect of ..... on the following grounds: (tick whichever  
is appropriate)

1. the application for a license or registration is declined
2. licence is cancelled or suspended
3. business name is removed from the register
4. business operations have been closed
5. other grounds

Provide reasons and additional information .....

Please find attached the following documents relating to this matter:

1. ....

2. ....
3. ....

Signature .....

Date .....

#### SCHEDULE 14

##### **Business Licensing and Registration Regulations, 2020 Confidentiality Form for Tribunal Members**

**(Reg. 31(2))**

This is to certify that I ....., a member of a Tribunal, understands that any information written, verbal or in any other form obtained during the performance of my duties shall remain confidential. This include all information about the Ministry, clients or third parties dealing with Ministry, as well as any other information otherwise marked or known to be confidential.

I fully understand that any unauthorised release or negligence in the handling of this confidential information is considered breach of duty to maintain confidentiality.

I further understand that any breach of duty of confidentiality may be grounds for serious misconduct which will lead to termination of my appointment.

.....  
Name and Surname of member

.....  
Signature of Member

#### SCHEDULE 15

##### **Business Licensing and Registration Regulations, 2020 Fees Payable Under the Act and Regulations**

**(Regs. 33(1))**

**Annual fees should**

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 for a licence (first grant) 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 the Regulations shall be as set out in the Table below -

**TABLE OF FEES**

<b>ITEM</b>	<b>FEE FOR MSMES</b>	<b>FEE FOR OTHER HOLDERS</b>
Licence fee for grant, renewal licence other than retail sale of alcoholic beverages whether or not consumed on the spot, wholesale and retail sale of meat, including poultry and meat products	M500	M3 000
Licence Transfer fee	M500	M3 000
Wholesale and retail sale of alcoholic beverages not consumed on the spot (Off-sale)	M2 000	M3 000
Retail sale of alcoholic beverages whether consumed on the spot (tarvern, shebeen, public bar)	M1 500	M4 000
Wholesale and retail of meat including meat products	M1500	M400



Merger and Acquisition	M600	M4 000
Duplicate licence	M600	M4 000
Appeal notification fee	M1 500	M3 500
Licence Register inspection fee	M250	M250
Registration fee other than for retail sale of used vehicles and betting, lottery and gambling	M500	M1 500
Registration fee for retail sale of used motor vehicles and betting, lottery and gambling	M50 000	M150 000
Any other for	M50	M50
Fee for extracts from the Register or copies of filed documents	M10 per page	M10 per page
Penalties	M5 each day of failure	M5 each day of failure

#### SCHEDULE 16

#### List of Reserved Business Activities

(Reg. 34)

1. International road freight transport and logistics
2. Road transport and logistics
3. Motor dealer
4. Real estate agency
5. Clearing agent
6. Warehousing activities
7. Retail sale of household fuel, bottled gas and coal
8. Fast food activities without full restaurant services
9. Hair dressing and beauty treatment (Division 9602)
10. Repairs and maintenance of Motor Vehicle and Motor cycle
11. Activities of households as employers of domestic personnel

- (Division 97)
12. Cleaning or Motor vehicles
  13. Raising of horses
  14. Raising of sheep and goats
  15. Raising of swine and pigs
  16. Raising of poultry
  17. Sale of livestock and livestock products
  18. Tour operator activities (Division 79)
  19. Cleaning activities (Division 81)
  20. Landscape care and maintenance service activities (division 8130)
  21. Photographic activities (Division 7420)
  22. Retail sale via stalls and market of food, beverages and tobacco products (division 4781, Retail sale via stalls and market of textiles, clothing and footwear (4782)
  23. Retail sale of cultural and recreation goods in specialised stores (division 476)
  24. Activities of business agents and brokers (division 6622)  
articles in specialised stores, including wholesale and retail sale of health related articles or products
  25. Retail sale of animal feeds, including animal and crops medical goods and chemicals
  26. Retail sale of bread and confectionery products
  27. Retail Sale of motor vehicle parts and accessories
  28. Repairs of motor vehicle parts including vehicle tyres and motor-cycle parts
  29. Retail Sale, maintenance and repair of motorcycles and related parts and accessories
  30. Wholesale and Retail sale of alcoholic beverages whether or not consumed on the spot (off- sale, tavern, shebeen and public bar)
  31. Wholesale and Retail sale of meat and meat products, including poultry
  32. Retail sale of fruits and vegetables
  33. Growing of fruits and vegetables
  34. Retail sale of prepared meat and meat dishes whether consumed on the spot (Chesa-Nama) without full restaurant services
  35. Supply of liquified petroleum gas and petroleum products
  36. Retail sale in non-specialised stores (Division 471)
  37. Retail sale of hardware, paints and glass products
  38. Retail sale of second-hand goods
  39. Retail sale not in stores, stalls or markets
  40. Wholesale and retail sale of pharmaceutical and medical goods, cosmet-

- ics and toilet articles in specialised stores, including wholesale and retail sale of health related articles or products
41. Mobile food services and other food services
  42. Printing and business support services
  43. Photocopying, document preparation and other specialised office support services
  44. Electrical, plumbing and other construction installation activities (Division 432)
  45. Welding services
  46. Repair of footwear and clothing
  47. Metal waste or scraps

#### NOTE

1. Act No. 8 of 1995
2. Act No. 13 of 1977