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LEGAL NOTICE NO. 77 OF 2019

**International Organisations (Privileges and Immunities)
Southern African Customs Union Regulations, 2019**

Pursuant to section 3 of the International Organisations (Privileges and Immunities) Act, 1969¹, I,

LESEGO MAKGOTHI

Minister responsible for foreign affairs and international relations make the following regulations:

Citation and commencement

1. These regulations may be cited as the International Organisations (Privileges and Immunities) Southern African Customs Union Regulations, 2019 and shall come into operation on the date of publication in the Gazette.

Application

2. (1) The Southern African Customs Union is declared as an international organisation to which the International Organisation Privileges Act, 1969 applies.

(2) For purposes of these regulations, “Southern African Customs Union” means the Southern African Customs Union established in terms of Southern African Customs Union Agreement, 2002.

Legal Personality of Southern African Customs Union

3. The Southern African Customs Union shall have legal personality with capacity and power to enter into contracts, acquire, own or dispose of movable or immovable property and to sue and be sued.

Inviolability of Southern African Customs Union

4. (1) Any property and assets of the Southern African Customs Union wherever they are located in Lesotho shall enjoy immunity from legal processes unless such immunity is waived by the Executive Secretary of Southern African

Customs Union.

(2) Any Southern African Customs Union records including documents, correspondence, manuscripts, computer records, films, motion pictures, sound recording or any other information or document relating to the performance of its functions shall enjoy immunity from legal processes.

Exemption from payment of taxes and duties

5. (1) The Southern African Customs Union is exempt from payment of all forms of direct or indirect tax on any of its property (corporeal or incorporeal) and assets including income of its officials.

(2) The Southern African Customs Union and its officials are exempt from -

- (a) payment of customs duties on goods imported or exported for official activities including publications; or
- (b) any restrictions or prohibitions applicable on goods imported or exported for official activities including publications.

The Southern African Customs Union not to dispose of property without Government consent

6. The Southern African Customs Union shall not dispose of, sell or alienate property imported or exported without payment of customs duties unless it has obtained a written permission from the Government of Lesotho.

Officials of Southern African Customs Union Secretariat have immunity from legal processes

7. An official of Southern African Customs Union Secretariat shall, while executing his duties under the Southern African Customs Union Agreement, have immunity from a legal process in respect of words spoken or written and all acts performed by him in his official capacity.

Waiver of rights by Southern African Customs Union Executive Secretary

8. The Southern African Customs Union Executive Secretary shall, without prejudice to the interests of the Southern African Custom Union, retain the right to waive any of the official rights to immunity.

Cooperation by the Southern African Customs Union and its officials

9. The Southern African Customs Union and its officials shall cooperate with a relevant official or institution executing duties under any other law.

DATED:

**LESEGO MAKGOTHI
MINISTER OF FOREIGN AFFAIRS AND
INTERNATIONAL RELATIONS**

NOTE

1. Act No. 32 of 1969

LEGAL NOTICE NO. 78 OF 2019**Declaration of Regularisation Scheme Area Notice, 2019**

In exercise of the powers conferred by section 62 of Land Act 2010¹, I,

LITŠOANE SIMON LITŠOANE

Minister of the Local Government and Chieftainship Affairs, declare the Agricultural plots of Thota ea Mokausi covering 3832692sqm and Ha Lesiamo covering 1033313sqm in the Mahobong Area, as Regularisation Scheme Area for a period of eighteen (18) months from the date of publication in the Gazette.

DATED: 22ND AUGUST, 2019

**LITŠOANE SIMON LITŠOANE
MINISTER OF LOCAL GOVERNMENT AND
CHIEFTAINSHIP AFFAIRS**

NOTE

1. Act No. 8 of 2010

LEGAL NOTICE NO. 79 OF 2019

Financial Institutions (Anti-Money Laundering and Combating of Financing of Terrorism) (Amendment) Regulations, 2019

Pursuant to section 71 of the Financial Institutions Act, 2012¹, I,

RETŠELISITSOE MATLANYANE

Governor of the Central Bank, being the Commissioner of financial institutions make, the following regulations:

Citation and commencement

1. These Regulations may be cited as the Financial Institutions (Anti-Money Laundering and Combating of Financing of Terrorism) (Amendment) Regulations, 2019 and shall come into operation on the date of publication in the Gazette.

Interpretation

2. Regulation 2 of the Financial institutions (Anti-Money Laundering and Combating of Financing of Terrorism) Regulations, 2015² (Hereinafter referred to as the principal regulations) is amended by inserting the following definition after the definition of “correspondent banking”:

“Financial integrity” means the safety, soundness and reputation of a bank; and of the financial system as a whole;”

Reporting of suspicious activities, incidents of fraud and large transactions

3. Regulation 10 of the principal regulations is amended by -
- (a) deleting subregulation (1)(a) and (b) and renumbering consequentially;
 - (b) deleting subregulation (2) and replacing the following:

“(2) Where a bank considers that a suspicious activity adversely impacts the financial integrity of the bank, the bank shall report the activity to the Commissioner.”.

Reporting of suspicious activities, incidents of fraud and large transactions

4. Regulation 10 of the principal regulations is amended by inserting a new subregulation after subregulation (1)

“(2) A report under subregulation (1) shall be in the format as prescribed in the Financial Integrity Report by the Commissioner in the Schedule.”.

Reporting of suspicious activities, incidents of fraud and large transactions

5. Regulation 10 of the principal regulations is amended by deleting and replacing the following subregulations:

- (a) “(3) A staff member of a bank who reports a suspicious activity to the Commissioner in good faith shall not be held liable.
- (b) (4) A bank shall have and follow clear policies and processes for staff to report suspected activities related to money laundering or terrorist financing to a dedicated officer of the bank.
- (c) (5) A bank shall have and utilize adequate management information systems to provide the Board of Directors, management, compliance and dedicated officers with timely and appropriate information to abuse of the bank’s financial services.”.

Insertion of a Schedule

6. The principal regulations are amended by inserting the following Schedule:

“SCHEDULE

(Regulation 10)

FINANCIAL INTEGRITY REPORT

INSTITUTION ID:
FINANCIAL YEAR:
START DATE:
END DATE:

DATE	NATURE OF TRANSACTION	AMOUNT INVOLVED	REASON FOR SUSPISION	TOTAL ACTION TAKEN	LOCATION”
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DATED:

**DR. RETŠELISITSOE MATLANYANE
GOVERNOR OF THE CENTRAL BANK OF LESOTHO**

NOTE

1. Act No. 21 of 2012
2. L.N. No. 77 of 2015