

ACT NO. 15 1998

LESOTHO PASSPORTS AND TRAVEL DOCUMENTS ACT, 1998

An Act to provide for the issuance and revocation of Passports and Travel Documents and for

matters incidental thereto.

Enacted by the Parliament of Lesotho.

Short title and commencement

1. This Act may be cited as the Lesotho Passports and travel documents Act 1998 and shall come into operation on the date of its publication in the Gazette.

Interpretation

2. In this Act unless the context otherwise requires-

"bearer" means the holder of a passport or travel document in terms of this Act;

"damage" means fraudulently damaged;

"Department" means the Department of Immigration;

"Director" means the Director of Immigration;

"Government" means the Government of Lesotho;

"Minister" means the Minister responsible for Home Affairs.

"Passport" means Regular, Official or Diplomatic passport;

"travel document" means an emergency travel document, certificate of identity or Geneva convention travel document.

Types of Passports and travel documents

3. The following types of passports and travel documents may be issued by the Minister:

(a) Regular passport;

(b) official passport;

(c) Diplomatic passport;

(d) certificate of identity;

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(e) emergency passport; and

(f) Geneva Convention travel document.

Passports to remain property of the Government

4. Passports shall be issued in the name of the King and remain the property of the Government.

Power to issue Passports

5. (1)The Minister shall issue passports subject to this Act.

(2)Notwithstanding subsection (1) of this section, the Minister may delegate the power to issue passports to the Director.

Information in Passport

6. A passport shall contain the following information:

(a) full names and surname of bearer;

(b) nationality of bearer;

(c) date and place of birth of bearer;

(d) sex of bearer;

(e) photograph of bearer;

(f) signature of bearer;

(g) the date and place of issue;

(h) expiry date of the passport;

- (i) signature of the person issuing the passport;
- (j) passport number; and
- (k) endorsements.

Persons to whom passports may be issued

7. (1) A Regular passport may be issued to every citizen of Lesotho for purposes of travelling in or out of Lesotho

(2) An official passport may be issued to a person who³

- (a) is in the service of the Government;
- (b) holds a Senior position; and
- (c) travelling on official business.

(3) A Diplomatic Passport may be issued to their Majesties and the following persons and their spouses:

- (a) the Prime Minister;
- (b) Government Ministers;
- (c) Judges (if Lesotho nationals);
- (d) Speaker;
- (e) Deputy Speaker;
- (f) Attorney General;
- (g) Government Secretary;
- (h) Senior Private Secretary to his Majesty;
- (i) Senior Private Secretary to the Prime Minister;
- (j) President of the Senate;
- (k) Vice President of the Senate;
- (l) Chairman of the Public Service Commission;
- (m) Chairman of the Independent Electoral Commission;
- (n) Chairman of the Teaching Service Commission;
- (o) Principal Secretaries;
- (p) Foreign Service Officers not below the rank of attaches; and
- (q) Members of Senate and National Assembly,"
- (r) Any other persons to be designated by the Minister by notice in the Gazette

(4) A certificate of identity may be issues to a person who -

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- (a) is not a citizen of Lesotho but is permanently and lawfully resident in Lesotho;
- (b) is unable to obtain a passport from the country of which he is a citizen;
- or
- (c) does not have citizenship of any country (stateless).

(5) An emergency travel document may be issued to a person-

(a) who is at the time not in possession of a valid passport but qualifies to hold one; or

(b) whose passport is at the time not available,

and has to leave or enter Lesotho on an emergency such as serious illness, death, deportation

or repatriation.

(6) A Geneva convention travel document may be issued to refugees given asylum

in Lesotho pursuant to the Refugees Act, 1983.

Validity of passports and travel documents

8. (1) A Regular, Official or Diplomatic passport shall be valid-

- (a) to travel to all countries in the world; and
- (b) for a period of ten years from the date of issue of the passport.

(2) A certificate of identity shall be valid

- (a) to travel to all countries except where the Minister has prescribed otherwise; and

- (b) for a period of five years from the date of issue of the certificate.

(3) An emergency travel document shall be valid

- (a) to travel to the country of destination and other countries of transit; or
- (b) for only one journey.

Provided that the validity of the emergency travel document shall not exceed three months

(4) A Geneva convention travel document shall be valid⁵

- (a) to travel to all countries; and (b) for a period of two years.

- (b) for a period of two years

Application for a passport

9. (1) A person who is desirous of travelling in or out of Lesotho may, apply in a prescribed form to the Director of Immigration for a passport.

(2) An application made in accordance with subsection (1) of this section shall be accompanied by the following:

- (a) a birth certificate, an affidavit as to birth, a certificate of naturalisation or registration where applicable;

- (b) left or right thumb prints of the applicant taken by an officer of the Department, or any other person designated by the Director;

- (c) two recent, clear and unmounted passport photographs of the following size 35 mm by 45mm;

- (d) in the case of an applicant who is below the age of sixteen years

- (i) applicant's parent's or legal guardian's written consent;

- (ii) a passport, birth certificate or affidavit as to birth of parent or legal guardian.

(3) An affidavit as to birth referred to in paragraph (a) and (d) (ii) of this section shall be made by-

- (a) a parent or legal guardian;

- (b) a person who was present in the village when the applicant was born and is not less than ten years the age of the applicant; and

- (c) the applicant's close relative who was informed of the applicants birth by the parents.

Application for travel document

10. (1) A person who is desirous of being issued with-

- (a) a certificate of identity;

- (b) an emergency travel document; or

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- (c) Geneva convention travel document,

for travelling purposes shall apply to the Director on a form prescribed by the Minister.

(2) The provisions of section 9 shall apply to paragraph (a) of this section.

Surrender of official or Diplomatic Passport

11. An official or Diplomatic Passport shall be surrendered upon bearer ceasing to hold office

for which the passport was issued.

Persons to be included in bearer's passport

12. (1) The following persons may be included in bearers passport:

- (a) bearer's child, stepchild or adopted child under the age of sixteen;
- (b) any minor child with the consent of his parent or legal guardian if citizen of Lesotho.

(2) A person included in the passport in accordance with subsection (1) of this section shall not use the passport for travelling unless accompanied by the bearer.

Passport replacement

13. (1) No person shall be issued with a replacement passport unless the application is accompanied by a previous passport.

(2) The passport submitted in accordance with subsection (1) section shall be cancelled by the Director.

(3) Where a passport is lost, stolen or damaged, an application for a replacement passport shall be accompanied by a sworn declaration of the circumstances surrounding the

loss, theft or damage of the passport and the authority to whom the passport was reported.

(4) The Minister may, where a passport is lost outside Lesotho, issue or cause to be issued an emergency passport to any applicant, without the applicant having to comply with the provisions of this section.

Except that the applicant concerned shall be satisfactorily identified as a citizen of Lesotho

Revocation of passport or travel document.

14. (1) The Minister may, where-

(a) the bearer of a passport or travel document permits another person to use his passport or travel document;

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(b) the bearer of a passport or travel document has been deported or repatriated to Lesotho at the Government expense;

(c) has ceased to be a citizen of Lesotho; and

(d) it is in the national interest or national security to revoke a passport revoke the passport at anytime.

(2) The Minister shall, on revoking the passport in accordance with subsection (1) of this section, inform the bearer in writing, to surrender the passport and of reasons for revoking such passport.

(3) The bearer shall, on receipt of the revocation letter from the Minister, surrender within the period stated therein, the passport to an authorised agent of the Government stated

in the letter.

Offences and Penalties

15. A person who-

(a) for the purposes of this Act makes or causes to be made a false statement;

- (b) having come into possession of a passport which belongs to another person;
- (i) presents it as his; or
- (ii) fails to hand it over to the bearer, the police, the Department or any other agent of Government;
- (c) forges, alters, defaces, destroys, damages or allows to forge, alter, deface, destroy or damage a passport;
- (d) allows his passport or any other passport in his possession to be used for an unlawful purpose or any other purpose;
- (e) is found in possession of a forged, altered, defaced, destroyed or damaged passport;
- (f) refuses or fails to return the passport or travel document to the Department after he has been requested to do so in terms of section 14;
- (g) issues or causes to be issued a passport to any person who is not entitled to a passport under this Act,
- (h) commits an offence and is liable upon conviction to a fine of not less than MS 000.00 or to imprisonment for a period of not less than five years or both

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Regulations

16. (1) The Minister may make regulations not inconsistent with this Act prescribing matters-

- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting the generality of subsection (1) the Minister may make
- (a) prescribing forms or fees for passports or travel documents;
 - (b) providing for the validity of travel documents.

Repeals and Savings

17. (1) The Passport Services and National Identity Cards Services Act 1984 is

- (2) Notwithstanding subsection (1) of this section, any passport or travel document issued under the repealed enactment shall remain valid until the date of expiry indicated thereon.