

**NATIONAL UNIVERSITY OF LESOTHO**

**FACULTY OF LAW**

**LL. B EXAMINATIONS**

**L4410 – PRACTICAL LEGAL TRAINING**

**MAY 2023**

**100 MARKS**

**3 HOURS**

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**Instructions:**

1. Read the instructions carefully.
  2. Answer any **FOUR (4)** questions.
  3. All answers must be numbered.
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## QUESTION 1

In 2011 Lesotho introduced Court Annexed Mediation (CAM). While other forms of mediation are voluntary, CAM is mandatory.

Discuss the rationale for introduction of CAM, the process of conducting such mediation, and whether in your opinion it has been effective and achieved its purpose.

[25 MARKS]

## QUESTION 2

Thandi and Lindiwe completed their Bachelor of Laws Degree (LL.B) in 2018. They both worked as candidate attorneys at Winsdor Attorneys, wrote their attorneys' examinations and passed. They now want to open their own law firm. They have already been approached by one Sipho who alleges that he has lost his eyesight as a result of working at Thota-sia Company, a diamond mine in the highlands of Lesotho. They want to take Sipho as their first client.

As a seasoned practitioner, they have approached you for advice with regard to the following:

- |                         |          |
|-------------------------|----------|
| (a) Law firm management | 15 Marks |
| (b) Case management     | 10 Marks |

[25 MARKS]

## QUESTION 3

On 16 May 2023, the government of Lesotho published in a Government Gazette *Internal Security Curfew Order Notice, 2023*. The Order reads:

Pursuant to sections 37A and 37B of the Internal Security (General) Act, 1984, I,

**Holomo Molibeli**

Commissioner of Police, being of the opinion that it is necessary in order to prevent

danger or harm to public safety or order, make the following curfew order:

1. A curfew is imposed on all persons throughout the Kingdom of Lesotho with effect from the 16<sup>th</sup> May 2023, from 22:00 hours in the evening to 04:00 in the morning except where a person is granted a permit by the Commissioner in terms of sections 37C and 37D of the Act to perform essential or permitted services or is attending to a security or medical emergency.
2. A person to whom permit is granted but fails to produce it when so lawfully required commit an offence and is liable on conviction to imprisonment for a period not exceeding six months or to a fine not exceeding Five Hundred Maloti or both such imprisonment and fine in accordance with section 37D (4) of the Act.
3. A person who fails to comply with item 1 commits an offence and is liable on conviction to imprisonment for a period not exceeding two years or to a fine not exceeding Ten Thousand Maloti or both such imprisonment and fine in accordance with section 37E of the Act.
4. This order shall remain in force until revoked.

**DATED: 16<sup>TH</sup> MAY, 2023**

**HOLOMO MOLIBELI  
COMMISSIONER OF POLICE**

Mohoma-Temeng, a registered association of street vendors who sell fruits, cigarette and food in the streets of Maseru and mainly trade between 7:00 pm and 5:00 am have come to your law firm for a comprehensive legal opinion on the impact of this Order on their human rights as well its constitutionality.

Write a legal opinion for Mohoma-Temeng

**[25 MARKS]**

#### QUESTION 4

Lilly Thebe and Joe Tah met at university and fell in love. On 14 February, 2020, Joe proposed to Lilly at a restaurant during a dinner date. On 20 February, 2020 Joe's parents went to Lilly's home in Tajane to ask for her hand in marriage. The parents agreed on *bohali* in monetary terms to the tune of Twenty Thousand Maloti (M20,000.00). On 31 March, 2020 Joe's parents paid to Lilly's parents the amount of Two Thousand, Five Hundred Maloti (M2,500.00) and three donkeys valued at Five Thousand Maloti (M5,000.00) each, as part payment of the *bohali*. The parents agreed that the marriage will be officiated at Santa Maria Maggiore Church on 31 July 2020. The ceremony took place as planned and in the evening, after a meeting between the two families, Lilly was escorted by her aunts, cousins and friends to Joe's home in Mahlanyeng Roma.

Two years into their marriage, Joe started having an affair with one Jezzy who was Joe's secretary. Lilly found out. They sought counselling but the affair never stopped. When Lilly realised that Joe had continued this illicit relationship, she decided to end the relationship. She has approached you and seeks advice on the following:

- (a) Whether her marriage is a customary or civil rites marriage and the law which governs it. 5 Marks
  
- (b) That you lodge proceedings in the High Court (through relevant pleadings) for dissolution of the marriage between her and Joe. She wants to have custody of their minor children, Nonny, a girl born on 18 November 2020 and Bobby, a boy born on 4 April 2022. She is adamant that Joe should not get any benefits of the marriage, including the site they bought in Motheo Ville (Lease No.14312-999) and a Honda fit (registration AY150BBL) and all household property. 20 Marks

**[25 MARKS]**

## QUESTION 5

You are a lawyer at Tan and Lin Attorneys, a Law Firm based in Mohlaka House, next to the main traffic circle in Maseru. Mr Siphon Ndaba has approached the firm for assistance with regard to his claim against his former employer, Thotha-Sia Mining Company. Siphon was employed in Thotha-Sia as a geologist. Sometime in 2021, Siphon had problems with his eyesight and the mine released him from work, having paid his monthly salary and severance pay for the years he had worked in the mine. He went to an optometrist who referred him to an ophthalmologist. Upon ophthalmic examination and recording of his detailed ocular history, it was found that Siphon had an eye disease (chronic conjunctivitis) caused by carcinogenic and irritant substances found in the chemicals used in the mine. Siphon approached Mr Van Dyzl, a CEO at Thotha-Sia and informed him about the Doctor's report. However, Mr Van Dyzl told Siphon that there is nothing the company can do for him.

Siphon has approached your office to draft a letter of demand on his behalf to the company and claim compensation in the amount of one Million Maloti (M1 000 000.00).

Draft a letter of demand to Thotha-Sia on behalf of Siphon.

**[25 MARKS]**

## QUESTION 6

On 21 May 2023, Beauty, a 22-year-old lady was walking passed Tholo Filling Station to her residence in Thoteng Ha Scout in Roma. As she passed one house, out of nowhere a dog barked at her and bit her right leg. She screamed for help

and people passing by came to her rescue and took her to St Joseph's hospital in Roma. Upon recovery Beauty approached Miss Pinkie, whom she learned is the dog owner. Pinkie told Beauty that she was beaten by the dog because of the foul smell from her perfume and therefore she cannot be blamed.

Beauty was devastated by this response and wants to sue Pinkie for damages in the amount of Ten Thousand Maloti (M10,000.00) arising out of this incident. She had thus approached your law firm to advise her on the following:

- (a) What could be the basis of her claim from Pinkie? 5 Marks
- (b) In which court could she present her claim and why? 20 Marks

**[25 MARKS]**