



**L E S O T H O  
C O M M U N I C A T I O N S  
A U T H O R I T Y**

**ENFORCEMENT ORDER OF THE BOARD OF DIRECTORS OF THE  
LESOTHO COMMUNICATIONS AUTHORITY ON THE COMPLAINTS BY  
THE COMMISSIONER OF THE LESOTHO MOUNTED POLICE SERVICE  
AND THE PRINCIPAL SECRETARY OF THE MINISTRY OF  
COMMUNICATIONS, SCIENCE AND TECHNOLOGY PURSUANT TO  
SECTION 16 OF THE LESOTHO COMMUNICATIONS AUTHORITY  
(AMENDMENT) ACT 2006 READ TOGETHER WITH RULE 60 (5) (a) OF  
THE LESOTHO COMMUNICATIONS AUTHORITY (ADMINISTRATIVE,  
PROCEDURAL AND SERVICE PROVISION) RULES 2000.**

The Board of Directors of the Lesotho Communications Authority hereby issues the following order pursuant to Section 16 of the Lesotho Communications Authority (Amendment) Act 2006 read together with Rule 60 (5) (a) of the Lesotho Communications Authority (Administrative, Procedural and Service Provision) Rules 2000:

**WHEREAS** the Lesotho Communications Authority Board (hereinafter referred to as the Board) received two letters of complaint from the

Commissioner of the Lesotho Mounted Police Service (hereinafter referred to as COMPOL) and the Principal Secretary of the Ministry of Communications, Science and Technology (hereinafter referred to as PS-MCST) on the 4<sup>th</sup> December 2007 against Harvest FM (hereinafter referred to as the licensee);

**WHEREAS** the Board had directed the licensee, by letter dated the 17<sup>th</sup> January 2008 to submit to the Lesotho Communications Authority (hereinafter referred to as the Authority) representations on each of the allegations leveled against it to enable the Board to address the complaints, and the licensee had submitted a letter to the Authority on the 22<sup>nd</sup> January 2008 which did not respond to each of the allegations contained in the letters of complaint from COMPOL and PS-MCST, and instead contained bare denials to the complaints;

**WHEREAS** the Board had informed the licensee through its letter dated the 8<sup>th</sup> March 2008 that its actions of failing to comply with its directives constituted an infringement of Condition 15 of its sound broadcasting licence as well as Rule 20 of the Lesotho Communications Authority (Broadcasting) Rules 2004, and the Board had further requested the licensee to comply with its directive, the licensee had nevertheless continued to ignore the Authority's directives;

**WHEREAS** the Board had issued a notice dated 30<sup>th</sup> April 2008, of its intention to suspend the licensee's licence which became effective from the 2<sup>nd</sup> May 2008 and expired on the 11<sup>th</sup> July 2008, being the date by which the licensee should have submitted to the Authority representations as to why it should not suspend the licensee's sound broadcasting licence, for the failure of the licensee to comply with the directive of the Board to supply the Board with its written and detailed representations on each of the allegations leveled against it by COMPOL and PS-MCST;

**WHEREAS** the legal representatives of the licensee submitted, in their letter dated the 2<sup>nd</sup> July 2008, written representations to the Authority on the allegations contained in the Authority's letter of the 8<sup>th</sup> March 2008 after the deadline of the 20<sup>th</sup> March 2008 had passed;

**WHEREAS** the representations submitted to the Authority by the licensee on the 3<sup>rd</sup> July 2008 did not advance cogent reasons as to why the licensee's sound broadcasting licence should not be suspended;

**AND WHEREAS** the Board viewed the licensee's infringement of its licence condition in the most serious light, the Board, when making its determination in this matter nevertheless took into account the licensee's plea for mercy and consideration which was contained in its legal representative's letter of 2<sup>nd</sup> July 2008;

**NOW THEREFORE THE BOARD HEREBY ISSUES THE FOLLOWING ENFORCEMENT ORDER IN THE FOLLOWING TERMS:**

1. The sound broadcasting licence issued by the Authority to the licensee is suspended for a period of twelve months of which nine months are suspended on condition that the licensee does not violate the conditions of its sound broadcasting licence and the Lesotho Communications Authority (Broadcasting) Rules 2004 which have been the subject of this suspension. The suspension begins with effect from the 22<sup>nd</sup> July at 12:01 a.m. and ends on 21<sup>st</sup> July 2009 at 12:00 midnight. The licensee is directed to switch off its radio broadcast transmission at 12:01 a.m. on Tuesday the 22<sup>nd</sup> July 2008 and commence with its broadcasting transmission at 12:01 a.m. on the 21<sup>st</sup> October 2008. The Authority will closely monitor the licensee's broadcasting content during the suspension period of the 22<sup>nd</sup> October 2008 up to the 21<sup>st</sup> July 2009.
2. During the effective period of the three month suspension being the period from the 22<sup>nd</sup> July 2008 ending at 12:00 midnight of the 21<sup>st</sup> October 2008, the licensee shall not transmit or broadcast any

broadcasting programmes and shall switch off any equipment it uses to transmit broadcasting programmes.

3. The Authority will carry out follow-up inspections as and when necessary to ensure that the Order of the Board is complied with as stipulated in paragraphs 1 and 2 above.
4. Should the licensee infringe this enforcement order then the period of nine months suspension shall come into effect.
5. The Authority will solicit the assistance of the law enforcement agencies to give effect to this order.

**THUS DONE AT MASERU ON THIS 18<sup>th</sup> DAY OF JULY 2008**

**M. Posholi  
Secretary of the Board**