

Lesotho: Legal Capacity of Married Persons Act 9 of 2006

Enacted by Parliament on 2006 and published in the Government Gazette on 6 December 2006. It provides for the abolition of the minority status of married women.

Excerpts

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PART II - Repeal of marital power

3. Repeal of marital power

(1) Subject to the provisions of this Act with regard to the administration of a joint estate, the common law, customary law and any other marriage rules in terms of which a husband acquires the marital power over the person and property of his wife are repealed.

(2) The marital power which a husband has over the person and property of his wife before the commencement of this Act is repealed.

(3) The following restrictions which the marital power places on the legal capacity of a wife are removed

(a) entering into a contract;

(b) suing or being sued;

(c) registering immovable property in her name;

(d) acting as an executrix of a deceased's estate;

(e) acting as a trustee of an estate;

(f) acting as a director of a company;

(g) binding herself as surety; and

(h) performing any other act which was restricted by any law due to the marital power before the commencement of this Act.

(4) The repeal of the marital power under subsection 2 shall not affect the legal consequences of any act or omission made, or fact which existed before the commencement of this Act.

PART III - Marriage in community of property

4. The provisions of this part shall apply to a marriage in community of property, irrespective of the date on which the marriage was entered into.

5. Equal powers of spouses

Spouses married in community of property have equal capacity to do the following in consultation with one another

(a) dispose of the assets of the joint estate;

(b) contract debts of which the joint estate is liable; and

(c) administer the joint estate.

6. Spouse's juristic acts

Subject to section 7, a spouse married in community of property may perform any act which arises by virtue of operation of law with regard to the joint estate without the consent of the other spouse.

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