ADMINISTRATION OF MUSLIM LAW ACT

(CHAPTER 3)

An Act relating to Muslims and to make provision for regulating Muslim religious affairs and to constitute a council to advise on matters relating to the Muslim religion in Singapore and a Syariah Court.

PART I PRELIMINARY

Short title

1.

This Act may be cited as the Administration of Muslim Law Act.

Interpretation

2.

In this Act, unless the context otherwise requires -

"Appeal Board" means an Appeal Board constituted under section 55;

"court" means a court of competent jurisdiction, other than the Syariah Court;

"daerah masjid" means the area prescribed by the Majlis in accordance with section 83 within which a mosque is situated;

"emas kahwin" means the obligatory marriage-payment due under the Muslim law by the husband to the wife at the time the marriage is solemnized, whether paid in cash or in kind, or payable as a debt with or without security;

"fitrah" means the amount of rice or its equivalent value in money payable under the Muslim law annually by a Muslim during the month of Ramadan to be used for religious or charitable purposes recognised by the Muslim law;

"Fund" means the General Endowment Fund established under section 57;

"Haj" means a pilgrimage in accordance with the Muslim law;

"halal" , in relation to any product, service or activity, means the requirements of the Muslim law are complied with in the production, processing, marketing, display or carrying out, as the case may be, of that product, service or activity;

"halal certificate" , in relation to any product, service or activity, means a certificate to the effect that the requirements of the Muslim law are complied with in the production, processing, marketing, display or carrying out, as the case may be, of that product, service or activity;

"iddah" means the period within which a divorced woman or a widow is forbidden by the Muslim law to remarry;

"janda" means a female who has been married and whose marriage has been terminated by divorce or the death of her husband;

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"jawatankuasa daerah" means a committee of a daerah masjid appointed under rules made under section 86(1);

"Kadi" means a Kadi appointed under section 91;

"Legal Committee" means the Legal Committee of the Majlis appointed under section 31;

"Majlis" means the Majlis Ugama Islam, Singapura, constituted and continued under section 3;

"mosque" means a building dedicated and used for the purpose of holding the Friday congregational prayers and other ceremonies connected with the Muslim religion;

"Mosque Building and Mendaki Fund" means the Mosque Building and Mendaki Fund established under section 76;

"Mufti" means the person appointed to be the Mufti of Singapore under section 30;

"Muslim" means a person who professes the religion of Islam;

"mutawalli" means a person appointed to manage a wakaf or mosque and includes a trustee;

"Naib Kadi" means a Naib or Assistant Kadi appointed under section 91;

"nazar" means an expressed vow to do any act or to dedicate property for any purpose allowed by the Muslim law;

"nazar am" means a nazar intended wholly or in part for the benefit of the Muslim community generally or part thereof, as opposed to an individual or individuals;

"pegawai masjid" means a trustee, mutawalli, Imam, Khatib, Bilal and Noja, if any, for the time being of a mosque;

"President" means the President of the Majlis;

"product" includes food and foodstuffs;

"Register of Divorces" means the Register of Divorces kept by the Syariah Court under section 100;

"Register of Marriages" means the Register of Marriages kept by the Registrar under section 100;

"Register of Revocation of Divorces" means the Register of Revocation of Divorces kept by the Registrar under section 100;

"Registrar" means the person appointed as Registrar of Muslim Marriages under section 90;

"specified halal certification mark" means any certification mark specified under section 88A(4);

"wakaf" means the permanent dedication by a Muslim of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable;

"wakaf ‘am" means a dedication in perpetuity of the capital and income of property for pious,

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religious or charitable purposes recognised by the Muslim law and the property so dedicated;

"wakaf khas" means a dedication in perpetuity of the capital of property for pious, religious or charitable purposes recognised by the Muslim law, the income of the property being paid to persons or for purposes specified in the wakaf, and the property so dedicated;

"wali" means the lawful guardian according to the Muslim law for purposes of marriage of a woman who is to be married;

"Yayasan Mendaki" means the company limited by guarantee which is incorporated under the Companies Act(Cap. 50) under the name of Yayasan Mendaki;

"zakat" means the charitable contribution required to be made by a Muslim in accordance with the Muslim law.

PART II MAJLIS UGAMA ISLAM

Establishment and functions of Majlis

3.

-(1) As from 1st August 1999, the Majlis Ugama Islam, Singapura, shall continue in existence.

(2) It shall be the function and duty of the Majlis -

(a) to advise the President of Singapore in matters relating to the Muslim religion in Singapore;

(b) to administer matters relating to the Muslim religion and Muslims in Singapore including any matter relating to the Haj or halal certification;

(c) to administer all Muslim endowments and funds vested in it under any written law or trust;

(d) to administer the collection of zakat and fitrah and other charitable contributions for the support and promotion of the Muslim religion or for the benefit of Muslims in accordance with this Act;

(e) to administer all mosques and Muslim religious schools in Singapore; and

(f) to carry out such other functions and duties as are conferred upon the Majlis by or under this Act or any other written law.

Majlis to be a corporation

4.

-(1) The Majlis shall be a body corporate under the name of Majlis Ugama Islam, Singapura having perpetual succession and a corporate seal.

(2) The seal of the Majlis may from time to time be broken, changed, altered and made anew as to the Majlis seems fit.

Powers of Majlis

5.

-(1) The Majlis may sue and be sued in its corporate name.

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(2) The Majlis may -

(a) enter into contracts;

(b) acquire, purchase, take, hold and enjoy movable and immovable property of every description;

(c) erect any building on any property vested in, belonging to or acquired by the Majlis; and

(d) subject to any written law affecting the same, convey, assign, surrender and yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property vested in the Majlis upon such terms as to the Majlis seems fit and in accordance with the Muslim law.

(3) The Majlis shall have power to act as an executor of a will or as an administrator of the estate of a deceased Muslim or as a trustee of any trust.

(4) The Majlis may, with the approval of the Minister, form or participate in the formation of any company, or enter into any joint venture or partnership, to carry out any of the purposes of this Act.

(5) The Majlis may do such other acts as appear to the Majlis to be incidental or necessary to the discharge of its functions and duties under this Act.

Devolution of rights, powers, duties, liabilities and property of Board under Muslim and Hindu Endowments Ordinance

6.

-(1) All rights, powers, duties and liabilities which were, immediately before 1st July 1968, vested in or imposed on the Board established by the Muslim and Hindu Endowments Ordinance(Cap. 271, 1955 Ed.), in respect of endowments in land or money given or to be given for the support of any mosque, school or other Muslim pious, religious, charitable or beneficial purposes shall, on 1st July 1968, be vested in or imposed on the Majlis, except in so far as may be repugnant to the provisions of this Act.

(2) All property, movable or immovable, which was, immediately before 1st July 1968, vested in the Board established under the Muslim and Hindu Endowments Ordinance for purposes relating to the Muslim religion or on trust for religious or charitable purposes for the benefit of persons professing the Muslim religion shall, on 1st July 1968, without any conveyance, assignment or transfer whatever, vest in the Majlis for the like title, estate or interest and in the like tenure and for the like purposes as the same was vested or held immediately before 1st July 1968.

Membership

7.

-(1) The Majlis shall consist of -

(a) a President to be appointed by the President of Singapore;

(b) a Vice-President, if one has been so appointed under subsection(6);

(c) the Mufti;

(d) not more than 5 members to be appointed by the President of Singapore on the recommendation

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of the Minister; and

(e) not less than 7 members to be appointed by the President of Singapore, from a list of nominees to be submitted by the President.

(2) The list of nominees to be submitted by the President to the President of Singapore under subsection(1)(e) shall consist of persons nominated by such Muslim societies as are prescribed for the purpose by the Majlis.

(3) Subject to the provisions of this Act and unless the contrary intention appears in the instrument of appointment, the appointment of members of the Majlis, other than the Mufti, shall be for a period of 3 years from the date thereof.

(4) The members of the Majlis shall be eligible for reappointment.

(5) No person shall be appointed a member of the Majlis unless he is a citizen of Singapore above the age of 25 years and is a Muslim.

(6) The President of Singapore may appoint a Vice-President of the Majlis to assist the President in the discharge of his functions and duties under this Act.

(7) If the President dies or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, a temporary President may be appointed by the President of Singapore for such period as the President of Singapore may determine to carry out the functions and duties of the President.

Secretary

8.

-(1) The Secretary of the Majlis shall be a Muslim public officer and shall be appointed by the Minister.

(2) The Secretary shall be entitled to attend all meetings of the Majlis but shall not have the right to vote.

Determination of appointment

9.

Without prejudice to sections 7(3), 10 and 11 the appointment of any member of the Majlis shall determine -

(a) upon his death;

(b) if, by writing addressed to the President of Singapore through the Secretary, he resigns such appointment; or

(c) if he is absent from Singapore, without written permission from the President on behalf of the President of Singapore, for a period exceeding 3 months.

Cancellation of appointment

10.

The President of Singapore may cancel the appointment of any member of the Majlis -

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(a) if his conduct, whether in connection with the duties of such appointment or otherwise, is in the opinion of the President of Singapore such as to bring discredit upon the Majlis;

(b) if for any reason he becomes unable properly to carry out the duties of his appointment;

(c) if he, without due cause to be approved by the President, absents himself from 3 successive meetings of the Majlis; or

(d) if the President of Singapore considers it desirable in the public interest to cancel the appointment.

Temporary appointment

11.

-(1) In the event of the temporary absence or incapacity of any member or the Secretary of the Majlis, the President of Singapore may appoint a person to act temporarily on his behalf.

(2) Such temporary appointment shall determine on the substantive holder giving notice to the President of the Majlis of resumption of the duties of his appointment.

Appointment to be notified

12.

All appointments made under this Part shall be notified in the Gazette.

Stranger at meeting

13.

-(1) The President may invite to any meeting of the Majlis any person who is not a member of the Majlis if the business before the meeting renders the presence of such person desirable.

(2) Any person so invited shall be entitled to take part in the proceedings of the Majlis, but shall not have the right to vote.

Chairman

14.

-(1) The President shall preside at all meetings of the Majlis.

(2) In the absence of the President, the Majlis may elect any other member to act as chairman.

Quorum

15.

-(1) No business, with the exception of adjournment, shall be transacted and no resolution or action of the Majlis shall be valid unless at least one-third of the members shall be present at the meeting.

(2) The Majlis may, subject to subsection(1), act notwithstanding any vacancy in its membership.

Corporate seal

16.

-(1) The corporate seal of the Majlis shall not be used except in pursuance of a resolution of the Majlis.

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(2) The seal of the Majlis shall be affixed in the presence of the Secretary and 2 members of the Majlis who shall sign as witnesses.

(3) The following documents shall be executed under the corporate seal of the Majlis:

(a) documents requiring registration under any written law;

(b) documents authorising any person to act for any particular purposes on behalf of the Majlis; and

(c) such other documents or classes of documents as the Minister may from time to time direct.

Conduct of business

17.

-(1) Subject to this Act, all business of the Majlis shall be conducted at a meeting thereof regularly convened and by resolution of the majority of those present and entitled to vote.

(2) A resolution in writing signed by all members of the Majlis shall, unless in any special case or class of cases the President of Singapore shall otherwise direct, have the same effect as a resolution duly passed under subsection(1).

Summoning meeting

18.

-(1) All meetings of the Majlis shall be summoned by the Secretary.

(2) The President may at any time direct the Secretary to summon a meeting.

(3) Any 4 members of the Majlis may at any time in writing require the Secretary to summon a meeting of the Majlis, but shall upon doing so inform the Secretary of the purpose for which they desire the meeting to be so summoned.

(4) The Secretary shall within 7 days of receipt of a direction or requisition under subsection(2) or(3) summon a meeting.

(5) At least 7 days'' notice in writing shall be given of any meeting except that in an emergency the President may direct that notice be dispensed with.

(6) Any such notice may be sent by post addressed to a member at his last known place of residence and shall be deemed to have been served in the due course of post.

(7) No notice of meeting shall be necessary in the case of any member for the time being out of Singapore.

Powers of President

19.

-(1) The President shall have general control of all deliberations and proceedings of the Majlis.

(2) The President shall not absent himself from Singapore for more than 14 consecutive days without the prior permission of the Minister.

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Duties and powers of Secretary

20.

Subject to such directions as may be given to him by the President, the Secretary shall -

(a) have charge of all correspondence and documents of the Majlis, including all books of account thereof and all title deeds and securities;

(b) be generally responsible for the proper collection of, accounting for and disposal of all funds of the Majlis; and

(c) in all other respects carry out such duties as may be imposed upon him by this Act or allotted to him by direction of the President.

Minutes

21.

-(1) The Secretary shall keep minutes of all meetings of the Majlis in the national language and in English.

(2) At every meeting, the minutes of the previous meeting shall be read and confirmed, subject to any amendment which may be required.

(3) Such minutes shall be entered in the minute book of the Majlis and shall include a full record of every resolution of the Majlis.

(4) A copy of the minutes shall be sent to the President of Singapore.

Order of business and voting

22.

-(1) The chairman shall determine the order of business at any meeting.

(2) The chairman may decide in what order members may address the meeting and may at any time require any member to cease addressing the meeting.

(3) The chairman shall be entitled to vote and if upon any resolution there is an equality of votes the chairman shall have a casting vote.

(4) The proceedings of the Majlis shall be conducted in the national language or in English.

Certified copy of resolution

23.

-(1) A copy of any resolution certified by the Secretary to be a true copy of the resolution shall be sufficient evidence thereof.

(2) All courts shall take notice of the signature of the Secretary.

Appearance by Majlis

24.

The Majlis may appear in any court by its President or Secretary or by any person appointed for the purpose either generally or in any particular case under the seal of the Majlis.

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Acting in emergency

25.

-(1) In any case of emergency the President may, after consultation with the Mufti and the Secretary, do or direct to be done on behalf of the Majlis any act or thing which might lawfully be done by resolution of the Majlis.

(2) In any such case, a meeting of the Majlis shall be called within one week thereafter for the purpose of ratifying and confirming the action taken and, if the Majlis shall decline to ratify and confirm the same, the President of Singapore may give such directions thereon as he thinks fit.

Delegation of powers

26.

-(1) The Majlis may, subject to such conditions and restrictions as the Majlis may impose, delegate to any member or committee of the Majlis or any person all or any of its functions and powers vested by or under this Act or any other written law, not being judicial or quasi-judicial powers.

(2) Any function or power delegated under subsection(1) may be exercised or performed by such member, committee or person in the name and on behalf of the Majlis.

(3) It shall be the duty of every member, committee or person to whom any power of the Majlis has been delegated to inform the Majlis of all acts and things done by him or it in pursuance of the delegation.

(4) The Majlis may continue to exercise a power conferred on it or perform a function under this Act or any other written law notwithstanding the delegation of such power or function under this section.

(5) For the purposes of this section, the powers conferred on the Majlis by sections 32 and 33 shall be deemed to be quasi-judicial.

Secrecy

27.

-(1) The proceedings of the Majlis shall be secret.

(2) No member or servant of the Majlis shall disclose or divulge to any person, other than the President of Singapore or the Minister or any member of the Majlis, any matter which has arisen at any meeting unless he is expressly authorised to do so.

Public servant

28.

The members of the Majlis shall be deemed to be public servants for the purposes of the Penal Code(Cap. 224).

Majlis may prescribe own procedure

29.

-(1) The Majlis may, subject to the provisions of this Act, determine all questions relating to its own procedure and practice.

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(2) All communications from the Majlis to the President of Singapore shall be forwarded through the Minister.

Appointment of Mufti

30.

-(1) The President of Singapore may, after consultation with the Majlis, appoint a fit and proper person to be the Mufti of Singapore.

(2) Such appointment shall be notified in the Gazette.

(3) The Mufti shall be ex-officio a member of the Majlis.

Legal Committee

31.

-(1) There shall be a Legal Committee of the Majlis, consisting of -

(a) the Mufti;

(b) 2 other fit and proper members of the Majlis; and

(c) not more than 2 other fit and proper Muslims who are not members of the Majlis.

(2) The members of the Legal Committee, other than the Mufti, shall be appointed by the President of Singapore on the advice of the Majlis for such period as he thinks fit.

(3) A notification of every such appointment shall be published in the Gazette.

(4) The Mufti shall be chairman of the Legal Committee.

(5) The President of Singapore may appoint another person recommended by the Majlis to be the chairman of the Legal Committee in the absence of the Mufti.

(6) The chairman and 2 other members of the Legal Committee, one of whom shall not be a member of the Majlis, shall form a quorum.

(7) Subject to the provisions of this Act, the Legal Committee may regulate its own procedure.

(8) The members of the Legal Committee shall be deemed to be public servants for the purposes of the Penal Code(Cap. 224).

Ruling of Legal Committee(Fatwa)

32.

-(1) Any person may, by letter addressed to the Secretary, request the Majlis to issue a fatwa or ruling on any point of the Muslim law.

(2) On receiving any such request the Secretary shall forthwith submit the same to the chairman of the Legal Committee.

(3) The Legal Committee shall consider every such request and shall, unless in its opinion the question referred is frivolous or for other good reason ought not to be answered, prepare a draft ruling thereon.

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(4) If such draft ruling is unanimously approved by the Legal Committee or those members thereof present and entitled to vote, the chairman shall on behalf and in the name of the Majlis forthwith issue a ruling in accordance therewith.

(5) If in any such case the Legal Committee is not unanimous, the question shall be referred to the Majlis, which shall in like manner issue its ruling in accordance with the opinion of the majority of its members.

(6) The Majlis may at any time of its own motion make and publish any such ruling or determination.

(7) If in any court any question of the Muslim law falls for decision, and such court requests the opinion of the Majlis on the question, the question shall be referred to the Legal Committee which shall, for and on behalf and in the name of the Majlis, give its opinion thereon in accordance with the opinion of the majority of its members, and certify such opinion to the requesting court.

(8) For the purposes of subsection(7), "court" includes the Syariah Court constituted under this Act.

Authorities to be followed

33.

-(1) Subject to this section, the Majlis and the Legal Committee in issuing any ruling shall ordinarily follow the tenets of the Shafi''i school of law.

(2) If the Majlis or the Legal Committee considers that the following of the tenets of the Shafi"i school of law will be opposed to the public interest, the Majlis may follow the tenets of any of the other accepted schools of Muslim law as may be considered appropriate, but in any such ruling the provisions and principles to be followed shall be set out in full detail and with all necessary explanations.

(3) In any case where the ruling or opinion of the Majlis or the Legal Committee is requested in relation to the tenets of a particular school of Muslim law, the Majlis or the Legal Committee shall give its ruling or opinion in accordance with the tenets of that particular school of Muslim law.

PART III THE SYARIAH COURT

Constitution of Syariah Court

34.

The President of Singapore may by notification in the Gazette constitute a Syariah Court for Singapore(referred to in this Part as the Court).

Appointment of presidents and ad-hoc presidents

34A. -(1) The President of Singapore may appoint one or more presidents of the Court and may designate one of the presidents to be the senior president of the Court.

(2) Every proceeding in the Court and all business arising thereout shall, except as otherwise provided by any written law, be heard and disposed of before a president of the Court.

(3) The distribution of business among the presidents of the Court shall be made in accordance

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with such directions, which may be of a general or a particular nature, as may be given by the senior president of the Court.

(4) In order to facilitate the disposal of business in the Court, the President of Singapore may appoint one or more ad-hoc presidents of the Court for such period or periods as the President thinks fit.

(5) An ad-hoc president may, in such case as the senior president of the Court may specify, exercise all the powers and perform the functions of a president of the Court.

(6) Anything done by an ad-hoc president acting in accordance with the terms of his appointment shall have the same validity and effect as if done by a president of the Court.

(7) The senior president of the Court may from time to time issue such directions relating to the practice of the Court as he thinks fit.

Appointment of registrar

34B. -(1) The President of Singapore may appoint a registrar of the Court.

(2) The registrar of the Court shall have such powers and duties as may be prescribed under this Act.

Jurisdictio

35.

-(1) The Court shall have jurisdiction throughout Singapore.

(2) The Court shall have jurisdiction to hear and determine all actions and proceedings in which all the parties are Muslims or where the parties were married under the provisions of the Muslim law and which involve disputes relating to -

(a) marriage;

(b) divorces known in the Muslim law as fasakh, cerai taklik, khuluk and talak;

(c) betrothal, nullity of marriage or judicial separation;

(d) the disposition or division of property on divorce or nullification of marriage; or

(e) the payment of emas kahwin, maintenance and consolatory gifts or mutaah.

(3) In all questions regarding betrothal, marriage, dissolution of marriage, including talak, cerai taklik, khuluk and fasakh, nullity of marriage or judicial separation, the appointment of hakam, the disposition or division of property on divorce or nullification of marriage, the payment of emas kahwin and consolatory gifts or mutaah and the payment of maintenance on divorce, the rule of decision where the parties are Muslims or were married under the provisions of the Muslim law shall, subject to the provisions of this Act, be the Muslim law, as varied where applicable by Malay custom.

Leave to commence or to continue civil proceedings involving disposition or division of property on divorce or custody of children

35A. -(1) Any person who, on or after the commencement of proceedings for divorce in the Court

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or after the making of a decree or order for divorce by the Court or on or after the registration of a divorce under section 102, intends to commence civil proceedings in any court involving any matter relating to the disposition or division of property on divorce or custody of any child where the parties are Muslims or were married under the provisions of the Muslim law, shall apply to the Court for leave to commence the civil proceedings.

(2) Where proceedings for divorce are commenced in the Court or a decree or order for divorce is made by the Court or a divorce is registered under section 102 after civil proceedings between the same parties are commenced in any court involving any matter relating to the custody of any child, any party who intends to continue the civil proceedings shall apply to the Court for leave to continue the civil proceedings.

(3) The Court shall not grant leave to commence the civil proceedings under subsection(1) or to continue the civil proceedings under subsection(2) unless the Court is satisfied that every party who will be affected by such leave has been notified of the application at least 7 days before the grant of such leave.

(4) The Court shall, if it grants the application for leave under subsection(1) or(2), issue a commencement certificate or a continuation certificate, respectively, to the applicant -

(a) not later than 21 days after granting such leave; or

(b) where an appeal against the grant of such leave has been made under section 55, when the decision of the Court to grant such leave has been confirmed on appeal or the appeal has been discontinued.

(5) This section shall not apply if the parties to the civil proceedings -

(a) mentioned in subsection(1) consent to the commencement of the civil proceedings, or mentioned in subsection(2) consent to the continuation of the civil proceedings; and

(b) mentioned in subsection(1) or(2) have obtained a certificate of attendance issued under subsection(7).

(6) Parties mentioned in subsection(1) or(2) shall, before commencing or continuing(as the case may be) the civil proceedings by consent, attend counselling provided by such person as the Court may appoint.

(7) The Court shall, after any party has been counselled under subsection(6), issue a certificate of attendance to that party.

Stay of proceedings involving certain matters

36.

-(1) The Court shall stay proceedings before it -

(a) involving any matter in respect of which it has issued a certificate under section 35A(4), upon issuing the certificate;

(b) involving any matter relating to maintenance of any wife during the subsistence of the marriage, if it comes to the knowledge of the Court that civil proceedings relating to maintenance of the wife have been commenced in any court between the same parties before, on or after the commencement of the proceedings before it;

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(c) involving any matter relating to the maintenance of any child of the parties, if it comes to the knowledge of the Court that civil proceedings relating to the maintenance of the child have been commenced in any court between the same parties before, on or after the commencement of the proceedings before it;

(d) to which section 35A(1) would apply apart from section 35A(5), if it comes to the knowledge of the Court that civil proceedings involving the same matter between the same parties have been commenced in any court by the consent of the parties; or

(e) to which section 35A(2) would apply apart from section 35A(5), if it comes to the knowledge of the Court that civil proceedings involving the same matter between the same parties have been continued in any court by the consent of the parties.

(2) Where leave granted by the Court under section 35A is reversed on appeal under section 55, the Court may restore any proceedings which have been stayed under subsection(1)(a).

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(3) Nothing in this section shall prevent the Court from exercising its powers under sections 51(2) and 52(1),(2) and(3)(a) and(b).

Seal of Court

37.

-(1) The Court shall have and use such seal or stamp as the Minister shall approve.

(2) Every summons and other process of the Court shall issue under the seal of the Court and the signature of the registrar thereof.

Language and record

38.

-(1) The languages of the Court shall be the national language and English.

(2) All documents and written proceedings may be written or typewritten in the national language(Jawi or Rumi script).

(3) The Court shall keep and maintain full and proper records of all proceedings therein and full and proper accounts of all financial transactions of the Court.

Representation

39.

Every party to any proceedings shall appear in person or by advocate and solicitor or by an agent, generally or specially authorised to do so by the Court.

Issue of warrant in lieu of or in addition to summons

40.

The Court may, in any case in which it or a Kadi or Naib Kadi is empowered to issue a summons for the appearance of any person, issue, after recording its reasons in writing, a warrant for his arrest if -

(a) either before the issue of the summons or after the issue of the summons but before the time fixed for his appearance the Court has reason to believe that he has absconded or will not obey

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the summons; or

(b) if at the time fixed for his appearance he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Reciprocal arrangements with States of Malaysia

41.

-(1) Where under the provisions of any law in force in any of the States of Malaysia a Kadi has issued a summons requiring any person to appear before any Muslim religious court in any of the States of Malaysia, and such person is or is believed to be in Singapore, any president of the Court may endorse the summons with his name, and such summons may then be served on such person as if it were a summons issued by the Court under the provisions of this Act.

(2) Where under the provisions of any law in force in any of the States of Malaysia a summons issued by the Court or a Kadi in Singapore has been endorsed by a Kadi in such State and served on the person summoned, such summons shall for the purposes of this Act be deemed to have been as validly served as if such service had been effected in Singapore.

(3) For the purposes of this section, Kadi includes a Chief Kadi, Kadi Besar, Assistant Kadi or Naib Kadi.

Evidence

42.

-(1) The Court shall have regard to the law of evidence for the time being in force in Singapore, and shall be guided by the principles thereof, but shall not be obliged to apply the same strictly.

(2) The Court may administer oaths and affirmations.

(3) Evidence shall ordinarily be given on oath in a form binding upon Muslims, but the Court may on special grounds dispense with an oath and take evidence on affirmation. Such affirmation shall be in accordance with the Oaths Act(Cap. 211).

(4) Whether on oath or on affirmation a witness shall be bound to state the truth.

(5) If in the opinion of the Court any witness has wilfully given false evidence in any proceedings, the Court may report the matter to the Public Prosecutor.

Powers of Court

43.

The Court shall have the following powers:

(a) to procure and receive all such evidence, written or oral, and to examine all such persons as witnesses as the Court may think it necessary or desirable to procure or examine;

(b) to require the evidence, whether written or oral, of any witness to be made on oath or affirmation or by statutory declaration;

(c) to summon any person to attend before the Court or to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any

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document or other thing in his possession;

(d) to issue a warrant of arrest to compel the attendance of any person who, after being summoned to attend, fails to do so and who does not excuse such failure to the satisfaction of the Court and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons; and

(e) to exercise the powers of a Magistrate''s Court for the purpose of giving effect to a warrant of arrest or order of imprisonment and of a court under Chapter XXXII of the Criminal Procedure Code(Cap. 68).

Adjournment

44.

-(1) The Court may for sufficient reason adjourn any proceeding from time to time and from place to place.

(2) Subject to subsection(1), proceedings in the Court shall be held in the court house of the Court.

Time

45.

The Court may fix, and may at any time extend or abridge, the time for doing any act or thing, and in default of compliance with any order so made may proceed as if the party in default had not appeared.

Court to be open

46.

-(1) Every trial or hearing in Court shall be held in public.

(2) The Court may, if it thinks fit, order the whole or any part of any proceeding before it to be heard in camera.

Divorce at wife''s request

47.

-(1) A married woman may apply to the Court for a divorce in accordance with the Muslim law.

(2) In any such case the Court shall summon the husband before the Court and enquire whether he consents to the divorce.

(3) If the husband so consents the Court shall cause the husband to pronounce a divorce and on payment of the prescribed fees cause the divorce to be registered.

(4) If the husband does not agree to divorce the wife, but the parties agree to a divorce by redemption(khuluk), the Court may assess the amount of payment to be made by the wife in accordance with the status and means of the parties and shall thereupon cause the husband to pronounce a divorce by redemption and on payment of the amount so assessed and the prescribed fees cause the divorce to be registered.

(5) If the husband does not agree to divorce by khuluk, the Court may appoint a hakam in accordance with section 50.

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(6) For the purposes of this section and sections 48 and 49, "married woman" includes a woman against whom a talak has been pronounced by her husband.

Cerai taklik

48.

-(1) A married woman may, if entitled in accordance with the Muslim law to a divorce in pursuance of the terms of a written taklik made at or after her marriage, apply to the Court to declare that such divorce has taken place.

(2) The Court shall -

(a) examine the written taklik and make such enquiry as appears necessary into the validity of the divorce;

(b) if satisfied that the divorce is valid in accordance with the Muslim law, confirm the divorce; and

(c) upon payment of the prescribed fees, cause the divorce to be registered.

Fasakh

49.

-(1) A married woman shall be entitled to apply to the Court for and obtain a decree of fasakh on any one or more of the following grounds:

(a) that the husband has neglected or failed to provide for her maintenance for a period of 3 months;

(b) that the husband has been sentenced to imprisonment for a period of 3 years or upwards and such sentence has become final;

(c) that the husband has failed to perform, without reasonable cause, his marital obligations for a period of one year;

(d) that the husband was impotent at the time of the marriage and continues to be so;

(e) that the husband is insane or is suffering from some chronic disease the cure of which would be lengthy or impossible and which is such as to make the continuance of the marriage relationship injurious to her;

(f) that the husband treats her with cruelty, that is to say -

(i) habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment;

(ii) associates with women of ill repute or leads an infamous life;

(iii) attempts to force her to lead an immoral life;

(iv) obstructs her in the observance of her religious profession or practice;

(v) lives and cohabits with another woman who is not his wife; or

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(vi) if he has more wives than one, does not treat her equitably in accordance with the requirements of the Muslim law; and

(g) on any other ground which is recognised as valid for the dissolution of marriage by fasakh under the Muslim law.

(2) Before passing a decree on ground(d) of subsection(1), the Court shall, on application by the husband, make an order requiring the husband to satisfy the Court within a period of one year from the date of the order that he has ceased to be impotent and if the husband so satisfies the Court within such period no decree shall be passed on that ground.

(3) Upon receiving such application the Court shall cause a summons to be served upon the husband of the woman.

(4) The Court shall then record the sworn statement of the woman and at least 2 witnesses and may then, if satisfied that the woman is entitled to a decree of fasakh in accordance with subsection(1), make a decree of fasakh accordingly.

(5) The Court making an order or decree under this section shall immediately cause such order or decree to be registered.

(6) The register shall be signed by the registrar of the Court, by the woman who obtains the order or decree, and at least 2 witnesses whose evidence has been taken by the Court.

(7) Subsections(1)(g),(3) to(6) shall apply, with the necessary modifications, to a married man as they apply to a married woman.

Appointment of hakam

50.

-(1) Before making an order or decree for talak, fasakh, cerai taklik or khuluk, the Court may appoint in accordance with the Muslim law 2 arbitrators, or hakam, to act for the husband and wife respectively.

(2) In making such appointment the Court shall where possible give preference to close relatives of the parties having knowledge of the circumstances of the case.

(3) The Court may give directions to the hakam as to the conduct of the arbitration and they shall conduct it in accordance with such directions and according to the Muslim law.

(4) If they are unable to agree, or if the Court is not satisfied with their conduct of the arbitration it may remove them and appoint other hakam in their place.

(5) The hakam shall endeavour to effect a reconciliation between the parties and shall report the result of their arbitration to the Court.

(6) The hakam shall endeavour to obtain from their respective principals full authority, and may, if their authority extends so far, decree a divorce, and shall in such event report the same to the Court for registration.

(7) If the hakam are of opinion that the parties should be divorced but are unable for any reason to decree a divorce, the Court shall appoint other hakam and shall confer on them authority to effect a divorce and the hakam, if they do so, shall report the same to the Court for registration.

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Maintenance of wife

51.

-(1) A married woman may by application to the Court obtain an order against her husband for the payment from time to time of her maintenance and the provision of necessary clothing and suitable lodging in accordance with the Muslim law.

(2) A woman who has been divorced may by application to the Court obtain an order against her former husband for the payment from time to time of her maintenance and the provision of necessary clothing and suitable lodging for the period of her iddah.

(3) A woman who has been divorced and who is not or has ceased to be entitled to an order for maintenance under subsection(2) may apply to the Court and the Court may, if satisfied that it is just and proper to do so in view of all the circumstances of the case, make an order against the former husband for the payment by him of such sums for such period as the Court considers fit.

(4) The Court may vary or rescind any order made under this section on the application of the person in whose favour or against whom the order was made where it is satisfied that the order was based on any misrepresentation or mistake of fact or where there has been any material change in the circumstances.

(5) Any person who fails to comply with an order of the Court made under this section shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months.

Provisions consequent on matrimonial proceedings

52.

-(1) The Court shall have power to inquire into and adjudicate upon claims by married women or women who have been divorced for payment of her emas kahwin.

(2) A woman who has been divorced by her husband may apply to the Court for a consolatory gift or mutaah and the Court may after hearing the parties order payment of such sum as may be just and in accordance with the Muslim law.

(3) The Court may, at any stage of the proceedings for divorce or nullity of marriage or after making a decree or order for divorce or nullity of marriage, or after any divorce has been registered whether before or after 1st August 1999 under section 102, on the application of any party, make such orders as it thinks fit with respect to -

(a) the payment of emas kahwin to the wife;

(b) the payment of a consolatory gift or mutaah to the wife;

(c) the custody, maintenance and education of the minor children of the parties; and

(d) the disposition or division of property on divorce or nullification of marriage.

(4) The Court may make all such other orders and give such directions as may be necessary or expedient to give effect to any order made under this section.

(5) Any order under this section may be made upon such terms and subject to such conditions, if

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any, as the Court thinks fit.

(6) The Court may, on the application of any interested person, vary or rescind any order made under this section where it is satisfied that the order was based on any misrepresentation or mistake of fact or where there has been any material change in the circumstances.

(7) In making any order under subsection(3)(d), the Court shall have power to order the disposition or division between the parties of any property or the sale of any such property and the division between the parties of the proceeds of such sale in such proportions as the Court thinks just and equitable.

(8) It shall be the duty of the Court in deciding whether to exercise its powers under subsection(7) and, if so, in what manner, to have regard to all the circumstances of the case, including the following matters:

(a) the extent of the contributions made by each party in money, property or work towards acquiring, improving or maintaining the property;

(b) any debt owing or obligation incurred or undertaken by either party for their joint benefit or for the benefit of any child of the marriage;

(c) the needs of the children, if any, of the marriage;

(d) the extent of the contributions made by each party to the welfare of the family, including looking after the home or caring for the family or any aged or infirm relative or dependant of either party;

(e) any agreement between the parties with respect to the ownership and division of the property made in contemplation of divorce;

(f) any period of rent-free occupation or other benefit enjoyed by one party in the matrimonial home to the exclusion of the other party;

(g) the giving of assistance or support by one party to the other party(whether or not of a material kind), including the giving of assistance or support which aids the other party in the carrying on of his or her occupation or business;

(h) the income, earning capacity, property and other financial resources which each of the parties has or is likely to have in the foreseeable future;

(i) the financial needs, obligations and responsibilities which each of the parties has or is likely to have in the foreseeable future;

(j) the standard of living enjoyed by the family before the breakdown of the marriage;

(k) the age of each party and the duration of the marriage;

(l) any physical or mental disability of either of the parties; and

(m) the value to either of the parties of any benefit(such as a pension) which, by reason of the dissolution or annulment of the marriage, that party will lose the chance of acquiring.

(9) For the purposes of subsection(7), the Court may in particular, but without limiting the generality of subsections(4),(5) and(6), make any one or more of the following orders:

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(a) an order for the sale of any property or any part thereof, and for the division, vesting or settlement of the proceeds;

(b) an order vesting any property owned by both parties jointly in both the parties in common in such shares as the Court considers just and equitable;

(c) an order vesting any property or any part thereof in either party;

(d) an order for any property, or the sale proceeds thereof, to be vested in any person(including either party) to be held on trust for such period and on such terms as may be specified in the order;

(e) an order postponing the sale or vesting of any share in any property, or any part of such share, until such future date or until the occurrence of such future event or until the fulfilment of such condition as may be specified in the order;

(f) an order granting to either party, for such period and on such terms as the Court thinks fit, the right personally to occupy the matrimonial home to the exclusion of the other party; and

(g) an order for the payment of a sum of money by one party to the other party.

(10) Where, under any order made under this section, one party is or may become liable to pay to the other party a sum of money, the Court may direct that the money shall be paid either in one sum or in instalments, and either with or without security, and otherwise in such manner and subject to such conditions as the Court thinks fit.

(11) Where, pursuant to this section, the Court makes an order for the sale of any property and for the division, application or settlement of the proceeds, the Court may appoint a person to sell the property and divide, apply or settle the proceeds accordingly; and the execution of any instrument by the person so appointed shall have the same force and validity as if it had been executed by the person in whom the asset is vested.

(12) Where the Court, by any order under this section, appoints a person(including the registrar or other officer of the Court) to act as a trustee or to sell any property and to divide, apply and settle the proceeds thereof, the Court may make provision in that order for the payment of remuneration to that person and for the reimbursement of his costs and expenses.

(13) Any person who fails to comply with an order of the Court made under this section shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 6 months.

(14) For the purposes of this section, "property" means -

(a) any asset acquired before the marriage by one party or both parties to the marriage which has been substantially improved during the marriage by the other party or by both parties to the marriage; and

(b) any other asset of any nature acquired during the marriage by one party or both parties to the marriage,

but does not include any asset(not being a matrimonial home) that has been acquired by one party at any time by gift or inheritance and that has not been substantially improved during the

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marriage by the other party or by both parties to the marriage.

Enforcement of order

53.

-(1) The Court may, for every breach of an order made under section 51 or 52, direct the amount or the value of the property due to be levied in the manner provided for levying fines imposed by a Magistrate''s Court.

(2) For the purposes of enforcement of any order made under this Part, any party interested may apply for the order to be registered in a District Court in accordance with the Rules of Court and the District Court shall register the order in accordance with the Rules of Court.

(3) From the date of registration of an order under subsection(2), the order shall be of the same force and effect, and all proceedings may be taken on the order, for the purposes of enforcement as if it had been an order originally obtained in the District Court which shall have power to enforce it accordingly.

(4) A District Court shall have jurisdiction to enforce any order in accordance with subsection(3) regardless of the monetary amount involved.

(5) In enforcing a custody order registered under subsection(2), a District Court may exercise the powers conferred on the High Court by section 14 of the Guardianship of Infants Act(Cap. 122) except that the reference to the sheriff in that section shall be read as a reference to a bailiff for the purposes of this subsection.

Execution of deed or indorsement of negotiable instrument

53A. -(1) If a judgment or order of the Court is for the execution of a deed, or signing of a document, or for the indorsement of a negotiable instrument, and the party ordered to execute, sign or indorse such instrument is absent, or neglects or refuses to do so, any party interested in having the same executed, signed or indorsed, may prepare a deed, document or indorsement of the instrument in accordance with the terms of the judgment or order, and tender the same to the Court for execution upon the proper stamp, if any is required by law.

(2) The signature thereof by the registrar or any president of the Court shall have the same effect as the execution, signing or indorsement thereof by the party ordered to execute.

(3) Nothing in this section shall be taken to abridge the powers of a court under section 53.

(4) This section and sections 51(4) and(5), 52(6) and(13) and 53 shall also apply to any judgment or order of the Court made before 1st August 1999.

Costs

53B. The Court may, in its discretion, order any party to pay any costs of any proceedings under this Part, including travelling and subsistence expenses of the parties and witnesses, and shall itself assess the amount of any costs so ordered to be paid.

Presumption of death

54.

-(1) If the husband of any married woman has died or is believed to have died or has not been heard of over a prolonged period, in such circumstances that he might for the purpose of

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enabling his wife to remarry be presumed in accordance with the Muslim law to be dead, but a death certificate cannot be obtained, the Court may on the application of the wife and after such inquiry as may be proper issue in accordance with the Muslim law a certificate of presumption of the death of the husband and thereafter the wife shall be at liberty to remarry.

(2) Such certificate shall be deemed to be a certificate of the death of the husband within the meaning of section 97(1)(b)(i).

Appeal

55.

-(1) An appeal shall lie to an Appeal Board constituted under this section from any decision of the Court -

(a) by any person aggrieved by the decision if the amount in issue on appeal is not less than $450;

(b) in all cases involving any decision as to personal status, by any person aggrieved by the decision;

(c) in all cases relating to maintenance, by any person aggrieved by the decision;

(d) in all cases relating to custody of minor children, by any person aggrieved by the decision;

(e) in all cases relating to the disposition or division of property on divorce or nullification of marriage, by any party aggrieved by the decision;

(f) to grant or refuse leave to commence or to continue civil proceedings under section 35A, by the other party in the civil proceedings; or

(g) in any other case, with the leave of the Appeal Board.

(2) No appeal under subsection(1)(a),(b),(c),(d) or(e) shall lie against a decision of the Court by consent except with the leave of the Appeal Board.

(3) The President of Singapore acting on the advice of the Majlis shall at least once in every 2 years nominate at least 7 Muslims to form a panel of persons from among whom an Appeal Board of 3 may be constituted from time to time by the President of the Majlis.

(4) On any person appealing against a decision of the Court or applying for leave to appeal in accordance with subsection(1) or(2), the President shall select 3 persons to form an Appeal Board to hear such appeal or application for leave to appeal and shall nominate one of such persons to preside over the Appeal Board.

(5) On any appeal, an Appeal Board may confirm, reverse or vary the decision of the Court, exercise any such powers as the Court could have exercised, make such order as the Court ought to have made or order a retrial, or award costs if it thinks fit.

Revision

56.

-(1) The President of Singapore may in his discretion call for the record of any proceedings before the Court, the Registrar, Kadi or Naib Kadi and may refer such record to the Majlis for its consideration.

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(2) The Majlis may after considering the matter recommend that the decision of the Court, Registrar, Kadi or Naib Kadi, as the case may be, be reversed, altered or modified and the President of Singapore may thereupon order such decision to be reversed, altered or modified.

(3) Every decision when so altered or modified shall in its altered or modified form be held to be valid in all respects as if made by the Court, Registrar, Kadi or Naib Kadi whose decision has been revised.

Decision of Court and Appeal Board to be final

56A. Subject to the provisions of this Act, any decision of the Court or the Appeal Board shall be final and conclusive, and no decision or order of the Court or the Appeal Board shall be challenged, appealed against, reviewed, quashed or called into question in any court and shall not be subject to any Quashing Order, Prohibiting Order, Mandatory Order or injunction in any court on any account.

Protection of members of Court or Appeal Board, etc.

56B. -(1) A member of the Court or an Appeal Board, or the registrar of the Court, shall not be liable to be sued for any act done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction, if he at the time in good faith believed himself to have jurisdiction to do or order the act complained of.

(2) No officer of the Court or any other person expressly authorised by the Court charged with the duty of executing any writ, summons, warrant, order, notice or other mandatory process of the Court shall be liable to be sued for the execution of or attempting to execute the writ, summons, warrant, order, notice or other mandatory process, or in respect of any damage caused to any property in effecting or attempting to effect execution, unless he knowingly acted in excess of the authority conferred upon him by the writ, summons, warrant, order, notice or other mandatory process.

(3) The officer or other person referred to in subsection(2) shall not be deemed to have acted knowingly in excess of his authority merely by reason of the existence of a dispute as to the ownership of any property seized under any writ or order of execution.

PART IV FINANCIAL PROVISIONS

General Endowment Fund

57.

-(1) A fund to be known as the General Endowment Fund is hereby established.

(2) Except as otherwise provided under the provisions of this Act, the Fund shall consist of all money and property, movable or immovable, which by the Muslim law or under the provisions of this Act or rules made under subsection(6) accrues or is contributed by any person to the Fund.

(3) All money and property in the Fund shall be vested in the Majlis which shall administer all such money and property in accordance with the rules made under this Act.

(4) Any investments of assets and funds vested in the Majlis may be sold, realised and disposed of.

(5) The Majlis may invest any money in the Fund in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act(Cap.1).

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(6) Subject to the provisions of this Act, the Majlis, with the approval of the Minister, may make rules for the collection, administration and distribution of all property of the Fund.

Wakaf or nazar am

58.

-(1) Where, after 1st July 1968, any Muslim person dies in such circumstances that, under the provisions of the Muslim law, his property would vest in, or become payable to, the Baitulmal, the property of that person, in pursuance of such provisions, shall vest in and become payable to the Majlis and form part of the Fund.

(2) Notwithstanding any provision to the contrary in any written law or in any instrument or declaration creating, governing or affecting the same, the Majlis shall administer all wakaf, whether wakaf 'am or wakaf khas, all nazar am, and all trusts of every description creating any charitable trust for the support and promotion of the Muslim religion or for the benefit of Muslims in accordance with the Muslim law to the extent of any property affected thereby and situate in Singapore.

(3) Section 23 of the Civil Law Act(Cap. 43) shall not apply to Muslims who die intestate.

(4) The trustees of the wakaf or nazar am appointed under the instrument creating, governing or affecting the same shall, subject to the provisions of this Act, manage the wakaf or nazar am but the Majlis shall have power to appoint mutawallis, and for such purpose to remove any existing trustees, where it appears to the Majlis that -

(a) any wakaf or nazar am has been mismanaged;

(b) there are no trustees appointed to the management of the wakaf or nazar am; or

(c) it would be otherwise to the advantage of the wakaf or nazar am to appoint a mutawalli.

(5) The Majlis may at any time remove any mutawalli appointed by it and appoint another in his place.

Vesting of wakaf and nazar am in Majlis

59.

All property subject to section 58 shall if situate in Singapore vest in the Majlis, without any conveyance, assignment or transfer whatever, for the purpose of the Baitulmal, wakaf or nazar am affecting the same.

Restriction on creation of Muslim charitable trust

60.

-(1) Whether or not made by way of will or death-bed gift, no wakaf or nazar made after 1st July 1968 and involving more than one-third of the property of the person making the same shall be valid in respect of the excess beyond such one-third.

(2) Every wakaf khas or nazar made after 1st July 1968 shall be null and void unless -

(a) the President shall have expressly sanctioned and validated or ratified the same in writing in accordance with the Muslim law; or

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(b) it was made during a serious illness from which the maker subsequently died and was made in writing by an instrument executed by him and witnessed by 2 adult Muslims one of whom shall be a Kadi or Naib Kadi.

(3) If no Kadi or Naib Kadi is available as described in subsection(2)(b), any other adult Muslim who would not have been entitled to any beneficial interests in the maker"s estate had the maker died intestate shall be a competent witness.

(4) This section shall not operate to render valid any will, death-bed gift, wakaf or nazar which is invalid under the provisions of the Muslim law or of any written law.

Income of wakaf or nazar

61.

-(1) The income of a wakaf or nazar shall be applied in accordance with the lawful provisions set out in the instrument or declaration creating, governing or affecting the wakaf or nazar.

(2) Where there is no specific provision in such instrument or declaration for the expenditure of the wakaf or nazar the income shall be paid to and form part of the Fund.

Property and asset of wakaf or nazar am

62.

-(1) Subject to this section, the property and assets affected by any lawful wakaf or nazar am shall not form part of the Fund, but shall be applied in pursuance of such wakaf or nazar am and held as segregated funds.

(2) If from lapse of time or change of circumstances it is no longer possible beneficially to carry out the exact provisions of any wakaf or nazar am, the Majlis shall prepare a scheme for the application of the property and assets affected thereby in a manner as closely as may be analogous to that required by the terms of such wakaf or nazar am and shall apply the same accordingly.

(3) The Majlis may, with the approval in writing of the Minister, direct that the property and assets mentioned in subsection(2) shall be added to and form part of the Fund.

(4) If the terms of any wakaf or nazar am are such that no method of application of the property and assets affected thereby is specified, or it is uncertain in what manner the same should be applied, the Majlis may direct that the property and assets shall be added to and form part of the Fund.

(5) All instruments creating, evidencing or affecting any wakaf or nazar am, together with any documents of title or other securities relating thereto, shall be held and retained by the Majlis.

Construction of instrument

63.

-(1) Where any question arises as to the validity of a Muslim charitable trust or as to the meaning or effect of any instrument or declaration creating or affecting any Muslim charitable trust, such question shall be determined in accordance with the provisions of the Muslim law.

(2) If in the opinion of the Majlis the meaning or effect of any instrument or declaration creating or affecting any wakaf or nazar is obscure or uncertain, the Majlis may refer the same

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to the court for construction of the instrument or declaration, and shall act in accordance with the construction so given by the court.

(3) The court in construing the instrument or declaration shall do so in accordance with the provisions of the Muslim law and shall be at liberty to accept as proof of the Muslim law any definite statement on the Muslim law made in any of the books referred to in section 114.

Registration of wakafs

64.

-(1) Every wakaf, whether created before or after 1st July 1968, shall be registered at the office of the Majlis.

(2) Application for registration shall be made by the mutawalli of the wakaf.

(3) An application for registration shall be made in such form and manner as the Majlis may require and shall contain the following particulars:

(a) a description of the wakaf properties sufficient for the identification of the properties;

(b) the gross annual income from the wakaf properties;

(c) the amount of rates and taxes annually payable in respect of the wakaf properties;

(d) an estimate of the expenses annually incurred in the realisation to the income of the wakaf properties;

(e) the amount set apart under the wakaf for -

(i) the salary of the mutawalli and allowances to the individuals;

(ii) purely religious purposes;

(iii) charitable purposes; and

(iv) pious and any other purposes; and

(f) any other particulars required by the Majlis.

(4) Every application shall be accompanied by a copy of the wakaf deed, or if no such deed has been executed or a copy thereof cannot be obtained, shall contain full particulars, as far as they are known to the applicant, of the origin, nature and objects of the wakaf.

(5) The Majlis may require the applicant to supply any further particulars or information that the Majlis may consider necessary.

(6) On receipt of an application for registration, the Majlis may, before the registration of the wakaf, make such inquiries as it thinks fit in respect of the genuineness and validity of the application and correctness of any particulars in the application.

(7) When an application is made by any person other than the person managing the wakaf property, the Majlis shall, before registering the wakaf, give notice of the application to the person managing the wakaf property and shall hear him if he desires to be heard.

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(8) In the case of wakafs created before 1st August 1999, every application for registration shall be made within 6 months from that date; and in the case of wakafs created after that date, within 6 months from the date of the creation of the wakaf.

(9) The Majlis shall maintain a register of wakafs in such manner as the Majlis may think fit, including in electronic form in a computer, in which shall be entered such particulars as the Majlis may from time to time determine.

(10) The Majlis may itself cause a wakaf to be registered or may at any time amend the register of wakafs.

(11) Any mutawalli of a wakaf who fails to -

(a) apply for the registration of the wakaf;

(b) furnish statements of particulars as required under this section;

(c) supply information or particulars as required by the Majlis;

(d) allow inspection of wakaf properties, accounts, records or deeds and documents relating to the wakaf;

(e) deliver possession of any wakaf property, if ordered by the Majlis;

(f) carry out the directions of the Majlis; or

(g) do any other act which he is lawfully required to do by or under this section,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding $50 for every day or part thereof during which the offence continues after conviction

(12) The Majlis may, with the approval of the Minister, make rules to provide -

(a) for the preparation of annual statements of accounts, reports and returns by the mutawallis of wakafs and for their submission to the Majlis;

(b) for the payment of fees for the inspection of, and extraction from, the register of wakafs; and

(c) generally for giving full effect to or for carrying out the purposes of this section.

Estimates

65.

-(1) The Majlis shall prepare and submit to the Minister not later than 31st October in each year estimates of all income and expenditure of the Majlis, including therein estimates of all property receivable and disposable in kind, in respect of the ensuing year.

(2) The Minister may approve such estimates or may direct that they be amended.

(3) Upon such approval or amendment the estimates shall be published in the Gazette.

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(4) The Majlis may at any time submit to the Minister supplementary estimates of expenditure in respect of the current year, or, at any time prior to 31st March in any year, in respect of the preceding year, and such estimates may be approved or amended, and shall be published in like manner as the annual estimates.

(5) No money shall be expended, or property disposed of in kind, except in accordance with such estimates and upon a voucher signed by the President, the Vice-President or by any member of the Majlis nominated by the President.

Expenses of Majlis

66.

All costs, charges and expenses of administering the property and assets vested in the Majlis, including the cost of maintenance and repair of any immovable property, shall be paid out of the property and assets of the Fund.

Banker

67.

The Majlis shall appoint bankers to be approved by the Minister and may operate such account or accounts as may seem proper.

Collection of zakat and fitrah

68.

-(1) The Majlis shall have power to collect zakat and fitrah payable in Singapore in accordance with the Muslim law.

(2) The power under subsection(1) shall not be exercised by the Majlis until a resolution to that effect has been passed by the Majlis and approved by the President of Singapore.

(3) On the publication in the Gazette of the resolution referred to in subsection(2) and subject to the provisions of the Muslim law, it shall be obligatory on all Muslims in Singapore to pay zakat and fitrah in accordance with the provisions of this Act.

(4) Subject to the provisions of this Act, any zakat or fitrah collected shall be disposed of by the Majlis in accordance with the Muslim law.

Rules

69.

-(1) The Majlis, with the approval of the Minister, may make rules for and regulate all matters in connection with the collection, administration and distribution of zakat and fitrah.

(2) Without prejudice to the generality of subsection(1), the Majlis may, with the approval of the Minister, make rules -

(a) to prescribe from time to time the amount of zakat and fitrah to be paid by all Muslims in Singapore;

(b) to provide for the method by which zakat and fitrah shall be collected;

(c) for the appointment of agents and officers for the collection of zakat and fitrah; and

(d) to provide penalties for the collection or payment of zakat and fitrah by or to unauthorised

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persons.

Appeal

70.

-(1) Any person may make objection to the Majlis against any demand for payment by him of zakat and fitrah.

(2) The Majlis shall consider such objection and may order that such person shall pay the amount of zakat and fitrah demanded from him, or such lesser amount as to the Majlis shall seem proper or may order that such person shall not be liable in any one or more years to pay zakat and fitrah or either.

Charitable collection

71.

-(1) The Majlis may collect, or may grant licences to any person or body of persons, authorising him or them to collect moneys or other contributions for any charitable purpose for the support and promotion of the Muslim religion or for the benefit of Muslims in accordance with the Muslim law, and may by any such licence impose such terms as it may think fit.

(2) It shall be deemed to be a term of every such licence that the grantee thereof and every other person authorised thereby to collect moneys or other contributions shall -

(a) issue in respect of every sum so collected a serially numbered receipt in the prescribed form;

(b) keep true and full accounts of all sums so collected and of the disposal thereof with all proper vouchers;

(c) produce on demand the counterfoils of such receipts and all such accounts and vouchers for inspection and audit by the Majlis; and

(d) apply and dispose of all sums so collected in accordance with the terms of such licence or, if no method of disposal thereof be thereby expressly authorised, pay and account for the same to the Majlis.

(3) Moneys collected in pursuance of this section may be applied for a specific purpose if the Majlis shall so direct, but shall, in default of any such direction, be added to and form part of the Fund.

(4) No person shall make or take part in any collection of money for any purpose mentioned in this section except with the express authority of the Majlis or by virtue and in pursuance of a licence granted under subsection(1).

Financial provisions with respect to Majlis

72.

The financial provisions set out in the First Schedule shall apply to the Majlis.

Financial provisions with respect to trust, wakaf, nazar and mosque

73.

The financial provisions set out in the Second Schedule shall apply to all mosques and all

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properties, investments and assets vested in the Majlis subject to any trust, wakaf or nazar which do not form part of the Fund.

Annual report

73A. The Majlis shall, as soon as practicable after the end of each financial year, submit to the Minister an annual report on the activities of the Majlis during the preceding financial year.

PART V MOSQUES AND RELIGIOUS SCHOOLS

Majlis to administer mosques

74.

-(1) Notwithstanding any provision to the contrary in any written instrument, the Majlis shall administer all mosques in Singapore.

(2) Every mosque, together with any immovable property on which it stands or which is appurtenant thereto and used for the purposes thereof, other than State land, shall without any conveyance, assignment or transfer whatever vest in the Majlis for the purposes of this Act.

(3) The trustees of any mosque under any written instrument shall, subject to the provisions of this Act, manage the mosque, but the Majlis shall have power to appoint a mutawalli and for such purpose to remove any existing trustee where it appears to the Majlis that -

(a) the mosque has been mismanaged;

(b) there is no trustee appointed for the management of the mosque; or

(c) it would be otherwise to the advantage of the mosque to appoint a mutawalli.

(4) The Majlis may at any time remove any mutawalli appointed by it and appoint another in his place.

Restriction of new mosque

75.

-(1) No person shall erect any mosque, or dedicate or otherwise apply any existing building as or for the purposes of a mosque, without the permission in writing of the Majlis.

(2) Such permission shall in no case be given unless the site of the proposed new mosque has been or will, prior to the erection or dedication thereof, be made a wakaf.

Establishment of Mosque Building and Mendaki Fund

76.

-(1) There shall be established a fund to be called the Mosque Building and Mendaki Fund into which shall be paid all contributions authorised under this Act.

(2) All moneys in the Mosque Building and Mendaki Fund shall be vested in the Majlis which shall administer such moneys in accordance with the provisions of this Act.

(3) The Majlis may appoint such agents and officers as may be necessary for the collection of contributions to the Mosque Building and Mendaki Fund.

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Application of Mosque Building and Mendaki Fund

77.

-(1) The moneys in the Mosque Building and Mendaki Fund shall be used -

(a) for the purpose of building mosques in Singapore;

(b) for the payment of contributions to Yayasan Mendaki; and

(c) for the payment of expenses incurred in maintaining and administering that Fund.

(2) The Majlis shall as soon as practicable pay to Yayasan Mendaki the net amount of the contributions received for the purpose of Yayasan Mendaki, after taking into account the appropriate expenses referred to in subsection(1)(c).

Contributions to Mosque Building and Mendaki Fund

78.

-(1) Subject to the provisions of this Act and any rules made under section 81, every employer of a Muslim employee shall pay to the Mosque Building and Mendaki Fund monthly in respect of each Muslim employee contributions as set out in the Third Schedule.

(2) Notwithstanding the provisions of any written law or any contract to the contrary, an employer shall be entitled to recover from the monthly wages of a Muslim employee any contributions paid to the Mosque Building and Mendaki Fund on behalf of the employee.

(3) Any employer who fails to pay the contributions referred to in subsection(1) within such time as may be prescribed shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $500.

(4) An employer who has recovered any amount from the monthly wages of an employee in accordance with subsection(2) and fails to pay such contributions to the Mosque Building and Mendaki Fund within such time as may be prescribed shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $2,000.

(5) The Minister may, from time to time, by notification in the Gazette, vary the amount of contributions payable by an employer in respect of each Muslim employee and may prescribe different amounts of contributions payable by the employer in respect of different classes of Muslim employees.

(6) Without prejudice to subsections(1) and(2) -

(a) an employee may at any time contribute voluntarily to the Mosque Building and Mendaki Fund a sum in addition to that referred to in subsection(1) as payable by his employer; or

(b) an employee who desires to have contributions in excess of the amount deducted from his monthly wages by his employer may give to his employer written notice to that effect and thereafter, so long as he is employed by the employer, the employer shall make such deduction from his wages for each month until such time, not being less than 6 months from the date of giving such notice, as he gives further written notice to his employer of his desire to cease to have such excess monthly contributions deducted from his wages.

(7) The employer shall pay the amount of excess deductions under subsection(6) to the Mosque

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Building and Mendaki Fund in addition to the appropriate monthly contributions.

(8) Any contribution recoverable from the wages of an employee in accordance with subsection(1) shall be recovered by the employer from the wages in respect of which such contribution is payable at the time of payment of those wages or within such time as may be prescribed and not otherwise.

(9) Any excess contributions paid into the Mosque Building and Mendaki Fund under subsection(7) shall, unless the employee making the contribution otherwise indicates, be deemed to be for the purpose of building mosques.

Muslim employee may decide not to pay contributions

79.

-(1) A Muslim employee who does not wish his employer to pay contributions to the Mosque Building and Mendaki Fund on his behalf may exercise an option in such form as the Majlis may require for his employer not to pay contributions to the Mosque Building and Mendaki Fund on his behalf during any period not exceeding 12 months.

(2) Where a Muslim employee has made an option under subsection(1), the Majlis shall issue him with a certificate to that effect.

(3) The employee shall forthwith notify his employer to that effect and thereupon the employer shall cease to be liable to contribute to the Mosque Building and Mendaki Fund under section 78 in respect of that employee for such period the certificate is in force.

(4) Where an employee has exercised an option under subsection(1), his employer shall, on the expiry of the period for which the option is in force, be liable to pay contributions to the Mosque Building and Mendaki Fund in respect of that employee unless that employee again exercises an option for his employer not to pay contributions to the Mosque Building and Mendaki Fund on his behalf for a further period of time not exceeding 12 months.

Contributions from other persons

80.

-(1) Notwithstanding section 78, the Majlis may receive contributions to the Mosque Building and Mendaki Fund from any Muslim person.

(2) Nothing in this Act shall be construed as precluding the Majlis from receiving contributions to the Mosque Building and Mendaki Fund from any person who is not of the Muslim faith.

Power to make rules

81.

-(1) The Majlis may, with the approval of the Minister, make such rules as are necessary or expedient for the purpose of carrying out the provisions of this Act relating to the Mosque Building and Mendaki Fund.

(2) Without prejudice to the generality of subsection(1), such rules may -

(a) provide for the manner of payment and collection of contributions to the Mosque Building and Mendaki Fund and any matters incidental thereto;

(b) exempt employers from paying contributions to the Mosque Building and Mendaki Fund in

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respect of such categories of Muslim employees as the Majlis may determine;

(c) provide for the return of contributions or any part of such contributions paid in error;

(d) provide for the payment of contributions or any part of such contributions omitted to be paid in error;

(e) provide for the keeping of books, accounts or records by employers;

(f) prescribe the evidence to be produced and the person, officer or authority to whom such evidence is to be produced for the purposes of this Part;

(g) prescribe the procedure to be followed when contributions are paid into the Mosque Building and Mendaki Fund;

(h) provide, in cases where an employee is employed concurrently by 2 or more employers, the extent of the obligation of such employers as to payment of contributions to the Mosque Building and Mendaki Fund;

(i) prescribe the procedure to be followed when voluntary contributions are paid to the Mosque Building and Mendaki Fund;

(j) prescribe the returns to be made and the forms and registers to be used in the carrying out of the provisions of this Part;

(k) prescribe anything which under this Part may be prescribed by the Majlis.

Repair

82.

-(1) It shall be the duty of the trustees of a mosque to ensure that the mosque is kept in a proper state of repair and that the mosque and the compounds thereof are maintained in a proper state of cleanliness.

(2) The Majlis may raise and apply, or authorise the raising and application by the trustees of, special funds for the purpose of such repairs and maintenance, or may authorise the payment of the cost of such repairs and maintenance from the Fund.

(3) It shall be the duty of the trustees promptly to inform the Majlis of any want of repair of the mosque, and to effect or supervise any repairs as agent for and on behalf of the Majlis.

(4) No material alteration to the structure of any mosque shall be made without the permission in writing of the Majlis.

(5) The Majlis may direct the trustees to keep any mosque for which they are responsible in a proper state of repair.

Boundary of daerah masjid

83.

-(1) The Majlis shall have the power at any time to determine the boundaries of any daerah masjid and to amend or alter such boundaries.

(2) Any dispute as to the boundaries of a daerah masjid shall be referred to the Legal Committee

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for its opinion.

Register of pegawai masjid

84.

-(1) The Majlis shall maintain a register showing the pegawai masjid of every mosque in Singapore.

(2) It shall be the duty of every mutawalli promptly to inform the Majlis of any vacancy or change in the pegawai masjid relating to his mosque.

Appointment of pegawai masjid

85.

-(1) It shall be the duty of the Legal Committee of the Majlis, upon learning of any vacancy or impending vacancy in the office of Imam in any mosque in Singapore, to make enquiry for possible candidates for such appointment, and, after due examination of the qualifications of such possible candidates, to submit a list of suitable candidates to the Majlis.

(2) The Majlis shall, after considering the list submitted by the Legal Committee and after such enquiries as it thinks fit, appoint an Imam to fill the vacancy.

(3) The mutawalli of a mosque may appoint the Khatib, Bilal or Noja of the mosque.

(4) The pegawai masjid of a mosque shall be deemed to be public servants for the purposes of the Penal Code(Cap. 224).

Rules for appointment of jawatankuasa daerah

86.

-(1) The Majlis may make rules for -

(a) the appointment of a jawatankuasa daerah;

(b) prescribing the manner in which the members of a jawatankuasa daerah shall be appointed; and

(c) prescribing the duties and functions of a jawatankuasa daerah.

(2) The jawatankuasa daerah in conjunction with the local pegawai masjid shall -

(a) be responsible for the proper conduct and good order of the mosque and all Muslim burial grounds within their daerah masjid; and

(b) give due and prompt information to the Majlis of all matters arising in the daerah masjid and requiring the attention of the Majlis.

Religious school

87.

-(1) The control of Muslim religious schools shall be vested in the Majlis.

(2) The Majlis shall have power to register and to control the conduct of Muslim religious schools and to approve the curricula of instruction in such schools.

(3) The Majlis shall have power to control the establishment of any private Muslim religious

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school and to refuse permission for any such school to be established and to approve any regulations made by any person in charge of such school for its administration.

(4) The Majlis shall have power to authorise any public officer to inspect any Muslim religious school in order to satisfy himself that all the requirements of the Majlis are being complied with.

(5) The Majlis shall have power to order any person employed or to be employed as a teacher at any private religious school to submit to a test conducted by a board appointed by the Majlis.

(6) If any person fails to pass the test referred to in subsection(5), the Majlis shall have power to forbid his employment as a teacher at the school.

(7) The Majlis shall have power to order the closure of any religious school which the board may consider unsatisfactory.

(8) An appeal shall lie from any act, order or direction of the Majlis under this section to the Minister.

(9) The Majlis may, with the approval of the Minister, make rules for carrying out the purposes of this section.

Grant to religious school

88.

Any grant made by the Government to Muslim religious schools shall be administered by the Majlis in accordance with rules made by the Majlis and approved by the Minister responsible for education.

PART VA HALAL AND HAJ MATTERS

Halal certificates

88A. -(1) The Majlis may issue halal certificates in relation to any product, service or activity and regulate the holders of such certificates to ensure that the requirements of the Muslim law are complied with in the production, processing, marketing or display of that product, the provision of that service or the carrying out of that activity.

(2) An application for a halal certificate shall be in such form as the Majlis may require.

(3) The Majlis may, in issuing a halal certificate, impose such condition as it thinks fit and may at any time vary, remove or add to such condition.

(4) The Majlis may, by notification in the Gazette, specify any certification mark of the Majlis for use in relation to any product, service or activity in respect of which it has issued a halal certificate under subsection(1).

(5) Any person who, without the approval of the Majlis -

(a) issues a halal certificate in relation to any product, service or activity; or

(b) uses any specified halal certification mark or any colourable imitation thereof,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000

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or to imprisonment for a term not exceeding 12 months or to both.

(6) The Majlis may, in granting approval to any person to issue any halal certificate or to use any specified halal certification mark, impose such condition as it thinks fit and may at any time vary, remove or add to such condition.

(7) The Majlis may revoke or suspend its approval granted to any person to issue any halal certificate or to use any specified halal certification mark if the person fails to comply with any condition imposed under subsection(6).

(8) Any person aggrieved by any decision of the Majlis made under this section may appeal to the Minister whose decision shall be final.

Regulation of Haj services and goods

88B. The Majlis may regulate any person providing goods or services for the purposes of the Haj -

(a) to ensure that the requirements of the Muslim law are complied with in relation to the provision of those goods or services;

(b) to safeguard the safety and welfare of persons to whom those goods or services are provided; and

(c) to promote the proper administration of any matter relating to the Haj.

Rules to regulate halal and Haj matters

88C. -(1) The Majlis may, with the approval of the Minister, make rules for carrying out the purposes and provisions of this Part.

(2) Without prejudice to the generality of subsection(1), the Majlis may, with the approval of the Minister, make rules for or in respect of the following matters:

(a) to regulate the use and issue of halal certificates and the use of specified halal certification marks;

(b) to require travel agents to obtain the approval of the Majlis to provide goods or services for the purposes of the Haj and to provide for the withdrawal of such approval in certain circumstances;

(c) to require travel agents providing goods or services for the purposes of the Haj to maintain accounts for clients'' money received in respect of those goods or services and to regulate the particulars, report and other information to be kept and furnished in relation to such accounts;

(d) to regulate the number of persons to whom travel agents may provide goods or services for the purposes of the Haj;

(e) to provide that any contravention or failure to comply with any of such rules shall be an offence punishable with a fine not exceeding $10,000 or with imprisonment for a term not exceeding 12 months or with both; and

(f) to prescribe fees and charges for the purposes of this Part.

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(3) For the purposes of this section, "travel agent" means a person who holds a licence granted under the Travel Agents Actw.

PART VI MARRIAGE AND DIVORCE

Application

89.

The provisions of this Part shall apply only to marriages, one or both of the parties to which profess the Muslim religion and which are solemnized in accordance with the Muslim law.

Appointment of Registrar of Muslim Marriages

90.

-(1) The President of Singapore may appoint either by name or office any male Muslim of good character and position and of suitable attainments to be the Registrar of Muslim Marriages.

(2) The appointment shall be notified in the Gazette.

(3) The President of Singapore may at any time by notification in the Gazette cancel the appointment.

Appointment of Kadis and Naib Kadis

91.

-(1) Subject to section 146, the President of Singapore may appoint suitable male Muslims of good character and position and of suitable attainments to be Kadis or Naib Kadis.

(2) The President of Singapore may appoint 2 or more Kadis or Naib Kadis for the same district or place.

(3) The letter of appointment shall -

(a) be in such form as the President of Singapore directs;

(b) be signed by the President of Singapore;

(c) state either -

(i) that the person named therein is appointed to be a Kadi or Naib Kadi for a particular district or place, of which the limits shall be strictly defined; or

(ii) that the person named therein is appointed to be a Kadi or Naib Kadi for particular schools of law(Mazhabs); and

(d) state the period the person named therein is appointed to be a Naib Kadi.

(4) The appointment of a Kadi or Naib Kadi shall be notified in the Gazette.

(5) The President of Singapore may at any time at his pleasure by notification in the Gazette cancel such appointment.

(6) In the event of a Kadi or Naib Kadi temporarily leaving Singapore or being temporarily incapacitated from performing the duties of his office, the President of Singapore may appoint a suitable person to officiate in his appointment.

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(7) The jurisdiction, authority and powers of any Kadi or Naib Kadi shall be such as are conferred by this Act.

(8) The President of Singapore may by the terms of the letter of appointment of any Kadi or Naib Kadi restrict the exercise of any powers which would otherwise be conferred on the Kadi or Naib Kadi by this Act.

Deputy Registrars of Muslim Marriages

92.

-(1) Every Kadi and Naib Kadi -

(a) shall be a Deputy Registrar of Muslim Marriages; and

(b) shall use a seal bearing such inscription in the Malay language as the Registrar approves.

(2) In the event of a Kadi or Naib Kadi leaving the district within which he is appointed to act, or ceasing to hold his appointment, or dying, his books and seals of office shall forthwith be returned to, or taken possession of by, the Registrar.

Registers

93.

Every Kadi and Naib Kadi shall keep such books and registers as are prescribed.

Betrothal

94.

-(1) If any person shall, either orally or in writing, and either personally or through an intermediary, have entered into a contract of betrothal in accordance with the Muslim law, and shall subsequently refuse without lawful reason to marry the other party to such contract, such other party being willing to perform the same, the party in default shall be liable -

(a) to pay to the other party the sum which it is agreed in the contract by which the marriage was arranged is to be paid by the party in breach of the contract; and

(b) if a male, to pay as damages the amount expended in good faith in preparation for the marriage, or if a female, to return the betrothal gifts, if any, or the value thereof and to pay as damages the amount expended in good faith in preparation for the marriage.

(2) The payments and return of gifts mentioned in subsection(1) may be recovered by action in the Syariah Court.

Solemnization of marriage

95.

-(1) Subject to the provisions of this Act, it shall be lawful for the wali of the woman to be wedded to solemnize the marriage according to the Muslim law.

(2) Subject to the provisions of this Act, any Kadi or Naib Kadi may at the request of the wali of the woman to be wedded perform the marriage ceremony but before solemnizing such marriage he shall make full inquiry in order to satisfy himself that there is no lawful obstacle according to the Muslim law or this Act to the marriage and shall not perform the ceremony until he is so satisfied.

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(3) Where there is no wali of the woman to be wedded or where a wali shall, on grounds which a Kadi does not consider satisfactory, refuse his consent to the marriage, the marriage may be solemnized by the Kadi, but before solemnizing such marriage the Kadi shall make inquiry as prescribed in subsection(2).

(4) For the purpose of any inquiry a Kadi or Naib Kadi may issue a summons requiring any person to appear before him to give evidence or to produce a document.

Restriction on solemnization of marriage

96.

-(1) No marriage shall be solemnized under this Act unless all the conditions necessary for the validity thereof, in accordance with the Muslim law and the provisions of this Act, are satisfied.

(2) No marriage shall be solemnized under this Act if the man to be wedded is married to any person other than the other party to the intended marriage, except -

(a) by a Kadi; or

(b) with the written consent of a Kadi, by the wali of the woman to be wedded.

(3) Before solemnizing a marriage or giving his written consent to the solemnization of a marriage under subsection(2), the Kadi shall satisfy himself after inquiry that there is no lawful obstacle according to the Muslim law or this Act to such marriage.

(4) No marriage shall be solemnized under this Act if at the date of the marriage either party is below the age of 16 years.

(5) Notwithstanding subsection(4), a Kadi may in special circumstances solemnize the marriage of a girl who is below the age of 16 years but has attained the age of puberty.

Marriage of janda

97.

-(1) Where the woman to be wedded is a janda -

(a) she shall not be married to any person other than the husband from whom she was last divorced, at any time prior to the expiration of the period of iddah, which shall be calculated in accordance with the Muslim law;

(b) she shall not be married unless she shall previously have produced -

(i) a certificate of the death of her late husband;

(ii) a certificate of divorce lawfully issued under the law for the time being in force;

(iii) a certified copy of the entry relating to such divorce in the appropriate register of divorces; or

(iv) a certificate, which may upon her application be granted after inquiry by the Syariah Court, to the effect that she is a janda; and

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(c) if the divorce was by 3 talak, she shall not be remarried to her previous husband, unless prior to the marriage she shall have been lawfully married to some other person and such marriage shall have been consummated and later lawfully dissolved.

(2) The Syariah Court may, if it is satisfied that there has been any collusion between the previous husband and the other person to whom the woman was married after the 3 talak, annul the remarriage with the former husband referred to in subsection(1)(c).

Place of marriage

98.

-(1) Every marriage shall be solemnized in the daerah masjid in which the bride ordinarily resides.

(2) A Kadi may give permission for any marriage to be solemnized elsewhere.

Copy of certificate to be sent to Registrar

99.

-(1) Every Kadi and Naib Kadi shall, within one week of the registration of a marriage or revocation of divorce, send a copy of the certificate of marriage or revocation of divorce, as the case may be, to the Registrar.

(2) Where the divorce or revocation of divorce dealt with in a certificate of divorce or a certificate of revocation of divorce relates to a marriage registered in Singapore, the Registrar shall cause an endorsement of the divorce or of the revocation of divorce to be entered on the certificate of marriage kept in the Register of Marriages.

(3) Where the revocation of divorce dealt with in a certificate of revocation of divorce relates to a divorce registered in Singapore, the Registrar shall cause an endorsement of the revocation of divorce to be entered on the certificate of divorce kept in the Register of Divorces.

(4) Every Kadi shall, within one week of the registration of a divorce, send a copy of the certificate of divorce to any president of the Syariah Court.

Registers of Marriages, Divorces and Revocation of Divorces

100.

-(1) The Registrar shall cause -

(a) the copies of the certificates of marriage sent to him to be bound in a Register of Marriages; and

(b) the copies of the certificates of revocation of divorce sent to him to be bound in a Register of Revocation of Divorces.

(2) The Registrar shall keep an index of each of the Registers of Marriages and Revocation of Divorces kept by him.

(3) Any president of the Syariah Court shall cause the copies of the certificates of divorce sent to him to be bound together with the certificates of divorce issued by that Court in a Register of Divorces.

(4) Any president of the Syariah Court shall keep an index of the Register of Divorces kept by

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him.

Cancellation or rectification of entry in register or certificate

101.

-(1) If it shall appear that any entry in any Register of Marriages or Register of Revocation of Divorces kept or a certificate of marriage or certificate of revocation of divorce issued under this Act has been made or issued in error or contains any error that might be corrected, the Registrar or any person affected by such error may apply to the Syariah Court for the cancellation of the certificate or rectification of such entry.

(2) If it shall appear that any entry in the Register of Divorces or a certificate of divorce issued under this Act has been made or issued in error or contains any error that might be corrected, any person affected by such error may apply to the Syariah Court for the cancellation of the certificate or rectification of such entry.

(3) The Syariah Court may, after such inquiry as it thinks proper, order the cancellation or rectification accordingly.

(4) Any person may be ordered to surrender any document to the Registrar or any president of the Syariah Court for cancellation or rectification in consequence of any such order.

(5) If the Registrar is satisfied by statutory declaration or otherwise that any certificate of marriage or certificate of revocation of divorce contains any clerical or typographical error, he may, in the presence of the persons named in the certificate, or, if they are absent, in the presence of 2 credible witnesses, rectify such certificate.

(6) The Registrar shall sign and date any correction made in the certificate of marriage or the certificate of revocation of divorce and in the relevant Register of Marriages or Register of Revocation of Divorces, as the case may be.

(7) Every rectification made under subsection(5) shall be attested by the witnesses in whose presence it was made.

Registration of marriage, divorce or revocation of divorce compulsory

102.

-(1) Nothing in this section shall be construed as preventing a Kadi or Naib Kadi at his option from solemnizing and registering a marriage at his house or office or at the house of the parties or one of the parties thereto.

(2) In the case of every marriage, divorce or revocation of divorce effected in Singapore and which has not been registered in accordance with subsection(1), the husband and wife shall -

(a) attend personally within 7 days of the marriage, divorce or revocation of divorce at the office of a Kadi;

(b) furnish such particulars as are required by the Kadi for the due registration of such marriage, divorce or revocation of divorce; and

(c) apply in the prescribed form for the registration of such marriage, divorce or revocation of divorce.

(3) A Kadi shall not register any divorce or revocation of divorce unless he is satisfied after

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inquiry -

(a) that the parties have consented to the registration thereof; and

(b) in the case of registration of a divorce -

(i) that all payments of emas kahwin, any consolatory gift or mutaah and any maintenance for the wife for the period of her iddah have been paid in full; and

(ii) that the parties have no minor children and no matrimonial home.

(4) A Kadi shall not register any divorce by 3 talak.

(5) Where an application is made to a Kadi for the registration of a divorce by 3 talak or where on an application for the registration of a divorce or revocation of divorce the Kadi is not satisfied that both the parties have consented to the registration thereof, the Kadi shall refer the application to the Syariah Court and the Syariah Court may make such decree or order as is lawful under the Muslim law.

(6) Nothing in this section shall apply to a divorce effected by a decree or order of the Syariah Court or an Appeal Board.

Signing of register and inquiry by Kadi

103.

-(1) Where a marriage has been solemnized by a Kadi or Naib Kadi, the Kadi or Naib Kadi shall register the marriage by entering the particulars thereof in the register of marriages and also in the certificate of marriage attached to the register.

(2) Subject to section 102, a Kadi may at any time within 7 days of a marriage which has not already been registered under subsection(1), or of a divorce or revocation of divorce, register the marriage, divorce or revocation of divorce by entering the particulars thereof in the appropriate register and also in the certificate of marriage, divorce or revocation of divorce attached to the register.

(3) The entry shall be signed by the Kadi or Naib Kadi and by such of the parties and by such number of witnesses as are prescribed.

(4) Before making any entry the Kadi or Naib Kadi shall make such inquiries as he considers necessary to satisfy himself as to the validity of the marriage, divorce or revocation of divorce.

(5) For the purpose of such inquiries the Kadi or Naib Kadi may issue a summons requiring any person to appear before him to give evidence or to produce any document.

(6) Every person so summoned shall be legally bound to comply with such summons.

Refusal to register marriage, divorce or revocation of divorce

104.

-(1) Every Kadi or Naib Kadi who refuses to register a marriage and every Kadi who refuses to register a divorce or revocation of divorce shall record his reasons for such refusal in a book to be kept for that purpose.

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(2) The Kadi or Naib Kadi shall forthwith inform the Registrar and all other Kadis and Naib Kadis in Singapore in the prescribed form of his decision.

(3) Upon payment of the prescribed fee the Kadi or Naib Kadi shall give a copy of his reasons for refusal to the applicant for registration.

Appeal

105.

An appeal from the decision of a Kadi or Naib Kadi under this Act shall lie to an Appeal Board constituted under section 55 and that section shall apply, with the necessary modifications, to an appeal from the decision of a Kadi or Naib Kadi as they apply to an appeal from a decision of the Syariah Court.

Where Appeal Board orders registration

106.

-(1) If the Appeal Board on appeal orders the marriage, divorce or revocation of divorce to be registered, the necessary entries shall as soon as possible be made by the Kadi or Naib Kadi.

(2) An entry shall be made in the register showing that the marriage, divorce or revocation of divorce was registered by order of the Appeal Board on appeal, and shall be signed by the person making the entry.

Extended time for registration of marriage, divorce or revocation of divorce

107.

Any marriage, divorce or revocation of divorce which has not been registered within the time prescribed by section 102 may, with the consent in writing of the Registrar, and subject to section 102(3) to(5) be registered by a Kadi within 3 months from the date of such marriage, divorce or revocation of divorce.

Copy of entry to be given to parties

108.

On the completion of the registration of any marriage, divorce or revocation of divorce, the Kadi or Naib Kadi, as the case may be, shall give to each of the parties a copy of the certificate of marriage, divorce or revocation of divorce duly signed and sealed with his seal of office.

Legal effect of registration of marriage, divorce or revocation of divorce

109.

Nothing in this Act shall be construed to render valid or invalid merely by reason of its having been or not having been registered any Muslim marriage, divorce or revocation of divorce which otherwise is invalid or valid.

PART VII PROPERTY

Saving of distribution of Muslim estate by will

110.

Nothing in this Act shall be held to prevent any Muslim person directing by his or her will that his or her estate and effects shall be distributed according to the Muslim law.

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Disposition by will to be in accordance with Muslim law

111.

-(1) Notwithstanding anything in the provisions of the English law or in any other written law, no Muslim domiciled in Singapore shall, after 1st July 1968, dispose of his property by will except in accordance with the provisions of and subject to the restrictions imposed by the school of Muslim law professed by him.

(2) Nothing in this section shall affect -

(a) the provisions of the Wills Act(Cap. 352), other than section 3 thereof;

(b) the provisions of the Probate and Administration Act(Cap. 251); or

(c) the will of a Muslim dying before 1st July 1968.

Distribution of Muslim estate to be according to Muslim law

112.

-(1) In the case of any Muslim person domiciled in Singapore dying intestate, the estate and effects shall be distributed according to the Muslim law as modified, where applicable, by Malay custom.

(2) This section shall apply in cases where a person dies partly intestate as well as in cases where he dies wholly intestate.

(3) In the case of a Malay dying intestate, the court may make an order for the division of the harta sepencarian or jointly acquired property in such proportions as to the court seems fit.

Application for probate and letters of administration

113.

In all applications for probate or letters of administration the affidavit supporting the application shall, in the case of a deceased Muslim, state the school of law(Mazhab) which the deceased professed in addition to the particulars required by any other written law.

Proof of Muslim law

114.

-(1) In deciding questions of succession and inheritance in the Muslim law, the court shall be at liberty to accept as proof of the Muslim law any definite statement on the Muslim law made in all or any of the following books:

(a) The English translation of the Quaran, by A. Yusuf Ali or Marmaduke Pickthall;

(b) Mohammedan Law, by Syed Ameer Ali;

(c) Minhaj et Talibin by Nawawi, translated by E. C. Howard from the French translation of Van den Berg;

(d) Digest of Moohummudan Law, by Neil B. E. Baillie;

(e) Anglo-Muhammadan Law, by Sir Roland Knyvet Wilson, 6th Edition Revised by A. Yusuf Ali;

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(f) Outlines of Muhammadan Law, by A. A. Fyzee;

(g) Muhammadan Law, by F. B. Tyabji.

(2) The Minister may on the advice of the Majlis by notification in the Gazette vary or add to the list of books set out in subsection(1).

Inheritance certificate

115.

-(1) If, in the course of any proceedings relating to the administration or distribution of the estate of a deceased person whose estate is to be distributed according to the Muslim law, any court or authority shall be under the duty of determining the persons entitled to share in such estate or the shares to which such persons are respectively entitled, the Syariah Court may, on a request by the court or authority or on the application of any person claiming to be a beneficiary and on payment of the prescribed fee, certify upon any set of facts found by such court or authority or on any hypothetical set of facts its opinion as to the persons who are, assuming such facts, whether as found or hypothetical, entitled to share in such estate and as to the shares to which they are respectively entitled.

(2) The Syariah Court may, before certifying its opinion, require to hear the parties on any question of law, but shall not hear evidence or make findings on any question of fact.

(3) In any case of special difficulty, the Syariah Court may refer the question to the Legal Committee of the Majlis for its opinion and shall, if such opinion be given, certify in accordance therewith.

Administration of husband''s estate

116.

In granting letters of administration to the estate of a Muslim dying intestate and leaving a widow or widows, the court may if it thinks fit grant letters of administration to any other next-of-kin or person entitled to the estate of the deceased under the Muslim law, either to the exclusion of the widow or widows, or jointly with such widow or widows, or any one or more of such widows.

Administration of wife''s estate

117.

-(1) When any woman, being the wife of a Muslim, dies intestate leaving property of her own and leaving male children above the age of 21 years -

(a) such male children shall be entitled to a grant of letters of administration to her estate and effects in preference to her husband;

(b) the husband shall be entitled next after such male children;

(c) after such male children and the husband, the daughters, father, mother, brothers, sisters, uncles, aunts, nephews and nieces of the intestate shall be entitled in the order above set out; and

(d) failing all the above, the next nearest of kin according to the Muslim law shall be entitled.

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(2) Preference shall be given to male over female relationship of the same degree in the above cases.

(3) The children of the husband by other wives shall not -

(a) be considered as next-of-kin to the deceased intestate wife; and

(b) by reason of such relationship, be entitled to a grant of letters of administration to her estate and effects.

(4) Nothing in this section shall affect the power given to the court by section 18(3)(d) of the Probate and Administration Act(Cap. 251).

Will of married woman

118.

Subject to section 111, Muslim married women may, with or without the concurrence of their husbands, by will dispose of their own property.

Property at marriage

119.

-(1) All the property belonging to a woman on her marriage, whether movable or immovable and however acquired, shall after marriage to a Muslim husband continue, in the absence of special written contract to the contrary, to be her own property.

(2) She may dispose of the same by deed or otherwise, with or without the concurrence of her husband.

Property of Muslim married woman

120.

-(1) The following shall be deemed to be the property of a Muslim married woman:

(a) wages and earnings acquired or gained by her during marriage in any employment, occupation or trade carried on by her and not by her husband;

(b) any money or other property acquired by her during marriage through the exercise of any skill or by way of inheritance, legacy, gift, purchase or otherwise; and

(c) all savings from, and investments of, such wages, earnings and property.

(2) Her receipt alone shall be a good discharge for such wages, earnings and property.

(3) She may dispose of the same by deed or otherwise and without the concurrence of her husband.

Right to sue and liability to be sued

121.

A Muslim married woman -

(a) may maintain a suit in her own name for the recovery of property of any description which is her own property;

(b) shall have in her own name the same remedies, both civil and criminal, against all persons

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for the protection and security of such property as if she were unmarried; and

(c) shall be liable to such suits, processes and orders in respect of such property as she would be liable to if she were unmarried.

Liability on her own contract

122.

-(1) If a Muslim married woman possesses property, and if any person enters into a contract with her with reference to such property or on the faith that her obligation arising out of the contract will be satisfied out of her own property, the person shall be entitled to sue her and to the extent of her own property to recover against her whatever the person might have recovered in such suit if she had been unmarried at the date of the contract and remained unmarried at the execution of the decree.

(2) The husband shall not, in the absence of special stipulations whereby he has made himself responsible as surety, guarantor, joint contractor or otherwise, be liable to be sued on such contract.

(3) Nothing in this section shall annul or abridge the liability of a Muslim husband for debts contracted by his wife"s agency, express or implied.

(4) Such liability shall be measured according to the law for the time being in force in Singapore.

Antenuptial debt

123.

A Muslim husband shall not by reason only of his marriage be liable for the debt of his wife contracted before marriage, but the wife shall be liable to be sued for and shall to the extent of her own property be liable to satisfy such debt as if she were unmarried.

Effect of marriage on property

124.

No Muslim person shall by any marriage contracted in accordance with the provisions of the Muslim law acquire any interest in the property of the person whom he or she marries nor become incapable of doing any act in respect of his or her own property which he or she could have done if unmarried.

Household property

125.

When a Muslim husband and his wife or wives live together in the same house the household goods, vehicles and household property of every description of the husband and wife or wives, except the paraphernalia of the wife or wives, shall be held prima facie to belong to the husband in any question between the husband and his creditors.

PART VIII CONVERSIONS

Register of converts

126.

The Majlis shall maintain a register of the names of all persons converted to the Muslim

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religion within Singapore, together with such particulars in respect of their conversion as may be prescribed by rule.

Control of conversion

127.

No person shall be converted to the Muslim religion otherwise than in accordance with the Muslim law and the provisions of this Act or any rules made thereunder.

Report of conversion

128.

Any Muslim who converts any person to the Muslim religion shall forthwith report such conversion to the Majlis with all necessary particulars.

PART IX OFFENCES

This Part to apply only to Muslims

129.

Subject to this Act, this Part shall only apply to Muslims.

Omission to register within prescribed time

130.

Any person who, being required by this Act to effect the registration of any marriage, divorce or revocation of divorce, omits to do so within the prescribed time shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $500.

Omitting to hand over book or seal or being in possession thereof without lawful excuse

131.

Any person who -

(a) refuses or omits to hand over any book or seal of office to the Registrar as required by this Act; or

(b) is found in possession of a book or seal of office without lawful excuse after the book or seal of office ought to have been made over to or taken possession of by the Registrar,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $500 or to imprisonment for a term not exceeding 6 months or to both.

Unlawful register

132.

Any person other than the Registrar, a Kadi or a Naib Kadi who -

(a) keeps any book being or purporting to be a register of Muslim marriages, divorces or revocation of divorce; or

(b) issues to any person any document being or purporting to be a certificate of marriage, divorce or revocation of divorce,

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shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $500 or to imprisonment for a term not exceeding 6 months or to both.

Unlawful solemnization of marriage or registration of marriage, divorce or revocation of divorce

133.

Any person who -

(a) solemnizes or purports to solemnize any marriage between Muslims; or

(b) registers any marriage, divorce or revocation of divorce effected between Muslims,

in contravention of the provisions of this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $500 or to imprisonment for a term not exceeding 6 months or to both.

Cohabitation outside marriage

134.

-(1) Any man who cohabits and lives with a woman, whether a Muslim or not, to whom he is not lawfully married, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $500 or to imprisonment for a term not exceeding 6 months or to both.

(2) Any woman who cohabits and lives with a man, whether a Muslim or not, to whom she is not lawfully married shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $500 or to imprisonment for a term not exceeding 6 months or to both.

(3) The court may instead of sentencing a woman under subsection(2) order that she be detained in a place of safety established under any written law for such period not exceeding 12 months as it may determine.

Enticing unmarried woman from wali

135.

Any person who takes or entices any unmarried woman out of the keeping of the wali of the unmarried woman without the consent of the wali shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years and shall also be liable to a fine.

Permission to leave Singapore

136.

-(1) Any Muslim, who is not a citizen of Singapore or of Malaysia and who has married in Singapore, shall not leave Singapore without the permission of the President.

(2) The President may withhold such permission until he is satisfied that such person has made proper provision for the maintenance of his wife and children, if any.

(3) Any person who fails to comply with subsection(1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $500 or to imprisonment for a term not exceeding 6 months or to both.

(4) Nothing in this section shall affect the operation of any law for the time being in force relating to immigration.

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Non-payment of zakat or fitrah

137.

-(1) Whoever, being liable to pay any zakat and having failed to procure, in accordance with section 70, the cancellation or modification of such liability, refuses or wilfully fails to pay the same, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $500 or to imprisonment for a term not exceeding 6 months or to both.

(2) Whoever, being liable to pay any fitrah and having failed to procure, in accordance with section 70, the cancellation or modification of such liability, refuses or wilfully fails to pay the same, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $50 or to imprisonment for a term not exceeding one month or to both.

(3) A conviction under this section shall not operate to extinguish the debt.

(4) Any zakat or fitrah due by any person or the value of the same may be recovered as if the value thereof were recoverable as a fine imposed under the provisions of this Act.

Neglect or failure to report conversion

138.

Whoever, being under a duty to report to the Majlis a conversion to the Muslim religion under the provisions of this Act, wilfully neglects or fails to do so shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $500 or to imprisonment for a term not exceeding 6 months or to both.

False doctrine

139.

-(1) Whoever shall teach or publicly expound any doctrine or perform any ceremony or act relating to the Muslim religion in any manner contrary to the Muslim law shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $2,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) In any prosecution for an offence under this section, where evidence is given by the President that any doctrine, ceremony or act is contrary to the Muslim law, the court shall presume that such doctrine, ceremony or act is contrary to the Muslim law.

Abetment

140.

Any person who attempts to commit, or abets the commission of, any offence under this Act shall be punishable with the same punishment as if he had committed the offence.

PART X MISCELLANEOUS

Registrar, Kadi and Naib Kadi to be public servants

141.

-(1) Every Registrar, Kadi and Naib Kadi shall be a public servant within the meaning of the Penal Code(Cap. 224).

(2) All proceedings before the Syariah Court or before the Registrar or a Kadi or Naib Kadi under this Act shall be deemed to be judicial proceedings within the meaning of Chapter XI of

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the Penal Code.

Witness

142.

-(1) Every Kadi or Naib Kadi shall have power to issue a notice or a summons to any person to appear before him and to give evidence or to produce any document in his possession.

(2) Every person to whom a notice or a summons is sent or served under this section shall be legally bound to comply therewith.

(3) Every Kadi and Naib Kadi may examine on oath any person who has appeared before him in compliance with a notice or summons.

Inspection and search

143.

-(1) The Register of Marriages, Register of Divorces and Register of Revocation of Divorces, and the general index of each of those Registers shall be open to inspection by any person upon payment of the prescribed fee.

(2) The Registrar or any president of the Syariah Court, as the case may be, shall, upon payment of the prescribed fee, furnish any person requiring the same a copy of any entry in any of the Registers certified under his signature and seal of office.

Proof

144.

The Register of Marriages, Register of Divorces and Register of Revocation of Divorces and any copy of any entry therein, certified under the hand and seal of the Registrar or any president of the Syariah Court, as the case may be, to be a true copy or extract, shall be prima facie evidence in all courts and tribunals in Singapore of the dates and acts contained or set out in each of those Registers, copy or extract.

Rules

145.

-(1) The President of Singapore may make such rules as seem to him necessary or expedient for the purpose of carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection(1), the power to make rules shall include -

(a) regulating and prescribing the procedure and practice of the Syariah Court and the Appeal Board, including the manner of service of summons;

(b) prescribing what part of the business which may be transacted and of the jurisdiction and powers which may be exercised by a president of the Syariah Court may be transacted or exercised by the registrar of the Syariah Court(including provisions for and concerning appeals from decisions of the registrar of the Syariah Court); and

(c) prescribing the fees to be charged by the Syariah Court, the Appeal Board, and by the Registrar, Kadis and Naib Kadis and the incidence and application of such fees.

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Delegation

146.

The President of Singapore may delegate the exercise of all or any of the powers vested in him by this Act to the President.

FIRST SCHEDULE FINANCIAL PROVISIONS WITH RESPECT TO MAJLIS

1.

The Majlis shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Majlis and over the expenditure incurred by the Majlis.

2.

The Majlis shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of that year to the auditor of the Majlis.

3.

The accounts of the Majlis shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

4.

A person shall not be qualified for appointment as an auditor under paragraph 3 unless he is an approved company auditor under the Companies Act(Cap. 50).

5.

The remuneration of the auditor shall be paid out of the funds of the Majlis.

6.

The auditor or any person authorised by him shall be entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Majlis and may make copies of or extracts from any such accounting and other records.

7.

The auditor shall in his report state -

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the Majlis;

(b) whether proper accounting and other records have been kept, including records of all assets of the Majlis whether purchased, donated or otherwise;

(c) whether the receipts, expenditure, and investment of moneys and the acquisition and disposal of assets by the Majlis during the financial year were in accordance with the provisions of this Act; and

(d) such other matters arising from the audit as he considers necessary.

8.

The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Majlis. He shall also submit such periodical and special reports to the Minister and to the Majlis as may appear to him to be necessary or as the Minister or the

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Majlis may require.

9.

The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

10.

Any person who fails, without reasonable excuse, to comply with any requirement of the auditor under paragraph 9 or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $1,000.

11.

The Majlis shall, as soon as the financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the President or Vice-President, together with a copy of the auditor''s report.

12.

Where the Auditor-General is not the auditor of the Majlis, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Majlis.

13.

The Minister shall as soon as practicable cause a copy of the annual report, the audited financial statements and the auditor''s report to be presented to Parliament.

14.

The financial year of the Majlis shall begin on 1st January and end on 31st December in each year.

15.

This Schedule shall apply to the accounts of the General Endowment Fund, the Mosque Building and Mendaki Fund and such other accounts as the Minister may, by notification in the Gazette, specify.

SECOND SCHEDULE FINANCIAL PROVISIONS WITH RESPECT TO TRUST, WAKAF, NAZAR AND MOSQUE

1.

The trustees, mutawallis or management board of any trust, wakaf, nazar or mosque to which this Schedule applies, as the case may be, shall -

(a) keep or cause to be kept proper accounts and records of its transactions and affairs; and

(b) after the close of each financial year prepare financial statements in respect of the trust, wakaf, nazar or mosque for that year.

2.

The financial statements shall, as soon as possible after the close of each financial year but not later than 6 months after the close of the financial year, be submitted to a meeting of the Majlis.

3.

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The accounts shall, before their submission to the Majlis under paragraph 2, be audited by an auditor to be appointed by the Majlis and approved by the Minister.

4.

A person shall not be qualified for appointment as an auditor under paragraph 3 unless he is an approved company auditor under the Companies Act(Cap. 50).

5.

The remuneration of the auditor shall be paid out of the funds of the trust, wakaf, nazar or mosque, as the case may be.

6.

The Majlis and the auditor or their authorised representatives shall be entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the trust, wakaf, nazar or mosque, as the case may be, and may make copies of or extracts from any such accounting and other records.

7.

The auditor shall in his report state -

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the trust, wakaf, nazar or mosque, as the case may be;

(b) whether proper accounting and other records have been kept, including records of all assets of the trust, wakaf, nazar or mosque, as the case may be, whether purchased, donated or otherwise;

(c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the trust, wakaf, nazar or mosque, as the case may be, during the financial year were in accordance with the provisions of this Act; and

(d) such other matters arising from the audit as he considers necessary.

8.

The Majlis and the auditor or their authorised representatives may require any person to furnish them with such information in the possession of that person or to which that person has access as the Majlis or the auditor considers necessary for the purposes of their functions under this Act.

9.

Any person who fails, without reasonable excuse, to comply with any requirement of the Majlis or the auditor under paragraph 8 or who otherwise hinders, obstructs or delays the Majlis or the auditor in the performance of their duties or the exercise of their powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $1,000.

10.

The Secretary of the Majlis shall, within one month after the meeting of the Majlis referred to in paragraph 2, submit a copy of the audited financial statements, together with a copy of the auditor"s report, to the Minister; and in the case of any mosque, the Majlis shall also cause a copy of the same to be exhibited at the mosque.

11.

The financial year of any trust, wakaf, nazar or mosque to which this Schedule applies shall begin on 1st January and end on 31st December in each year.

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THIRD SCHEDULE CONTRIBUTIONS TO MOSQUE BUILDING AND MENDAKI FUND

Total amount of employee"s wages for the calendar month	-	Amount of contributions payable for the calendar month
(1) Less than $1,001	-	$2
(2) $1,001 or more but less than $2,001	-	$3
(3) $2,001 or more but less than $3,001	-	$4
(4) $3,001 or more but less than $4,001	-	$8.50
(5) $4,001 or more	-	$11.

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