

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**ADMINISTRATION OF MUSLIM LAW ACT  
(CHAPTER 3)**

**1970 Ed. Cap. 42**

**Act**

**27 of 1966**

**Amended by**

**34 of 1973**

**31 of 1975**

**31 of 1984**

**S156/77**

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# Administration of Muslim Law Act

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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.

[1st July 1968\*]

## PART I

## PRELIMINARY

1. This Act may be cited as the Administration of Muslim Law Act and shall come into operation on such date as the President of Singapore may, by notification in the *Gazette*, appoint:

Short title  
and com-  
mencement.

Provided that the President of Singapore may from time to time, by notification in the *Gazette*, appoint different dates for the coming into operation of different provisions or Parts of this Act.\*

2. In this Act, unless the context otherwise requires —

“Appeal Board” means an Appeal Board constituted under section 55;

Interpre-  
tation.  
34/73  
31/75  
31/84.

“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

\*The Act, with the exception of sections 87 and 88, came into operation on 1st July 1968. See G.N. S166/68.

Ramadan to be used for religious or charitable purposes recognised by the Muslim law;

“Fund” means the General Endowment Fund established under section 57;

“General Register” means a General Register of marriages, divorces or revocations of divorce kept by the Registrar under section 100;

“idah” 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;

“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 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;

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

“wakaf 'am” means a dedication in perpetuity of the capital and income of property for 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 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 body known as Yayasan Mendaki registered under the Societies Act; Cap. 311.

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

## PART II

### MAJLIS UGAMA ISLAM

3. There shall be a Majlis Ugama Islam, Singapura, which shall exercise the functions conferred on it by this Act and advise the President of Singapore in matters relating to the Muslim religion in Singapore. Constitution of Majlis.

4. The Majlis shall be a body corporate under the name of Majlis Ugama Islam, Singapura having perpetual succession and a corporate seal, and the seal may from time to time be broken, changed, altered and made anew as to the Majlis seems fit, and, until a seal is provided under this section, a stamp bearing the inscription “Majlis Ugama Islam, Singapura” may be used as the corporate seal. Majlis to be a corporation.

Powers of  
Majlis.

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

(2) The Majlis may enter into contracts and may acquire, purchase, take, hold and enjoy movable and immovable property of every description, and subject to any written law affecting the same may 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.

Devolution  
of rights,  
powers,  
duties,  
liabilities and  
property of  
Board under  
Muslim  
and Hindu  
Endowments  
Ordinance.  
1955 Ed.  
Cap. 271.

6.—(1) All rights, powers, duties and liabilities which were, immediately before the commencement of this Act, vested in or imposed on the Board established by the Muslim and Hindu Endowments Ordinance, 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 the commencement of this Act, be vested in or imposed on the Majlis, save in so far as may be repugnant to the provisions of this Act.

(2) All property, movable or immovable, which was, immediately before the commencement of this Act, 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, upon the commencement of this Act, 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 the commencement of this Act.

Membership.

7.—(1) The Majlis shall consist of —

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

- (c) not more than 5 members to be appointed by the President of Singapore on the recommendation of the Minister; and
- (d) 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) (d) 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 re-appointment.

(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.

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

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

**9.** Without prejudice to sections 7 (3), 10 and 11 the appointment of any member of the Majlis shall determine — Determina-  
tion of appoint-  
ments.

- (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.

**10.** The President of Singapore may cancel the appointment of any member of the Majlis — Cancellation  
of appoint-  
ment.

- (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 appointments.

**11.** 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. Such temporary appointment shall determine on the substantive holder giving notice to the President of resumption of the duties of his appointment.

Appointments to be notified.

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

Strangers at meetings.

**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, save that 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.

Use of seal.

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

(2) The seal of the Majlis shall be affixed in the presence of the Secretary and two 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.

**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. Conduct of business.

(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).

**18.—**(1) All meetings of the Majlis shall be summoned by the Secretary. Summoning meetings.

(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:

Provided 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.

Duties and powers of Secretary.

**20.** Subject to such directions as may be given to him by the President, the Secretary shall have charge of all correspondence and documents of the Majlis, including all books of account thereof and all title deeds and securities, and shall be generally responsible for the proper collection of, accounting for and disposal of all funds of the Majlis, and shall 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 and at every meeting the minutes of the previous meeting shall be read and confirmed, subject to any amendment which may be required.

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

(3) 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.

**23.** A copy of any resolution certified by the Secretary to be a true copy of the resolution shall be sufficient evidence thereof and all courts shall take notice of the signature of the Secretary.

Certified copies of resolution.

**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.

Appearances by Majlis.

**25.** 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:

Acting in emergency.

Provided that 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.

**26.—(1)** The Majlis may by resolution delegate to the President or the Secretary or to any committee of the Majlis any part of its duties and powers, not being judicial or quasi-judicial powers, as it may think fit. For the purposes of this section the powers conferred on the Majlis by sections 32 and 33 shall be deemed to be quasi-judicial powers.

Delegation of powers.

(2) It shall be the duty of every committee of the Majlis and of every other person or body to whom any powers of the Majlis may be delegated to inform the Majlis of all acts and things done by it or him as such committee or in pursuance of such delegation.

**27.** The proceedings of the Majlis shall be secret and no member or servant thereof 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.

Secrecy.

**28.** The members of the Majlis shall be deemed to be public servants for the purposes of the Penal Code.

Members are public servants. Cap. 225.

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.

(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. Such appointment shall be notified in the *Gazette*.

(2) 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 the Mufti, two other fit and proper members of the Majlis, and not more than two 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 and a notification of every such appointment shall be published in the *Gazette*.

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

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

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

Cap. 225.

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

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

(2) 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. 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. 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.

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

(4) If in any court any question of the Muslim law falls for decision, and such court requests the opinion of the Majlis on such 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.

(5) For the purposes of subsection (4), "court" includes the Syariah Court constituted under this Act.

**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:

Authorities  
to be  
followed.

Provided that 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.

(2) 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).

Jurisdiction.

**35.—**(1) The Court shall have jurisdiction throughout Singapore and shall be presided over by a president to be appointed by the President of Singapore.

(2) The Court shall 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
- (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, 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.

Use of seal.

**36.—**(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 presiding officer thereof.

Languages  
and records.

**37.—**(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.

**38.** 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. Representa-  
tion.

**39.—**(1) Every summons to appear issued by the Court shall be served by an officer of the Court or by any other person expressly authorised by the Court to serve the same, and may be served personally at any place within Singapore. Service of  
summons.

(2) Service shall be personal, unless for special reasons the Court shall order substituted service. Substituted service shall be effected in such manner as the Court may order and shall then be as effective as personal service.

(3) Personal service shall be effected by handing to the person to be served the original or a sealed and signed copy of the summons to be served. If the person to be served refuses to accept the summons it may be brought to his notice and left near him.

(4) A person who has served any summons shall forthwith file in Court a memorandum showing the place, time and method of service.

(5) Service shall be proved where necessary by oral evidence.

**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 — Issue of  
warrant in  
lieu of or in  
addition to  
summons.

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

Cap. 211.

(3) 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 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.

**44.** The Court may for sufficient reason adjourn any proceeding from time to time and from place to place. Save as aforesaid, proceedings in the Court shall be held in the court house of the Court. Adjournment.

**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. Time.

**46.** Every trial or hearing in Court shall be held in public: Courts to be open.  
 Provided that the Court may, if it thinks fit, order the whole or any part of any proceeding before it to be heard in camera.

**47.—(1)** A married woman may apply to the Court for a divorce in accordance with the Muslim law. Divorce at wife's request.

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

(3) 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.

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

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 examine the written taklik and make such enquiry as appears necessary into the validity of the divorce and shall, if satisfied that the divorce is valid in accordance with the Muslim law, confirm the divorce, and shall, 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
  - (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:

Provided that before passing a decree on ground (d) 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 the said ground.

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

(3) The Court shall then record the sworn statement of the woman and at least two 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.

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

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

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 two arbitrators, or hakam, to act for the husband and wife respectively. 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.

(2) 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. 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.

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

(4) 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.

(5) 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.

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 idah.

(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.

**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*.

Claims for *emas kahwin* and *mutaah*.

(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) In any application for divorce the Court may, at any stage of the proceedings or after a decree or order has been made, 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.

(4) The procedure and forms of process in suits under this section shall be as prescribed by rules made under section 145.

**53.** If any person fails or neglects to comply with an order of the Court made under section 52 the Court may for every breach of the order 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 or may sentence him to imprisonment for a term not exceeding 6 months.

Enforcement of orders.

**54.** 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 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

Presumption of death.

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 and such certificate shall be deemed to be a certificate of the death of the husband within the meaning of section 97 (b) (i).

Appeal.

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

- (a) (i) by any person aggrieved by the decision if the amount in issue on appeal is not less than \$25;
- (ii) in all cases involving any decision as to personal status, by any person aggrieved by the decision;
- (iii) in all cases relating to maintenance of dependants, by any person aggrieved by the decision:

Provided that no such appeal shall lie against a decision by consent; and

- (b) in any other case, if the Appeal Board shall give leave to appeal.

(2) Every appeal and every application for leave to appeal shall be presented within one month from the date of the decision appealed against or against which it is desired to appeal:

Provided that the Appeal Board may if it thinks fit permit any appeal and any such application to be presented after the expiration of that period.

(3) Notice of appeal shall be sent by the appellant to the Appeal Board through the Secretary of the Majlis and to all other persons who were parties to the proceedings in respect of which the appeal is made.

(4) The President of Singapore acting on the advice of the Majlis shall annually 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.

(5) On any person appealing against a decision of the Court or applying for leave to appeal in accordance with subsection (1), 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.

(6) 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.

(7) The decision of the Appeal Board shall be final.

**56.**—(1) The President of Singapore may in his discretion Revision. 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.

(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.

## PART IV

### FINANCIAL

**57.**—(1) A fund to be known as the General Endowment Fund is hereby established. 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 (3) accrues or is contributed by any person to the Fund. Establishment of General Endowment Fund.

(2) 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:

Provided that any investments of assets and funds vested in the Majlis may be sold, realised and disposed of, and the Majlis shall have power to invest from time to time in any investments authorised by any written law for the time

being in force for the investment of trust funds and to transfer the same to other such investments.

(3) 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.

**58.**—(1) Where, after the commencement of this Act, 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.

Cap. 43.

(3) Section 15 of the Civil Law Act 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.

**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.

**60.**—(1) Whether or not made by way of will or death-bed gift, no wakaf or nazar made after the commencement of this Act 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.

Restrictions on creation of Muslim charitable trusts.

(2) Every wakaf khas or nazar made after the commencement of this Act 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

(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 two adult Muslims one of whom shall be a Kadi or Naib Kadi:

Provided that if no Kadi or Naib Kadi is available as hereinbefore described 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.

(3) 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.

**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.

Income of 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.

**62.**—(1) Subject to subsections (2) and (3), 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.

Property and assets of wakaf or nazar am.

(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:

Provided that the Majlis may, with the approval in writing of the Minister, direct that such property and assets shall be added to and form part of the Fund.

(3) 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 such property and assets shall be added to and form part of the Fund.

(4) 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  
instruments.

**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 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.

Annual  
report.

**64.** The Majlis shall cause full and true account of the Fund to be kept and shall as soon as possible after 31st December of every year issue and publish in the *Gazette* a report on the activities of the Majlis during the preceding year, together with a balance-sheet of the Fund, as at 31st December, an income and expenditure account for the year and a list of the properties and investments of the Fund showing their cost, if bought, and estimated value as at 31st December.

**65.** The said annual balance-sheet, income and expenditure account and list of investments shall prior to the issue thereof be audited and certified as correct by the Auditor-General or a public officer authorised by the Auditor-General. A copy of the auditor's certificate shall be annexed to all copies of the report and accounts as issued.

Audit.

**66.** As soon as possible after 31st December in every year the Majlis shall prepare, issue and publish in the *Gazette* a list of all properties, investments and assets vested in the Majlis subject to any trust, wakaf or nazar, and not forming part of the Fund. Such list shall be audited in the manner set out in section 65.

Wakaf  
and nazar  
property.

**67.—(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. The Minister may approve such estimates or may direct that they be amended. Upon such approval or amendment the said estimates shall be published in the *Gazette*.

Estimates.

(2) 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.

(3) No moneys shall be expended, or property disposed of in kind, save in accordance with such estimates as aforesaid and upon a voucher signed by the President.

**68.** 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.

Expenses of  
Majlis.

**69.—(1)** The Majlis shall appoint bankers to be approved by the Minister and may operate such account or accounts as may seem proper.

Bankers.

(2) Payments by the Majlis of amounts exceeding \$50 shall be made by cheque. All moneys received by or for the

Majlis shall be paid into a bank account of the Majlis in the manner prescribed.

(3) Cheques drawn on any bank account of the Majlis shall be signed by the President or by a member of the Majlis authorised by the President in that behalf and by the Secretary.

Collection of  
zakat and  
fitrah.

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

Provided that such power 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.

(2) On the publication in the *Gazette* of the resolution referred to in subsection (1) 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.

(3) 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.

**71.**—(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 persons.

Appeal.

**72.** Any person may make objection to the Majlis against any demand for payment by him of zakat and fitrah. 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.

73.—(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. Charitable collections.

(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 such purpose as aforesaid except with the express authority of the Majlis or by virtue and in pursuance of such a licence as aforesaid.

## PART V

## MOSQUES AND RELIGIOUS SCHOOLS

Majlis to be trustee.

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

(2) 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 mutawallis and for such purpose to remove any existing trustees where it appears to the Majlis that —

- (a) the mosque has been mismanaged;
- (b) there are no trustees appointed for the management of the mosque; or
- (c) it would be otherwise to the advantage of the mosque to appoint a mutawalli.

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

Restriction of new mosques.

**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.  
31/75  
31/84.

**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. [75A

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).

[75B

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 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

Application  
of Mosque  
Building and  
Mendaki  
Fund.  
31/75  
31/84.

Contributions  
to Mosque  
Building  
and Mendaki  
Fund.  
31/75  
31/84.

(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 and the employer shall pay the amount of such excess deductions to the Mosque Building and Mendaki Fund in addition to the appropriate monthly contributions.

(7) 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.

31/84.

(8) Any excess contribution paid into the Mosque Building and Mendaki Fund under subsection (6) shall, unless the employee making the contribution otherwise indicates, be deemed to be for the purpose of building mosques.

[75c

Muslim employees may decide not to pay contributions.  
31/75  
31/84.

**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 pursuant to subsection (1), the Majlis shall issue him with a certificate to that effect and that employee shall forthwith notify his employer to that effect and thereupon such employer shall cease to be liable to contribute to the Mosque Building and Mendaki Fund under section 78 in respect of such employee for such period as the certificate is in force.

(3) 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. [75D

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

Contributions from other persons.  
31/75  
31/84.

(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. [75E

**81.** 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 and, without prejudice to the generality of the foregoing power, such rules may —

Power to make rules.  
31/75  
31/84.

- (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 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 two 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. [75F

Repairs.

**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 and the Majlis may direct the trustees to keep any mosque for which they are responsible in a proper state of repair.

[76

Boundaries  
of daerah  
masjid.

**83.** The Majlis shall have the power at any time to determine the boundaries of any daerah masjid and to amend or alter such boundaries. Any dispute as to the boundaries of a daerah masjid shall be referred to the Legal Committee for its opinion. [77

Register of  
pegawai  
masjid.

**84.** The Majlis shall maintain a register showing the pegawai masjid of every mosque in Singapore, and 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. [78

**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. Appointment of pegawai masjid.

(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. [79 Cap. 224.

**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.
- Rules for appointment of 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. [80

**87.\***—(1) The control of Muslim religious schools shall be vested in the Majlis and the Majlis shall have power to register and to control the conduct of such schools and to approve the curricula of instruction in such schools. Religious schools.

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

(3) The Majlis shall have power to authorise any public officer to inspect any Muslim religious school in order to

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\*Not in operation when this Revised Edition was brought into force.

satisfy himself that all the requirements of the Majlis are being complied with.

(4) 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. In the event of such person failing to pass the said test the Majlis shall have power to forbid his employment as a teacher at such school.

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

(6) An appeal shall lie from any act, order or direction of the Majlis under this section to the Minister.                      [81]

Grants to religious schools.

**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.                      [82]

## 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.                      [83]

Appointment of Registrar.                      **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.                      [84]

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.

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\*Not in operation when this Revised Edition was brought into force.

(2) The President of Singapore may appoint two 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; and

(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).

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.

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

Provided that 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 such Kadi or Naib Kadi by this Act. [85

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.

Deputy  
Registrars.

(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. [86]

Registers. **93.** Every Kadi and Naib Kadi shall keep such books and registers as are prescribed. [87]

Betrothal. **94.** 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 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, 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, and the same may be recovered by action in the Syariah Court. [88]

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.

(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. [89

**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. Restriction on solemnization of marriages.

(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 under the age of 16 years:

Provided that a Kadi may in special circumstances solemnize the marriage of a girl who is under the age of 16 years but has attained the age of puberty. [90

**97.** Where the woman to be wedded is a janda —

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

Provided however that the Syariah Court may, if it is satisfied that there has been any collusion between the previous husband and the said other person to whom she was married after the 3 talak, annul the remarriage with the former husband. [91

Place of marriage.

**98.** Every marriage shall be solemnized in the daerah masjid in which the bride ordinarily resides:

Provided that a Kadi may give permission for any such marriage to be solemnized elsewhere. [92

Copies of certificates to be sent to Registrar.

**99.—(1)** Every Kadi and Naib Kadi shall within one week of the date of registration of a marriage, divorce or revocation of divorce send a copy of the certificate of marriage, divorce 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 General 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 General Register of Divorces. [93

**100.**—(1) The Registrar shall cause —

- (a) the copies of the certificates of marriage sent to him to be bound in a General Register of Marriages;
- (b) the copies of the certificates of divorce sent to him to be bound together with the certificates of divorce issued by the Syariah Court in a General Register of Divorces; and
- (c) the copies of the certificates of revocation of divorce sent to him together with the certificates of revocation of divorce issued by the Syariah Court to be bound in a General Register of Revocations of Divorce.

General  
Registers.

(2) The Registrar shall keep an index of each of the General Registers kept by him. [94]

**101.**—(1) If it shall appear that any entry in any General Register kept or any certificate 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 cancellation or rectification of such entry or certificate.

Cancellation  
or rectifica-  
tion of  
entries in  
registers or  
certificates.

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

(3) Any person may be ordered to surrender any document to the Registrar for correction in consequence of any such order. [95]

**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.

Registration  
compulsory.

(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 inquiry that both the parties have consented thereto.

(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. [96

Registers  
how signed;  
and inquiries  
by Kadi.

**103.**—(1) Where a marriage has been solemnized by a Kadi or Naib Kadi, the Kadi or Naib Kadi shall register such 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 such 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. [97]

**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. Refusal to register.

(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. [98]

**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 mutatis mutandis 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. Appeal. [99]

**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. Where Appeal Board orders registration.

(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. [100]

**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. Extended time for registration. [101]

**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. Copy of entry to be given to parties. [102]

Legal effect  
of registra-  
tion.

**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. [103]

## PART VII

### PROPERTY

Saving.

**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. [104]

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 the commencement of this Act, 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 —

Cap. 352.

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

Cap. 251.

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

(c) the will of a Muslim dying before the commencement of this Act. [105]

Distribution  
of Muslim  
estates 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. [106]

**113.** In all applications for probate or letters of administration the petition 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.

Petition for probate and letters of administration.

[107

**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:

Proof of Muslim law.

- (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-Muhammudan Law*, by Sir Roland Knyvet Wilson, 6th Edition Revised by A. Yusuf Ali;
- (f) *Outlines of Muhammadan Law*, by A. A. Fyzee;
- (g) *Muhammudan 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).

[108

**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 such 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.

Inheritance certificate.

(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. [109]

Administra-  
tion 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. [110]

Administra-  
tion 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.

(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 be considered as next of kin to the deceased intestate wife, and shall not by reason of such relationship be entitled to a grant of letters of administration to her estate and effects.

(4) Nothing herein shall affect the power given to the court by section 18 (3) (d) of the Probate and Administration Act. [111]

**118.** Subject to section 111 Muslim married women may, with or without the concurrence of their husbands, dispose by will of their own property. [112]

Wills of married women.

**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.

Property at marriage.

(2) She may dispose of the same by deed or otherwise, with or without the concurrence of her husband. [113]

**120.—**(1) The following shall be deemed to be the property of a Muslim married woman:

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. [114]

**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 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. [115]

Right to sue and liability to be sued.

Liability on  
her own  
contracts.

**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 obligations arising out of such contract will be satisfied out of her own property, such person shall be entitled to sue her and to the extent of her own property to recover against her whatever that 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 contracts.

(3) Nothing herein 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. [116]

Antenuptial  
debts.

**123.** A Muslim husband shall not by reason only of his marriage be liable for the debts 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 debts as if she were unmarried. [117]

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. [118]

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. [119]

## PART VIII

## CONVERSIONS

**126.** The Majlis shall maintain a register of the names of all persons converted to the Muslim religion within Singapore, together with such particulars in respect of their conversion as may be prescribed by rules. [120]

Register of converts.

**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. [121]

Control of conversions.

**128.** Any Muslim who converts any person to the Muslim religion shall forthwith report such conversion to the Majlis with all necessary particulars. [122]

Report of conversions.

## PART IX

## OFFENCES

**129.** Subject to this Act, this Part shall only apply to Muslims. [123]

This Part to apply only to Muslims.

**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. [124]

Omission to register within prescribed time.

**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 such book or seal of office ought to have been made over to or taken possession of by the Registrar,

Omitting to hand over books or seals or being in possession thereof without lawful excuse.

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. [125]

**132.** Any person other than the Registrar, a Kadi or a Naib Kadi who —

Unlawful registers.

- (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,

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. [126

Unlawful solemnization of marriage and unlawful 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. [127

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 one year as it may determine. [128

Enticing unmarried woman from wali.

**135.** Any person who takes or entices any unmarried woman out of the keeping of the wali of such unmarried woman without the consent of such 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. [129

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 and 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.

(2) 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.

(3) Nothing herein shall affect the operation of any law for the time being in force relating to immigration. [130

**137.** —(1) Whoever, being liable to pay any zakat and having failed to procure, in accordance with section 72, 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. Non-payment of zakat or fitrah.

(2) Whoever, being liable to pay any fitrah and having failed to procure, in accordance with section 72, 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. [131

**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. Neglect or failure to report conversion. [132

**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 \$500 or to imprisonment for a term not exceeding 6 months or to both. False doctrine.

(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. [133]

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. [134]

## PART X

### MISCELLANEOUS

Registrar,  
Kadi and  
Naib Kadi  
public  
servants  
within Penal  
Code.  
Cap. 224.

**141.—**(1) Every Registrar, Kadi and Naib Kadi shall be a public servant within the meaning of the Penal Code.

(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 the Penal Code. [135]

Witnesses.

**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. [136]

Inspection  
and search.

**143.—**(1) The General Registers and general index of the Registers shall be open to inspection upon payment of the prescribed fee by any person applying to inspect the same.

(2) The Registrar shall upon payment of the prescribed fee furnish to any person requiring the same a copy of any entry in any of the General Registers certified under his signature and seal of office. [137]

**144.** Any General Register and any copy of any entry therein, certified under the hand and seal of the Registrar 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 such General Register, copy or extract. Proof.  
[138]

**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. Rules.

(2) Such rules may amongst other things regulate the fees to be charged by the Syariah Court, and by the Registrar, Kadis and Naib Kadis and the incidence and application of such fees. [139]

**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. Delegation.  
[140]

#### THE SCHEDULE

Section 78 (1).  
31/84.

The amount of contributions payable to the Mosque Building and Mendaki Fund shall be —

- (a) \$1 for the purpose of building mosques; and
- (b) 50 cents for Yayasan Mendaki.