



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**ADMINISTRATION OF
MUSLIM LAW ACT 1966**

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Administration of Muslim Law Act 1966

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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 and a Syariah Court.

[1 July 1968: Except sections 81 and 82;
1 March 1990: Sections 81 and 82, renumbered as
sections 87 and 88 respectively when the Act was
revised in the 1985 Revised Edition]

PART 1

PRELIMINARY

Short title

1. This Act is the Administration of Muslim Law Act 1966.

Interpretation

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

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

“Chief Executive” means the Chief Executive of the Majlis, and includes any individual acting in that capacity;

“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 solemnised, whether paid in cash or in kind, or payable as a debt with or without security;

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

- “Fund” means the General Endowment Fund established under section 57;
- “Haj” means a pilgrimage in accordance with the Muslim law;
- “halal”, in relation to any product, service or activity, means the requirements of the Muslim law are complied with in the production, processing, marketing, display or carrying out, (as the case may be) of that product, service or activity;
- “halal certificate”, in relation to any product, service or activity, means a certificate to the effect that the requirements of the Muslim law are complied with in the production, processing, marketing, display or carrying out (as the case may be) of that product, service or activity;
- “iddah” means the period within which a divorced woman or a widow is forbidden by the Muslim law to remarry;
- “janda” means a female who has been married and whose marriage has been terminated by divorce or the death of her husband;
- “jawatankuasa daerah” means a committee of a daerah masjid appointed under rules made under section 86(1);
- “Kadi” means a Kadi appointed under section 91;
- “Legal Committee” means the Legal Committee of the Majlis appointed under section 31;
- “Majlis” means the Majlis Ugama Islam, Singapura, constituted and continued under section 3;
- “mosque” means a building dedicated and used for the purpose of holding the Friday congregational prayers and other ceremonies connected with the Muslim religion;
- “Mosque Building and Mendaki Fund” means the Mosque Building and Mendaki Fund established under section 76;
- “Mufti” means the person appointed to be the Mufti of Singapore under section 30;
- “Muslim” means a person who professes the religion of Islam;

- “mutawalli” means a person appointed to manage a wakaf or mosque and includes a trustee;
- “Naib Kadi” means a Naib or an Assistant Kadi appointed under section 91;
- “nazar” means an expressed vow to do any act or to dedicate property for any purpose allowed by the Muslim law;
- “nazar am” means a nazar intended wholly or in part for the benefit of the Muslim community generally or part thereof, as opposed to an individual or individuals;
- “pegawai masjid” means a trustee, mutawalli, Imam, Khatib, Bilal and Noja (if any) for the time being of a mosque;
- “President” means the President of the Majlis;
- “product” includes food and foodstuffs;
- “Register of Divorces” means the Register of Divorces kept by the Syariah Court under section 100;
- “Register of Marriages” means the Register of Marriages kept by the Registrar under section 100;
- “Register of Revocation of Divorces” means the Register of Revocation of Divorces kept by the Registrar under section 100;
- “Registrar” means the person appointed as Registrar of Muslim Marriages under section 90;
- “specified halal certification mark” means any certification mark specified under section 88A(4);
- “wakaf” means the permanent dedication by a Muslim of any movable or immovable property for any purpose recognised by the Muslim law as pious, religious or charitable;
- “wakaf ‘am” means a dedication in perpetuity of the capital and income of property for pious, religious or charitable purposes recognised by the Muslim law and the property so dedicated;

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

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

“Yayasan Mendaki” means the company limited by guarantee which is incorporated under the Companies Act 1967 under the name of Yayasan Mendaki;

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

[35/2005; 5/2018]

PART 2

MAJLIS UGAMA ISLAM

Establishment and functions of Majlis

3.—(1) As from 1 August 1999, the Majlis Ugama Islam, Singapura, continues in existence.

(2) It is the function and duty of the Majlis —

- (a) to advise the President of Singapore in matters relating to the Muslim religion in Singapore;
- (b) to administer matters relating to the Muslim religion and Muslims in Singapore including any matter relating to the Haj or halal certification;
- (c) to administer all Muslim endowments and funds vested in it under any written law or trust;
- (d) to administer the collection of zakat and fitrah and other charitable contributions for the support and promotion of the Muslim religion or for the benefit of Muslims in accordance with this Act;
- (e) to administer all mosques and Muslim religious schools in Singapore; and

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

Majlis to be a corporation

4.—(1) The Majlis is a body corporate under the name of Majlis Ugama Islam, Singapura having perpetual succession and a corporate seal.

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

Powers of Majlis

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

(2) The Majlis may —

- (a) enter into contracts;
- (b) acquire, purchase, take, hold and enjoy movable and immovable property of every description;
- (c) erect any building on any property vested in, belonging to or acquired by the Majlis;
- (d) subject to any written law affecting the same, convey, assign, surrender and yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property vested in the Majlis upon such terms as to the Majlis seems fit and in accordance with the Muslim law;
- (e) whether by itself or in association with any other person or organisation, provide to any person or organisation in Singapore or elsewhere consultancy, technical, managerial or other services or products in any area in which the Majlis has skill or experience; and
- (f) charge fees or commissions for any service or product provided by the Majlis.

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

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

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

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

6.—(1) All rights, powers, duties and liabilities which were, immediately before 1 July 1968, vested in or imposed on the Board established by the Muslim and Hindu Endowments Ordinance (Cap. 271, 1955 Revised Edition), 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 are, on 1 July 1968, vested in or imposed on the Majlis, except insofar as may be repugnant to the provisions of this Act.

(2) All property, movable or immovable, which was, immediately before 1 July 1968, vested in the Board established under the Muslim and Hindu Endowments Ordinance (Cap. 271, 1955 Revised Edition) for purposes relating to the Muslim religion or on trust for religious or charitable purposes for the benefit of persons professing the Muslim religion are, on 1 July 1968, without any conveyance, assignment or transfer whatever, to 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 1 July 1968.

Membership

7.—(1) The Majlis consists of —

- (a) a President of the Majlis to be appointed by the President of Singapore;
- (b) the Chief Executive, if he or she has been appointed to be a member under subsection (6);

- (c) the Mufti;
- (d) not more than 7 members to be appointed by the President of Singapore on the recommendation of the Minister; and
- (e) not less than 7 members to be appointed by the President of Singapore, from a list of nominees to be submitted by the President of the Majlis.

[35/2005]

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

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

(4) The members of the Majlis are eligible for re-appointment.

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

(6) The President of Singapore may appoint the Chief Executive to be a member of the Majlis.

[35/2005]

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

Chief Executive

7A.—(1) There must be a Chief Executive of the Majlis, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

[5/2018]

(2) The Majlis may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief

Executive during any period, or during all periods, when the Chief Executive —

- (a) is absent from duty or Singapore; or
- (b) is, for any reason, unable to perform the duties of the office.

[5/2018]

8. [Repealed by Act 33 of 2017]

Determination of appointment

9. Without affecting sections 7(3), 10 and 11, the appointment of any member of the Majlis determines —

- (a) upon his or her death;
- (b) if, by writing addressed to the President of Singapore through the Chief Executive, he or she resigns the appointment; or
- (c) if he or she is absent from Singapore, without written permission from the President of the Majlis on behalf of the President of Singapore, for a period exceeding 3 months.

[33/2017]

Cancellation of appointment

10. The President of Singapore may cancel the appointment of any member of the Majlis —

- (a) if his or her conduct, whether in connection with the duties of the 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 or she becomes unable to carry out the duties of his or her appointment properly;
- (c) if he or she, without due cause to be approved by the President of the Majlis, absents himself or herself from 3 successive meetings of the Majlis; or

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

Temporary appointment

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

(2) Such temporary appointment determines when the substantive member gives notice to the President of the Majlis of the resumption of his or her duties as a member of the Majlis.

Appointments to be notified

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

Stranger at meeting

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

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

Chairperson

14.—(1) The President presides at all meetings of the Majlis.

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

Quorum

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

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

Corporate seal

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

(2) The corporate seal of the Majlis must be affixed in the presence of the Chief Executive and 2 members of the Majlis who must sign as witnesses.

[33/2017]

(3) The following documents must 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;
- (c) any other documents or classes of documents that the Minister may direct.

Conduct of business

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

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

Summoning meeting

18.—(1) All meetings of the Majlis must be summoned by the Chief Executive.

[33/2017]

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

[33/2017]

(3) Any 4 members of the Majlis may at any time in writing require the Chief Executive to summon a meeting of the Majlis, but must

upon doing so inform the Chief Executive of the purpose for which they desire the meeting to be so summoned.

[33/2017]

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

[33/2017]

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

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

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

Powers of President

19.—(1) The President has general control of all deliberations and proceedings of the Majlis.

(2) The President must not absent himself or herself from Singapore for more than the specified days without the prior permission of the Minister.

(3) In subsection (2), "specified days" means such number of days as the Minister may, by notification in the *Gazette*, specify.

Duties and powers of Chief Executive

20. Subject to such directions as may be given to him or her by the President, the Chief Executive is to —

- (a) have charge of all correspondence and documents of the Majlis, including all books of account thereof and all title deeds and securities;
- (b) be generally responsible for the proper collection of, accounting for and disposal of all funds of the Majlis; and

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

[33/2017]

Minutes

21.—(1) The Majlis must ensure that minutes of every meeting are kept in the national language or in English.

[33/2017]

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

(3) Such minutes must include a full record of every resolution of the Majlis.

[33/2017]

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

Order of business and voting

22.—(1) The chairperson must determine the order of business at any meeting.

(2) The chairperson 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 chairperson is entitled to vote and, if upon any resolution there is an equality of votes, the chairperson is to have a casting vote.

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

Certified copy of resolution

23.—(1) A copy of any resolution certified by the Chief Executive to be a true copy of the resolution is sufficient evidence thereof.

[33/2017]

(2) All courts are to take notice of the signature of the Chief Executive.

[33/2017]

Appearance by Majlis, etc.

24.—(1) The Majlis may appear in any court by its President or Chief Executive or by any person appointed for the purpose either generally or in any particular case under the seal of the Majlis.

[33/2017]

(2) Despite any written law to the contrary, where the Mufti has been summoned to attend before any court to give an opinion or evidence relating to Muslim law, the Mufti may, if the Mufti considers that the circumstances of the case do not require the Mufti to appear in court in person, certify the Mufti's opinion to the court or appoint any person to appear in court on the Mufti's behalf, unless the court subsequently directs otherwise.

Acting in emergency

25.—(1) In any case of emergency the President may, after consultation with the Mufti and the Chief Executive, 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.

[33/2017]

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

Delegation of powers

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

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

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

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

Secrecy

27.—(1) The proceedings of the Majlis are to be secret.

(2) No member or servant of the Majlis may 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 or she is expressly authorised or allowed by the provisions of any written law to do so.

[5/2018]

28. [*Repealed by Act 5 of 2018*]

Majlis may prescribe own procedure

29.—(1) The Majlis may, subject to the provisions of this Act and the Public Sector (Governance) Act 2018, determine all questions relating to its own procedure and practice.

[5/2018]

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

Appointment of Mufti

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

(2) Such appointment must be notified in the *Gazette*.

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

Legal Committee

31.—(1) There is to be a Legal Committee of the Majlis, consisting of —

(a) the Mufti;

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

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

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

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

(4) The Mufti is to be the chairperson of the Legal Committee.

(5) The President of Singapore may appoint another person recommended by the Majlis to be the chairperson of the Legal Committee in the absence of the Mufti or if the Mufti is unable to act for any reason.

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

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

(8) The members of the Legal Committee are deemed to be public servants for the purposes of the Penal Code 1871.

Ruling of Legal Committee (Fatwa)

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

[33/2017]

(2) On receiving any such request, the Chief Executive must forthwith submit the same to the chairperson of the Legal Committee.

[33/2017]

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

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

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

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

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

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

Authorities to be followed

33.—(1) Subject to this section, the Majlis and the Legal Committee in issuing any ruling must ordinarily follow the tenets of the Shafi’i school of law.

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

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

PART 3

THE SYARIAH COURT

Constitution of Syariah Court

34. The President of Singapore may by notification in the *Gazette* constitute a Syariah Court for Singapore (called in this Part the Court).

Appointment of presidents and ad-hoc presidents

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

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

(3) The distribution of business among the presidents of the Court must be made in accordance with such directions, which may be of a general or a particular nature, as may be given by the senior president of the Court.

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

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

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

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

Appointment of registrar and deputy registrar

34B.—(1) The President of Singapore may appoint a registrar and one or more deputy registrars of the Court.

[33/2017]

(2) The registrar of the Court —

(a) may transact all of the business which may be transacted, and exercise all of the jurisdiction and powers which may be exercised, by a president of the Court under sections 40, 43A, 43B, 47(5) and 50; and

(b) has such other jurisdiction, powers and duties as may be prescribed in this Act or under any rules made under section 145.

[33/2017]

(3) Subject to this Act, the jurisdiction, powers and duties of the registrar of the Court may be exercised by a deputy registrar of the Court.

[33/2017]

Jurisdiction

35.—(1) The Court has jurisdiction throughout Singapore.

(2) Subject to subsection (3), the Court has jurisdiction to hear and determine all actions and proceedings in which all the parties are Muslims or where the parties were married under the provisions of the Muslim law and which involve disputes relating to —

(a) marriage;

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

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

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

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

[33/2017]

(3) Where any action or proceeding mentioned in subsection (2) is commenced on or after 22 October 2018, the Court has jurisdiction under that subsection to hear and determine that action or proceeding only if either party to the marriage —

- (a) is domiciled in Singapore at the time that action or proceeding is commenced; or
- (b) is habitually resident in Singapore for a period of at least 3 years immediately before that action or proceeding is commenced.

[33/2017]

(4) In all questions regarding betrothal, marriage, dissolution of marriage, including talak, cerai taklik, khuluk and fasakh, nullity of marriage or judicial separation, the appointment of hakam, the disposition or division of property on divorce or nullification of marriage, the payment of emas kahwin, marriage expenses (hantaran belanja) 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 is, subject to the provisions of this Act, to be the Muslim law, as varied where applicable by Malay custom.

(5) For the purposes of subsection (3), a person who is a citizen of Singapore is presumed to be domiciled in Singapore, until the contrary is proved.

[33/2017]

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

35A.—(1) Any person who, on or after the commencement of proceedings for divorce in the Court or after the making of a decree or order for divorce by the Court or on or after the registration of a divorce under section 102, intends to commence civil proceedings in any court involving any matter relating to the disposition or division of property on divorce or custody of any child where the parties are Muslims or were married under the provisions of the Muslim law, must apply to the Court for leave to commence the civil proceedings.

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

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

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

- (a) not later than 21 days after granting such leave; or
- (b) where an appeal against the grant of such leave has been made under section 55, when the decision of the Court to grant such leave has been confirmed on appeal or the appeal has been discontinued.

(5) This section does not apply if the parties to the civil proceedings —

- (a) mentioned in subsection (1) consent to the commencement of the civil proceedings, or mentioned in subsection (2) consent to the continuation of the civil proceedings; and
- (b) mentioned in subsection (1) or (2) have obtained a certificate of attendance issued under subsection (7).

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

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

(8) For the purposes of this section, any reference to the registration of a divorce, or to a divorce that is registered, under section 102 is to be construed as a reference to the registration of a divorce or to a divorce that is registered under that section before 1 March 2009.

Stay of proceedings involving certain matters

36.—(1) The Court must stay proceedings before it —

- (a) involving any matter in respect of which it has issued a certificate under section 35A(4), upon issuing the certificate;
- (b) involving any matter relating to maintenance of any wife during the subsistence of the marriage, if it comes to the knowledge of the Court that civil proceedings relating to maintenance of the wife have been commenced in any court between the same parties before, on or after the commencement of the proceedings before it;
- (c) involving any matter relating to the maintenance of any child of the parties, if it comes to the knowledge of the Court that civil proceedings relating to the maintenance of the child have been commenced in any court between the same parties before, on or after the commencement of the proceedings before it;
- (d) to which section 35A(1) would apply apart from section 35A(5), if it comes to the knowledge of the Court that civil proceedings involving the same matter between the same parties have been commenced in any court by the consent of the parties; or
- (e) to which section 35A(2) would apply apart from section 35A(5), if it comes to the knowledge of the Court that civil proceedings involving the same matter between the same parties have been continued in any court by the consent of the parties.

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

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

Seal of Court

37.—(1) The Court is to have and use such seal or stamp as the Minister may approve.

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

Language and record

38.—(1) The languages of the Court are 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 is to keep and maintain full and proper records of all proceedings therein and full and proper accounts of all financial transactions of the Court.

Representation

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

Issue of warrant in lieu of or in addition to summons

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

- (a) either before the issue of the summons or after the issue of the summons but before the time fixed for his or her appearance the Court has reason to believe that he or she has absconded or will not obey the summons; or
- (b) if at the time fixed for his or her appearance he or she fails to appear and the summons is proved to have been duly served in time to admit of his or her appearing in

accordance therewith and no reasonable excuse is offered for such failure.

Reciprocal arrangements with States of Malaysia

41.—(1) Where under the provisions of any law in force in any of the States of Malaysia a Kadi has issued a summons requiring any person to appear before any Muslim religious court in any of the States of Malaysia, and such person is or is believed to be in Singapore, any president of the Court may endorse the summons with his or her 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 is for the purposes of this Act 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, a Kadi Besar, an Assistant Kadi or a Naib Kadi.

Evidence

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

(2) The Court may administer oaths and affirmations.

(3) Evidence must 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 must be in accordance with the Oaths and Declarations Act 2000.

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

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

Powers of Court

43. The Court has 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 or her possession and to examine him or her as a witness or require him or her to produce any document or other thing in his or her 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 or her to pay all costs which may have been occasioned in compelling his or her attendance or by reason of his or her refusal to obey the summons;
- (e) to exercise the powers of a Magistrate's Court for the purpose of giving effect to a warrant of arrest or an order of imprisonment.

[15/2010; 33/2017]

Court may refer parties for counselling, etc.

43A.—(1) The Court before which any matter mentioned in section 35(2), 46B, 47, 48, 49, 51 or 52 is heard may order or advise any of the parties or their children to do either or both of the following, if the Court considers that doing so is in the interests of any of the parties or their children:

- (a) attend counselling provided by a person the Court appoints;

(b) participate in a family support programme or activity the Court specifies.

[33/2017]

(2) Where the Court has made an order under subsection (1), the parties must comply with the order.

[33/2017]

(3) Where a party fails to comply with an order made under subsection (1), the Court may make such further orders as the Court thinks fit.

[33/2017]

(4) The further orders that the Court may make under subsection (3) include the following:

(a) an order that the proceedings be stayed until all of the parties or their children who have been ordered by the Court under subsection (1) to attend counselling, or to participate in a family support programme or activity, have done so;

(b) such order as to costs as the Court thinks appropriate against the party who fails to comply with an order made by the Court under subsection (1).

[33/2017]

(5) Anything said, any document prepared, and any information provided, by any person for the purposes of or in the course of any counselling or any family support programme or activity under this section is not to be admitted in evidence in the Court or any court.

[33/2017]

(6) No liability shall lie personally against any person providing any counselling or conducting any family support programme or activity for the purposes of subsection (1), who, acting in good faith and with reasonable care, does or omits to do anything for the purposes of that counselling or family support programme or activity (as the case may be).

[33/2017]

(7) In this section, “family support programme or activity” means any programme or activity carried out for the purpose of addressing or resolving any relationship issue or relationship problem between

spouses or former spouses, between siblings or between parent and child.

[33/2017]

Examination and assessment of child

43B.—(1) In any proceedings before the Court involving the custody or welfare of a child, the Court may, on the application of any party to those proceedings or on its own motion, appoint a registered medical practitioner, psychologist, counsellor, social worker or mental health professional to examine and assess the child for the purposes of preparing expert evidence for use in those proceedings.

[33/2017]

(2) Where a registered medical practitioner, psychologist, counsellor, social worker or mental health professional who is not appointed by the Court under subsection (1) examines or assesses the child, no evidence arising out of that examination or assessment may be adduced in those proceedings without the leave of the Court.

[33/2017]

(3) A registered medical practitioner, psychologist, counsellor, social worker or mental health professional appointed under subsection (1) may make such enquiries relevant to the examination and assessment of the child as may be provided for under rules made under section 145.

[33/2017]

Adjournment

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

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

Time

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

Sittings in camera, etc.

46.—(1) Subject to subsection (2), all matters and proceedings in the Court are to be heard in camera.

[33/2017]

(2) The Court has power to hear any matter or part of a matter in public, if the Court is satisfied that it is expedient in the interests of justice, or for other sufficient reason to do so.

[33/2017]

Activities to be attended before making application to Court for divorce

46A.—(1) A prescribed party in a prescribed circumstance must attend the applicable prescribed activity within the prescribed time.

[33/2017]

(2) For the purposes of subsection (1), rules made under section 145 may —

- (a) prescribe the applicable prescribed activity for a prescribed party in a prescribed circumstance; and
- (b) prescribe different times for different prescribed parties in different prescribed circumstances.

[33/2017]

(3) No application for a divorce in accordance with the Muslim law is to be made to the Court, and no cross-application is to be made in proceedings for a divorce in accordance with the Muslim law, by a prescribed party in a prescribed circumstance, unless the prescribed party —

- (a) has attended the applicable prescribed activity;
- (b) is an excluded party; or
- (c) is allowed by the Court under subsection (4) to do so.

[33/2017]

(4) Despite subsection (3)(a) and (b), even though a prescribed party in a prescribed circumstance has not attended the applicable prescribed activity and is not an excluded party, the Court may, upon the application of the prescribed party, and on such terms as the Court thinks fit, allow the prescribed party to apply to the Court for a divorce in accordance with the Muslim law.

[33/2017]

(5) The Court hearing any proceedings for a divorce in accordance with the Muslim law may, if the Court considers that doing so is in the interests of the parties to the marriage or any child of the marriage, at any stage in those proceedings order either or both of the parties to the marriage to attend a prescribed activity.

[33/2017]

(6) Where any party who is required or ordered under this section to attend a prescribed activity fails to do so, the Court may make such orders as the Court thinks fit.

[33/2017]

(7) Without limiting subsection (6), the orders that the Court may make under that subsection include the following orders:

(a) a stay of the proceedings for a divorce in accordance with the Muslim law until the defaulting party in that subsection attends the prescribed activity;

(b) such order as to costs as the Court thinks appropriate against the defaulting party in that subsection.

[33/2017]

(8) Except as provided in subsection (9), anything said, any document prepared, and any information provided, by any person for the purposes of or in the course of attending a prescribed activity is not to be admitted in evidence in the Court or any court.

[33/2017]

(9) A parenting plan prepared during a prescribed activity may, with the consent of every party who prepared it, be admitted in evidence in the Court.

[33/2017]

(10) The Minister may appoint any person to conduct a prescribed activity.

[33/2017]

(11) No liability shall lie personally against any person appointed under subsection (10) to conduct a prescribed activity who, acting in good faith and with reasonable care, does or omits to do anything for the purposes of that prescribed activity.

[33/2017]

(12) In this section —

“applicable prescribed activity”, in relation to a prescribed party in a prescribed circumstance, means the particular type of prescribed activity that the prescribed party is required under subsection (1) to attend;

“application for a divorce in accordance with the Muslim law” includes an application under section 102(5)(b);

“cross-application”, in relation to proceedings for a divorce in accordance with the Muslim law, includes —

(a) an application under section 102(5)(b) made while those proceedings are pending; or

(b) if those proceedings are proceedings relating to an application under section 102(5)(b) — an application for a divorce in accordance with the Muslim law that is made while those proceedings are pending;

“excluded party” means a prescribed party who is prescribed by rules made under section 145 as exempt from subsection (1);

“parenting plan” means a proposal prepared by either party to a marriage, or an agreement prepared by both parties to a marriage, on the arrangements for the welfare of every dependent child of the marriage;

“prescribed activity” means an activity (such as counselling) that is prescribed, by rules made under section 145, for the purposes of this section;

“prescribed circumstance” means a circumstance, prescribed by rules made under section 145, in which a prescribed party is required under subsection (1) to attend a prescribed activity;

“prescribed party” means a party to a marriage who is prescribed, by rules made under section 145, for the purposes of this section;

“proceedings for a divorce in accordance with the Muslim law” includes any proceedings relating to an application under section 102(5)(b).

[33/2017]

Divorce by husband’s pronouncement

46B.—(1) A married man may apply to the Court for a divorce in accordance with the Muslim law.

[33/2017]

(2) Upon receiving an application under subsection (1), the Court must cause a summons to be served on the wife concerned.

[33/2017]

(3) If the man pronounces a divorce, and the Court is satisfied that the divorce is valid in accordance with the Muslim law, the Court must, on payment of the prescribed fees, cause the divorce to be registered.

[33/2017]

Divorce at wife’s request

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

(2) In any such case, the Court must cause a summons to be served on the husband and enquire whether he consents to the divorce.

[33/2017]

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

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

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

[33/2017]

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

Cerai taklik

48.—(1) A married woman may, if entitled in accordance with the Muslim law to a divorce pursuant to 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 must —

- (a) examine the written taklik and make such enquiry as appears necessary into the validity of the divorce;
- (b) if satisfied that the divorce is valid in accordance with the Muslim law, confirm the divorce; and
- (c) upon payment of the prescribed fees, cause the divorce to be registered.

Fasakh

49.—(1) A married woman is 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;
- (g) on any other ground which is recognised as valid for the dissolution of marriage by fasakh under the Muslim law.

(2) Before passing a decree on ground (d) of subsection (1), the Court may, 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 may be passed on that ground.

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

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

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

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

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

Appointment of hakam

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

[33/2017]

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

[33/2017]

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

[33/2017]

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

[33/2017]

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

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

(7) If the hakam are of the opinion that the parties should be divorced but are unable for any reason to decree a divorce, the Court may appoint other hakam and confer on them authority to effect a

divorce and the hakam, if they do so, must report the same to the Court for registration.

[33/2017]

Maintenance of wife

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

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

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

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

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

Provisions consequent on matrimonial proceedings

52.—(1) The Court has power to inquire into and adjudicate upon claims by married women or women who have been divorced for payment of her *emas kahwin* and marriage expenses (*hantaran belanja*).

(2) A woman who has been divorced by her husband may apply to the Court for a consolatory gift or *mutaah* and the Court may, after

hearing the parties, order payment of such sum as may be just and in accordance with the Muslim law.

(3) The Court may, at any stage of the proceedings for divorce or nullity of marriage or after making a decree or order for divorce or nullity of marriage, or after any divorce has been registered under section 102 before 1 March 2009, on the application of any party, make such orders as it thinks fit with respect to —

- (a) the payment of *emas kahwin* and marriage expenses (*hantaran belanja*) to the wife;
- (b) the payment of a consolatory gift or *mutaah* to the wife;
- (c) the custody, maintenance and education of the minor children of the parties; and
- (d) the disposition or division of property on divorce or nullification of marriage.

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

(5) Any order under this section may be made upon such terms and subject to such conditions (if any) as the Court thinks fit.

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

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

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

- (a) the extent of the contributions made by each party in money, property or work towards acquiring, improving or maintaining the property;
- (b) any debt owing or obligation incurred or undertaken by either party for their joint benefit or for the benefit of any child of the marriage;
- (c) the needs of the children (if any) of the marriage;
- (d) the extent of the contributions made by each party to the welfare of the family, including looking after the home or caring for the family or any aged or infirm relative or dependant of either party;
- (e) any agreement between the parties with respect to the ownership and division of the property made in contemplation of divorce;
- (f) any period of rent-free occupation or other benefit enjoyed by one party in the matrimonial home to the exclusion of the other party;
- (g) the giving of assistance or support by one party to the other party (whether or not of a material kind), including the giving of assistance or support which aids the other party in the carrying on of his or her occupation or business;
- (h) the income, earning capacity, property and other financial resources which each of the parties has or is likely to have in the foreseeable future;
- (i) the financial needs, obligations and responsibilities which each of the parties has or is likely to have in the foreseeable future;
- (j) the standard of living enjoyed by the family before the breakdown of the marriage;
- (k) the age of each party and the duration of the marriage;
- (l) any physical or mental disability of either of the parties;

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

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

- (a) an order for the sale of any property or any part thereof, and for the division, vesting or settlement of the proceeds;
- (b) an order vesting any property owned by both parties jointly in both the parties in common in such shares as the Court considers just and equitable;
- (c) an order vesting any property or any part thereof in either party;
- (d) an order for any property, or the sale proceeds thereof, to be vested in any person (including either party) to be held on trust for such period and on such terms as may be specified in the order;
- (e) an order postponing the sale or vesting of any share in any property, or any part of such share, until such future date or until the occurrence of such future event or until the fulfilment of such condition as may be specified in the order;
- (f) an order granting to either party, for such period and on such terms as the Court thinks fit, the right personally to occupy the matrimonial home to the exclusion of the other party;
- (g) an order for the payment of a sum of money by one party to the other party.

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

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

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

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

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

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

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

Enforcement of order

53.—(1) Where the Court has made any of the following orders, whether before, on or after 1 March 2009, such order may be treated as a maintenance order made by a Family Court under the Women’s Charter 1961, including a maintenance order for the purposes of Part 9 of the Women’s Charter 1961, solely for the purpose of the enforcement of that order by the Family Court:

- (a) an order for the payment of maintenance under section 51(1), (2) or (3);
- (b) an order for the payment of a consolatory gift or mutaah under section 52(2) or (3)(b);
- (c) an order for the maintenance of a minor child under section 52(3)(c).

[27/2014]

(2) Where the Court has made any of the following orders, whether before, on or after 1 March 2009, such order may be treated as an order made by a Family Court solely for the purpose of the enforcement of that order by the Family Court:

- (a) an order for the payment of emas kahwin and marriage expenses (hantaran belanja) under section 52(1) or (3)(a);
- (b) an order for the custody of a minor child under section 52(3)(c);
- (c) an order for the disposition or division of property under section 52(3)(d).

[27/2014]

(3) For the purposes of subsection (1), the provisions of the Women’s Charter 1961 apply, with the necessary modifications, to the enforcement of any order of the Court referred to in that subsection by the Family Court.

[27/2014]

(4) A Family Court has jurisdiction to enforce any order in accordance with this section regardless of the monetary amount involved.

[27/2014]

(5) In enforcing a custody order under subsection (2), a Family Court may exercise the powers conferred by section 14 of the Guardianship of Infants Act 1934.

[27/2014]

(6) Where, on or after the commencement of proceedings in a Family Court for the enforcement of an order made by the Syariah Court pursuant to subsection (1) or (2), a party aggrieved by that order has made any application under section 55 or commenced any proceedings in any court affecting that order, the Family Court may, on its own motion or on the application of any party, stay the proceedings for the enforcement of that order on such terms as it thinks fit.

[27/2014]

(7) The Family Justice Rules Committee constituted under section 46(1) of the Family Justice Act 2014 may make Family Justice Rules —

- (a) to regulate and prescribe the procedure and practice to be followed in any proceedings commenced in a Family Court pursuant to subsection (1) or (2); and
- (b) to provide for any matter relating to any such procedure or practice.

[27/2014]

(8) The Family Justice Rules may, instead of providing for any matter, refer to any provision made or to be made about that matter by practice directions issued for the time being by the registrar of the Family Justice Courts.

[27/2014]

Execution of deed or indorsement of negotiable instrument

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

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

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

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

Costs

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

Presumption of death

54.—(1) If the husband of any married woman has died or is believed to have died or has not been heard of over a prolonged period, in such circumstances that he might for the purpose of enabling his wife to remarry be presumed in accordance with the Muslim law to be dead, but a death certificate cannot be obtained, the Court may on the application of the wife and after such inquiry as may be proper issue in accordance with the Muslim law a certificate of presumption of the death of the husband and thereafter the wife is at liberty to remarry.

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

Unauthorised audio or visual recording in Court

54A.—(1) The Court may grant or refuse permission to use in or bring into the Court a recording device.

[33/2017]

(2) The Court may grant permission under subsection (1) subject to such conditions as the Court thinks proper with respect to the use of any recording made pursuant to that permission.

[33/2017]

(3) The Court may withdraw or amend any permission granted under subsection (1), either generally or in relation to any particular part of the proceedings in the Court.

[33/2017]

(4) A person shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both, if the person —

- (a) uses in or brings into the Court any recording device without permission under subsection (1); or
- (b) uses any recording made pursuant to permission under subsection (1) in contravention of any conditions of that permission.

[33/2017]

(5) This section does not apply to the making or use of any audio or visual recording for the purposes of official transcripts of proceedings or any other purpose authorised by the Court.

[33/2017]

(6) In this section, a recording is made pursuant to permission under subsection (1) if the recording is —

- (a) an audio or visual recording of proceedings in the Court made by means of a recording device for which that permission was granted; or
- (b) any recording derived directly or indirectly from that audio or visual recording.

[33/2017]

(7) In this section —

“audio or visual recording” means an audio recording, a visual recording, or a recording that comprises both an audio recording and a visual recording;

“recording device” means any audio recorder, electronic device or other instrument for making an audio or visual recording.

[33/2017]

Contemptuous behaviour

54B.—(1) The Court may by oral order exclude from any proceeding in the Court any person whose behaviour, in the opinion of the Court, constitutes any offence mentioned in the following paragraphs, whether or not that person is charged with that offence:

- (a) an offence under section 54A(4);
- (b) any offence under section 175, 178, 179, 180 or 228 of the Penal Code 1871 that is committed before the Court in that proceeding.

[33/2017]

(2) Any member or officer of the Court, and any police officer, may take such steps as are reasonably necessary to enforce an exclusion under subsection (1).

[33/2017]

Appeal

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

- (a) by any person aggrieved by the decision if the amount in issue on appeal is not less than \$450;
- (b) in all cases involving any decision as to personal status, by any person aggrieved by the decision;
- (c) in all cases relating to maintenance, by any person aggrieved by the decision;
- (d) in all cases relating to custody of minor children, by any person aggrieved by the decision;

- (e) in all cases relating to the disposition or division of property on divorce or nullification of marriage, by any party aggrieved by the decision;
- (f) to grant or refuse leave to commence or to continue civil proceedings under section 35A, by the other party in the civil proceedings; or
- (g) in any other case, with the leave of the Appeal Board.

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

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

[33/2017]

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

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

Revision

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

(2) The Majlis may after considering the matter recommend that the decision of the Court, the 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 is in its altered or modified form to be held to be valid in all respects as if made by the Court, the Registrar, Kadi or Naib Kadi whose decision has been revised.

Decision of Court and Appeal Board to be final

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

Protection of members of Court or Appeal Board, etc.

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

[33/2017]

(2) An officer of the Court or an Appeal Board, or any other person expressly authorised by the Court or Appeal Board, charged with the duty of executing any writ, summons, warrant, order, notice or other mandatory process of the Court or Appeal Board (as the case may be) is not liable to be sued for the execution of or attempting to execute the writ, summons, warrant, order, notice or other mandatory process, or in respect of any damage caused to any property in effecting or attempting to effect execution, unless he or she knowingly acted in excess of the authority conferred upon him or her by the writ, summons, warrant, order, notice or other mandatory process.

[33/2017]

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

(4) A child representative appointed to represent the interests of a child in any proceedings involving the child, or the custody and welfare of the child, is not liable to be sued for an act done by the child representative for the purposes of those proceedings, or any mediation or other alternative dispute resolution process related to those proceedings, if the act —

(a) was done in good faith; and

(b) did not involve any fraud or wilful misconduct.

[33/2017]

(5) Where an individual (being a registered medical practitioner, psychologist, counsellor, social worker or mental health professional) is appointed by the Court to examine or assess a child for the purposes of preparing expert evidence for use in any proceedings involving the custody or welfare of that child, the individual is not liable to be sued for an act done by the individual for the purposes of the examination or assessment, or the preparation of the expert evidence for use in those proceedings, if the act —

(a) was done in good faith; and

(b) did not involve any fraud or wilful misconduct.

[33/2017]

PART 4

FINANCIAL PROVISIONS

General Endowment Fund

57.—(1) A fund called the General Endowment Fund is established.

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

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

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

(5) The Majlis may invest any money in the Fund in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965.

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

Wakaf or nazar am

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

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

(3) Section 23 of the Civil Law Act 1909 does not apply to Muslims who die intestate.

(4) The appointment, on or after 1 October 2017, of a trustee of a wakaf or nazar am, under an instrument or declaration creating, governing or affecting the wakaf or nazar am, is void unless the trustee was appointed with the prior approval in writing of the Majlis.

[33/2017]

(5) The trustees of a wakaf or nazar am appointed under an instrument or declaration creating, governing or affecting the wakaf or nazar am, and any mutawalli appointed under subsection (6), (7) or (8) for a wakaf or nazar am, must —

- (a) manage the wakaf or nazar am subject to the provisions of this Act;
- (b) comply with the provisions of any rules made under section 145(1) for the purposes of this section and, in the case of the trustees of a wakaf or a mutawalli appointed for a wakaf, any rules made under section 64(12); and
- (c) comply with all the terms and conditions imposed by the Majlis on the trustees concerning the trustees' appointments, or on the mutawalli concerning the mutawalli's appointment, as the case may be.

[33/2017]

(6) The Majlis has power to remove, and to appoint a mutawalli in the place of or in addition to, an existing trustee of a wakaf or nazar am appointed under an instrument or declaration creating, governing or affecting the wakaf or nazar am, if it appears to the Majlis that —

- (a) the wakaf or nazar am has been mismanaged;
- (b) the trustee —
 - (i) has been convicted, on or after 1 October 2017, of any offence under section 64(11);
 - (ii) has failed to comply with any provision of any rules made under section 145(1) for the purposes of this section or, in the case of a trustee of a wakaf, any rules made under section 64(12); or
 - (iii) has failed to comply with any term or condition imposed by the Majlis on the trustee concerning the trustee's appointment; or
- (c) it would be to the advantage of the wakaf or nazar am to appoint a mutawalli.

[33/2017]

(7) The Majlis has power to appoint a mutawalli for a wakaf or nazar am if it appears to the Majlis that there is no trustee appointed for the management of the wakaf or nazar am.

[33/2017]

(8) The Majlis may at any time remove any mutawalli appointed by it and appoint another in the mutawalli's place.

(9) Without limiting subsection (8), the Majlis has power to remove any mutawalli appointed by the Majlis for a wakaf or nazar am, if it appears to the Majlis that —

- (a) the wakaf or nazar am has been mismanaged;
- (b) the mutawalli —
 - (i) has been convicted, on or after 1 October 2017, of any offence under section 64(11);
 - (ii) has failed to comply with any provision of any rules made under section 145(1) for the purposes of this section or, in the case of a mutawalli appointed for a wakaf, any rules made under section 64(12); or
 - (iii) has failed to comply with any term or condition imposed by the Majlis on the mutawalli concerning the mutawalli's appointment; or
- (c) it would be to the advantage of the wakaf or nazar am to appoint another mutawalli.

[33/2017]

(10) A court must not entertain or proceed with any proceedings relating to the appointment or removal of either of the following:

- (a) a trustee of a wakaf or nazar am appointed under an instrument or declaration creating, governing or affecting the wakaf or nazar am;
- (b) a mutawalli appointed by the Majlis.

[33/2017]

(11) Subsections (4), (5), (6) and (10)(a) apply to a trustee of a wakaf or nazar am appointed under an instrument or declaration creating, governing or affecting the wakaf or nazar am, regardless whether the instrument or declaration was made before, on or after 1 October 2017.

[33/2017]

Vesting of wakaf and nazar am in Majlis

59. All property subject to section 58 is if situate in Singapore to vest in the Majlis, without any conveyance, assignment or transfer

whatever, for the purpose of the Baitulmal, wakaf or nazar am affecting the same.

Restriction on creation of Muslim charitable trust

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

(2) Every wakaf khas or nazar made after 1 July 1968 is void unless —

- (a) the President has 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 the maker and witnessed by 2 adult Muslims one of whom must be a Kadi or Naib Kadi.

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

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

Income of wakaf or nazar

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

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

(3) The Majlis may establish and maintain for each wakaf or nazar am a separate sinking fund for that wakaf or nazar am, for one or more of the following purposes:

- (a) improving or maintaining any immovable property belonging to that wakaf or nazar am, including carrying out, in relation to that immovable property, any building operation, repair, demolition or installation work;
- (b) purchasing any property or asset for that wakaf or nazar am;
- (c) any other purposes related to that wakaf or nazar am that may be prescribed by rules made under subsection (6).

[33/2017]

(4) Despite subsections (1) and (2) and any provision to the contrary in any instrument or declaration creating, governing or affecting a wakaf or nazar am, the Majlis may direct that a portion of the net annual income of a wakaf or nazar am be transferred to the sinking fund established and maintained under subsection (3) for that wakaf or nazar am.

[33/2017]

(5) The percentage of the net annual income of a wakaf or nazar am that is to be transferred to the sinking fund under subsection (4) is to be determined by the Majlis after consulting the mutawalli of the wakaf or nazar am.

[33/2017]

(6) The Majlis may, with the approval of the Minister, make rules —

- (a) to prescribe the other purposes related to a wakaf or nazar am for which a sinking fund established or maintained for that wakaf or nazar am may be used; and
- (b) to provide generally for carrying out the purposes of this section.

[33/2017]

Property and assets of wakaf or nazar am

62.—(1) Subject to this section, the property and assets affected by any lawful wakaf or nazar am do not form part of the Fund, but must be applied pursuant to such wakaf or nazar am and held as segregated funds.

(2) If from lapse of time or change of circumstances it is no longer possible beneficially to carry out the exact provisions of any wakaf or nazar am, the Majlis must 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 must apply the same accordingly.

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

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

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

Construction of instrument

63.—(1) Where any question arises as to the validity of a Muslim charitable trust or as to the meaning or effect of any instrument or declaration creating or affecting any Muslim charitable trust, such question must 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 must act in accordance with the construction so given by the court.

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

Registration of wakafs

64.—(1) Every wakaf, whether created before or after 1 July 1968, must be registered at the office of the Majlis.

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

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

- (a) a description of the wakaf properties sufficient for the identification of the properties;
- (b) the gross annual income from the wakaf properties;
- (c) the amount of rates and taxes annually payable in respect of the wakaf properties;
- (d) an estimate of the expenses annually incurred in the realisation to the income of the wakaf properties;
- (e) the amount set apart under the wakaf for —
 - (i) the salary of the mutawalli and allowances to the individuals;
 - (ii) purely religious purposes;
 - (iii) charitable purposes; and
 - (iv) pious and any other purposes;
- (f) any other particulars required by the Majlis.

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

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

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

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

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

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

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

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

- (a) apply for the registration of the wakaf;
- (b) furnish statements of particulars as required under this section;
- (c) supply information or particulars as required by the Majlis;
- (d) allow inspection of wakaf properties, accounts, records or deeds and documents relating to the wakaf;
- (e) deliver possession of any wakaf property, if ordered by the Majlis;
- (f) carry out the directions of the Majlis; or
- (g) do any other act which the mutawalli is lawfully required to do by or under this section,

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

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

- (a) for the preparation of annual statements of accounts, reports and returns by the mutawallis of wakafs and for their submission to the Majlis;
- (b) for the payment of fees for the inspection of, and extraction from, the register of wakafs; and
- (c) generally for giving full effect to or for carrying out the purposes of this section.

Estimates

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

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

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

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

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

[35/2005]

Expenses of Majlis

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

Bankers

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

Collection of zakat and fitrah

68.—(1) The Majlis has power to collect zakat and fitrah payable in Singapore in accordance with the Muslim law.

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

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

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

Rules

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

(2) Without limiting 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 must 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

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

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

Charitable collection

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

(2) It is 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 must —

- (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 pursuant to this section may be applied for a specific purpose if the Majlis directs, but must, in default of any such direction, be added to and form part of the Fund.

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

Financial provisions with respect to Majlis

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

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

73. The financial provisions set out in the Second Schedule apply to all mosques and all properties, investments and assets vested in the Majlis subject to any trust, wakaf or nazar which do not form part of the Fund.

Annual report

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

PART 5

MOSQUES AND RELIGIOUS SCHOOLS

Majlis to administer mosques

74.—(1) Despite any provision to the contrary in any written instrument, the Majlis is to administer all mosques in Singapore.

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

(3) The trustees of a mosque appointed under a written instrument, and any mutawalli appointed under subsection (4), (5) or (6) for a mosque, must —

(a) manage the mosque subject to the provisions of this Act;

- (b) comply with the provisions of any rules made under section 145(1) for the purposes of this section; and
- (c) comply with all the terms and conditions imposed by the Majlis on the trustees concerning the trustees' appointments, or on the mutawalli concerning the mutawalli's appointment, as the case may be.

[33/2017]

(4) The Majlis has power to remove, and to appoint a mutawalli in the place of or in addition to, any existing trustee of a mosque appointed under a written instrument, if it appears to the Majlis that —

- (a) the mosque has been mismanaged;
- (b) the trustee —
 - (i) has failed to comply with any provision of any rules made under section 145(1) for the purposes of this section; or
 - (ii) has failed to comply with any term or condition imposed by the Majlis on the trustee concerning the trustee's appointment; or
- (c) it would be to the advantage of the mosque to appoint a mutawalli.

[33/2017]

(5) The Majlis has power to appoint a mutawalli for a mosque if it appears to the Majlis that there is no trustee appointed for the management of the mosque.

[33/2017]

(6) The Majlis may at any time remove any mutawalli appointed by it and appoint another in the mutawalli's place.

(7) Without limiting subsection (6), the Majlis has power to remove any mutawalli appointed by the Majlis for a mosque, if it appears to the Majlis that —

- (a) the mosque has been mismanaged;

(b) the mutawalli —

- (i) has failed to comply with any provision of any rules made under section 145(1) for the purposes of this section; or
- (ii) has failed to comply with any term or condition imposed by the Majlis on the mutawalli concerning the mutawalli's appointment; or

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

[33/2017]

(8) Despite anything in subsections (4), (6) and (7) and section 58(6), (8) and (9), the following apply in relation to a mosque established by a wakaf:

- (a) where the appointment of an individual as a trustee or mutawalli of the mosque is contingent on the appointment of that individual as a trustee or mutawalli of the wakaf, the individual is removed as a trustee or mutawalli of the mosque if the individual is removed under section 58(6), (8) or (9) as a trustee or mutawalli of the wakaf;
- (b) where the appointment of an individual as a trustee or mutawalli of the wakaf is contingent on the appointment of that individual as a trustee or mutawalli of the mosque, the individual is removed as a trustee or mutawalli of the wakaf if the individual is removed under subsection (4), (6) or (7) as a trustee or mutawalli of the mosque.

[33/2017]

(9) Subsections (3), (4) and (8) apply to a trustee of a mosque appointed under a written instrument, regardless whether the instrument was made before, on or after 1 October 2017.

[33/2017]

(10) Subsection (8) applies to a trustee of a wakaf appointed under an instrument or declaration creating, governing or affecting the wakaf, regardless whether the instrument or declaration was made before, on or after 1 October 2017.

[33/2017]

Restriction of new mosque

75.—(1) No person may erect any mosque, or dedicate or otherwise apply any existing building as or for the purposes of a mosque, without the written permission of the Majlis.

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

Establishment of Mosque Building and Mendaki Fund

76.—(1) There is established a fund called the Mosque Building and Mendaki Fund into which must be paid all contributions authorised under this Act.

(2) All moneys in the Mosque Building and Mendaki Fund are vested in the Majlis which must administer such moneys in accordance with the provisions of this Act and any rules made under section 81.

(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.

Application of Mosque Building and Mendaki Fund

77.—(1) The moneys in the Mosque Building and Mendaki Fund are to be used —

- (a) for the purpose of building and maintaining mosques, and premises or facilities for conducting religious education, in Singapore and for connected purposes, including —
 - (i) any extension, alteration, reconstruction or restoration of the whole or part of any existing mosque, or any existing premises or facilities for conducting religious education, and any other building works, that the Majlis may approve; and
 - (ii) any purchase of any land, obtaining or renewal of any lease, tenancy or other interest in land, or obtaining or renewal of a licence to occupy land, that the Majlis may approve;

- (b) for the payment of contributions to Yayasan Mendaki;
- (c) for the funding of religious education in Singapore, subject to such directions as the Minister may specify from time to time; and
- (d) for the payment of expenses incurred in maintaining and administering that Fund.

[33/2017]

(2) The Majlis must 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)(d).

Contributions to Mosque Building and Mendaki Fund

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

(2) Despite the provisions of any written law or any contract to the contrary, an employer is 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 mentioned 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, 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 affecting 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 or her employer; or
- (b) an employee who desires to have contributions in excess of the amount deducted from his or her monthly wages by his or her employer may give to his or her employer written notice to that effect and thereafter, so long as he or she is employed by the employer, the employer may make such deduction from the employee's wages for each month until such time, not being less than 6 months from the date of giving such notice, as the employee gives further written notice to his or her employer of his or her desire to cease to have such excess monthly contributions deducted from his or her wages.

(7) The employer must pay the amount of excess deductions under subsection (6) to the Mosque Building and Mendaki Fund in addition to the appropriate monthly contributions.

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

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

Muslim employee may decide not to pay contributions

79.—(1) A Muslim employee who does not wish his or her employer to pay contributions to the Mosque Building and Mendaki Fund on his or her behalf may exercise an option in such form as the Majlis may require for his or her employer not to pay contributions to the Mosque Building and Mendaki Fund on his or her behalf during any period specified by the Muslim employee in the form.

[33/2017]

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

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

(4) Where an employee has exercised an option under subsection (1), his or her employer is liable, on the expiry of the period for which the certificate is in force, to pay contributions to the Mosque Building and Mendaki Fund in respect of that employee, unless that employee again exercises an option under subsection (1) and a fresh certificate is issued under subsection (2).

[33/2017]

Contributions from other persons

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

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

Power to make rules

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

- (2) Without limiting subsection (1), such rules may —
- (a) provide for the manner of payment and collection of contributions to the Mosque Building and Mendaki Fund and any matters incidental thereto;
 - (b) exempt employers from paying contributions to the Mosque Building and Mendaki Fund in respect of such categories of Muslim employees as the Majlis may determine;
 - (c) provide for the return of contributions or any part of such contributions paid in error;
 - (d) provide for the payment of contributions or any part of such contributions omitted to be paid in error;
 - (e) provide for the keeping of books, accounts or records by employers;
 - (f) prescribe the evidence to be produced and the person, officer or authority to whom such evidence is to be produced for the purposes of this Part;
 - (g) prescribe the procedure to be followed when contributions are paid into the Mosque Building and Mendaki Fund;
 - (h) provide, in cases where an employee is employed concurrently by 2 or more employers, the extent of the obligation of such employers as to payment of contributions to the Mosque Building and Mendaki Fund;
 - (i) prescribe the procedure to be followed when voluntary contributions are paid to the Mosque Building and Mendaki Fund;
 - (j) prescribe the manner in which the moneys in the Mosque Building and Mendaki Fund may be applied for or in respect of the purposes specified in section 77(1), and generally for the administration of such moneys;
 - (k) prescribe the returns to be made and the forms and registers to be used in the carrying out of the provisions of this Part; and

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

Repair

82.—(1) It is the duty of the mutawallis 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.

[33/2017]

(2) The Majlis may raise and apply, or authorise the raising and application by the mutawallis 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.

[33/2017]

(3) It is the duty of the mutawallis 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.

[33/2017]

(4) No material alteration to the structure of any mosque may be made without the written permission of the Majlis.

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

[33/2017]

Boundary of daerah masjid

83.—(1) The Majlis has the power at any time to determine the boundaries of any daerah masjid and to amend or alter such boundaries.

(2) Any dispute as to the boundaries of a daerah masjid must be referred to the Legal Committee for its opinion.

Register of pegawai masjid

84.—(1) The Majlis must maintain a register showing the pegawai masjid of every mosque in Singapore.

(2) It is the duty of every mutawalli promptly to inform the Majlis of any vacancy or change in the pegawai masjid relating to the mutawalli's mosque.

Appointment of pegawai masjid

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

(2) The Majlis must, 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 are deemed to be public servants for the purposes of the Penal Code 1871.

Rules for appointment of jawatankuasa daerah

86.—(1) The Majlis may make rules for —

- (a) the appointment of a jawatankuasa daerah;
- (b) prescribing the manner in which the members of a jawatankuasa daerah are to be appointed; and
- (c) prescribing the duties and functions of a jawatankuasa daerah.

(2) The jawatankuasa daerah in conjunction with the local pegawai masjid are to —

- (a) be responsible for the proper conduct and good order of the mosque and all Muslim burial grounds within their daerah masjid; and
- (b) give due and prompt information to the Majlis of all matters arising in the daerah masjid and requiring the attention of the Majlis.

Religious school

87.—(1) The control of Muslim religious schools is vested in the Majlis.

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

(3) The Majlis has 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.

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

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

(6) If any person fails to pass the test mentioned in subsection (5), the Majlis has power to forbid his or her employment as a teacher at the school.

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

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

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

Grant to religious school

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

PART 5A

HALAL AND HAJ MATTERS

Halal certificates

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

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

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

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

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

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

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

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

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

(7) The Majlis may revoke or suspend its approval granted to any person to issue any halal certificate or to use any specified halal

certification mark if that person fails to comply with any condition imposed under subsection (6).

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

Regulation of Haj services and goods

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

- (a) to ensure that the requirements of the Muslim law are complied with in relation to the provision of those goods or services;
- (b) to safeguard the safety and welfare of persons to whom those goods or services are provided; and
- (c) to promote the proper administration of any matter relating to the Haj.

Rules to regulate halal and Haj matters

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

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

- (a) to regulate the use and issue of halal certificates and the use of specified halal certification marks;
- (b) to require travel agents to obtain the approval of the Majlis to provide goods or services for the purposes of the Haj and to provide for the withdrawal of such approval in certain circumstances;
- (c) to require travel agents providing goods or services for the purposes of the Haj to maintain accounts for clients' money received in respect of those goods or services and to regulate the particulars, report and other information to be kept and furnished in relation to such accounts;

- (d) to regulate the number of persons to whom travel agents may provide goods or services for the purposes of the Haj;
- (e) to provide that any contravention of any of such rules shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both;
- (f) to prescribe fees and charges for the purposes of this Part.

(3) In this section, “travel agent” means a person who holds a licence granted under the Travel Agents Act 1975.

Offences by bodies corporate, etc.

88D.—(1) Where an offence under this Part or the rules made thereunder committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on his or her part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.

(3) Where an offence under this Part or the rules made thereunder committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any neglect on his or her part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Part or the rules made thereunder committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act 2005;

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes any person purporting to act as a partner.

(6) The Majlis may, with the approval of the Minister, make rules to provide for the application of any provision of this section, with such modifications as may be appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

Composition of offences

88E.—(1) The Majlis may compound any offence under this Part or the rules made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

(a) one half of the amount of the maximum fine that is prescribed for the offence; or

(b) \$2,000,

whichever is the lower.

(2) On payment of the sum of money, no further proceedings are to be taken against that person in respect of the offence.

(3) The Majlis may, with the approval of the Minister, make rules to prescribe the offences which may be compounded.

(4) All sums collected under this section must be paid into the Consolidated Fund.

[33/2017]

PART 6**MARRIAGE AND DIVORCE****Application**

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

Appointment of Registrar of Muslim Marriages

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

(2) The appointment must be notified in the *Gazette*.

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

Appointment of Kadis and Naib Kadis

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

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

(3) The letter of appointment must —

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

(b) be signed by the President of Singapore;

(c) state either —

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

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

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

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

(5) The President of Singapore may at any time 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 are such as are conferred by this Act.

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

Deputy Registrars of Muslim Marriages

92.—(1) Every Kadi and Naib Kadi —

(a) is a Deputy Registrar of Muslim Marriages; and

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

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

Registers

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

Betrothal

94.—(1) If any person has, either orally or in writing, and either personally or through an intermediary, entered into a contract of betrothal in accordance with the Muslim law, and subsequently refuses without lawful reason to marry the other party to such contract, such other party being willing to perform the same, the party in default is liable —

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

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

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

Marriage preparation programme

94A.—(1) This section applies to every person within a class of persons prescribed by rules made under section 145 as persons who must attend a marriage preparation programme.

[33/2017]

(2) An application cannot be made to a Kadi or Naib Kadi for the solemnisation of the marriage of a person to whom this section applies, unless the person satisfies the Kadi or Naib Kadi (as the case may be) that the person, and the other party to the proposed marriage, have attended together and completed a marriage preparation programme.

[33/2017]

(3) In this section, “marriage preparation programme” means a marriage preparation programme which satisfies the description specified in the rules made under section 145.

[33/2017]

Consent to application for solemnisation of marriage of minor

94B.—(1) An application cannot be made to a Kadi or Naib Kadi for the solemnisation of the marriage of a minor without the consent of the appropriate person or persons mentioned in the Fourth Schedule.

[33/2017]

(2) If a Kadi or Naib Kadi is satisfied that the consent of an appropriate person mentioned in the Fourth Schedule cannot be obtained by reason of that person being absent, inaccessible or under any disability, the Kadi or Naib Kadi —

- (a) must dispense with the consent of that person, if the consent of any other person is required; and
- (b) may dispense with the consent of that person, if the consent of no other person is required.

[33/2017]

(3) If an appropriate person mentioned in the Fourth Schedule refuses to give that person’s consent, a Kadi or Naib Kadi may, on an application to the Kadi or Naib Kadi, dispense with the consent of that person.

[33/2017]

(4) Before dispensing with the consent of a person mentioned in subsection (3), the Kadi or Naib Kadi must give that person an opportunity to show cause why that person's consent should not be dispensed with.

[33/2017]

Solemnisation of marriage

95.—(1) Subject to the provisions of this Act, a marriage may be solemnised according to the Muslim law —

- (a) by the wali of the woman to be wedded;
- (b) by a Kadi or Naib Kadi, at the request of the wali of the woman to be wedded; or
- (c) by a Kadi, where —
 - (i) there is no wali of the woman to be wedded; or
 - (ii) the wali of the woman to be wedded refuses his consent to the marriage, on grounds that the Kadi does not consider satisfactory.

[33/2017]

(2) On or after 22 October 2018, both of the following conditions must be satisfied before the wali of the woman to be wedded can solemnise the marriage:

- (a) the parties to be wedded have applied to a Kadi or Naib Kadi for, and he has given, his written consent to the solemnisation of the marriage by the wali;
- (b) a Kadi or Naib Kadi is present during the solemnisation of the marriage by the wali.

[33/2017]

(3) Before solemnising a marriage or giving his written consent to the solemnisation of a marriage by a wali, a Kadi or Naib Kadi must satisfy himself after inquiry that there is no lawful obstacle, according to the Muslim law or this Act, to the marriage.

[33/2017]

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

Restriction on solemnisation of marriage

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

(2) No marriage may be solemnised 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 solemnising a marriage or giving his written consent to the solemnisation of a marriage under subsection (2), the Kadi must satisfy himself after inquiry that there is no lawful obstacle according to the Muslim law or this Act to such marriage.

(4) No marriage may be solemnised under this Act if at the date of the marriage either party is below 18 years of age.

(5) Despite subsection (4), a Kadi may in special circumstances solemnise the marriage of a girl who is below 18 years of age but has attained the age of puberty.

Marriage of janda

97.—(1) Where the woman to be wedded is a janda —

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

(b) she must not be married unless she has previously 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 must not be remarried to her previous husband, unless prior to the marriage she has been lawfully married to some other person and such marriage has been consummated and later lawfully dissolved.

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

98. [*Repealed by Act 29 of 2008*]

Copy of certificate to be sent to Registrar

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

Registers of Marriages, Divorces and Revocation of Divorces

100.—(1) The Registrar —

- (a) must maintain a Register of Marriages containing such records and information as the Registrar may determine on every marriage solemnised and registered under this Act; and
- (b) may keep the Register of Marriages in such form as the Registrar may determine.

[33/2017]

(2) The Registrar —

- (a) must maintain a Register of Revocation of Divorces containing such records and information as the Registrar may determine on every revocation of divorce registered under this Act; and

- (b) may keep the Register of Revocation of Divorces in such form as the Registrar may determine.

[33/2017]

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

[29/2008]

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

[20/99]

Cancellation or rectification of entry in register or certificate, etc.

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

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

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

(4) If it appears that any decree or order of the Syariah Court under this Act has been made or issued in error or contains any error that might be corrected, the Court may, on its own motion or upon the application of any person affected by such error, order the rectification of such error.

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

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

(7) The Registrar must —

- (a) sign and date any correction made in the certificate of marriage or the certificate of revocation of divorce (as the case may be); and
- (b) authenticate any correction made in the Register of Marriages or Register of Revocation of Divorces (as the case may be).

[33/2017]

(8) Every rectification made under subsection (6) must be attested by the witnesses in whose presence it was made.

Registration of marriage, divorce or revocation of divorce compulsory

102.—(1) A Kadi or Naib Kadi —

- (a) must register a marriage (which was solemnised by him or in his presence) immediately after the solemnisation of the marriage; and
- (b) may, at his option, register, or solemnise and register, a marriage —
 - (i) at his house or office;
 - (ii) at the house of the parties, or one of the parties, to the marriage; or
 - (iii) at any other place proposed by the parties to the marriage.

[33/2017]

(2) In the case of every revocation of divorce effected in Singapore, the husband and wife must —

- (a) attend personally within 7 days beginning on the date of the 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 revocation of divorce; and
- (c) apply in the prescribed form for the registration of such revocation of divorce.

[33/2017]

(3) A Kadi must not register any revocation of divorce unless he is satisfied after inquiry that the parties have consented to the registration thereof.

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

(5) In the case of every divorce effected in Singapore, the husband and wife must attend personally at the Syariah Court within 7 days beginning on the date of the divorce, or such extended time as the Syariah Court thinks fit, and —

- (a) furnish such particulars as are required by the Syariah Court; and
- (b) apply in the prescribed form for a decree or order for divorce.

[33/2017]

Signing of register and inquiry by Kadi

103.—(1) Where a marriage has been solemnised by a Kadi or Naib Kadi, or by the wali of the woman to be wedded in the presence of a Kadi or Naib Kadi, the Kadi or Naib Kadi must register the marriage by entering the particulars of the marriage in the Register of Marriages and in the certificate of marriage.

[33/2017]

(2) Subject to section 102, a Kadi may, at any time within 7 days after a revocation of divorce, register the revocation of divorce by entering the particulars of the revocation of divorce in the Register of Revocation of Divorces and in the certificate of revocation of divorce.

[33/2017]

(3) The entry must 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 must make such inquiries as he considers necessary to satisfy himself as to the validity of the marriage 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 is legally bound to comply with such summons.

Refusal to register marriage or revocation of divorce

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

(2) The Kadi or Naib Kadi must 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 must give a copy of his reasons for refusal to the applicant for registration.

Appeal

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

Where Appeal Board orders registration

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

(2) An entry must be made in the Register of Marriages or Register of Revocation of Divorces (as appropriate) showing that the marriage

or revocation of divorce was registered by order of the Appeal Board on appeal, and must be authenticated by the person making the entry.
[33/2017]

Extended time for registration of revocation of divorce

107. Any revocation of divorce which has not been registered within the time prescribed by section 102 may, with the Registrar's written consent and subject to section 102(3) and (4), be registered by a Kadi within 3 months from the date of such revocation of divorce.
[33/2017]

Copy of entry to be given to parties

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

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

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

PART 7

PROPERTY

Saving of distribution of Muslim estate by will

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

Disposition by will, etc., to be in accordance with Muslim law

111.—(1) Despite anything in the provisions of the English law or in any other written law, no Muslim domiciled in Singapore may, after 1 July 1968, dispose of his or her 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 or her.

[33/2017]

(2) Nothing in this section affects —

- (a) the provisions of the Wills Act 1838, other than section 3 thereof;
- (b) the provisions of the Insurance Act 1966;
- (c) the provisions of the Probate and Administration Act 1934; or
- (d) the will of a Muslim dying before 1 July 1968.

[33/2017]

Distribution of Muslim estate to be according to Muslim law

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

(2) This section applies in cases where a person dies partly intestate as well as in cases where he or she dies wholly intestate.

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

Application for probate and letters of administration

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

Proof of Muslim law

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

- (a) The English translation of the *Quaran*, by A. Yusuf Ali or Marmaduke Pickthall;
 - (b) *Mohammedan Law*, by Syed Ameer Ali;
 - (c) *Minhaj et Talibin* by Nawawi, translated by E. C. Howard from the French translation of Van den Berg;
 - (d) *Digest of Moohummudan Law*, by Neil B. E. Baillie;
 - (e) *Anglo-Muhammadian Law*, by Sir Roland Knyvet Wilson, 6th Edition Revised by A. Yusuf Ali;
 - (f) *Outlines of Muhammadan Law*, by A. A. Fyzee;
 - (g) *Muhammadian Law*, by F. B. Tyabji.
- (2) The Minister may on the advice of the Majlis by notification in the *Gazette* vary or add to the list of books set out in subsection (1).

Inheritance certificate

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

(2) The Syariah Court may, before certifying its opinion, require to hear the parties on any question of law, but is not to 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 for its opinion and is, if such opinion be given, to certify in accordance therewith.

Administration of estate of Muslim dying intestate

116.—(1) In granting letters of administration to the estate of a Muslim who dies intestate, the court may if it thinks fit grant letters of administration to any next-of-kin of the Muslim or any other person entitled to a share in the estate under the Muslim law.

[33/2017]

(2) This section does not affect the power given to the court by section 18 of the Probate and Administration Act 1934.

[33/2017]

117. [*Repealed by Act 33 of 2017*]

Will of married woman

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

Property at marriage

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

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

Property of Muslim married woman

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

- (a) wages and earnings acquired or gained by her during marriage in any employment, occupation or trade carried on by her and not by her husband;
- (b) any money or other property acquired by her during marriage through the exercise of any skill or by way of inheritance, legacy, gift, purchase or otherwise;
- (c) all savings from, and investments of, such wages, earnings and property.

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

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

Right to sue and liability to be sued

121. A Muslim married woman —

- (a) may maintain a suit in her own name for the recovery of property of any description which is her own property;
- (b) has 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) is liable to such suits, processes and orders in respect of such property as she would be liable to if she were unmarried.

Liability on her own contract

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

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

(3) Nothing in this section annuls or abridges the liability of a Muslim husband for debts contracted by his wife's agency, express or implied.

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

Antenuptial debt

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

Effect of marriage on property

124. No Muslim person, by any marriage contracted in accordance with the provisions of the Muslim law, acquires any interest in the property of the person whom he or she marries or becomes incapable of doing any act in respect of his or her own property which he or she could have done if unmarried.

125. [*Repealed by Act 33 of 2017*]

PART 8**CONVERSIONS****Register of converts**

126. The Majlis must 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 rule.

Control of conversion

127. No person may be converted to the Muslim religion otherwise than in accordance with the Muslim law and the provisions of this Act.

Report of conversion

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

PART 9
OFFENCES

This Part to apply only to Muslims

129. Subject to this Act, this Part only applies to Muslims.

Omission to register within prescribed time

130.—(1) Any person who, being required by this Act to effect the registration of any marriage 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.

(2) Any person who contravenes section 102(5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

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

131. Any person who —

- (a) refuses or omits to hand over any book or seal of office to the Registrar as required by this Act; or
- (b) is found in possession of a book or seal of office without lawful excuse after the book or seal of office ought to have been made over to or taken possession of by the Registrar,

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

Unlawful register

132. Any person other than the Registrar, any president of the Syariah Court, a Kadi or a Naib Kadi who —

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

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

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

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

133. Any person who —

- (a) solemnises or purports to solemnise any marriage between Muslims; or
- (b) registers any marriage, divorce or revocation of divorce effected between Muslims,

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

Cohabitation outside marriage

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

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

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

Enticing unmarried woman from wali

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

136. [*Repealed by Act 35 of 2005*]

Non-payment of zakat or fitrah

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

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

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

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

Neglect or failure to report conversion

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

False doctrine

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

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

Abetment

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

PART 10

MISCELLANEOUS

Public servants and judicial proceedings

141.—(1) Each of the following is a public servant within the meaning of the Penal Code 1871:

- (a) every president of the Syariah Court;
- (b) every ad-hoc president of the Syariah Court;
- (c) the registrar of the Syariah Court;
- (d) every deputy registrar of the Syariah Court;
- (e) every member of an Appeal Board;
- (f) the Registrar;
- (g) every Kadi;
- (h) every Naib Kadi.

[33/2017]

(2) All proceedings before the Syariah Court, before the Appeal Board or before the Registrar or a Kadi or Naib Kadi under this Act

are deemed to be judicial proceedings within the meaning of Chapter 11 of the Penal Code 1871.

[33/2017]

Witness

142.—(1) Every Kadi or Naib Kadi has 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 the person's possession.

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

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

Inspection and search

143.—(1) Any person may, upon application to the Registrar and upon payment of the prescribed fee, obtain a copy of or extract from any information contained in the Register of Marriages or Register of Revocation of Divorces (including a copy or extract that is certified by the Registrar to be a true copy or extract).

[33/2017]

(2) The Register of Divorces, and the general index of that Register, are to be open to inspection by any person upon payment of the prescribed fee.

[33/2017]

(3) A president or the registrar of the Syariah Court must furnish a copy of an entry in the Register of Divorces, certified under the signature and seal of office of the president of the Syariah Court, to any person requiring that copy, upon the payment of the prescribed fee by that person.

[33/2017]

Proof

144.—(1) Each of the following, if certified by the Registrar to be a true copy or extract, is in any proceedings in any court or tribunal in Singapore admissible in evidence as of equal validity with the

original document containing the information or the original record (as the case may be):

- (a) a copy of or extract from any information contained in the Register of Marriages or Register of Revocation of Divorces;
- (b) a copy of or extract from any record contained in the Register of Marriages or Register of Revocation of Divorces (including a copy of or extract from any record produced from a microfilm or digital image).

[33/2017]

(2) The Register of Divorces, and any copy of an entry in that Register certified under the signature and seal of office of any president of the Syariah Court to be a true copy, is prima facie evidence in any court or tribunal in Singapore of the dates and acts contained or set out in that Register or copy.

[33/2017]

Rules

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

(2) Without limiting subsection (1), the power to make rules includes —

- (a) regulating and prescribing the procedure and practice of the Syariah Court and the Appeal Board, including the manner of service of summons;
- (b) prescribing the jurisdiction, powers and duties of the registrar of the Syariah Court mentioned in section 34B(2)(b);
- (c) providing for any matter concerning an appeal from a decision of the registrar of the Syariah Court;
- (d) providing for the appointment of a child representative to represent the interests of a child in any proceedings involving the child, or the custody and welfare of the child, and for the remuneration of the child representative; and

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

[33/2017]

Delegation

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

FIRST SCHEDULE

Section 72

FINANCIAL PROVISIONS WITH RESPECT TO MAJLIS

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

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

3. The accounts of the Majlis must be audited by the Auditor-General or any other auditor that may be appointed annually by the Minister in consultation with the Auditor-General.

4. A person is not qualified for appointment as an auditor under paragraph 3 unless he or she is a public accountant who is registered or deemed to be registered under the Accountants Act 2004.

5. The remuneration of the auditor is to be paid out of the funds of the Majlis.

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

7. The auditor must in his or her report state —

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

FIRST SCHEDULE — *continued*

- (b) whether proper accounting and other records have been kept, including records of all assets of the Majlis whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure, and investment of moneys and the acquisition and disposal of assets by the Majlis during the financial year were in accordance with the provisions of this Act; and
- (d) any other matters arising from the audit that he or she considers necessary.

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

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

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

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

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

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

14. The financial year of the Majlis begins on 1 January and ends on 31 December in each year.

15. This Schedule applies to the accounts of the General Endowment Fund, the Mosque Building and Mendaki Fund and any other accounts that the Minister may, by notification in the *Gazette*, specify.

[35/2005]

SECOND SCHEDULE

Section 73

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

1. The trustees, mutawallis or management board of any trust, wakaf, nazar or mosque to which this Schedule applies (as the case may be) must —
 - (a) keep or cause to be kept proper accounts and records of its transactions and affairs; and
 - (b) after the close of each financial year prepare financial statements in respect of the trust, wakaf, nazar or mosque for that year.
2. The financial statements in respect of a mosque must, as soon as possible after the close of each financial year but not later than 6 months after the close of the financial year, be submitted to a meeting of the Majlis.
3. The financial statements in respect of a trust, wakaf or nazar must, as soon as possible after the close of each financial year but not later than 3 months after the close of the financial year, be submitted to a meeting of the Majlis.
4. Subject to paragraph 5, the financial statements must, before their submission to the Majlis under paragraph 2 or 3, be audited by an auditor to be appointed by the Majlis and approved by the Minister.
5. The Minister may exempt any trustee, mutawalli or management board of any trust, wakaf, nazar or mosque to which this Schedule applies, or any class thereof, from paragraph 4 by written notice subject to such terms or conditions as the Minister may think fit to impose.
6. An exemption under paragraph 5 need not be published in the *Gazette*, and may be withdrawn at any time by the Minister by written notice.
7. A person is not qualified for appointment as an auditor under paragraph 4 unless he or she is a public accountant who is registered or deemed to be registered under the Accountants Act 2004.
8. The remuneration of the auditor is to be paid out of the funds of the trust, wakaf, nazar or mosque, as the case may be.
9. The Majlis and the auditor or their authorised representatives are entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the trust, wakaf, nazar or mosque (as the case may be) and may make copies of or extracts from any such accounting and other records.

SECOND SCHEDULE — *continued*

10. The auditor must in his or her report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the trust, wakaf, nazar or mosque, as the case may be;
- (b) whether proper accounting and other records have been kept, including records of all assets of the trust, wakaf, nazar or mosque, (as the case may be) whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the trust, wakaf, nazar or mosque, (as the case may be) during the financial year were in accordance with the provisions of this Act; and
- (d) any other matters arising from the audit that he or she considers necessary.

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

12. Any person who, without reasonable excuse, fails to comply with any requirement of the Majlis or the auditor under paragraph 11 or who otherwise hinders, obstructs or delays the Majlis or the auditor in the performance of their duties or the exercise of their powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

13. The Chief Executive of the Majlis must, within one month after the meeting of the Majlis mentioned in paragraph 2 or 3, submit a copy of the financial statements, together with a copy of the auditor's report (where applicable), to the Minister; and in the case of any mosque, the Majlis must also cause a copy of the same to be exhibited at the mosque.

14. The financial year of any trust, wakaf, nazar or mosque to which this Schedule applies begins on 1 January and ends on 31 December in each year.

[33/2017]

THIRD SCHEDULE

Section 78(1)

CONTRIBUTIONS TO MOSQUE BUILDING
AND MENDAKI FUND

<i>Total amount of employee's wages for the calendar month</i>	<i>Amount of contributions payable for the calendar month</i>
1. Not more than \$1,000	\$3
2. More than \$1,000 but not more than \$2,000	\$4.50
3. More than \$2,000 but not more than \$3,000	\$6.50
4. More than \$3,000 but not more than \$4,000	\$15
5. More than \$4,000 but not more than \$6,000	\$19.50
6. More than \$6,000 but not more than \$8,000	\$22
7. More than \$8,000 but not more than \$10,000	\$24
8. More than \$10,000	\$26

[S 144/2016]

FOURTH SCHEDULE

Section 94B

CONSENTS REQUIRED FOR MARRIAGE OF MINOR

PART 1

WHERE MINOR IS LEGITIMATE

*Circumstances**Person or persons
whose consent is required*

1. Where both parents are living:
 - (a) if parents are living together both parents;

FOURTH SCHEDULE — *continued*

<i>Circumstances</i>	<i>Person or persons whose consent is required</i>
<p>(b) if parents are divorced or separated by order of court or by agreement</p>	<p>(i) the parent to whom the custody of the minor is committed by order of any court or by the agreement; or</p> <p>(ii) if the custody of the minor is so committed to both parents, or to one parent during part of the year and to the other parent during the rest of the year, both parents;</p>
<p>(c) if one parent has been deserted by the other</p>	<p>the parent who has been deserted;</p>
<p>(d) if both parents have been deprived of custody of the minor by order of court</p>	<p>the person to whose custody the minor is committed by order of court.</p>
<p>2. Where one parent is dead:</p>	
<p>(a) if there is no other guardian</p>	<p>the surviving parent;</p>
<p>(b) if a guardian has been appointed by the deceased parent</p>	<p>(i) the surviving parent and the guardian, if acting jointly; or</p> <p>(ii) the surviving parent or the guardian, if the parent or guardian is the sole guardian of the minor.</p>
<p>3. Where both parents are dead</p>	<p>the guardian or guardians appointed by the deceased parents, or by the court, under the Guardianship of Infants Act 1934.</p>

FOURTH SCHEDULE — *continued*

PART 2

WHERE MINOR IS ILLEGITIMATE

<i>Circumstances</i>	<i>Person whose consent is required</i>
1. If the mother of the minor is alive	the mother or, if she has by order of court been deprived of the custody of the minor, the person to whom the custody of the minor has been committed by order of court.
2. If the mother of the minor is dead	the guardian appointed by the mother, or by the court, under the Guardianship of Infants Act 1934.

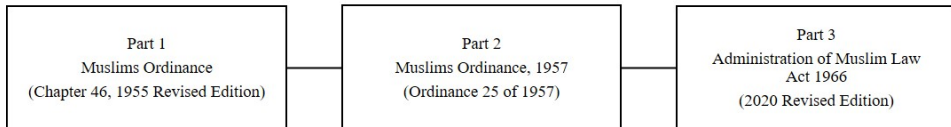
[33/2017]

LEGISLATIVE HISTORY

ADMINISTRATION OF MUSLIM LAW ACT 1966

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1 MUSLIMS ORDINANCE (CHAPTER 46, 1955 REVISED EDITION)

1. Ordinance V of 1880 — The Mahomedan Marriage Ordinance, 1880

Bill	:	S.S.G.G. No. 22/1880
First Reading	:	20 May 1880
Second Reading	:	1 June 1880
Notice of Amendments	:	17 August 1880
Third Reading	:	24 August 1880
Commencement	:	24 August 1880

2. Ordinance XXV of 1908 — The Muhammadan Marriage Ordinance 1908

Bill	:	G.N. No. 547/1908
First Reading	:	29 October 1908
Second Reading	:	30 October 1908
Notice of Amendments	:	6 November 1908
Third Reading	:	13 November 1908
Commencement	:	1 July 1909

3. Ordinance XVII of 1909 — The Muhammadan Marriage Ordinance 1908 Amendment Ordinance 1909

Bill	:	G.N. No. 1034/1909
First Reading	:	8 October 1909
Second Reading	:	5 November 1909
Notice of Amendments	:	12 November 1909
Third Reading	:	19 November 1909
Commencement	:	19 November 1909

4. Ordinance 4 of 1917 — Muhammadan Marriage (Amendment) Ordinance 1917

Bill	:	G.N. No. 1139/1916
First Reading	:	29 September 1916
Second Reading	:	10 November 1916
Notice of Amendments	:	8 January 1917
Third Reading	:	20 March 1917
Commencement	:	24 March 1917

5. 1920 Revised Edition — Ordinance No.26 (Mahomedans)

Operation	:	28 November 1921
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Note: This Revised Edition consolidated The Mahomedan Marriage Ordinance, 1880 (Ordinance V of 1880) and The Muhammadan Marriage Ordinance 1908 (Ordinance XXV of 1908).

6. Ordinance 26 of 1923 — Ordinance No. 26 (Mahomedans) Amendment Ordinance, 1923

Bill	:	G.N. No. 1483/1922
First Reading	:	11 September 1922
Second Reading	:	30 October 1922
Select Committee Report	:	Information not available
Notice of Amendments	:	29 October 1923
Third Reading	:	17 December 1923
Commencement	:	31 December 1923

7. Ordinance 35 of 1934 — The Mohammedans (Amendment) Ordinance 1934

Bill	:	G.N. No. 1900/1934
First Reading	:	24 September 1934
Second and Third Readings	:	17 October 1934
Commencement	:	2 November 1934

8. 1936 Revised Edition — Mohammedans Ordinance (Chapter 57)

Operation	:	1 September 1936
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9. Ordinance 41 of 1936 — Statute Law (Revised Edition) Amendment Ordinance, 1936

(Amendments made by section 2 read with item IV of the Schedule to the above Ordinance)

Bill	:	G.N. No. 3285/1936
First and Second Readings	:	7 December 1936
Notice of Amendments	:	7 December 1936
Third Reading	:	7 December 1936
Commencement	:	30 December 1936 (section 2 read with item IV of the Schedule)

10. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance, 1952

(Amendments made by section 2 read with item 16 of the Schedule to the above Ordinance)

Bill	:	32/1952
First Reading	:	16 September 1952
Second and Third Readings	:	14 October 1952
Commencement	:	30 April 1955 (section 2 read with item 16 of the Schedule)

11. 1955 Revised Edition — Muslims Ordinance (Chapter 46)

Operation	:	1 July 1956
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PART 2
MUSLIMS ORDINANCE, 1957
(ORDINANCE 25 OF 1957)

12. Ordinance 25 of 1957 — Muslims Ordinance, 1957

Bill	:	68/1956
First Reading	:	3 October 1956
Second Reading	:	5 November 1956
Select Committee Report	:	Sessional Paper No. L.A. 5 of 1957
Third Reading	:	26 April 1957
Commencement	:	25 November 1958

PART 3
ADMINISTRATION OF MUSLIM LAW ACT 1966
(2020 REVISED EDITION)

13. Act 27 of 1966 — Administration of Muslim Law Act, 1966

Bill	:	61/1965
First Reading	:	13 December 1965
Second Reading	:	30 December 1965
Select Committee Report	:	Parl. 3 of 1966
Notice of Amendments	:	17 August 1966
Third Reading	:	17 August 1966
Commencement	:	1 July 1968 (except sections 81 and 82) 1 March 1990 (sections 81 and 82, renumbered as sections 87 and 88 respectively when the Act was revised in the 1985 Revised Edition)

14. 1970 Revised Edition — Administration of Muslim Law Act (Chapter 42)

Operation	:	1 March 1971
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15. Act 34 of 1973 — Statutes of the Republic of Singapore (Miscellaneous Amendments) (No. 3) Act, 1973

(Amendments made by section 2 read with item (d) of the Schedule to the above Act)

Bill	:	27/1973
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First Reading	:	11 July 1973
Second and Third Readings	:	25 July 1973
Commencement	:	24 August 1973 (section 2 read with item (d) of the Schedule)

16. Act 31 of 1975 — Administration of Muslim Law (Amendment) Act, 1975

Bill	:	31/1975
First Reading	:	29 July 1975
Second and Third Readings	:	19 August 1975
Commencement	:	1 October 1975

17. G.N. No. S 156/1977 — Administration of Muslim Law Act (Variation of Schedule) Notification, 1977

Commencement	:	1 July 1977
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18. Act 31 of 1984 — Administration of Muslim Law (Amendment) Act 1984

Bill	:	26/1984
First Reading	:	24 July 1984
Second and Third Readings	:	24 August 1984
Commencement	:	1 October 1984

19. 1985 Revised Edition — Administration of Muslim Law Act (Chapter 3)

Operation	:	30 March 1987
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20. Act 14 of 1990 — Administration of Muslim Law (Amendment) Act 1990

Bill	:	13/1990
First Reading	:	11 June 1990
Second and Third Readings	:	18 July 1990
Commencement	:	1 October 1990

21. G.N. No. S 234/1991 — Administration of Muslim Law Act (Variation of Schedule) Notification 1991

Commencement	:	1 July 1991
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22. G.N. No. S 457/1995 — Administration of Muslim Law Act (Variation of Schedule) Notification 1995

Commencement	:	1 November 1995
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23. Act 20 of 1999 — Administration of Muslim Law (Amendment) Act 1999

Bill	:	18/1998
First Reading	:	20 April 1998
Second Reading	:	30 June 1998
Select Committee Report	:	Information not available
Third Reading	:	15 April 1999
Commencement	:	1 August 1999

24. 1999 Revised Edition — Administration of Muslim Law Act (Chapter 3)

Operation	:	1 August 1999
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25. Act 45 of 2004 — Trustees (Amendment) Act 2004

(Amendments made by section 25(4) read with item (2) of the Schedule to the above Act)

Bill	:	43/2004
First Reading	:	21 September 2004
Second and Third Readings	:	19 October 2004
Commencement	:	15 December 2004 (section 25(4) read with item (2) of the Schedule)

26. G.N. No. S 409/2005 — Administration of Muslim Law Act (Variation of Schedule) Notification 2005

Commencement	:	1 July 2005
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27. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005

(Amendments made by section 5 read with item (1) of the First Schedule and section 6 read with item (1) of the Fourth Schedule to the above Act)

Bill	:	30/2005
First Reading	:	17 October 2005
Second and Third Readings	:	21 November 2005
Commencement	:	1 January 2006 (section 5 read with item (1) of the First Schedule and section 6 read with item (1) of the Fourth Schedule)

28. Act 35 of 2005 — Administration of Muslim Law (Amendment) Act 2005

Bill	:	22/2005
First Reading	:	15 August 2005

Second Reading	:	18 October 2005
Notice of Amendments	:	18 October 2005
Third Reading	:	18 October 2005
Commencement	:	19 March 2007 (except sections 2, 3(a) and (c), 4, 8(a), 9 and 12) 7 August 2013 (sections 2, 3(a) and (c), 4, 8(a), 9 and 12)

29. Act 29 of 2008 — Administration of Muslim Law (Amendment) Act 2008

Bill	:	24/2008
First Reading	:	15 September 2008
Second and Third Readings	:	17 November 2008
Commencement	:	2 January 2009 (except sections 5 to 13, 17, 19 and 21 to 33) 1 March 2009 (sections 5 to 13, 17, 19 and 21 to 33)

30. G.N. No. S 2/2009 — Administration of Muslim Law Act (Variation of Schedule) Notification 2009

Commencement	:	1 March 2009
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31. Act 3 of 2009 — Insurance (Amendment) Act 2009

(Amendments made by section 8 of the above Act)

Bill	:	28/2008
First Reading	:	20 October 2008
Second and Third Readings	:	19 January 2009
Commencement	:	1 September 2009 (section 8)

32. 2009 Revised Edition — Administration of Muslim Law Act (Chapter 3)

Operation	:	31 October 2009
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33. Act 15 of 2010 — Criminal Procedure Code 2010

(Amendments made by section 430 read with item 2 of the Sixth Schedule to the above Act)

Bill	:	11/2010
First Reading	:	26 April 2010
Second Reading	:	18 May 2010
Third Reading	:	19 May 2010

Commencement : 2 January 2011 (section 430 read with item 2 of the Sixth Schedule)

34. Act 27 of 2014 — Family Justice Act 2014

(Amendments made by section 49 of the above Act)

Bill : 21/2014
 First Reading : 8 July 2014
 Second Reading : 4 August 2014
 Notice of Amendments : 4 August 2014
 Third Reading : 4 August 2014
 Commencement : 1 October 2014 (section 49(a) and (b))
 1 January 2015 (section 49(c))

35. G.N. No. S 144/2016 — Administration of Muslim Law Act (Variation of Schedule) Notification 2016

Commencement : 1 June 2016

36. Act 33 of 2017 — Administration of Muslim Law (Amendment) Act 2017

Bill : 27/2017
 First Reading : 3 July 2017
 Second and Third Readings : 1 August 2017
 Commencement : 1 October 2017 (sections 3, 4(a) and (d), 6, 8, 13, 14, 15(a) and (b), 16, 18 to 22, 26, 27, 28(d), 29(b), 30, 32 to 36 and 40)
 1 January 2018 (sections 2, 17 and 39)
 22 October 2018 (sections 4(b) and (c), 5, 7, 9 to 12, 15(c), 23, 24, 25, 28(a), (b) and (c), 29(a) and (c), 31, 37 and 38)

37. Act 5 of 2018 — Public Sector (Governance) Act 2018

(Amendments made by section 47 of the above Act)

Bill : 45/2017
 First Reading : 6 November 2017
 Second Reading : 8 January 2018
 Notice of Amendments : 8 January 2018
 Third Reading : 8 January 2018

Commencement : 1 April 2018 (section 47)

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
ADMINISTRATION OF
MUSLIM LAW ACT 1966

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2009 Ed.
—	26—(4) [<i>Repealed by Act 5 of 2018</i>]
26—(4)	(5)
35—(3)	35—(2A)
(4)	(3)
(5)	(4)
58—(4)	58—(3A)
(5)	(4)
(6)	(4A)
(7)	(4B)
(8)	(5)
(9)	(6)
(10)	(7)
(11)	(8)
74—(4)	74—(3A)
(5)	(3B)
(6)	(4)
(7)	(5)
(8)	(6)
(9)	(7)
(10)	(8)