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ADMINISTRATION OF MUSLIM LAW ACT
(CHAPTER 3)

ADMINISTRATION OF MUSLIM LAW
(MUTAWALLIS AND TRUSTEES) RULES 2018

ARRANGEMENT OF RULES

Rule

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In exercise of the powers conferred by section 145(1) of the Administration of Muslim Law Act, the President of Singapore makes the following Rules:

Citation and commencement

1. These Rules are the Administration of Muslim Law (Mutawallis and Trustees) Rules 2018 and come into operation on 1 October 2018.

Application to be appointed as mutawalli

2.—(1) An application to be appointed under section 58(4A), (4B) or (5) of the Act, as a mutawalli for a wakaf or nazar am, must be made to the Majlis in such form and manner, and accompanied by such documents and information, as the Majlis may require.

(2) The Majlis may, for the purposes of deciding an application under paragraph (1) —

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- (a) require the applicant, or any referee of the applicant, to provide further information;
 - (b) interview the applicant, or any referee of the applicant;
 - (c) inform itself on any matter; or
 - (d) consult any person.
- (3) The Majlis may refuse to consider an application under paragraph (1) if the application —
- (a) is incomplete;
 - (b) is not accompanied by any document required by the Majlis; or
 - (c) is not made in accordance with this rule.
- (4) After considering an application under paragraph (1), the Majlis may —
- (a) approve the application subject to such terms and conditions as the Majlis thinks fit; or
 - (b) reject the application.
- (5) Without affecting paragraph (4)(b), the Majlis may reject an application under paragraph (1) if —
- (a) the applicant, or any referee of that applicant —
 - (i) refuses to provide any information required by the Majlis; or
 - (ii) refuses to be interviewed by the Majlis;
 - (b) the applicant does not satisfy such eligibility criteria for appointment as a mutawalli as the Majlis may determine; or
 - (c) it appears to the Majlis that —
 - (i) the appointment would not be to the advantage of the wakaf or nazar am concerned; or
 - (ii) there are other circumstances that warrant the rejection of the application.

(6) The Majlis must, as soon as practicable after deciding an application under paragraph (1), notify the applicant of its decision.

Appointment of mutawalli

3.—(1) The Majlis must issue a letter of appointment to every individual who is appointed under section 58(4A), (4B) or (5) of the Act as a mutawalli for a wakaf or nazar am.

(2) The letter of appointment must state —

- (a) the period of the appointment of the individual as a mutawalli; and
- (b) the date on which the appointment takes effect.

Period of appointment as mutawalli

4. The period of the appointment under section 58(4A), (4B) or (5) of the Act of an individual, as a mutawalli for a wakaf or nazar am, must not exceed 3 years.

Terms and conditions of appointment of trustees and mutawallis

5.—(1) For the purposes of section 58(4)(c) of the Act, the Majlis may, from time to time —

- (a) impose, on a trustee of a wakaf or nazar am appointed under an instrument or declaration creating, governing or affecting the wakaf or nazar am, such terms and conditions concerning the trustee's appointment as the Majlis considers appropriate; and
- (b) impose, on any mutawalli appointed under section 58(4A), (4B) or (5) of the Act, such terms and conditions concerning the mutawalli's appointment as the Majlis considers appropriate.

(2) The Majlis may vary or revoke any term or condition imposed under paragraph (1)(a) or (b).

Resignation of trustee or mutawalli

6.—(1) The following individuals may resign at any time after giving not less than one month's notice in writing to the Majlis:

- (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 under section 58(4A), (4B) or (5) of the Act for a wakaf or nazar am.

(2) A notice of resignation under paragraph (1) must state the trustee's or mutawalli's reasons for resignation.

(3) A trustee's or mutawalli's resignation takes effect on such date as the Majlis may specify in its letter of acceptance of the resignation.

(4) When the resignation of an individual as a trustee or mutawalli of a wakaf or nazar am takes effect, the individual must —

- (a) cease to represent that wakaf or nazar am;
- (b) cease to make any decision in relation to that wakaf or nazar am; and
- (c) surrender all documents, records and correspondence relating to that wakaf or nazar am that are in the individual's possession, custody or control to the Majlis or any remaining trustee or mutawalli of that wakaf or nazar am.

Removal of trustee or mutawalli

7.—(1) The Majlis must, before removing any existing trustee of a wakaf or nazar am under section 58(4A) of the Act, or removing under section 58(5) or (6) of the Act any mutawalli appointed for a wakaf or nazar am, give to the trustee or mutawalli concerned —

- (a) notice in writing of the Majlis' intention to do so; and
- (b) an opportunity to show cause, within such period as the Majlis may specify in that notice, why the Majlis should not remove the trustee or mutawalli concerned.

(2) The Majlis must give written notice to a trustee or mutawalli mentioned in paragraph (1) of the Majlis' decision whether to remove the trustee or mutawalli.

(3) Where the Majlis decides to remove a trustee or mutawalli mentioned in paragraph (1), the written notice mentioned in paragraph (2) —

- (a) must specify the date on which the removal will take effect; and
- (b) must be served on the trustee or mutawalli concerned at least 3 days before the date on which the removal will take effect.

(4) When the removal of an individual as a trustee or mutawalli of a wakaf or nazar am takes effect, the individual must —

- (a) cease to represent that wakaf or nazar am;
- (b) cease to make any decision in relation to that wakaf or nazar am; and
- (c) surrender all documents, records and correspondence relating to that wakaf or nazar am that are in the individual's possession, custody or power to the Majlis or any remaining trustee or mutawalli of that wakaf or nazar am.

Majlis may give directions

8.—(1) The Majlis may issue a direction under paragraph (3) to a trustee of a wakaf or nazar am appointed under an instrument or declaration creating, governing or affecting the wakaf or nazar am, if it is brought to the Majlis' attention that —

- (a) the wakaf or nazar am has been mismanaged;
- (b) the trustee has failed to comply with any provision of any rules made under section 145(1) of the Act for the purposes of section 58 of the Act or, in the case of a trustee of a wakaf, any rules made under section 64(12) of the Act;

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- (c) the trustee has failed to comply with any term or condition imposed by the Majlis on the trustee concerning the trustee's appointment; or
- (d) a dispute concerning the management of the wakaf or nazar am has arisen.
- (2) The Majlis may issue a direction under paragraph (3) to a mutawalli appointed under section 58(4A), (4B) or (5) of the Act for a wakaf or nazar am, if it is brought to the Majlis' attention that —
- (a) the wakaf or nazar am has been mismanaged;
- (b) the mutawalli has failed to comply with any provision of any rules made under section 145(1) of the Act for the purposes of section 58 of the Act or, in the case of a mutawalli appointed for a wakaf, any rules made under section 64(12) of the Act;
- (c) the mutawalli has failed to comply with any term or condition imposed by the Majlis on the mutawalli concerning the mutawalli's appointment; or
- (d) a dispute concerning the management of the wakaf or nazar am has arisen.
- (3) The Majlis may direct a trustee mentioned in paragraph (1), or a mutawalli mentioned in paragraph (2) —
- (a) to show cause why the trustee or mutawalli should not be removed, if a matter mentioned in paragraph (1)(a), (b) or (c) or (2)(a), (b) or (c) (as the case may be) is brought to the Majlis' attention; or
- (b) to undergo a dispute resolution process, if a matter mentioned in paragraph (1)(d) or (2)(d) (as the case may be) is brought to the Majlis' attention.
- (4) The Majlis may issue directions relating to the scope, application, operations and procedures of the dispute resolution process mentioned in paragraph (3)(b).

Made on 14 September 2018.

By Command,

TAN KEE YONG
*Secretary to the Cabinet,
Singapore.*

[MCCY 76-04-02; AG/LEGIS/SL/3/2015/9 Vol. 1]