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The following Act was passed by Parliament on 1 August 2017 and assented to by the President on 23 August 2017:—

REPUBLIC OF SINGAPORE

No. 33 of 2017.

I assent.

TONY TAN KENG YAM,
President.
23 August 2017.



An Act to amend the Administration of Muslim Law Act (Chapter 3 of the 2009 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Administration of Muslim Law (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Repeal of section 8

2. Section 8 of the Administration of Muslim Law Act (called in this Act the principal Act) is repealed.

Amendment of section 21

3. Section 21 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) The Majlis must ensure that minutes of every meeting are kept in the national language or in English.”; and

(b) by deleting the words “shall be entered in the minute book of the Majlis and” in subsection (3).

Amendment of section 34B

4. Section 34B of the principal Act is amended —

(a) by deleting the words “a deputy registrar” in subsection (1) and substituting the words “one or more deputy registrars”;

(b) by deleting subsection (2) and substituting the following subsection:

“(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.”;
- (c) by inserting, immediately after the words “Subject to this Act, the” in subsection (3), the word “jurisdiction.”; and
- (d) by deleting the words “the deputy registrar” in subsection (3) and substituting the words “a deputy registrar”.

Amendment of section 35

5. Section 35 of the principal Act is amended —

- (a) by deleting the word “The” in subsection (2) and substituting the words “Subject to subsection (2A), the”;
- (b) by inserting, immediately after subsection (2), the following subsection:

“(2A) Where any action or proceeding mentioned in subsection (2) is commenced on or after the date of commencement of section 5(b) of the Administration of Muslim Law (Amendment) Act 2017, 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.”; and
- (c) by inserting, immediately after subsection (3), the following subsection:

“(4) For the purposes of subsection (2A), a person who is a citizen of Singapore is presumed to be domiciled in Singapore, until the contrary is proved.”.

Amendment of section 43

6. Section 43 of the principal Act is amended by deleting the words “and of a court under Division 1 of Part XXI of the Criminal Procedure Code 2010” in paragraph (e).

New sections 43A and 43B

7. The principal Act is amended by inserting, immediately after section 43, the following sections:

“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.

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

(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.

(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).

(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.

(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).

(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.

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.

(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.

(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.”

Repeal and re-enactment of section 46

8. Section 46 of the principal Act is repealed and the following section substituted therefor:

“Sittings in camera, etc.

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

(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.”.

New section 46A

9. The principal Act is amended by inserting, immediately after section 46, the following section:

“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.

(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.

(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.

(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.

(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.

(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.

(7) Without prejudice to the generality of 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.

(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.

(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.

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

(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.

(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).”.

New section 46B

10. The principal Act is amended by inserting, immediately before section 47, the following section:

“Divorce by husband’s pronouncement

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

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

(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.”.

Amendment of section 47

11. Section 47 of the principal Act is amended —

(a) by deleting the words “shall summon the husband before the Court” in subsection (2) and substituting the words “must cause a summons to be served on the husband”; and

(b) by deleting the words “or the registrar of the Court” in subsection (5).

Amendment of section 50

12. Section 50 of the principal Act is amended —

- (a) by deleting the words “or the registrar of the Court” in subsections (1), (3), (4) and (7);
- (b) by deleting the words “or the registrar of the Court, as the case may be,” in subsection (2); and
- (c) by deleting the words “the Court or the registrar may” in subsection (4) and substituting the words “the Court may”.

New sections 54A and 54B

13. The principal Act is amended by inserting, immediately after section 54, the following sections:

“Unauthorised audio or visual recording in Court

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

(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.

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

(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.

(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.

(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.

(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.

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 (Cap. 224) that is committed before the Court in that proceeding.

(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).”.

Amendment of section 55

14. Section 55(3) of the principal Act is amended by deleting the words “2 years” and substituting the words “3 years”.

Amendment of section 56B

15. Section 56B of the principal Act is amended —

- (a) by deleting the words “the registrar or deputy registrar” in subsection (1) and substituting the words “the registrar or a deputy registrar”;
- (b) by deleting the words “No officer of the Court or any other person expressly authorised by the Court charged with the duty of executing any writ, summons, warrant, order, notice or other mandatory process of the Court shall be” in subsection (2) and substituting the words “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”; and
- (c) by inserting, immediately after subsection (3), the following subsections:

“(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.

(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.”.

Amendment of section 58

16. Section 58 of the principal Act is amended —

- (a) by inserting, immediately after subsection (3), the following subsection:

“(3A) The appointment, on or after the date of commencement of section 16(a) of the Administration of Muslim Law (Amendment) Act 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.”;

- (b) by deleting subsection (4) and substituting the following subsections:

“(4) 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 (4A), (4B) or (5) 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.

(4A) 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 the date of commencement of section 16(b) of the Administration of Muslim Law (Amendment) Act 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.

(4B) 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.”; and

(c) by inserting, immediately after subsection (5), the following subsections:

“(6) Without affecting the generality of subsection (5), 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 the date of commencement of section 16(c) of the Administration of Muslim Law (Amendment) Act 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.

(7) 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.

(8) Subsections (3A), (4), (4A) and (7)(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 the date of commencement of section 16(c) of the Administration of Muslim Law (Amendment) Act 2017.”.

Amendment of section 61

17. Section 61 of the principal Act is amended by inserting, immediately after subsection (2), the following subsections:

“(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) such other purposes related to that wakaf or nazar am as may be prescribed by rules made under subsection (6).

(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.

(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.

(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.”.

Amendment of section 74

18. Section 74 of the principal Act is amended —

(a) by deleting subsection (3) and substituting the following subsections:

“(3) The trustees of a mosque appointed under a written instrument, and any mutawalli appointed under subsection (3A), (3B) or (4) 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.

(3A) 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.

(3B) 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.”; and

(b) by inserting, immediately after subsection (4), the following subsections:

“(5) Without affecting the generality of subsection (4), 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.

(6) Despite anything in subsections (3A), (4) and (5) and section 58(4A), (5) and (6), 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(4A), (5) or (6) 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 (3A), (4) or (5) as a trustee or mutawalli of the mosque.

(7) Subsections (3), (3A) and (6) apply to a trustee of a mosque appointed under a written instrument, regardless whether the instrument was made before, on or after the date of commencement of section 18(b) of the Administration of Muslim Law (Amendment) Act 2017.

(8) Subsection (6) 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 the date of commencement of section 18(b) of the Administration of Muslim Law (Amendment) Act 2017.”.

Amendment of section 77

19. Section 77(1) of the principal Act is amended by deleting paragraph (a) and substituting the following paragraph:

- “(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;”.

Amendment of section 79

20. Section 79 of the principal Act is amended —

- (a) by deleting the words “not exceeding 12 months” in subsection (1) and substituting the words “specified by him in the form”; and
- (b) by deleting subsection (4) and substituting the following subsection:

“(4) Where an employee has exercised an option under subsection (1), his 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).”.

Amendment of section 82

21. Section 82 of the principal Act is amended by deleting the word “trustees” in subsections (1), (2), (3) and (5) and substituting in each case the word “mutawallis”.

Amendment of section 88E

22. Section 88E(4) of the principal Act is amended by deleting the words “to the Majlis” and substituting the words “into the Consolidated Fund”.

New section 94A

23. The principal Act is amended by inserting, immediately after section 94, the following section:

“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.

(2) An application cannot be made to a Kadi or Naib Kadi for the solemnization 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.

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

New section 94B

24. The principal Act is amended by inserting, immediately before section 95, the following section:

“Consent to application for solemnization of marriage of minor

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

(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.

(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.

(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.”.

Amendment of section 95

25. Section 95 of the principal Act is amended by deleting subsections (1), (2) and (3) and substituting the following subsections:

“(1) Subject to the provisions of this Act, a marriage may be solemnized 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.

(2) On or after the date of commencement of section 25 of the Administration of Muslim Law (Amendment) Act 2017, both of the following conditions must be satisfied before the wali of the woman to be wedded can solemnize 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 solemnization of the marriage by the wali;
- (b) a Kadi or Naib Kadi is present during the solemnization of the marriage by the wali.

(3) Before solemnizing a marriage or giving his written consent to the solemnization 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.”.

Amendment of section 100

26. Section 100 of the principal Act is amended by deleting subsections (1) and (2) and substituting the following subsections:

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

(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.”.

Amendment of section 101

27. Section 101 of the principal Act is amended by deleting subsection (7) and substituting the following subsection:

“(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).”.

Amendment of section 102

28. Section 102 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) A Kadi or Naib Kadi —

- (a) must register a marriage (which was solemnized by him or in his presence) immediately after the solemnization of the marriage; and
- (b) may, at his option, register, or solemnize 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.”;
- (b) by deleting the words “marriage or” wherever they appear in subsection (2);
- (c) by deleting the words “and which has not been registered in accordance with subsection (1)” in subsection (2); and
- (d) by deleting the words “within 7 days of” in subsections (2)(a) and (5) and substituting in each case the words “within 7 days beginning on the date of”.

Amendment of section 103

29. Section 103 of the principal Act is amended —

- (a) by inserting, immediately after the words “solemnized by a Kadi or Naib Kadi,” in subsection (1), the words “or by the wali of the woman to be wedded in the presence of a Kadi or Naib Kadi,”;
- (b) by deleting the words “in the register of marriages and also in the certificate of marriage attached to the register” in subsection (1) and substituting the words “in the Register of Marriages and also in the certificate of marriage”; and
- (c) by deleting subsection (2) and substituting the following subsection:
 - “(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.”.

Amendment of section 106

30. Section 106(2) of the principal Act is amended —

- (a) by deleting the words “the register” and substituting the words “the Register of Marriages or Register of Revocation of Divorces (as appropriate)”; and
- (b) by deleting the word “signed” and substituting the word “authenticated”.

Amendment of section 107

31. Section 107 of the principal Act is amended by deleting the words “marriage or” wherever they appear (including the section heading).

Amendment of section 111

32. Section 111 of the principal Act is amended —

- (a) by deleting the words “, or by any nomination under section 49M(2) of the Insurance Act (Cap. 142),” in subsection (1); and
- (b) by deleting the words “, other than sections 49M and 61 thereof” in subsection (2)(aa).

Repeal of sections 116 and 117 and re-enactment of section 116

33. Sections 116 and 117 of the principal Act are repealed and the following section substituted therefor:

“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.

(2) This section does not affect the power given to the court by section 18 of the Probate and Administration Act (Cap. 251).”.

Repeal of section 125

34. Section 125 of the principal Act is repealed.

Amendment of section 141

35. Section 141 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) Each of the following is a public servant within the meaning of the Penal Code (Cap. 224):

- (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.”;

(b) by inserting, immediately after the words “before the Syariah Court” in subsection (2), the words “, before the Appeal Board”; and

(c) by deleting the section heading and substituting the following section heading:

“Public servants and judicial proceedings”.

Repeal and re-enactment of sections 143 and 144

36. Sections 143 and 144 of the principal Act are repealed and the following sections substituted therefor:

“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).

(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.

(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.

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).

(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.”

Amendment of section 145

37. Section 145(2) of the principal Act is amended by deleting paragraph (b) and substituting the following paragraphs:

- “(b) prescribing the jurisdiction, powers and duties of the registrar of the Syariah Court mentioned in section 34B(2)(b);
- (ba) providing for any matter concerning an appeal from a decision of the registrar of the Syariah Court;
- (bb) 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”.

New Fourth Schedule

38. The principal Act is amended by inserting, immediately after the Third Schedule, the following Schedule:

“FOURTH SCHEDULE

Section 94B

CONSENTS REQUIRED FOR MARRIAGE OF MINOR

PART 1

WHERE MINOR IS LEGITIMATE

<i>Circumstances</i>	<i>Person or persons whose consent is required</i>
1. Where both parents are living:	
(a) if parents are living together	both parents;
(b) if parents are divorced or separated by order of court or by agreement	(i) the parent to whom the custody of the minor is committed by order of any court or by the agreement; or

<i>Circumstances</i>	<i>Person or persons whose consent is required</i>
	(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;
(c) if one parent has been deserted by the other	the parent who has been deserted;
(d) if both parents have been deprived of custody of the minor by order of court	the person to whose custody the minor is committed by order of court.
2. Where one parent is dead:	
(a) if there is no other guardian	the surviving parent;
(b) if a guardian has been appointed by the deceased parent	(i) the surviving parent and the guardian, if acting jointly; or (ii) the surviving parent or the guardian, if the parent or guardian is the sole guardian of the minor.
3. Where both parents are dead	the guardian or guardians appointed by the deceased parents, or by the court, under the Guardianship of Infants Act (Cap. 122).

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.

Miscellaneous amendments

39. The principal Act is amended —

(a) by deleting the word “Secretary” wherever it appears in the following provisions and substituting in each case the words “Chief Executive”:

Sections 9(b), 16(2), 18(1) to (4), 20 (including the section heading), 23(1) and (2), 24(1) and 32(1) and (2), and paragraph 10 of the Second Schedule; and

(b) by deleting the words “, the Chief Executive and the Secretary” in section 25(1) and substituting the words “and the Chief Executive”.

Saving and transitional provisions

40.—(1) Despite section 14, section 55(3) of the principal Act as in force immediately before the date of commencement of section 14 continues to apply to every person who, on that date, serves on the panel of persons mentioned in section 55(3) of the principal Act, until the expiry of that person’s term on that panel.

(2) Despite section 20(a), section 79(1) of the principal Act as in force immediately before the date of commencement of section 20(a)

continues to apply to every option under section 79(1) of the principal Act that a Muslim employee exercises before that date.

(3) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by rules, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.
