

PART VI
MARRIAGE AND DIVORCE

Application

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

[29/2008]

Appointment of Registrar of Muslim Marriages

90.

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

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

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

Appointment of Kadis and Naib Kadis

91.

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

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

[14/90]

(3) The letter of appointment shall —

(a)

be in such form as the President of Singapore directs;

(b)

be signed by the President of Singapore;

(c)

state either —

(i)

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

(ii)

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

(d)

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

[14/90]

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

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

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

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

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

Deputy Registrars of Muslim Marriages

92.

—(1) Every Kadi and Naib Kadi —

(a)

shall be a Deputy Registrar of Muslim Marriages; and

(b)

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

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

Registers

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

Betrothal

94.

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

(a)

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

(b)

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

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

Solemnization of marriage

95.

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

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

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

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

Restriction on solemnization of marriage

96.

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

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

(a)

by a Kadi; or

(b)

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

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

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

[29/2008]

⁷ Section 19 of the Administration of Muslim Law (Amendment) Act 2008 (Act 29 of 2008) substituted “16 years” with “18 years” in [section 96\(4\)](#) and (5) of this Act with effect from 1st March 2009. Section 33 of the Administration of Muslim Law (Amendment) Act 2008 provides that nothing in section 19 of the Administration of Muslim Law (Amendment) Act 2008 shall affect the validity of any marriage solemnized under this Act before 1st March 2009.

⁸(5) Notwithstanding [subsection \(4\)](#), a Kadi may in special circumstances solemnize the marriage of a girl who is below the age of 18 years but has attained the age of puberty.

[29/2008]

⁸ Section 19 of the Administration of Muslim Law (Amendment) Act 2008 (Act 29 of 2008) substituted “16 years” with “18 years” in section 96(4) and (5) of this Act with effect from 1st March 2009. Section 33 of the Administration of Muslim Law (Amendment) Act 2008 provides that nothing in section 19 of the Administration of Muslim Law (Amendment) Act 2008 shall affect the validity of any marriage solemnized under this Act before 1st March 2009.

Marriage of janda

97.

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

(a)

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

(b)

she shall not be married unless she shall previously have produced —

(i)

a certificate of the death of her late husband;

(ii)

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

(iii)

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

(iv)

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

(c)

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

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

Place of marriage

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

Copy of certificate to be sent to Registrar

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

[14/90]

Registers of Marriages, Divorces and Revocation of Divorces

100.

—(1) The Registrar shall cause —

(a)

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

(b)

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

[14/90]

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

[14/90]

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

[14/90; 20/99]

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

101.

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

[14/90]

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

[14/90]

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

[14/90]

(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.

[29/2008]

(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.

[14/90; 20/99]

(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, he may, in the presence of the persons named in the certificate, or, if they are absent, in the presence of 2 credible witnesses, rectify such certificate.

[14/90]

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

[14/90]

(8) Every rectification made under [subsection \(6\)](#) shall be attested by the witnesses in whose presence it was made.

[14/90]

Registration of marriage, divorce or revocation of divorce compulsory

102.

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

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

(a)

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

(b)

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

(c)

apply in the prescribed form for the registration of such marriage or revocation of divorce.

[29/2008]

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

[29/2008]

(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 shall refer the application to the Syariah Court and the Syariah Court may make such decree or order as is lawful under the Muslim law.

[29/2008]

(5) In the case of every divorce effected in Singapore, the husband and wife shall attend personally at the Syariah Court within 7 days 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.

[29/2008]

Signing of register and inquiry by Kadi

103.

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

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

[29/2008]

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

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

[29/2008]

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

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

Refusal to register marriage 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 shall record his reasons for such refusal in a book to be kept for that purpose.

[29/2008]

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

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

Appeal

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

Where Appeal Board orders registration

106.

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

[29/2008]

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

[29/2008]

Extended time for registration of marriage or revocation of divorce

107. Any marriage or revocation of divorce which has not been registered within the time prescribed by [section 102](#) may, with the consent in writing of the Registrar, and subject to [section 102\(3\)](#) and [\(4\)](#) be registered by a Kadi within 3 months from the date of such marriage or revocation of divorce.

[29/2008]

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, shall 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.

[29/2008]

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

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