

Muslim Marriage and Divorce (Amendment No. 3) Rules 1997

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No. S 456

ADMINISTRATION OF MUSLIM LAW ACT (CHAPTER 3)

MUSLIM MARRIAGE AND DIVORCE (AMENDMENT NO. 3) RULES 1997

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

Citation and commencement

- 1. These Rules may be cited as the Muslim Marriage and Divorce (Amendment No. 3)**

Rules 1997 and shall come into operation on 1st November 1997.

Amendment of rule 2

2. Rule 2 of the Muslim Marriage and Divorce Rules (R 1) (referred to in these Rules as the principal Rules) is amended by inserting, immediately after the definition of “Court”, the following definition:

“ “Secretary” means the Secretary of the Majlis;”.

Deletion and substitution of rule 29

3. Rule 29 of the principal Rules is deleted and the following rule substituted therefor:

“Appeal

29.—(1) Subject to section 55 of the Act, any party to a proceeding before a Kadi or Naib Kadi or a proceeding in the Court may appeal against the judgment or order of the Kadi, Naib Kadi or the Court, as the case may be, to the Appeal Board constituted under that section.

(2) Where leave to appeal is required, an application for such leave shall be submitted to the Secretary in such form as the Majlis may require and a copy shall be served on each respondent or his solicitor.

(3) The application for leave to appeal shall state the particulars of matters of law and fact relied on in support of the application and be accompanied by a certified copy of the judgment or order against which it is desired to appeal, an affidavit in support of the application and a deposit of \$753 to cover any fees payable under rule 35.

(4) An appeal shall be brought by submitting to the Secretary a notice of appeal in such form as the Majlis may require.

(5) The notice of appeal shall be accompanied by —

(a) a deposit of \$1,253 to cover any fees payable under rules 32, 34 and 35; and

(b) (i) where leave to appeal has been applied for and obtained, a copy of the certified true copy of the order of the Appeal Board granting such leave; or

(ii) in any other case, a certified copy of the judgment or order against which it is desired to appeal.

(6) The Secretary shall cause a copy of the notice of appeal to be served as soon as possible on the Kadi, the Naib Kadi or the Court, as the case may be, and on each respondent or his solicitor.

(7) Upon receiving a notice of appeal, the Kadi, the Naib Kadi or the presiding officer of the Court, as the case may be, shall prepare and sign a copy of the grounds of his decision and forward it to the Secretary who shall thereupon give notice to the appellant that the grounds of decision are available.

(8) Upon the request of the appellant and upon payment of any additional amount necessary to cover the fees referred to in paragraph (5)(a), the Secretary shall supply the grounds of decision to the appellant together with a copy of the notes of evidence and copies of any other documents for which the appellant has applied to enable him to prepare the record of appeal.

(9) Within 21 days after receipt of the notice from the Secretary that the grounds of decision are available, the appellant shall submit to the Secretary 4 copies of the record of appeal and serve a copy on each respondent or his solicitor.

(10) The record of appeal shall consist of a petition addressed to the Appeal Board stating the grounds of the appellant's objection to the judgment or order appealed from, a copy of the notes of evidence of the Kadi, the Naib Kadi or the Court, as the case may be, copies of all exhibits and documentary evidence, a copy of the notice of appeal and an index.

(11) If the record of appeal is not submitted within the time specified in paragraph (9), the appeal shall be deemed to have been withdrawn unless the Appeal Board, on the application of the appellant, extends the time for filing the record of appeal.

(12) A respondent to an appeal may give notice to the Appeal Board through the Secretary and the other parties thereto that he intends to contend that the judgment or order appealed from should be varied, and such notice shall operate as a cross-appeal.

(13) The Court may, in its discretion, grant a stay of execution of any judgment or order pending appeal.

(14) Where an appeal has been withdrawn, the Secretary shall —

- (a) inform the Kadi, the Naib Kadi or the Court, as the case may be, and the parties to the appeal or their solicitors of the withdrawal; and
- (b) return the balance of the amount paid under paragraph (3), (5)(a) or (8), as the case may be, after deducting the fees payable under