

MUSLIM MARRIAGE AND DIVORCE ACT

CHAPTER 45:02

Act

7 of 1961

Amended by

28 of 1973

136/1976

*31 of 1980

6 of 1993

*8 of 2017

(*See Notes on page 2)

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Note on Validation

The Act of this Chapter was re-enacted with retrospective effect and all acts done under it validated by Act No. 31 of 1980.

Note on Act No. 8 of 2017

The Amendments made to this Act by Act No. 8 of 2017 took effect on 2nd October 2017 by LN 109/2017.

CHAPTER 45:02

MUSLIM MARRIAGE AND DIVORCE ACT

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CHAPTER 45:02

MUSLIM MARRIAGE AND DIVORCE ACT

An Act relating to Muslim Marriages and Divorces and their Registration. 7 of 1961.

[1ST DECEMBER 1964]

1. This Act may be cited as the Muslim Marriage and Divorce Act.

*Commencement.
107/1964.
31 of 1980.
Short title.

**PART I
GENERAL**

2. In this Act—

“Chairman” means the Chairman of a Council;

“Council” means a Council of Divorce appointed in accordance with the provisions of the Divorce Regulations;

“district” means a Muslim Marriage district constituted under section 3;

“Divorce Officer” means a person appointed as such in accordance with the provisions of the Divorce Regulations;

“Divorce Regulations” means the Muslim Marriage and Divorce Regulations;

Interpretation.
[8 of 2017].

Sub. Leg. infra.

“the former Ordinance” means the Muslim Marriage and Divorce Registration Ordinance;

Ch. 29, No. 4.
(1950 Ed).

“Marriage Officer” means a person appointed to be a Muslim Marriage Officer in accordance with section 5 or of the former Ordinance;

“Registrar” means a Registrar of Muslim Marriages appointed under section 4;

“Registrar General” means the Registrar General of Muslim Marriages and Divorces appointed under section 4;

“Secretary” means the Secretary of a Council.

*See Act No. 31 of 1980.

Muslim marriage districts.

3. The President may by Order divide Trinidad and Tobago into Muslim marriage districts for the purposes of this Act and may by Order alter the districts either by change of boundaries or by union or subdivision of districts or by the formation of new districts.

Appointment of Registrar General and Registrars.

4. The President may appoint a fit and proper person to be the Registrar General of Muslim Marriages and Divorces for Trinidad and Tobago and a fit and proper person to be Registrar of Muslim Marriages for each district.

Muslim Marriage Officers.

5. (1) The President in his discretion may appoint any fit and proper person, being a member of the Muslim community, to be a Marriage Officer for the purposes of this Act and the President may, without assigning any reason for so doing, cancel any such appointment.

(2) Every such appointment or cancellation thereof shall be published in the *Gazette*.

(3) A Marriage Officer may act as such in any district.

(4) Every Registrar shall keep affixed in a conspicuous place in his office a list containing the names and addresses of all Marriage Officers.

Application for licence as a Marriage Officer.
[6 of 1993].

5A. (1) A member of the Muslim community who desires to be licensed as a Marriage Officer shall make an application to the Minister which shall—

(a) state the dwelling place of the applicant;

(b) state the name of the Muslim organisation to which he belongs;

(c) be accompanied by a certificate from the head of such organisation to the effect that the applicant is a fit and proper person to be licensed as a Marriage Officer; and

(d) be accompanied by a fee of fifty dollars.

(2) Upon the grant of the licence, the applicant shall pay a fee of two hundred dollars.

(3) A licence granted under this section is renewable every ten years on payment of a fee of one hundred dollars.

PART II
MARRIAGES

6. The requisites of a valid Muslim marriage under this Act are— Requisites of marriage.

- (a) that each of the parties belongs to and professes the Muslim faith or religion;
- (b) that each of the parties shall, as regards age, mental capacity and otherwise, be capable of contracting marriage;
- (c) that the parties shall not by reason of anything contained in the Islamic Law relating to marriage be prohibited from marrying one another;
- (d) that the parties, understanding the nature of the contract, shall freely consent to marry one another;
- (e) that the marriage shall be contracted before a Marriage Officer;
- (f) that the marriage shall be registered in accordance with the provisions of this Act.

7. (1) A Muslim marriage may be contracted before a Marriage Officer without previous notice of the intended marriage being given or without any other formality required by the Marriage Act. Effect of Muslim marriages. [8 of 2017].
Ch. 45:01.

(1A) A marriage shall be solemnised with open doors between the hours of six o'clock in the forenoon and nine o'clock in the evening of the same day, and in the presence of two or more credible witnesses and the Marriage Officer.

(2) Every marriage effected or contracted under this Act or the former Ordinance shall, subject to the provisions of this Act, be as valid as if it had been solemnised or contracted in conformity with the provisions of the Marriage Act.

(3) Nothing in this Act shall authorise or validate the contracting or registration of a polygamous marriage.

Age at which a person may contract marriage.
[8 of 2017].

8. (1) The age at which a person, being a member of the Muslim community, is capable of contracting a marriage is eighteen years.

(2) A marriage shall not be solemnised by a Marriage Officer if either of the parties to the marriage is under eighteen years of age.

(3) Where a marriage is contracted by proxy, the parties on whose behalf the proxy is contracting shall be in compliance with subsection (1).

(4) Nothing in subsection (1) affects the validity of a marriage solemnised before the commencement of the Miscellaneous Provisions (Marriage) Act, 2017, and any such marriage is valid or becomes valid in any case where, if the Act had not come into force, it would be, or would have become valid.

9. (Repealed by Act No. 8 of 2017).

Prohibitions *re* intermarrying and marriages within prohibited degrees.
[8 of 2017].

10. (1) If any persons intermarry otherwise than in accordance with this Act, or if the parties to any marriage are within the prohibited degrees of consanguinity or affinity according to the Islamic Law relating to marriage, the marriage of such persons shall not be registered under this Act.

(2) A Marriage Officer who knowingly and wilfully issues any certificate for the marriage of any persons being within the prohibited degrees of consanguinity or affinity according to Islamic law related to marriage commits an offence and is liable on conviction on indictment to a fine of forty thousand dollars and to imprisonment for five years.

Completion of marriage certificate and transmission to District Registrar and Registrar General.
[8 of 2017].

11. (1) Immediately after a Muslim marriage has been contracted before a Marriage Officer, he shall enter in a book to be supplied by the Registrar General and kept by the Marriage Officer for that purpose (to be called the “Muslim Marriage

Certificate Book”) a certificate in the prescribed form of the marriage, which shall be signed by the Marriage Officer and by the parties to the marriage and by two credible witnesses, and the Marriage Officer shall enter up in the counterfoil the prescribed particulars and sign the same.

(2) Every Marriage Officer shall, within seven days of a Muslim marriage being contracted before him, transmit to the Registrar for the district the certificate referred to in subsection (1) together with the prescribed fee.

(3) Upon receipt of the certificate the Registrar, if it appears to him that the other requisites of a valid Muslim marriage have been complied with shall countersign the certificate so forwarded and transmit the same to the Registrar General for registration.

(4) Any Marriage Officer who, without reasonable cause or excuse, fails to transmit to the Registrar any certificate in accordance with this section together with the prescribed fee commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

12. (1) Any Muslim marriage, which was entered into prior to the commencement of the former Ordinance (that is, 1st July 1936) between Muslims domiciled in Trinidad and Tobago at the date of the marriage and which marriage is still subsisting and is valid according to the Islamic Law relating to marriage, may be registered under this Act in accordance with the provisions contained below.

Registration of marriages entered into prior to commencement of Act.

(2) The parties to the prior marriage shall attend together with a Marriage Officer before a Registrar and the parties shall, in the presence of and before the Registrar, make a declaration in the form prescribed which declaration shall be certified by the Marriage Officer in the manner prescribed.

(3) If it appears to the Registrar that the other requisites of a valid Muslim marriage were complied with at the date it was contracted and that the prior marriage is still subsisting he shall transmit the declaration to the Registrar General for registration.

Filing of certificate and registration of marriage by Registrar General.

13. (1) The Registrar General shall file in his office all certificates and declarations of Muslim marriages which are transmitted to him, and shall forthwith register in a book in the prescribed form to be kept in his office for such purpose and to be called the “Muslim Marriage Register” particulars of every certificate and declaration of a Muslim marriage which are filed in his office, and every entry so made shall be dated on the day on which it is so entered and shall be signed by the Registrar General, and the Register shall be kept in such manner as is best suited for easy reference thereto.

(2) Upon the registration by the Registrar General, and upon payment of the prescribed fee, he shall issue and transmit to the parties to the marriage a certificate of registration of the marriage in the prescribed form, and in the case of a marriage contracted after the commencement of the former Ordinance (that is, 1st July 1936) he shall send a notification of the fact and date of registration to the Marriage Officer before whom the marriage was contracted, who shall thereupon enter such particulars in the space provided for the purpose in the counterfoil of the Muslim Marriage Certificate Book.

Registration to legitimate children of marriage so registered.

14. The children of any Muslim marriage registered in accordance with this Act shall be legitimate, and in the case of the children of a prior marriage registered by virtue of section 12 the date of the legitimation shall be the date of registration of the prior marriage. However, the legitimation in respect of each child of the prior marriage shall have effect as from the date of the birth of each such child, and the provisions of this section shall not operate to alter the status of any child deemed legitimate by virtue of any other law.

Application of Legitimation Act.
Ch. 46:04.

15. The Legitimation Act*, save and except sections 3 and 10 thereof, shall apply, *mutatis mutandis*, to persons legitimated by reason of registration of marriage under this Act or the former Ordinance.

*The Legitimation Act was repealed by Act No. 17 of 1981.

**PART III
DIVORCES**

16. Part III of this Act shall apply to every dissolution or annulment of a marriage between Muslims (hereinafter in this Act referred to as a divorce) effected or decreed after the commencement of the former Ordinance (that is, 1st July 1936), and all divorces decreed by a Council and registered in accordance with the provisions of this Act and the Divorce Regulations shall be valid for all purposes as from the date of registration.

Application.

Sub. Leg. infra.

17. (1) Notwithstanding Part III of this Act, the High Court or a Judge thereof shall have jurisdiction to entertain applications relating to the maintenance of the wife, and to the custody and maintenance of the issue of a marriage which has been dissolved or annulled at any time under this Act or the former Ordinance.

Jurisdiction of Supreme Court in relation to maintenance and custody. Ch. 4:01.

(2) An application referred to in subsection (1) shall be determined according to the general law for the time being in force in relation to the applications.

18. Immediately after a *decree nisi* of divorce has been made absolute by a Council, the Secretary shall enter in a book to be supplied by the Registrar General and kept by the Secretary for that purpose to be called the “Muslim Divorce Certificate Book” a certificate in the prescribed form of the dissolution or annulment of the marriage which shall be signed by the Secretary and the Chairman.

Completion of Divorce Certificate.

19. The Secretary shall, within seven days after a *decree nisi* of divorce has been made absolute, transmit to the Registrar General the certificate referred to in section 18 together with an application for registration thereof accompanied by the prescribed fee.

Transmission of certificate to Registrar General.

20. (1) Upon receipt of any certificate and application for registration of a divorce, the Registrar General, if it appears to him that such are in order, shall file in his office the application and certificate, and shall forthwith register in a book in the

Filing of certificate and registration of divorce by Registrar General.

prescribed form to be kept in his office for such purpose and to be called the “Muslim Divorce Register” particulars of every certificate of a Muslim divorce which are filed in his office, and every entry so made shall be dated on the day on which it is so entered and shall be signed by the Registrar General and the Register shall be kept in such manner as is best suited for easy reference thereto.

(2) Upon the registration as aforesaid, the Registrar General shall transmit to the Secretary notification of the fact and date of registration of the divorce, and the Secretary shall thereupon enter such particulars in the space provided for the purpose in the counterfoil of the Muslim Divorce Certificate Book.

Period within which registration may be effected.

21. Registration under this Act of any divorce shall not be effected later than one month from the date on which the *decree nisi* was made absolute.

PART IV

MISCELLANEOUS

Correction of clerical errors in Registers.

22. The Registrar General may correct any clerical error in any certificate of marriage or certificate of divorce filed in his office and in the Muslim Marriage Register or Muslim Divorce Register and shall authenticate every such correction by his signature and the date of the correction.

Searches in Registers and copies of entries.

23. (1) Upon payment of the prescribed fees, the Registrar General shall at all reasonable times allow searches to be made in the Muslim Marriage Register or Muslim Divorce Register and shall give certified copies therefrom.

(2) Any copy certified under the hand of the Registrar General to be a correct copy of any entry in the Muslim Marriage Register or Muslim Divorce Register shall be admissible as evidence of the registration of the marriage or the divorce to which it relates in all Courts or before any person now or hereafter having by law or consent of parties authority to hear, receive and examine evidence.

24. (1) All prescribed applications, certificates and entries in the appropriate Registers shall be in the English language.

Use of English language.

(2) A Marriage Officer who is unable to write, but able to read, the English language may cause the particulars required in the certificates and entries in the Muslim Marriage Register to be written in the English language in his presence by another person, but the officer must nevertheless sign the certificates and entries in the Register.

24A. A person who, without being duly licensed as a Marriage Officer—

Offences by unlicensed Marriage Officer. [8 of 2017].

- (a) knowingly and wilfully solemnises any marriage purporting to be a Marriage Officer under this Act; or
- (b) knowingly and wilfully makes or signs any certificate or signs any declaration required by this Act to be made or signed by a Marriage Officer,

commits an offence and is liable on conviction on indictment to a fine of forty thousand dollars and to imprisonment for five years.

25. Any person who knowingly and wilfully makes any false oath, affidavit or declaration, or signs any false application, notice or certificate required by this Act, for the purpose of the registration of any marriage or divorce, and any person who wilfully makes, or causes to be made, for the purpose of being inserted in any Muslim Marriage Register or Muslim Divorce Register, any false statement touching any of the particulars required to be known and registered, commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.

False oath or statement. [8 of 2017].

26. Any person who knowingly and wilfully forges or alters or falsely makes, or procures to be forged or altered or falsely made, or offers, utters or disposes of, knowing the same to have been forged or altered or falsely made, any register book or any

Forging or altering register book, notice, etc. [8 of 2017].

notice, certificate, entry or statement mentioned in this Act, or any certified copy thereof respectively, or wilfully inserts or causes to be inserted in any register book or certified copy thereof any false entry of marriage or divorce, or wilfully gives any false certificate, or certifies any writing to be a copy or extract of any Register, knowing the same to be false in any part thereof, or forges or counterfeits the seal of the Registrar General, commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.

Destroying or
damaging
register book,
etc.
[8 of 2017].

27. Any person who unlawfully and maliciously destroys or damages, or causes to be destroyed or damaged, any Register or any notice, certificate, entry or statement mentioned in this Act, or any certified copy thereof respectively, commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.

Losing or
damaging
register book or
certified copy.
[8 of 2017].

27A. (1) Any person having the custody of any register or book, or any part thereof, who negligently loses or damages the same or negligently allows the same to be damaged or lost whilst in his keeping, commits an offence and is liable on summary conviction to a fine of forty thousand dollars and to imprisonment for five years.

(2) Any person having the custody of any certified copies of any register or book, or any part thereof, who negligently loses or damages the same or negligently allows the same to be damaged whilst in his keeping, commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years.

Solemnising the
marriage of a
person under
eighteen years
of age.
[8 of 2017].

27B. (1) A person who knowingly and wilfully solemnises the marriage of a person who is under eighteen years of age commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years.

(2) A person who is convicted under subsection (1) shall cease to be eligible to hold a licence or to solemnise any marriage.

(3) The Registrar General shall publish a notice of the names of persons who are no longer entitled to hold a licence in the *Gazette*.

(4) A notice published under subsection (3) shall take effect on publication.

28. No prosecution under this Act shall be commenced after the expiration of five years from the commission of the offence nor without the written consent of the Director of Public Prosecutions.

Limitation.
[136/1976].
[8 of 2017].

29. All fees received by the Registrar General or a Registrar under this Act shall be paid into public funds.

Disposal of
fees.

30. (1) The President may make such Regulations as may be necessary for the proper carrying out of the provisions of this Act and without prejudice to the generality of the foregoing the Regulations may prescribe—

Regulations.
[8 of 2017].

- (a) the place or places at which shall be situated the offices of the several Registrars;
- (b) the form of any certificate, register or other document required for the purpose of this Act;
- (c) the conditions under which registers or other documents may be inspected;
- (d) the fees to be paid in respect of anything required or permitted to be done under this Act and provision for their remission on account of the poverty of the parties or for other good reason.

(2) Regulations made under subsection (1) shall be laid before Parliament.

(2A) Regulations made under this section may provide that a breach thereof shall constitute a summary offence punishable by a fine not exceeding three thousand dollars and to imprisonment not exceeding six months.

(3) The Muslim Marriage and Divorce Regulations (formerly contained in a Schedule to this Act) shall be deemed to be made under subsection (1) and may be amended or revoked under this section.

Savings.
[8 of 2017].

31. The repeal of any provision of this Act by the Miscellaneous Provisions (Marriage) Act, 2017 shall not affect any document made or any thing whatsoever done under the provision so repealed, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue to have effect.

SUBSIDIARY LEGISLATION

MUSLIM MARRIAGE AND DIVORCE REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.

**PART I
GENERAL**

2. Fees.
3. Forms.

**PART II
DIVORCE REGULATIONS**

4. Divorce Officers.
5. Filing application.
6. Separate applications.
7. Sitting of Council.
8. Marriage certificate and receipt.
9. Hearing and determining application.
10. *Decree nisi*.
11. Determination final.
12. Fees.
13. Rule-making Committee.
14. Transmission of copy.

SCHEDULE.

[Subsidiary]

7 of 1961.
[51/1980
11 of 1988
6 of 1993].

MUSLIM MARRIAGE AND DIVORCE REGULATIONS

made under section 30

Citation.

1. These Regulations may be cited as the Muslim Marriage and Divorce Regulations.

PART I

GENERAL

Fees.
Schedule.

2. The fees set forth in Part A of the Schedule shall be payable in respect of the matters therein specified.

Forms.
Schedule.

3. The forms set forth in Part B of the Schedule shall be the forms to be used in respect of the matters therein specified.

PART II

DIVORCE REGULATIONS

Divorce
Officers.

4. (1) There shall be in and for Trinidad and Tobago not more than fifteen Divorce Officers who shall be appointed by the President in accordance with the provisions of this regulation.

(2) Each of the Muslim bodies to whom these Regulations apply may recommend for appointment as Divorce Officers a panel of not less than three and not more than five persons; and at all times at least one Divorce Officer on each panel shall be an Attorney-at-law of at least three years standing.

(3) The Muslim bodies to whom these Regulations apply are—

- (a) the Trinidad Muslim League Inc.;
- (b) the Anjuman Sunnat-Ul-Jamaat Association of Trinidad Inc.; and
- (c) the Tackveeyatul Islamic Association of Trinidad Inc.

(4) The appointment and removal of any Divorce Officer shall be notified in the *Gazette*.

5. (1) Either party to a marriage shall be at liberty to apply to the Muslim body to which he belongs for the dissolution or annulment of the marriage by filing the application therefor with the Secretary of that body. Filing application.

(2) The date and time of filing of the application shall be endorsed thereon by the Secretary who shall give an acknowledgment for the application containing the aforesaid particulars to the party filing the application.

(3) A copy of the application certified by the Secretary and notice of the time and place of the hearing thereof signed by the Secretary shall be served on the spouse of the person making the application by the Secretary or by anyone deputed by him in writing to do so.

(4) Every such application shall be determined by a Council consisting of three Divorce Officers, one of whom, who shall be an Attorney-at-law of at least three years standing, shall be the Chairman.

(5) The Muslim body to whom an application is made under this regulation shall nominate the Chairman and the other two Divorce Officers to constitute the Council for the determination of the application.

(6) Each of the said Muslim bodies shall also appoint a person to be the Secretary of its Council and the Registrar General shall be notified of the appointment and removal of any Secretary and every such appointment and removal shall be notified in the *Gazette*.

6. (1) In any case in which separate applications for dissolution or annulment of marriage are filed by the husband and wife with different Muslim bodies the applications shall be determined according to the following order of priorities: Separate applications.

- (a) if the husband and wife both belong to one of such bodies, by the Council of that body;
- (b) if the marriage was contracted before a Marriage Officer of one of such bodies, by the Council of that body;

- (c) if the applications were filed on different days, by the Council of that body with which the application was filed first in order of time;
- (d) if the applications were filed on the same day, by the Council of the body with which the husband's application was filed.

(2) If any question arises as to which Council is required to determine applications under subregulation (1), it shall be referred to and decided by the Registrar General whose decision shall be final.

Sitting of Council.

7. (1) A Council shall sit at such times and places as it determines, but not more than sixty days shall elapse between the date of receipt of an application and the date of hearing of the application.

(2) The Secretary shall keep a record of all applications made to the Council, of any evidence which may be taken on the hearing of the applications and of the decisions of the Council.

Marriage certificate and receipt.

8. Each application for dissolution or annulment of marriage shall be accompanied by the relevant marriage certificate and by the receipt of the Registrar General evidencing payment of the prescribed fees and shall be made in the form of the prescribed affidavit or other prescribed form.

Hearing and determining application.

9. (1) The Council shall hear the applicant, and in contested suits the respondent, and such other evidence as either party may wish to adduce and shall determine the application in accordance with the principles of Islamic Law.

(2) The parties shall be entitled to appear by an Attorney-at-law.

Decree nisi.

10. No dissolution or annulment of marriage shall be made absolute in the first place but the Council may pronounce a *decree nisi* to be made absolute within a period of not less than three months and not more than nine months.

11. The determination of the Council shall be final and conclusive between the parties. Determination final.

12. On the determination of each application for a *decree nisi* or absolute the Registrar General may authorise the payment of the following fees which shall be paid by the Comptroller of Accounts to the persons certified by the Chairman and Secretary to be entitled thereto— Fees. [51/1980].

	<i>Decree Nisi</i>	<i>Decree Absolute</i>
(a) to each Divorce Officer other than the Chairman ...	\$10.00	\$ 5.00
(b) to the Secretary ...	10.00	5.00
(c) to the Chairman ...		10.00
(i) in an uncontested suit ...	25.00	
(ii) in a contested suit ...	40.00	
(d) to person serving an application ...		5.00.

13. (1) There shall be a rule-making Committee consisting of three members who shall be appointed by the Registrar General in accordance with the provisions of this regulation; and at least one of such persons shall be an Attorney-at-law of at least three years standing. Rule-making Committee.

(2) Subject to subregulation (1) each of the Muslim bodies referred to in regulation 4 shall recommend a Divorce Officer for appointment to the Committee.

(3) The Committee may, subject to the approval of the President, make Rules prescribing the procedure and practice, including the rules of evidence, to be observed by a Council in dealing with applications under these Regulations.

(4) In the absence of any Rules relating to any matter the law and practice in force in Trinidad and Tobago governing matters of a similar nature in the Courts shall be applied *mutatis mutandis*.

Transmission
of copy.

14. (1) A copy of every application filed under these Regulations and of the decision of a Council thereon shall, within seven days of the date of the filing or of the decision, as the case may be, be transmitted by the Secretary to the Registrar General and to the Secretary of each of the other Councils.

(2) The Registrar General shall keep records of all applications and decisions transmitted to him under this regulation and such records shall be open to public inspection on payment of a fee of twenty-five cents.

Regulations 2,
3,
[51/1980
11 of 1988
6 of 1993].

SCHEDULE

PART A—FEES

Marriage registration fee	\$1.50
(Payable to District Registrar by Marriage Officer on transmitting certificate of marriage)	
On issue of certificate of registration of marriage	1.50
Divorce registration fee	3.60
(Payable to Registrar General by the Secretary transmitting certificate of divorce)	
For every search in any register book	12.50
For every certified copy of any entry	12.50
For every search not directed to any particular entry	30.00

Payable to the Registrar General

On application for a dissolution or annulment of marriage	50.00
On setting down for hearing—	
(i) an uncontested suit	10.00
(ii) a contested suit	25.00
On application for a decree absolute	20.00

FORM B

REPUBLIC OF TRINIDAD AND TOBAGO
MUSLIM MARRIAGE AND DIVORCE ACT

DECLARATION REQUIRED BY SECTION 12(2)

Date and place of marriage	Husband's name and age at date of marriage	Wife's name and age at date of marriage	Names and dates of births of children and deaths, if any

I, of and I his wife respectively do solemnly and sincerely declare as follows:

1. The details of the marriage set out above are true and such marriage was in accordance with the Islamic Law relating to marriage.
2. That at the date of such marriage we were domiciled in Trinidad and Tobago.
3. That such marriage is still subsisting according to the Islamic Law at the date hereunder written.

Declared at this day of, 20.....

Before me,

Registrar of Muslim Marriages

I, of a Muslim Marriage Officer appointed under the Muslim Marriage and Divorce Act do hereby certify as follows:

1. That the parties to the marriage specified above are desirous of registering such marriage under the said Act.
2. That I have enquired into the circumstances of such marriage and to the best of my knowledge, information and belief the details specified above are true and that such marriage was in accordance with the Islamic Law and is still subsisting between the said parties at the date hereunder written.

Dated this day of, 20.....

Marriage Officer

Witness

Registrar of Muslim Marriages

Muslim Marriage and Divorce

Chap. 45:02

25

Muslim Marriage and Divorce Regulations

[Subsidiary]

FORM C

Section 13(1).

**REPUBLIC OF TRINIDAD AND TOBAGO
MUSLIM MARRIAGE AND DIVORCE ACT
MUSLIM MARRIAGE REGISTER**

Registered No.

Marriage District

Date and place of marriage	Husband's name and age	Occupation of husband and address	Wife's name and age	Name of father of husband and address	Name of father of wife and address	Marriage Officer	District Registrar	Dowry and how payable

Registered this day of, 20.....

Registrar General of Muslim Marriages and Divorces

N.B.—In the case of a prior marriage the details to be entered shall be those as shown by the declaration and certificate.

26 **Chap. 45:02** *Muslim Marriage and Divorce*
[Subsidiary] *Muslim Marriage and Divorce Regulations*

Section 13(2).

FORM D

**REPUBLIC OF TRINIDAD AND TOBAGO
MUSLIM MARRIAGE AND DIVORCE ACT**

CERTIFICATE OF REGISTRATION OF MARRIAGE

Date

This is to certify that a marriage entered into before* Marriage
Officer on the day of, 20....., at between
..... of and of was duly
registered in accordance with the provisions of the Muslim Marriage and Divorce Act
on the day of, 20.....

Registrar General of Muslim Marriages and Divorces

*Omit the name of the Marriage Officer, in the case of a prior marriage.

Muslim Marriage and Divorce

Chap. 45:02

27

Muslim Marriage and Divorce Regulations

[Subsidiary]

No. **FORM E** Section 18.
No.

REPUBLIC OF TRINIDAD AND TOBAGO
MUSLIM MARRIAGE AND DIVORCE ACT
MUSLIM DIVORCE CERTIFICATE

Counterfoil

	Date and place of marriage	Husband's name and age	Occupation of husband and address	Wife's name and age	Name of father of husband and address	Name of father of wife and address
Date of Marriage						
Place of Marriage						
Husband's Name and Age						
Wife's Name and Age						
Date of Dissolution of Marriage						
<i>Signatures of Chairman and Secretary of the Council</i>						

Signature of Party applying for Divorce.

We of certify that a marriage subsisting between the above-mentioned parties both of whom are of the Muslim Faith or Religion has this day been absolutely dissolved in accordance with the Islamic Law relating to the dissolution of Muslim Marriages.

*Registered this day of, 20.....

*Date of registration of Divorce by Registrar General to be filled in subsequently by Secretary of the Council.

Dated this day of, 20.....

Signatures of Chairman and Secretary of the Council

28 **Chap. 45:02** *Muslim Marriage and Divorce*

[Subsidiary] *Muslim Marriage and Divorce Regulations*

Section 20(1).

FORM F

REPUBLIC OF TRINIDAD AND TOBAGO
MUSLIM MARRIAGE AND DIVORCE ACT

MUSLIM DIVORCE REGISTER

Registered No.

Date and place of marriage	Husband's name and age	Occupation of husband and address	Wife's name and age	Name of father of husband and address	Name of father of wife and address

Name of party applying for divorce

Names of Chairman and Secretary to the Council certifying dissolution or annulment of the Marriage and date of dissolution or annulment

Registered this day of, 20.....

Registrar General of Muslim Marriages and Divorces

FORM G

Regulation 8.

**REPUBLIC OF TRINIDAD AND TOBAGO
MUSLIM MARRIAGE AND DIVORCE ACT**

**APPLICATION FOR DISSOLUTION/ANNULMENT OF
MARRIAGE* (AFFIDAVIT)**

I, of
the petitioner herein, do hereby solemnly and sincerely declare as follows:

1. That on the day of, 20.... I was
lawfully married at
..... in the Island of
Trinidad/Tobago to *C.B.* then *C.D.* spinster/widow/divorcee* (hereinafter
called the respondent).

2. That the said marriage was in accordance with the Islamic Law of
Marriage and was on the day of, 20.....,
registered under the provisions of the Muslim Marriage and Divorce Act.

3. That after the said marriage the respondent and I lived and cohabited
together at and finally at that there is
issue of the said marriage now living namely *V.B.* born on the day
of, 20.... (etc.) (or that there is no issue of the said
marriage now living).

4. That the said marriage is still subsisting according to the Islamic Law
of Marriage at the date hereunder written.

5. That at the date of this application I am domiciled in Trinidad and Tobago.

6. That the ground(s) on which dissolution/annulment* of the said
marriage is/are sought is/are as follows:

7. That the respondent is living at
(or the address of the respondent is unknown to the petitioner).

8. (That I have not previously made an application for
dissolution/annulment to any Muslim body) or that I have previously made the
following applications for dissolution/annulment to the following bodies:

*Commissioner of
Affidavits.*

*Signature or mark of
Petitioner.*

*Delete what is inapplicable.

DIVORCE (PROCEDURE AND PRACTICE) RULES

ARRANGEMENT OF RULES

RULE

1. Citation.
2. Interpretation.
3. Documents to be sealed.
4. Custody of seal.
5. Petition.
6. *Ex parte* application.
7. Service of petition.
8. Notice of petition.
9. Petition not to proceed to be heard.
10. Answer filed.
11. Reply or subsequent pleading.
12. Mutual consent to terminate marriage.
13. Setting down hearing.
14. Notice of setting down.
15. Service outside jurisdiction.

EVIDENCE

16. Standard of proof.

HEARING OF PETITION

17. Subpoenas.
18. Costs.
19. Dispensing with requirements.
20. Extension of time.

DECREE ABSOLUTE

21. Decree absolute.
22. Service of notice or document.
23. Cost of service.
24. Assistance of Secretary.

SCHEDULE.

DIVORCE (PROCEDURE AND PRACTICE) RULES

147/1968.

*made under regulation 13 of the Muslim Marriage and
Divorce Regulations*

1. These Rules may be cited as the Divorce (Procedure and Practice) Rules. Citation.

2. In these Rules— Interpretation.

“Council” means a Council of Divorce appointed in accordance with the provisions of the Muslim Marriage and Divorce Regulations;

“party” or “parties” means husband or wife of any person against whom an allegation of adultery or sodomy is alleged;

“petition” means an application for dissolution or annulment of marriage.

“petitioner” means the applicant for a dissolution or annulment of marriage;

“respondent” means the spouse against whom a petition is filed.

3. All documents filed with or issued by the Secretary shall be stamped with a seal to be approved by the Registrar General and shall bear the date of filing or issuing thereof. Documents to be sealed.

4. The Secretary shall have custody of the seal. Custody of seal.

5. Every petition for dissolution or annulment shall be made in triplicate in the form set out as Form 1 in the Schedule and filed with the Secretary and shall be accompanied by the relevant marriage certificate and by the receipt of the Registrar General evidencing payment of the prescribed fees. Petition.
Form 1.
Schedule.

6. (1) Where an intended petitioner is in any doubt as to whether the grounds on which he relies are sufficient to support a petition for dissolution or annulment of the marriage he may make an *ex parte* application to the Council in the form set out as Form 2 in the Schedule. *Ex parte*
application.

Form 2.
Schedule.

(2) The Council shall determine the application and inform the intended petitioner of its decision without requiring his attendance.

Service of
petition.

7. (1) A copy of the petition certified by the Secretary shall be served personally on the respondent and upon every person with whom adultery or sodomy is alleged to have been committed.

(2) Service may be effected by the Secretary or by anyone deputed by him in writing to do so, but in no case be effected by the petitioner.

(3) Where the name or identity of the person with whom adultery or sodomy is alleged to have been committed is unknown or his whereabouts are unknown the Council may dispense with service upon him after being satisfied by evidence given upon oath of such facts.

Notice of
petition.

Forms 3, 4,
Schedule.

8. (1) Every copy of petition for service on a respondent shall be accompanied by a notice of petition and a form of answer in duplicate in the forms set out as Forms 3 and 4 respectively in the Schedule.

Forms 3, 5,
Schedule.

(2) Every copy of petition for service on a person charged with adultery or sodomy shall be accompanied by a notice of petition and a form of answer in duplicate in the forms set out as Forms 3 and 5 respectively in the Schedule.

(3) The respondent or the person referred to in subrule (2) may within fourteen days from the service of the petition upon him deliver an answer to the Secretary.

Petition not
to proceed to
be heard.

Form 6.
Schedule.

9. Unless otherwise directed a petition shall not proceed to be heard unless every person who is required by rule 8 to be served with a copy of the petition has—

- (a) filed an answer to the petition;
- (b) is shown by affidavit in the form set out as Form 6 in the Schedule to have been served with the petition personally; or

(c) is shown to have been served by evidence given on oath to the Council of the service.

10. (1) A copy of every answer filed must be served within fourteen days of its receipt by the Secretary or by anyone deputed by him in writing to do so upon the petitioner personally accompanied by a notice in the form set out as Form 7 in the Schedule.

Answer filed.

Form 7.
Schedule.

(2) Service of an answer shall be proved in the same manner as service of a petition is proved in rule 9.

11. No reply or subsequent pleading shall be filed except by leave of the Council.

Reply or
subsequent
pleading.

12. (1) If husband and wife by mutual consent desire to terminate the marriage they shall sign the petition for dissolution in the forms set out as Forms 1 and 8 respectively in the Schedule jointly and either may set down the petition for hearing at the same time as the petition is filed.

Mutual consent
to terminate
marriage.

Forms 1, 8.
Schedule.

(2) Where a petition for dissolution of the marriage is filed by mutual consent the Council shall not pronounce a *decree nisi* except in the presence of both parties. A petition by mutual consent need not be served on any person.

13. The petitioner shall set down the cause for hearing—

Setting down
hearing.

(a) fourteen days after service of the petition after every person entitled under these Rules to be served with a copy of the petition has been served and no answer has been filed;

(b) after answer or any subsequent pleading has been filed even though the time for so doing has not expired.

14. (1) Every notice of setting down shall be in the form set out as Form 8 in the Schedule and shall be accompanied by the receipt of the prescribed fees for setting down.

Notice of
setting down.
Form 8.
Schedule.

Form 9.
Schedule.

(2) On receipt of the notice of setting down the Secretary or anyone deputed in writing by him to do so shall within fourteen days serve on each party who has filed an answer a notice in the form set out as Form 9 in the Schedule specifying the date, time and place of the hearing of the petition.

(3) If the petitioner fails to set the cause down for hearing, a respondent who has filed an answer may, on the expiration of twenty-eight days after the service of the petition set the cause down for hearing.

Service outside
jurisdiction.

15. (1) A petition or other document may be served outside the jurisdiction only with leave of the Council.

(2) Where personal service under the foregoing Rules cannot be effected, leave to substitute some other mode of service may be granted upon an application to the Council.

(3) The Council shall give leave to serve a petition or other document outside the jurisdiction or give leave to substitute some other mode of service in accordance with the foregoing Rules in the same manner and upon such terms and conditions as leave is given under the Matrimonial Causes Rules.

Ch. 45:51.
Sub. Leg.

EVIDENCE

Standard of
proof.

16. (1) The standard of proof in any proceedings shall be that required under Islamic Law. Where in any matter Islamic Law does not lay down any standard of proof, the standard of proof shall be required in a Court of law in civil proceedings.

(2) The rules governing the admissibility of evidence shall be observed but the admission of secondary evidence with respect to documents may be allowed.

HEARING OF PETITION

Subpoenas.
Forms 10
and 11.
Schedule.

17. (1) The Secretary shall cause subpoenas to be issued in the forms set out as Forms 10 and 11 respectively in the Schedule to such witnesses desired by any party or as the Council may consider should be heard.

(2) All proceedings shall be heard “*in camera*” and the evidence of witnesses shall be taken either on oath or on affirmation and for this purpose every oath or affirmation shall be administered by the Secretary in the presence of the Council.

(3) Any party may be represented by an Attorney-at-law.

(4) If any party fails to appear at the hearing the Council may upon proof of service of the petition and of the notice of hearing proceed to determine the matter in his absence.

(5) The Council may make such order as to costs as it may think fit.

(6) The Council may of its own motion or upon the application of any party adjourn the hearing upon such terms as to costs or otherwise as to the Council appears just.

(7) If upon the hearing it appears to the Council that the allegations in the petition or answer require to be amended or added to the Council may permit such amendment or addition and may require the same to be embodied in a further petition or answer if in the judgment of the Council the amendment or addition is not within the scope of the original petition or answer.

(8) If the amendment or addition as is mentioned in subrule (7) is such as to take any of the parties by surprise or prejudice the conduct of the hearing, the Council may grant an adjournment upon such terms as to costs or otherwise as to the Council appears just.

18. Any costs ordered by the Council to be paid by one party to another shall be deemed to be a debt due to such party. Costs.

19. The Council may dispense with any of the requirements of these Rules respecting notices, documents, affidavits, service or time in any case where it appears to the Council to be just to do so. Dispensing with requirements.

20. The Council may extend the time for doing anything under these Rules. Extension of time.

DECREE ABSOLUTE

Decree absolute.

21. (1) An application may be made by either spouse to make absolute a *decree nisi* by filing with the Secretary a notice in the form set out as Form 12 in the Schedule after the expiration of the period prescribed for making the decree absolute, accompanied by the receipt of the Registrar General evidencing the payment of the prescribed fees.

Form 12.
Schedule.

(2) If no appeal is pending or no cause is shown by or on behalf of any person against the decree being made absolute or there is no impediment under Islamic Law, the Council shall pronounce the decree absolute.

Service of
notice or
document.

22. Subject to the rules herein which require personal service, service of any notice or document required by these Rules to be served may be effected—

- (a) personally;
- (b) by delivery at such address as a party may give to the Secretary as an address for service; or
- (c) by registered post addressed to the last known place of abode or business of the person to be served and proof that the letter was so addressed and posted shall be proof of the service.

Cost of service.

23. (1) The Secretary or anyone deputed by him in writing shall be entitled to the sum of two dollars for the service of each document required to be served by him.

(2) All sums of money for the purpose of service or documents shall be deposited with the Secretary and he shall issue receipts therefor.

Assistance of
Secretary.

24. If any party is unable to prepare his petition or answer or any application required to be made to the Council, he may request the Secretary to assist him in so doing and the Secretary shall comply with the request. Where the applicant is unable to read or write, the Secretary shall cause any document so prepared to be read over and explained to the applicant who shall affix his mark (or if he is able to sign his name, his signature) thereto in the presence of the Secretary who shall attest same.

SCHEDULE

FORM 1

Rules 5, 12(1).

REPUBLIC OF TRINIDAD AND TOBAGO

MUSLIM MARRIAGE AND DIVORCE ACT

**APPLICATION FOR DISSOLUTION/ANNULMENT OF
MARRIAGE* (AFFIDAVIT)**

I, of the
petitioner herein, do hereby solemnly and sincerely declare as follows:

1. That on the day of, 20....., I was lawfully
married at in the Island of Trinidad/Tobago to *C.B.* then
C.D. spinster/widow/divorcee* (hereinafter called the respondent).

2. That the said marriage was in accordance with the Islamic Law of
Marriage and was on the day of, 20....., registered
under the provisions of the Muslim Marriage and Divorce Act.

3. That after the said marriage the respondent and I lived and cohabited
together at and finally at
that there is issue of the said marriage now living namely *V.B.* born on the
..... day of, 20....., (etc.) (or there is no issue of the said
marriage now living).

4. That the said marriage is still subsisting according to the Islamic Law
of Marriage at the date hereunder written.

5. That at the date of this application I am domiciled in Trinidad
and Tobago.

6. That the ground(s) on which dissolution/annulment* of the said
marriage is/are sought is/are as follows:

7. That the respondent is living at (or the address
of the respondent is unknown to the petitioner).

8. (That I have not previously made an application for
dissolution/annulment of any Muslim body) or that I have previously made the
following application for dissolution/annulment to the following bodies:

.....
Commissioner of Affidavits

.....
Signature or mark of Petitioner

*Delete which is inapplicable.

38 **Chap. 45:02** *Muslim Marriage and Divorce*
[Subsidiary] *Divorce (Procedure and Practice) Rules*

Rule 6(1).

FORM 2

MUSLIM MARRIAGE AND DIVORCE ACT

**IN THE MATTER OF AN INTENDED PETITION FOR
DISSOLUTION/NULLITY OF MARRIAGE**

I, of
(Name of Petitioner) *(Address)*

do hereby make application to the Council to determine whether the following
ground(s) are sufficient to support a petition for divorce/nullity:

(here state ground(s) briefly)

To: The Secretary, Divorce Council
(name of body)

.....
*Signature or Mark of
Intended Petitioner*

FORM 3

Rule 8.

MUSLIM MARRIAGE AND DIVORCE ACT

NOTICE OF PETITION

Take Notice that a Petition has been presented to the Divorce Council of

.....
(Name of Body)

A copy of it is delivered with this Notice.

If you do not intend to answer the charges and if you do not wish to make any application on your own account, you need not do anything more. The Council may then, without further notice to you, proceed to hear the petition and pronounce judgment notwithstanding your absence.

If you wish to be heard on any matter in connection with the Petition you must complete the accompanying Answer in duplicate and send or deliver both copies so as to reach the Secretary at

(Address)

within fourteen days after you receive this Notice.

You will then receive notice of the case being set down for hearing. When the case is heard you must attend the hearing.

If you wish witnesses to give evidence on your behalf you must also include on the Answer the names of the witnesses and their addresses. The Secretary will then deliver to you subpoenas for service on such witnesses at the time you are served with notice of the case being set down for hearing.

.....
Secretary, Divorce Council
(name of body)

40 **Chap. 45:02** *Muslim Marriage and Divorce*
[Subsidiary] *Divorce (Procedure and Practice) Rules*

Rule 8(1).

FORM 4

MUSLIM MARRIAGE AND DIVORCE ACT

Between

Petitioner.

and

Respondent.

I,, the Respondent, in answer to the Petition say:

1. *That I am not guilty of the allegations stated in the Petition and/or
2. †

.....
Signature or Mark of Respondent

To: The Secretary, Divorce Council
(name of body)

I wish to summon the undermentioned witness(es) to give evidence on my behalf:

Name(s)

Address(es)

.....
Signature or Mark of Respondent

*Delete 1 if not applicable.

†Set out here such facts as you believe would prevent a decree in spite of the petitioner proving the charges in the Petition and/or such grounds which would entitle you to a decree.

FORM 5

Rule 8(2).

MUSLIM MARRIAGE AND DIVORCE ACT

Between

Petitioner.

and

Respondent.

I, of
(Name) *(Address)*

do hereby deny the allegations made against me in the above-mentioned petition and/or*

.....
Signature or Mark of above mentioned

To: The Secretary, Divorce Council
(name of body)

I wish to summon the undermentioned witness(es) to give evidence on my behalf:

Name(s)

Address(es)

.....
Signature or Mark

*Set out here briefly any facts which you wish to bring to the attention of the Council.

42 **Chap. 45:02** *Muslim Marriage and Divorce*
[Subsidiary] *Divorce (Procedure and Practice) Rules*

Rule 9(b).

FORM 6

MUSLIM MARRIAGE AND DIVORCE ACT

Between

Petitioner.

and

Respondent.

I, of
(Name) *(Address)*

make oath and say as follows:

1. That a copy of the Petition bearing date the day of
20....., filed with the Secretary of the Divorce Council of
(name of body)
together with Notice of Petition and forms of Answer was duly served by me on the
..... day of, 20..... by delivering the said
..... personally a copy thereof.
(name of person served)

2. *

Sworn to by the within-named

..... at

.....

this day of

20

Before me,

.....
Commissioner of Affidavits

*Means of knowledge of identity of the person served must be inserted here.

Muslim Marriage and Divorce

Chap. 45:02

43

Divorce (Procedure and Practice) Rules

[Subsidiary]

FORM 7

Rule 10(1).

MUSLIM MARRIAGE AND DIVORCE ACT

Between

Petitioner.

and

Respondent.

Take Notice that an Answer has been filed to your Petition in the above-mentioned matter. A copy of it is delivered with this Notice.

You may not file any reply to such Answer or any other document except with leave of the Divorce Council.

.....
Secretary, Divorce Council
(name of body)

To:

FORM 8

Rules 12(1),
14(1).

MUSLIM MARRIAGE AND DIVORCE ACT

Between

Petitioner.

and

Respondent.

The Petitioner sets this matter down for hearing. The Petition is contested/
uncontested.*

.....
Signature or Mark of Petitioner

*Strike out whichever does not apply. This document must be accompanied by the receipt of the Registrar General evidencing payment of the prescribed fees for setting down.

44 **Chap. 45:02** *Muslim Marriage and Divorce*
[Subsidiary] *Divorce (Procedure and Practice) Rules*

Rule 14(2).

FORM 9

MUSLIM MARRIAGE AND DIVORCE ACT

Between

Petitioner.

and

Respondent.

Take Notice that the Petition for Divorce/Nullity in the above-mentioned matter will be heard at on day of 20....., at the hour of o'clock in the noon.

To:

.....
Secretary, Divorce Council
(name of body)

Rule 17(1).

FORM 10

SUBPOENA AD TESTIFICANDUM

MUSLIM MARRIAGE AND DIVORCE ACT

Between

Petitioner.

and

Respondent.

The Divorce Council of
(name of body)

constituted under the Muslim Marriage and Divorce Act command you to attend at on the day of 20....., at the hour of o'clock in the noon and so from day to day until the petition in the above matter is heard, to give evidence on behalf of

To:

.....
Secretary, Divorce Council
(name of body)

FORM 11

Rule 17(1).

MUSLIM MARRIAGE AND DIVORCE ACT

Between

Petitioner.

and

Respondent.

The Divorce Council of
(name of body)

constituted under the Muslim Marriage and Divorce Act command you to attend
at on the
day of 20..... at the hour of o'clock
in the noon and so from day to day until the petition in the above matter
is heard to give evidence on behalf of
and to bring with you and produce at the time and place aforesaid (specify documents to
be produced):

.....
Secretary, Divorce Council
(name of body)

To:

46 **Chap. 45:02** *Muslim Marriage and Divorce*
[Subsidiary] *Divorce (Procedure and Practice) Rules*

Rule 21(1).

FORM 12

MUSLIM MARRIAGE AND DIVORCE ACT

Between

Petitioner.

and

Respondent.

I, of

the give notice that the *decree nisi*
(petitioner or respondent)

pronounced in this cause on the day of
20..... be made absolute.

Dated this day of, 20.....

.....
Petitioner/Respondent

TO: THE SECRETARY, DIVORCE COUNCIL
(name of body)

(This document must be accompanied by the Receipt of the Registrar General
evidencing payment of the prescribed fees).
