



TRINIDAD AND TOBAGO

No. 7—1961

[L.S.]

I ASSENT,

SOLOMON HOCHOY

*Governor.*

19th April, 1961.

AN ORDINANCE relating to Muslim Marriages and Divorces and their Registration.

**[On Proclamation]**

Commence-  
ment.

1. (1) This Ordinance may be cited as the Muslim Marriage and Divorce Ordinance, 1961. Short title.

(2) This Ordinance shall come into operation on such day as the Governor may appoint by Proclamation published in the *Royal Gazette*.

## PART I

## GENERAL

Interpretation.

## 2. In this Ordinance—

“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 Regulations contained in Part IV of the Schedule to this Ordinance and any regulations amending such Regulations;

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

“Territory” means Trinidad and Tobago;

“the former Ordinance” means the Muslim Marriage and Divorce Registration Ordinance, Ch. 29. No. 4.

Muslim  
Marriage  
districts

3. The Governor may by proclamation divide the Territory into Muslim Marriage districts for the purposes of this Ordinance and may from time to time by like proclamation alter such districts either by change of boundaries or by union or sub-division of districts or by the formation of new districts.

Appoint-  
ment of  
Registrar  
General and  
Registrars.

4. The Governor may from time to time appoint a fit and proper person to be the Registrar General of Muslim Marriages and Divorces for the Territory and a fit and proper person to be Registrar of Muslim Marriages for each district.

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

Muslim  
Marriage  
Officers.

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

## PART II

### MARRIAGES

6. The requisites of a valid Muslim marriage under this Ordinance 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 Ordinance.

7. (1) It shall be lawful for a Muslim marriage to be contracted before a Marriage Officer without previous notice of the intended marriage being given or without any other formality required by the Marriage Ordinance.

Effect of  
Muslim  
marriages.

Ch. 29. No. 2

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

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

Age limit  
and consent.

**8.** The age at which a person, being a member of the Muslim Community, is capable of contracting marriage shall be sixteen in the case of males and twelve in the case of females:

Provided that in the case of an intended marriage between persons either of whom, being a male is under twenty-one years of age or being a female is under eighteen years of age (not being a widower or widow), the consent to such marriage, of the father if living, or if the father shall be dead of the guardian or guardians lawfully appointed or of one of them, and in case there be no such guardian then of the mother of such person so under age, and if there be no mother living then of such other person as may be appointed for the purpose by the Governor, shall be certified in writing by the Marriage Officer before whom the marriage is contracted upon the certificate of such marriage to be issued in accordance with the provisions of this Ordinance.

Consent to  
marriage in  
certain  
cases.

**9.** In case any person whose consent to a marriage is required in accordance with the preceding section is absent from the Territory or is unable or refuses to give such consent or is not of sound mind, it shall be lawful for the person desirous of contracting such marriage to apply to the Governor to appoint a person, being a member of the Muslim Community, to examine into the circumstances of such intended marriage, and if upon such examination by the person so appointed it shall appear to him that there are no reasonable objections to such intended marriage, he shall so formally declare in writing and such declaration shall for the purposes of this Ordinance be deemed equivalent to such consent as aforesaid.

Marriages  
which may  
not be  
registered.

**10.** If any persons shall intermarry otherwise than in accordance with the provisions of this Ordinance, 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 the provisions of this Ordinance.

Completion  
of marriage  
certificate  
and trans-  
mission to  
District  
Registrar  
and Regist-  
rar General

**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 said marriage, which shall be signed by such Marriage Officer and by the parties to the marriage and by two credible witnesses, and such 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 said certificate the Registrar, if it appears to him that the other requisites of a valid Muslim marriage have been complied with and that the consent of any person required by this Ordinance to consent to such marriage has been obtained, shall countersign the certificate so forwarded and transmit the same to the Registrar General for registration.

(4) Every Marriage Officer who, without reasonable cause or excuse, shall fail to transmit to the Registrar any certificate in accordance with the provisions of this section together with the prescribed fee shall, on summary conviction, be liable for each offence to a fine of fifty dollars.

**12.** (1) Any Muslim marriage, which was entered into prior to the commencement of the former Ordinance between Muslims domiciled in the Territory at the date of such marriage and which marriage is still subsisting and is valid according to the Islamic law relating to marriage, may be registered under this Ordinance in accordance with the provisions hereinafter contained.

Registration of marriages entered into prior to commencement of Ordinance.

(2) The parties to such prior marriage shall attend together with a Marriage Officer before a Registrar and such 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 such prior marriage is still subsisting he shall transmit the declaration to the Registrar General for registration.

**13.** (1) The Registrar General shall file in his office all certificates and declarations of Muslim marriages which shall be 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 Book" particulars of every certificate and declaration of a Muslim marriage which shall be 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 such book shall be kept in such manner as is best suited for easy reference thereto.

Filing of certificate and registration of marriage by Registrar General.

(2) Upon such 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 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 the provisions of this Ordinance shall be legitimate, and in the case of the children of a prior marriage registered by virtue of section 12 the date of such legitimation shall be the date of registration of such prior marriage:

Provided that such legitimation in respect of each child of such prior marriage shall have effect as from the date of the birth of each such child:

Provided further that 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 Ordinance. Ch. 5. No. 13.

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

### PART III

#### DIVORCES

Application.

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

17. (1) Notwithstanding the provisions of subsection (3) of section 20 of the Judicature Ordinance and of Part III of this Ordinance, the Supreme 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 the provisions of this Ordinance or the former Ordinance.

Jurisdiction of Supreme Court in relation to maintenance and custody. Ch. 3. No. 1.

(2) An application referred to in subsection (1) of this section shall be determined according to the general law for the time being in force in relation to such 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 such 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 of this Ordinance 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 prescribed form to be kept in his office for such purpose and to be called the "Muslim Divorce Register Book" particulars of every certificate of a Muslim divorce which shall be 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 such book shall be kept in such manner as is best suited for easy reference thereto.

Filing of certificate and registration of divorce by Registrar General.

(2) Upon such 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.

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

Period within which registration may be effected.

## 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 or Muslim Divorce Register Books and shall authenticate every such correction by his signature and the date of such 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 or Muslim Divorce Register Books 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 or Muslim Divorce Register Books 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.

Use of  
English  
language.

**24.** (1) All prescribed applications, certificates and entries in register books shall be in the 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 Book to be written in the English language in his presence by another person, but such Officer must nevertheless sign the certificates and entries in the said Register Book.

False oath  
or statement.

**25.** Every person who shall knowingly and wilfully make any false oath, affidavit or declaration, or sign any false application, notice or certificate required by this Ordinance, for the purpose of the registration of any marriage or divorce, and every person who shall wilfully make, or cause to be made, for the purpose of being inserted in any Muslim Marriage or Muslim Divorce Register Book, any false statement touching any of the particulars required to be known and registered, shall on being convicted thereof be subject to the same pains and penalties as if he were guilty of perjury.

Forging or  
altering  
register  
book, notice,  
etc.

**26.** Every person who shall knowingly and wilfully forge or alter or falsely make, or procure to be forged or altered or falsely made, or shall offer, utter or dispose of, knowing the same to have been forged or altered or falsely made, any register book or any notice, certificate, entry or statement mentioned in this Ordinance, or any certified copy thereof

respectively, or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any false entry of marriage or divorce, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book, knowing the same to be false in any part thereof, or shall forge or counterfeit the seal of the Registrar General, shall be guilty of felony and liable to imprisonment for seven years.

27. Every person who shall unlawfully and maliciously destroy or injure, or cause to be destroyed or injured, any register book or any notice, certificate, entry or statement mentioned in this Ordinance, or any certified copy thereof respectively, shall be guilty of felony, and liable to imprisonment for three years.

Destroying  
or injuring  
register  
book, etc.

28. No prosecution under this Ordinance shall be commenced after the expiration of three years from the commission of the offence nor without the written consent of the Attorney General.

Limitation.

29. All fees received by the Registrar General or a Registrar under this Ordinance shall be paid into general revenue.

Disposal of  
fees.

30. The Governor in Council may make such regulations as may be necessary for the proper carrying out of the provisions of this Ordinance and without prejudice to the generality of the foregoing such regulations may prescribe—

Regulations.

- (a) the place or places at which shall be situate the offices of the several Registrars;
- (b) the form of any certificate, register or other document required for the purpose of this Ordinance;
- (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 the provisions of this Ordinance, and provision for their remission on account of the poverty of the parties or for other good reason:

Provided that, until varied or revoked by any such regulations, the regulations contained in the Schedule hereto shall be in force:

Provided further that no regulations amending the Divorce Regulations or prescribing any fees shall have any force or effect until approved by the Legislative Council.

Sections 13,  
14 and 16  
to 23 of  
Immigration  
(Indian)  
Ordinance  
not to apply  
to Muslims.  
Ch. 20. No. 1.

**31.** Sections 13, 14 and 16 to 23 inclusive of the Immigration (Indian) Ordinance, shall as from the 1st of July, 1936, no longer apply to an immigrant, as defined in section 12 of that Ordinance, who belongs to the Muslim faith or religion, and to that extent the said sections are hereby modified:

Provided that such modification shall not in any manner affect the validity of any record or entry lawfully made in any register or of any act or thing lawfully made in any register or of any act or thing lawfully done under and by virtue of the provisions of the said sections.

Repeal of  
Ch. 29. No. 4.

**32.** The Muslim Marriage and Divorce Registration Ordinance is hereby repealed.

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SCHEDULE

(Section 30)

PART I—GENERAL

1. These regulations may be cited as the Muslim Marriage and Divorce Regulations.
2. The fees set forth in Part II of this Schedule shall be payable in respect of the matters therein specified.
3. The forms set forth in Part III of this Schedule shall be the forms to be used in respect of the matters therein specified.

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PART II—FEES

Marriage registration fee ... ..	\$ .60
(Payable to District Registrar by Marriage Officer on transmitting certificate of marriage)	
On issue of certificate of registration of marriage ... ..	.60
Divorce registration fee ... ..	1.20
(Payable to Registrar General by the Secretary transmitting certificate of divorce)	
For every search in any register book ... ..	.24
For every certified copy of any entry ... ..	.48
<i>Payable to the Registrar General</i>	
On application for a dissolution or annulment of marriage ... ..	25.00
On setting down for hearing—	
(i) an uncontested suit ... ..	5.00
(ii) a contested suit ... ..	15.00
On application for a decree absolute ... ..	10.00

PART III.—FORMS

FORM A

No.

No.

(Section 11(1).)

TERRITORY OF TRINIDAD AND TOBAGO

THE MUSLIM MARRIAGE AND DIVORCE  
ORDINANCE, 1961

Muslim Marriage Certificate Book

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	Dowry and how payable
Marriage District							
Date of Marriage							
Place of Marriage							
Husband's Name and Age							
Wife's Name and Age							
Witnesses' Names—							
(1)							
(2)							

Signature of parties to the Marriage (1)  
(2)

Signature of Witnesses ... (1)  
(2)

Certificate forwarded to Registrar at \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*Signature of Marriage Officer.*

\*Registered this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\*Date of Registration of Marriage by Registrar General to be filled in subsequently by Marriage Officer and signed by him.

I \_\_\_\_\_ of \_\_\_\_\_ a Muslim Marriage Officer, certify that a Marriage between the above-mentioned parties in accordance with the Islamic Law of Marriage and the provisions of the Muslim Marriage and Divorce Ordinance, 1961 was entered into before me this day of \_\_\_\_\_, 19 \_\_\_\_\_.

*Signature of Marriage Officer.*

Signature of District Registrar for the Marriage District of \_\_\_\_\_

*Registrar of Muslim Marriages.*

Date \_\_\_\_\_

## FORM B

TERRITORY OF TRINIDAD AND TOBAGO

## THE MUSLIM MARRIAGE AND DIVORCE ORDINANCE, 1961

## 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 the Territory.

3. That such marriage is still subsisting according to the Islamic law at the date hereunder written.

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Before me,

*Registrar of Muslim Marriages*

I, \_\_\_\_\_ of \_\_\_\_\_ a Muslim Marriage Officer appointed under the Muslim Marriage and Divorce Ordinance, 1961 do hereby certify as follows :—

1. That the parties to the marriage specified above are desirous of registering such marriage under the said Ordinance.

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 \_\_\_\_\_, 19 \_\_\_\_\_.

*Marriage Officer*

Witness

*Registrar of Muslim Marriages*

FORM C

TERRITORY OF TRINIDAD AND TOBAGO

THE MUSLIM MARRIAGE AND DIVORCE ORDINANCE, 1961

Section 13 (1.)

Muslim Marriage Register Book

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                      , 19                      .

*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.

FORM D

TERRITORY OF TRINIDAD AND TOBAGO

THE MUSLIM MARRIAGE AND DIVORCE ORDINANCE, 1961

Section 13 (2.)

Certificate of Registration of Marriage

Date

This is to certify that a marriage entered into before\*                      Marriage Officer on  
 the                      day of                      , 19                      , at                      between                      of                      and  
                     of                      was duly registered in accordance with the provisions of the  
 Muslim Marriage and Divorce Ordinance, 1961 on the                      day of  
 19                      .

*Registrar General of Muslim Marriage and Divorces*

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



FORM F

(Section 20(1))

TERRITORY OF TRINIDAD AND TOBAGO

THE MUSLIM MARRIAGE AND DIVORCE ORDINANCE, 1961

**Muslim Divorce Register Book**

*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                      , 19                      .

*Registrar General of Muslim Marriages and Divorces.*

## FORM G

(Divorce Regulation 5)

TERRITORY OF TRINIDAD AND TOBAGO

*The Muslim Marriage and Divorce Ordinance, 1961*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 \_\_\_\_\_ 19 \_\_\_\_ 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 \_\_\_\_\_, 19 \_\_\_\_  
registered under the provisions of the Muslim Marriage and Divorce Ordinance.

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 \_\_\_\_\_ 19 \_\_\_\_  
(&c.) [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 grounds on which dissolution/annulment\* of the said marriage  
are sought 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.

PART IV  
*Divorce Regulations*

1. (1) There shall be in and for Trinidad and Tobago not more than fifteen Divorce Officers who shall be appointed by the Governor 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 :

Provided that at all times at least one Divorce Officer on each panel shall be a barrister or solicitor 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 *Royal Gazette*.

2. (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.

(2) The date and time of filing of such application shall be endorsed thereon by the Secretary who shall give an acknowledgment for the said 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 so to do.

(4) Every such application shall be determined by a Council consisting of three Divorce Officers, one of whom, who shall be a barrister or solicitor 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 such 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 *Royal Gazette*.

3. (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:—

- (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 paragraph (1) of this regulation, it shall be referred to and decided by the Registrar General whose decision shall be final.

4. (1) A Council shall sit at such times and places as it shall determine:

Provided that not more than sixty days shall elapse between the date of receipt of an application and the date of hearing of such 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 such applications and of the decisions of the Council.

5. 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.

6. (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 counsel or solicitor.

7. 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.

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

9. 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 Accountant General to the persons certified by the Chairman and Secretary to be entitled thereto :—

	<i>Decree Nisi</i>	<i>Decree Absolute</i>
(a) to each Divorce Officer other than the Chairman	\$5.00	\$2.00
(b) to the Secretary ...	5.00	2.00
(c) to the Chairman ...		4.00
(i) in an uncontested suit	15.00	
(ii) in a contested suit	25.00	
(d) to person serving an application ... ..		\$2.00

10. (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 :

Provided that at least one of such persons shall be a barrister or solicitor of at least three years standing.

(2) Subject to the provisions of paragraph (1) of this regulation each of the Muslim bodies referred to in regulation 1 of these Regulations shall recommend a Divorce Officer for appointment to the Committee.

(3) The Committee may, subject to the approval of the Governor in Council, 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 the Territory governing matters of a similar nature in the Courts shall be applied *mutatis mutandis*.

11. (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 such filing or of such 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 25 cents.

Passed in Council this twenty-fourth day of March, in the year of Our Lord one thousand nine hundred and sixty-one.

G. R. LATOUR  
Clerk of the Council