

Administration of Muslim Law (Amendment) Bill

Bill No. 3/2024.

Read the first time on 9 January 2024.

A BILL

i n t i t u l e d

An Act to amend the Administration of Muslim Law Act 1966.

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

Short title and commencement

1. This Act is the Administration of Muslim Law (Amendment) Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. In the Administration of Muslim Law Act 1966 (called in this Act the principal Act), in section 2 —

(a) after the definition of “Appeal Board”, insert —

10 ““Appeal Committee” means the Appeal Committee appointed under section 88F;”;

(b) after the definition of “fitrah”, insert —

15 ““foreign halal certification body” means a person, authority or entity outside Singapore that has been granted recognition under section 88AA;”;

(c) replace the definition of “Fund” with —

20 ““General Endowment Fund” means the General Endowment Fund established under section 57;”;

(d) after the definition of “iddah”, insert —

25 ““Islamic instruction” means the teaching of Quranic recitation, Quranic literacy, tajwid (rules of recitation) or fardh ‘ain (basic knowledge of Islamic creed and practice) or other religious sciences which include, but are not limited to, aqidah (theology), tafsir (Quranic exegesis), fiqh (jurisprudence) and hadith (prophetic traditions);”;

(e) after the definition of “Muslim”, insert —

30 ““Muslim religious school” has the meaning given by section 86A;”;

- (f) in the definition of “specified halal certification mark”, after “section 88A(4)”, insert “or 88AA(5)”; and
- (g) in the definition of “wakaf”, after “a Muslim”, insert “individual or the Majlis”.

Amendment of section 3

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3. In the principal Act, in section 3(2)(b), replace “Haj or halal certification” with “Haj, halal certification or the recognition of foreign halal certification bodies”.

Amendment of section 5

4. In the principal Act, in section 5(2), after paragraph (d), insert —
- “(da) create any wakaf;”.

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New section 8

5. In the principal Act, after section 7A, insert —
- “**Officers, etc.**

8. The Majlis may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as the Majlis may determine, any officer, employee, consultant or agent that may be necessary for the effective performance of the functions of the Majlis.”.

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Amendment of section 31

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6. In the principal Act, in section 31(1) —

(a) in paragraph (a), insert “and” at the end;

(b) replace paragraph (b) with —

“(b) not more than 8 other fit and proper Muslims of whom at least 2 must be members of the Majlis.”; and

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(c) delete paragraph (c).

Amendment of section 32

7. In the principal Act, in section 32, replace subsection (3) with —

“(3) The Legal Committee must consider every such request, unless in its opinion the question referred to it is frivolous.

(3A) After considering the request, the Legal Committee may, if it thinks that it is appropriate or necessary, prepare a draft ruling in relation to or as a result of the request.”.

Amendment of section 35

8. In the principal Act, in section 35 —

(a) in subsection (2), replace paragraph (c) with —

“(c) betrothal or nullity of marriage;”;

(b) in subsection (2), after paragraph (c), insert —

“(ca) the custody, care and control, access or maintenance of minor children of the parties on divorce or nullification of marriage;”;

(c) in subsection (4), replace “fasakh, nullity of marriage or judicial separation” with “fasakh or nullity of marriage, the custody, care and control, access or maintenance of minor children on divorce or nullification of marriage”.

New sections 36A, 36B and 36C

9. In the principal Act, after section 36, insert —

“Court may prohibit, etc., further applications or documents where order has been made in relevant proceedings

36A.—(1) This section applies where an order (called in this section a relevant order) has been made by the Court in any proceedings over which the Court exercises jurisdiction under section 35 (called in this section the relevant proceedings).

(2) Where the Court is satisfied that an application (called in this subsection Application A) to vary, suspend, discharge, rescind, set aside or revoke a relevant order, or any document in support of Application A, if filed by a party, will or is likely to —

- (a) be without merit, having regard to the party's past conduct in the relevant proceedings or any other proceedings before the Court involving facts or reliefs that are the same as or similar to those in the relevant proceedings; or
- (b) where a child is or was a party to, or a subject of, the relevant proceedings or the proceedings in Application A — have an adverse effect on the welfare of the child,

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the Court may make one or more orders to prohibit the party, without the permission of the Court —

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- (c) from filing Application A or any other application to vary, suspend, discharge, rescind, set aside or revoke the relevant order, or from filing any document in support of any such application; or
- (d) from filing any application to amend, vary or discharge an order mentioned in paragraph (c).

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(3) Where the Court is satisfied that an application (called in this subsection Application B) filed by a party on or after the date of commencement of section 9 of the Administration of Muslim Law (Amendment) Act 2024 to vary, suspend, discharge, rescind, set aside or revoke a relevant order, or any document filed in support of Application B, will or is likely to be of the nature or have the effect mentioned in subsection (2)(a) or (b) in relation to a child who is or was a party to, or a subject of, the relevant proceedings or the proceedings in Application B, the Court may make one or more of the following orders:

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- (a) an order that Application B be treated as dismissed or the document filed in support of it be treated as expunged (as the case may be) on a date specified by the Court, if the party does not comply by that date with any condition imposed by the Court;
- (b) an order staying the proceedings in Application B until the specified date mentioned in paragraph (a);

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(c) an order prohibiting the party from filing, without the permission of the Court —

(i) any document in support of Application B;

(ii) any other application, or document in support of any other application, to vary, suspend, discharge, rescind, set aside or revoke the relevant order; or

(iii) any application to amend, vary or discharge an order mentioned in sub-paragraph (i) or (ii) or paragraph (a) or (b).

Court may prohibit, etc., further applications or documents in pending proceedings

36B.—(1) This section applies where any proceedings over which the Court exercised jurisdiction under section 35 (whether commenced before, on or after the date of commencement of section 9 of the Administration of Muslim Law (Amendment) Act 2024) are pending before the Court (called in this section the pending proceedings).

(2) Where the Court is satisfied that the filing of an application (called in this subsection Application C) by a party in the pending proceedings, or any document in support of Application C, will or is likely to —

(a) impede the just, expeditious or economical resolution or disposal of any matter in the pending proceedings; or

(b) where a child is a party to, or a subject of, the pending proceedings — have an adverse effect on the welfare of the child,

the Court may make one or more orders to prohibit the party, without the permission of the Court —

(c) from filing Application C or any other application in the pending proceedings, or from filing any document in support of any such application; or

(d) from filing any application to amend, vary or discharge an order made under paragraph (c).

(3) Where the Court is satisfied that an application (called in this subsection Application D) filed by a party on or after the date of commencement of section 9 of the Administration of Muslim Law (Amendment) Act 2024 in the pending proceedings, or any document filed in support of Application D, will or is likely to be of the nature or have the effect mentioned in subsection (2)(a) or (b) in relation to a child who is a party to, or a subject of, the pending proceedings, the Court may make one or more of the following orders:

(a) an order that Application D be treated as dismissed or the document filed in support of it be treated as expunged (as the case may be) on a date specified by the Court, if the party does not comply by that date with any condition imposed by the Court;

(b) an order staying the proceedings in Application D until the specified date mentioned in paragraph (a);

(c) an order prohibiting the party from filing, without the permission of the Court —

(i) any document in support of Application D;

(ii) any other application, or document in support of such application, in the pending proceedings; or

(iii) any application to amend, vary or discharge an order mentioned in sub-paragraph (i) or (ii) or paragraph (a) or (b).

Orders under section 36A or 36B

36C.—(1) An order prohibiting the filing of any application or document under section 36A(2)(c) or (3)(c)(i) or (ii) or 36B(2)(c) or (3)(c)(i) or (ii) may be of a general or particular nature.

(2) Any application filed by a party, or any document filed in support of such an application, contrary to an order under

section 36A(2)(c) or (d) or (3)(c) or 36B(2)(c) or (d) or (3)(c), is to be treated as dismissed or expunged —

(a) without the Court having to make any further order; and

5 (b) without the need for any other party to be heard on the merits of that application.

(3) To avoid doubt, an order under section 36A(2)(c) or (d) or (3)(c) or 36B(2)(c) or (d) or (3)(c) does not prohibit the filing of an application for any permission required by the order.”.

10 **Amendment of section 43**

10. In the principal Act, in section 43 —

(a) renumber section 43 as subsection (1) of that section; and

(b) after subsection (1), insert —

15 “(2) Without limiting subsection (1) and subject to subsection (3), the Court may, on its own motion, in the course of any proceedings, make an order on any issue arising in a cause or matter, including an order of a substantive nature, which the Court has the power to make on the application of any person.

20 (3) The Court must not make an order of a substantive nature on the basis of subsection (2) unless —

25 (a) every person likely to be affected by the order has been given an opportunity to be heard concerning the order; and

(b) the Court is satisfied that it is in the interests of justice to make the order.

(4) In subsection (2), “proceedings” means any proceedings —

30 (a) over which the Court has jurisdiction under section 35; and

- (b) that are commenced on or after the date of commencement of section 10 of the Administration of Muslim Law (Amendment) Act 2024.”.

Amendment of section 49

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11. In the principal Act, in section 49, replace subsection (6) with —

“(6) The registration under subsection (5) of any order or decree made on or after 30 November 2022 does not require any signature.”.

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Amendment of section 52

12. In the principal Act, in section 52(3)(c), replace “maintenance and education” with “care and control, access and maintenance”.

Amendment of section 55

13. In the principal Act, in section 55(1) —

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(a) in paragraph (f), delete “or” at the end;

(b) after paragraph (f), insert —

“(g) to make an order or orders under section 36A or 36B; or”; and

(c) reletter paragraph (g) as paragraph (h).

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Amendment of section 57

14. In the principal Act, in section 57 —

(a) in subsections (2), (3) and (6), replace “the Fund” wherever it appears with “the General Endowment Fund”;

(b) in subsection (4), after “the Majlis”, insert “under subsection (3)”; and

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(c) in subsection (5), replace “in the Fund in accordance with” with “or property in the General Endowment Fund in accordance with both the Muslim law and”.

Amendment of section 58

15. In the principal Act, in section 58 —

(a) in subsection (1), replace “the Fund” with “the General Endowment Fund”;

5 (b) after subsection (3), insert —

“(3A) The Majlis may, with the approval of the Minister, by instrument create a wakaf for the purposes specified in the instrument which must fall within one or more of the following purposes:

10 (a) supporting the development of Islamic teachers or Quranic teachers recognised by the Majlis, including but not limited to initiatives aimed at developing, strengthening and professionalising these teachers, such as training and upskilling programmes;

15 (b) supporting mosques and madrasahs, in particular, in relation to payment for renewals of leases for immovable property;

20 (c) supporting socio-religious programmes and initiatives aimed at uplifting the Muslim community and the under-privileged;

25 (d) any other purpose that may be prescribed in rules made under section 62A(7).

(3B) The particulars of every wakaf mentioned in subsection (3A) must be published by notification in the *Gazette* and on the official website of the Majlis.”;

(c) in subsection (4), after “appointed”, insert “by or”; and

30 (d) after subsection (5), insert —

“(5A) Subsection (5) does not apply to any wakaf created by the Majlis during the period where —

(a) the Majlis is the trustee of the wakaf; and

- (b) no mutawalli has been appointed by the Majlis for the wakaf.”.

Amendment of section 60

16. In the principal Act, in section 60, after subsection (4), insert —
 “(5) This section does not apply to a wakaf created by the Majlis.”.

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New section 62A

17. In the principal Act, after section 62, insert —

“Property and assets of wakaf created by Majlis

62A.—(1) The Majlis may, with the written approval of the Minister, transfer any moneys or movable or immovable property from the General Endowment Fund to any wakaf created by the Majlis under section 58(3A) (called in this section a Majlis wakaf).

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(2) All moneys and movable and immovable property contributed or dedicated to any Majlis wakaf are to be vested in the Majlis, whether received from individuals, entities, mosques, madrasahs or the General Endowment Fund, and are to be used for the purposes specified in the instrument creating the Majlis wakaf.

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(3) The Majlis may invest any moneys or property in a Majlis wakaf in accordance with both the Muslim law and the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965.

(4) The income derived from the investments mentioned in subsection (3) may be used for the payment of —

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- (a) the reasonable remuneration and expenses of any mutawalli appointed to administer or manage the Majlis wakaf; and
 (b) other expenses incurred in maintaining and administering the Majlis wakaf.

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(5) Where the income mentioned in subsection (4) is insufficient for the payments to be made under that subsection, the Majlis may provide for any shortfall to be paid out of the capital of the Majlis wakaf.

5 (6) This Act applies with the modifications prescribed in rules made under subsection (7) to a Majlis wakaf as it applies to a wakaf that is not created by the Majlis.

10 (7) The Majlis may, with the approval of the Minister, make any rules that are necessary or expedient for the purpose of carrying out the provisions of this Act relating to any Majlis wakaf and those rules may —

- (a) provide for the manner of payment and collection of contributions to a Majlis wakaf and any incidental matters;
- 15 (b) provide for the return of contributions or any part of such contributions paid in error;
- (c) prescribe the procedure to be followed when contributions are paid to a Majlis wakaf;
- 20 (d) provide for the keeping of books, accounts or records of contributions to a Majlis wakaf;
- (e) prescribe the manner in which the moneys or property in a Majlis wakaf may be applied for or in respect of the purposes specified in the instrument creating the wakaf, and generally for the administration of such moneys or property; and
- 25 (f) prescribe anything which may be prescribed with respect to a Majlis wakaf.”.

Amendment of section 63

18. In the principal Act, in section 63 —

- 30 (a) in subsection (1), after “a Muslim charitable trust”, insert “, wakaf or nazar”;
- (b) in subsection (1), after “any Muslim charitable trust,”, insert “wakaf or nazar,”; and

- (c) in subsection (2), after “affecting any”, insert “Muslim charitable trust”.

Amendment of section 78

19. In the principal Act, in section 78, after subsection (9), insert —

“(10) Any contribution paid into the Mosque Building and Mendaki Fund under subsection (7) which is not attributable to or cannot be traced to any individual is deemed to be for the purpose of building mosques.”.

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New section 86A

20. In the principal Act, after section 86, insert —

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“Meaning of “Muslim religious school”

86A.—(1) In this Act, a “Muslim religious school” means any of the following:

(a) any person or organisation that habitually provides Islamic instruction to 10 or more individuals physically present in Singapore;

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(b) a place where 10 or more individuals physically present in Singapore are habitually provided with Islamic instruction;

(c) in the case of a correspondence school where Islamic instruction is provided to 10 or more individuals physically present in Singapore — the place or places where the Islamic instruction is prepared or where answers are examined or corrected.

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(2) To avoid doubt, subsection (1) also applies where Islamic instruction is habitually provided online or remotely through electronic means.

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(3) In determining for the purposes of subsection (1) whether an individual is physically present in Singapore, it is to be assumed that the individual will not falsify or conceal the individual’s identity or location.”.

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Amendment of section 87

21. In the principal Act, in section 87 —

(a) in the section heading, replace “**Religious school**” with “**Muslim religious school**”;

5 (b) in subsection (4), replace “to inspect any Muslim religious school” with “or any officer or employee of the Majlis (called in this section an inspector) to inspect any Muslim religious school in accordance with the rules made under subsection (8)”;

10 (c) in subsections (5) and (7), replace “religious school” with “Muslim religious school”; and

(d) replace subsections (8) and (9) with —

15 “(8) The Majlis may, with the approval of the Minister, make rules for carrying out the purposes of this section, including, without limitation, rules for the following purposes:

(a) the powers of inspectors to inspect any Muslim religious school;

20 (b) the powers of inspectors to obtain or require any information, examine any book, document, material, article or record and gain access to any computer or online account in relation to the inspection of any Muslim religious school;

25 (c) the powers of inspectors to require the attendance of any person for any purpose mentioned in paragraph (b);

30 (d) the manner of registration and control of the conduct and establishment of Muslim religious schools, including where Islamic instruction is provided online or remotely through electronic means;

- (e) to prescribe the fees to be charged by the Majlis for the performance of its functions under this section.”.

Amendment of section 88A

22. In the principal Act, in section 88A, delete subsection (8). 5

New section 88AA

23. In the principal Act, after section 88A, insert —

“Foreign halal certification body

88AA.—(1) The Majlis may, on application, recognise any person, authority or entity outside Singapore that issues halal certificates in relation to any product. 10

(2) A halal certificate issued by the foreign halal certification body granted recognition under subsection (1) has the same effect and validity as if it were a halal certificate issued by the Majlis under section 88A. 15

(3) An application for recognition under subsection (1) must be in the form and manner that the Majlis may require and accompanied by any document or other information that the Majlis may require.

(4) The Majlis may — 20

(a) in granting recognition, impose any condition or limitation that the Majlis thinks fit, which may be different for different halal certificates issued by the foreign halal certification body that relate to different products; and 25

(b) vary, remove or add to any condition or limitation mentioned in paragraph (a) at any time.

(5) The Majlis must specify on the official website of the Majlis —

(a) the foreign halal certification bodies that have been granted recognition under subsection (1) which recognition has not been revoked or cancelled; and 30

(b) the certification marks of the foreign halal certification bodies mentioned in paragraph (a) for use in relation to any product in respect of which any of the foreign halal certification bodies has issued a halal certificate.

(6) Any person who, without the approval of the foreign halal certification body —

(a) issues a halal certificate purportedly from or on behalf of that foreign halal certification body in relation to any product; or

(b) uses any specified halal certification mark or any colourable imitation of that mark purportedly of that foreign halal certification body,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.”.

Amendment of section 88C

24. In the principal Act, in section 88C(2), after paragraph (a), insert —

“(aa) to regulate the recognition of foreign halal certification bodies and the use of halal certificates and specified halal certification marks issued by a foreign halal certification body;”.

New Part 5B

25. In the principal Act, after section 88E, insert —

“PART 5B

APPEALS

Appeal Committee

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88F.—(1) The Minister may appoint a committee called the Appeal Committee which must consist of at least 3 persons, one of whom must be appointed by the Minister to be the chairperson of the Appeal Committee.

(2) The Minister may, in appointing the Appeal Committee, determine —

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(a) the terms and conditions of the appointment of the members of the Appeal Committee; and

(b) such matters that the Minister considers incidental or expedient for the proper and efficient conduct of any appeal by the Appeal Committee.

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(3) The remuneration and allowances (if any) of a member of the Appeal Committee are to be determined by the Minister.

(4) The Appeal Committee may determine the procedure to be adopted by it in considering an appeal under this Part, and must be independent in the performance of its functions.

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Appeal to Minister

88G. Any person who is aggrieved by any of the following may appeal to the Minister against the act, decision, order or direction in accordance with this Part:

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(a) any act, order or direction of the Majlis under section 87 or any rules made under that section;

(b) any decision of the Majlis under section 88A or any subsidiary legislation made under that section;

- (c) any decision of the Majlis under any subsidiary legislation made under this Act (other than those mentioned in paragraphs (a) and (b)) where a right of appeal is expressly provided in that subsidiary legislation.

Appeal to Appeal Committee

88H. Any person who is aggrieved by any decision of the Majlis made under section 88AA may appeal to the Appeal Committee against the decision in accordance with this Part.

Provisions applicable to appeals

88I.—(1) An appeal under this Part must be in writing and specify the grounds on which it is made, and be made within 14 days after the date the decision appealed against is served on the appellant.

(2) For the purposes of this Part, service of any document on the appellant must be effected —

- (a) by delivering it to the appellant personally;
- (b) by leaving it at, or by sending it by prepaid registered post to, the usual or last known address of the place of residence or business of the appellant;
- (c) by sending it by fax to the appellant's usual or last known place of business; or
- (d) by sending it by email to the email address given by the appellant as the email address for service of documents or to which communications to the appellant may be sent.

(3) However, service of any document under this Part on an appellant by email may be effected only with the appellant's prior consent to service in that way.

(4) After considering an appeal, the Minister or the Appeal Committee (as the case may be) may —

- (a) reject the appeal and confirm the decision of the Majlis; or
- (b) allow the appeal and substitute or vary the decision of the Majlis.

(5) The Minister's or the Appeal Committee's decision on an appeal (as the case may be) is final. 5

(6) Every appellant must be notified of the Minister's or the Appeal Committee's decision (as the case may be) on an appeal under subsection (4).

(7) An appeal under this Part does not affect the operation of the decision, order or direction appealed against or prevent the taking of action to implement the decision, and unless otherwise directed by the Minister or the Appeal Committee (as the case may be), the decision, order or direction appealed against must be complied with until the determination of the appeal." 10 15

Amendment of section 101

26. In the principal Act, in section 101 —

- (a) in subsection (6), delete “, in the presence of the persons named in the certificate, or, if they are absent, in the presence of 2 credible witnesses,”; 20
- (b) in subsection (7)(a), replace “sign and date any correction” with “authenticate any rectification”;
- (c) in subsection (7)(b), replace “correction” with “rectification”; and
- (d) delete subsection (8). 25

Amendment of section 103

27. In the principal Act, in section 103, delete subsection (3).

Amendment of section 108

28. In the principal Act, in section 108, delete “duly signed and sealed with his seal of office”. 30

Amendment of section 109A

29. In the principal Act, in section 109A, delete subsections (2) and (5).

Amendment of section 109B

5 **30.** In the principal Act, in section 109B —

(a) in paragraph (a), replace “109A(2) or (4)” with “109A(4)”;
and

(b) in paragraph (b), replace “109A(1), (3) or (5)” with
“109A(1) or (3)”.

10 **Amendment of section 141**

31. In the principal Act, in section 141(1) —

(a) in paragraph (h), replace the full-stop at the end with a
semi-colon; and

(b) after paragraph (h), insert —

15 “(i) every officer and employee of the Majlis
appointed under section 8.”.

Amendment of section 145

32. In the principal Act, in section 145(2), after paragraph (d),
insert —

20 “(da) providing for a right to appeal to the Minister against
any decision of the Majlis under any subsidiary
legislation made under this Act, and the procedure for
such appeals;”.

Miscellaneous amendments

25 **33.** In the principal Act —

(a) in the following provisions, replace “the Fund” with “the
General Endowment Fund”:

Section 61(2)

Section 62(1), (3) and (4)

Section 66

Section 71(3)

Section 73

Section 82(2);

- (b) in Part 5, in the Part heading, replace “RELIGIOUS SCHOOLS” with “MUSLIM RELIGIOUS SCHOOLS”; and 5
- (c) in section 88, in the section heading, replace “**religious school**” with “**Muslim religious school**”.

Saving and transitional provision

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34. Any person who, immediately before the date of commencement of section 5, holds an appointment or is employed by the Majlis as an officer, employee, consultant or agent, is deemed to have been appointed or employed as such by the Majlis under section 8 of the principal Act as inserted by section 5 of this Act. 15

EXPLANATORY STATEMENT

This Bill seeks to amend the Administration of Muslim Law Act 1966 (called the Act) for the following main purposes:

- (a) to provide the Majlis Ugama Islam, Singapura (called the Majlis) with powers to create a wakaf and to administer such a wakaf;
- (b) to establish a framework for the recognition of foreign halal certification bodies;
- (c) to expand the membership of the Legal Committee and to give the Legal Committee more discretion in considering fatwa requests;
- (d) to align the Syariah Court’s powers with the powers of the Family Justice Courts;
- (e) to facilitate the operation of the new electronic systems, and to update the administrative provisions, of the Registry of Muslim Marriages and the Syariah Court;
- (f) to define Muslim religious schools and give the Majlis stronger enforcement powers against unregistered Muslim religious schools;

(g) to centralise all Ministerial appeal provisions in the Act, provide for the establishment of the Appeal Committee, and to set a fixed period of appeal;

(h) generally to enhance the administration of the Act.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to insert definitions of “Appeal Committee”, “foreign halal certification body”, “Islamic instruction” and “Muslim religious school”, to replace the definition of “Fund” with a definition of “General Endowment Fund”, and to amend the definitions of “specified halal certification mark” and “wakaf”.

Clause 3 amends section 3 to add the recognition of foreign halal certification bodies to the functions and duties of the Majlis.

Clause 4 amends section 5 to insert a new power for the Majlis to create any wakaf.

Clause 5 inserts a new section 8 to provide that the Majlis may appoint and employ any officer, employee, consultant or agent necessary for the effective performance of the functions of the Majlis.

Clause 6 amends section 31(1) to expand the membership of the Legal Committee of the Majlis so that, in addition to the Mufti, there will be up to 8 other members, with at least 2 of them being members of the Majlis.

Clause 7 replaces subsection (3) of section 32 and inserts a new subsection (3A) so that the Legal Committee must consider any request to the Majlis to issue a fatwa or ruling on any point of Muslim law, so long as the request is not frivolous. After considering the request, the Legal Committee has the discretion to prepare a draft ruling, if it thinks it is appropriate or necessary to do so.

Clause 8 amends section 35 to —

- (a) omit the reference to judicial separation, as there is no such concept of separation under Muslim law; and
- (b) clarify that the Syariah Court (the Court) has jurisdiction to hear disputes relating to the custody, care and control, access or maintenance of minor children upon a divorce or nullification of a marriage.

Clauses 9 and 10 are similar to new sections 11A and 11B of the Family Justice Act 2014 which are being inserted into that Act by the Family Justice Reform Act 2023.

Clause 9 inserts new sections 36A, 36B and 36C to empower the Court, in certain circumstances (e.g. applications without merit or with adverse effect on the welfare of the child), to —

- (a) prohibit the filing of any application or document in support of any application unless the permission of the Court has been obtained; or
- (b) treat any application that has already been filed or any document that has been filed in support of any application as dismissed or expunged (as the case may be) unless certain conditions set by the Court have been complied with by the date specified by the Court, and to stay the proceedings in the application until that date.

Clause 10 amends section 43 to allow the Court to make orders on its own motion, including an order of a substantive nature, on any issue arising in any cause or matter which the Court has power to make, in exercise of its jurisdiction under section 35, on any person's application.

Clause 11 replaces subsection (6) of section 49 to remove the requirement for the divorce register to be physically signed by the Registrar of the Syariah Court, the woman who obtained the order or decree of fasakh, or the witnesses. This takes effect on or after 30 November 2022, which is the date that the Divorce E-Services on the SYC (Syariah Court) Portal became operational.

Clause 12 makes a consequential amendment to section 52(3)(c) as a result of the amendment made by clause 8.

Clause 13 amends section 55 to provide that appeals against the orders made by the Court under the new sections 36A and 36B may be made to the Appeal Board.

Clause 14 amends section 57 to empower the Majlis, with the Minister's approval, to transfer moneys or property from the General Endowment Fund to any wakaf created by the Majlis.

Clause 15 amends section 58 to empower the Majlis, with the Minister's approval, to create a wakaf for purposes of supporting the development of Islamic teachers or Quranic teachers, supporting mosques and madrasahs, supporting socio-religious programmes and any other purposes to be prescribed by rules. The particulars of every wakaf created by the Majlis must be published by way of a *Gazette* notification and on the official website of the Majlis.

Clause 16 amends section 60 to disapply that section to a wakaf created by the Majlis.

Clause 17 inserts a new section 62A to provide for the creation of a wakaf by the Majlis. All the moneys and property contributed or dedicated by individuals and other organisations to such a wakaf are to be vested in the Majlis and used for the purposes specified in the instrument creating the wakaf, for remunerating any mutawalli or trustee administering or managing the wakaf and for covering the expenses of maintaining and administering the wakaf. The Majlis may invest any moneys or property in the wakaf, and may make rules necessary or expedient for carrying out the provisions of the Act relating to any wakaf created by the Majlis.

Clause 18 amends section 63 to consistently apply both subsections (1) and (2) to any Muslim charitable trust, wakaf or nazar.

Clause 19 amends section 78 to provide that any contribution paid into the Mosque Building and Mendaki Fund that is not attributable to or cannot be traced to any individual is deemed to be for the purpose of building mosques.

Clause 20 inserts a new section 86A which defines “Muslim religious school”. A “Muslim religious school” means any of the following:

- (a) any person or organisation that habitually provides Islamic instruction to 10 or more individuals physically present in Singapore;
- (b) a place where 10 or more individuals physically present in Singapore are habitually provided with Islamic instruction;
- (c) in the case of a correspondence school where Islamic instruction is provided to 10 or more individuals physically present in Singapore — the place or places where the Islamic instruction is prepared or where answers are examined or corrected.

Clause 21 makes an amendment to section 87 which is consequential to the amendment in clause 5 to insert a new section 8 on the appointment by the Majlis of any officer or employee of the Majlis. These officers may be authorised by the Majlis to inspect any Muslim religious school under section 87(4).

The clause also deletes subsection (8) of section 87 on appeals to the Minister which is now centralised in a new Part 5B to be inserted by clause 25. Subsection (9) is replaced by a new subsection (8) to clarify that rules may be made for the powers of inspectors in relation to the inspection of any Muslim religious school, including gaining access to any computer or online account in relation to the inspection.

Clause 22 amends section 88A by deleting subsection (8) on appeals to the Minister which is now centralised in a new Part 5B to be inserted by clause 25.

Clause 23 inserts a new section 88AA to provide for the Majlis to recognise foreign halal certification bodies on their application for recognition in relation to any product (but not services). A halal certificate issued by the recognised foreign halal certification body will have the same effect and validity as if it were a halal certificate issued by the Majlis under section 88A. The list of foreign halal certification bodies and their certification marks must be specified on the official website of the Majlis. It is an offence for a person, without the approval of the foreign halal certification body, to —

- (a) issue a halal certificate purportedly from or on behalf of that foreign halal certification body in relation to any product; or
- (b) use any specified halal certification mark or any colourable imitation of that mark purportedly of that foreign halal certification body.

Clause 24 amends section 88C(2) to empower the Majlis, with the Minister's approval, to make rules to regulate the recognition of foreign halal certification bodies and the use of halal certificates and specified halal certification marks issued by a foreign halal certification body.

Clause 25 inserts a new Part 5B (comprising new sections 88F to 88I) on appeals.

The new section 88F empowers the Minister to appoint the Appeal Committee which must consist of at least 3 persons, one of whom must be appointed by the Minister to be the chairperson.

The new section 88G provides that any person who is aggrieved by any of the following may appeal to the Minister in accordance with the new Part 5B:

- (a) any act, order or direction of the Majlis under section 87 or any rules made under that section;
- (b) any decision of the Majlis under section 88A or any subsidiary legislation made under that section;
- (c) any decision of the Majlis under any other subsidiary legislation made under the Act where a right of appeal is expressly provided in that subsidiary legislation.

The new section 88H provides that any person who is aggrieved by any decision of the Majlis made under the new section 88AA may appeal to the Appeal Committee against that decision in accordance with the new Part 5B.

The new section 88I provides for the procedures and other requirements applicable to appeals under the new Part 5B.

Clause 26 amends section 101(6) to remove the requirement that the rectification of a clerical or typographical error in any certificate of marriage or certificate of revocation of divorce must be done in the presence of the persons named in the certificate or 2 credible witnesses. The clause also amends section 101(7) to replace the requirement that the rectification must be signed and dated by the Registrar of Muslim Marriages with the requirement to authenticate the rectification.

Clause 27 amends section 103 to remove the requirement that the entry in the Register of Marriages or the Register of Revocation of Divorces must be signed by the Kadi or Naib Kadi and by the prescribed parties and witnesses.

Clause 28 amends section 108 to remove the requirement that the copy of the certificate of marriage or certificate of revocation of divorce given to the parties after registration must be signed and sealed by the Kadi or Naib Kadi.

Clause 29 amends section 109A to make amendments consequential to the amendment to section 49(6) made by clause 11.

Clause 30 makes amendments to section 109B which are consequential to the amendments to section 109A made by clause 29.

Clause 31 makes an amendment to section 141(1) that is consequential to the amendment in clause 5 to insert a new section 8 on the appointment by the Majlis of any officer or employee of the Majlis. These officers and employees will be deemed to be public servants within the meaning of the Penal Code 1871.

Clause 32 amends section 145(2) to empower the President of Singapore to make rules providing for a right to appeal to the Minister against any decision of the Majlis under any subsidiary legislation made under the Act, as well as the procedure for such appeals.

Clause 33 makes miscellaneous consequential amendments to replace the term “the Fund” with the term “the General Endowment Fund”, to distinguish it from other funds, and to replace the term “religious schools” in certain provisions with “Muslim religious schools” so that the term is consistent throughout the Act.

Clause 34 contains a saving and transitional provision.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
