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Act 505

ADMINISTRATION OF ISLAMIC LAW (FEDERAL TERRITORIES) ACT 1993

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**ADMINISTRATION OF ISLAMIC LAW
(FEDERAL TERRITORIES) ACT 1993**

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LAWS OF MALAYSIA

Act 505

ADMINISTRATION OF ISLAMIC LAW (FEDERAL TERRITORIES) ACT 1993

An Act to provide for the Federal Territories a law concerning the enforcement and administration of Islamic Law, the constitution and organization of the Syariah Courts, and related matters.

[*Federal Territories of Kuala Lumpur and Labuan—15 October 1993, P.U. (B) 452/1993;*
**Federal Territory of Putrajaya—1 February 2001, P.U. (A) 250/2002*]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

Short title, application and commencement

1. (1) This Act may be cited as the Administration of Islamic Law (Federal Territories) Act 1993 and applies only to the Federal Territories of Kuala Lumpur and Labuan.

(2) This Act shall come into force on a date to be appointed by the Yang di-Pertuan Agong by notification in the *Gazette*.

(3) The Yang di-Pertuan Agong may appoint different dates for the coming into force of different provisions of this Act.

Interpretation

2. (1) In this Act, unless the context otherwise requires—

“*anak kariah*” means a person who is permanently or habitually resident in the *kariah masjid*;

“Chairman” means the Chairman of the Majlis;

*NOTE—In its application to the Federal Territory of Putrajaya—see the Federal Territory of Putrajaya (Extension and Modification of Administration of Islamic Law (Federal Territories) Act 1993) Order 2002 [P.U. (A) 250/2002].

“Chief Religious Enforcement Officer” and “Religious Enforcement Officer” mean the officers appointed as such under subsection 58(4);

“Chief Syariah Judge” means the Chief Syariah Judge appointed under subsection 41(1);

“Chief Syariah Prosecutor” means an officer appointed under subsection 58(1);

“Court” or “Syariah Court” means the Syariah Subordinate Court, the Syariah High Court, or the Syariah Appeal Court, as the case may be, constituted under section 40;

“Enactment” means the Administration of Muslim Law Enactment 1952 of the State of Selangor [*Selangor Enactment 3 of 1952*]—

(a) in relation to the Federal Territory of Kuala Lumpur, as modified by the Federal Territory (Modification of Administration of Muslim Law Enactment) Orders 1974, 1981 and 1988 [*P.U. (A) 44/1974, 390/1981, 163/1988, 263/1988*] made pursuant to subsection 6(4) of the Constitution (Amendment) (No. 2) Act 1973 [*Act A206*] and in force in the Federal Territory of Kuala Lumpur by virtue of subsection 6(1) of that Act and Administration of Muslim Law (Amendment) Act 1984 [*Act A576*]; and

(b) in relation to the Federal Territory of Labuan, as modified and extended by the Federal Territory of Labuan (Modification and Extension of Administration of Muslim Law Enactment) Order 1985 [*P.U. (A) 352/1985*] made pursuant to section 7 of the Constitution (Amendment) (No. 2) Act 1984 [*Act A585*];

“Federal Territories” means the Federal Territories of Kuala Lumpur and Labuan;

“Fund” means the Fund known as *Baitulmal* established under section 60;

“*Imam*” means an *Imam* appointed under subsection 76(3);

“*Imam Ratib*” means an *Imam Ratib* appointed under subsection 76(4);

“Islamic Law” means Islamic Law according to any recognized *Mazhab*;

“Islamic Legal Consultative Committee” means Islamic Legal Consultative Committee established under subsection 37(1);

“*jawatankuasa kariah*” means a *jawatankuasa kariah* established under rules made under section 81;

“*kariah masjid*”, in relation to a mosque, means the area, the boundaries of which are determined under section 75 in which the mosque is situated;

“Majlis” means the Majlis Agama Islam Wilayah Persekutuan established under subsection 4(1);

“Minister” means the Minister charged with responsibility for the administration of the religion of Islam in the Federal Territories;

“mosque” means a building used for holding Friday and other prayers and activities enjoined, recommended, or approved by the religion of Islam, and includes any mosque or *surau* or *madrasah* listed in the Third Schedule;

“Mufti” means the person appointed to be the Mufti for the Federal Territories under section 32, and includes the Deputy Mufti;

“Muslim” means—

(a) a person who professes the religion of Islam;

(b) a person either or both of whose parents were, at the time of the person’s birth, Muslims;

- (c) a person whose upbringing was conducted on the basis that he was a Muslim;
- (d) a person who has converted to Islam in accordance with the requirements of section 85;
- (e) a person who is commonly reputed to be a Muslim; or
- (f) a person who is shown to have stated, in circumstances in which he was bound by law to state the truth, that he was a Muslim, whether the statement be verbal or written;

“*nazr*” means an expressed vow to do an act or to dedicate property for any purpose allowed by Islamic Law;

“*nazr ‘am*” means a *nazr* intended wholly or in part for the benefit of the Muslim community generally or any section thereof, as opposed to an individual or individuals;

“*Pegawai Masjid*” means the *Naqib Masjid*, *Imam*, *Imam Ratib*, *Bilal* and *Pembantu Bilal* of a mosque;

“*Peguam Syarie*” means a person appointed a *Peguam Syarie* under section 59;

“*Pembantu Bilal*” means a *Pembantu Bilal* of a mosque appointed under subsection 76(4);

“Secretary” means the Secretary of the Majlis mentioned in section 14;

“Syariah Judge” or “Judge” means Judges of the Syariah High Court appointed under subsection 43(1) but does not include a Judge of the Syariah Subordinate Courts appointed under subsection 44(1);

“Syariah Prosecutor” means an officer appointed under subsection 58(3);

“*wakaf ‘am*” means a dedication in perpetuity of the capital and income of property for religious or charitable purposes recognized by Islamic Law, and the property so dedicated;

“*wakaf khas*” means a dedication in perpetuity or for a limited period of the capital of property for religious or charitable purposes recognized by Islamic Law, and the property so dedicated, the income of the property being paid to persons or for purposes prescribed in the *wakaf*.

(2) All words and expressions used in this Act and not herein defined but defined in the Interpretation Acts 1948 and 1967 [Act 388] shall have the meaning thereby assigned to them respectively to the extent that such meanings do not conflict with Islamic Law.

(3) For the avoidance of doubt as to the identity or interpretation of the words and expressions used in this Act that are listed in the First Schedule, reference may be made to the Arabic script for those words and expressions as shown against them therein.

Saving of prerogative

3. Save as expressly provided in this Act, nothing contained therein shall derogate from or affect the rights and powers of the Yang di-Pertuan Agong as the Head of the religion of Islam in the Federal Territories, as declared and set forth in the Federal Constitution.

PART II

THE MAJLIS AGAMA ISLAM WILAYAH PERSEKUTUAN

Establishment of the Majlis

4. (1) There shall be a body to be known as the “Majlis Agama Islam Wilayah Persekutuan” to advise the Yang di-Pertuan Agong in matters relating to the religion of Islam.

(2) Upon the coming into force of this section, the “Majlis Agama Islam Wilayah Persekutuan” existing by virtue of section 5 of the Enactment shall be deemed to be the Majlis referred to in subsection (1).

Legal identity and powers of the Majlis

5. (1) The Majlis shall be a body corporate having perpetual succession and a corporate seal, and the said seal may from time to time be broken, changed, altered and made anew as to the Majlis seems fit, and, until a seal is provided under this section, a stamp bearing the inscription the “Majlis Agama Islam Wilayah Persekutuan” may be used as the corporate seal.

(2) The Majlis may sue and be sued in its corporate name.

(3) The Majlis may enter into contracts and may acquire, purchase, take, hold and enjoy movable and immovable property of every description, and subject to any written law affecting the same may convey, assign, surrender and yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property vested in the Majlis upon such terms as to the Majlis seems fit and in accordance with Islamic Law.

(4) The Majlis shall have power to act as an executor of a will or as an administrator of the estate of a deceased person or as a trustee of any trust.

(5) The Majlis shall have such further powers and carry out such duties as may by this or by any other Act assigned to it.

Committees

6. The Majlis may appoint committees to assist it in the performance of its duties or the exercise of its powers.

Duty of the Majlis for socio-economic development of Muslims

7. (1) It shall be the duty of the Majlis to promote, stimulate, facilitate and undertake the economic and social development and well-being of the Muslim community in the Federal Territories consistent with Islamic Law.

(2) The Majlis shall have power, for the purpose of the discharge of its duty under subsection (1)—

(a) to carry on all activities, which will not involve any element which is not approved by the religion of Islam, particularly the development of commercial and industrial

enterprises, the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its said duty, including the manufacturing, assembling, processing, packing, grading and marketing of products;

- (b) to promote the carrying on of any such activities by other bodies or persons, and for that purpose to establish or expand, or promote the establishment or expansion of, other bodies to carry on any such activities either under the control or partial control of the Majlis or independently, and to give assistance to such bodies or to other bodies or persons appearing to the Majlis to have the facilities for the carrying on of any such activities, including the giving of financial assistance by way of loan or otherwise;
- (c) to carry on any such activities in association with other bodies or persons, including the departments or authorities of the Federal Government, or as managing agent or otherwise on behalf of the Federal Government;
- (d) to invest in any authorized investment as defined by the Trustee Act 1949 [Act 208], and to dispose of the same on such terms and conditions as the Majlis may determine;
- (e) subject to the approval of the Finance Minister, to establish any scheme for the granting of loans from the Fund to Muslim individuals for higher learning;
- (f) to establish and maintain Islamic schools, and Islamic training and research institutions; and
- (g) to do all acts which the Majlis considers desirable or expedient.

Powers to establish corporations

8. (1) The Majlis may, with the approval of the Yang di-Pertuan Agong, from time to time by order published in the *Gazette*, establish a corporation by such name as the Majlis may think fit to carry out and have the charge, conduct and management of any project, scheme or enterprise which has been planned or undertaken by the Majlis in execution of its duty or powers under section 7.

(2) The Majlis shall, with the approval of the Yang di-Pertuan Agong, by the same or by a different order, make provisions in respect of a corporation established under subsection (1) defining—

- (a) the duties, powers, and rights of the corporation;
- (b) the system of management of the corporation; and
- (c) the relations between the corporation and the Majlis and its right of control over the corporation.

(3) The provisions of the Second Schedule shall apply to a corporation established by the Majlis under subsection (1).

Power to establish companies and validation of companies established

8A. (1) The Majlis may, with the approval of the Yang di-Pertuan Agong, establish companies under the Companies Act 1965 [*Act 125*] to carry out any activity which has been planned or undertaken by the Majlis in execution of its duty or powers under section 7.

(2) Every company established or purported to be established by the Majlis under the Companies Act 1965 before the commencement of this section shall be deemed to have been lawfully established and shall continue to exist as if it had been established by the Majlis under subsection (1).

(3) Any financing or financial assistance given by the Majlis under subsection 7(2) to a company referred to in subsection (2) shall be deemed to have been lawfully given.

Borrowing powers

9. (1) The Majlis may, with the approval of the Minister of Finance and upon such terms and conditions as may be determined by him, borrow such sums as it may require for discharging any of its functions under this Act.

(2) Sums borrowed by virtue of this section shall be paid into the Fund.

Membership of the Majlis

10. (1) The Majlis shall consist of the following members:

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) the Chief Secretary to the Government or his representative;
- (d) the Attorney General or his representative;
- (e) the Inspector-General of Police or his representative;
- (f) the *Mufti*;
- (g) the Commissioner of the City of Kuala Lumpur; and
- (h) fifteen other members, at least five of whom shall be persons learned in Islamic studies.

(2) The Chairman, Deputy Chairman, and the members under paragraph (1)(h) shall be persons who are Muslims and shall be appointed by the Yang di-Pertuan Agong on the advice of the Minister for such term, not exceeding three years, as the Yang di-Pertuan Agong may determine.

(3) A member whose term of office has expired may be reappointed.

(4) If at any time the person holding the appointment mentioned in paragraph (c), (d), (e) or (g) is not a Muslim, the Yang di-Pertuan Agong on the advice of the Minister shall appoint another officer who is a Muslim and next in seniority from the same Department or Ministry to be a member in place of that person.

(5) The persons who, immediately before the coming into force of this section, were the Chairman, Deputy Chairman, and appointed members of the Majlis Agama Islam Wilayah Persekutuan shall, subject to this Act, continue to be the Chairman, Deputy Chairman, and members of the Majlis respectively until the expiry of their current period of appointment.

Termination of appointments

11. The appointment of an appointed member of the Majlis shall terminate—

- (a) on his death;
- (b) if he, by letter addressed to the Yang di-Pertuan Agong through the Chairman, resigns his appointment; or
- (c) if he has been absent from Malaysia, without the written permission of the Chairman, for a period exceeding six months.

Revocation of appointments

12. The Yang di-Pertuan Agong may, on the advice of the Minister, revoke the appointment of any appointed member of the Majlis—

- (a) if his conduct, whether in connection with his duties as a member or otherwise, has been such as to bring discredit on the Majlis; or
- (b) if he has become incapable of properly carrying out his duties as a member; or
- (c) if, without any excuse which in the opinion of the Chairman is sufficient, he has been absent from three successive meetings of the Majlis.

Appointments to be gazetted

13. All appointments and revocations of appointment under sections 10, 11 and 12 shall be published in the *Gazette*.

Secretary

14. (1) The Director of the Islamic Religious Department of the Federal Territories shall be the Secretary of the Majlis.

(2) The Secretary shall be the chief executive and administrative officer of the Majlis and shall be responsible for carrying out the policies and resolutions of the Majlis.

(3) The Secretary shall be entitled to attend all meetings of the Majlis and to participate in its deliberations, but shall not be entitled to vote.

Attendance of non-members at meetings

15. (1) The Chairman may invite to any meeting of the Majlis any person who is not a member of the Majlis, if the business before the meeting renders the presence of such a person desirable.

(2) A person invited under subsection (1) shall be entitled to participate in the deliberations of the Majlis, but shall not be entitled to vote.

Presiding over meetings

16. (1) The Chairman, or in his absence the Deputy Chairman, shall preside over all meetings of the Majlis.

(2) If the Chairman and the Deputy Chairman are absent from a meeting, the members present shall elect one of their number to preside over the meeting.

Quorum

17. No business, save that of adjournment, shall be transacted at a meeting, and no resolution or action of the Majlis made or performed at a meeting shall be valid, unless at least one-third of the members, including the person presiding over the meeting, are present at the meeting.

Conduct of business

18. (1) Except as otherwise expressly provided by this Act, all business of the Majlis shall be conducted at a meeting thereof regularly convened and shall be disposed of by resolution of the majority of the members present and entitled to vote.

(2) A resolution in writing signed by all members of the Majlis shall, unless in any special case or class of cases the Yang di-Pertuan Agong otherwise directs, have the same effect as a resolution duly passed under subsection (1).

Summoning of meetings

19. (1) All meetings of the Majlis shall be summoned by the Secretary.

(2) The Chairman may at any time direct the Secretary to summon a meeting.

(3) Any four members of the Majlis may at any time in writing require the Secretary to summon a meeting of the Majlis on condition that they inform the Secretary of the purpose for which they desire the meeting to be summoned.

(4) The Secretary shall, within fourteen days of receipt of a direction or requirement under subsection (2) or (3), or, if the Chairman so directs, immediately upon receipt of such a direction or requirement, summon a meeting.

(5) At least seven days' notice in writing shall be given of any meeting, but the Chairman may, if he considers that there is an urgent need to summon a meeting at shorter notice, direct that the requirement of seven days' notice be dispensed with.

(6) Notice of a meeting may be sent by post to a member addressed to his last-known place of residence and shall be deemed to have been served in due course of post.

(7) No notice of meetings shall be necessary in the case of a member who is for the time being outside Malaysia.

Powers of Chairman

20. The Chairman shall exercise control over all deliberations and proceedings of the Majlis and shall be responsible for the proper and orderly conduct thereof.

Duties and powers of Secretary

21. Subject to such directions as may be given to him by the Chairman, the Secretary shall have charge of all correspondence and documents of the Majlis and shall in all other respects carry out such duties as may be imposed upon him by the Act or assigned to him by the Chairman.

Minutes

22. (1) The Secretary shall keep minutes of all meetings of the Majlis, and at every meeting the minutes of the previous meeting shall be read and confirmed, subject to any amendment which may be required.

(2) Such minutes shall be entered in the minute book of the Majlis and shall include a full verbatim record of every resolution of the Majlis.

(3) As soon as possible after every meeting of the Majlis a copy of the draft minutes shall be sent to the Yang di-Pertuan Agong. If on confirmation such draft minutes are amended, the Yang di-Pertuan Agong shall forthwith be informed of the amendments made:

Provided that no decision referred to in any of the minutes of the Majlis shall be acted upon until the Yang di-Pertuan Agong has in writing signified his assent.

(4) Meetings of the Majlis shall be held with such regularity that not more than three calendar months shall have elapsed between one meeting and the next.

Order of business and voting

23. (1) The Chairman shall determine the order of business at meetings.

(2) The Chairman may decide in what order members may address the meeting and may at any time require any member to cease addressing the meeting.

(3) If on any resolution there is an equality of votes the Chairman shall have a casting vote.

Certified copies of resolutions

24. A copy of any resolution of the Majlis certified by the Secretary to be a true copy of the resolution shall be sufficient evidence thereof, and all courts shall take judicial notice of the signature of the Secretary.

Leave

25. The Chairman, if he expects to be absent from Malaysia for more than thirty days, shall apply for leave to the Yang di-Pertuan Agong who may give such directions as he thinks fit.

Acting in emergency

26. (1) In any case of emergency the Chairman may, after consultation with the Minister, do or direct to be done on behalf of the Majlis any act or thing that may lawfully be done by resolution of the Majlis.

(2) Where any act or thing is done pursuant to subsection (1), a meeting of the Majlis shall be held within one week thereafter for the purpose of ratifying and confirming the act or thing done, and if the Majlis declines to ratify and confirm the act or thing done, the Yang di-Pertuan Agong may give such directions with respect thereto as he thinks fit.

Delegation of duties and powers

27. (1) The Majlis may, by resolution, and subject to such conditions and restrictions as the Majlis thinks fit, delegate to the Chairman or the Secretary or to any committee of the Majlis the performance of any of its duties or the exercise of any of its powers.

(2) The performance of duties and the exercise of powers in pursuance of a delegation under subsection (1) shall be subject to the control and direction of the Majlis.

(3) The Chairman, Secretary, or committee shall inform the Majlis of all acts and things done by him or it in pursuance of a delegation under subsection (1).

Secrecy

28. The proceedings of the Majlis shall be kept secret and no member or servant thereof shall disclose or divulge to any person, other than the Yang di-Pertuan Agong or the Minister, and any member of the majlis, any matter that has arisen at any meeting unless he is expressly authorized by the Majlis.

Public servant

29. The members, officers and servants of the Majlis shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Majlis may determine its own procedure

30. The Majlis may, subject to this Act, determine questions relating to its own procedure and practice.

Authority of Majlis

31. The Majlis shall aid and advise the Yang di-Pertuan Agong in respect of all matters relating to the religion of Islam within the Federal Territories, except matters of Islamic Law and those relating to the administration of justice, and in all such matters shall be the chief authority in the Federal Territories after the Yang di-Pertuan Agong, except where otherwise provided in this Act.

PART III

APPOINTMENT OF MUFTI, AUTHORITY IN RELIGIOUS MATTERS AND THE ISLAMIC LEGAL CONSULTATIVE COMMITTEE

Appointment of Mufti and Deputy Mufti

32. (1) The Yang di-Pertuan Agong may, on the advice of the Minister, after consulting the Majlis, appoint fit and proper persons to be the Mufti and the Deputy Mufti for the Federal Territories.

(2) Upon the commencement of this section, any person who, immediately before the commencement, was the Mufti of the Federal Territories appointed under the Enactment shall be deemed to have been duly appointed under this section to be the Mufti of the Federal Territories and shall hold office as such.

Authority of Mufti

33. The Mufti shall aid and advise the Yang di-Pertuan Agong in respect of all matters of Islamic Law, and in all such matters shall be the chief authority in the Federal Territories after the Yang di-Pertuan Agong, except where otherwise provided in this Act.

Fatwa

34. (1) The Mufti shall, on the direction of the Yang di-Pertuan Agong, and may, on his own initiative or on the request of any person made by letter addressed to the Mufti, make and publish in the *Gazette*, a *fatwa* or ruling on any unsettled or controversial question of or relating to Islamic Law.

(2) No statement made by the Mufti shall be taken to be a *fatwa* unless and until it is published in the *Gazette* pursuant to subsection (1).

(3) Upon publication in the *Gazette*, a *fatwa* shall be binding on every Muslim resident in the Federal Territories as a dictate of his religion and it shall be his religious duty to abide by and uphold the *fatwa*, unless he is permitted by Islamic Law to depart from the *fatwa* in matters of personal observance, belief, or opinion.

(4) A *fatwa* shall be recognized by all Courts in the Federal Territories as authoritative of all matters laid down therein.

Form of *fatwa*

35. (1) A *fatwa* shall cite that it is made pursuant to section 34.

(2) A *fatwa* shall be published in the national language in the Rumi script, but a text of the *fatwa* in the Jawi script may also be published.

Amendment, modification or revocation of *fatwa*

36. (1) The Mufti may amend, modify or revoke any *fatwa* that has been issued earlier by him or by any previous Mufti.

(2) An amendment, a modification or a revocation of a *fatwa* shall be deemed to be a *fatwa* and the provisions of subsections 34(3) and (4) and subsection 35(2) shall apply thereto.

(3) An amendment, a modification or a revocation of a *fatwa* shall cite that it is made pursuant to subsection (1).

The Islamic Legal Consultative Committee

37. (1) There shall be a committee to be known as the Islamic Legal Consultative Committee.

(2) The Committee shall consist of—

(a) the Mufti, as Chairman;

(b) the Deputy Mufti;

(c) two members of the Majlis nominated by the Majlis;

(d) not less than two fit and proper persons to be appointed by the Majlis; and

(e) an officer of the Islamic Religious Department of the Federal Territories to be appointed by the Majlis, who shall be the Secretary.

(3) The persons who, immediately before the coming into force of this section, were appointed members of the Legal Committee established under section 40 of the Enactment shall, subject to this Act, be deemed to have been nominated or appointed to be members of the Islamic Legal Consultative Committee and shall continue to be members until the expiry of their current period of appointment.

(4) Of the persons referred to in subsection (3), two who are members of the Majlis shall be deemed to have been nominated under paragraph (2)(c) and the rest shall be deemed to have been appointed under paragraph (d) of that subsection.

(5) Whenever the Mufti proposes to make a *fatwa* under section 34 he shall call a meeting of the Committee for the purpose of discussing the proposed *fatwa*.

(6) Before the Mufti makes a *fatwa*, he may cause such studies or research to be conducted as he may direct and a working paper prepared.

Request for opinion from the Mufti

38. Notwithstanding any written law to the contrary, the Mufti shall not be liable to be summoned to any civil court or Syariah Court to give opinion or evidence relating to Islamic Law, but if

in any court other than a Syariah Court any question of Islamic Law calls for a decision, that court may request the opinion of the Mufti on the question, and the Mufti may certify his opinion to the requesting court.

Authorities to be followed

39. (1) In issuing any *fatwa* under section 34, or certifying any opinion under section 38, the Mufti shall ordinarily follow the accepted views (*qaul muktamad*) of the *Mazhab Syafie*.

(2) If the Mufti considers that following the *qaul muktamad* of the *Mazhab Syafie* will lead to a situation which is repugnant to public interest, the Mufti may follow the *qaul muktamad* of the *Mazhab Hanafi*, *Maliki* or *Hanbali*.

(3) If the Mufti considers that none of the *qaul muktamad* of the four *Mazhabs* may be followed without leading to a situation which is repugnant to public interest, the Mufti may then resolve the question according to his own judgment without being bound by the *qaul muktamad* of any of the four *Mazhabs*.

PART IV

SYARIAH COURTS

Constitution of Syariah Courts

40. (1) The Yang di-Pertuan Agong, on the advice of the Minister, may by notification in the *Gazette* constitute Syariah Subordinate Courts for the Federal Territories at such places as he considers fit.

(2) The Yang di-Pertuan Agong, on the advice of the Minister, may by notification in the *Gazette*, constitute a Syariah High Court for the Federal Territories.

(3) The Yang di-Pertuan Agong, on the advice of the Minister, may by notification in the *Gazette* constitute a Syariah Appeal Court for the Federal Territories.

Appointment of Chief Syariah Judge

41. (1) The Yang di-Pertuan Agong may, on the advice of the Minister, after consultation with the Majlis, appoint a Chief Syariah Judge.

(2) A person is qualified for appointment under subsection (1) if—

(a) he is a citizen; and

(b) he—

(i) has, for a period of not less than ten years preceding his appointment, been a Judge of a Syariah High Court or a Kathi or a Registrar or a Syariah Prosecutor of a State or sometimes one and sometimes another; or

(ii) is a person learned in Islamic Law.

(3) The person who, immediately before the commencement of this section, was holding the appointment of Kathi Besar under subsection 43(1) of the Enactment and was performing judicial functions shall, on the commencement of this section, continue to hold office as the Chief Syariah Judge as if he had been appointed under subsection (1).

(4) The appointment under this section shall be published in the *Gazette*.

Appointment of Judges of the Syariah Appeal Court

42. (1) The Yang di-Pertuan Agong may, on the advice of the Minister, after consultation with the Majlis, appoint for a period not exceeding three years not more than seven Muslims to constitute a standing panel of judges and the Chief Syariah Judge shall select two from amongst them to form a quorum of judges in the Syariah Appeal Court in respect of every hearing.

(2) The names of the seven members shall be published in the *Gazette*.

Appointment of Judges of the Syariah High Court

43. (1) The Yang di-Pertuan Agong may, on the advice of the Minister, after consultation with the Majlis, appoint Judges of the Syariah High Court.

(2) A person is qualified for appointment under subsection (1) if—

(a) he is a citizen; and

(b) he—

(i) has, for a period of not less than ten years preceding his appointment, been a Judge of a Syariah Subordinate Court or a Kathi or a Registrar or a Syariah Prosecutor of a State or sometimes one and sometimes another; or

(ii) he is a person learned in Islamic Law.

(3) The persons who, immediately before the commencement of this section, were holding the appointment of Kathi under subsection 43(1) of the Enactment and were performing judicial functions shall, on the commencement of this section, continue to hold office as Judges of the Syariah High Court as if they had been appointed under subsection (1).

(3) All appointments under this section shall be published in the *Gazette*.

Appointment of Judges of Syariah Subordinate Courts

44. (1) The Yang di-Pertuan Agong may, on the recommendation of the Chief Syariah Judge, appoint from amongst members of the general public service of the Federation Judges of the Syariah Subordinate Courts.

(2) All appointments under subsection (1) shall be published in the *Gazette*.

Registrars

45. The Yang di-Pertuan Agong may, on the advice of the Chief Syariah Judge, appoint, from amongst members of the general public service of the Federation, a Chief Registrar of the Syariah

Appeal Court, a Registrar of the Syariah High Court, and Assistant Registrars of the Syariah Subordinate Courts.

Jurisdiction of Syariah High Court

46. (1) A Syariah High Court shall have jurisdiction throughout the Federal Territories and shall be presided over by a Syariah Judge.

(2) A Syariah High Court shall—

- (a) in its criminal jurisdiction, try any offence committed by a Muslim and punishable under the Enactment or the Islamic Family Law (Federal Territories) Act 1984 [Act 303], or under any other written law prescribing offences against precepts of the religion of Islam for the time being in force, and may impose any punishment provided therefor;
- (b) in its civil jurisdiction, hear and determine all actions and proceedings in which all the parties are Muslims and which relate to—
 - (i) betrothal, marriage, *ruju'*, divorce, nullity of marriage (*fasakh*), *nusyuz*, or judicial separation (*faraq*) or other matters relating to the relationship between husband and wife;
 - (ii) any disposition of, or claim to, property arising out of any of the matters set out in subparagraph (i);
 - (iii) the maintenance of dependants, legitimacy, or guardianship or custody (*hadhanah*) of infants;
 - (iv) the division of, or claims to, harta sepencarian;
 - (v) wills or death-bed gifts (*marad-al-maut*) of a deceased Muslim;
 - (vi) gifts inter vivos, or settlements made without adequate consideration in money or money's worth, by a Muslim;
 - (vii) *wakaf* or *nazr*;
 - (viii) division and inheritance of testate or intestate property;

- (ix) the determination of the persons entitled to share in the estate of a deceased Muslim or of the shares to which such persons are respectively entitled; or
- (x) other matters in respect of which jurisdiction is conferred by any written law.

Jurisdiction of Syariah Subordinate Court

47. (1) A Syariah Subordinate Court shall have jurisdiction throughout the Federal Territories and shall be presided over by a Judge of the Syariah Subordinate Court.

(2) The Syariah Subordinate Court shall—

- (a) in its criminal jurisdiction, try any offence committed by a Muslim under the Enactment or any other written law prescribing offences against precepts of the religion of Islam for which the maximum punishment provided by the Enactment or such written law does not exceed two thousand ringgit or imprisonment for a term of one year or to both, and may impose any punishment provided therefor;
- (b) in its civil jurisdiction, hear and determine all such actions and proceedings as the Syariah High Court is authorized to hear and determine in which the amount or value of the subject-matter in dispute does not exceed fifty thousand ringgit or is not capable of estimation in terms of money.

(3) The Yang di-Pertuan Agong may from time to time by notification in the *Gazette* extend the civil jurisdiction of the Syariah Subordinate Court.

Appeal to Syariah High Court

48. (1) An appeal shall lie to the Syariah High Court from any decision of a Syariah Subordinate Court—

- (a) in its criminal jurisdiction, by the prosecution or by a person convicted, and such appeal may be against an acquittal, conviction or sentence or any of them;
- (b) in its civil jurisdiction—
 - (i) by any person aggrieved by the decision, if the amount claimed is not less than one thousand ringgit;

- (ii) in all cases involving any decision as to personal status, by any person aggrieved by the decision;
- (iii) in all cases relating to maintenance of dependants, by any person aggrieved by the decision,

but no appeal shall lie against a decision made by consent; and

- (c) in any other case, if the Syariah High Court gives leave to appeal.

(2) On any appeal, the Syariah High Court may—

- (a) in a criminal matter, dismiss the appeal, convict and sentence the appellant, order the trial Court to call for the defence or make further inquiry, enhance or alter the nature of the sentence, order a retrial, or alter or reverse any order of the trial Court;
- (b) in a civil matter, confirm, reverse or vary the decision of the trial Court, exercise any such powers as the trial Court could have exercised, make such order as the trial Court ought to have made, or order a retrial.

Application for leave to appeal

49. (1) An appeal or application for leave to appeal under paragraph 48(1)(c) shall be made to the Syariah High Court in such manner as may be prescribed, but in any event within fourteen days from the date of the judgment, order or decision in respect of which the application is made or, in the event that the applicant was not at that date aware thereof and could not by the exercise of reasonable diligence have been so aware, within fourteen days from the date such judgment, order, or decision came to his knowledge.

(2) The Syariah High Court, on hearing any application for leave to appeal, may on special ground extend the time for appealing, notwithstanding that it may have expired.

Inheritance certificates

50. If in the course of any proceedings relating to the administration or distribution of the estate of a deceased Muslim, any court or authority, other than the Syariah High Court or a Syariah Subordinate Court, is under the duty to determine the persons entitled to share

in the estate, or the shares to which such persons are respectively entitled, the Syariah Court may, on the request of such court or authority, or on the application of any person claiming to be a beneficiary or his representative and on payment by him of the prescribed fee, certify the facts found by it and its opinion as to the persons who are entitled to share in the estate and as to the shares to which they are respectively entitled.

Supervisory and revisionary jurisdiction of the Syariah High Court

51. (1) The Syariah High Court shall have supervisory and revisionary jurisdiction over all Syariah Subordinate Courts and may, if it appears desirable in the interest of justice, either of its own motion or at the instance of any party or person interested, at any stage in any matter or proceedings, whether civil or criminal, in any Syariah Subordinate Court, call for and examine any records thereof and may give such directions as justice may require.

(2) Whenever the Syariah High Court calls for the records under subsection (1), all proceedings in the Syariah Subordinate Court on the matter or proceedings in question shall be stayed pending further order of the Syariah High Court.

Jurisdiction of Syariah Appeal Court

52. (1) The Syariah Appeal Court shall have jurisdiction to hear and determine any appeal against any decision made by the Syariah High Court in the exercise of its original jurisdiction.

(2) When an appeal from a decision of a Syariah Subordinate Court has been determined by the Syariah High Court, the Syariah Appeal Court may on the application of any party grant leave for the determination by itself of any question of law of public interest which has arisen in the course of the appeal and the determination of which by the Syariah High Court has affected the result of the appeal.

(3) When leave has been granted by the Syariah Appeal Court it shall hear and determine the question allowed to be referred for its determination and make such order as the Syariah High Court might have made and as it considers just for the disposal of the appeal.

Supervisory and revisionary jurisdiction of the Syariah Appeal Court

53. (1) The Syariah Appeal Court shall have supervisory and revisionary jurisdiction over the Syariah High Court and may, if it appears desirable in the interest of justice, either of its own motion or at the instance of any party or person interested, at any stage in any matter or proceedings, whether civil or criminal, in the Syariah High Court, call for and examine any records thereof and may give such directions as justice may require.

(2) Whenever the Syariah Appeal Court calls for the records under subsection (1), all proceedings in the Syariah High Court on the matter or proceedings in question shall be stayed pending further order of the Syariah Appeal Court.

Composition of the Syariah Appeal Court

54. (1) An appeal in the Syariah Appeal Court shall be heard and disposed of by a chairman and such two Judges of the Syariah Appeal Court as the Chief Syariah Judge may determine.

(2) Notwithstanding section 42 of this Act, the Chief Syariah Judge may appoint any Judge of the Syariah High Court to be a member of the Syariah Appeal Court for any particular proceedings if the Chief Syariah Judge considers it desirable to do so.

(3) The Chief Syariah Judge shall be the chairman for every proceedings of the Syariah Appeal Court, and in the event he is unable to act, the Chief Syariah Judge shall appoint the most senior of the Judges of the Syariah Appeal Court to be chairman.

Decision by majority

55. The appeal shall be decided in accordance with the opinion of the majority of the members of the Syariah Appeal Court.

Continuation of proceedings in Syariah Appeal Court notwithstanding absence of Judge

56. (1) If, in the course of any proceedings in an appeal or at any time before delivery of the judgment, any Judge of the Syariah Appeal Court hearing the proceedings is unable, through illness or any other cause, to attend and complete the proceeding or otherwise exercise his function as a Judge of that Court, then, if both parties consent, the hearing shall continue and judgment or reserved judgment, as the case may be, shall be given by the remaining two Judges of the Court, and for the purposes of the appeal the Court shall be deemed to have been properly constituted.

(2) In any such case as is mentioned in subsection (1), if there is no unanimous decision, the appeal shall be reheard.

(3) If under subsection (1) both parties do not give their consent, or more than one Judge are unable, through illness or any other cause, to attend and complete the proceeding or otherwise exercise their functions as Judges of that Court, the appeal shall be reheard.

Appeal rules

57. The Chief Syariah Judge may make rules on the procedure for appeals and applications for leave to appeal.

PART V**PROSECUTION AND REPRESENTATION****Appointment of Syariah Prosecutors and Religious Enforcement Officers**

58. (1) The Yang di-Pertuan Agong may, on the advice of the Minister, appoint a person, who is qualified to be a Judge of the Syariah High Court, to be the Chief Syariah Prosecutor.

(2) The Chief Syariah Prosecutor shall have power exercisable at his discretion to institute, conduct or discontinue any proceedings for an offence before a Syariah Court.

(3) The Chief Syariah Prosecutor may appoint fit and proper persons from among the members of the general public service of the Federation to be the Syariah Prosecutors who shall act under the general control and direction of the Chief Syariah Prosecutor and may exercise all or any of the rights and powers vested in or exercisable by the Chief Syariah Prosecutor personally.

(4) The Majlis may appoint from among the members of the general public service of the Federation a Chief Religious Enforcement Officer and Religious Enforcement Officers to carry out the investigation of offences under this Act or under any other written law prescribing offences against precepts of the religion of Islam.

Peguam Syarie

59. (1) Subject to subsection (2), the Majlis may admit any person having sufficient knowledge of Islamic Law to be *Peguam Syarie* to represent parties in any proceedings before the Syariah Court.

(2) The Majlis may, with the approval of the Yang di-Pertuan Agong,—

- (a) to provide for the procedure, qualifications and fees for the admission of *Peguam Syarie*; and
- (b) to regulate, control and supervise the conduct of *Peguam Syarie*.

(3) Notwithstanding subsection (1), the Majlis may exempt any member of the Judicial and Legal Service of the Federation or any person appointed under section 3 of the Legal Aid Act 1971 [*Act 26*] from the provisions of this section.

(4) Notwithstanding anything contained in any other written law, no person other than a *Peguam Syarie* or a person exempted under subsection (3), shall be entitled to appear in any Syariah Court on behalf of any party to any proceedings before it.

PART VI

FINANCIAL

*Charitable Trusts***Establishment of *Baitulmal***

60. (1) A Fund to be known as *Baitulmal* is hereby established. The Fund shall consist of all moneys and properties, movable or immovable, which by Islamic Law or under the provisions of this Act or rules made thereunder, accrue, or which are contributed by any person, to the Fund.

(2) All moneys and properties in the Fund shall be vested in the Majlis which shall administer all such moneys and properties in accordance with rules made under this Act:

Provided that any investments of assets and funds vested in the Majlis may be sold, realized and disposed of, and the proceeds thereof may be invested from time to time in any investments authorized by any written law for the time being in force for the investment of trust funds.

(3) Subject to the provisions of this Act, the Majlis, with the approval of the Yang di-Pertuan Agong, may make rules for the collection, administration and distribution of all properties of the Fund.

Wakaf and nazr

61. Notwithstanding any provision to the contrary contained in any instrument or declaration creating, governing or affecting the same, the Majlis shall be the sole trustee of all *wakaf*, whether *wakaf 'am* or *wakaf khas*, of all *nazr 'am*, and of all trusts of every description creating any charitable trust for the support and promotion of the Muslim religion or for the benefit of Muslims in accordance with Islamic Law, to the extent of any property affected thereby and situated in the Federal Territories and, where the settlor or other person creating the trust, *wakaf* or *nazr 'am* was domiciled in the Federal Territories, to the extent of all properties affected thereby wherever situated.

Vesting

62. (1) All properties subject to the provisions of section 61 and situated in the Federal Territories shall without any conveyance, assignment or transfer whatsoever, and, in the case of immovable property, upon registration under the relevant written laws relating to land, vest in the Majlis, for the purposes of the trust, *wakaf* or *nazr 'am* affecting the same.

(2) The Majlis shall take all necessary steps to vest in itself for the like purposes any such property situated elsewhere than in the Federal Territories.

Restrictions on creation of charitable trusts

63. (1) Whether or not made by way of will or death-bed gift, no *wakaf* or *nazr* made after the commencement of this Act and involving more than one-third of the property of the person making the same shall be valid in respect of the excess beyond such one-third.

(2) Every *wakaf khas* or *nazr* made after the commencement of this Act shall be null and void unless—

- (a) the Yang di-Pertuan Agong, on the advice of the Majlis, has expressly sanctioned and validated the same; or
- (b) it was made during a serious illness from which the maker subsequently died and was made in writing by an instrument executed by him and witnessed by two adult Muslims living in the same *kariah masjid* as the maker.

(3) This section shall not operate to render valid any will, death-bed gift, *wakaf* or *nazr* which is invalid under the provisions of Islamic Law.

Income of *wakaf* and *nazr*

64. (1) The income of a *wakaf khas*, if received by the Majlis, shall be applied by it in accordance with the lawful provisions of such *wakaf khas*.

(2) The income of every other *wakaf* and of every *nazr 'am* shall be paid to and form part of the Fund.

Capital of *wakaf* and *nazr 'am*

65. (1) Subject to subsections (2) and (3), the capital property and assets affected by any lawful *wakaf* or *nazr 'am* shall not form part of the Fund, but shall be applied in pursuance of such *wakaf* or *nazr 'am* and held as segregated funds.

(2) If due to lapse of time or change of circumstances it is no longer possible beneficially to carry out the exact provisions of any *wakaf* or *nazr 'am*, the Majlis shall prepare a scheme for the application of the property and assets affected thereby in a manner as closely as may be analogous to that required by the terms of such *wakaf* or *nazr 'am*, and shall apply the same accordingly:

Provided that the Majlis may, with the approval in writing of the Yang di-Pertuan Agong, direct that such property and assets shall be added to and form part of the Fund.

(3) If the terms of any *wakaf* or *nazr 'am* are such that no method of application of the capital property and assets affected thereby is specified, or it is uncertain in what manner the same should be applied, the Majlis may direct that such capital property and assets shall be added to and form part of the Fund.

(4) All instruments creating, evidencing or affecting any *wakaf* or *nazr 'am*, together with any documents of title or other securities relating thereto, shall be held and retained by the Majlis.

Construction of instruments

66. If in the opinion of the Majlis the meaning or effect of any instrument or declaration creating or affecting any *wakaf* or *nazr* is obscure or uncertain, the Majlis may refer the same to the Mufti for his opinion as to the meaning or effect thereof, and shall act on any opinion so given by the Mufti.

Accounts and annual reports

67. The provisions of the Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply to the Majlis and to any corporation established under this Act.

Wakaf and nazr property

68. As soon as possible after 31st at December in every year the Majlis shall prepare, issue and publish in the *Gazette* a list of all properties, investments and assets vested in the Majlis subject to any trust, *wakaf* or *nazr*, and not forming part of the Fund.

Estimates

69. (1) The Majlis shall prepare and submit to the Yang di-Pertuan Agong not later than 31st at day of October in each year estimates of all income and expenditure of the Majlis, including therein estimates of all property receivable and disposable in kind, in respect of the ensuing year. The Yang di-Pertuan Agong, on the advice of the Minister, may approve such estimates or may direct that the same be amended. Upon such approval or amendment the said estimates shall be published in the *Gazette*.

(2) The Majlis may at any time submit to the Yang di-Pertuan Agong supplementary estimates of expenditure in respect of the current year, or, at any time prior to 31st March in any year, in respect of the preceding year, and the same may be approved or amended, and shall be published, in like manner.

(3) No moneys shall be expended, or property disposed of in kind, save in accordance with such estimates as aforesaid and upon a voucher signed by the Chairman or any officer of the Majlis or any other officer authorized by the Chairman.

Expenses of the Majlis

70. All costs, charges and expenses of administering the property and assets vested in the Majlis, including the cost of maintenance and repair of any immovable property, the salaries and allowances of all servants of the Majlis, and the fees and allowances payable to any officer or member of the Majlis in respect of his services as such, shall be paid out of the property and assets of the Fund.

Banks

71. (1) The Majlis shall appoint any bank which is suitable and may operate such account or accounts as may seem proper.

(2) Payments by the Majlis of amounts exceeding fifty ringgit shall be made by cheque. All moneys received by or for the Majlis shall be paid into a bank account of the Majlis in the manner provided in the Financial Procedure of the Majlis.

(3) Cheques drawn on any bank account of the Majlis shall be signed by the Chairman or by any member or officer of the Majlis or any other officer authorized by the Chairman.

PART VII

MOSQUES

Trusteeship of mosques and related lands

72. Notwithstanding any provision to the contrary in any written instrument, the Majlis shall be the trustee of all mosques in the Federal Territories; and every mosque, together with the land on which it stands and any land which is appurtenant to and used for the purposes of the mosque, other than Government land or land reserved for a public purpose, shall, upon registration under the relevant written laws relating to land, and without any conveyance, assignment, or transfer, vest in the Majlis for the purposes of this Act.

Restriction on establishment of mosques

73. (1) No person shall, without permission in writing of the Majlis, erect any building to be used as a mosque, or otherwise apply any building for the purposes of a mosque, or cause or permit any building to be used as a mosque.

(2) The Majlis shall not give its permission under subsection (1) unless the site of the building for the proposed mosque has been made a *wakaf* in perpetuity.

Maintenance of mosques and compounds

74. (1) The Majlis shall ensure that all mosques in the Federal Territories are kept in a proper state of repair and that the compounds thereof are maintained in a proper state of cleanliness; and the Majlis may raise and apply, or authorize the raising and application of, special funds for the purpose of such repairs and maintenance, or may defray the cost of such repairs and maintenance from the Fund.

(2) The *Naqib Masjid* or *Imam* shall promptly inform the Majlis of any want of repair in his mosque, and shall inspect or supervise any repairs as agent for and on behalf of the Majlis.

(3) No material alteration to the structure of a mosque shall be made without the permission in writing of the Majlis.

(4) The Majlis may direct a *jawatankuasa kariah* to keep the mosque for which it is responsible in a proper state of repair.

Boundaries of *kariah masjid*

75. The Majlis may at any time by notification in the *Gazette* determine, amend, or alter the boundaries of any *kariah masjid*.

Appointment of the *Pegawai Masjid*

76. (1) For every mosque in the Federal Territories there shall be appointed a *Naqib Masjid*, an *Imam*, an *Imam Ratib*, a *Bilal*, and a *Pembantu Bilal*.

(2) The posts of *Naqib Masjid*, *Imam*, and *Bilal* shall be posts in the general public service of the Federation.

(3) The *Naqib Masjid*, *Imam*, and *Bilal* shall be appointed by the Majlis from amongst persons serving in the Religious Administrative service.

(4) The *Imam Ratib* and *Pembantu Bilal* shall be appointed by the Majlis, on the advice of the Islamic Legal Consultative Committee, from amongst the *anak kariah*.

(5) Upon the commencement of this section, every person who, immediately before that commencement, was the *Imam* or *Bilal* of a mosque appointed under the Enactment shall be deemed to have been duly appointed under this section to be the *Imam* or *Bilal* respectively of the mosque and shall, subject to section 78 continue to hold office as such.

Tauliah

77. (1) Every person appointed by the Majlis to be a *Pegawai Masjid*, including every person deemed to have been so appointed under subsection 76(5) shall be given a *tauliah* by the Majlis.

(2) Every *Pegawai Masjid* shall have such powers and duties as may be set out in their respective *tauliah*.

Tenure of office of *Pegawai Masjid*

78. (1) The appointment of a *Pegawai Masjid* may be terminated with a notice from the Majlis.

(2) No *Imam Ratib* and *Pembantu Bilal* shall remain in office after reaching the age of sixty years.

(3) It shall be the duty of the Secretary to bring to the notice of the Majlis any disgraceful conduct on the part of any *Pegawai Masjid* whether in relation to his duties as such or otherwise and to make any reasonable recommendations.

Control and direction over *Pegawai Masjid*

79. In the performance of their duties, the *Imam*, *Imam Ratib*, *Bilal* and *Pembantu Bilal* shall be subject to the control and direction of the *Naqib Masjid*.

Abolition of office of *Nazir*

80. Upon the commencement of section 76, the office of *Nazir* of a mosque shall cease to exist.

The *Jawatankuasa Kariah*

81. (1) The Majlis may, with the approval of the Yang di-Pertuan Agong, make rules for—

- (a) the establishment of a *jawatankuasa kariah*;
- (b) prescribing the manner in which the members of the *jawatankuasa kariah* shall be appointed; and
- (c) prescribing the functions of the *jawatankuasa kariah*.

(2) The *jawatankuasa kariah*, in conjunction with the *Pegawai Masjid*, shall—

- (a) be responsible for the proper conduct and good order of the mosque and all Muslim burial grounds within its *kariah*;
- (b) be responsible for the good conduct of the *anak kariah* in matters relating to the religion of Islam; and
- (c) give due and prompt information to the Majlis of all matters arising in the *kariah* that require the attention of the Majlis.

Exemption

82. (1) The Majlis may, by notification in the *Gazette*, exempt any mosque from all or any of the provisions of this Part.

(2) The provisions of this Part, except section 72, shall not apply to the Masjid Negara.

Power to amend Third Schedule

83. The Majlis may, from time to time, amend the Third Schedule by notification in the *Gazette*.

PART VIII

CHARITABLE COLLECTIONS

Charitable collections

84. (1) The Majlis may collect, or grant an authorization letter with such terms as it thinks fit to any person or body of persons authorizing him or them to collect moneys or other contributions for any charitable purpose for the support and promotion of the religion of Islam or for the benefit of Muslims in accordance with Islamic Law.

(2) It shall be deemed to be a term of every such authorization letter that the grantee thereof and every other person authorized thereby to collect moneys or other contribution shall—

- (a) issue in respect of every sum so collected a serially numbered receipt in the prescribed form;
- (b) keep true and full accounts of all sums so collected and of the disposal thereof with all proper vouchers;
- (c) produce on demand the counterfoils of such receipts and all such accounts and vouchers for inspection and audit by the Majlis;
- (d) apply and dispose of all sums so collected in accordance with the terms of such authorization letter or, if no method of disposal thereof be thereby expressly authorized, pay and account for the same to the *Baitulmal*.

(3) Moneys collected in pursuance of this section may be applied for any purpose specified by the Majlis, and if there is no such purpose so specified, shall form part of the Fund.

(4) No person shall make or take part in any collection of money for any such purpose as aforesaid except with the express authority of the Majlis or by virtue of an authorization letter under subsection (1).

(5) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand ringgit or to both.

PART IX

CONVERSION TO ISLAM

Requirements for conversion

85. (1) The following requirements shall be complied with for a valid conversion of a person to Islam:

- (a) the person must utter in reasonably intelligible Arabic the two clauses of the Affirmation of Faith;

- (b) at the time of uttering the two clauses of the Affirmation of Faith the person must be aware that they mean “I bear witness that there is no god but Allah and I bear witness that the Prophet Muhammad S.A.W. is the Messenger of Allah”; and
- (c) the utterance must be made of the person’s own free will.

(2) A person who is incapable of speech may, for the purpose of fulfilling the requirement of paragraph (1)(a), utter the two clauses of the Affirmation of Faith by means of signs that convey the meaning specified in paragraph (b) of that subsection.

Moment of conversion

86. A person is converted to Islam and becomes a Muslim as soon as he finishes uttering the two clauses of the Affirmation of Faith provided that the requirements of section 85 are fulfilled, and that person shall then be referred to as a *muallaf*.

Duties and obligations of a *muallaf*

87. From the moment of his conversion, a *muallaf* becomes subject to the same duties and obligations as any other Muslim.

Registrar and Register of *Muallafs*

88. A Registrar of *Muallafs* shall be appointed by the Majlis to maintain a Register of *Muallafs* in the prescribed form for the registration of *muallafs*.

Registration of *Muallafs*

89. (1) A person who has converted to Islam may apply to the Registrar in the prescribed form for registration as a *muallaf*.

(2) If the Registrar is satisfied that the requirements of section 85 have been fulfilled in respect of the person, the Registrar may register his conversion by entering in the Register of *Muallafs* the name of the person and other particulars as indicated in the Register.

(3) The Registrar shall also determine the date of conversion and enter the date in the Register of *Muallafs*.

(4) In order to satisfy himself of the fact and date of conversion, and the other particulars to be entered in the Register of *Muallafs*, the Registrar may make such inquiries and call for such evidence as he considers necessary, but this subsection shall not be construed as precluding the Registrar from relying solely on the word of the applicant for conversion as far as the fact and date of conversion are concerned.

(5) If the Registrar is not satisfied that the requirements of section 85 have been fulfilled in respect of the applicant for conversion, he may permit the applicant to utter, in his presence or in the presence of any of his officers, the two clauses of the Affirmation of Faith in accordance with the requirements of that section.

Certificate of Conversion

90. (1) The Registrar shall furnish every person whose conversion has been registered with a Certificate of Conversion in the prescribed form.

(2) A Certificate of Conversion shall be conclusive proof of the facts stated therein.

Recognition of *muallafs* as Muslims

91. (1) A person who has converted to Islam and has been registered in the Register of *Muallafs* shall, for the purposes of any Federal or State law, and for all time, be treated as a Muslim.

(2) A person whose conversion to Islam has been registered under any law of any State shall, for all purposes in the Federal Territories and for the purposes of implementing in the Federal Territories the provisions of any law, be treated as a Muslim.

Determining whether non-registered person is a *muallaf*

92. If any question arises within the Federal Territories as to whether a person is a *muallaf*, and the person is not registered in the Register of *Muallafs* or under any law of any State as a *muallaf*, that question shall be decided on the merits of the case in accordance with section 85.

Offence of giving false information

93. Any person who, in an application for registration under section 89 or in response to any request for information or evidence made by the Registrar under that section, willfully furnishes the Registrar with any false or misleading information or evidence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Power to make rules

94. The Majlis may make rules for the carrying into effect of the provisions of this Part.

Capacity to convert into Islam

95. For the purpose of this Part, a person who is not a Muslim may convert into Islam if he is of sound mind and—

- (a) has attained the age of eighteen years; or
- (b) if he has not attained the age of eighteen years, his parent or guardian consents to his conversion.

PART X

RELIGIOUS EDUCATION

The Religious Teaching Supervisory Committee

96. (1) The Majlis shall appoint a committee to be known as the Religious Teaching Supervisory Committee, which shall consist of—

- (a) a Chairman; and
- (b) not less than three persons with appropriate experience, knowledge and expertise.

(2) The Secretary of the Majlis shall be the Secretary to the committee and shall be responsible for implementing the decisions of the committee.

(3) The committee shall have power to grant a *tauliah* for the purpose of teaching on any aspect of the religion of Islam and to withdraw such *tauliah*.

(4) The Majlis, with the approval of the Minister, may make rules providing for—

- (a) the procedure, requirements and other matters relating to the granting of a *tauliah* under this section, including the fees chargeable;
- (b) the procedure of the committee;
- (c) the allowances payable to members of the committee.

Religious School

97. The Majlis shall have power to register Islamic Religious schools in the Federal Territories.

Exemption

98. The Majlis may exempt any person or class of persons from any provision of this Part.

PART XI

GENERAL

Rules

99. The Yang di-Pertuan Agong may, on the advice of the Majlis, make rules, which shall be published in the *Gazette*, for carrying out the provisions of this Act, and in particular, but without prejudice to the generality of the foregoing, such rules may provide for—

- (a) the procedure of the Majlis, the form of and method of executing instruments by the Majlis, and the appointment of subordinate officers of the Majlis;
- (b) the fees to be paid in respect of any act or thing done under or in pursuance of this Act, and the method of collecting and disposing of such fees;
- (c) the appointment of committees of the Majlis and their powers, duties, and procedure;

- (d) the forms, registers, books of account, reports, accounts, estimates, and other documents to be used in respect of any act or thing done under or in pursuance of this Act;
- (e) the conduct of any charitable collection and the disposal of the proceeds thereof;
- (f) the conduct of any mosque or *surau* or burial ground and all matters relating thereto;
- (g) the powers and duties of any *Pegawai Masjid*;
- (h) the determination and publication of *kariah masjid* boundaries;
- (i) the care and instruction of *muallafs*, and the method of registering *muallafs*; and
- (j) the administration of Islamic schools and activities relating to religious teaching.

Saving of rules and appointments

100. All rules, proclamations, orders, notices, forms, authorization letters and appointments issued or made under or by virtue of any written law repealed by this Act shall remain in force, so far as they are not inconsistent with the provisions of, this Act, until revoked or replaced by rules, proclamations, orders, notices, forms, authorization letters or appointments issued or made under the provisions of this Act.

Transitional

101. On the coming into force of this Act all the powers of the Court of the Chief Kathi or the Courts of a Kathi constituted under section 44 of the Enactment shall be taken over or exercised by the Courts constituted under section 40 and any reference to the Court of the Chief Kathi shall be deemed to be a reference to the Court constituted under subsection 40(2).

Amendment of sections 165 and 166 of the Enactment

102. (1) Section 165 of the Enactment in its application to the Federal Territories is amended by substituting for the words “112

of this Enactment, erects any mosque, or dedicates or otherwise applies any existing building as or for the purposes of a mosque”, the words “73 of the Administration of Islamic Law (Federal Territories) Act 1993, erects any building to be used as a mosque, or otherwise applies any building for the purposes of a mosque, or causes or permits any building to be used as a mosque”.

(2)Section 166 of the Enactment is amended by inserting, after the word “Kathi”, the words “or a *tauliah* granted under subsection 96(3) of the Administration of Islamic Law (Federal Territories) Act 1993”.

Cessation of application of the Enactment

103. Parts I, II, III, IV, V, VIII, and X (except sections 52 to 93 and 107 to 109) of the Enactment shall cease to apply to the Federal Territories.

FIRST SCHEDULE

[Subsection 2(3)]

ARABIC SCRIPT FOR CERTAIN WORDS AND EXPRESSIONS

Faraq	—	فرق
Fasakh	—	فسخ
Fatwa	—	فتوى
Hadith	—	حديث
Hukum Syarak	—	حكم شرع
Kariah	—	قرية
Nass	—	نص
Naqib	—	نقيب
Nazr	—	نذر
Qaul muktamad	—	قول معتمد
Quran	—	قرآن
Ratib	—	راتب
Syariah	—	شريعة

SECOND SCHEDULE

[Subsection 8(3)]

Saving

1. Nothing in section 8 shall be deemed to authorize the Majlis to make an order to establish any corporation having any duty, power or right which is not within the duties, powers or rights of the Majlis under this Act.

Binding effect of orders

2. Subject to the provisions of this Act, any order made under section 8 shall be binding on the corporation in respect of which it was made and shall have effect for all purposes as if it had been enacted in this Act.

Amendment of, etc., of orders

3. The Majlis may, with the approval of the Yang di-Pertuan Agong, at any time amend, revoke or add to any order made in respect of any corporation under section 8.

Register of corporations

4. The Majlis shall keep a register of all corporations established by it under section 8 and such register together with copies of all orders made under that section shall be open to public inspection at such place or places and at such times as it may prescribe.

Winding up

5. (1) The Majlis may, with the approval of the Yang di-Pertuan Agong, by order published in the *Gazette*, direct that any corporation established by it shall be wound up and dissolved.

(2) Upon the dissolution of any corporation under this paragraph, the assets of the corporation after payment of all liabilities shall be transferred to and be vested in the Majlis.

(3) The winding up of a corporation under this paragraph shall be conducted in such manner as the Majlis may prescribe.

Corporation to be bodies corporate

6. Every corporation established under section 8 shall be a body corporate by such name as the Majlis shall give to it and shall have perpetual succession and a common seal and may sue and be sued in such name, and, for the purpose of furthering or fulfilling its functions, may enter into contracts and may hold and deal in or with any immovable or movable property and may do all other matters and things incidental or appertaining to a body corporate not inconsistent with the provisions of this Act and subject to such restrictions as may be prescribed by the Majlis in each case.

Corporate seal of a corporation

7. (1) Every corporation shall have a corporate seal, which shall bear such device as the corporation, with the approval of the Majlis, may approve, and such seal may from time to time be broken, changed, altered and made anew by the corporation with the approval of the Majlis.

(2) Until a seal is provided by a corporation under this paragraph, a stamp bearing the name of the corporation may be used as a common seal.

(3) The common seal, or the stamp referred to in subparagraph (2), shall be in the custody of such person as the corporation shall direct and shall be authenticated by that person; and all deeds, documents and other instruments purporting to be sealed with the said seal, authenticated as aforesaid, shall until the contrary is proved be deemed to have been validly executed.

(4) Any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the corporation.

(5) The seal of every corporation shall be officially and judicially noticed.

THIRD SCHEDULE

[Section 83]

MOSQUES, *SURAUS* AND *MADRASAH* IN THE
FEDERAL TERRITORIES

1. Al Akram Mosque, Kampung Datuk Keramat, 54000 Kuala Lumpur.	2. Kg. Bharu Jamek Mosque, Kg Bharu, 50300 Kuala Lumpur.
3. Al Firdaus Mosque, Segambut Luar, 51200 Kuala Lumpur.	4. Kg. Selayang Lama Jamek Mosque, Batu Caves, 68100 Kuala Lumpur.
5. Al Khadijiah Mosque, Pantai Dalam, 59200 Kuala Lumpur.	6. (<i>Deleted by P.U. (B) 77/2000</i>).
7. Al Rahimah Mosque, Kampung Pandan, 55100 Kuala Lumpur.	8. Sg. Besi Jamek Mosque, Pekan Sg. Besi, 57000 Kuala Lumpur.
9. Al Rahman Mosque, Jalan Pantai Baru, 59200 Kuala Lumpur.	10. Sg. Mulia Jamek Mosque, Batu 4 3/4 Jalan Gombak, 53000 Kuala Lumpur.
11. Amaniah Mosque, Kepong, 52100 Kuala Lumpur.	12. Tg. Abd. Aziz Shah Jamek Mosque, Sg. Pencala, 60000 Kuala Lumpur.
13. Hidayah Mosque, Sentul Pasar, 51000 Kuala Lumpur.	14. Pakistan Mosque, Jalan Raja Muda, 50300 Kuala Lumpur.
15. Indian Mosque, Jalan Melayu, 50100 Kuala Lumpur.	16. Salehin Mosque, Polis Depot, Jalan Gurney, 54100 Kuala Lumpur.
17. Alam Shah Jamek Mosque, Jalan Pasar Pudu, 55100 Kuala Lumpur.	18. Saidina Abu Bakar As Siddiq Mosque, Bangsar Park, Jalan Maarof, 59000 Kuala Lumpur.
19. Jamiul Ihsan Mosque, Pekan Setapak, 53000 Kuala Lumpur.	20. Saidina Ali KW Mosque, Padang Balang, Sentul, 51100 Kuala Lumpur.
21. Bandaraya Jamek Mosque, Jalan Tun Perak, 50050 Kuala Lumpur.	22. Saidina Omar Al Khattab Mosque, Jalan Setia Budi, Bukit Damansara, 50490 Kuala Lumpur.

23. Batu Empat Jamek Mosque, Jalan Gombak, 53000 Kuala Lumpur.	24. Ubudiah Mosque, Segambut Dalam, 51200 Kuala Lumpur.
25. Zubair Ibn Awwam Mosque, Batu 3 1/2, Jalan Cheras, 56100 Kuala Lumpur.	26. Abu Ubaidah Al Jarrah Mosque, No. 27 Jalan 1/26 Taman Sri Rampai, Setapak Jaya, 53300 Kuala Lumpur.
27. Jalan Haji Salleh Jamek Mosque, Sentul, 51100 Kuala Lumpur.	28. Saidina Othman Ibnu Affan Mosque, Bandar Tun Razak, Cheras, 56000 Kuala Lumpur.
29. Kampong Batu Jamek Mosque, Batu 5, Jalan Ipoh, 55100 Kuala Lumpur.	30. At-Taqwa Mosque, Jln. Dato' Sulaiman, Tmn. Tun Dr. Ismail, 60000 Kuala Lumpur.
31. Surau Balai Islam, Jalan Tun Razak, 50400 Kuala Lumpur.	32. Madrasah Islamiah, No. 35, Jalan Kuari, Bukit A, Kg Cheras Baru, 56100 Kuala Lumpur.
33. Madrasah Al-Shukriah, Kg. Pasir Baru, Petaling, 58200 Kuala Lumpur.	34. Madrasah Ikhlasiah, Kg Kerinchi Bukit C2, 59200 Kuala Lumpur.
35. Madrasah At-Taqwa, Taman Setapak, 53000 Kuala Lumpur.	36. <i>(Deleted by P.U. (B) 77/2000).</i>
37. Madrasah Islamiah, General Hospital, 50586 Kuala Lumpur.	38. Surau Asyahada', Maktab Tentera DiRaja, Sg. Besi Camp, 57000 Kuala Lumpur.
39. Khalid Al-Walid Mosque, Jalan Padang Tembak, 54100 Kuala Lumpur.	40. Surau Rajaiyah, Jalan Raja Uda, Kg. Baru, 50300 Kuala Lumpur.
41. <i>(Deleted by P.U. (B) 77/2000).</i>	42. Surau Taman Sri Petaling, Jalan Pasai, 57000 Kuala Lumpur.
43. Surau TUDM, Lapangan Terbang Lama, 50460 Kuala Lumpur.	44. Madrasah Nahdatul Diniah, Kg. Malaysia Tambahan, Jalan Sg. Besi, 57100 Kuala Lumpur.

45. Surau Universiti Teknologi Malaysia, Jalan Gurney, 54100 Kuala Lumpur.	46. Surau Al-Iktisamiah, Taman Melati, Gombak, 53100 Kuala Lumpur.
47. Surau Maktab Perguruan Bahasa, Jalan Pantai Baru, 59200 Kuala Lumpur.	48. Madrasah Al-Najah, Taman Batu Muda, Bt. Caves, 68100 Kuala Lumpur.
49. Surau Kem Batu Kentomen, Jalan Ipoh, 51200 Kuala Lumpur.	50. Surau Tabung Haji, 201, Jalan Tun Razak, 50400 Kuala Lumpur.
51. Surau Institut Latihan Perindustrian, Jalan Kuchai Lama, 58200 Kuala Lumpur.	52. Surau Taman Bunga Raya, Jalan Malinja, Tmn. Bunga Raya, Setapak, 53000 Kuala Lumpur.
53. Madrasah Jundiah, Sungai Besi Camp, 57000 Kuala Lumpur.	54. Surau An-Nur, Pudu Prison, 55200 Kuala Lumpur.
55. <i>(Deleted by P.U. (B) 77/2000).</i>	56. Surau Khairiyah, Salak Selatan, Jalan Sg. Besi, 57100 Kuala Lumpur.
57. Surau Baitul Aman, 120, Jalan Damai, 55000 Kuala Lumpur.	58. An-Nur Jamek Mosque, Pekan Labuan, Federal Territory, Labuan.
59. Kampung Lajan Mosque, Kampung Lajan, Federal Territory, Labuan.	60. Sirajul Islam Mosque, Tanjong Aru, Federal Territory, Labuan.
61. Nur Iman Mosque, Ganggarak, Federal Territory, Labuan.	62. Al-Muzakkirullah Mosque, Lubuk Temiang, Federal Territory, Labuan.
63. Al-Fallah Mosque, Bukit Kalam, Federal Territory, Labuan.	64. Kampung Layang-Layangan Jamek Mosque, Kampung Layang-Layangan, Federal Territory, Labuan.
65. Kampung Sungai Labu Mosque, Kampung Sungai Labu, Federal Territory, Labuan.	66. Ar-Rahman Mosque, Kampung Sungai Lada, Federal Territory, Labuan.

67. Nurul Iman Mosque, Kampung Sungai Bedaun, Federal Territory, Labuan.	68. Kampung Babuloh Mosque, Kampung Babuloh, Federal Territory, Labuan.
69. Kampung Rancha-Rancha Mosque, Kampung Rancha-Rancha, Federal Territory, Labuan.	70. Surau Baitul Makmur, Kampung Durian Tunjong, Federal Territory, Labuan.
71. Surau Kampung Batu Menikar, Kampung Batu Menikar, Federal Territory, Labuan.	72. Surau Kampung Pohon Batu, Kampung Pohon Batu, Federal Territory, Labuan.
73. Surau Kampung Bukit Kuda, Kampung Bukit Kuda, Federal Territory, Labuan.	74. Surau Al-Munawwarah, Kampung Patau-Patau, Federal Territory, Labuan.
75. Surau Darus Salam, Kampung Patau-Patau, Federal Territory, Labuan.	76. <i>(Deleted by P.U. (B) 77/2000).</i>
77. Asy-Syafie Mosque, Jalan Perkasa, Taman Maluri, Kampung Pandan, 55100 Kuala Lumpur.	78. Muadz Bin Jabal Mosque, Persiaran Taman Setiawangsa, Taman Setiawangsa, 54000 Kuala Lumpur.
79. Amru Al-‘As Mosque, Bandar Baru Sentul, Sentul, 51000 Kuala Lumpur.	80. Saidina Hamzah Mosque, Kampung Batu Muda, Batu 4 1/2, Jalan Ipoh, 51200 Kuala Lumpur.
81. Bandar Baru Sri Petaling Mosque, 57100 Kuala Lumpur.	82. Abdul Rahman Bin Auf Mosque, Batu 5 1/2, Jalan Puchong, 58200 Kuala Lumpur.
83. Bukit Aman Mosque, Jalan Bukit Aman, 50480 Kuala Lumpur.	84. Asy-Syakirin Mosque, Lot 41, Seksyen 58, Kuala Lumpur City Centre, 50450 Kuala Lumpur.
85. Al-Muttaqin Mosque, Kampung Kerupang Dua, 87000 Wilayah Persekutuan Labuan.	86. Adam Mosque, Kampung Lajau, 87000 Wilayah Persekutuan Labuan.
87. Surau An Nur, Taman Koperasi Polis, Fasa 1, Batu Caves, 68100 Kuala Lumpur.	88. Surau Asy-Syakirin, Jalan 30/56, Keramat Wangsa, 54200 Kuala Lumpur.

89. Surau Darul Huda, Seksyen 10, Wangsa Maju, 53300 Kuala Lumpur.	90. Surau Al-Mubarakah, Taman Bukit Cheras, 56000 Kuala Lumpur.
91. Surau Diniatul Nuriah, Lot 2171, Taman Sri Segambut, 52000 Kuala Lumpur.	92. Surau Angkasapuri, c/o Jabatan Penyiaran Kementerian Penerangan Malaysia Angkasapuri, 50614 Kuala Lumpur.
93. Surau Balai Islam, 6C Jalan 4/71B, Pinggiran Taman Tun Dr. Ismail, 60000 Kuala Lumpur.	94. Surau Nurul Iman, Lot PT 873, Sri Sentosa, Jalan 8/133, Jalan Klang Lama, 58200 Kuala Lumpur.
95. Surau Akademi Pengajian Islam, Universiti Malaya, 50603 Kuala Lumpur.	96. Surau Asy-Syakirin, Maktab Perguruan Teknik Cheras, 56000 Kuala Lumpur.
97. Madrasah Asy-Saadah, Seksyen 1, Wangsa Maju, Setapak, 53300 Kuala Lumpur.	98. Madrasah Bustanul Ulum, Jalan Sultan Salahuddin, 50480 Kuala Lumpur.
99. Madrasah Nurul Islam, Desa Pahlawan Perwira Jaya, Bt. 4, Jalan Ampang, 55000 Kuala Lumpur.	100. Surau An-Nur Rahim, Kampung Sungai Buton, 87000 Wilayah Persekutuan Labuan.

LAWS OF MALAYSIA**Act 505****ADMINISTRATION OF ISLAMIC LAW
(FEDERAL TERRITORIES) ACT 1993**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A931	Administration of Islamic Law (Federal Territories) (Amendment) Act 1995	10-11-1995
P.U. (B) 77/2000	Notification of Amendment of the of the Third Schedule	01-01-1999
P.U. (A) 250/2002	Federal Territory of Putrajaya (Extension and Modification of Administration of Islamic Law (Federal Territories) Act 1993) Order 2002	01-02-2001

LAWS OF MALAYSIA**Act 505****ADMINISTRATION OF ISLAMIC LAW
(FEDERAL TERRITORIES) ACT 1993**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
8A	Act A931	10-11-1995
58	Act A931	10-11-1995
59	Act A931	10-11-1995
102	Act A931	10-11-1995
Third Schedule	P.U. (B) 77/2000	01-01-1999

