

LAWS OF BRUNEI

CHAPTER 77

RELIGIOUS COUNCIL AND KADIS COURTS

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CHAPTER 77
RELIGIOUS COUNCIL AND KADIS COURTS

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RELIGIOUS COUNCIL AND KADIS COURTS ACT

An Act to consolidate the law relating to the Religious Council and the Kadis Courts, the constitution and organisation of religious authorities and the regulation of religious affairs

*Commencement: 1st February 1956
[S 28/1969]*

PART 1

PRELIMINARY

Citation

1. This Act may be cited as the Religious Council and Kadis Courts Act.

Interpretation

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

“*anak dara*” means a female who has never been married or had sexual intercourse;

“*anak mukim*” means the persons permanently or habitually resident in any *mukim masjid*;

“*berian*” means the optional marriage settlement made by the husband on the wife at the time of the marriage in cash or in kind;

“Chief Kadi” means the Chief Kadi appointed under section 45 and where the context so admits includes the Deputy Chief Kadi similarly appointed;

“Court” means a religious Court, that is the Court of a Kadi or of the Chief Kadi;

“*fitrah*” means the amount of rice payable under Muslim law annually by every Muslim at the end of the month of Ramadan to be used for religious or charitable purposes recognised by Muslim law;

“General Endowment Fund” means the General Endowment Fund established under section 98;

“Government” means the Government of Brunei Darussalam;

“*habuan*” means the proportion of any property or fund retainable under Muslim law by any person by way of commission or remuneration for services performed;

“*Hukum Syara*” means the laws of any sect which the Court considers valid;

[S 15/2014]

“*idah*” means the period within which a divorced woman or a widow is forbidden by Muslim law to remarry;

“*illicit intercourse*” means sexual intercourse not amounting to rape between any male and any female who is not his wife or whom he is forbidden by Muslim law to marry;

“Imam” means any Imam appointed under this Act;

“Senior Inspector and Inspector of Religious Affairs” means any officer duly appointed by the Majlis to hold that office;

“*janda*” means a widow or a female who is not either an *anak dara* or a married woman;

“Judicial Committee” means the Judicial Committee of the Majlis appointed under this Act;

“Kadi” means a Kadi appointed under this Act and includes the Chief Kadi and the Deputy Chief Kadi;

“ketua” means a ketua of a kampong who is in possession of a *Tauliah* issued by His Majesty the Sultan and Yang Di-Pertuan for the purposes of this Act;

“Legal Committee” means the Legal Committee of the Majlis appointed under this Act;

“Majlis” means Majlis Ugama Islam constituted under section 5;

“married woman” means a female who has been married and whose marriage is still in force;

“*mas kahwin*” means the obligatory marriage payment due under Muslim law by the husband to the wife at the time the marriage is solemnised, whether paid in cash or in kind, or payable as a debt with or without security;

“minor” means a person who has not attained the age of 18 years;

“mosque” means a building erected or used for the purpose of holding the prayers, services and other ceremonies connected with the Islamic religion, and includes a *surau*;

“Mufti” means the Mufti Kerajaan of Brunei Darussalam, appointed under section 40;

“*mukim*” and “*mukim masjid*” mean the area prescribed by the Majlis in accordance with this Act within which a mosque is situated;

“*nazar*” means an expressed vow to do any act or to dedicate property for any purpose allowed by Muslim law;

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

“*pegawai masjid*” includes the Dato Imam, Si Raja Khatib, Tuan Imam, Udana Khatib, all Khatib, all mudim, all Imam, all Bilal and all mosque officials appointed under section 130;

“*penghulu*” means a *penghulu* of a *mukim* who is in possession of a *Tauliah* issued by His Majesty the Sultan and Yang Di-Pertuan for the purposes of this Act;

“President” means the President of the Majlis appointed under section 13;

“property” includes all estates, interests, easements and rights, whether equitable or legal, in, to or out of property, and things in action;

“Prosecutor of the Kadi’s Court” means an officer appointed under the provisions of section 68;

“Registrar” means a Registrar of Muslim Marriages and Divorces appointed under section 135;

“Religious Adviser” means the other person duly appointed by His Majesty the Sultan and Yang Di-Pertuan to hold that office;

“*rujok*” means a declaration made to a Kadi by an ex husband expressing his intention to resume conjugal relations with his ex wife;

“Secretary” means the Secretary to the Majlis appointed under section 14;

“signified” means signified under the hand of the Secretary to the Majlis;

“His Majesty the Sultan and Yang Di-Pertuan in Religious Council” means the His Majesty the Sultan and Yang Di-Pertuan acting after consultation with the Religious Council but not necessarily in accordance with the advice of such Council nor necessarily in such Council assembled;

“Vice-President” means the Vice-President of the Majlis appointed under section 13;

“*wakaf am*” means a dedication in perpetuity of the capital and income of property for religious or charitable purposes recognised by Muslim law, and the property so dedicated;

“*wakaf khas*” means a dedication in perpetuity of the capital of property for religious or charitable purposes recognised by Muslim law, and the property so dedicated, the income of the property being paid to persons or for purposes prescribed in the *wakaf*;

“*zakat*” means the tithes of the crop payable annually under Muslim law in respect of padi land, subject to the exemptions prescribed by this Act.

Saving of prerogative

3. Nothing in this Act contained shall derogate from or affect the prerogative rights and powers of His Majesty the Sultan and Yang Di-Pertuan as the Head of the religion of Brunei Darussalam.

Saving of civil and religious liberties

4. Nothing in this Act contained shall derogate from or affect the rights and powers of the Civil Courts.

PART 2

MAJLIS

*Constitution***Constitution of Majlis**

5. There shall be a Majlis Ugama Islam to be called in English “The Religious Council”.

Majlis to be corporation

6. The Majlis shall be a body corporate under the name of “Majlis Ugama Islam” 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 “Majlis Ugama Islam” may be used as the corporate seal.

Right to sue

7. The Majlis may sue and be sued in its corporate name.

Contracts and property

8. The Majlis may enter into contracts and may acquire, purchase, take, hold and enjoy movable and immovable property of every description, and subject to the provisions of 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 Muslim law.

Power to administer estates

9. 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.

Further powers and duties

10. The Majlis shall have such further powers and carry out such duties as may by this or by any other written law be assigned to it.

Vesting of property

11. All property, movable and immovable, of whatever description, which, immediately before the commencement of this Act, was vested in the Bandar Seri Begawan Mosque for its religious purposes shall, on the commencement of this Act and without any conveyance, assignment or transfer whatever, vest in the Majlis for the like title, estate or interest and on the like tenure as the same was vested or held immediately before the commencement of this Act.

Devolution of powers

12. All rights, powers, duties and liabilities which were, immediately before the commencement of this Act vested in or imposed on *Pehin Laksamana Haji Taha* shall, on the commencement of this Act, be vested in or imposed on the Majlis, save in so far as may be repugnant to the terms of this Act.

Membership

13. (1) The Members of the Majlis shall be a President, a Vice-President and not less than six other Members, all of whom shall be appointed by His Majesty the Sultan and Yang Di-Pertuan for such period as he may deem fit.

(2) Unless the contrary appears in the instrument of appointment, every such appointment is deemed to have been made for a period of 3 years from the date thereof.

(3) No person shall be appointed a Member of the Majlis unless he is a male over the age of 21 years, professing the Islamic religion.

Appointment of Religious Adviser and of Secretary

14. His Majesty the Sultan and Yang Di-Pertuan, may appoint —

(a) any Member of the Majlis to be the Religious Adviser; and

(b) any person whether a Member of the Majlis or not to be Secretary of the Majlis.

Determination of appointment

15. The appointment of any Member of, or the Secretary to, the Majlis shall determine —

(a) upon his death;

(b) if he shall, by writing addressed to His Majesty the Sultan and Yang Di-Pertuan through the Secretary resign such appointment; or

(c) if he shall be absent from Brunei Darussalam, without written permission from the President on behalf of His Majesty the Sultan and Yang Di-Pertuan, or, in the case of the President, without written permission from His Majesty the Sultan and Yang Di-Pertuan, for a period exceeding 3 months.

Cancellation of appointment

16. His Majesty the Sultan and Yang Di-Pertuan may cancel the appointment of the Religious Adviser of any Member of, or the Secretary to, the Majlis —

(a) if his conduct, whether in connection with the duties of such appointment or otherwise, is in the opinion of His Majesty the Sultan and Yang Di-Pertuan such to bring discredit upon the Majlis;

(b) if for any reason he becomes unable properly to carry out the duties of his appointment; or

(c) if he shall, without due cause to be approved by the President, absent himself from three successive meetings of the Majlis.

Temporary appointments

17. In the event of the temporary absence or incapacity of any Member of, or the Secretary to, the Majlis, His Majesty the Sultan and Yang Di-Pertuan may appoint a person to act temporarily on his behalf. Such temporary appointment shall determine on the substantive holder giving notice to the President of resumption of the duties of his appointment.

Appointments to be notified

18. Notice of all appointments under this Part shall be published in the *Gazette*.

*Proceedings***Strangers at meetings**

19. The President 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 person desirable. Any person so invited shall be entitled to take part in the discussion, but not to vote.

Chairman

20. The President shall preside at all the meetings of the Majlis or in his absence the Vice-President shall preside or, if he also is absent, His Majesty the Sultan and Yang Di-Pertuan may appoint any other Member to act as Chairman.

Quorum

21. No business, save that of adjournment, shall be transacted and no resolution or action of the Majlis shall be valid, unless at least one-third of the Members, including the President or the Vice-President, or a person appointed under section 20 to act as Chairman, shall be present.

Use of seal

22. (1) The corporate seal of the Majlis shall not be used except in pursuance of a resolution of the Majlis.

(2) Any instrument to be executed under the seal of the Majlis be sealed in the presence of the Secretary and two other Members of the Majlis who shall all sign as witnesses. Such signing shall be sufficient evidence that the said seal was duly and properly affixed and is the lawful seal of the Majlis.

(3) The following documents shall be executed under the corporate seal of the Majlis —

(a) documents requiring registration in any Land Office;

- (b) letters of authority to the pegawai masjid of any mosque;
- (c) documents authorising any person to act for any particular purpose or purposes on behalf of the Majlis; and
- (d) such other documents or classes of documents as His Majesty the Sultan and Yang Di-Pertuan may from time to time direct.

Conduct of business

23. (1) Save as by this Act expressly provided, all business of the Majlis shall be conducted in a meeting thereof regularly convened and by resolution of the majority of those 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 His Majesty the Sultan and Yang Di-Pertuan shall otherwise direct, have the same effect as a resolution duly passed under subsection (1).

Summoning meetings

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

(2) The President or the Vice-President may at any time direct the Secretary so 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, but shall upon doing so inform the Secretary of the purpose for which they desire the meeting to be so summoned.

(4) At least 3 days notice in writing shall be given of any meeting:

Provided that in emergency the President may direct that notice be dispersed with.

(5) Any such notice may be served in such manner as the President may direct:

Provided that no notice of meetings shall be necessary in the case of any Member for the time being out of Brunei Darussalam.

Powers of Officers

25. (1) The President shall have general control of all deliberations and proceedings of the Majlis and shall be responsible therefore to His Majesty the Sultan and Yang Di-Pertuan.

(2) The Vice-President shall in the absence of the President exercise all the powers of the President and shall at all other times carry out such duties as may be allotted to him by the President.

Duties and powers of Secretary

26. The Secretary shall, under the direction of the President, have charge of all correspondence and documents of the Majlis, including all books of account thereof and all title deeds and securities, and shall be generally responsible for the proper collection of, accounting for and disposal of all funds of the Majlis, and shall in all other respects carry out such duties as may be imposed upon him by this Act or allotted to him by direction of the President.

Minutes

27. (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 His Majesty the Sultan and Yang Di-Pertuan. If on confirmation such draft minutes are amended, His Majesty the Sultan and Yang Di-Pertuan shall forthwith be informed of the amendments made.

Order of business and voting

28. (1) The Chairman shall determine the order of business at any meeting.

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

(3) The Chairman shall be entitled to vote and if upon any resolution there is equality of votes the Chairman shall have a casting vote.

Certified copies of resolutions

29. A copy of any resolution certified by the Secretary to be a true copy of such resolution shall be sufficient evidence thereof and all Courts (including Courts other than Religious Courts) shall take notice of the signature of the Secretary.

Appearances by Majlis

30. The Majlis may appear in any Court (including Courts other than Religious Courts) or office of Government by its President, Vice-President or Secretary or by any person appointed for the purpose either generally or in any particular case under the seal of the Majlis.

Casual absences

31. (1) The President, Vice-President or Secretary shall, if he expects to be absent on leave or for other reasons for more than 14 days, apply for leave from His Majesty the Sultan and Yang Di-Pertuan, who may give such directions as he deems fit.

(2) Any other Member of the Majlis shall similarly apply to the President, who may grant leave or submit the matter to His Majesty the Sultan and Yang Di-Pertuan for his directions.

Acting in emergency

32. In any case of emergency the President or in his absence the Vice-President may do or direct to be done on behalf of the Majlis any act or thing which might lawfully be done by resolution of the Majlis:

Provided that in any such case a meeting of the Majlis shall be called within one week thereafter for the purpose of ratifying and confirming the action taken and, if the Majlis shall decline to ratify and confirm the same, His Majesty the Sultan and Yang Di-Pertuan may give such directions thereon as he may deem fit.

Delegation of powers

33. (1) The Majlis may delegate to the President, Vice-President or Secretary or to any committee of the Majlis any part of its duties and powers, not being judicial or quasi-judicial powers, as it may deem fit.

For the purposes of this section, the powers conferred on the Majlis by sections 42 and 43 are deemed to be quasi-judicial powers.

(2) It shall be the duty of every committee of the Majlis and of every other person or body to whom any powers of the Majlis may be delegated to inform the Majlis of all acts and things done by it or him as such committee or in pursuance of such delegation.

Secrecy

34. The proceedings of the Majlis shall be secret and no Member or servant thereof shall disclose or divulge to any person other than His Majesty the Sultan and Yang Di-Pertuan or the Religious Adviser or any Member of the Majlis, any matter which has arisen at any meeting, unless he is expressly authorised to do so:

Provided that the provisions of this section do not apply to proceedings and matters which have been submitted to and have received the approval of His Majesty the Sultan and Yang Di-Pertuan.

Members are public servants

35. The Members and Secretary of the Majlis are deemed to be public servants as defined by the Penal Code (Chapter 22).

Channels of communication

36. All communications from the Majlis to His Majesty the Sultan and Yang Di-Pertuan shall be forwarded through the Secretary.

Majlis may prescribe own procedure

37. The Majlis may, subject to the provisions of this Act, determine all questions relating to its own procedure and practice.

Authority in Religious Matters

Authority of Majlis

38. The Majlis shall, on behalf of and under the authority of His Majesty the Sultan and Yang Di-Pertuan as Head of the Religion of Brunei Darussalam, aid and advise His Majesty the Sultan and Yang Di-Pertuan on all matters relating to the religion of Brunei Darussalam, and shall in all such

matters be the chief authority in Brunei Darussalam, save in so far as may be otherwise provided by this Act.

Laws to be observed

39. The Majlis shall take notice of and act upon all written laws in force in Brunei Darussalam, and the provisions of the *Hukum Syara'*.

Mufti, Legal Committee and Judicial Committee

Appointment of Mufti

40. (1) His Majesty the Sultan and Yang Di-Pertuan may by notification signified in the *Gazette* appoint any suitable person to be the Mufti *Kerajaan* for Brunei Darussalam and may at any time revoke any such appointment:

Provided that in case of any vacancy in the appointment of Mufti, the powers and duties conferred on the Mufti by this Act shall be exercised by the Religious Adviser.

(2) The Mufti shall be *ex officio* a Member of the Majlis and shall not be subject to the provisions of section 13(2), 15 or 16.

Legal Committee

41. (1) There shall be a Legal Committee of the Majlis, consisting of the Mufti, not less than two other Members of the Majlis, and not less than six other fit and proper persons who may be members of the Majlis or not.

(2) The members of the Legal Committee, other than the Mufti, shall be appointed by His Majesty the Sultan and Yang Di-Pertuan for such period as he may deem fit. His Majesty the Sultan and Yang Di-Pertuan may at any time revoke any such appointment. Notice of every such appointment shall be published in the *Gazette*.

(3) The Mufti shall be Chairman of the Legal Committee. In his absence, His Majesty the Sultan and Yang Di-Pertuan may appoint a Chairman.

(4) The Chairman and four other members of the Legal Committee shall form a *quorum*.

(5) Subject to any written law, the Legal Committee shall have power to regulate its own procedure.

(6) The members of the Legal Committee are deemed to be public servants as defined by the Penal Code (Chapter 22).

Rulings (*Fatwas*)

42. (1) Any person may, by letter addressed to the Secretary, request the Majlis to issue a *fatwa* or ruling on any point of Muslim law or doctrine. On receiving any such request the Secretary shall forthwith submit the same to the Chairman of the Legal Committee.

(2) The Legal Committee shall consider every such request and shall, unless in its opinion the question referred is frivolous or for other good reason ought not to be answered, prepare a draft ruling thereon. If such draft ruling is unanimously approved by the Legal Committee or those members thereof present and entitled to vote, the Chairman shall on behalf and in the name of the Majlis forthwith issue a ruling in accordance therewith. If in any such case the Legal Committee is not unanimous, the question shall be referred to the Majlis, which shall in like manner issue its ruling in accordance with the opinion of the majority of its Members:

Provided that on special grounds any such question may be referred by the Majlis to His Majesty the Sultan and Yang Di-Pertuan for his determination, and any such question shall be so referred to His Majesty the Sultan and Yang Di-Pertuan if the Mufti so requests and in any case where His Majesty the Sultan and Yang Di-Pertuan makes a determination, the Majlis shall issue a ruling in accordance therewith.

(3) The Majlis may at any time of its own motion make and publish a ruling on any such question as aforesaid.

(4) All *fatwas* or rulings on any point of Muslim law or doctrine issued by the Majlis shall be published in the *Gazette*.

Authorities to be followed

43. (1) In making and issuing any ruling in manner hereinbefore provided, the Majlis and the Legal Committee shall ordinarily follow the orthodox tenets of the Shafeite sect:

Provided that, if it is considered that the following of such orthodox tenets will be opposed to the public interest, the Majlis or the Legal Committee may, unless His Majesty the Sultan and Yang Di-Pertuan shall otherwise direct, follow the less orthodox tenets of the Shafeite sect:

Provided further that, if it is considered that the following of either the orthodox or the less orthodox tenets of the Shafeite sect will be opposed to the public interest, the Majlis or the Legal Committee may, with the special sanction of His Majesty the Sultan and Yang Di-Pertuan, follow the tenets of any of the three remaining sects as may be considered appropriate, but in any such ruling the provisions and principles to be followed shall be set out in full detail and with any necessary explanation.

(2) Any ruling given by the Majlis, whether directly or through the Legal Committee, in accordance with the foregoing provisions shall, if the Majlis so determine or if His Majesty the Sultan and Yang Di-Pertuan so directs, be published in the *Gazette* and shall thereupon be binding on all Muslims of the Shafeite sect resident in Brunei Darussalam, other than Muslims, not being of Malay race, who are subject to a personal law other than that obtaining in Brunei Darussalam.

Judicial Committee

44. (1) There shall be a Judicial Committee of the Majlis, consisting of the Mufti, two other regular members and any number of additional members.

(2) The members of the Judicial Committee, other than the Mufti, shall be appointed by His Majesty the Sultan and Yang Di-Pertuan and such appointment shall specify whether they are regular or additional members. His Majesty the Sultan and Yang Di-Pertuan may at any time revoke any such appointment. Notice of every such appointment shall be published in the *Gazette*. No Kadi shall be a member of the Judicial Committee.

(3) The Mufti shall be Chairman of the Judicial Committee: In his absence, His Majesty the Sultan and Yang Di-Pertuan may appoint a Chairman.

(4) The Judicial Committee shall in all cases act by its Chairman and two other members, who shall be the two regular members if they are available to act, or, in the absence of one or both of the regular members, such one or two, as the case may be, of the additional members as the Chairman may designate for the purpose.

(5) Subject to any written law, the Judicial Committee shall have power to regulate its own procedure and practice.

(6) The members of the Judicial Committee are deemed to be public servants as defined by the Penal Code (Chapter 22).

(7) If in any Court other than the Religious Court any question of Muslim law or doctrine falls for decision, and such Court requests the opinion of the Majlis on such question, the question shall be referred to the Judicial Committee which shall for and on behalf and in the name of the Majlis, give its opinion thereon in accordance with the opinion of the majority of its members, and certify such opinion to the requesting Courts.

(8) The Judicial Committee shall perform such further duties and shall have such further rights and powers as may be imposed or conferred on it by any written law.

(9) The provisions of section 43(1) and (2) apply, with such modifications as may be necessary, to all proceedings of the Judicial Committee:

Provided that no reference shall be made to His Majesty the Sultan and Yang Di-Pertuan as to the principles of law to be applied, but the Judicial Committee shall determine any such question in its own discretion.

PART 3

RELIGIOUS COURTS

(Deleted by S 15/2014)

45. — 50A. *(Repealed by S 37/1998).*

Procedure (General)

51. — 55. *(Repealed by S 37/1998).*

Application of Criminal Procedure Code (Chapter 7) and *Hukum Syara'*
[S 15/2014]

55A. In relation to any matter of practice and procedure in criminal proceedings not expressly provided for in this Act, any rules made thereunder or any other written law within the jurisdiction of the Court, the provisions of the Criminal Procedure Code (Chapter 7) apply with the necessary modifications to the extent that they do not conflict with *Hukum Syara'*, in which case, *Hukum Syara'* applies.

56. *(Repealed by S 9/2018).*

57. *(Repealed by S 63/2001).*

58. — 67. *(Repealed by S 9/2018).*

68. *(Repealed by S 37/1998).*

69. — 74. *(Repealed by S 9/2018).*

75. *(Repealed by S 37/1998).*

76. — 77. *(Repealed by S 9/2018).*

78. *(Repealed by S 15/2014).*

79. *(Repealed by S 9/2018).*

(Repealed by S 75/2016)

80. — 96. *(Repealed by S 75/2016).*

PART 4

FINANCIAL

*Charitable Trusts***Muhammadan Fund**

97. The fund known as the Muhammadan Religious Fund and all investments and assets thereof shall, on the coming into force of this Act, forthwith vest in the Majlis in the manner and for the purposes hereinafter set out.

General Endowment Fund

98. All property, investments and funds, including the fund heretofore constituting the Muhammadan Religious Fund, which are vested from time to time in the Majlis for the purposes of this Act, other than property held, by virtue of the terms of this Act or of any trust, *wakaf* or *nazar* affecting the same, for a specific purpose or subject to specific express trusts, together with the income thereof, shall form the General Endowment Fund of the Majlis and shall be held by the Majlis in trust for such charitable purposes for the support and promotion of the Islamic religion, or for the benefit of Muslims in Brunei Darussalam in accordance with Muslim law, as to the Majlis may from time to time seem proper:

Provided that His Majesty the Sultan and Yang Di-Pertuan may give to the Majlis directions, not inconsistent with Muslim law or with the provisions of this Act, as to the expenditure of any part of the General Endowment Fund or the income thereof and may, in like manner, veto any proposed expenditure thereof.

Escheat

99. Where after the commencement of this Act, any Muslim dies in such circumstances that, under the provisions of Muslim law, his property would prior to the commencement of this Act have vested in, or been payable to, the said fund known as the Muhammadan Religious Fund, the property of such person shall, in pursuance of such provisions of Muslim law, vest in and be payable to His Majesty the Sultan and Yang Di-Pertuan and shall form part of the General Endowment Fund.

Wakaf and nazar am

100. 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 *nazar am*, and of all trusts of every description creating any charitable trust for the support and promotion of the Islamic religion or for the benefit of Muslims in accordance with Muslim law, to the extent of any property affected thereby and situate in Brunei Darussalam and, where the settler or other person creating the trust, *wakaf* or *nazar am* was domiciled in Brunei Darussalam, to the extent of all property affected thereby wherever situate.

Vesting

101. (1) All property subject to the provisions of section 100 shall, if situate in Brunei Darussalam, and, if the same shall consist of land, upon registration under the Land Code (Chapter 40) vest in the Majlis, without any conveyance, assignment or transfer whatever, for the purposes of the trust, *wakaf* or *nazar am* affecting the same.

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

Restrictions on creation of charitable trusts

102. (1) Whether or not made by way of will or death-bed gift, no *wakaf* or *nazar* 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, unless expressly sanctioned and validated by His Majesty the Sultan and Yang Di-Pertuan in writing.

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

(a) His Majesty the Sultan and Yang Di-Pertuan shall have expressly sanctioned and validated the same in writing; 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 one of the pegawai masjid of the *mukim masjid*, and by either the penghulu of the daerah or the ketua of the kampong, in which the maker resided.

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

Income of *wakaf* and *nazar*

103. (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 *nazar am* shall be paid to and form part of the General Endowment Fund.

Change of investments and borrowing powers

104. (1) The Majlis shall not, without the approval in writing of His Majesty the Sultan and Yang Di-Pertuan, sell, transfer or dispose of, or charge, mortgage or encumber, any immovable property vested in it for the purposes of this Act, whether or not forming part of the General Endowment Fund:

Provided that it shall be lawful for any such immovable property to be compulsorily acquired or reserved by Government for a public purpose in manner provided by any written law.

(2) Save as provided in subsection (2), any investments, assets and funds vested in the Majlis may be sold, realised or disposed of, and they and the proceeds thereof may be invested from time to time in any investments authorised by any written law for the time being in force for the investment of trust funds, or in or upon title to any immovable property situate within Brunei Darussalam.

(3) The Majlis shall have power to lease any immovable property vested in it upon such terms as seem proper and are not inconsistent with any trusts affecting the same.

(4) The Majlis shall have power to borrow monies whether without security or upon the security of any of the assets of the General Endowment Fund in such manner and to such extent as His Majesty the Sultan and Yang Di-Pertuan may in writing authorise. Any monies so borrowed shall form part of the General Endowment Fund.

Capital of *wakaf* and *nazar am*

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

(2) If from lapse of time or change of circumstances it is no longer possible beneficially to carry out the exact provisions of any *wakaf* or *nazar 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 *nazar am* and shall apply the same accordingly:

Provided that the Majlis may, with the approval in writing of His Majesty the Sultan and Yang Di-Pertuan, direct that such property and assets shall be added to and form part of the General Endowment Fund.

(3) If the terms of any *wakaf* or *nazar 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 General Endowment Fund.

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

Construction of instrument

106. If in the opinion of the Majlis the meaning or effect of any instrument or declaration creating or affecting any *wakaf* or *nazar* is obscure or uncertain, the Majlis may refer the same to the Legal Committee for its

opinion as to the meaning or effect thereof, and shall act on any opinion so given by the Committee or a majority thereof, unless His Majesty the Sultan and Yang Di-Pertuan shall otherwise direct.

Accounts

Annual Report

107. The Majlis shall cause full and true accounts of the General Endowment Fund to be kept and shall as soon as possible after the 31st day of December of every year issue and publish in the *Gazette* a report on the activities of the Majlis during the preceding year, together with a balance sheet of the General Endowment Fund as at the 31st day of December, an income and expenditure account of the said Fund for the year and a list of the properties and investments of the said Fund showing their cost price, if bought, and estimated value as at the 31st day of December.

Audit [S 24/2003]

108. (1) The said annual balance sheet, income and expenditure account and list of investments shall prior to the issue thereof be audited by —

(a) the Auditor General; or

(b) any person who has been authorised to perform the duties required by the Companies Act (Chapter 39) to be performed by an auditor, who shall be appointed annually by His Majesty the Sultan and Yang Di-Pertuan.

A copy of the auditor's certificate shall be annexed to all copies of the report and accounts as issued.

(2) Where the accounts of the Majlis have been audited by a person appointed under subsection (1)(b), they may be verified by the Auditor General before a copy thereof is published in the *Gazette* pursuant to section 107.

Wakaf and nazar property

109. Not less than once in every 3 years 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 *nazar*, and not forming part of the

General Endowment Fund. Such list shall be audited in manner set out in section 108.

Estimates

110. (1) The Majlis shall prepare and submit to His Majesty the Sultan and Yang Di-Pertuan not later than the 31st 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.

(2) His Majesty the Sultan and Yang Di-Pertuan may approve such estimates or may direct that the same be amended and thereupon such approved or amended estimates, as the case may be, shall be published in the *Gazette*.

(3) The Majlis may at any time submit to His Majesty the Sultan and Yang Di-Pertuan 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.

(4) No monies shall be expended, or property disposed of in kind, save in accordance with such estimates as aforesaid and upon a voucher signed by the President or Vice-President.

Expenses of Majlis

111. 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 General Endowment Fund.

Bankers

112. (1) The Majlis shall appoint bankers and may operate such account or accounts as to it may seem proper.

(2) Payments by the Majlis of amounts exceeding \$50 shall be made by cheque.

(3) All monies received by or for the Majlis shall be paid into a bank account of the Majlis in the manner provided in the State Financial Regulations.

(4) Cheques drawn on any bank account of the Majlis shall be signed by the President or Vice-President and by the Secretary.

Financial Statements

113. (1) At least once in every month there shall be laid on the table a financial statement showing details of all receipts and expenditure from the time of the preceding financial statement up to a date not more than 7 days prior to the meeting.

(2) Every such financial statement shall be considered and approved at the meeting at which it is submitted and, if not unanimously approved, shall be submitted to His Majesty the Sultan and Yang Di-Pertuan, together with any comments which any Member may wish to take thereon.

Zakat and Fitrah

Powers of Majlis

114. The Majlis shall have the power, and shall be under the duty, to collect on behalf of His Majesty the Sultan and Yang Di-Pertuan, and to dispose of as His Majesty the Sultan and Yang Di-Pertuan may, subject to the provisions of this Act direct, all *zakat* and *fitrah* payable in Brunei Darussalam in accordance with Muslim law, and shall do so to the extent and in the manner provided in this Act.

Assessment Lists

115. (1) The Majlis shall prepare annually assessment lists in respect of each *mukim masjid* in Brunei Darussalam, showing the names of all persons therein liable to pay *zakat* and *fitrah* respectively and the amounts which they are so liable to pay.

(2) The Majlis shall be directly responsible for the preparation of the assessment lists in respect of such areas as the Majlis may determine.

(3) In all other areas, the Imam shall, as agent for and on behalf of the Majlis, prepare the assessment lists in respect of each *mukim masjid* and shall submit copies thereof to the Majlis, which may alter or amend the same.

(4) Any person may make an objection to the Majlis against the inclusion of his name in any assessment list or against the amount or quantity in respect of which he is assessed and the Majlis shall consider every such objection and shall make such decision thereon as it considers just.

(5) An appeal from any such decision shall lie to His Majesty the Sultan and Yang Di-Pertuan in Religious Council, if the subject matter is of a value not less than \$1,000:

Provided that any such appeal may be referred by His Majesty the Sultan and Yang Di-Pertuan to the Judicial Committee for its opinion and, if so referred, shall be determined as if it were a civil appeal from the Court of a Kadi.

Liability to pay *zakat*

116. *Zakat* shall be payable by every Muslim who rears any animals, or cultivates any crops, or carries on any enterprise, from which *zakat* shall be payable at the rate and in such manner as may be determined by the Majlis from time to time in accordance with Muslim law.

Liability for *fitrah*

117. (1) *Fitrah* shall be payable by all Muslim householders in Brunei Darussalam and shall be at the rate of and in such manner as may be determined by the Majlis from time to time in accordance with Muslim law:

Provided that, where a household consists of an odd number of members, payment shall be made as if it consisted of the next higher even number of members.

(2) Payment of *fitrah* may be excused on grounds of poverty and the Imam may with the approval of the other pegawai masjid omit from the assessment list prepared by him the name of any person considered too poor to pay *fitrah*, but in any such case he shall inform the Majlis of the facts and the Majlis may reverse such decision.

Payment of *zakat*

118. (1) The Majlis or the Imam or Amil as the case may be, shall complete the *zakat* assessment list by entering the amounts produced and the amounts payable as soon as the harvest is complete.

(2) Where any person produces padi in more than one *mukim masjid* his name shall be entered in every assessment list concerned and he shall be assessed on the total production.

Payment shall, in any such case, be made directly to the Majlis.

(3) On completion of the assessment lists, and notwithstanding any appeal pending, the producer shall forthwith pay the *zakat* to the Majlis or, in cases to which subsection (2) does not apply to the Imam.

(4) *Zakat* shall be paid in padi but the person paying may be permitted to repurchase such padi at such price per *gantang* as the Majlis may, by notification signified in the *Gazette*, from time to time fix.

Payment of *fitrah*

119. (1) *Fitrah* assessment lists shall be completed not later than the 15th day of Sya'aban in each year and the *fitrah* shall be paid to the Majlis or to the Imam not later than the 1st day of Syawal next ensuing.

(2) The Majlis may from time to time by notification signified in the *Gazette* fix rates at which rice may be sold by any pegawai masjid to persons liable to pay *fitrah*. Such rates shall be not lower than the current minimum market price for the cheapest grade of rice.

Receipts and Accounts

120. (1) The Majlis or the Imam or Amil, as the case may be, shall issue a receipt as in Form A or in Form B (as appropriate) in Schedule 1 for every payment of *zakat* or *fitrah*, whether in cash or in kind.

(2) Every Imam or Amil shall account to the Majlis for all *zakat* and *fitrah* received by him and shall hold, store, and dispose of the same or of any proceeds of sale thereof in such manner as the Majlis may direct.

(3) The Majlis shall cause assessment lists, receipts, accounts and other documents kept by any Imam or Amil and relating to *zakat* or *fitrah* to be examined and audited and may for such purpose appoint and remunerate Inspectors.

Disposal of balance

121. After complying with all directions of His Majesty the Sultan and Yang Di-Pertuan as to disposal of any *zakat* and *fitrah*, the Majlis shall, if

any portion thereof be undisposed of, sell and realise such part thereof as may not consist of money and it and the proceeds of any sale thereof shall be added to and form part of the General Endowment Fund.

Collection for Charities

Charitable collections

122. (1) Notwithstanding the provisions of the Subscriptions Control Act (Chapter 91), the Majlis may collect, or may grant licences to any person or body of persons, authorising him or them to collect, monies or funds for any charitable purpose for the support and promotion of the Islamic religion or for the benefit of Muslims in accordance with Muslim law, and may by any such licence impose such terms as it may think fit.

(2) It is deemed to be a term of every such licence that the grantee thereof and every other person authorised thereby to collect monies or funds shall —

(a) issue in respect of every sum so collected a serially numbered receipt in Form C in Schedule 1;

(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 licence, or, if no method of disposal thereof be thereby expressly authorised, pay and account for the same to the Majlis.

(3) Monies collected in pursuance of this section may be applied for a specific purpose if the Majlis shall so direct, but shall, in default of any such direction, be added to and form part of the General Endowment Fund.

(4) No person shall make or take part in any collection of money for any such purpose as aforesaid unless with the express authority of the Majlis or by virtue and in pursuance of such a licence as aforesaid.

PART 5

MOSQUES

Majlis to be trustee

123. Notwithstanding any provision to the contrary in any written instrument, the Majlis shall be the sole trustee of all mosques in Brunei Darussalam and every mosque, together with any immovable property on which it stands or appurtenant thereto and used for the purposes thereof, other than State land or land reserved for a public purpose, shall upon registration under the Land Code (Chapter 40), and without any conveyance, assignment or transfer whatever vest in the Majlis for the purposes of this Act.

Restriction on new mosques

124. (1) No person shall erect any mosque or dedicate or otherwise apply any existing building, as or for the purposes of a mosque, without the permission in writing of the Majlis.

(2) Such permission shall in no case be given unless the site of the proposed new mosque has been, or will prior to the erection of dedication thereof be, made a *wakaf*.

Repairs

125. (1) It shall be the duty of the Majlis to repair from time to time as may be necessary and keep in a proper state of repair all mosques in Brunei Darussalam. The Majlis may raise and apply, or authorise the raising and application of, special funds for the purpose of such repairs, or may defray the necessary cost of the same from the General Endowment Fund.

(2) It shall be the duty of the Imam promptly to inform the Majlis of any want of repair, and to effect or supervise any repairs as agent for and on behalf of the Majlis.

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

Closure of demolition

126. The Majlis may for sufficient reason close or demolish any mosque and may, where any mosque has been demolished and it is not intended to

build another mosque on the same site and it is in the opinion of the Majlis no longer possible to use such site for other religious purposes, sell and dispose of such site, but the proceeds of any such sale shall be earmarked for the erection, maintenance or repair of mosques, and no other purposes.

Boundaries of *mukim*

127. The Majlis shall have the power at any time to determine the boundaries of any *mukim masjid* and to amend or alter such boundaries. Any dispute as to the boundaries of a *mukim masjid* shall ordinarily be referred to the Judicial Committee for its opinion.

Register of pegawai masjid

128. The Majlis shall maintain a register showing the pegawai masjid of every mosque in Brunei Darussalam, and it shall be the duty of every pegawai masjid promptly to inform the Majlis of any vacancy or change in the particulars relating to his mosque.

Appointment of Imam

129. (1) His Majesty the Sultan and Yang Di-Pertuan may appoint any fit and proper person to be Imam of any mosque.

(2) Every person appointed to be an Imam shall receive a *Tauliah* under the seal of His Majesty the Sultan and Yang Di-Pertuan.

Appointment of other pegawai masjid

130. (1) No vacancy in the office of Khatib of any mosque shall be filled unless in any case His Majesty the Sultan and Yang Di-Pertuan shall so direct.

(2) In the event of any vacancy or impending vacancy in the office of Bilal of any mosque, it shall be the duty of the Imam of the mosque, after consultation with the Pegawai Pejabat Uagama to make recommendations to the Majlis whether the vacancy should be filled and, if so, who should be appointed to fill it.

(3) The Legal Committee shall examine the qualifications of any person so recommended and shall report to the Majlis thereon.

(4) The Majlis may on behalf of His Majesty the Sultan and Yang Di-Pertuan appoint any fit and proper person to be a Bilal of any mosque, and shall issue a *Tauliah* under its seal to any person so appointed.

Removal of pegawai masjid

131. (1) Every pegawai masjid shall hold office during the pleasure of His Majesty the Sultan and Yang Di-Pertuan and may be removed by His Majesty the Sultan and Yang Di-Pertuan for such reasons as may seem good.

(2) It shall be the duty of the Majlis to bring to the notice of His Majesty the Sultan and Yang Di-Pertuan any disgraceful conduct on the part of any pegawai masjid, whether in relation to his duties as such or otherwise, and to make recommendations.

Powers and duties

132. The pegawai masjid of any mosque shall have such powers and duties as may be set out in their respective *Tauliahs*, and in addition —

(a) shall be responsible for the proper conduct and good order of the mosque;

(b) shall be responsible for the good conduct of the *anak mukim* of the mosque in matters relating to the Islamic religion; and

(c) shall give due and prompt information to the Majlis of all matters arising in their *mukim* and requiring the attention of the Majlis.

Attendance at mosque

133. The *anak mukim* of any *mukim* shall ordinarily attend the mosque in that *mukim*, but the Imam of that mosque may for good reason grant permission to any person to attend another mosque and, if the Imam shall have refused such permission, the Judicial Committee may grant it in the name and on behalf of the Majlis.

PART 6

(Repealed by S 12/2000)

134. — 156. *(Repealed by S 12/2000).*

PART 7

(Repealed by S 12/2000)

157. — 163. *(Repealed by S 12/2000).*

PART 8

CONVERTS

Register of converts

164. The Majlis shall maintain a register of the names of all persons converted to the Islamic religion within Brunei Darussalam, together with such particulars in respect of their conversion as may be prescribed by rule.

Control of conversions

165. No person shall be registered as a convert to the Islamic religion otherwise than in accordance with the provisions of this Act or any rules made thereunder.

No registration of conversion of children

166. No person under the age of 14 years and 7 months shall be registered as a convert to the Islamic religion.

Conversion

167. (1) If any person wishes to be admitted to the Islamic religion, he shall repeat the Confession of Faith, or *Dua Kalimah Syahadat*, before any Muslim and shall thereafter appear before the Kadi of the district in which he ordinarily resides.

(2) The Kadi shall make enquiry as to the age of such person and as to his desire to be admitted to the Islamic religion and shall, if satisfied that

he is more than 14 years and 7 months of age and desires to be so admitted, send him to the custody of the Majlis.

(3) Such person shall, notwithstanding any right to his custody vested in any other person or body, be and remain in the custody of the Majlis for the period of 3 months and the Majlis shall defray out of the General Endowment Fund the expenses of sending him to its custody and also the cost of his board, lodging, instruction and incidental expenses during the said period of 3 months.

(4) At the expiration of the said period of 3 months the convert shall cease to be in the custody of the Majlis, and the Majlis shall, if the convert so requests, defray the cost of his return to the custody of his lawful guardian.

(5) If the Kadi is of opinion that the applicant is under the age of 14 years and 7 months, he shall cause him to be returned to his lawful guardian and he is deemed not to have been converted to the Islamic religion.

(6) The Kadi shall report all action taken by him under the provisions of this section to the Religious Adviser.

(7) In every such report the Kadi shall state whether in his opinion the convert made the Confession of Faith willingly or against his will.

(8) Nothing in this section contained shall operate to permit any minor to be taken from the custody of his natural or lawful guardian without the consent of such natural or guardian.

Conversion to be reported to Majlis

168. Any person effecting a conversion shall forthwith report the same to the Majlis with all necessary particulars.

PART 9

RENUNCIATION OF ISLAMIC RELIGION

Renunciation of Islamic Religion

169. (1) Any person of the Islamic Religion who renounces his religion shall forthwith report the fact in writing to the Secretary.

[S 15/2014]

(2) Whoever fails to report his renunciation of the Islamic religion in accordance with subsection (1) is guilty of an offence and liable on conviction to a fine of \$1,000.

[S 15/2014]

PART 10

OFFENCES

Application

170. (1) Save as otherwise in this Act expressly provided, this Part applies only to persons professing the Islamic religion.

(2) Save as otherwise in this Act expressly provided, no prosecution for any offence against this Act shall be had in any Court other than the Court of the Chief Kadi or a Court of a Kadi.

171. — 174. (*Repealed by S 69/2013*).

175. — 176. (*Repealed by S 12/2000*).

177. (*Repealed by S 69/2013*).

Illicit intercourse

178. (1) (*Repealed by S 12/2000*).

(2) (*Repealed by S 12/2000*).

(3) Any person who has sexual intercourse with any person whom he or she is, and who he or she knows or has reason to believe that he or she is, forbidden by Muslim law to marry, is guilty of an offence: Penalty, in the case of—

(a) a male person, imprisonment for 5 years; and

(b) a female person, imprisonment for one year.

(4) Save in the cases referred to in subsection (3), whoever is guilty of illicit intercourse, whether or not the other party to such illicit intercourse professes the Islamic religion, is guilty of an offence and liable on conviction to a fine of \$5,000 or imprisonment for 6 months.

179. *(Repealed by S 12/2000).*

180. (1) *(Repealed by S 12/2000).*

(2) *(Repealed by S 12/2000).*

(3) *(Repealed by S 12/2000).*

(4) *(Repealed by S 15/2014).*

Unlawfull conversions

181. Whoever in contravention of the provisions of Part 8, converts or purports to convert to the Islamic religion any person, or, having lawfully converted any person to the Islamic religion, wilfully neglects or fails to report such conversion to the Majlis, is guilty of an offence and liable on conviction to a fine of \$1,000 or imprisonment for one month.

Wilful neglect statutory duty

182. Whoever, being charged by this Act with the duty of registering any matter or proceeding, or of making, preparing, keeping or maintaining any assessment list, report, book of account, estimate, register, counterfoil book, minute book, or subscription list, or of issuing any certificate, receipt or certified copy, refuses or wilfully neglects or fails to perform such duty, or wilfully performs the same in an unlawful or improper manner, is guilty of an offence and liable on conviction to a fine of \$2,000 or imprisonment for 3 months.

183. — 196. *(Repealed by S 69/2013).*

PART 11

GENERAL

197. *(Repealed by S 17/2005).*

198. *(Repealed by S 37/1998).*

Provident Fund

199. (1) The Majlis shall have power to institute and administer a provident fund for the benefit of any or all of the employees of the Majlis.

(2) The Majlis shall itself be the sole trustee of any such provident fund, and shall hold all monies, investments and assets appertaining thereto as a segregated fund.

(3) The Majlis may appoint a Managing Committee to administer any such provident fund and such Managing Committee may include persons not members of the Majlis and persons who are beneficiaries of the fund.

(4) The Majlis may invest any monies or assets of any such provident fund in any of the investments by this Act, authorised for the investment of monies and assets constituting the General Endowment Fund, and shall have the like powers in respect of change of investment, employment of bankers and similar matters as relate to the General Endowment Fund.

(5) The Majlis may contribute to any such provident fund out of monies and assets constituting the General Endowment Fund.

(6) The Majlis may, with the approval in writing of His Majesty the Sultan and Yang Di-Pertuan, make rules to regulate —

(a) the institution, organisation, administration and management of the provident fund;

(b) the proceedings of the Managing Committee;

(c) the proceedings of meetings of contributors to the provident fund;

(d) the eligibility of contributors to the provident fund;

(e) the amount of contributions and the terms upon which they will be received, and paid out;

(f) the absorption of other provident funds or similar institutions;

(g) the alteration or amendment of the rules governing the provident fund; and

(h) the winding up of the provident fund.

(7) The Majlis may discontinue and wind up any such provident fund.

(8) The expenses of managing and administering any such provident fund shall be borne by the fund.

Protection of Majlis, its Members and employees

200. (1) No Member of the Majlis is liable for any loss arising from or contingent upon any investment made in accordance with the provisions of this Act, or any failure to collect or get in any monies or assets of the Majlis, unless such loss has been occasioned by his wilful negligence of fraud.

(2) Any Member of the Majlis, and any servant, agent or person acting under the authority of the Majlis shall be indemnified by the Majlis against any action or proceeding for or in respect of any act, matter or thing *bona fide* done or omitted to be done by him in the exercise or supposed exercise of any of the rights or powers of the Majlis or the Members thereof.

Validation of judgments, sentences and orders

201. Any sentence passed, judgment given, order made or act done before the coming into force of this Act by the Courts of Chief Kadi or of a Kadi, including any order made in reference to any such sentence, judgment, order or act by the appellate authority, is deemed to be and always to have been valid and within the jurisdiction of such Courts or appellate authority.

Pending matters

202. The provisions of this Act apply, so far as may be, to all matters pending in the Courts of the Chief Kadi or of a Kadi when this Act comes into force.

Rules

203. His Majesty the Sultan and Yang Di-Pertuan in Religious Council may, by notification signified in the *Gazette*, make rules 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 and method of execution of 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 the same;

(c) the powers and duties of the Legal and Judicial Committees, and the practice and procedure in respect of all matters within their respective jurisdictions;

(d) the appointment of Committees of the Majlis and their powers, duties and procedure;

(e) the practice and procedure of the Courts of the Chief Kadi and of Kadis and in any such rule it shall be lawful for His Majesty the Sultan and Yang Di-Pertuan to declare that any of the provisions of sections 51 to 96 inclusive shall cease to have effect;

(f) 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;

(g) the collection, expenditure and disposal of any property, investments and funds due to or vested from time to time in the Majlis;

(h) the employment of bankers, and the bank accounts to be opened and operated, by the Majlis;

(i) the conduct of any charitable collection, and the disposal of the proceeds thereof;

(j) the conduct of any mosque and all matters relating thereto;

(k) the powers and duties of any pegawai masjid;

(l) the determination and publication of *mukim* boundaries;

(m) the powers and duties of Registrars of Muslim Marriages and Divorces;

(n) the care and instruction of juvenile converts by the Majlis, and the method of registering converts; and

(o) the conduct of religious seminaries and schools.

Amendment of Schedules

204. His Majesty the Sultan and Yang Di-Pertuan in Religious Council may by Order signified in the *Gazette* amend any of the Schedules to this Act.

His Majesty the Sultan and Yang Di-Pertuan may issue consequential instructions

205. Where any matter is referred under this Act to His Majesty the Sultan and Yang Di-Pertuan, whether in Religious Council or not, for his determination or directions, His Majesty the Sultan and Yang Di-Pertuan may, subject to the express provisions of this Act, issue such consequential instructions in writing under his hand as he may consider necessary for the proper carrying out of such determination or directions.

SCHEDULE 1

FORM A

(section 120(1))

BRUNEI DARUSSALAM

Religious Council and Kadis Courts Act (Chapter 77)

Zakat and Fitrah Rules

Form 1

Rule 10

No.:

OFFICIAL RECEIPT FOR ZAKAT

Received from	Assessment No.	Date	Amount
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*for Superintendent Baitulmal
Zakat and Fitrah*

Name of Amil:

Signature:

SCHEDULE 1 — *(continued)*

FORM B

(section 120(1))

BRUNEI DARUSSALAM

Religious Council and Kadis Courts Act (Chapter 77)

<p>Zakat and Fitrah Rules Form J Rule 10 OFFICIAL RECEIPT FOR FITRAH No.: Received One Fitrah Date:</p>	<p>Zakat and Fitrah Rules Form J Rule 10 OFFICIAL RECEIPT FOR FITRAH No.: Received One Fitrah Date:</p>
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SCHEDULE 1 — *(continued)*

FORM C

(section 122(2))

BRUNEI DARUSSALAM

Religious Council and Kadis Courts Act (Chapter 77)

Receipt for charitable donations
Penerimaan bagi derma-derma

Received from
Diterima daripada

the sum of dollars
sebanyak ringgit

for charitable donations
derma untuk

Dated
Tarikh

Authorised Collector
for Secretary of the Majlis

Pemunggut yang dibenarkan
bagi Setiausaha Majlis

SCHEDULE 2

(Repealed by S 12/2000)

SCHEDULE 3

(Repealed by S 12/2000)

SCHEDULE 4

(Repealed by S 12/2000)

SCHEDULE 5

(Repealed by S 12/2000)

SCHEDULE 6

(Repealed by S 12/2000)

SCHEDULE 7

(Repealed by S 12/2000)