

PARLIAMENT OF CEYLON

1st Session 1965-66



Muslim Marriage and Divorce (Amendment) Act, No. 1 of 1965

Date of Assent : July 7, 1965

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*Muslim Marriage and Divorce (Amendment)
Act, No. 1 of 1965*

L. D.—O. 30/64.

AN ACT TO AMEND THE MUSLIM MARRIAGE AND
DIVORCE ACT.

Chapter 115,
Vol. V.,
page 281.

[Date of Assent: July 7, 1965]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Muslim Marriage and Divorce (Amendment) Act, No. 1 of 1965.

Short title.

2. Section 12 of the Muslim Marriage and Divorce Act, hereinafter referred to as the "principal Act", is hereby amended as follows:—

Amendment of
section 12 of
Chapter 115.

(a) in sub-section (1) of that section, by the substitution, for the words "The Minister", of the words "The Judicial Service Commission";

(b) in sub-section (6) of that section, by the substitution, for the words "The Minister may, in his discretion," of the words "The Judicial Service Commission may, in its discretion,"; and

(c) in sub-section (7) of that section, by the substitution, for the words "by the Minister," of the words "by the Judicial Service Commission,".

3. Section 13 of the principal Act is hereby amended as follows:—

Amendment of
section 13 of
the principal
Act.

(a) by the renumbering of that section as sub-section (1) of section 13;

(b) in renumbered sub-section (1) of that section by the substitution, for all the words from "the Minister may appoint" to the end of that sub-section, of the words "the Judicial Service Commission may appoint a suitable person to act as a temporary Quazi for that area."; and

(c) by the addition at the end of that section of the following new sub-section:—

"(2) The Judicial Service Commission may, by Order published in the *Gazette* delegate to the Secretary to the Commission

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the power to make appointments under sub-section (1), subject to such limitations as may be specified in the Order.”.

Amendment of
section 14 of
the principal
Act.

4. Section 14 of the principal Act is hereby amended as follows:—

- (a) in sub-section (1) of that section, by the substitution, for the words “for the Minister”, of the words “for the Judicial Service Commission”;
- (b) in sub-section (3) of that section, by the substitution, for the words “the Minister”, of the words “the Judicial Service Commission”; and
- (c) in sub-section (5) of that section, by the substitution, for the words “The Minister may in his discretion”, of the words “The Judicial Service Commission may in its discretion”.

Amendment of
section 15 of
the principal
Act.

5. Section 15 of the principal Act is hereby amended as follows:—

- (a) in sub-section (1) of that section, by the substitution, for the words “The Minister”, of the words “The Judicial Service Commission”;
- (b) in sub-section (4) of that section, by the substitution, for the words “The Minister”, of the words “The Judicial Service Commission”; and
- (c) in sub-section (5) of that section, by the substitution, for the words “the Minister”, wherever those words occur collectively in that sub-section, of the words “the Judicial Service Commission”.

Amendment of
section 47 of the
principal Act.

6. Section 47 of the principal Act is hereby amended in sub-section (1) of that section as follows:—

- (1) by the substitution, for paragraph (c) of that sub-section, of the following paragraph:—

“(c) any claim for maintenance by or on behalf of a legitimate child;”; and

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(2) by the insertion, immediately after paragraph (c) of that sub-section, of the following new paragraph:—

“(cc) notwithstanding anything to the contrary in section 2, any claim for maintenance by or on behalf of an illegitimate child, where the mother of such child and the person from whom maintenance is claimed are Muslims;”.

7. Section 94 of the principal Act is hereby amended in sub-section (1) of that section by the substitution, in paragraph (i) of that sub-section, for the words “ against Quazis and registrars; ”, of the words “ against registrars; ”.

Amendment of
section 94 of the
principal Act.

8. Section 97 of the principal Act is hereby amended by the insertion, immediately after the definition of “ duplicate ”, of the following definition:—

Amendment
of section 97
of the
principal
Act.

“ “ Judicial Service Commission ” means the Judicial Service Commission referred to in section 53 of the Ceylon (Constitution) Order in Council, 1946; ’.