

PARLIAMENT OF CEYLON

5th Session 1969-70



Muslim Marriage and Divorce (Amendment) Act, No. 32 of 1969

Date of Assent: December 9, 1969.

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*Muslim Marriage and Divorce (Amendment)
Act, No. 32 of 1969*

L. D.—O. 14/69.

AN ACT TO AMEND THE MUSLIM MARRIAGE AND
DIVORCE ACT.

Chapter 115,
Volume V,
page 281.

[Date of Assent: December 9, 1969]

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. 32 of 1969.

Short title.

2. Section 9 of the Muslim Marriage and Divorce Act, hereinafter referred to as the "principal Act", is hereby amended in sub-section (1) thereof, by the substitution, for the words "other sufficient cause," of the words "other sufficient cause, or is dead or has resigned or retired from office,".

Amendment of
section 9 of
Chapter 115.

3. Section 15 of the principal Act, as amended by Act No. 1 of 1965, is hereby further amended as follows:—

Amendment of
section 15 of
the principal
Act.

(1) in sub-section (4) thereof, by the substitution, for the words "in any special circumstances and on the recommendation of the Registrar-General," of the words "in any special circumstances,"; and

(2) in sub-section (5) thereof, by the substitution, for the words "Registrar-General", of the words "Judicial Service Commission".

4. Section 33 of the principal Act is hereby repealed and the following new section substituted therefor:—

Replacement of
section 33 of
the principal
Act.

" Certain
powers of
District
Registrar
under
section 33
exercisable by
Registrar-
General.

33. The powers conferred on a District Registrar under section 32 in relation to the rectification of erroneous particulars relating to a marriage or divorce, may be exercised by the Registrar-General."

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Amendment of
section 40 of
the principal
Act.

5. Section 40 of the principal Act is hereby amended by the substitution, for all the words from "any of the books or registers" to the end of that section, of the words "any such books or registers, or the conduct of any of the registrars."

Amendment of
section 61 of
the principal
Act.

6. (1) Section 61 of the principal Act is hereby amended by the substitution, for the expression "section 32 or section 67", of the expression "section 32".

(2) The provisions of sub-section (1) of this section shall be deemed to have come into effect on the seventh day of July, 1965.

Replacement of
section 67 of
the principal
Act.

7. Section 67 of the principal Act is hereby repealed and the following section substituted therefor:—

"Transfer of
proceedings
from one
Quazi to
another.

67. Where it appears to the Judicial Service Commission, on the application of any party to, or any person interested in, any proceedings instituted or to be instituted under this Act before a Quazi, that a fair and impartial inquiry cannot be had before such Quazi, or where a Quazi himself makes an application in that behalf to the said Commission, the Commission may order that such proceedings be instituted before and heard by a special Quazi appointed in that behalf by the Commission under section 14 and, in the event of any such order being made, any proceedings taken before the first-mentioned Quazi in respect of the matter to which such application relates shall be of no effect."

Retrospective
effect of new
section 67.

8. (1) The new section 67 inserted in the principal Act by section 7 shall be deemed to have come into effect on the seventh day of July, 1965, and accordingly, any order made under the repealed section 67 by the Judicial Service Commission between the aforesaid day and the date of commencement of this Act shall be deemed at all times to have been and to be valid.

(2) In this section, "Judicial Service Commission" means the Judicial Service Commission referred to in section 53 of the Ceylon (Constitution) Order in Council, 1946.

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9. Section 89 of the principal Act is hereby amended in sub-section (2) thereof, by the substitution, for the words "Registrar-General.", of the words "Attorney-General."

Amendment of section 89 of the principal Act.