

PARLIAMENT OF CEYLON

1st Session 1965-66



Quazis (Validation of Appointments) Act, No. 11 of 1965

Date of Assent : November 13, 1965

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Quazis (Validation of Appointments) Act,
No. 11 of 1965

L. D.—O. 30/64.

AN ACT TO VALIDATE THE APPOINTMENTS OF QUAZIS OR BOARDS OF QUAZIS WHO OR WHICH HAD BEEN APPOINTED BY THE MINISTER UNDER THE PROVISIONS OF THE MUSLIM MARRIAGE AND DIVORCE ACT AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: November 13, 1965]

WHEREAS under the provisions of the Muslim Marriage and Divorce Act before such Act was amended by Act No. 1 of 1965 an appointment of a Quazi or a Board of Quazis was made by the Minister :

And whereas the Supreme Court in the case of K. S. S. Jailabdeen vs. A. R. Danina Umma (S. C. 2/1962—Quazi Court, Colombo South, No. 626) held that the Minister was not the proper authority to make such an appointment:

And whereas it is necessary to validate the appointments of Quazis or Boards of Quazis who or which had been appointed by the Minister :

Be it therefore 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 Quazis (Validation of Appointments) Act, No. 11 of 1965.

Short title.

2. (1) Subject to the provisions of sub-section (2), every Quazi or Board of Quazis who or which had been appointed by the Minister under the Muslim Marriage and Divorce Act (hereinafter referred to as the "principal Act") before the date of commencement of the Muslim Marriage and Divorce (Amendment) Act, No. 1 of 1965, shall be deemed to have been valid and accordingly—

Validation of the appointments of Quazis and Boards of Quazis made by the Minister under the Muslim Marriage and Divorce Act before that Act was amended by Act No. 1 of 1965.

(a) any power, act or duty exercised, done or performed under the provisions of the principal Act by any such Quazi or Board of Quazis, or

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(b) any order in any proceedings under the provisions of the principal Act made by any such Quazi or Board, or

(c) any order in any appeal under the provisions of the principal Act made by any such Board,

shall be deemed not to have been invalid by reason only of the fact that such Quazi or Board, as the case may be, had been appointed by the Minister.

(2) Nothing in sub-section (1) shall be deemed to have affected the decision of the two Judges of the Supreme Court in the case of *K. S. S. Jailabdeen vs. A. R. Danina Umma* (S. C. 2/1962—Quazi Court, Colombo South, No. 626) quashing the order of maintenance made by the Quazi in such case.

(3) The preceding provisions of this section shall for all purposes and in all respects be as valid and effectual as though those provisions were in an Act for the amendment of the Ceylon (Constitution) Order in Council, 1946, enacted by Parliament after compliance with the requirement imposed by the proviso of sub-section (4) of section 29 of that Order in Council.