

SUBSIDIARY LEGISLATION

MUSLIM MARRIAGE AND DIVORCE REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

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SCHEDULE.

[Subsidiary]

7 of 1961.
[51/1980
11 of 1988
6 of 1993].

MUSLIM MARRIAGE AND DIVORCE REGULATIONS

made under section 30

Citation.

1. These Regulations may be cited as the Muslim Marriage and Divorce Regulations.

PART I

GENERAL

Fees.
Schedule.

2. The fees set forth in Part A of the Schedule shall be payable in respect of the matters therein specified.

Forms.
Schedule.

3. The forms set forth in Part B of the Schedule shall be the forms to be used in respect of the matters therein specified.

PART II

DIVORCE REGULATIONS

Divorce
Officers.

4. (1) There shall be in and for Trinidad and Tobago not more than fifteen Divorce Officers who shall be appointed by the President in accordance with the provisions of this regulation.

(2) Each of the Muslim bodies to whom these Regulations apply may recommend for appointment as Divorce Officers a panel of not less than three and not more than five persons; and at all times at least one Divorce Officer on each panel shall be an Attorney-at-law of at least three years standing.

(3) The Muslim bodies to whom these Regulations apply are—

- (a) the Trinidad Muslim League Inc.;
- (b) the Anjuman Sunnat-Ul-Jamaat Association of Trinidad Inc.; and
- (c) the Tackveeyatul Islamic Association of Trinidad Inc.

(4) The appointment and removal of any Divorce Officer shall be notified in the *Gazette*.

5. (1) Either party to a marriage shall be at liberty to apply to the Muslim body to which he belongs for the dissolution or annulment of the marriage by filing the application therefor with the Secretary of that body. Filing application.

(2) The date and time of filing of the application shall be endorsed thereon by the Secretary who shall give an acknowledgment for the application containing the aforesaid particulars to the party filing the application.

(3) A copy of the application certified by the Secretary and notice of the time and place of the hearing thereof signed by the Secretary shall be served on the spouse of the person making the application by the Secretary or by anyone deputed by him in writing to do so.

(4) Every such application shall be determined by a Council consisting of three Divorce Officers, one of whom, who shall be an Attorney-at-law of at least three years standing, shall be the Chairman.

(5) The Muslim body to whom an application is made under this regulation shall nominate the Chairman and the other two Divorce Officers to constitute the Council for the determination of the application.

(6) Each of the said Muslim bodies shall also appoint a person to be the Secretary of its Council and the Registrar General shall be notified of the appointment and removal of any Secretary and every such appointment and removal shall be notified in the *Gazette*.

6. (1) In any case in which separate applications for dissolution or annulment of marriage are filed by the husband and wife with different Muslim bodies the applications shall be determined according to the following order of priorities: Separate applications.

- (a) if the husband and wife both belong to one of such bodies, by the Council of that body;
- (b) if the marriage was contracted before a Marriage Officer of one of such bodies, by the Council of that body;

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- (c) if the applications were filed on different days, by the Council of that body with which the application was filed first in order of time;
- (d) if the applications were filed on the same day, by the Council of the body with which the husband's application was filed.

(2) If any question arises as to which Council is required to determine applications under subregulation (1), it shall be referred to and decided by the Registrar General whose decision shall be final.

Sitting of Council.

7. (1) A Council shall sit at such times and places as it determines, but not more than sixty days shall elapse between the date of receipt of an application and the date of hearing of the application.

(2) The Secretary shall keep a record of all applications made to the Council, of any evidence which may be taken on the hearing of the applications and of the decisions of the Council.

Marriage certificate and receipt.

8. Each application for dissolution or annulment of marriage shall be accompanied by the relevant marriage certificate and by the receipt of the Registrar General evidencing payment of the prescribed fees and shall be made in the form of the prescribed affidavit or other prescribed form.

Hearing and determining application.

9. (1) The Council shall hear the applicant, and in contested suits the respondent, and such other evidence as either party may wish to adduce and shall determine the application in accordance with the principles of Islamic Law.

(2) The parties shall be entitled to appear by an Attorney-at-law.

Decree nisi.

10. No dissolution or annulment of marriage shall be made absolute in the first place but the Council may pronounce a *decree nisi* to be made absolute within a period of not less than three months and not more than nine months.

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11. The determination of the Council shall be final and conclusive between the parties. Determination final.

12. On the determination of each application for a *decree nisi* or absolute the Registrar General may authorise the payment of the following fees which shall be paid by the Comptroller of Accounts to the persons certified by the Chairman and Secretary to be entitled thereto— Fees. [51/1980].

	<i>Decree Nisi</i>	<i>Decree Absolute</i>
(a) to each Divorce Officer other than the Chairman ...	\$10.00	\$ 5.00
(b) to the Secretary ...	10.00	5.00
(c) to the Chairman ...		10.00
(i) in an uncontested suit ...	25.00	
(ii) in a contested suit ...	40.00	
(d) to person serving an application ...		5.00

13. (1) There shall be a rule-making Committee consisting of three members who shall be appointed by the Registrar General in accordance with the provisions of this regulation; and at least one of such persons shall be an Attorney-at-law of at least three years standing. Rule-making Committee.

(2) Subject to subregulation (1) each of the Muslim bodies referred to in regulation 4 shall recommend a Divorce Officer for appointment to the Committee.

(3) The Committee may, subject to the approval of the President, make Rules prescribing the procedure and practice, including the rules of evidence, to be observed by a Council in dealing with applications under these Regulations.

(4) In the absence of any Rules relating to any matter the law and practice in force in Trinidad and Tobago governing matters of a similar nature in the Courts shall be applied *mutatis mutandis*.

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Transmission of copy.

14. (1) A copy of every application filed under these Regulations and of the decision of a Council thereon shall, within seven days of the date of the filing or of the decision, as the case may be, be transmitted by the Secretary to the Registrar General and to the Secretary of each of the other Councils.

(2) The Registrar General shall keep records of all applications and decisions transmitted to him under this regulation and such records shall be open to public inspection on payment of a fee of twenty-five cents.

Regulations 2, 3, [51/1980 11 of 1988 6 of 1993].

SCHEDULE

PART A—FEES

Table with 2 columns: Description of fee and Amount. Rows include Marriage registration fee (\$1.50), On issue of certificate of registration of marriage (1.50), Divorce registration fee (3.60), For every search in any register book (12.50), For every certified copy of any entry (12.50), For every search not directed to any particular entry (30.00).

Payable to the Registrar General

Table with 2 columns: Description of fee and Amount. Rows include On application for a dissolution or annulment of marriage (50.00), On setting down for hearing— (i) an uncontested suit (10.00), (ii) a contested suit (25.00), On application for a decree absolute (20.00).

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PART B—FORMS

(Regulation 3).

FORM A

[Section 11(1)].

No.

No.

REPUBLIC OF TRINIDAD AND TOBAGO
MUSLIM MARRIAGE AND DIVORCE ACT
MUSLIM MARRIAGE CERTIFICATE

Counterfoil	Date and place of marriage	Husband's name and age	Occupation of husband and address	Wife's name and age	Name of father of husband and address	Name of father of wife and address	Dowry and how payable
Marriage District Date of Marriage Place of Marriage Husband's Name and Age Wife's Name and Age Witnesses' Names— (1) (2)							
Certificate forwarded to Registrar aton day of, 20.....	Signature of parties to the Marriage (1) (2)						
<i>Signature of Marriage Officer.</i> *Registered this day of, 20.....	Signature of Witnesses (1) (2)						
*Date of Registration of Marriage by Registrar General to be filled in subsequently by Marriage Officer and signed by him.	I of a Muslim Marriage Officer, certify that a Marriage between the above-mentioned parties in accordance with the Islamic Law of Marriage and the provisions of the Muslim Marriage and Divorce Act was entered into before me this day of, 20..... <i>Signature of Marriage Officer.</i> Signature of District Registrar for the Marriage District of <i>Registrar of Muslim Marriages.</i> Date						

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FORM B

REPUBLIC OF TRINIDAD AND TOBAGO

MUSLIM MARRIAGE AND DIVORCE ACT

DECLARATION REQUIRED BY SECTION 12(2)

Date and place of marriage	Husband's name and age at date of marriage	Wife's name and age at date of marriage	Names and dates of births of children and deaths, if any

I, ofand I his wife respectively do solemnly and sincerely declare as follows:

- 1. The details of the marriage set out above are true and such marriage was in accordance with the Islamic law relating to marriage.
- 2. That at the date of such marriage we were domiciled in Trinidad and Tobago.
- 3. That such marriage is still subsisting according to the Islamic law at the date hereunder written.

Declared at this day of, 20.....

Before me,

Registrar of Muslim Marriages

I, of a Muslim Marriage Officer appointed under the Muslim Marriage and Divorce Act do hereby certify as follows:

- 1. That the parties to the marriage specified above are desirous of registering such marriage under the said Act.
- 2. That I have enquired into the circumstances of such marriage and to the best of my knowledge, information and belief the details specified above are true and that such marriage was in accordance with the Islamic law and is still subsisting between the said parties at the date hereunder written.

Dated this day of, 20.....

Marriage Officer

Witness

Registrar of Muslim Marriages

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FORM C

Section 13(1).

REPUBLIC OF TRINIDAD AND TOBAGO

MUSLIM MARRIAGE AND DIVORCE ACT

MUSLIM MARRIAGE REGISTER

Registered No.

Marriage District

Date and place of marriage	Husband's name and age	Occupation of husband and address	Wife's name and age	Name of father of husband and address	Name of father of wife and address	Marriage Officer	District Registrar	Dowry and how payable

Registered this day of, 20.....

Registrar General of Muslim Marriages and Divorces

N.B.—In the case of a prior marriage the details to be entered shall be those as shown by the declaration and certificate.

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Section 13(2).

FORM D

REPUBLIC OF TRINIDAD AND TOBAGO

MUSLIM MARRIAGE AND DIVORCE ACT

CERTIFICATE OF REGISTRATION OF MARRIAGE

Date

This is to certify that a marriage entered into before* Marriage Officer on the day of, 20....., at between of and of was duly registered in accordance with the provisions of the Muslim Marriage and Divorce Act on the day of, 20.....

Registrar General of Muslim Marriages and Divorces

*Omit the name of the Marriage Officer, in the case of a prior marriage.

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No.	FORM E					
	No.					
REPUBLIC OF TRINIDAD AND TOBAGO						
MUSLIM MARRIAGE AND DIVORCE ACT						
MUSLIM DIVORCE CERTIFICATE						
Counterfoil	Date and place of marriage	Husband's name and age	Occupation of husband and address	Wife's name and age	Name of father of husband and address	Name of father of wife and address
Date of Marriage						
Place of Marriage						
Husband's Name and Age						
Wife's Name and Age						
Date of Dissolution of Marriage						
<i>Signatures of Chairman and Secretary of the Council</i>						

Section 18.

Signature of Party applying for Divorce.

We of certify that a marriage subsisting between the above-mentioned parties both of whom are of the Muslim Faith or Religion has this day been absolutely dissolved in accordance with the Islamic law relating to the dissolution of Muslim Marriages.

*Registered this day of, 20.....

*Date of registration of Divorce by Registrar General to be filled in subsequently by Secretary of the Council.

Dated this day of, 20.....

Signatures of Chairman and Secretary of the Council

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FORM F

REPUBLIC OF TRINIDAD AND TOBAGO

MUSLIM MARRIAGE AND DIVORCE ACT

MUSLIM DIVORCE REGISTER

Registered No.

Date and place of marriage	Husband's name and age	Occupation of husband and address	Wife's name and age	Name of father of husband and address	Name of father of wife and address

Name of party applying for divorce

Names of Chairman and Secretary to the Council certifying dissolution or annulment of the Marriage and date of dissolution or annulment

Registered this day of, 20.....

Registrar General of Muslim Marriages and Divorces

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FORM G

Regulation 8.

REPUBLIC OF TRINIDAD AND TOBAGO

MUSLIM MARRIAGE AND DIVORCE ACT

APPLICATION FOR DISSOLUTION/ANNULMENT OF MARRIAGE* (AFFIDAVIT)

I, of

the petitioner herein, do hereby solemnly and sincerely declare as follows:

1. That on the day of, 20..... I was lawfully married atin the Island of Trinidad/Tobago to C.B. then C.D. spinster/widow/divorcee* (hereinafter called the respondent).

2. That the said marriage was in accordance with the Islamic Law of Marriage and was on the day of, 20....., registered under the provisions of the Muslim Marriage and Divorce Act.

3. That after the said marriage the respondent and I lived and cohabited together at and finally at that there is issue of the said marriage now living namely V.B. born on the day of, 20.....(etc.) [or that there is no issue of the said marriage now living].

4. That the said marriage is still subsisting according to the Islamic Law of Marriage at the date hereunder written.

5. That at the date of this application I am domiciled in Trinidad and Tobago.

6. That the ground(s) on which dissolution/annulment* of the said marriage is/are sought is/are as follows:

7. That the respondent is living at [or the address of the respondent is unknown to the petitioner].

8. [That I have not previously made an application for dissolution/annulment to any Muslim body] or that [I have previously made the following applications for dissolution/annulment to the following bodies:

Commissioner of Affidavits.

Signature or mark of Petitioner.

*Delete what is inapplicable.