

Federation of Malaya Government Gazette

OF THURSDAY, THE 14th FEBRUARY, 1952



Government of Perak

Published by Authority

No. 4] KUALA LUMPUR, TUESDAY, 19th FEBRUARY, 1952 [Vol. V

The following Notifications are, by command of His Highness the Sultan of Perak, published for general information.

OSMAN BIN TALIB,
State Secretary.

No. 286.—The following Enactment passed at a meeting of the Council of State held on 12th December, 1951, is published for general information:

STATE OF PERAK.

ENACTMENT No. 6 OF 1951.

I ASSENT

RAJA YUSSUF,
Sultan of Perak.

4th February, 1952.

State
Seal.

An Enactment to provide for the re-constitution and incorporation of the Majlis Ugama Islam dan 'Adat Melayu.

IT IS HEREBY ENACTED by His Highness the Sultan of Perak with the advice and consent of the Council of State as follows:

1. This Enactment may be cited as the Majlis Ugama Islam dan 'Adat Melayu Enactment, 1951. Short title.
2. This Enactment shall come into force on such date as the State Executive Council may, by notification in the *Gazette*, appoint: provided, however, Date of coming into force.

2

No. 6 OF 1951.

that the State Executive Council may, by such notification or by subsequent notifications, appoint different dates for the coming into force of different provisions of this Enactment.

Definition.

3. " 'Adat Melayu' " shall mean that portion of the " 'adat' " or custom having the force of law which has been acted on or is in force in the State of Perak and which is commonly known as "Harta Sapencharian", but shall not include that portion of the " 'adat' " known as " 'adat resam' " but shall include such further or other portions of the " 'adat' " excluding " 'adat resam' " as may be authorised by the State Executive Council from time to time.

"Fund" shall mean the fund of the Majlis Ugama Islam dan 'Adat Melayu as hereinafter constituted.

Constitution and appointment.

4. (i) There shall be a Majlis Ugama Islam dan 'Adat Melayu to be called in English the Council of Religion and Malay Custom (hereinafter called "the Majlis"), which shall consist of a President and not less than ten members.

(ii) The President and all Members of the Majlis shall be of the Muslim Religion and shall be appointed by the State Executive Council for such period as may be fixed by it, and shall be eligible for reappointment. Such appointment shall be made by Instrument under the Sign Manual of His Highness the Sultan and the State Seal: provided, however, that all existing appointments made under the provisions of the Council of Religion and Malay Custom Enactment, 1949, shall continue in operation until the period of appointment is completed or the appointment shall have been cancelled as hereinafter provided.

Enact. No. 1 of 1949.

(iii) The appointment of President shall determine—

(a) upon his death;

(b) if he shall, by writing addressed to His Highness the Sultan through the Mentri Besar, resign from such appointment.

(iv) The appointment of any Member of the Majlis shall determine—

(a) upon his death;

(b) if he shall, by writing addressed to His Highness the Sultan through the President, resign from such appointment;

(c) if he shall be absent from the State without the written permission of the President for a period of three months.

MAJLIS UGAMA ISLAM DAN 'ADAT MELAYU. 3

(v) His Highness the Sultan may cancel the appointment of the President or of any Member of the Majlis—

(a) if his conduct, whether in connection with the duties of such appointment or otherwise, is in the opinion of His Highness the Sultan such as to bring discredit upon the Majlis; or

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

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

(vi) In the event of the temporary absence or incapacity of any Member of the Majlis, His Highness the Sultan 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.

(vii) No member of the Majlis who is not a subject of His Highness the Sultan and who is not a Malay shall take part in any discussion relating to matters of purely Malay Custom.

5. It shall be the duty of the Majlis to aid and advise His Highness the Sultan in all matters relating to the Muslim Religion and Malay Custom and to exercise such powers as may be conferred upon the Majlis by this or any other Enactment.

Duty of
Majlis.

6. The Majlis shall be a body corporate under the name of "Majlis Ugama Islam dan 'Adat Melayu" 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 dan 'Adat Melayu" may be used as the corporate seal.

Corporate
body.

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

Right to
sue.

8. The Majlis may enter into contracts including the granting of loans and may acquire, purchase, take, hold and enjoy movable and immovable property of

Contracts
and
property.

4

No. 6 OF 1951.

every description, and 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 property.

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 Enactment, or by any Rule made thereunder, be assigned to it.

Vesting of Property.

11. (i) All property, movable and immovable of whatever description, which, immediately before the commencement of this Enactment, was vested in the Council of Religion and Malay Custom for any purposes connected with the Muslim Religion shall, on the commencement of this Enactment 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 Enactment.

(ii) His Highness the Sultan may on the advice of the State Executive Council, by Order, vest in the Majlis any property, movable or immovable, which, immediately before the commencement of this Enactment was vested in any person or authority within the State for the purposes of the Muslim Religion, or on trust for religious or charitable purposes for the benefit of persons professing the Muslim Religion and upon presentation of such order under the hand of the State Secretary with a sufficient description of the property, the appropriate Registering Authority shall register such order against the appropriate document of title and after such registration the property shall vest in the Majlis.

Accounts of property to be kept.

12. (i) The Majlis shall maintain full and proper accounts of all monies received and expended by it and of all assets and property which may from time to time be in its possession or vested in it.

(ii) The Majlis will by not later than the 31st day of March on each year submit to the State Executive Council a financial estimate for the following year.

MAJLIS UGAMA ISLAM DAN 'ADAT MELAYU. 5

(iii) The Majlis shall submit annually an account of all its workings to the State Executive Council. Such account so far as it refers to finance shall be audited by an auditor approved by the State Executive Council and shall be submitted on or before the 31st day of March in respect of the twelve months ending on the previous 31st day of December, or such later date as may be approved in respect of any particular year by the State Executive Council.

13. A fund to be known as the Majlis Ugama Islam dan 'Adat Melayu Fund is hereby constituted and this fund shall be administered by the Majlis. Constitution of Fund.

14. (i) The Government of the State shall budget annually such sum or sums as it thinks fit from its revenue for the subsidising of the fund referred to in Clause 13 of this Enactment. Annual Budget.

(ii) As soon as may be each year, the State Financial Officer shall credit the sum so budgetted to the account of the Majlis.

15. The State Executive Council may, after consultation with the Majlis, make rules for the carrying out the purposes of this Enactment. Without prejudice to the generality of the foregoing, such rules may provide for any of the following matters— Power to make rules.

- (i) the regulations of the proceedings of the Majlis;
- (ii) the appointment, suspension and dismissal of officers to administer the affairs of the Majlis including the collection, custody, control and disbursement of any funds now or hereafter vested in the Majlis;
- (iii) execution of documents by the Majlis;
- (iv) the power to make rules governing the collections, custody and control of funds for religious purposes in the State of Perak.

16. The Council of Religion and Malay Custom Enactment, 1949, is hereby repealed. Repeal.

Passed this 12th day of December, 1951.

[Pk. Sec. (G) 4080/50.]

NIK DAUD,
Clerk of Council.