No. 288.—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. 8 OF 1951.

I ASSENT

State Seal.

RAJA YUSSUF,
Sultan of Perak.
4th February, 1952.

An Enactment to provide for the safeguarding of Wakaf and of the accumulated income from Muslim Burial Grounds.

[ ]

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 Control of Wakaf Enactment, 1951. Short title.

2. This Enactment shall come into force on such date as the State Executive Council shall fix by notification in the *Gazette*. Date of coming into force.

3. In this Enactment— Definition.

"Majlis" means the Majlis Ugama Islam dan 'Adat Melayu as constituted by the Majlis Ugama Islam dan 'Adat Melayu Enactment, 1951;

"wakaf" includes "wakaf 'am" and "wakaf khas";

"wakaf 'am" means a dedication in perpetuity of the capital and income of property for religious or charitable purposes recognized by Muslim law, and the property so dedicated;

"wakaf khas" means a dedication in perpetuity of the capital of property for religious or charitable purposes recognized by Muslim law, and the property so dedicated, the income of the property being paid to persons or for purposes prescribed in the wakaf.

4. The State Executive Council may, on representation by the Majlis, in order to safeguard any wakaf existing in the State of Perak or to ensure the full and proper discharge of the trusts thereof, remove any trustee, appoint a new trustee or new trustees, or appoint the Majlis to administer the trusts, of such wakaf. Safeguard of Wakaf.

Vesting of movable property.

5. Upon the making of any order removing any trustee and appointing a new trustee or trustees, the movable property of the wakaf to which the order relates shall, without any conveyance, assignment or transfer whatever, vest in new trustee, trustees or the Majlis, as the case may be, upon the trusts and for the same purposes as the original wakaf.

Vesting of immovable property.

6. Upon the presentation of any such order of removal and new appointment as aforesaid, under the hand of the State Secretary, the appropriating Registering Authority shall register such order against the appropriate document of title and after such registration the immovable property of such wakaf shall vest in the new trustee, trustees or the Majlis for the like title, estate or interest, and on the like tenure as the same was vested or held immediately before the coming into operation of the Order.

Accumulated and future income.

7. The provisions of sections 4, 5 and 6 hereof shall apply to the accumulated and future income from Muslim burial grounds as if the person in possession or control of such funds were a trustee in possession or control of such funds pursuant to the terms of a wakaf.

Power to make rules.

8. The State Executive Council, after consultation with the Majlis, may make rules for 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—

(i) The procedure to be adopted and the form of any orders to be made under this Enactment;

(ii) The powers to be given to the Majlis to investigate any wakaf, to call for accounts of any wakaf;

(iii) The offences for failure to supply accounts and deliver up possession of the assets of any wakaf and penalties therefor.

Passed this 12th day of December, 1951.

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

NIK DAUD,
Clerk of Council.