

FAMILY ACT

A TRANSLATION

Translator's Note

This is a reasonably accurate translation of the Maldives Family Law originally found in the Maldivian Language, Dhivehi. Every effort has been made to maintain the style and format of the Dhivehi original. The reader may expect certain inconvenient defects in this Translation which may be attributable to corresponding defects in text, format and style of the Dhivehi original. However, where it is absolutely essential or justifiable for the purposes of this Translation, certain departures from the Dhivehi text and style have been made without compromising the substance or spirit of the relevant Dhivehi provision.

FAMILY ACT

Act Number 4/2000

25/9/1421 H.

12/12/2000

- Title
1. a. This Act makes provision in respect of the principles to be followed in the Maldives with regard to marriage, divorce, payment of maintenance, custody, guardianship, ascription of legitimacy, proof of paternity and certain other matters of family life in the Maldives.
 - b. This Act shall be cited as the “Family Act”.

Marriage

- Marriage
2. Where a Maldives national contracts a marriage with another Maldives national, or a Maldives national contracts a marriage with a foreign national, that marriage shall be solemnized in accordance with the provisions of this Act.
- Solemnization of marriage
3. a. A marriage may be solemnized in the Maldives only by a *judicial mauzun* in the presence of the judicial guardian of the bride and two witnesses in addition to the man and woman desirous of contracting the marriage and only upon an offer to marry being made by one of the parties to that marriage and that offer being accepted by the other and having received in accordance with this Act the consent of the *judicial guardian* of the bride, and having completed all other formalities required to be completed in respect of a marriage solemnized in accordance with this Act.

- b. The judicial guardian of the bride shall for the purposes of subsection (a) of this section shall be deemed to be present at the solemnization of the marriage where Judicial Consent in circumstances provided in subsection (b) of section 9 of this Act is received by the Judicial Mauzun in accordance with sub section (c) of that section or in circumstances where the consent of the judicial guardian of the bride has been delegated to another, then by the presence of that person.
- Minimum age for marriage 4. a. Except in those circumstances provided in subsection (b) of this section, a marriage under this Act may be solemnized only where each of the persons entering into the marriage has completed 18 years of age in accordance with the Gregorian Calendar.
- b. Where a person who has not completed 18 years of age in accordance with the Gregorian Calendar makes an application to marry, the Registrar of Marriages has the discretion, where that person has attained puberty, to grant approval to the solemnization of that marriage upon having considered the person's physical well being, competence to maintain a livelihood, and reasons for contracting the marriage.
- Degrees of marriage 5. A person shall contract a marriage with a person who by rules of *Shariah* is not prohibited from marrying him.
- Marriage by a Woman whose marriage is subsisting 6. a. A wife of a person or a woman to whom marital rights of a man may be attributed or with whom such rights may be exercised by that man (ismath), shall not be capable of contracting a marriage with another person.

- b. A woman placed in the period of *iddah* following a revocable divorce shall be incapable of contracting any marriage except with her erstwhile husband.
- c. A woman suffering from being divorced three times by the same husband shall be incapable of contracting marriage with her erstwhile husband except after another man had contracted a marriage with her, consummated that marriage, divorced her, and she had there after observed the period of *iddah* applicable in respect of that divorce.
- d. A woman suffering from widowhood shall be incapable of contracting any marriage except a period of 4 months and 10 days has, according to the Islamic Calendar, lapsed from the date of her husband's death.

Number of simultaneous marriages a man can enter into

- 7. A man shall be incapable of simultaneously contracting a marriage with more than 4 women. Where there is a woman suffering a period of *iddah* in respect of such a man, she shall for the purposes of this section be deemed to be a woman in simultaneous marriage with him.

Marrying a non-Muslim

- 8. a. No Maldivian woman shall contract a marriage with a non-Muslim man.
- b. Where a Maldivian man wishes to contract marriage with a non Muslim female, that marriage may only be solemnized if that non Muslim female is permitted by Islamic Shairah to contract a marriage with a Muslim male.

Consent and *Wali*

- 9. a. A marriage may be solemnized and registered under this Act only where there exists the consent of the parties to the marriage to contract that marriage. And

where there exists consent of the judicial guardian of the bride *or Judicial Consent* obtained in accordance with subsection (b) of this section.

b. Where the consent of the judicial guardian of the bride may not be obtained due to any of the following circumstances, the marriage may be solemnized with Judicial Consent:

(i) No person capable of being the judicial guardian by lineage is alive;

(ii) Consent is withheld by judicial guardian without reasonable cause;

(iii) Whereabouts of the judicial guardian is not determinable;

(iv) Judicial guardian lacks requisite conditions to grant consent.

c. Where the existence of a circumstance mentioned in subsection (b) of this section is established before the Court and where Judicial Consent is required for solemnizing the marriage, such Judicial Consent shall be entrusted in accordance with the Rules made under this Act to the Judicial Mauzun responsible for solemnizing that marriage.

Dowry

10. a. The woman contracting a marriage shall in accordance with the principles of *Shariah* be entitled to dowry upon solemnization of the marriage. It shall be obligatory for the man contracting the marriage to give the dowry in accordance with the principles of *Shairah*.

- b. It shall be the right of the woman contracting a marriage to receive the dowry, and to determine its nature and amount. No other person shall have any right in deciding any of the foregoing.
 - c. Any item of value lawful in *Shariah* or any benefit or work which is permitted in *Shari'ah* shall suffice as dowry.

- Observing an agreement in marriage
 - 11. This Act does not prevent the inclusion of the basic principles to be observed in the marital relationship between a man and a woman contracting a marriage in a nuptial agreement made in writing and compliance with such agreement.

- Marrying more than one woman
 - 12.
 - a. Marriage with more than one woman may be solemnized only upon being approved by the Registrar of Marriages subsequent to an application being made in accordance with this Act and Regulations made under it by a man desirous of contracting such a marriage.
 - b. Marriage with more than one woman may be approved after having considered the financial competence of the man to maintain his wives and others dependant upon his care and maintenance and where the reasons for contracting the marriage based upon principles of *Shariah* are acceptable to the Registrar of Marriages

- Void Marriages
 - 13. Every marriage that is in want of conditions required under *Shari'ah* for a valid marriage shall be void.

- Approval for marriage
 - 14.
 - a. Registrar of Marriages shall grant the approval to solemnize marriages. No marriage shall be solemnized without the approval of the Registrar of Marriages.

- b. Approval to solemnize a marriage is granted only where the marriage proposed to be solemnized meets conditions required to be fulfilled under the *Shari'ah* and law.
- Application to contract marriage 15. An application for approval to contract marriage shall, in accordance with this Act and Regulations made under it, be filed with the Registrar of Marriages by the two parties wishing to contract that marriage, at least 7 days prior to the date proposed for contracting the marriage.
- Marriage between Maldivians and foreigners 16. A marriage between a Maldivian national and a foreign national may only be solemnized upon fulfillment of following conditions:
- a. Where the man and the woman proposing to contract the marriage satisfy the conditions required for making a marriage valid under *Shari'ah*.
- b. Where a man of a foreign origin proposes to contract a marriage with a Maldivian woman, the man is financially competent in accordance with the principles held by the competent Court of Law in the Maldives to bear the expenses of maintaining a family.
- Declaration by foreign male 17. Where a man of a foreign origin proposes to contract a marriage with a Maldivian woman, he shall prior to contracting the marriage, sign a declaration to the effect that he accepts the obligations created under this Act and Regulations made under it
- Marriage between Maldivians and foreigners solemnized prior to commencement of the Act 18. The principles provided in Section 33 and section 34 of this Act shall also apply in respect of marriages solemnized between Maldivians and foreigners prior to the commencement of this Act

Registration of Marriages

- Registration 19. a. Marriages solemnized in the Maldives, marriages solemnized abroad between Maldivians and marriages solemnized between Maldivian citizens and foreign nationals shall be registered in accordance with provisions of this Act.
- b. No marriage solemnized in contravention of this Act shall be registered under this Act.
- c. A marriage mentioned in subsection (a) of this section shall be registered under this Act upon payment to the Registrar of Marriages of a fee provided in the Regulations made under this Act.
- Register of Marriages 20. a. There shall be a Register of Marriages to record particulars of all marriages registered under this Act.
- b. The Registrar of Marriages shall keep and maintain the Register of Marriages recording particulars of marriages solemnized in accordance with this Act and Regulations made under it.
- Correction of errors the Register of Marriages 21. Where any particulars entered in the Register of Marriages in respect of a marriage is established to be untrue, the Registrar of Marriages shall, in the presence of the two parties to that marriage or where they have deceased, in the presence of two witnesses, correct the untrue entry by delineating across that entry and entering the correct particulars and placing his signature.
- Marriages solemnized abroad 22. Where a Maldivian national contracts a marriage abroad in a country where there is an official representative office of the Maldives, he shall within two months from the date of contracting the marriage make an application to that office to

register his marriage in accordance with the provisions of this Act and Regulations made under it.

Where a marriage was contracted in a country where there is no official representative office of the Maldives, an application to register the marriage in the Maldives in accordance with this section shall be made within 6 months from the date of contracting such marriage.

Divorce and Dissolution of Marriage

Application
Divorce

- to 23.
- a. Where a husband is desirous of divorcing his wife, he shall do so only with the approval of the Judge after the husband has made an application to the competent court containing particulars as may be required by Regulations made under this Act.
 - b. Where an application is made to the Court in accordance with subsection (a) of this section by a husband who is desirous of divorcing his wife, and where both parties have been summoned there after to the court and the wife has expressed her no objection to being divorced, then, with the approval of the Judge, the husband may divorce his wife in court.
 - c. Where an application is made to the Court in accordance with subsection (a) of this section by a husband who is desirous of divorcing his wife, and and the wife has expressed her desire to remain in that marriage with the husband, then, the Judge shall transmit the matter to the *Conciliation Division for Family Matters* of the appropriate court.

Where the matter arose in an island where its court

lacks such a Division, then the Judge shall in accordance with section 25 of this Act work towards conciliation between that couple.

- d. Where the *Conciliation Division for Family Matters* communicates to the Judge that efforts towards reconciliation between the couple in accordance with Section 25 of this Act have proven to be unsuccessful, and where the Judge finds that the parties to the marriage may not be able to peaceably continue in that marriage, then the Judge shall grant his approval to the husband to divorce his wife.
- e. Where the *Conciliation Division for Family Matters* communicates to the Judge that efforts towards reconciliation between the couple in accordance with Section 25 of this Act have proven to be successful, or where the couple themselves communicate to the Court of their reconciliation by any other means, then application for divorce made to the court by the husband shall become a nullity.

Application
divorce

for 24.

- a. A wife may in accordance with the Regulations made under this Act make an application to the competent court for divorce on any of the following grounds:
 - i. Commission of an act by the husband that injures the integrity of the wife.
 - ii. Cruelty by husband towards wife.
 - iii. Compulsion by husband towards woman to commit an act unlawful by religion.
 - iv. Abstinence by husband, without just cause, from performing sexual intercourse with the wife for a period exceeding 4 months.

- b. Where a wife makes an application in accordance with subsection (a) of this section to the court seeking a divorce from her husband, and where on examination of the matter it is found that the ground for seeking the divorce falls outside the provisions of section 28 of this Act, then the Judge shall transmit the matter to the *Conciliation Division for Family Matters* of the appropriate Court.

Where the matter arose in an island where its court lacks such a Division, then the Judge shall in accordance with section 25 of this Act work towards conciliation between that couple.

- c. Where the *Conciliation Division for Family Matters* communicates to the Judge that efforts towards reconciliation between the couple in accordance with Section 25 of this Act have proven to be unsuccessful, and where the Judge finds that the parties to the marriage may not be able to peaceably continue in that marriage, then the Judge shall separate the couple by a *baayin divorce*.
- d. Where the *Conciliation Division for Family Matters* communicates to the Judge that efforts towards reconciliation between the couple in accordance with Section 25 of this Act have proven to be successful, or where the couple themselves communicate to the Court of their reconciliation by any other means, then application for divorce made to the court by the wife shall become a nullity.

- Conciliation 25. a. Upon transmittal of a matter for conciliation as referred in section 23 and section 24 of this Act to the *Conciliation Division for Family Matters*, or upon

submission of a similar matter to the Court in islands where such a Division is not available, the Conciliation Division or Court shall as soon as possible begin the process of reconciliation between the couple. Reconciliation process shall be completed in all such matters within 3 months of their transmittal or submission.

- b. Reconciliation process as per subsection (a) of this section shall be conducted in accordance with this Act and Regulations made under it.
- c. In conducting the reconciliation process as per subsection (a) and subsection (b) of this section, priority shall be given to conducting the process by securing the attendance of the couple and those relatives of theirs who possess knowledge in respect of the dispute.

Raju'ee Divorce

- 26. a. Where a woman is divorced by a revocable or raju'ee divorce and the act of revocation is committed in the Maldives, the marriage shall be revived after making an application to the Court and in accordance with the principles of *Shari'ah*. However, where the woman objects to revival of the marriage by revocation of the divorce, and where her reason for so doing is acceptable under *Shari'ah*, the Court shall not revive their marriage by revocation of the divorce.
- b. Where a marriage is revived in Court by revocation of divorce as provided in subsection (a) of this section, the Court shall send to the Registrar of Marriages the particulars of the marriage so revived.

- c. Where the Court has decreed a divorce under section 24, or section 27, or section 28 of this Act, or made an order for dissolution of the marriage by faskh that is to say by judicial separation, such marriage shall not be revived by way of revocation of divorce.

Khul'u Divorce

- 27. This Act does not prohibit the effecting of a khul'a divorce by application made to the Court where the parties to the marriage agree that the wife may seek a divorce from her husband by making a payment to him or giving him a thing of monetary value.

Faskh or judicial annulment

- 28. Where a woman makes an application to the Court for divorce on account of any of the following grounds, the Court shall without transmitting that matter to the *Conciliation Division for Family Matters* mentioned in section 25 of this Act annul that marriage.
 - a. Lapse of a period exceeding one year without knowing the whereabouts of the husband.
 - b. Failure on the part of the husband to provide payment of maintenance for a period exceeding three consecutive months, and the matter has been filed with the Court twice and order for payment of maintenance has been made each such time and the husband continues to be in default of each of that order.
 - c. Ignorance on the part of the wife at the time of marriage that the husband suffered from impotence and satisfaction by the Court that sufficient evidence exists as to the impotence of the husband subsequent to the claim made by wife after contracting that marriage.

- d. Insanity of the husband for a period of exceeding 2 years.
 - e. Continued suffering of the husband from a communicable and serious disease for which a cure is yet to be found.
 - f. Occurrence of any other event which will permit the marriage to be annulled under Shari'ah by *faskh*.
- No triple divorce by single pronouncement 29. No husband shall divorce his wife by a triple divorce uttered in a single pronouncement. As such, irrespective of words chosen or number of times they are uttered by a husband in divorcing his wife, that act of divorce shall be deemed to be a single act of divorce.
- Presumption of Death 30. Where circumstances exist to infer death of the husband and have not heard from the husband for a period of 4 years, the contract of marriage shall come to an end from the date the Court pronounces the death of the husband after it had examined the matter.
- Registration of Divorces and Register of Divorces 31. The Registrar of Marriages shall register in and enter the particulars of divorces decreed in accordance with this Act and Regulations made under it in the Register of Divorces and keep and maintain that Register.
- Determination of maintenance payment prior to decreeing divorce 32. Where the parties to the marriage have not agreed in a reasonable manner as regards payment of maintenance for the wife and children, the Court shall in accordance with section 35 of this Act and prior to granting leave to divorce or annulling the marriage decide upon the amount of maintenance payment due and its applicable period.
- Foreign nationals observing this Act in divorcing or being divorced 33. Despite the fact a party to a marriage may be a foreign national he shall divorce or be divorced in accordance with this Act.

Maintenance to divorced foreign wife by Maldivian husband 34. Where a Maldivian husband divorces his wife who is a foreign national, he shall arrange for her travel to her country of domicile and bear all its expenses in addition to the payment of maintenance and other expenses as may be required this Act.

Payment of Maintenance

Attribution of payment of maintenance 35. The Court has the power to make an order to the husband or a divorced husband to pay maintenance in accordance with the principles of *Shari'ah* to his wife, children or his divorced wife.

Determining amount of maintenance payment 36. The amount of the payment of maintenance and the period for which such payment shall remain payable to the wife, children or divorced wife shall be determined by the Court in accordance with Regulations made under this Act.

Provisional payment of maintenance 37. The Court has the discretion to make an order for payment of provisional maintenance until the Court has made a determination on the payment of maintenance.

Right to Accommodation 38. Where the divorced wife during her marriage lived at the residence of the husband or where custody of children of the marriage is vested in the divorced wife, she shall not be removed from that residence of the husband against her will during the prescribed waiting period of *iddah* or during the period of that custody, unless she is provided by the husband with alternate accommodation.

Manner in which payment of maintenance may be effected 39. While making an order for payment of maintenance to his wife, children or his divorced wife, the Court has the discretion to secure payment by the person liable to payment of maintenance to deposit a certain property belonging to him with another and to direct use of its proceeds towards payment of sums due as maintenance payment, or to direct

payment by a guarantor or assignee on behalf of the person liable to payment of maintenance or to apportion a part of the income of the person liable to payment of maintenance and to direct such apportioned amount to be paid as maintenance.

Custody

- Right to custody 40.
- a. The mother of the child shall have a prior right in accordance with this Act to be entrusted with the custody of the child.
 - b. Where the judge is of the opinion that the mother of the child is in want of the qualifications stated in section 41 of this Act for entrusting the custody of the child, the person to whom the custody of the child may be entrusted shall be determined by the Court from amongst persons provided in the Regulations made under this Act and in accordance with the order in which they are provided in those Regulations.
 - c. Where custody of a female child is entrusted to a man, he shall be a person within prohibited degrees of marriage in respect of that child.
 - d. Where there is more than one person to whom custody of the child may be entrusted in relation of a child and they are in equal degree of relations with the child, the custody of the child shall be entrusted to person who appears to be most compassionate towards the child and who bears the most virtuous character.
 - e. In entrusting custody of the child in accordance with this section, paramount consideration shall be had to the welfare of child.

Qualifications to
entrust custody

41. The person to whom custody of a child is entrusted shall possess the following qualifications:
- a. The person shall be a Muslim;
 - b. The person shall be of sound mind;
 - c. The person shall be capable of providing compassion and care necessary for upbringing the child;
 - d. The Person shall not be involved in the commission of vice acts prohibited in *Shari'ah*.

In addition to the presence of qualifications mentioned in subsections (a), (b), (c) and (d) of this section, the person's dwelling shall not be a place that may subject the child to any undue physical or immoral influence.

How right to custody
is Lost

42. The right to custody shall lose upon occurrence of any of the events stated below:
- a. Where custody of the child is entrusted to the mother of the child, her marriage to a person who is not within prohibited degrees of marriage in respect of the child;
 - b. Where custody of the child is entrusted to a person who openly commits vice acts prohibited in *Shari'ah*;
 - c. Where custody of the child is entrusted to the mother of the child, change of her residence to a different island except to return to her own island of residence without the consent of the father or legal guardian of the child or change of her residence to a different residence in manner that injures the visitation rights of the father of the child;
 - d. Where the person to whom the custody of the child is entrusted renounces Islam. ;

- e. Where the person to whom the custody of the child is entrusted neglects the child or treats the child with cruelty.
- Regaining right to custody 43. Where it is established that the provisions in subsection (a) section 42 of this Act, becomes inapplicable in respect of the mother of the child, custody of the child shall be returned to her.
- Period of custody 44. a. The custody of the child shall remain with the person to whom custody is entrusted until the child completes the age of 7 years according to the Islamic calendar. Provided however, the Court may, upon application by the person to whom custody is entrusted, grant the custody of a female child until the child completes the age of 11 years according to the Islamic calendar and that of male child until the child completes the age of 9 years according to the Islamic calendar.
- b. Unless the Court orders otherwise, the child shall upon expiry of the period of custody, or completion of the requisite age of custody, have the right to live with either of the parents the child may elect..
- Entrusting conditional custody 45. The Court shall have the discretion to attach in accordance with the Regulations made under this Act conditions in granting custody of a child.
- Person entrusted with custody taking child abroad 46. Where a matter in respect of the marriage of the person to whom custody of a child is entrusted is pending in Court, the Court shall have the power to order, upon application being made by the father or mother of the child, to prohibit the child from being taken abroad by that person to whom custody of a child is entrusted.

Guardianship and
Property of Child

47. Guardianship is divided as stated below into Principal Judicial Guardian, Judicial Guardians, and Lawful Guardians. In this Act:

- a. Principal Judicial Guardian is the father of the child.
- b. Judicial Guardians are those to whom guardianship is transmitted in accordance with the principles of *Shariah* based upon paternal relations of the child.
- c. Lawful Guardians are those who may be appointed by Court as the guardians of the child in circumstances where neither the Principal Judicial Guardian nor Judicial Guardians are available.

How guardianship is
transmitted

- 48.
- a. Irrespective of whom is entrusted the custody of the child, the Principal Judicial Guardian of the child until he completes 18 years of age shall be his father.
 - b. In case of death of the Principal Judicial Guardian, the judicial guardianship of the child shall be transmitted to persons provided in the Regulations made under this Act and in the order provided in them.
 - c. Where there is neither the Principal Judicial Guardian nor any of the Judicial Guardians of the child, the Court shall have the power to appoint or remove Lawful Guardians of the child after having taken into account various matters provided in Regulations made under this Act and giving paramount consideration to the welfare of the child and with or without attaching any conditions to such appointment.

- Qualifications on receiving guardianship
49. A Lawful Guardian appointed by the Court shall possess the following qualifications:
1. He shall be a Muslim
 2. He shall have reached puberty
 3. He shall be of sound mind
 4. He shall be a trustworthy person
- Discretion of guardians in respect of property of child
50. a. The Judicial Guardians of the Child shall have no power to sell any property of the child except as provided in subsections (b) and (c) of this section. And no Lawful guardian of the child shall have the power to deal with any property of the child except as provided in subsection (d) of this section.
- b. Immovable property of the child may be sold by a Judicial Guardian of the Child in the following circumstances:
1. twice the amount of its actual price may be obtained by selling the property.
 2. absence of any other property belonging to the child and absence of any means to provide food for the child except through selling of that property
 3. estimation of deterioration of the property
- c. Movable property of the child may be sold or mortgaged by a Judicial Guardian of the Child in the following circumstances:
1. requirement of money for food, medical needs, clothing, and education of the child

- 2. possibility to obtain a reasonable value for the property
 - d. Lawful Guardian shall require the permission of the court to gift, sell, mortgage, exchange or to give on lease for a period exceeding one year any property of a child under his guardianship. The Court shall not give that permission except in the interests of the welfare of the child and safeguarding money and property of the child.
 - e. Every transaction entered into by the lawful guardian of the child without obtaining the permission of the court as provided in subsection (d) of this section shall be a void transaction. The Court shall have the power to retrieve and reinstate such property back into the property of the child.
- Entrusting function of safeguarding and transacting in the property of the child to his mother
51. Irrespective of whether the guardianship of the child is entrusted to a third party, this Act does not prevent entrusting of property of the child and the power to deal with it to the mother of that child so as to ensure continued welfare of the child. The mother shall have the power to deal with the property of the child as provided in this section only in the same manner as it is provided in section 50 of this Act in respect of lawful guardians of the child.

Attribution of Legitimacy and Ascription of Paternity

- Attribution of Legitimacy
52. a. The minimum period for attributing legitimacy to a child shall be 6 months according to the Islamic Calendar from the date of marriage.
- b. The maximum period for attributing legitimacy to a child shall be 1 year according to the Islamic calendar from the date of divorce or death of the husband.

- c. This section shall not prohibit the right to negative disavow or disclaim a child's paternity by way of *li'an* or imprecation in accordance with manner prescribed in *Shari'ah*.
- Children born to void marriages 53. Where a marriage is subsequently dissolved on grounds of nullity, the paternity of children of that marriage shall be attributed to the man in such marriage.
- Ascription of paternity 54. A man may apply to the Court where he wishes to prove by judicial means that a certain child is his legitimate child. Ascription of paternity in such matters may only be established by provision of evidence to the extent acceptable to the Court in respect of matters provided in Regulations made under this Act.

Upbringing Children and Costs of their Maintenance

- Party to care for children whose Father suffers financial inability 55. a. Where it is established that father of children who have not yet completed 18 years according to the Gregorian Calendar and have no financial means to support themselves is unable to provide financially towards their upbringing, the Court shall discuss the matter with relatives of the children and where a person or person from among the relatives of those children agree, appoint such relative or relatives to be responsible for the upbringing of those children and bear the costs associated with their maintenance.
- b. The Court shall in determining the amount of maintenance mentioned in subsection (a) of this section, take into account the basic needs of the children requiring maintenance, the financial competence of the person or persons who agreed to take over responsibility for the maintenance of the children to in accordance with subsection (a) of this

section, and the respective extent to which such person or persons shall share in the estate of the children.

Upbringing children
pro bono or for
reward

56. a. Priority shall be given to such person who shall bear responsibility towards upbringing and costs of maintenance as required under this Act *pro bono* and is capable of undertaking the task.
- b. Despite the fact that there may be a person who is willing to bear responsibility towards upbringing and costs of maintenance as required under this Act *pro bono*, the upbringing of a child may be entrusted to a person willing to bear that responsibility for reward where the person to whom costs of maintenance is attributed has no objection in providing those costs of maintenance.
- c. Where the person to whom costs of maintenance is attributed has the financial competence towards payment of costs associated with the upbringing of the child, he shall have no right to object to entrusting the upbringing of the child to another person with payment of costs of maintenance as required under this Act. .

Providing care for parents and Costs of their Maintenance

Children to meet
basic needs of
parents

57. a. Every person shall in order that he may act in the manner commensurate with the position ordained by the religion of Islam with respect to parents, and to the extent it is financially possible for him, provide his parents with adequate food shelter and clothing, attend to their medical needs, meet their other basic needs, and extend other conveniences and amenities they require in life.

- b. No person shall treat his parents with cruelty or act in a manner injurious to their integrity.
- Obligations of Children 58. a. From amongst matters provided in section 57 of this Act, it shall be the obligation of every male child who has completed 18 years of age to provide his parents with adequate shelter and attend to matters that require financial expenses.
- b. Except as provided in subsection (a) of this section in respect of providing parents with adequate shelter and attending to matters that require financial expenses, male and female children shall for the purposes of the rights of parents be deemed to be equal as regards the provision of other amenities.
- Appointing a third party to care for parents 59. Where the person who has borne responsibility towards providing care for the parents is required to be resident out of the island for long periods for the purposes earning income or due to other reasons he shall entrust the responsibility of providing care for the parents to a party acceptable to the Court.
- Appointment of a third party by Court to care for parents 60. a. Where the Court appoints a certain person from amongst the children on the parents to be responsible for the cost of their care, due regard shall be had to the basic needs of the parents, financial competence of the person taking responsibility for their care and the respective extent to which such person shall share in the estate of the parents.
- b. Where there is no agreement amongst the children as regards bearing responsibility for the cost of providing care for their parents and the provision of other amenities in life, the extent of responsibility in respect of the foregoing shall be determined by the

Court taking into account the matters provided in subsection (a) of this section and in a manner commensurate with their position in life.

- Interim orders 61. Where the Court is of the opinion that a provisional arrangement shall be made as regards the provision of care and bearing responsibility for the cost of their care pending the conclusion of a matter before the court as regards the provision of care and bearing responsibility for the cost of their care decision of the a orders, the Court shall have the power to make an interim order in respect of those matters.

Penalties

- Failure to register marriage 62. It shall be an offence to remain without applying to register a marriage in accordance with section 19 and section 22 of this Act. The offender shall be subject to a fine of Mrf. 1,000.00.
- Coercion to marry 63. It shall be an offence to coerce a person to contract a marriage against his will. The offender shall be subject to a fine between Mrf. 1,000.00 and Mrf. 5,000.00 or exile for a period not exceeding 6 months.
- Furnishing false information 64. It shall be an offence to furnish false information to contract a marriage or to register it. The offender shall be subject to a fine between Mrf. 1,000.00 and Mrf. 10,000.00 or house detention or exile between 1 year and 2 years.
- Marrying more than one wife without approval of the Court 65. It shall be an offence for an already married man to contract a marriage with another woman without obtaining the approval in accordance with this Act. Where the woman who has contracted such a marriage shall also have committed an offence if she has knowledge of the already existing marriage. The offender shall be subject to a fine not exceeding Mrf. 5,000.00.

- Contracting a marriage with another for removing bar on remarriage with same spouse 66. It shall be an offence for a woman who is divorced three times by the same husband to contract a marriage with another for the sole intent of removing the bar on her remarriage with the erstwhile husband or for a person to contract a marriage at the request of another or for reward or for other emolument with the sole intent of facilitating the removal of a bar on remarriage between two erstwhile parties to a marriage shall be an offence. The offender shall be subject to a fine not exceeding Mrf. 5,000.00 or exile for a period not exceeding 6 months.
- Divorce without approval and outside court 67. It shall be an offence to divorce in contravention of this Act. The offender shall be subject to a fine not exceeding Mrf. 5,000.00 or exile or house detention for a period not exceeding 6 months.
- Failure to notify commission of offence 68. It shall be an offence to remain without notify proper authorities as regards commission of an offence prescribed by this Act or commission of an act in contravention of the manner prescribed in this Act. The offender shall be subjected to a fine not exceeding Mrf. 1,000.00 or exile or house detention for a period not exceeding 3 months.
- Resumption of conjugal relations without performing without revocation of the divorce 69. It shall be an offence for a person to continue live in conjugal relations with his wife after having divorced his wife and without having revoked that divorce in accordance with this Act. The divorced wife lives in conjugal relations with her divorced husband also commits an offence. The offender shall be subjected to a fine not exceeding Mrf. 1,000.00 or exile or house detention for a period not exceeding 6 months.
- Acts in contravention of this Act 70. Except in relation to a person who commits an offence for which specific penalties have been prescribed in this Act, every person who acts in contravention of a directive or

prohibitive provision of this Act shall be subjected to a fine not exceeding Mrf. 1,000.00 or exile for a period not exceeding 6 months.

Miscellaneous Matters

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| Valid marriages subsisting prior to commencement of this Act | 71. | a. This Act shall not affect the validity of marriages that had been solemnized in accordance with the principles of <i>Shari'ah</i> and duly registered in the Maldives prior to the commencement of this Act.

b. Marriages mentioned in subsection (a) of this section shall upon commencement of this Act be deemed to be registered under this Act

c. Once the marriages mentioned in subsection (a) of this section are registered in accordance with subsection (b) of this section, provisions of this Act shall apply in respect of those marriages and matters relating to marriage and divorce. |
| Power to make Rules | 72. | Regulations that are required to be made under this Act shall be made and enforced by the agency appointed by the President. |
| Interpretation | 73. | Unless the context requires otherwise, in this Act:

a. “ <i>Sharu’ee Mauzoon</i> ” shall mean person appointed by the competent authority to solemnize marriages.

b. “Registrar of Marriages” shall mean every person appointed by the President to carry out all functions specified in this act to be carried out by the Registrar of Marriages.

c. “Qaazee” shall every person from amongst judges who is assigned the task of carrying out functions specified in this Act to be carried out by a Qaazee. |

- Commencement 74. This Act shall come into effect from 01st July 2001.
- Laws repealed 75. Law Number 3/80 (Law on Marriages and Divorces involving Maldivian and foreign nationals) is repealed upon commencement of this Act.