
BILLS

SUPPLEMENT No. 1

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BILLS SUPPLEMENT

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Bill No. 2

Qadhis Courts Bill

2026

THE QADHIS COURTS BILL, 2026

MEMORANDUM

OBJECT AND PRINCIPLES

The object of this Bill is to operationalize the provisions of Articles 126 and 129(1) (d) of the Constitution to provide for establishment, functions, powers and jurisdiction of Qadhis Courts; to provide for officers of Qadhis Courts; to provide for the law applicable, procedure and Appellate mandate of Qadhis Courts, enforcement of orders among others.

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THE QADHIS COURTS ACT, 2026

An Act to operationalize the provisions of Articles 126 and 129(1) (d) of the Constitution to provide for establishment, functions, powers and jurisdiction of Qadhis Courts; to provide for officers of Qadhis Courts; to provide for the law applicable, procedure and Appellate mandate of Qadhis Courts, enforcement of orders among others.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY PROVISIONS

1. Short title and commencement.

This Act may be cited as the Qadhis Courts Act, 2026 and shall come into operation after being assented to by the President and on such date as the Minister may, by notice published in the Gazette by Statutory Instrument.

2. Interpretation.

In this Act, unless the context otherwise requires:

“Actual contribution” means a contribution to the property made directly by a spouse or on behalf of a spouse during the marriage;

“Advocate” has a meaning as ascribed to it under the provisions of the Advocates Act,

“Agent” means a holder of powers of attorney who appears in a case on behalf of a party with a leave of the Court;

“Chief Justice” means the Chief Justice of Uganda;

“Chief Qadhi” means Chief Qadhi appointed under this Act;

“Conciliation” means a method of resolving disputes that involves the parties themselves with the aid of third party as an adviser;

“Constitution” means the Constitution of Uganda of 1995;

“Islamic Sharia” means the legal system of Islam based on Quran, Hadith, Ijmaa, Qiyas and other sources of Islamic Sharia;

“Islamic Scholar” means an amicus curiae or friend of court who is a muslim, with requisite knowledge in sharia, called upon to help the High Court in reaching a decision in an Appeal brought to the high Court from the Chief Qadhis Court.

“Interim order” means a temporary injunction or an interlocutory order issued in a case that is proceeding;

“Joint matrimonial asset” means a property jointly acquired by spouses as a result of an actual contribution of each of them during the course of the marriage;

“Judicial Service Commission” means the Judicial Service Commission established under Article 146 of the Constitution;

“Kafala” means adoption of a child in accordance with the principles of Islamic Sharia;

“Officer” means a person appointed to work in Qadhis Courts as a Registrar, Court Clerk, in any other position designated in the Qadhis Court.

“Qadhi” means a Qadhi or a judicial officer appointed under this Act to preside over a Qadhis Court and does not refer to a religious leader under muslim leadership in Uganda.

“Qadhis Court” means any Qadhis Court among the Qadhis Courts established under the provisions of this Act;

“Qadhis Courts” includes all Courts established under the provisions of this Act;

“Qadhi” means Chief Qadhi, Acting Chief Qadhi, Deputy Chief Qadhi, Qadhi of Appellate Qadhis Court, Qadhi of Regional Qadhis Court or Qadhi of District Qadhis Court;

“Representative” means a person delegated to appear before the Qadhis Court on behalf of the Applicant or respondent.

“Mediation” means a method of resolving disputes by the parties themselves in the presence of a third party as a mediator;

“Minister” means the Minister responsible for Justice and Constitutional Affairs;

“Muslim Personal Law” includes Muslim matters relating to marriage, divorce, guardianship, custody, inheritance, charitable endowments and any other related matter.

“Party” means a plaintiff, defendant, appellant or respondent in

a case before a Qadhis Court;

“President” means the President of Uganda and the Commander of the Armed Forces;

“Registrar” means the Registrar of Qadhis Courts appointed under section 23 of this Act;

“Ulamaa” means a Muslim scholar who is recognized as having specialist knowledge of Islamic sacred law and theology.

“Vakil” a deputy, delegate or agent who acts on behalf of a principal.

PART II— ESTABLISHMENT AND JURISDICTIONS
OF QADHIS COURTS

3. Establishment of Qadhis Courts.

In pursuance of Articles 126 and 129(1) (d) of the Constitution of Uganda, there is hereby established the Qadhis Courts, which shall be subordinate to the High Court of Uganda.

There is established the following Qadhis Courts:

- (a) District Qadhis Court;
- (b) Regional Qadhis Court; and
- (c) Appellate Qadhis Court.

(2) The Regional Qadhis Court and District Qadhis Court established under subsection (1) of this section, shall be situated in every Region and District respectively.

(1) The Qadhis Courts shall be courts whose decisions shall be binding on all persons professing the Muslim faith.

(2) Without prejudice to the provisions of this Act, decisions of the Qadhi Courts shall be binding on;

- (a) All persons married under Muslim Marriage.
- (b) All Non-Muslim persons who voluntarily submit to the jurisdiction of Qadhis Courts prior to the commencement of adjudication.
- (c) Any person professing another faith may submit a claim to the Qadhis Court against a Muslim, and likewise, may be sued by a Muslim in the Qadhis Court for any matter falling under the jurisdiction of the Qadhis Courts.

4. Seal of the Court.

The Qadhis Courts shall have the seal bearing the style of the court in a shape and manner as approved by the Chief Justice.

5. Original jurisdiction.

(1) Qadhis Courts shall have exclusive original jurisdictions to hear a case for the first time as provided in the Schedule of this Act.

(2) The exclusive original jurisdiction referred to in subsection

(1) of this section, shall be exercised between parties who are muslims.

(3) Without prejudice to the provisions of subsection (2) of this section, any person who is not a muslim may submit a claim to the Qadhis Court against a muslim, or he may be sued by a muslim in the Qadhis Court for any matter that the Qadhis Court has jurisdiction.

6. Territorial jurisdiction.

(1) A District Qadhis Court or a Regional Qadhis Court shall have and exercise territorial jurisdiction to hear the case within its respective territorial area in a District or a Region.

(2) The Appellate Qadhis Court shall have and exercise appellate jurisdiction in the whole of Uganda.

7. Appellate jurisdiction.

(1) A Regional Qadhis Court shall have power to hear and determine appeals from a District Qadhis Court, and appeals from the Regional Qadhis Court shall be lodged to the Appellate Qadhis Court.

(2) In exercising its appellate powers under subsection (1) of this section, the Regional Qadhis Court or the Appellate Qadhis Court may, with such instruction as to any further proceedings as it deems fit:

- (a) uphold, reverse or vary a judgment, decision or order of the District Qadhis Court or the Regional Qadhis Court respectively as it deems fit in accordance with the law; or
- (b) overrule and order re-trial of any case heard and decided by the District Qadhis Court or the Regional Qadhis Court as it deems fit in accordance with the provisions of this Act.
- (c) Direct the review of the appeal to be decided by no more than three Qadhis before the appeal to be submitted to the High Court.

8. Revision.

The Appellate Qadhis Court may, upon application or on its own motion, call the record of any case to examine and revise the proceedings of the District Qadhis Court or Regional Qadhis Court and make an order in the case as it thinks fit if it appears that the District Qadhis or the Regional Court:

- (a) has exercised a power not vested in it by the law;
- (b) has failed to exercise a power so vested; or
- (c) has acted in the exercise of its power illegally or with material irregularity.

9. Review.

(1) A person who is aggrieved by a decision or order of a Qadhis Court and has not lodged an appeal within thirty days, may apply for a review of judgment or order to the same Court where there is:

- (a) discovery of new and important matter or evidence which after the exercise of due diligence, the applicant was not aware of such matter or could not produce such evidence at the time when the decree was passed or order was made;
- (b) clerical or arithmetical mistake or an error apparent on the face of the record; or
- (c) any other sufficient reason.

(2) The Court may grant or reject the application or may make such order as it thinks fit.

10. Appeals.

(1) A person who is aggrieved by a decision of the Appellate Qadhis Court, may lodge an appeal to the High Court.

(2) In exercising its appellate jurisdiction under the provisions of this Act, the appeal shall be heard by a Judge of the High Court who is a muslim and four Ulamaa whom together, shall be referred to as members of the Court.

(3) Ulamaa referred to under subsection (2) of this section, shall be appointed by the Chief Justice in consultation with the Chief Qadhi.

(4) In appointing Ulamaa under subsection (3) of this section, the Chief Justice may consider sects of the parties.

(5) The panel of the High Court at the hearing of an appeal, may invite any person who is conversant with a particular subject matter as a Friend of the Court.

(6) The High Court's decision in respect of such appeal, shall consider majority opinion of the members.

11. Binding nature of the decision of the High Court.

(1) Subject to the provisions of the Constitution, the decision of the High Court shall be final.

(2) The decision of the High Court relating to cases originating from Qadhis Courts shall be binding to all Qadhis Courts but on applying such a precedent, sects of the parties shall be taken into consideration.

12. Presiding Qadhi in Qadhis Court.

(1) A Qadhis Court shall be presided by a respective Qadhi in accordance with its jurisdiction on the matters provided to be dealt with by that Court.

(2) Subject to the provisions of subsection (1) of this section, the Qadhi who hears the case shall keep records of proceedings according to the prescribed rules.

13. Law of Evidence.

The Qadhis Court shall, in exercise of its jurisdictions, apply laws and rules of evidence of Islamic Sharia.

PART III— OFFICERS OF THE QADHIS COURTS

14. Officers of the Qadhis Courts.

- (1) The Qadhis Courts shall have the following officers:
- (a) the Chief Qadhi;
 - (b) the Deputy Chief Qadhi;
 - (c) Qadhi of Appellate Qadhis Court;
 - (d) Qadhi of the Regional Qadhis Court;
 - (e) Qadhi of the District Qadhis Court; and

- (f) Registrar of the Qadhis Courts.
- (g) Court Clerks

(2) Save for Officers referred to under subsection (1) of this section, other employees of Qadhis Courts shall be Civil servants who do not perform adjudicative functions.

15. Appointment of Chief Qadhi and Deputy Chief Qadhi.

(1) The Chief Qadhi or the Deputy Chief Qadhi shall be appointed by the President from amongst Qadhis or person who is eligible to be appointed to be Qadhi.

(2) Subject to the provisions of subsection (1) of this section, the Judicial Service Commission shall, recommend to the President names of persons who are eligible to be appointed as the Chief Qadhi or the Deputy Chief Qadhi.

(3) The Chief Qadhi and the Deputy Chief Qadhi shall be paid remuneration and other benefits in accordance with the Judiciary Administration Act.

16. Qualifications of the Chief Qadhi and the Deputy Chief Qadhi.

A person shall qualify to be appointed as the Chief Qadhi or the Deputy Chief Qadhi if such person:

- (a) professes and follows Islamic Religion;
- (b) holds at least a first degree in the field of Islamic Sharia from an institution recognized by the Government or a person who is highly proficient in Islamic Sharia;
- (c) has an experience of at least seven years in matters relating to Islamic Sharia; and
- (d) has high level of integrity.

17. Appointment of Acting Chief Qadhi.

(1) The President may, where the Chief Qadhi is incapable to discharge his duties due to health reasons or any other reason, and after consultation with the Chief Justice, appoint the Deputy Chief Qadhi to be Acting Chief Qadhi.

(2) A person appointed as Acting Chief Qadhi shall have such powers as Chief Qadhi and shall perform all functions of Chief Qadhi until the Chief Qadhi resumes his office or a new Chief Qadhi is appointed.

18. Responsibilities of Chief Qadhi and Deputy Chief Qadhi.

(1) The Chief Qadhi shall be a head of Qadhis Courts who shall be responsible for the overall supervision of the Qadhis Courts.

(2) The Deputy Chief Qadhi shall be the principal assistant to Chief Qadhi and shall discharge such other duties as he may be assigned by the Chief Qadhi.

(3) The Chief Qadhi and Deputy Chief Qadhi shall, prior to taking office, take an oath before the President.

19. Tenure of Chief Qadhi and Deputy Chief Qadhi.

(1) The Chief Qadhi or Deputy Chief Qadhi shall remain in his post until he reaches the age of sixty years in which he may voluntarily retire, or at the age of sixty-five years in which he shall retire compulsorily.

(2) Notwithstanding the provisions of subsection (1) of this section, the President may extend the tenure of the Chief Qadhi or Deputy Chief Qadhi for such period as he deems fit, but such period shall not exceed five years.

20. The Appellate Qadhis Court.

(1) The Appellate Qadhis Court shall consist of Chief Qadhi, the Deputy Chief Qadhi and not less than three other Qadhis of the Appellate Qadhis Court.

(2) A case before Appellate Qadhis Court shall be heard by the Chief Qadhi, Deputy Chief Qadhi or any other Qadhi of the Appellate Qadhis Court.

(3) The Qadhi of the Appellate Qadhis Court shall be appointed by the President from amongst Qadhis of the Regional Qadhis Court or a person holding equivalent qualifications of the Qadhi of the Regional Qadhis Court.

(4) Subject to the provisions of subsection (3) of this section, the Judicial Service Commission shall recommend to the President names of persons who are eligible to be appointed as a Qadhi of the Appellate Qadhis Court.

(5) The Qadhi of the Appellate Qadhis Court shall, prior to taking office, take an oath before the President.

21. Qadhi of the Regional Qadhis Court.

(1) A Qadhi of a Regional Qadhis Court shall be appointed by the Judicial Service Commission from amongst Qadhis of the District Qadhis Court or a person holding equivalent qualifications of the Qadhi of the District Qadhis Court.

(2) A person shall qualify to be appointed as a Qadhi of a Regional Qadhis Court if that person:

- (a) professes and follows the Islamic Religion;
- (b) holds at least a first degree in the field of Islamic Sharia from any institution recognized by the Government;
- (c) has an experience of at least five years in matters relating to the Islamic Sharia; and
- (d) has high level of integrity.

(3) The Qadhi of the Regional Qadhis Court shall, prior to taking office, take an oath before the Chief Justice.

22. Qadhi of the District Qadhis Court.

(1) A Qadhi of a District Qadhis Court shall be appointed by the Judicial Service Commission.

(2) A person shall qualify to be appointed as a Qadhi of a District Qadhis Court if that person:

- (a) professes and follows the Islamic Religion;
- (b) holds at least a first degree in the field of Islamic Sharia from an institution recognized by the Government;
- (c) has an experience of at least three years in matters relating to the Islamic Sharia; and
- (d) has high level of integrity;

(3) The Qadhi of the District Qadhis Court shall, prior to taking office, take an oath before the Chief Justice.

23. Registrar of Qadhis Courts.

(1) There shall be a Registrar of Qadhis Courts who shall be appointed by the Judicial Service Commission.

(2) A person shall qualify to be appointed as the Registrar of the Qadhis Courts if such person:

- (a) has been appointed as a Qadhi of a Regional Qadhis Court; and
- (b) has working experience of at least five years in Court's duties.

(3) The Registrar shall be assisted by Deputy Registrars who are appointed by the Judicial Service Commission upon recommendations of the Chief Qadhi.

(4) The Deputy Registrar shall have similar qualifications as for the Registrar.

(5) The Registrar shall, for effective performance of the judicial functions, be accountable to the Chief Qadhi.

24. Duties of the Registrar.

- (1) The duties of the Registrar of the Qadhis Courts are to:
 - (a) pronounce judgments made by the Appellate Qadhis Court;
 - (b) make orders and do any function of the Appellate Qadhis Court including:
 - (i) receiving appeal, revision or review;
 - (ii) issuance and service of summons;
 - (iii) adjournment of proceedings of the Appellate Qadhis Court;
 - (iv) hearing applications relating to payment of a decree;
 - (v) direct the amendment to be made on the application of appeals, revisions or reviews; and
 - (vi) supervise the payment of costs and execution of decree generally;
 - (c) discharge any other duties assigned to him by the Chief Qadhi or conferred by any other law.

(2) The Registrar of the Qadhis Courts shall, in exercising the judicial functions under the provisions of this Act, have the same powers as the Registrar of the High Court in civil cases.

(3) A person who is dissatisfied with any order of the Registrar of the Qadhis Courts may, by way of an application supported by an affidavit, appeal against that order to the Appellate Qadhis Court.

(4) The Chief Qadhi, Deputy Chief Qadhi or a Qadhi of the Appellate Qadhis Court shall have power, on an application of any person affected by the decree or order issued by the Registrar, to set aside such decree or order and pass another decree or make an order as may be just.

(5) Application under subsection (4) of this section, shall be made within thirty days upon passing or making of such decree or order or such other time as the Chief Qadhi may allow.

(6) Application under subsection (4) of this section, shall not operate as a stay of any proceedings or execution of any decree, unless the Registrar of the Qadhis Courts, Chief Qadhi, Deputy Chief Qadhi or a Qadhi of the Appellate Qadhis Court, as the case may be, orders otherwise.

25. Clerk

(1) Every Qadhis Court shall have a Court Clerk, whose duties shall comprise the duties of a clerk of the Courts of Judicature.

PART IV— SETTLEMENT OF DISPUTES

26. Powers of a Qadhis Court to refer a dispute to a settlement.

(1) A Qadhis Court which has original jurisdiction to hear a case, when a case has been filed, and upon request of a party or of its own motion, may refer the dispute to settlement.

(2) The settlement referred to in subsection (1) of this section, may either be by way of mediation or conciliation.

(3) The Chief Qadhi shall, when required, appoint mediators or conciliators

27. Rights of parties to mediation or conciliation.

The disputing parties, during the mediation or conciliation process, shall have the right to resolve any matter regarding the issue tabled for mediation or conciliation.

28. Confidentiality.

All communications at a mediation sessions, the mediation notes and records of the mediation shall be deemed to be confidential and a party to a mediation shall not, thereafter rely on the record thereof, statement made thereat or any information obtained during the mediation as evidence in proceedings before Court or any other subsequent settlement initiative, except in relation to proceedings brought by either party to vitiate the settlement agreement on the grounds of fraud.

29. Duration of mediation or conciliation.

(1) A mediation or conciliation period shall not exceed fourteen days from the date of the first session of the mediation or conciliation, and when there is a necessity for an additional time, such additional time shall be approved by the parties.

(2) The mediator or conciliator shall communicate additional time approved by the parties under subsection (1) of this section to the presiding Qadhi.

30. Cancellation of mediation or conciliation.

(1) The mediator or conciliator may cancel the mediation or conciliation and revert the dispute to the Court if it is impossible to proceed with mediation or conciliation due to the failure of one party or both parties to attend the proceedings with no justifiable reason or by any reason beyond the control of the mediator or conciliator.

(2) A party who disagrees with the decision under subsection (1) of this section, within seven days from the date the decision was given, may apply to the Court responsible with such case for the restoration of the mediation or conciliation.

(3) Where the Court is satisfied that the party who disagreed with the decision under subsection (1) of this section, has sufficient reasons, may restore the mediation or conciliation.

31. End of mediation or conciliation.

A mediation or conciliation shall reach an end when:

- (a) the mediator or conciliator cancels mediation or conciliation session if one or both parties do not comply with the instructions or violates the principles agreed;
- (b) the mediator or conciliator, after consultation with the parties, makes a declaration that further mediation or conciliation is not possible or worthwhile;
- (c) the parties have executed a settlement agreement;
- (d) the parties jointly have agreed to terminate the mediation or conciliation; and
- (e) a party makes declaration to the mediator or conciliator to terminate mediation or conciliation and the other party agrees.

32. Registration of settlement agreement.

(1) The Court shall, after being satisfied with the settlement agreement between the parties, register the settlement agreement of mediation or conciliation.

(2) Subject to the provisions of subsection (1) of this section, the settlement agreement shall be treated as a consent judgment and the Court shall have the power to execute it.

33. Failure to reach settlement by mediation or conciliation.

Where upon the conclusion of mediation or conciliation and no settlement agreement is reached, the dispute shall be reverted to the Qadhi who shall continue with the trial from the point it reached and in the matter that led to the dispute being sent to mediation or conciliation

PART V— FINANCIAL PROVISIONS

34. Budget and funds of the Qadhis Courts.

(1) The Qadhis Courts shall hold its own budget Vote through which shall be disbursed all the funds appropriated or accrued for the use of the Qadhis Courts.

(2) The Permanent Secretary/Secretary to treasury shall appoint an accounting officer for the Vote of the Qadhis Courts, and the Accountant General shall allocate staff to undertake the accounting work for that Vote.

(3) The funds of the Qadhis Courts shall include:

- (a) such amount of money appropriated by Parliament; and
- (b) grants, donations and other funds received by the Qadhis Courts from other eligible sources.

PART VI— MISCELLANEOUS PROVISIONS

35. Powers to make interim order.

At any time when the case is pending in a Qadhis Court, a party may apply for interim order and the Court may make such order or give such directives in relation to the application which the party has filed as it considers fit in law for the just disposal of the case judiciously.

36. Notary public and Commissioner for oath.

(1) The Chief Qadhi, the Deputy Chief Qadhi, a Qadhi of the Appellate Qadhis Court or a Qadhi of the Regional Qadhis Court shall have, by virtue of his/her office, powers and duties of a notary public and commissioner for oaths in Islamic matters and shall exercise such power in respect of the following matters:

- (a) administering oaths;
- (b) attesting signatures; and
- (c) certifying copies of documents.

(2) The fees to be charged for the duties discharged by a notary public and commissioner for oaths under subsection (1) of this section, shall form part of the Government revenue.

37. Conflict of interests.

A Qadhi shall not act in his/her judicial office in any proceedings in which he/she has any pecuniary or personal interest.

38. Language of Qadhis Courts.

(1) The official language to be used in the Qadhis Courts is English, save that the Qadhi shall be at liberty to entertain any language which the parties understand in order to enable quick dispense of justice.

(2) Where either of the parties is not conversant with English language or is dumb or has any other disability which hinders him/her from understanding the language of the Qadhis Court, the Court shall engage an interpreter.

(3) An interpreter shall take an oath before a Qadhi of the court, prior to discharging his/her duty as an interpreter.

39. Contempt of Qadhis Court.

(1) The Qadhis Court shall have the jurisdiction to commence proceedings against any person for contempt of a Qadhis Court and may, in such proceedings, enforce compliance or give punishment.

(2) A person who:

- (a) within the premises in which any Court proceeding is being held, or within the precincts of the such premise, shows disrespect in speech or manner to or in respect to such proceeding, or to any person before whom such proceeding is being held;
- (b) has been called upon to give evidence in a judicial proceeding, fails to attend or has attended but refused to be sworn or to make an affirmation, or refuses without a lawful excuse to answer a question or to produce a document, or remains in a room in which proceeding is being held after being ordered to leave such room;
- (c) causes an obstruction or disturbance in the course of judicial proceeding;
- (d) while a judicial proceeding is pending, makes use of any speech or writing, misrepresenting such

proceeding or capable of prejudicing any person in favor of or against any party to such proceeding, or calculated to lower the authority of any person before whom such a proceeding is being held;

(e) attempts unlawfully to interfere with or influence a witness in judicial proceeding;

(f) refuses to obey an order of the Court; or

(g) commits any other act of intentional impertinence or disruption to any judicial proceeding, or to any person to whom such proceeding is being held, commits a contempt of court and shall, upon conviction, be liable to a fine not exceeding Three Hundred Currency Points or imprisonment for a term not exceeding Six months or to both.

(3) Where contempt is committed before the Court, it shall not be necessary for the Court to serve the notice to show cause, but the Court shall ensure that the person alleged to be in contempt understands the nature of the offence alleged against him and has opportunity to be heard in his own defense, and proper records of the proceedings shall be kept.

(4) Where the case of contempt has been committed outside the Court, a notice to require a person to issue a reason as to why an action or proceedings should not be taken against him shall be served to the person alleged to have committed such offence.

40. Appearance of Advocate, Vakil or Agent.

(1) An Advocate, Vakil or an agent duly authorized may appear on behalf of any party in the Qadhis Courts or in the High Court.

(2) Subject to the provisions of this Act, the Advocate, Vakil or an Agent shall be required to have the basic of Islamic Knowledge and shall be required to be approved by the Qadhi.

41. Immunity of officers of Qadhis Court

Officer of the Qadhis Court shall not be liable to be sued in any civil suit or prosecuted in a criminal case for any act done or ordered by him to be done in the discharge of his judicial duties or in the exercise of his judicial powers if at the time of doing such act or making such order he did it in good faith.

42. Rules.

The Chief Justice shall, in consultation with the Chief Qadhi, make rules for the better carrying out the provisions of this Act including procedures for mediation and conciliation.

(1) Until the rules in subsection (1) above have been put in place, the rules of procedure to be followed shall be in accordance with those prescribed for subordinate courts by and under the Civil Procedure Act and its rules, in so far as such rules are suitable to the proceedings in the Qadhis Courts.

(2) The above provisions notwithstanding, redress of the Qadhis courts shall be sought in writing, either by the applicant or through his or her legal representative.

43. Amendment of Schedule

The Minister for Justice and Constitutional Affairs shall, in consultation with the Chief Qadhi and by order published in the Official Gazette, amend the Schedule of this Act with the approval of Cabinet.

44. Transitional and Savings Provisions

(1) Notwithstanding the provisions of this Act, all matters and proceedings pending before any Qadhis Court shall continue and be concluded under this Act, and all matters done or decisions made before commencement of this Act, shall be regarded to have been done or made under the provisions of this Act.

(2) When in respect of actions pending before a court of first instance, the parties or if the action is non-contentious, the petitioner

as the case may be, request the court to apply the provisions of this Act, such court may direct the complainant or petition to be resubmitted and the proceedings to be continued in accordance with this Act and the request be made within 90days of coming into force of this Act.

45. Enforcement and Recognition

(1) Qadhi Courts of all levels shall order that decisions and order given by them on matters under their jurisdiction, be enforced by the executive organ of state.

(2) Any executive organ as well as individuals who receive the decision or orders of any Qadhi Court shall execute or cause the execution of the same.