

# THE MUSLIM LAW (SHARIAH) COUNCIL UK

Date \_\_\_\_\_

Dear Brother,

Assalamu Alaikum,

As requested please find enclosed two forms to be completed by you:

1. Pronouncement of Islamic Divorce Form
2. Declaration Form

Please note that witnesses signing the forms must be adult Muslims, preferably known to you and your wife. Please send the completed forms to us with a photocopy of your Islamic Marriage (Nikah) certificate.

The Muslim Law (Shariah) Council UK charges **£100.00** for this service. There are no other additional charges or fees. This fee is payable through either:

1. Postal Order payable to **“Muslim Law (Shariah) Council UK”**
2. Direct bank transfer to HSBC Bank:
  - i. Account Name: **The Muslim Law (Shariah) Council UK**
  - ii. Account Number: **01836781**
  - iii. Sort Code: **40-46-09**
  - iv. Please specify your full name as the payment reference.

Please also find two pages of information explaining:

1. Recommended method of pronouncing Islamic Divorce. We request you to read this carefully.
2. Iddah (waiting period). This information should be forwarded to your wife.

Yours sincerely,

Mohammad Shahid Raza  
Executive Secretary

## RECOMMENDED METHOD OF PRONOUNCING ISLAMIC DIVORCE

Talaq in Shariah denotes the legal method whereby a marriage (Nikah) is brought to an end. In Islam, it is to be exercised only under exceptional circumstances. The Holy Prophet (Peace be upon Him) is reported to have said:

*Of all things which have been permitted,  
Divorce is the most hated by Allah. (Abu Daud)*

The method sanctioned and approved by Shariah, for a divorce is:

- A. The husband in the first place must pronounce **only one Talaq**.
- B. The Talaq is to be pronounced when the wife is in the state of purity (Tuhur), i.e. she is not menstruating.
- C. The Talaq should not be pronounced when the wife is pregnant.
- D. It is highly recommended that before the pronouncement of Talaq, the husband should consult a Muslim scholar.

In this way, the husband can exercise the right of Raja' (return) on the divorced wife within the prescribed period of Iddah. However, he will lose this power at the expiration of the term, and the complete cessation of the marital rights and duties will take place. A fresh marriage will be necessary for the parties to re-unite.

If any part of the Mahr, agreed at the time of Nikah, is outstanding, the husband should pay it at the time of divorce.

The husband is expected to bear the maintenance expenses (i.e. food, clothing, accommodation, medical expenses etc.) of his wife for the period of Iddah.

## IDDAAH – PERIOD OF WAITING

The word Iddah, in the terminology of Shariah, means a period of waiting for a woman before remarriage after the death of her husband, or her divorce from him. Muslim Jurists have unanimously agreed on its essentiality (Wujub), since the injunction of the Qur'an is quite explicit on the subject:

*The divorced women shall wait concerning themselves for three monthly periods*  
Qur'an: Surah 2, Verse 228

The words "The divorced women" in this verse, implies that the period of Iddah will be counted after the divorce and not after the separation.

The provision of Iddah carries two main purposes:

1. To give spouses time for re-thinking and reconsideration in the interests of family and children (if any).
2. To make it known whether the woman is having a child of the former husband, so that there may be no confusion about the paternity of such a child if the woman remarries.

Code of conduct for a woman in Iddah:

1. The woman in Iddah is required to stay at her matrimonial home during the whole period of Iddah.
2. She can go out of her home only when it becomes unavoidable.
3. She must not remarry during the period of Iddah.
4. Widows, observing the Iddah, should not wear ornaments, coloured or showy dresses, nor adorn themselves with any kind of make-up during this period.
5. There is no Iddah for marriage that was not consummated.

Types of Iddah:

1. Iddah of a woman who still menstruates: 3 Menstruations.
2. Iddah of a woman who has passed the age of menstruation: 3 Months.
3. Iddah of a woman whose husband has died: 4 Months and 10 days.
4. Iddah of a woman who is pregnant: Until she delivers the child or suffers a miscarriage.

For further information, please refer to the following verses in the Qur'an:

Surah 2, Verse 228.

Surah 2, Verse 234 – 235.

Surah 33, Verse 49.

Surah 65, Verse 1, 2, 4.