

THE MUSLIM LAW (SHARIAH) COUNCIL UK

20 – 22 Creffield Road, Ealing, London W5 3RP

Tel.:+44(0) 20 8992 6636 (Ex: 100) / Fax: +44(0) 20 8993 3946

Lines are open: Monday to Thursday, 11.00 am – 3.30 pm

Email: info@shariahcouncil.org / Web: www.shariahcouncil.org

(ESTABLISHED IN 1985)

PROCEDURE FOR ISLAMIC DIVORCE

1. The applicant has to submit all the required information in full to the Shariah Council, by completing an application form and providing us with copies of the required documents and paying our charges in full.
2. All the completed forms and information received will be checked and processed confidentially at the office of the Council. If further information is required, the applicant will be asked for that.
3. Once all the information has been received, the applicant will be acknowledged with a reference number for the case and a receipt for the payment of the charges.
4. At the same time, the husband (respondent) will be issued with a notice and asked either to divorce the applicant or to show the Council reasons in writing for not so doing.
5. If he writes to the Council and wishes to defend his case or asks for reconciliation.
 - a. The applicant will be contacted again and instructed accordingly by the Council.
 - b. Reconciliation can take place only if both the couple agrees to it.
 - c. Normally at the request of the respondent (husband) the Council allows a reasonable period of time for reconciliation efforts to be made by the husband through his own resources and family contacts.
 - d. However, if the applicant does not agree to reunite, then such efforts for reconciliation, can only delay the process of an Islamic Divorce for a few months. Eventually the Council, under the rules of Islamic Law, will have to dissolve the Nikah and issue a Divorce Certificate to the applicant.
 - e. If the husband agrees to divorce the applicant with certain conditions e.g. demands some money by way of Khula or demands any jewellery given to the applicant at the time of the marriage be returned, such an offer will be adjudicated by the Council and a decision will be made accordingly.
 - f. Conditions like custody of the children, financial claims, or claims on property, cannot be adjudicated by the Council, because such matters are outside of our jurisdiction and must be settled in a court of Civil Law.
 - g. However in such matters the Council, on moral grounds, can impose some conditions with the divorce.
6. If the respondent does not reply to our first notice in time, then a second notice will be sent to them, giving them a repeated opportunity.
7. If we receive no reply to our second notice, a third and final notice will be sent to them.
8. If the Council does not receive a reply to its third and final notice within thirty days, the case will be presented to the full board of the Council at its first meeting after expiry of the thirty days' notice period, with a recommendation of dissolution of Nikah.

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9. The board normally meets every three months. Occasionally, an emergency meeting may be called.
10. Once the board has decided to dissolve the Nikah, an Islamic Divorce may be issued within one week of this decision and posted to the applicant.
11. A copy of this Divorce Certificate is also sent to the respondent.
12. In cases where a Civil Divorce (Decree Absolute) is also required, the Council will not issue an Islamic Divorce until the applicant has received their Decree Absolute in order to avoid any possible conflict between the Law of the land and Islamic Law (Shariah).
13. If the Council concludes its proceedings before the pronouncement of Civil Divorce a letter of entitlement of Islamic Divorce will be issued to the applicant.
14. The actual certificate of Islamic Divorce will be issued to the applicant when the Council has received a copy of their Decree Absolute.
15. If the respondent submits a written undertaking to the Council agreeing to an Islamic Divorce after the Civil Divorce and related matters has been concluded in court the Council will accept such a submission and will wait accordingly. However if the respondent fails to fulfil his promise the Council will exercise its power to issue an Islamic Divorce without the consent of the respondent.
16. In cases where respondents do not reply to our notices at all, the Council will ultimately decide the case in favour of the applicant.
17. The address of the applicant normally appears on the notices sent to the respondent; but if requested to keep it confidential, this is not released.
18. Normally, if both parties are resident in the United Kingdom, the case is decided in about three to six months time. If one of the parties resides abroad, it takes about six months to one year.
19. If the applicant withholds or conceals any information regarding the case, or provides the Council with misleading information, the Islamic Divorce issued by the Council will become null and void.
20. Case files will be securely retained by the Shariah Council for a period of six years from the date of application, after which they will be safely destroyed.