

**To:** Lord McNally

**Date:** 11 October 2012

**cc:** Helen Grant M.P.  
See end

**From:**

**Tel:**

**Subject: MUSLIM MARRIAGE: REPORT OF WORKING GROUP**

**Annex B: Report of Working Group**

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**Issue**

1. The Home Secretary (in her role as Minister for Women & Equalities), Jonathan Djanogly M.P, the Parliamentary Under Secretary of State for Justice and Baroness Warsi held a meeting with members of the Muslim community on 6 February to address various concerns that Muslim women had raised regarding religious marriages. As a result of this it was agreed that a working group should be established. This submission reports on the outcome of the working group set up to identify issues about Muslim marriage and consider how these might be addressed; and to provide advice on suggested next steps.

**Timing**

2. Routine.

**Recommendation**

3. That you:
  - Consider the report produced by the working group (Annex B) *and note the suggestions for action on pages 6-7*
  - Agree the recommendation in \_\_\_\_\_ to hold a series of regional events with Muslim organisations as a first step;
  - Note the early engagement planned with Family Law judges (p. 8 of Annex B); and

## Argument

4. The working group has considered the issue of unregistered Muslim marriage and the reasons why this might be occurring; and produced a list of potential solutions, both for the short and longer term. These are set out on pages 6-9 of Annex B.
  
6. Consideration was also given to Baroness Cox's Arbitration and Mediation Services (Equality) Bill, which is due to have its second reading in the House of Lords on 19 October.

BIS are leading on this proposed

legislation.
  
7. Overall the report recommends that, for maximum impact, the issue is presented as a matter of protecting family and children's rights, rather than a matter of gender. It proposes, as a first step, that a series of regional meetings are held with community representatives, led by working group members, in which case studies are used to illustrate the problems that may occur where a marriage is unregistered.
  
8. There are several advantages to this approach. Firstly, action can be taken relatively quickly. Secondly, in being led by working group members, rather than officials, it is more likely to be seen as politically neutral, and will also draw on networks already in place in the community. Thirdly, potential costs are reduced, as members have agreed to give their time free of charge, and have already identified some venues for use at no cost.
  
9. The working group also recommends, that in parallel with engagement with the Muslim community, approaches should also be made to legal professionals.

, has kindly offered to

fund and host a seminar for Family Law judges, particularly those working in areas with high Muslim population, focusing on the discretion that they have to address religious elements within family law cases. Issues raised within the seminar could contribute to an emerging framework for practitioners, and could be taken forward in judicial training in the future. While this may to some extent appear controversial, it is fully in line with the thrust of the argument made by . in his speech to Cardiff Law School: that judges should take note of the religious perspective and place it "in the overall balance. To do otherwise would be wrong and contrary to the full evaluation of the child's welfare".
  
10. The working group has produced a long list of suggestions on pages 6-8 of the report. The short-term recommendations on community engagement, local engagement and communication (i –iii) all have merit and can be commenced with the series of regional meetings and

11. In regard to the proposals on facilitating improved arrangements, the General Register Office (GRO) have indicated that they can open a dialogue with the registration service to explore what could be done in terms of providing fuller information at local register offices as to which mosques in the area are registered for marriages and have authorised persons.

GRO have said that they are content to explore what might be done in the area of communications and guidance within the existing legal framework. The third recommendation, that judges should be encouraged to exercise discretion in divorce cases to enquire about religious divorce proceedings, will be largely overtaken by the introduction of administrative divorce under the FJR recommendation. In regard to the final point, the legal remedies that may be taken by imams, this may well be raised during the planned series of regional meetings.

12. The longer-term proposals are in part more contentious. On the first, there is undoubtedly a need for more research to produce evidence on the scale and reasons for the numbers of unregistered Muslim marriages, and Analytical Services would encourage universities/academics to undertake research in this area.

The final point in this section, to encourage the Equality and Human Rights Commission to include religious marriage and divorce in its Triennial Review is sensible and would to some extent deal with the lack of research pointed to earlier. We have spoken to officials at the GEO (the sponsoring department) to explore how this can be taken forward.

## **Background**

13. The Prime Minister's office raised concerns expressed by Muslim women who are disadvantaged by having religious marriages which are not legally recognised in England and Wales. This means that such women do not have the protection of legal divorce and ancillary relief through the county courts. Women are also vulnerable if their husband should marry a second wife in a religious ceremony.
14. Following a round-table meeting on 6 February between Ministers and members of the Muslim community, it was agreed to establish a small, focused working group to address these issues and provide advice to Ministers on the potential actions. The remit of the group was to identify the problems encountered by Muslim women and to consider and prioritise potential solutions, which might include possible legislative and procedural changes.
15. The working group met on three occasions between May and July 2012 to identify the problems associated with unregistered Muslim marriages, possible reasons for individuals choosing to have religious marriages alone, and potential solutions. These are set out in Annex B, 'Unregistered Muslim Marriages'.

### **Parliamentary and Coalition Handling**

16. There is likely to be parliamentary interest in this work. Baroness Cox's Private Member's Bill on Arbitration and Mediation Services (Equality) Bill is due to have its second reading in the Lords on 19 October. The Bill relates to protecting women's rights in relation to arbitration hearings that are operated under Sharia law and which might result in women suffering discrimination. BIS is leading on this Bill, on which their Minister has sought agreement to indicate that the Government has strong reservations.
17. In addition, Lord Lester, who took the private member's Bill on religious marriages which became section 10A of the Matrimonial Causes Act 1973, through Parliament, asked two Parliamentary Questions in February and March about whether the Government intends to consult the Muslim community on extending the provisions of the Act; and Richard Fuller, M.P. for Bedford asked a Parliamentary Question on polygamy in July. It is likely that there will be other interest, including potential concerns about the recognition of Sharia law in the United Kingdom.

### **Financial Implications**

18. It is anticipated that £6K will be sufficient to run five regional meetings and producing a leaflet, as members have agreed to participate free of charge as have some venues; and existing material can be adapted to keep costs down. As with the working group, it is suggested that the costs should be split equally between MoJ and Government Equalities Office (GEO).

### **Presentation and Media Handling**

20. Once you have considered the report if there is scope to take forward some of the recommendations then press office will provide further handling on ways in which we could promote this work in relevant national, regional and specialist media.
21. The report could be subject to a freedom of information request and if it is disclosed then press office propose using the following reactive line:
22. A spokesperson for the Ministry of Justice said:

"This report has been carefully prepared by the Muslim Marriage Working Group and Ministers are now considering the recommendations made by the panel.

"This is a matter of protecting families and children's rights and we want to ensure the government provides a sensible and supportive approach to religious marriage in England and Wales.

"We would like to thank the Working Group for their time and work on preparing this report."

cc: Helen Edwards, Catherine Lee, Nick Goodwin,



**UNREGISTERED MUSLIM MARRIAGES**Issue

Under English law there are certain legal requirements for a valid marriage. These are summarised in Annex A.

Many Muslim women do not have legally registered marriages. They are treated under the law as if they are in a cohabiting relationship, and therefore lack many legal protections, particularly if the relationship fails. This should be placed in the context of low marriage rates generally within England & Wales – a long-term decline in the number of marriages has been recorded since 1972, which is a likely consequence of the increasing number of couples choosing to cohabit rather than enter into marriage.<sup>1</sup> However, it is a particular issue for Muslims who are not allowed by their religion to cohabit, and they are therefore more likely to have entered into a religious marriage that may not offer them and their children the full range of protection afforded by a civil marriage. Muslim women may in some cases, especially those who have not been born in the UK, also be even more likely than other cohabitants to fail to understand their true legal position.

The problem has been the subject of academic study<sup>2</sup>, and evidence from community groups shows that such cases form a high proportion of their workload, and that the numbers are increasing. The extent of the problem is likely to vary according to cultural norms; for example, it is not known whether the problems experienced by women whose families originate from the Indian sub-continent are replicated within African Muslim relationships or in those from the Middle East. In many Muslim countries there is a requirement to have a registered marriage: for example, under Indonesia's Marriage Act 1974 and Compilation of Islamic Law 1991 a marriage can only be proven through a marriage certificate and an unregistered marriage has no legal status; and in Algeria the marriage ceremony and the registration are a one-stop process at a recognised place such as a mosque or town hall<sup>3</sup>. In Muslim majority countries, it may of course be easier to achieve a greater convergence between religious and civil law.

Religious marriages vary greatly in the degree of formality involved. Also referred to in some Muslim communities in Britain as 'traditional marriage' or 'Islamic marriage', the religious marriage is known as a nikah. In some situations, a Muslim couple may have a nikah without also having a civil marriage. In other situations, they may have the nikah as well as a civil marriage that has taken place either before or after the religious ceremony.

The crucial issue for this Working Group has been to understand and address those situations where Muslim women have gone through a religious ceremony (a nikah) that they and their community consider to be a valid marriage, but have not also gone through civil registration of their marriage

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<sup>1</sup> *Beaujohan and Bhrolcháin*, 2011, in ONS, *Marriages in England and Wales, 2010, 2012*

<sup>2</sup> See the 2011 Amnesty International Report, *Gender, Faith and Equality*, p85

<sup>3</sup> MWNUK, *Information and Advice on Muslim Marriages in Britain*, 2012, p. 12

which would give them and their children full legal protection both during the marriage and especially upon divorce.

Practices vary widely and a nikah can take place at a mosque, at home, at a hotel or hall, etc. There is no requirement for an imam to be present, although very often one is. The couple may or may not receive a document recording their marriage, and the details recorded also vary widely; some give just the names of the couple, the names of the witnesses and the date, while other documents may give more details<sup>4</sup>.

A model Muslim marriage contract (nikah) is attached at Annex B. This was initiated by the Muslim Parliament of Great Britain and subsequently taken forward by the Muslim Institute in consultation with stakeholders. It is intended to protect the rights of both parties to a nikah, and in particular to provide the woman with written proof of the marriage and of the terms and conditions agreed between the spouses. In the absence of such proof, women have faced particular difficulties in securing even the financial rights guaranteed to them under the Shari'a upon divorce<sup>5</sup>.

It is known that there is significant demand from Muslim women for religious forms of marriage and divorce that ensure that they are married and divorced in the 'eyes of God' and in ways that are recognised by the religious communities in which they and their families (as well as their children) live.<sup>6</sup> This reinforces the need to secure an appropriate level of protection for women, both when they marry and if and when the relationship breaks down.

A Muslim woman who has undergone a religious marriage that has broken down may approach a Sharia Council to obtain a religious divorce where her husband is not prepared to grant this. The situation in which the wife initiates divorce proceedings is known as Khul'a. It has been estimated that 80-85% of women approaching Sharia Councils do so to obtain a Khul'a/Talaq. The quality of advice that women may receive is variable and the proceedings may take a considerable amount of time. Nevertheless, there is clear evidence that Muslim women seek out and want to have a service that enables them to obtain a religious divorce at the same time as wanting a greater 'voice' in the process and a better quality of service from the religious institutions that are providing services for religious ceremonies of marriage and divorce.<sup>7</sup>

The numbers of unregistered marriages are likely to increase because of the younger demographic of the Muslim community. Changes in legal aid entitlement may also lead to the increasing use of Sharia Councils once a relationship breaks down to facilitate a settlement more cheaply and conveniently than recourse to the family courts. These developments create a risk that Muslim women will make increasing use of Muslim religious

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<sup>4</sup> Ibid, p. 3

<sup>5</sup> "Muslim Institute to launch model Muslim Marriage Contract" press release issued by the Muslim Parliament of Great Britain, 2008".

<sup>6</sup> See Maleiha Malik, *Minority Legal Orders: Minorities, Pluralism and the Law*, British Academy, London, 2012, at page 34. See also Gillian Douglas et al, *AHRC Social Cohesion and Civil Law: Divorce and Religious Courts*, Cardiff University, Cardiff, 2011.

<sup>7</sup> See also Gillian Douglas et al, *AHRC Social Cohesion and Civil Law: Divorce and Religious Courts*, Cardiff University, Cardiff, 2011.



institutions without the level of protections that are available under civil law. This also creates a risk that there will be an unfair distribution of property at the point of dissolution of marriage for these Muslim women with the consequence that they will have less resources to meet their (and their children's) long term needs.

### Registration arrangements

For a religious marriage that is entered into in England and Wales to be legally recognised it must fulfil the registration requirements under the Marriage Act 1949. This includes Roman Catholic, Baptist, Methodist, Hindu and Sikh marriages<sup>8</sup> and not just marriages under the Muslim faith. The exception to this is the Church of England or Church in Wales whose marriages are dealt with separately in the Marriage Act 1949. No place of worship is obliged to register as a place of worship, to register for marriages, or to have an authorised person under the 1949 Act. However, if they choose not to register or to have an authorised person, any "marriages" conducted on the premises are unlikely to be legally valid. This does not prevent a couple from having a legally recognised civil ceremony followed by a religious ceremony or vice versa (what people might refer to as "marrying twice"). A religious marriage which takes place in England and Wales is only legally recognised if it takes place in a mosque which is registered both as a place of worship and to hold marriages, and if a person authorised under the Marriage Act 1949 attends and registers the marriage.

### Possible reasons for non-registration

The number of unregistered religious marriages is unknown – as is the number of religious marriages that subsequently break down - but it has been suggested that 'tens of thousands of Muslims in Britain...may be in marriages or undergo divorces whose legal validity is doubtful...'<sup>9</sup>. Greater knowledge of the scale of the issue would no doubt assist in formulating appropriate solutions.

The number of legally registered Muslim marriages which take place on religious premises seems very small: ONS figures for 2009 (the latest available) show that there were 238 Muslim marriages recorded. To put this into perspective, Muslims formed 2.78% of the population of Great Britain in 2001 and Sikhs 0.59%<sup>10</sup>, and there were 1,276 Sikh marriages recorded in 2009.

In the absence of empirical data, evidence from legal practitioners and women's support groups suggests that there are a number of possible reasons for low rates of registration of marriages amongst British Muslims. One set of explanations relate to lack of knowledge about the benefits and consequences of registration. Other reasons may include the costs and inconvenience of going through a civil registration at the same time, or just

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<sup>8</sup> Separate registration arrangements apply to Jewish and Quaker marriages. In both cases notice is required to be given at the appropriate register office before the wedding.

<sup>9</sup> Sohail Akbar Warraich & Cassandra Balchin, *Recognizing the Unrecognized: Inter-Country Cases and Muslim Marriages & Divorces in Britain*, WLULM Publications, January 2006

<sup>10</sup> National Statistics, *Focus on Religion*, Office for National Statistics, October 2004

before or after, the main Muslim religious marriage ceremony that has greater cultural and religious significance for the Muslim couple, their families and their community.

A further reason for falling rates of registered marriage may be that more young Muslims are now marrying partners from within the UK. Previously, British Muslims marrying non-UK citizens were legally required to register their marriage under civil law to comply with immigration procedures. However, with a more established Muslim diaspora, where both parties to the marriage are British and there is no additional reason to register their relationship as a marriage e.g. immigration or citizenship, Muslims may simply choose not to register.

Younger Muslims appear to be more likely to not register their marriages. This would seem to be less the result of parental pressure, and owe more to the strength of Muslim culture, cultural change and peer group norms. In some cases the first religious marriage may be an experimental union of partners not ready for commitment, with the parties to the marriage still living at home. In some cases the woman may see the religious marriage as testing out the relationship,

Another explanation for the lower rates of civil registration are that this is a deliberate 'choice' by either or both sets of parties. On this analysis, British Muslim resistance to civil registration of marriages is part of a wider trend of declining rates of civil marriage. However, British Muslims do choose to go through a religious ceremony to legitimise their personal relationships. Although it is open to both men and women to make a deliberate choice not to go through a civil marriage, there is a differential gender impact associated with this choice. For example, men may be choosing not to register the marriage (either as their own choice or in conjunction with their family who may have put in capital into the matrimonial property) in order to avoid what they perceive to be a risk of loss of rights over the property if there is a divorce. Women and their children are – in reality and in practice – more vulnerable where there has been no civil registration of marriage because cohabitation in itself confers no right to matrimonial property and it certainly does not give the full protection of civil marriage. This may also raise the issue of the welfare cost to the state in those situations where men are able to avoid an appropriate distribution of matrimonial property to their spouses by choosing not to go through a civil marriage ceremony.

Young people may contract 'secret' religious marriages without their parents' knowledge, either where they have been unable to get their parents to consent to the union, or to avoid an arranged or forced marriage. Problems can then occur in untying the knot when such secret marriages break down, as the members of Sharia councils whom they would otherwise approach may have familial connections. There is also some evidence from Muslim Women's support groups that women in this situation may be open to blackmail.

### Multiple religious marriages

According to some understandings of Islamic laws, men are allowed to take more than one wife, provided that certain conditions are met. A polygamous marriage cannot be validly formed in England and Wales. Any parties to such relationships do not share the same rights as a legally married couple, such as access to financial remedies available on divorce or inheritance rights on the death of one of the spouses, and are treated as cohabitants.

### Umbrella bodies

The Mosques and Imams National Advisory Board (MINAB) is the representative body of all UK Muslim denominations set up to promote good governance in Mosques and Imam Training Institutions through a process of self regulation. It has developed a set of standards which are set out at Annex C. Mosques can complete a self-certification form, which asks questions about each of the standards, to confirm that these are met.

The Department for Communities and Local Government has maintained information about a number of other umbrella bodies – see Annex D.

### Existing legal remedies that can be applied

As women in unregistered religious marriages lack the protection afforded to wives under the law of England and Wales, other legal remedies may be sought as an alternative. These include an application for financial provision or child support for any children of the relationship, and/or an application under property law to establish the parties' interests in, for example, a jointly owned home. These remedies, however, unlike those available to a court in cases where it dissolves a valid legal marriage, provide no long term financial protection for a wife unless she already has her own property entitlement.

### Potential solutions

There are in theory two potential types of solution: a) to incentivise registration or b) to disincentivise men from contracting religious-only marriages. Attention should not be focused solely on mosques, as marriages are not only contracted in mosques. In considering solutions, there is a need to be aware of perverse incentives which may result in the opposite outcome to that desired. A further barrier is the difficulty in engaging with young radicalised men and women who are disenfranchised from society, and who are in the age group most likely to marry.

The overarching aim must be to encourage those seeking a religious marriage to have a civil marriage as well. However if this is to be achieved it must be with the support of religious leaders and must not be seen as an attempt to undermine them. The group believes strongly that an important method of stimulating that necessary support is to show that the domestic legal system is developing a sensitive understanding of Muslim culture and traditions which will be accorded due respect and recognition unless inconsistent with the requirements of the domestic system. This is discussed in more detail below.

It is also vital to understand the needs of Muslim women themselves who often wish to retain a religious identity as well as the human rights which they share with those of all religions and none. Women and women's groups have proved their effectiveness in addressing the issues we are considering and there is an obvious need to continue to seek empower women at grassroots level with information, resources and training.

The following specific suggestions are thought worthy of consideration:

a) Short term

i) Community Engagement

- Engage with Muslim community leaders
- Work with Muslim women's organisations and advocates to raise awareness of the disadvantage of not having a civil marriage
- Hold round-table discussions
- Focus on both the trustees of mosques and those who officiate
- Meet with imams who already require couples contracting a religious marriage to have a registered marriage
- Encourage imams and others to become 'authorised persons', able to witness and register marriage ceremonies, through hearing from others who have done this – promulgating good practice.
- Encourage the registration of mosques as authorised buildings
- Encourage trustees of mosques to make it a precondition of marriage that civil registration is performed - adopting this as a rule of the institution would give some protection against pressures exerted to contract only religious marriages
- Encourage individuals performing the nikah to hold preliminary meetings with couples to give out information and to inform them of the potential consequences of having an unregistered marriage for the family and children
- Where there are gaps, and where mosques are not participating, reach out to women through state schools and madrassas
- Where Sharia councils offer pre-matrimonial advice, encourage them to include information on the civil registration of marriage
- Hold regional roadshows

ii) Local engagement

- Engage with mosques through trustees and mosque representative bodies - use knowledge bank built up by DCLG to identify avenues of access
- Publicise the benefits of signing up to MINAB's Code of Practice
- Engage with women directly, through women's networks and organisations such as RESPECT
- Promote good practice e.g. not conducting a second religious marriage until civil papers (decree absolute) seen

iii) Communication

- Publicise the issue – spell out the potential consequences of having an unregistered marriage
- Help women to understand the consequences of non-registration

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- Information and advice, through universities, student unions and Muslim on-line dating sites
- More information and advice on ADR and mediation
- Engage with Family law judges and barristers on issue; hold round-table discussion with course directors of the Judicial College as a legitimate means of starting to open up discussions with judges
- Use media (radio & TV) to disseminate messages (using advocates rather than paid advertisements)

iv) Facilitating improved arrangements

- Provide fuller information at local register offices, as to which mosques in the area have registered celebrants and registered buildings
- Engage with GRO to explore whether the process of becoming an authorised person can be made easier
- Encourage judges exercising discretion in divorce cases to enquire about religious divorce proceedings
- Make mosques aware of legal remedies that can be sought in the face of threats made to imams if they decline to conduct religious marriages unless there is also a civil marriage

b) Longer term

- Research the extent of unregistered Muslim marriage

- Invite the Equality and Human Rights Commission to include the issue of religious marriage and divorce (and the services provided by religious institutions) as part of its Triennial Review of Equality in the UK. (Muslim women fall within a number of key protected groups that the ECHR is mandated to consider: religion and belief; gender; and race. They are also vulnerable in terms of their socio-economic position and in terms of access to mainstream legal services and justice. The inclusion of this benchmark in the Triennial Review would ensure that all statutory agencies are able to get more accurate and reliable information about the vulnerability of British Muslim women (especially at the point of forming and dissolving families) which can then be the basis for further social policy interventions.)

(c) Engagement within the domestic legal system

As mentioned above, it is thought that an important part of the solution here, which will contribute significantly to creating a climate of cooperation, is to seek to work actively with family lawyers and judges, and to raise for consideration the point that they already have many of the legal and conceptual techniques to address the problems that arise. For example, a family law judge has wide powers to ask for a full report as to the factual background in cases of divorce and cases that involve the welfare of children. The judge can ask for facts about the position of the parties in relation to their cultural and religious status (e.g. inquiring as to the terms of the religious marriage contract and/or as to whether there are pending proceedings in a sharia council). In these cases the judge is not recognising religious law by asking for this sort of information. Rather, the judge is exercising his powers in civil law (e.g. in relation to the distribution of property etc) but – at the same time – is taking into account the full range of relevant facts that may include religious ceremonies, marriage and/or divorce. One way that this approach could perhaps be facilitated is to have a preliminary seminar, possibly arranged through or in conjunction with the Judicial College, in which relevant judges are invited to comment on the present paper.

(d) Other possibilities (mentioned only for completeness)

Baroness Cox: Arbitration and Mediation Services (Equality) Bill

A bill to make further provision about arbitration and mediation services and the application of equality legislation to such services; to make provision about the protection of victims of domestic abuse; and for connected purposes. 1<sup>st</sup> reading: House of Lords 7 June 2011. The group considered that nothing in this Bill removes the need for action on the issues raised above.

## The law of marriage in England and Wales as it affects Muslim marriages

1. In order to create a valid marriage, two sets of requirements must be fulfilled:
  - a) The parties must have the capacity to marry
  - b) They must observe the necessary formalities
2. **Capacity** to marry depends upon the law of the domicile of the parties. A person domiciled in England and Wales may enter into a valid marriage if **both parties**
  - a) are aged 16 or over;
  - b) are not within the prohibited degrees of relationship (either by consanguinity or affinity);
  - c) are not already validly married or in a valid civil partnership;
  - d) and if the intended spouse is of the other sex.
3. **Formalities** of marriage depend upon the type of marriage ceremony that the parties wish to have, and different rules govern the *preliminaries*, and the *solemnisation* of the marriage. The marriage must also be *registered*. The governing rules are set out in the Marriage Act 1949, as amended.

### 4. Preliminaries

#### 4.1 **Marriage of a person under the age of 18**<sup>11</sup>

A person under the age of 18 requires the consent of the parents (or guardians) with parental responsibility (except if a residence or special guardianship order is in force, in which case, the person(s) in whose favour that order was made must give consent instead; or if a care order is in force, the local authority's consent is required in addition to that of the parents/guardians/special guardians).

Where the necessary consent cannot be given because of absence of inaccessibility, the Registrar General may dispense with it.

If consent is refused, it may be given by a court exercising family jurisdiction.

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<sup>11</sup> Marriage Act 1949 s 3.

#### 4.2 ***Notice of intention to marry***

The form of notice of intention to marry that must be given differs depending upon whether the marriage is to be solemnised according to the rites of the Church of England/Church in Wales or otherwise.

All marriages other than Anglican require the authority of either

- a) a superintendent registrar's certificate, or
- b) the Registrar General's licence. (Such a licence may only be granted in relation to persons who are too ill or infirm to marry in a registered or approved building).

#### **Superintendent registrar's certificate**

- a) Written notice<sup>12</sup> of the intended marriage must be given to the superintendent registrar of the registration district(s) in which the parties have resided for at least 7 days beforehand.
- b) Each of the parties must give notice and make a solemn declaration that he/she believes there is no impediment to the marriage.<sup>13</sup>
- c) A certificate may be issued 15 days later.<sup>14</sup>
- d) Each party must have a certificate.<sup>15</sup>
- e) The marriage must be performed within 12 months of the issue of the certificate.<sup>16</sup>

### **5. Solemnisation**

5.1 Marriages may be solemnised in four different ways:

- a) According to the rites of the Church of England/Church in Wales
- b) According to the usages of the Society of Friends (Quakers) or the Jews
- c) In a civil ceremony in a register office or approved premises
- d) According to other religious rites in a registered building.

#### 5.2 **Marriage according to religious rites in a registered building**<sup>17</sup>

A marriage according to religious rites may only take place if

- a) It is performed in a building which is certified as a place of religious worship under the Places of Worship Registration Act 1855 and which has been registered by the Registrar General for the solemnisation of marriages.<sup>18</sup>
- b) A registrar of marriages or an 'authorised person' (usually the minister) is present.<sup>19</sup> The functions of this person are to ensure that the relevant certificate has been issued, that the provisions of the Marriage Act

<sup>12</sup> Marriage Act 1949 s 27.

<sup>13</sup> Marriage Act 1949 s 28.

<sup>14</sup> Marriage Act 1949 s 31.

<sup>15</sup> Section 26(1) Marriage Act 1949, as amended by Immigration and Asylum Act 1999, s 161(3).

<sup>16</sup> Marriage Act 1949 s 33.

<sup>17</sup> See Marriage Act 1949 s 44.

<sup>18</sup> Marriage Act 1949 s 26 and s 41 (see below).

<sup>19</sup> Marriage Act 1949 s 43 (see further below).



relating to the solemnisation are complied with and to register the marriage.

- c) At some stage in the ceremony, the parties each declare that they take each other as husband and wife.
- d) It is solemnised between 8 am and 6 pm<sup>20</sup> with open doors in the presence of at least two witnesses (in addition to the registrar or authorised person).

The marriage may be performed in a registered building outside the district(s) in which the parties reside provided that no such building is available to them within their own district(s) or if it is their normal place of worship.<sup>21</sup>

## **6. Registration of buildings for the solemnisation of marriages<sup>22</sup>**

A certified place of religious worship may be registered for the solemnisation of marriages according to the following procedure:

- a) Any proprietor or trustee of the building may apply to the superintendent registrar of the registration district in which the building is situated
- b) The applicant must provide two copies of a certificate, signed by at least twenty householders and dated not earlier than one month before the making of the application, stating that the building is being used by them as their usual place of public religious worship and that they desire that the building should be registered for marriages.
- c) The application and certificates are sent to the Registrar General to register the building.
- d) Public notice of the registration must be given by the superintendent registrar by advertisement in some newspaper circulating in the county in which the building is situated and in the London Gazette.
- e) A building may be registered for the solemnization of marriages whether it is a separate building or forms part of another building.

## **7. Appointment of an authorised person<sup>23</sup>**

The trustees or governing body of the registered building may 'authorise' a person to be present at the solemnisation of marriages, to obviate the need for the presence of a registrar.

- a) Such appointment may not take place within one year of the registration of the building.
- b) The trustees or governing body must certify the name and address of the person so authorised, to the Registrar General and the superintendent registrar for the district in which the building is situated.

<sup>20</sup> To be abolished when the Protection of Freedoms Act 2012 s 114 comes into force.

<sup>21</sup> Marriage Act 1949 s 35.

<sup>22</sup> Marriage Act 1949 s 41, amended by the Marriage (Registration of Buildings) Act 1990.

<sup>23</sup> Marriage Act 1949 s 43.

## 8. *Void marriages*<sup>24</sup>

A marriage will be void if **both parties** 'knowingly and wilfully' marry -

Without having given due notice of marriage to the superintendent registrar;

Without a certificate having been issued in respect of each of the parties to be married by the superintendent registrar to whom notice was given;

When the certificates have expired;

In a place other than that specified in the notice and certificates;

In the case of a marriage in a registered building (not being a marriage in the presence of an authorised person), in the absence of a registrar for the district.

## 9. *Non-marriages*

A number of cases have arisen concerning whether a marriage capable of being declared void has come into existence following some form of religious ceremony. The courts have drawn a distinction between a *void*, and a *non-existent*, marriage. The former is amenable to a decree of nullity being granted under s 11 of the Matrimonial Causes Act 1973 and to financial provision being awarded in consequence under Part II of that Act. The latter gives rise to no such recognition and thus leaves the parties without a remedy in the matrimonial jurisdiction. It has been held that cases of this kind must be decided on their individual facts.<sup>25</sup> However, private *nikah* ceremonies have been classed as 'non-marriages' where no attempt had been made to comply with the formal requirements of English law.<sup>26</sup>

<sup>24</sup> Marriage Act 1949 s 49.

<sup>25</sup> *Hudson v Leigh* [2009] EWHC 1306 (Fam), [2009] 2 FLR 1129. Bodey J suggested a non-exhaustive list of factors to consider would include: Whether the ceremony or event set out or purported to be a lawful marriage; whether it bore all or enough of the hallmarks of marriage; whether the three key participants (especially the officiating official) believed, intended and understood the ceremony as giving rise to the status of lawful marriage; and the reasonable perceptions, understandings and beliefs of those in attendance.

<sup>26</sup> *A-M v A-M (Divorce: Jurisdiction: Validity of Marriage)* [2001] 2 FLR 6 and *El Gamal v Al Maktoum* Unreported, 22 December 2011 (both Muslim marriage ceremonies held in private flats). These cases may be compared with *MA v JA and the Attorney General* [2012] EWHC 2219 (Fam) (27 July 2012) where Moylan J upheld the validity of a non-registered marriage conducted in a registered mosque in the presence of an authorised person, inter alia because both parties had believed they were entering into a valid marriage and the ceremony was 'of a kind' capable of creating a valid marriage.

Muslim Marriage Contract

August 2008

Endorsed by: Imams & Mosques Council (UK), The Muslim Law (Shariah) Council UK, Utrujj Foundation, Muslim Council of Britain, The Muslim Parliament of Great Britain, The City Circle, Muslim Women's Network-UK, Fatima Network, Muslim Community Helpline (Ex-MWH)

Published by:

The Muslim Institute

109 Fulham Palace Road, London W6 8JA

Introduction: a Guide to a Happy Marriage

In the Shari'ah, marriage (nikah) is a relationship of mutual love, mercy and kindness (muwaddah, sukun, rahmah). In Islamic law marriage is a civil contract between parties which allows them to mutually agree upon the terms and conditions of their future together. Like any other contract, the free consent of the parties to the agreement to marry is essential.

Many Muslim couples in the UK prefer to have a nikah (marriage contract). In order to avoid any potential for confusion it is best that the agreed terms and conditions of the contract be put down in writing. The document titled "Muslim Marriage Certificate" is designed to inform and when necessary enable the parties to secure their rights under the mutually agreed contract.

The document has been drafted after prolonged consultation with religious scholars, community leaders, national and regional Muslim organisations, including organisations of Muslim women. The initiative, although led by the Muslim Institute, I am delighted to say, has had the support and full engagement of the most important national Muslim organisations.

The document reflects a consensus effort of Islamic scholars and experts in family matters to lay down and protect the rights of both parties to a nikah (non-registry marriage) guaranteed under the Shari'ah. The document consists of a Certificate of Marriage explaining the rights and responsibilities of the parties to the marriage and recording the terms upon which the parties have agreed to enter into the relationship, with guidelines to facilitate its implementation.

The guidelines accompanying the "Muslim Marriage Certificate" entitled "Explanatory Notes" emphasise mutual consultation, the financial independence of the husband and wife and their shared obligation to support the family. Setting down these matters in writing will allow an intending couple to agree upon many important matters related to their future lives, together with the future of any children, and thus the new document should contribute to a harmonious and happy marriage and family.

The "Certificate of Marriage" provides the parties entering into a Muslim marriage with written evidence of their marriage and of the terms and conditions agreed between the spouses. In the absence of such evidence, parties to a Muslim marriage, and in particular women, have till now faced huge difficulties in securing the financial rights guaranteed to them under the Shari'ah upon divorce.

In launching this important document we, the Muslim Institute and its partners in this effort, undertake to do everything to ensure that the document is used in all Muslim marriages. We are also pursuing a campaign to encourage more mosques to become places registered for the solemnisation of marriage under the 1948 Marriage Act. This will ensure that mosques are able to conduct marriages recognised under English or Scottish law. Thus Muslims married in Britain will be able to access the British courts regarding marital issues whilst at the same time enabling British courts to enforce the rights of parties to a Muslim marriage in accordance with the Shari'ah.

The project to develop a model Muslim marriage contract was initiated by the Muslim Parliament of Great Britain in February, 2004, and was subsequently taken up by the Muslim Institute.

Mufti Barakatullah of the Islamic Shari'ah Council, who prepared the original draft of the marriage contract, continued to lend his full support to the project for its entire duration. Cassandra Balchin, Muslim Women's Network-UK, drafted the 'Explanatory Notes' and kept updating the entire document after each consultation, which was frequent, and worked tirelessly throughout. Judge Khurshid Drabu of the Muslim Council of Britain proposed many useful amendments and suggestions for the improvement of the document. Thanks are also due to scholars, professionals and others who were happy to make their valuable time available to us.

Dr Ghyasuddin Siddiqui

Director, The Muslim Institute, London

8 August 2008

## Muslim Marriage Contract

### Explanatory Notes

For a Muslim marriage to be valid under the laws of England & Wales the marriage must be solemnised either at a mosque registered for the solemnisation of marriages or a civil wedding at a registry office must precede the nikah (Muslim marriage).

Completion of this Marriage Contract allows an intending couple to agree upon many important matters related to their future lives together and thus contributes to marital harmony. As these matters can have lifelong effects upon both spouses and any children, it is important that they be properly discussed beforehand and that both parties read this document carefully.

These notes should be read before completing the Marriage Certificate. They explain the information required in each section.

The Marriage Certificate must be completed and signed in triplicate: one copy should be given to the bride, one to the bridegroom, and remaining one must remain deposited with the Registrar (Imam/Qadi) who countersigns the certificate.

#### 1. Personal Details of bride and bridegroom

Name, Date, and Place of Birth: These should be written in full and as entered on official documents, e.g., passport, driving licence. Please ensure spellings are consistent.

Example: Nasir Ahmed Malik, July 20, 1990, Jhelum, Pakistan

Nationality: Indicate all citizenship documents and passports held at the time of completion of the marriage contract.

Address: Include full permanent address with UK postcode as written in official documents, e.g., passport, driving licence, bank statements. If the groom and/or bride are not permanently resident in the UK at the time of completing the Marriage Contract, enter full permanent address abroad.

#### 2. Status of bride and bridegroom

Accurate completion of this section ensures that the rights of children from any previous marital relationship are protected and that the spouses are mutually aware of any existing financial obligations in relation to children born of any previous marital relationship.

#### 3. Mahr

Mahr is the consideration for the contract of marriage between the parties. It may be in the form of money and/or goods given by the Bridegroom to the Bride in consideration for the marriage. It is an essential element of Muslim

marriage and is exclusively reserved for the use of the female partner. Payment of Mahr could be immediate (prompt), or deferred.

Full Amount of Mahr: Record the total value of the agreed Mahr, e.g., £5,000 in cash, or xyz weight in gold.

a) Mu'ajjal (Immediate/Prompt): This means the total amount of Mahr payable by the Husband at the time of signing of marriage contract.

b) Mu'wajjal (Deferred): This means the portion of the Mahr which is payable to the wife at a specified point in the marriage or at the time of dissolution of the marriage through divorce or death of the husband. Any deferred Mahr that remains unpaid at the time of dissolution becomes a debt against the former husband's assets.

Portion of the Mahr paid at the time of marriage: Enter the details of the amount of money and/or goods received as Mahr at the time of marriage. This does not include general gifts to the bride from the bridegroom and/or his family unless these be expressly included in (a) above as part of the amount of Mahr.

Property given in lieu of Mahr: If any immovable property (land, building, share in a house, flat, etc.) is given by the bridegroom to the bride in lieu of any portion of the Mahr, enter the full address, details of the property (size, or precise portion of the share). Relevant supporting legal documents such as copy of title deeds or appropriate entry in the Land Register must be attached.

#### 4. Property Brought into the Marriage, Dowry (Jehez), and Customary gifts

a) Any property the bride brings to the marriage through her own efforts or through inheritance remains the property of the bride and should be written down;

b) Any customary gifts given by the bride's family (dowry/jehez) at the time of marriage remains the property of the bride and should be written down;

c) Any customary gifts given by the bridegroom and/or his family to the bride at the time of marriage and which are not expressly mentioned as part of the Mahr remains the property of the bride and should be written down;

#### 5. Witnesses

According to Islamic law, a witness should be sane, adult and reliable. This requirement is gender/faith neutral. Hence, the Muslim Marriage Certificate requires to be witnessed by two adult witnesses of good character'.

It is preferable that the witnesses are normally resident in the UK. Personal details should be written in full and as entered on official documents, e.g., passport, driving licence. Please ensure spellings are consistent. Include full permanent address with UK postcode as written in official documents, e.g., passport, driving licence, bank statements.

6. Wali

Parents are responsible for the upbringing of their children. Out of respect and courtesy it is important that young people involve their parents or guardians throughout the process of marriage. However, parental or guardian's legal role finishes when children reach adulthood. Thereafter their role is optional and complementary. Hence the Muslim Marriage Certificate does not require the approval of the parents.

7. Divorce

According to Islamic law, marriage is the most sacred commitment in life between two adults of opposite sex. It attempts to save it wherever possible. As a consequence divorce is regarded by Allah as the most 'hated thing'. However, breakdown in marriage does take place for a variety of reasons. If the divorce is initiated by husband he has to pay the woman any Mahr that remains unpaid. If the divorce is initiated by the wife, and the husband is found to be at fault by the arbiters she does not lose her Mahr. But if she cannot prove his fault, she has to return to her husband whatever Mahr amount she has already received. If the wife initiates the divorce without any grounds, this is called 'khula' and she must return whatever the husband has given her in consideration for the marriage.

Talaq-e-tafwid is delegated right to divorce given by husband to his wife. If and when the wife exercises this delegated right she does not lose her Mahr amount.

8. Place of Nikah (Muslim Marriage)

Enter the full name and address of the mosque or place of marriage.

9. Signatures

Use the same signature as on official documents (e.g., passport, driving-licence, documents for banking purposes, etc.). The Marriage Certificate is not valid unless signed by two witnesses as well as the bride and bridegroom.

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In the name of Allah, the most Beneficent, the most Merciful

'The stipulations that deserve the highest priority that you fulfil are those through which you make marital relations lawful' (Bukhari)

Muslim Marriage Certificate

Praise be to Allah, the Lord of the Worlds and salutations be upon His messenger Muhammad (peace and blessings be upon him), his family and his Companions.

With help and success granted by Allah, after confirming that neither contracting party has no legal or other impediments and with ijab (proposal) and qabul (acceptance):

The nikah (Muslim marriage) contract has been concluded between the bridegroom and bride, as per terms and conditions listed overleaf:

Bridegroom's full  
name:.....

Date of birth: .....  
Nationality/ies:.....

Place of birth: .....

Address: .....

Status of Bridegroom: unmarried / divorced / widowed

Bride's full  
name:.....

Date of birth: .....Nationality/ies:  
.....

Place of birth: .....

Address: .....

Status of Bride: unmarried / divorced / widowed



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Amount of mahr: .....

The mu'ajjal (immediate/prompt) amount: ...../ The mu'wajjal (deferred) amount:.....

Whether any property was given in lieu of the whole or any portion of the mahr with specification of the same and its valuation agreed between the parties:.....

In the presence of two witnesses:

• First witness's name and address:

.....  
.....

Date of birth: .....Nationality: ..... Relationship with bride/groom:.....

• Second witness's name and address:

.....

Date of birth: .....Nationality: ..... Relationship with bride/groom:.....

The bride and bridegroom undertake to act properly toward each other in their marital life and in particular as per terms and conditions listed overleaf. Praise and thanks be to Allah.

The nikah (Muslim Marriage) ceremony was held at  
.....on:

The .....day of .....14..... (Hijri). coinciding with  
.....200.....

We, the undersigned, put our signature to this contract, being of sound mind and without compulsion or duress.

---

Bridegroom's signature Bride's signature

---

First witness Second witness

---

Signature of Imam/Qadi & stamp

Name of Imam/Qadi .....

Address of associated organisation .....

Note: For a Muslim marriage to be recognised in British law it must be held at a mosque registered as a place for the solemnisation of marriage, otherwise the civil ceremony must take place at a registry office first before the nikah (Muslim marriage) ceremony

#### CIVIL MARRIAGE

Reg. No.:.....

Date:.....

District:.....

Serial No.:

Terms and conditions of the Muslim marriage contract:

Definitions:

Nikah - The Muslim contract of marriage;

Mahr - prescribed amount (cash/kind, immediate or deferred) given by the bridegroom to the bride in consideration of the marriage;

Witness – two adult witnesses of good character;

Ijab/Qabul - formal marriage proposal and acceptance;

Husband/wife – bridegroom/bride after marriage contract;

Talaq al-tafwid – delegation of the husband's power of talaq (divorce) to the wife.

#### Preamble to Contract:

The marriage agreement involves some obligations and rights toward each other sanctified by Allah and His messenger, Muhammad (peace and blessings be upon him). Fulfilling the terms of this contract is a religious obligation and duty rewarded in this world and hereafter. Violation of these agreed terms constitutes a sin.

Apart from a formal contractual obligation marriage is also a relationship between two human beings, a man and a woman, that is ideally based on love, mercy and kindness. The partners are therefore expected to base their behaviour not just on legal rights and duties but on the spirit of goodwill, generosity, consideration and sympathy, taking into account each other's individual likes and dislikes. They are expected to conduct all family affairs through mutual consultation in the spirit of giving more than less (Q: 83 : 1-3).

All the rights and obligations expressed or implied hereunder are according to the Shari'ah derived from the Qur'an, Sunnah, Qiyas and Ijma' as codified by prominent Muslim Jurists. Since a marriage contract is a social contract entered into willingly, it recognises and upholds all prevailing social norms, etiquettes and local customs (implicit or explicit), including the law of the land, which are not in direct contradiction of the Shari'ah.

#### Mutual Rights and Obligations:

Marriage is a union for life having mutually inclusive benefits and fulfilment for the contracting parties including the following:

- Preservation of chastity and security of gaze
- Companionship inside and outside home
- Emotional and sexual gratification
- Procreation and raising of any children by mutual consultation
- Agreement to live together in a mutually agreed country and establish their matrimonial home therein
- Working collectively towards the socio-economic welfare and stability of the family
- Maintaining their individual property rights but contributing to the welfare of the family according to their capacity
- Maintaining social contacts with family and friends mutually beneficial for the family

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- Managing their individual activities/roles inside and outside the home by mutual consultation

### Obligations of the husband:

In addition to the mutual duties and obligations, the husband undertakes not to:

- abuse his wife/child(ren) verbally, emotionally, physically, or sexually
- desert/be absent from the marital home for more than 60 days unless by mutual agreement
- withhold economic contribution towards his wife/family
- sexually transmit disease or other transmissible diseases
- misuse /interfere with the wife's property

### Obligations of the Wife:

In addition to the mutual duties and obligations the wife undertakes not to:

- abuse her husband/child(ren) verbally, emotionally, physically, or sexually
- desert/be absent from the marital home for more than 60 days unless by mutual agreement
- sexually transmit disease or other transmissible diseases
- misuse/interfere with the husband's property

### Special Conditions

- Both parties reserve the right to amend/alter the contract through mutual written agreement.
- Both parties undertake to stay loyal to each other and never to engage in extra-marital affairs with the opposite or same sex.
- The husband is not to enter into formal or informal nikah (Muslim marriage) contract in the UK or abroad with another woman, as it is unlawful under the laws of England and Wales as well as the Scottish legal system.
- The husband is to procure separate/independent accommodation from shared or parental abode.
- The husband delegates his power of divorce (talaq al-tafwid) to his wife.
- Details of any additional special conditions mutually agreed upon by bride (Name).....  
and groom: (Name).....

### Arbitration and adjudication

- All differences between husband and wife pertaining to this contract, its interpretation and implementation should be amicably resolved between themselves.

- However, failing satisfactory resolution of differences, both parties undertake to settle their differences through family consultation and/or community leaders.
- Before resorting to legal redress through British civil courts parties undertake to seek arbitration/reconciliation through a reputable UK-based Shari'ah panel/body/council whose decision shall be morally binding on both parties.
- In matters of child(ren), custody and property possession/division the decision of a British courts will be acceptable to both parties.

#### Termination of Marriage contract

- Parties to this contract undertake to endeavour to do their best to uphold the terms of this contract
- Neither party will end this contract unilaterally without recourse to arbitration/reconciliation by an independent Muslim professional body.
- Failing to resolve differences through arbitration/reconciliation they seek legal redress through UK-based Shari'ah body and/or a British civil court depending on their circumstances i.e., if the marriage be conducted at a mosque registered for civil marriage, and arbitration fails to resolve the dispute, the marriage must be dissolved through British court first. If the marriage was not conducted at a mosque registered for the purpose of the solemnisation of civil marriage and arbitration fails to resolve the dispute, the marriage can be dissolved without recourse to a British court, but the parties must agree that this process must take place through a reputable UK-based Shari'ah/body/council.

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## **MOSQUES AND IMAMS NATIONAL ADVISORY BOARD: SELF REGULATION AND STANDARDS**

### **Standard 1: Members apply principles of good corporate governance**

#### **Lines of enquiry**

Where relevant, members have a governing, which commits itself to open, democratic, accountable management

Where appropriate, members are registered as a charity, waqf or company

Organisations have a publicly displayed policy on raising and spending of funds

There are written and easily accessible policies on equality of opportunity, racial and religious harassment, health and safety, hygiene, child protection and each policy has a clear system set out for monitoring implementation

There are systematic risk assessment processes in place

Organisations undertake regular monitoring to ensure compliance with Health and Safety, Hygiene, Fire Prevention, Childcare and protection and disability requirements

Organisations maintain and up-to-date risk register

Criminal records bureau (CRB) checks are conducted for all volunteers and staff with access to members of the community in the normal course of their duties

#### **Evaluation of evidence that needs to be taken into account by organisation for self assessment**

Members apply principles of good corporate governance and the evaluation of whether this is undertaken is through self assessment using documents such as governing documents, policies on raising and spending of funds, policies on equality of opportunity, racial and religious harassment, health and safety, hygiene, child protection. Evidence of a risk register, a process for undertaking systematic risk assessment need to also be in place. Monitoring compliance with Health and Safety, Hygiene, Fire Prevention, Childcare and protection and disability requirements need to also be in place. There are child protection policies in place. Policies comply with "Working Together To Safeguard Children (HM Government, 2006) There are effective processes in place for identifying, reporting and taking action on child protection issues, in accordance with the Protection of Children Act 1999, the Children Act 2004 and Working Together To Safeguard Children (HM Government, 2006)

### **Standard 2: Members ensure that services are provided by suitably qualified and or experienced personnel**

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Lines of enquiry	Evaluation of evidence that needs to be taken into account by organisation for self assessment
All volunteers and staff involved in delivering spiritual care and treatment receive appropriate supervision	Members ensure that services are provided by suitably qualified and or experienced personnel. The evaluation of whether this is undertaken is through self assessment using documents such as up-to-date job descriptions for staff and volunteers, personal development and training programmes provided by the organisations, attendance records of staff and volunteers attending any training programmes, percentage of staff who have been appraised in an year, percentage of volunteers who have been appraised in an year. Policies on supervision of staff and volunteers are also examples that can be used by organisations to self assess whether they are compliant to this standard.
Spiritual leadership is supported and developed within all disciplines	
Volunteers and staff have access to personal development and training, including religious/scholarly training	
Volunteers and employees continuously update skills and techniques relevant to their work	
Volunteers and employees from all disciplines have access to, and participate in, activities to update the skills and techniques relevant to their work	
There are written policies that set out systems of implementation and monitoring on support, supervision and appraisal of volunteers and staff.	

<b>Standard 3: There are systems and processes in place to ensure that there are no impediments to the participation in the activities, including governance, for young people</b>
--

Lines of enquiry	Evaluation of evidence that needs to be taken into account by organisation for self assessment
There are youth committees set up to involve youth	Members ensure that young people are involved in structures within the organisations. Examples of this involvement are having youth as part of the decision making processes within the organisations, youth have opportunities to lead on projects for the community.
There are programmes that cater to the needs of the youth	
There are opportunities for the youth to access leadership development programmes	

<b>Standard 4: There are systems and processes in place to ensure that there are no impediments to the participation in the activities, including governance, for women</b>
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Lines of enquiry	Evaluation of evidence that needs to be taken into account by organisation for self
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### assessment

There are women committees set up to involve women	Members ensure that women are involved in structures within the organisations. Examples of this involvement are having women as part of the decision making processes within the organisations, women have opportunities to lead on projects for the community,
There are programmes that cater to the needs of women	
There are opportunities for women to access leadership development programmes	

<b>Standard 5: Members ensure there are programmes that promote civic responsibility of muslims in the wider society.</b>
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### Lines of enquiry

### Evaluation of evidence that needs to be taken into account by organisation for self assessment

There are programmes that actively combat all forms of violent extremism within society at large	Members ensure there are programmes that promote civic responsibility of muslims in the wider community. Examples of this are inter and intra faith programmes, events where communities come together to discuss the commonalities of their values, programmes whereby there are Islamic awareness training programmes for local communities.
There are events to discuss, explore and to promote the importance of living in peace with others in a culturally diverse society	
There are interfaith and intrafaith activities taking place with local communities	
There are Islamic awareness training programmes available locally	



**Umbrella Bodies**

<b>Name of Organisation</b>	<b>Contact Name</b>	<b>Job Title</b>	<b>Location</b>
Al-Khoei Foundation			
Bolton Council of Mosques			
Bradford Council of Mosques			
Centre for Spirituality and Cultural Advancement (CSCA)			
Faizan-e-Islam			
Federation Muslim Organisation (FMO)			
Federation of Muslim Organisations, Leicester			
Federation of Student Islamic Societies			
Islamic Society of Britain			
Karimia Institute			
MINAB			
Minhaj-ul-Quran International UK			
Multifaith Partnership			
Muslim Arbitration Tribunal			
Muslim Council of Great Britain			
Muslim Council of Wales			

**Law Commission Proposals on Cohabitation**

The Law Commission's project on cohabitation focused on the financial hardship suffered by cohabitants or their children on the termination of their relationship by separation or death, concentrating in particular on the following issues:

- Whether cohabitants should have access to any remedies providing periodical payments, lump sums, or transfers of property from one party to the other when they separate.  
A review of the operation of existing remedies providing capital awards (such as lump sums and property transfers) for the benefit of children under the Children Act 1989.
- Whether, where a cohabitant dies without a will (intestate), the surviving partner should have automatic rights to inherit. The law currently gives surviving spouses an automatic inheritance in such circumstances. Cohabitants can normally only benefit from the estate in such cases if the courts (under the Inheritance (Provision for Family and Dependants) Act 1975) grant them a discretionary award on the basis of their needs.
- A review of the Inheritance (Provision for Family and Dependants) Act 1975 as it applies to cohabitants and their children.
- Whether contracts between cohabitants, setting out how they will share their property in the event of the relationship ending, should be legally enforceable, and, if so, in what circumstances.

***The project***

The project looked at people who are living together as a couple, but who are not married to each other or who have not formed a civil partnership (the status available to same-sex couples who register their relationship).

In order to keep the project manageable, and to produce recommendations closely tailored to the particular needs of this category of relationship, the work focused solely on cohabitants. It did not consider:

- Relationships between blood relatives or "caring" relationships
- "Commercial" relationships (landlord and tenant or lodger)

It also did not consider:

- Tax (including inheritance tax), social security or insolvency. The Department for Constitutional Affairs has indicated that a consideration of these issues would not address the most immediate policy needs.
- Child support. The Child Support Act applies to all non-resident parents of qualifying children, regardless of the nature of the relationship between

the parents (whether spouses, civil partners, cohabitants or none of these). The child support system has recently been reviewed by the Department for Work and Pensions, and at the time of publication of our report on cohabitation is the subject of a Bill passing through Parliament.

- Parental responsibility. This has been recently considered and legislated upon in the Adoption and Children Act 2002.
- Next of kin rights. The Department of Health has recently amended its policy guidance to NHS staff to extend consultation with next of kin to include unmarried partners.

***The Law Commission report and the Government's response***

Following extensive consultation, the report to Parliament was published on 31 July 2007. The report contained final recommendations regarding the law as it affects cohabitants' property and finances when their relationships end, whether by separation or by death.

The report was based on a consultation held by the Law Commission in 2006. The consultation paper set out various provisional proposals and posed a number of questions on which consultees' views were sought.

On 6 September 2011, the Law Commission's response was published to a written ministerial statement issued on behalf of Government by Parliamentary Under-Secretary of State, Ministry of Justice, Jonathan Djanogly. The statement announced the Government's intention to not take forward the recommendations for reform during the current parliamentary term.

