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| **I** | Ok, so I’ll start the recording. Right, so, I’m just going to ask you a few questions about the wedding ceremonies, the Nikah that you oversee and then I will ask you some questions about the Law Commission’s proposed reforms which is that document with the pictures that you mentioned, that I sent to you before. So, the first question is, can you tell me about the last wedding ceremony that you conducted? Focusing on the type of ceremony and the location. |
| **R** | Well, As-salamu alaykum. I did conduct the first, I mean the latest one in um… in *[0:00:46]* day at [organisation] here in [address] …. [inaudible] where I’m Imam around three months ago. |
| **I** | Mm hmm, ok. And what sort of ceremony was it? |
| **R** | Well, it was a Nikah… a Nikah ceremony. You can say Islamic Marriage ceremony. Because of the virus pandemic, I just allowed both sides… around ten people was from male side and ten people on female side. And they were sitting in the main hall in the Mosque, but social distancing. There was full, you know, with the facemasks and gloves and these things as well. Just, we did Nikah ceremony quick and there wasn’t any food or anything because of the pandemic. |
| **I** | Ok. Ok, thank you. So, is it usual to meet or otherwise communicate with the couple before the wedding ceremony? |
| **R** | Yeah. Well, this is our regulation. We can say… well, usually I… they come to me one week or ten days… minimum of one week… or between one week to two weeks’ time. They bring both IDs. Male and female’s picture ID regardless of the kind of valid ID, like a driving licence, passport or a biometric card or something like that. And I will ask them some questions, for example, their age, their proof of address, they should bring as well. They should bring the… for example, with them, if they’re girls for example, bring mum, brother or father; and those who are responsible from the girl side, sometimes. As well as the male side, he should bring as well his valid ID, proof of address and as well as I ask them, are they, for example doing this marriage first time or second time; if they’re on first time, that’s fine. If they’re on second time, then I also ask them the divorce decision and letter as well. This was the last time this had happened, for example, in *[inaudible 0:03:54]* the lady was divorced, got divorced already, but I said, “you should prove me the decision, divorce decision.” They should… but they brought the court decision letter. I have as well, picture as well. I make the picture for both IDs and, as you know, proof of address and the divorce decision papers as well. |
| **I** | Mmm hmm. |
| **R** | Like this, if they are first time then there’s no… that’s fine then. |
| **I** | Ok. Ok, thank you. So, do you consider the ceremonies that you conduct are a process towards a legally binding civil ceremony? So, do you think the Nikah is part of a process where the couple will eventually go and get a legal marriage, or is it just something on its own? |
| **R** | Well, this is a… I think very important question. Basically, in our Islamic marriage certificate under the bottom of the certificate already mentioned… this certificate only Islamically valid, and this will be valid after the registration in the Council. This is what we usually do. But I think it’s good, but if they merged both together, as well as being better for the safety of both sides, they can save their rights and, you know, the responsibilities and these things. But I do this only Islamically, on the Islamic side… both can, you know, we work together, can live together and these things. But … I made the condition that this ceremony will be valid when they get registration from the Council. Yeah. I can help them. For example, sometimes I give them the link of the Council for the registration, they can book the registration and then go to there and these things. |
| **I** | Mm hmm, ok. Ok. So, how do you see your role in advising a couple on the legal status of their wedding under English law? So, when you perform the Nikah, how do you… what is your role, do you think, in telling them that it isn’t legally valid? |
| **R** | Well, this is a good question. I just tell them, “this is just Islamically we’re going to do the ceremony. This is the first step, then straight away you book the appointment in the Council. You are… you know, the ceremony will be valid when you register in Council.” This is always I advise them. Sometimes they get registration before. This has happened as well. Sometimes, they got registration already, then they come to me, “can we do…” because Islamically, they can’t be satisfied until they perform Islamic marriage, by Imam or with Imam. Then they feel they’re happy and proper and, you know, they are in a proper marriage system. Or sometimes, yes, this has happened. Sometimes they go to the Council to register then they come… bring certificate and we did, for example, this register and everything, but we need still Islamic marriage. |
| **I** | Ok, thank you. So, with the weddings that you conduct, the Nikah, where did they generally take place? |
| **R** | Yeah, well, this is… usually before pandemic, for example, one year ago, I conducted one in the [village name] Hall. There is a hall in the [village] area, there is a hall. The wedding hall. Sometimes they do marriage and programme and ceremony as well as Islamic marriage, I mean Nikah, as well at the same time in the marriage hall, you know… the hall. But in these days, this is only happened once during this pandemic, this Nikah which I told you already. They came in my mosque. I think during this period, around six years’ time, twice they come here in mosque. One is in the last three months… three to four months’ time. And one was three or four years ago. But usually, if they call me, they call me into the wedding halls. |
| **I** | Ok. |
| **R** | Yeah. |
| **I** | So, mainly in the wedding halls. Ok. That’s fine. So, have you seen a change… so, sorry, can I ask, how long have you been an Imam in the UK? |
| **R** | Um… around six years… six and a half years… |
| **I** | Six and a half years… |
| **R** | …around six years, yeah. Six year plus. |
| **I** | Ok. So, in that time, have you seen a change in the number of people wanting to have the Nikah? |
| **R** | Change in what? |
| **I** | In the number…so, have there been more people or less people coming to your… |
| **R** | Well, for the Nikah you mean? |
| **I** | Yes, for the Nikah. |
| **R** | Well, basically, here in my mosque, they come… maybe, usually, well twice a year, two different weddings for example, across the year. Sometimes once a year. This time, the once a year, this was three or four months ago this has happened. It’s very less… yes, I can say for example, maximum three times a year. |
| **I** | Mm hmm, ok. Fine. So… |
| **R** | That was usually put at our, you know, central branch that is… and *[name]* Community Centre, where my other colleague gave the interview with you. |
| **I** | Ok. |
| **R** | That is our Head Office. They usually go to the Head Office, but in my local area’s people come to me. |
| **I** | Ok. So, how… is that a big… is your building fairly large or is it a little bit smaller? |
| **R** | Well, this is… my building is not large, but is very famous. Because this is the old building. Basically, this is the [organisation], actually the [organisation] we’ve got our registrations, our lessons, the radio, everything. From this name – [organisation] – it’s the oldest one, but it is small. Now, I Head Office, a big, massive building, there is a nursery, there is a radio station and mosque and a playground, well, not playground basically, it’s a sport hall, like these things, aren’t they? That is a big building, main building, Head Office *[0:12:01]* |
| **I** | Ok. Ok, thank you. So, in your role as Imam, conducting a Nikah, why is it important that you conduct these ceremonies? That you conduct the Nikah? |
| **R** | Well, according to Islam and religion from Islam base, people feel happy and satisfied they are doing their… you know, faith sidelegally. As I told you, even they got registration in city Council, they came to Imam and said, “can you do our Islamic marriage?” I usually ask them, “what about your extra step or about registration?”, and they give me the certificate, they say, “we are already registered”. I said, “that’s fine”, but they said “well, I will need Islamic marriage, Islamic Nikah as well,” because they feel that this is the permissible Islamically, there is a *barakat* as well and mentally they feel satisfied, you know, they’ve done proper Islamic marriage and these things. |
| **I** | Ok. Thank you. |
| **R** | And some of them well known, this certificate or this Islamic marriage can’t give them anything, but just they feel mentally satisfied you know. |
| **I** | Mm hmm. |
| **R** | Logically, they get benefit, but they know there’s not any… you know, strength or power or something. |
| **I** | Mm hmm. Ok. |
| **R** | Yeah. But there are some as well I can say, for example, around one year time ago one lady came to me, she said, “I want to extend my ID… ID mean Pakistan Identicard. I went to the embassy” – she wanted to go to Pakistan, but she was, you know, divorced. They said, “you bring your divorce certificate, otherwise we can’t… or you bring your husband with you and Nikah certificate; either Nikah certificate or divorce.” So, once again, you write the divorce for us because the Nadra *–* it’s called Nadra in Pakistan system, Nadra, I mean ID card, they make the system.So, this mean they give them the benefit as well; the Pakistan authorities will recognise the Islamic marriage certificate and Islamic divorce as well, until they can, you know, accept them. Either the wife and husband or they accept them as a divorce certificate and they are separate. |
| **I** | Mm hmm. Ok. |
| **R** | Yeah, then I said, “you got… this is not on my head, this is my right, you’re going to bring your husband. If he can give the divorce to you, I can give the divorce notification and you can *[ inaudible 0:15:37]* on his hand, your husband’s hand. After two weeks, I think, they came both together, wife and husband. They were divorced a year ago maybe, more than, then I give them divorce notification. He wrote the reasons why… what reason he is going to divorce and this and that.  |
| **I** | Ok. So… |
| **R** | So, there is… you know, even in Pakistan, they can see that as well, Islamic marriage and Nikah and divorce as *[inaudible 0:16:21]* |
| **I** | Ok. |
| **R** | Yeah. |
| **I** | So, in the last six years, has there been any change in your role in conducting the Nikah ceremonies? For example, has there been any change in the way in which people are getting married? The form of the ceremony, I mean. |
| **R** | Well, yes, they are coming… kind of… usually they directly do in wedding halls. Nikah and celebration together but now, I feel they are coming to mosque, do Nikah ceremony before - one day… up to one week, for example - then they do the, you know, programme or wedding programme or wedding ceremony in wedding halls. I really feel this is coming to changing in the community. They are coming to do ceremony and Nikah before… |
| **I** | Mm hmm. |
| **R** | …then they arrange the programme… wedding ceremony programme or something. |
| **I** | Ok. So, a slight difference, ok… |
| **R** | No. |
| **I** | So, you do not conduct legally binding ceremonies, is that correct? So, you’re not registered… |
| **R** | Um… no, no… yeah, that’s right, yeah. I just give the Islamically, yeah. That’s right. |
| **I** | Ok. So, is there any particular reason why you don’t… why you’re not an authorised person who can conduct legally binding ceremonies. So, basically, within the law there’s an option for a building to be a registered building and then for you to be an authorised person who can then conduct the wedding ceremonies and it becomes legally binding. Is there any particular reason why that’s not something you’ve engaged with? |
| **R** | Yeah, that’s right. I think this is the main reason, yeah. Even though… you know, even though our buildings are registered as a community centre, as a mosque, as an institute, all these things. I think they’re not registered as a wedding hall or wedding ceremony, as a registration office, something like that. |
| **I** | Mm hmm. |
| **R** | Yeah. |
| **I** | Ok. Would you consider becoming registered? A registered place? For weddings. |
| **R** | That would be good. Yes. I think it is a good idea if they register, for example, or affiliation at least with city Council, yes, but I mean, this will be the option for the people, those who want to come to, for example, my hall, my centre, they can do registration here and do that. Those who don’t want to come here, my centre for example, they can for example any other place and then they go to Council hall and get registration on this. I think it will be good as well. |
|  |
| **I** | Ok. |
| **R** | Not compulsory to have to come to my centre otherwise will not get marriage. I don’t think that’s good. There should be the option of, those who want to come and this, my building, my place, for example, that registration wedding, conduct the Nikah, then they’d arrange, for example, the ceremony or something. Or, for example, this should be optional. If they go to any other institution or other mosque, or to any other Imam, they can get the Islamic marriage… a Nikah and these things. Then they go to the Council hall to have registration. I think it would be more freedom and optional and easy for them as well. |
| **I** | Ok. Ok, so, that’s a good place for us to start talking about the law reform proposals that the Law Commission has put forward. So, these are all proposals for a way in which English law can change, so that marriages are easier to conduct from a range of different backgrounds. |
| **R** | Very good. |
| **I** | So, the first major change would be around how notice is given. So, at the moment, you would have to give the notice to the Register Office in person. So, that could be done online, and then the process that would follow there is that the couple would be given a schedule… a wedding schedule, it’s a document basically that is to be signed and that’s given to them by the Register Office, they can then take that to their wedding and then at the wedding it’s signed by the couple, by the Officiant who oversees the wedding and by the witnesses. And then, it’s returned to the register office at the end. So that’s a slight different process. They’re also proposing that the system changes so that you have Officiant’s who oversee the marriage. So, religious groups can nominate an Officiant who can officiate the wedding. The group making the nomination could be either an overarching organisation or a local one; you just need to have 20 like members… 20 members who regularly use your facility for example. The main duties would be to ensure that there’s consent between the parties and that there are witnesses and that the schedule… the marriage schedule is signed. So, that’s the Officiant’s role. The Officiant could also perform the actual ceremony, but they don’t’ have to. So, you could have another Imam that does that and the Officiant just takes on a more sort of oversight role. Then, with the ceremony itself, that could take place anywhere and it would be for the Officiant to decide whether it’s a safe and dignified place and religious organisations themselves can decide… can impose their own requirements on how people should marry. And then there would be no prescribed words, so the parties can show their consent in words or in actions and it would be the signing of the schedule that evidences their consent. So, quite a few changes that would completely change overall, how weddings are done. So, my first question is, would these proposed reforms make it easier for Nikah ceremonies to be legally binding? |
| **R** | Mm, well, I really think that the usual one is easier. |
| **I** | Ok. So, you prefer to keep them separate… |
| **R** | Yeah, because |
| **I** | …ok. |
| **R** | …they… yeah, for example, book the…. accordingly, they’re own option time, the hall, or they do the Islamic marriage, for example, on *[inaudible 0:23:57]*. Afterwards they book, for example, registration and Council regardless,before their wedding programme or ceremony in hall. And… or after for example. Because there is no timeline, for example, they did Islamic marriage… |
| **I** | Mm hmm. |
| **R** | …then they did their ceremony or wedding in wedding hall. Then they afterwards… they got registration and Council hall. Or opposite. For example, first they did registration in city Council. Then they, for example, at the same day, the Islamic marriage, wedding hall, and at the same time of wedding, as well. I think this is the easy one. But… and this will… as you mentioned, I think this is good, more secure… more secure, because then they can’t get delay for example… they for example be bound until they complete this schedule, registration and everything, then they go to have the Islamic… the ceremony… wedding ceremony. I think this is more secure and more… but that is not easy. The usual one is easier, but not as secure. Yes. |
| **I** | Ok. Ok. Thank you. So, with these proposals… so, you’ve already mentioned that you think the current process is easier; would the proposed reforms give rise to any problems for the types of ceremonies that you conduct? So, would it give any rise to any problems for the Nikah? |
| **R** | Well, as usual, we have this one, for example, a problem, for example can be problem, yeah? |
| **I** | Mm hm? |
| **R** | …for example, they got Islamic marriage, they did wedding ceremony… |
| **I** | Mm hmm. |
| **R** | …but if they… they didn’t register in Council, then no one hasright and obligation from any other, they are free. They can break a Nikah any time. And they know… this paper, this is the only a piece of paper, there’s no any authority can… ever can stop them. There’s no *[ inaudible 0:26:46]* but the other reason maybe they get delay from Registration *[inaudible 0:26:57]* any one of them can, for example, could die, or any incident, the other will lose the right for example, if they have a house, for example, or one of them has died, the house will not be for the wife or the husband, but because they’re not legally registered, because they’re not legally wife and husband, because only they are wife and husband Islamically and that's not good. Yes, that’s why I usually advise them when they come for example, one week or two weeks’ time to me before the… I conduct the Nikah, I always advise them; this is the Council number for example. Go to call the Council, book your registration in there as well, regardless before to come to me or after, it’s not problem, but you must registration quickly. If, for example, I conduct the Nikah, for example in the wedding hall directly, I always advise them ‘go tomorrow or day after tomorrow, book your registration, is much better these things.’I always advise them due to *[inaudible 0:28:25]* that’s why they want to secure their rights, you know. But in this way, they’re getting… for example… their life is busy. Every day are delay, delay, delay, then they get, for example, disagreement, for example, conflict, for example can happen, between wife and husband. Yeah, that’s why I think these are the risks and this… there’s other risks as well. But the other side, well, you are saying, proposing that is more secure,but not easy, they’re kind of difficult. |
|  |
| **I** | Mm hmm, ok. Thank you for that. How do you think the proposed reforms will impact on the process of getting married, within Muslim communities? |
| **R** | According to my own opinion? |
| **I** | Mm hmm. |
| **R** | If the city Council arrange, for example, direct link to give to the Imams, when the Imam registersin their office, this registration thengoes to the Council; if every legal side, for example, proof of address, IDs, age… these things and witnesses and dowry, as you can say Islamic gift or these things… the picture, for example, and validate it, for example, everything should be explained, and she had, for example, *[inaudible 0:30:05]* for example, any of the legal source. They say the *[inaudible 0:30:12]* for example, in front of me. Other option, for example, council applies the legal register… register made by Council… |
| **I** | Oh, I’ve just lost you there. |
| **R** | …regulation. |
| **I** | Sorry, we lost the last sort of ten seconds of what you said. |
| **R** | Well, the second option had a suggestion, basically. The other suggestion that is easy more than that even, because sometimes the Imam is quite old, for example. He is not good on a computer, for example, he is, for example, not good in English, for example. He is not good for example to write, for example. And, for example, he is not good in communication in English language, for example. The other option is the Council provides a register… register… for register. Booklet, for example. |
| **I** | Mm hmm. |
| **R** | ….to the Imams, to the institute for example. Regardless of the Imam, they give to the institute, all mosques with their number, address, postcode, everything, for example, on the top of the… on the bottom of the register, mention, like a bank cheque book. |
| **I** | Mm. |
| **R** | Bank cheque book. There is your name, my name, [named-136],my cheque book is my own name. This means this is my cheque book, not yours. |
| **I** | Mm hmm. |
| **R** | Likefor example, if they make smart booklet like a kind of cheque book, they mentioned, for example, [organisation name], for example. Yeah? And postcode, everything on it and they had the Iman as, I think,as responsible person in the mosque andcommunity. This Imam serves a responsibility when we want to conduct thatregistration of Islamic marriage, Imam should check these individual papers, for example, IDs, proof of address, age, divorce decision… everything. Additionally, the witnesses,for example, then he conduct their Nikah directly, and, for example, there should be the timeline, for example, during one month, during two months, during one week or two weeks’ time, Imam should submit this paper to the Council. ‘This Nikah, for example, I conduct on that day for these people,’ this will be fine, and give one copy to each one of the couples. Yeah.  |
| **I** | Ok. |
| **R** | And the same, for example, which Council is taking. The Imam should take the fees and these fees and this proof to the Council, for example. |
| **I** | Mm hmm. |
| **R** | Or there is a third option in front of me, for example, the suggestion, basically… |
| **I** | Mm hmm. |
| **R** | …the girl, for example, specify the, for example, having it in Council hall with a Muslim Imam’s, one Imam, but each paid, for example. One Imam for…like a Chaplain, for example. One Chaplain, from Muslim community; the Imam should know the multi languages – Arabic, Urdu, English, Pashto – these different languages; at least five languages, no? |
| **I** | Mm hmm. |
| **R** | Because if you can take five different languages peoples at ceremonies, weddings, for example, you know… yeah. Not only one English, only not English will not be enough, because some people, for example, they are not good in English, their mother tongue is, for example, Arabic. For example, Urdu, for example Nigerian, for example so and so. So, the Imam should know three or four different languages, then he should have the wedding in Council hall. For example, specific days, for example three days a week, four hours, five hours, six hours he should be available for the wedding ceremony and he do directly the registration, Islamic marriage at the same time as Council halls, in each cities,for example.The main city, for example, town hall can take this responsibility. For example, Nottingham and Nottinghamshire’s. Birmingham and Birminghamshire centres in Birmingham. Like Manchester and Manchestershire shall be in Manchester City Council. Like this, as well I have other suggestions for example. |
| **I** | Ok, thank you. I’m gonna sort of bring it back into the discussions about the proposals. Thank you so much for sharing your views there. Is there anything else that you would like to say about the proposals themselves? |
| **R** | Myself? |
| **I** | No, so the proposals that I ran through, that I described to you, is there anything else that you… |
| **R** | I really, really happy about your proposal, because you are working, for example, for the community as a whole. You want to put a… make the set up for the whole community, this is good effort. But this is a big, massive effort… |
| **I** | Mm hmm. |
| **R** | …you need to understand… as my views, for example, I will give you three different options. Maybe my other colleagues, other Imams, or maybe other person gave you different opinions, then you will go, you know, and analyse these views… then you want to gather these views and make a plan, for example, will be good, helpful. I really advise even if you… and not only Muslim, maybe as a whole for the community, those with different faiths as well. There should be as well some guidelines for them as well, for example if you can take interviews with other faiths, for example… |
| **I** | Yeah. |
| **R** | …different faiths, how they are doing and what they are… you know, for example, asides and where there are weaknesses, for example, you as well have them as well, I think. |
| **I** | Sure, yes. |
| **R** | Then you merge both different sides… kind of, you know, and one way system. |
| **I** | Yes, hopefully, that’s the plan with this project. Ok, so thank you so much. I’m going to stop recording there. |
| **0:38:39** |  |