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| **Participants(s): (Initials) Name** | R | Respondent  |

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| **I** | Recording now. Okay, so I’m going to ask you the first question. |
| **R** | Yep. |
| **I** | So, if you can just tell me about the last wedding ceremony that was conducted in the mosque in which you’re an Imam? And just focussing on the type of ceremony and the location. |
| **R** | So, obviously we’re based in the [county] and the last… I think it was last year, before Covid, because obviously with Covid, we haven’t done any kind of… so, people come to the masjid and obviously they ask to get married and over the last few months, I have had lots of inquiries. So, what we do in the masjid, we either… one of the Imams who’s registered to conduct these marriage ceremonies… so there’s a process in terms of… obviously, we like people to go through the registration process of registering the marriage with the register office. And normally we ask people to bring a confirmation that they’re already, you know, in the process of registering their marriage legally.So, when they have that appointment, then we normally conduct the Nikah, which is the Islamic marital contract or ceremony. And that is done with, obviously, there’s two witnesses and there’s lots of, you know, you normally ask people for… speak to both parties first and you have a discussion with them before the ceremony to make sure that obviously there’s a level of understanding of what they are entering into and both are consenting adults. They have full capacity in terms of, you know, mental health and things like that.And we normally, you know, help people. So, one of the things that we’re trying to do is to educate people about marriage before they get married, as well. So, that’s also part of the process and letting them know about their roles, responsibilities, rights et cetera, et cetera. |
| **I** | Okay. Thank you. Thank you for that answer. So, you’ve already mentioned this but is it usual to meet or otherwise communicate with the couple before the wedding ceremony? |
| **R** | For us that is essential. We have to speak to the couple. We can’t just… normally, you will have meetings prior to the ceremony, and you will conduct, kind of, you have a conversation with them. You make sure obviously that then everything is okay. They speak to them. You attain, also as I said is important, that they’re both happy with the process. Also, they’re both consenting to it. They both, kind of, they have full capacity. Also, both to understand Islamically as well as legally that, you know, both parties have obligations for each other as well as responsibilities. And it’s about, kind of, making sure that we make sure that everything is done correctly, transparently and also their intention, you know, so there’s no ulterior kind of motives or anything like that. And I think that’s why it’s important to make sure that also they’re registering their marriage legally because then that will protect both parties under the law. |
| **I** | Okay. So, you have definitely answered this question in what you’ve said, but just to confirm. So, the ceremonies you conduct, do you see them as a process towards a legally binding marriage? |
| **R** | Absolutely. Because it’s important is that, you know, we do the Islamic preparation and the Nikah so the couple can conduct their, kind of you know, they might be able to travel together because that’s something… you know, the barrier if they’re not married, then they might not be able to speak to one another. Families might not allow that or whatever.So, it’s done in order to facilitate. So, they can facilitate, you know, the process of the wedding and the process of legally registering everything. But the main thing for me is also to make sure that, you know, there’s a legal process and the legal process is done by registering the marriage. Because that, as I said, it just helps people rights in terms of their protection. In terms of their safety. In terms of everything else. In terms of establishing the marriage on the right footsteps from a religious perspective as well as a legal process. |
| **I** | Okay. Thank you. So, how then do you perceive your role in advising the couple of the legal status of the ceremony? So, the ceremony that’s conducted in your masjid is the Nikah. Do you explain to them the legal significances? |
| **R** | Absolutely. So, it’s about enabling them to understand the importance and to understand that, you know, for the marriage to be legally registered, and also for their rights to be fulfilled, they have to register the wedding legally. And also, as I said, in our centre, we don’t allow… we don’t conduct the marriage until someone is already in the process of registering the marriage.So, we normally ask them to bring a letter to say, you know, they already had an appointment to say that the marriage, legally, is already in process. And we normally advise them before we can do anything to bring a confirmation to say, you know, that we have an appointment within 28 days or whatever the timescale is, within the locality. And then, when we have that evidence that from the register office to say that the marriage is already in the process of being registered, or there’s already an appointment or process in place, then we conduct the Islamic marital ceremony. |
| **I** | Okay. Thank you. So, where do your ceremonies generally take place? So, if somebody comes into the masjid and asks you, “We want to get married,” where would the Imams generally conduct the ceremonies? |
| **R** | Normally in the masjid, in an Imam’s office, or in the centre. You know, we have like a conference facility. So, people can sometimes bring members of their family. Or they’ll bring, you know, like members of the community and Islamically, when marriage is conducted, Islam would say from our Islamic etiquette and Islamic guidance and tradition, the marriage is made known. There’s this concept in *fiqh* or jurisprudence to make sure that the wedding is publicised within the community as well as to be known and to be kind of celebrated, you know what I mean. So that, you know, because it’s also protection for people when things are done in an open and transparent way really. |
| **I** | Mmm hmm. Okay. Do your Imams conduct ceremonies anywhere else? Like any other… like at home or…? |
| **R** | No. |
| **I** | Okay. Nowhere else then.  |
| **R** | No, we don’t go to people’s homes. No. |
| **I** | So, how long have you been part of the mosque? How long have you been an Imam there? |
| **R** | Nearly six years, I think. Yeah. |
| **I** | Okay. And in that time, has there been any change in the demand for the Nikah ceremonies? Are there more or less people or is it just the same? |
| **R** | I think it’s the same, but I think people are… sometimes they expect the Imam to do everything and to just to do the Nikah but when we ask them to register the marriage first, sometimes they are taken back. Because it’s always the expectation that the Imam will register the marriage and that’s the end of questions asked perhaps but we want to comply with the law and it’s our kind of commitment to that. You know, we don’t do anything unless there’s a compliance and that people register the marriage first. |
| **I** | So, what’s the usual response? Do people generally say, “Yes, that’s okay, we’ll do it,” or do they say, “Oh, I’m going somewhere else”? |
| **R** | Yeah, yeah. “Well why can’t you do it because so-and-so masjid does it or so-and-so… they don’t ask any questions.” I say, “Well, that’s for them to… that’s our process and we want to protect people.” Especially vulnerable people who don’t have capacity or people who don’t know their rights, are they going to be fulfilled. So, it’s important that people have protection under the law. And we want to kind of encourage that really. |
| **I** | Okay. So why then, do you think it’s important for you to be able to conduct these ceremonies? So, for your mosque to be able to conduct the Nikah? |
| **R** | I think because it’s part of our faith, it’s part of our community, it’s part of our tradition and it should be encouraged and there’s no conflict between what the legal process is and what the religious obligation is because the two can run side-by-side. And the law should make provision that these kinds of marriages are part of people’s culture, people’s religion, religious requirements, people’s tradition. And, as long as, you know, we have facility within the legal process and there’s a connection, so I would really encourage that. We have collaboration between the statutory and also the religious and cultural and community kind of settings, where we collaborate together. Just to have something so people kind of feel that spiritually and religiously, when the marriage is done, they feel happy about that because it’s part of their tradition, it’s part of their culture, part of their religion.And then legally, they’re also safeguarded and respected under the law, so I think, if we have a happy medium, there’s a collaboration between the two kind of parallel processes going hand-in-hand. That will help, you know, kind of make sure that everything is done correctly. And done on the various levels. |
| **I** | Sure. Okay. Thank you. So, has there been a change in the role of the Imam that you can see in terms of conducting the ceremony? So, for example, has there been change in the form of ceremony? |
| **R** | I think in the past, people will race the marriage and maybe Imams in the past will have just done the Nikah or they won’t tell them or ask them any questions, you know, about the legal process. But I think now, people are more aware that the legal process runs hand-in-hand with the registry requirement. |
| **I** | Okay. |
| **R** | So, I think from that perspective, people are more discerning about their legal responsibility and the institutions are compliant really and all we’re trying to… I know a lot of Imams are trying to do their best to encourage people to follow the legal process and I think now there’s more Imams who are kind of brought up and educated within the UK, so they have more awareness of the needs of the family, the requirements and also potential problems. So, it’s about how we kind of try to do the preventative work early on. Not allow people to kind of just marry and then, you know, deal with the problems afterwards. It’s about identifying issues from pre-marriage, as it were. |
| **I** | Okay. Thank you. So, does your mosque conduct legally binding ceremonies? Is it registered? |
| **R** | No. Not a problem. |
| **I** | So, are there any… |
| **R** | That will be our… sorry, that will our aim, *inshallah*, to register. But not at the moment. |
| **I** | Okay. So, are there any particular reasons for why it isn’t a registered building, registered for marriage at the moment? |
| **R** | I think just capacity. We haven’t because our masjid is like new over the last few years, so we’ve been building our capacity. So that’s one of the things that we are looking to do then, to kind of just start the process. I was thinking we would have done it… if Covid didn’t happen, we would have done it by now. Because of Covid and everything like that this year, we are kind of focussing on really on working with the community and just helping the community to cope with the impact of Covid and obviously change of services. And there’s been a lot of issues, obviously, as you know, in how people kind of… not being able to go to places of worship, you know, bereavements and lots of people kind of struggling with mental health and people losing their jobs and things like that.So, the mosque and places of worship have been the kind of centres or hubs where people kind of come and seek comfort and support. So, our focus has been on that really. |
| **I** | Okay. |
| **R** | And to be honest with you, this year there has not been many marriages conducted because I think there’s only, in my experience, there’s only a very few people I know. And lots of people kind of delayed their marriages because they… with the restrictions and everything else… most people are willing to wait until they can have the wedding they’ve been dreaming of. You know, maybe next year when things are more stable. |
| **I** | Sure. Okay. Right, so, that’s great. What I would like to do now is move onto a discussion on… sorry, before I do that, are you clear, is your mosque clear, on what the process is for becoming a registered building and then one where you can have authorised persons? |
| **R** | I think it would help if you give me an outline. I think that will kind of, going forward for us… cos I know, sometimes the law changes, so I think if you can bring me up to date, I think that would help us. |
| **I** | Okay. |
| **R** | Kind of go forward, really. |
| **I** | Sure. Have you engaged with the process at all up to now? |
| **R** | Not yet, no. That was one of the things we wanted to do this year, but obviously, as I said, with Covid, we haven’t really… |
| **I** | Sure. Well, I can… I’ll update that. I will have that discussion with you after we’ve finished the interview in that case. Okay? |
| **R** | Thank you. Okay. |
| **I** | Right so, I’ll move on then now to the Law Commission’s consultation paper. So, the paper has been, as I said, it’s a very long document. It’s about 450 pages. It was published in September and it is suggesting a range of reforms. What I’m going to do is just very quickly run through what those reforms look like in essence. So, firstly, in terms of giving notice on registration, each couple would give notice of their intention to marry to the registration services. The initial notice could be given online, by post or in person. So, that’s different to now where it has to be in person. |
| **R** | Okay. |
| **I** | There would then be a 28-day waiting period before they would be issued with the documents authorising the marriage to go ahead. |
| **R** | Okay. |
| **I** | If they have not given notice in person, there would need to be an in-person interview during the 28-day period. So, then there’s a point at which they would definitely be seen by the register office.At the time of giving notice, the couple would inform the registration services who would be officiating at their wedding and the document authorising the marriage called the marriage schedule would be given to that person. Sorry, it would name the officiant.The couple would then take the schedule to their wedding. It would be signed by both of them, the officiant and two witnesses once the wedding has taken place. It would then be returned to the registration services in order for the marriage to be registered.So, it becomes a paper process. |
| **R** | Okay. |
| **I** | Another change is the officiant. So, religious groups would be able to nominate an officiant to officiate at weddings. The group making the nomination could be either an over-arching organisation or a local group, such as a mosque. The names of all nominated officiants would be publicly accessible in a list held by the General Register Office. The main duties of an officiant would be to ensure that both parties freely exchange consent to the marriage and, in the presence of two witnesses, that the schedule is signed.The officiant could also lead the ceremony, but they don’t need to. So, you could have an officiant and then maybe another Imam who leads the ceremony. |
| **R** | Okay. |
| **I** | It would be an offence for an officiant to deliberately and recklessly mislead the couple about the effects of the ceremony. So, if they, you know, if it isn’t legally recognised and there’s no script for it to be because they haven’t followed the processes and the officiant doesn’t tell them this or leads them to believe that that’s okay, then that’s an offence. So, there’s a change then… so, the responsibility then lies with an individual, the officiant.As far the ceremony itself is concerned, there would be no legal restrictions on the types of places in which marriages could be legally celebrated. It would be for the officiant to decide whether the location proposed by the couple was safe and dignified. Religious groups could set their own requirements as to where they want the marriages to be held.There would be no requirements to include prescribed words. The parties would be able to manifest their consent by words or actions. And then it’s the signing of the schedule which would evidence that they have exchanged consent. |
| **R** | Yeah, yeah. |
| **I** | So, a real overhaul in the way in which people are getting married. So, obviously these are just proposals at the moment. So, my first question is do you think the proposed reforms would make it easier for the Nikah ceremonies that your mosque performs to be legally binding? |
| **R** | It sounds, yeah, from what you’re saying, yeah, it sounds more kind of… you know you can have a designated person and then that person that’s responsible is known in the community as trustworthy. So, that kind of makes sense, really.  |
| **I** | Okay.  |
| **R** | And also… yeah, sorry.  |
| **I** | No, sorry, continue. |
| **R** | And also, you know, that person obviously can designate an Imam who does the ceremony but then you get someone who’s in charge of the paperwork. So, that takes a big burden, I guess, off the Imam. |
| **I** | Okay. That’s great. Any other comments about, sort of, like the venues, for example? So now, whereas previously it would have to be within a registered building, now it can be anywhere. Do you think that’s a positive development? |
| **R** | Yeah, I think, you know, I think it would help if, instead of just anywhere, maybe just places that are recognised within the community. I feel that may be the kind of, you know… yeah. |
| **I** | Mmm hmm. Okay. Would any of the proposals give rise to any problems for the types of ceremonies? So, for the Nikah ceremonies that are conducted? |
| **R** | I think the process has to be clear and I think, for me, if people are not, you know… if any places are not being kind of identified or maybe the place of worship or whatever. You know, so, if people can do it anywhere, then obviously… I just don’t… then that might be kind of, you know, might have some potential issues, I guess. |
| **I** | What sort of problems do you think might come up? |
| **R** | I think I can see what they’re trying to do. They’re trying to make it accessible and that’s good in a positive way. But then is how… I think what would help is to have like official kind of places of worship, for example, designated as registered places or whatever. Without these places having to go through the registration process, or whatever. Though that might help because then people will always kind of… it’s easier for people to find that… I think for Muslims, the people from the Muslim community, the only way they do marriage, I think, is either to go to the masjid or to do it at home, you know, and I can’t see people kind of… you know, I can’t see Imams… sometimes Imams go on the day of the wedding or whatever. They have like this ceremony, you know, friends, people and things like that. But it doesn’t happen very often, really. I think it’s becoming like a fashion now. A fashionable thing for people to do it on the day of the wedding, so it’s like you have the Nikah done on the stage and things like that. But I know most Imams don’t have the time to do that, really, so. [laughs] But, yeah. |
| **I** | Okay. Okay, thank you. How do you think the proposals might impact on the process of getting married amongst Muslim couples? So, if you think about the process that they undertake right now, these proposed changes obviously mean that the wedding can happen in a different way. So, how do you think the proposals might impact on the process? |
| **R** | Can I just ask one question? This, you know the officiant, or this person who is going to be designated person? Does that person have to be from the same community, or can it be from any other community or how does it work? |
| **I** | The officiant can be anybody. So, as long as they are part of an over-arching organisation, religious organisation, or a local group, but the membership has to be 20. So, 20 for example. If it’s a mosque, there must be at least 20 people who are there regularly for prayers. Yeah. So once… |
| **R** | Okay. So, each masjid can they decide themselves really, or group or whatever? |
| **I** | Yes, essentially. |
| **R** | Okay. I guess that makes it okay, actually, because then at least that makes the process known and easier to do. So, each masjid can do their own kind of registration. |
| **I** | Mmm hmm. |
| **R** | That would help, yeah. |
| **I** | Okay. Do you think that with the process of getting married, would it make things a bit more complex now that, you know, you’ve got to think about all of these different things? Or would it simplify…? |
| **R** | Yeah, it would make it complex if the masjids or the places of worship don’t register themselves. So, they might start having people to wander from here and there trying to find who’s registered and who is not. |
| **I** | Right, okay. |
| **R** | So, it would really help if there’s a standard and then everyone just complies by it, you know, so that people are encouraged to do it. Because I think sometimes, within each locality, you have masjids who might not perform that service and then people will be losing out. They might have to go outside their area and that can be kind of potentially difficult really. |
| **I** | Okay. Thank you. So, do you have anything else that you would like to say about the proposals? |
| **R** | I would really kind of encourage people to think about marriage and maybe part of that is to encourage people and couples who are trying to get married, you know, in terms of how to manage their relationship. So, one of the things that we do Islamically is to put like a pre-marital education. So, we help people to make informed choices but also to manage the relationship, kind of within the marriage framework, because we see an increase of divorce and children being affected and long-term, you know, affecting the individuals as well as the children and things like that. So, I think the more we can give people guidance and help them to manage the marriage and appreciate the relationship and the dynamics, I think that would be really kind of helpful, you know, if people are doing these things locally. To empower people. To manage their relationship in a better way. |
| **I** | Okay. Thank you. So, that was the last of the questions with regards to the Law Commission’s proposals and that just leaves me with my final question. Is there anything else you would like to say about the marriage process? |
| **R** | No, I think it’s good that, you know… I hope that this consultation takes all views into account and we have a framework that works for all communities and everyone who’s involved and make the process as smoothly as possible, as easily as possible. But at the same time, obviously, you know, have that legal protection within the legal framework. |
| **I** | Okay, that’s wonderful. Thank you so much. So, I will stop the recording. |
| **0:24:15** |  |