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**M**

Right, so, I’m recording. OK, so the first question is can you tell you me about the last wedding ceremony that was conducted in England and Wales, specifically focussing on the type of ceremony and the location?

**R**

OK, so yeah. So, the last ceremony I performed was last year. I think around July, when the lockdown was eased. So, that was the last one. So, I did in here, in UK, in [city]. And it was mainly just a Nikah ceremony.

**M**

So, where did that take place? Was it in a building or was it online?

**R**

It was in a… so, it was just like an open… it’s a school that has… not a school, like a tuition centre and at the back, they have a big garden. So, they usually rent it out for people who want to do a Nikah or any other functions. So, they did it there.

**M**

OK. And then can you briefly just describe the actual Nikah ceremony?

**R**

So, the Nikah ceremony was just… so, people just came in and so, just recited a few verses from the Qur’an. The *khutba* of the Nikah and then just perform Nikah and people had the *walima* and that was it.

**M**

OK, so fairly simple and straightforward… OK, was there…

**R**

I did an online Nikah, as well.

**M**

OK. Can you tell us a bit about that?

**R**

So, it was during the lockdown. And someone just contacted me. Said there’s someone who wanted to do a Nikah and obviously I said, “OK, I’m just going to do it online,” because of the … it was during the ramadan and was the lockdown. So, we just did a Zoom meeting so I could see, on the one side, all the bride’s… the bride and the family and the other side, there were the groom and the family as well. So, see the witnesses… everyone there. So, we just performed again, the *khutba*, they entered into the Nikah on Zoom.

**M**

OK, great. OK, so my next question is, is it usual to meet or otherwise communicate with the couple before the wedding ceremony?

**R**

So, both sides or...? So, usually what happens is either before that, you go and meet with both of them and take permission because, as you know, most of the times the Nikah that take place, usually it’s only men there. And there will be women, but on the other side. So, if you do want to take the… so, basically, we take the consent from the bride. So, usually it’s done before even the Nikah ceremony is taking place. So, you go to the bride, take permission from them and after that, so you just do the Nikah with the groom only and the no families.

**M**

So, in terms of meeting the bride and the groom, the couple, that wouldn’t usually happen?

**R**

No. Not in the sort of… how can we see? So, actually the last wedding was not Somali, it was an Asian, so I just met the couple at the ceremony.

**M**

OK. OK, so do you find that there’s a difference in how different sort of ethnic communities approach the weddings?

**R**

Yeah. OK, usually it would be… so, when I do the Nikah with the Asian community, usually the bride and the groom are already there at the ceremony. And obviously there’s no need for the *wali*, so what happens there… so, I just do the Nikah and ask the groom to… I propose to the groom if they are for the marriage and then I’ll go to the bride, or vice versa, I can do both. But with the… unless you also include the Kenyan community, because I also come… I grew up in Kenya, so I can tell you more about the… both the Somali and the Kenyan community.

So, with both of them, what happens before the Nikah, I usually go to the *wali* of the… the guardian of the bride. You take permission from the bride, from the guardian and again, you go to the bride. You will take her consent and then when the Nikah has taking place, it’s only the… so usually, you don’t need the couples together. It’s usually at different times.

**M**

OK. Great, thank you. So, the third question. Are the ceremonies you conduct part of a process towards a legally binding marriage? And what I mean by that is where the Nikah is a step in a process that will, at some point, include a legally binding ceremony.

**R**

So, most of the time, I would say no.

**M**

OK.

**R**

So, no, most of them, they just… so, most of them just do the Nikah and that’s it. So, no… unless, and then there are some individuals who also go for the legally binding… they go to the registrar for the civil service. But most of them, they just do the Nikah as an official religious Nikah, and that is it.

**M**

Do you know why that is?

**R**

Ok, so most of them, they don’t see the need of it. So, they see that the Nikah is the most important thing. That’s it. They only need to do the Nikah. And they don’t see the need of it. So, I also spoke to some people about the… why. He said, “There’s no need.” He said, “Because first of all, I don’t even need a marriage certificate. Secondly, what if I need it is when I’m going for Umrah or Hajj. And that… my Nikah certificate is sufficient. And also, there’s most people… a lot of people do the Nikah and they don’t even have certificate. So…

**M**

Oh? OK.

**R**

They don’t see the need of it.

**M**

OK. Can you see any complications arising as a result of that?

**R**

What do you mean?

**M**

Just… so even… so, you’re saying some people don’t need any documentation? But they, at points of their life, they may well have to evidence… so, for example, death. So, if somebody dies, there is a need to evidence the marriage.

**R**

Yeah. Because I spoke to one of the Sharia council here. OK, one of the members of the Sharia council who did marriages and that. Someone did come to him that they needed a marriage certificate. And obviously, he didn’t do the… he wasn’t the one who did the Nikah, and the Nikah took place like a few years ago. And they came to the Sharia council, they said, “I need a Nikah certificate,” for some reason. So, they had to just… I mean, they had to bring witnesses that they know that the Nikah took place and they just did a Nikah certificate based on the witnesses that were there.

So, I do think there is a need. Especially if they’re going to Hajj and Umrah, they might need it. Or any other… for example, they go to court or anything like that, I think they do. They might need, yeah, at some point of their lives.

**M**

OK. So, the next question is about your role when it comes to the Nikah, but about the legal process. So, how do you perceive your role in advising couples of the legal status under English law, of the ceremony that you conduct. So, the legal status of the Nikah?

**R**

Usually, most people don’t ask about it. So, I don’t usually, unless they ask, because I do some people do ask, “What’s the purpose of this?” I mean, “What’s the purpose of this certificate.” Because I ask them, “Do you need a certificate?” So, do ask me, “Why do I need this certificate?” So, I said like, “In the UK, this serves no purpose at all. But this is helpful usually when you’re going abroad or…” Because even in some countries, you cannot rent a hotel without a marriage certificate. So, I do tell them, “It might help when you go outside the country, but here in the UK, unless you’re registered, then it doesn’t have any effect.”

**M**

OK. So, as a norm, you wouldn’t talk to them about the need to legally… to enter a legally binding ceremony?

**R**

No. No.

**M**

OK. So, the next question is, the ceremonies that you conduct, where do they generally take place?

**R**

So, most of them, they take place in a venue, like they hire a hall. These are the… this mostly happens. And sometimes, some people, they just need a small Nikah, so this usually takes at home. So, we just go to their house and offer Nikah from there.

**M**

OK. What about the mosque? Is that ever used? Mosque buildings?

**R**

So, some people do but I think, in the UK, I only attended… it wasn’t, it was my friend. That was the only Nikah that actually… there’s two Nikah that happened inside a mosque. But most of them, especially in our community, they do a Nikah at the venue.

**M**

OK, does that… sorry.

**R**

I’m talking about here in the UK. So, back home, they usually do a Nikah in the mosque. But here, most of the Nikah take place in a venue.

**M**

OK, that was the question I was going to ask you. What happens in Somali. Can I ask then, why do think there’s that difference?

**R**

I don’t know, because usually what happens back home, a lot of the Nikah usually happens after Asr or after Maghrib. I’m not sure about Somali exactly, because I haven’t lived there, I lived in Kenya.

**M**

Oh, sorry. Kenya.

**R**

But even the Somalis in Kenya, they follow the same way. So, usually what happens, there’s a lot of Somalis in Kenya, so this how they… So, usually, after Asr prayer or after Maghrib or Isha’a prayer, people will go to a masjid and they do Nikah there and everyone just… whoever’s there, they’ll just attend the Nikah. And they will give the street dish called *halwa* and then, after that, they will invite people in a *walima* in a different day. But Nikah has usually taken place in a masjid. And usually, it doesn’t cost anything and the person doing the Nikah, he just gives them whatever. And usually, if you need a certificate, then you go to the kalbi’s [?] court. You have a kalbi court there which is legally… so Nikah there is legally binding.

But here, I think because most of the community don’t own the mosques and they think that if they go to a masjid, the person in the masjid has to perform the Nikah and they want their own people. This is my opinion. So, they would want their own person to perform the Nikah. But if they do it in the masjid, then I think there’s some rules they have to follow and the person, the Imam or the masjid, have to perform the Nikah and they have to pay for it. So, I think they find it easy if they just do it in a venue and carry on as their own traditional way.

**M**

Sure. OK, that makes sense. OK, so how long have you been conducting Nikah in the UK?

**R**

I can’t remember my first time. I think it was about maybe eight, nine years.

**M**

Nine years, OK.

**R**

But I wasn’t doing it frequently. But I started an organisation last year.

**M**

OK, so can you tell us a little bit about your organisation?

**R**

So, it hasn’t… I haven’t built it up yet. So, mainly I’ve just been doing like friends and family. So, mainly the people that I know and also maybe someone who’d recommend someone else. And I had a friend who said that he’s going to help me advertise it and all of that, but we haven’t. Since the lockdown, since the lockdown started, there was not much we could have… we haven’t done much because of the lockdown. But I did have a few friends who contacted me. They wanted Nikah done and they, yeah…

**M**

OK. So, my next question is have you seen a change in demand for the Nikah ceremonies in the past ten years or, in your case, eight to nine years? And if so, what do you think the reasons are? So, you know, have people changed what they want? Do more people want to have just Nikah without a legal ceremony? Any changes?

**R**

So far, in our community, I’d say there’s not much changes. Maybe those… yeah, I haven’t seen a lot of changes since then.

**M**

OK, fine.

**R**

So, most people just doing a Nikah and obviously, we don’t know what happens after. Most of them, they won’t tell you, “I’m going to register for the legal ceremony”, so usually, we don’t know what happens after. So, our job is just to conduct the Nikah and that’s it. So, I don’t know whether they go ahead and then they register or no.

**M**

So, if there were any problems in the marriage, would they not come back to you for advice or anything like that?

**R**

So, in our community, really, I would say no. So, they usually go to the person did the Nikah to ask for advice or anything like that.

**M**

OK. Fine. OK. So, the next question is just about the Nikah ceremony itself, so why do you think it’s important to be able to conduct these ceremonies?

**R**

Can you elaborate more?

**M**

So, as I mentioned to you before we started the interview, we’re talking to lots of different groups and religious groups et cetera, so the reason for conducting different types of marriages depends on, you know, who the people are and what their particular faith or non-faith background is. So, why is it in particular… why is it particularly important to be able to conduct Nikah ceremonies?

**R**

Yeah, I think cos it’s the… legally Islamic, you have to do Nikah before… for two people to live together and all of that, you have to perform a Nikah. So, that’s the most important thing. And even in our family, what happens usually, when two people fall in love with each other, what happens is they do a small Nikah. So, it’s just like family members. Maybe the brothers and that family and the brothers… I mean, close family, this family and this family, they just do a small Nikah. So, the two could go out and know each other better and then later on, they will do like a public Nikah. So, it’s important because it’s required in Islam.

**M**

OK. OK, so the next question, you might feel that it doesn’t apply, but I’ll ask it anyway. Has there been any change in your own role since you began conducting Nikah ceremonies? For example, has there been any change in the types of… sorry, the form of ceremony you conduct?

**R**

No. So, they’re all the same basically.

**M**

OK. No changes, OK. Now, would I be right in assuming that you don’t conduct legally binding ceremonies?

**R**

No. Although I’m… yeah, I’ve been enquiring about it because one of the… the person I told you about, one of the members of Sharia council, is also one of my teachers. And because I told him about opening my own Nikah organisation, he said, “Yeah, it is also, you can basically register, you can register with the government and whenever you do a Nikah, it will also be a legally binding Nikah as well.”

And I think some of masjid opted to that option. So, they registered. But usually what happens, you have to call someone from the council, the registrar, to attend the Nikah. So, after the Nikah, usually they get a certificate from the council as well.

**M**

So, this is something you are definitely interested in doing?

**R**

Yeah.

**M**

OK. So, can you describe that journey then? Has it been fairly easy to find out what you have to do and, you know, how to go about it?

**R**

Yeah, so usually what happens is you need to register venue. So, for example… that doesn’t mean you can do a legally-binding Nikah anywhere. So, it has to be in a specific venue. So, either a masjid, for example, will go and register. Will go to the council and register their venue as a Nikah, a wedding ceremony venue. OK, so once you register, the people have to go to the council, to their town hall to give notice of marriage 28 days before the Nikah taking place. And usually there, they will ask them, “Where do you want your marriage to take place?” So, they will request that specific masjid, which is already registered in their system, so they will put in their system that the ceremony will take place in this place.

So, on the day, they will go and attend the Nikah. And all they have to do is they just have to observe that everything… see the document is there, the bride and the groom, and just see the Nikah taking place and then after that, they will just give them… they’ll post the Nikah ceremony. I mean, the marriage certificate from the council.

**M**

OK. Can you see advantages of this? I mean, is this something that… I guess what prompted you, if you’re saying most people don’t really bother with the legal part, is this something they would want?

**R**

So, this is some people, because that’s the same question. Because I told a worker, when I told him to register his… the community centre with the marriage council so that people who want marriage, they can just perform Nikah and at the same time, being registered and recognised by the government. He asked me the same question, “Is there a need? Because most of our community don’t see the need of it. So, do we have to actually go and register?” So, I said, “There might be, especially people now who maybe be growing up in the UK and they…, there might have been an increase in people wanting to register with the council. So, instead of them doing the Nikah and then going back again to the council and then register again. So, to make it easy for them, just do a Nikah and then…”

And also, it will attract a lot of people because they said, “OK, now if you register, the most people that will come will be the Somali community but if you register, then we’ll have more people outside the Somali community who actually also want to have their marriage legally recognised.” So, instead of doing a Nikah and then going back there getting their… registering the marriage, so it will attract a lot of people to just come here, do the Nikah once. And I think also people would prefer that instead of going to register with the… to the town hall to register. So, they would prefer to do like a Nikah and that would be legally recognised.

**M**

OK. Right, so the next question then is… so, we don’t have to discuss question ten because it doesn’t apply. And you haven’t done both yet? You don’t do both legally binding and Nikah yet?

**R**

Mmm. No.

**M**

So, that question doesn’t apply as well. OK. So, I’m going to now move on to discuss the proposed reforms to weddings law. So, this whole research is talking to people about what the normal practices are, but also discussing a range of reforms that have been proposed by the Law Commission to change the way in which marriages are conducted and essentially the idea is to try and make it easier for people to conduct weddings that are meaningful to them but also combine that aspect with a legally recognised process.

So, the changes are to giving notice and registration. So, each of the couples can give notice of their intention to marry to the registration services. The initial notice, at the moment, it has to be done in person, but the proposals are that it can be done online, by post or also in person. Then you would have the usual 28-day waiting period and if your notice has been served in any way other than in person, then there will be an in-person interview during that 28-day period.

What happens is, when they give notice, the registration service that is… sorry, they would inform the registration service who will be officiating at their wedding and the document authorising the marriage, which will be called a schedule, would name a person. So, the officiant is the person who will conduct or oversee the ceremony.

The schedule, so this document, is given to the couple. They take that to their wedding. They both sign it. The officiant signs it and the witnesses sign it. And then that document is then returned to the register office.

So, the process being proposed is different. Another big difference which is relevant for you, is the proposal of having an officiant. So, this is a person who is nominated by each religious or other group. The group making the nomination can be either an overarching organisation or a local group. So, for example, for you, you’d be a local group and you would just have to demonstrate that you have 20 members.

The names of all nominated officiants would be on a publicly accessible list held by the General Register Office. So, that’s sort of the background to it. Now, the main duties of the officiant would be to ensure that both parties freely consent to the marriage. That there are two witnesses present and that the wedding schedule was signed.

The officiant can lead the ceremony, but they don’t have to. So, the officiant can just oversee it and another Imam comes in and performs the actual ceremony. Or the officiant themselves can perform the ceremony as well.

There is an offence related to this which is pretty similar to what already exists. So, if an officiant deliberately and recklessly misleads the couple about the effect of the ceremony. So, for example, telling them it’s legal when actually all of the processes haven’t been undertaken and therefore it isn’t. OK, so basically, that will attract legal liability.

And then lastly, with the ceremony. So, at the moment, there are some very particular restrictions around the form of ceremony. Those would be lifted. So, the proposals are that there would be no legal restrictions of the types of places in which marriages could be legally celebrated. So, we discussed the whole registering a building, that won’t be necessary anymore. It would be for the officiant to decide whether the location proposed by the couple was safe and dignified. And religious groups could set their own requirements as to where they want marriages to be held.

There will be no requirement to include prescribed words in the ceremony. The parties would be able to manifest their consent by words or action and it’s the signing of the schedule which will evidence that they have exchanged consent.

Essentially, this would allow, for example, somebody like you to become an officiant. So, you’re a registered person. You wouldn’t be limited to any particular building. You could conduct the Nikah as you already do. But because of this wedding schedule, that will then be used to register the marriage as one that is legally recognised.

So, quite a big shift that’s being proposed. So, my first question is, would the proposed reforms make it easier for the types of ceremonies you perform to be legally binding?

**R**

Yes. They would.

**M**

OK. Bit of detail?

**R**

Yeah, so based on, especially like not having… because I remember my… because this is something that I was doing research, but I couldn’t find anything about it. When the member of the Sharia council, he told me, you can register yourself to be someone who will be conducting the Nikah. So, I did some research about that. The only thing I could find was registering a building instead of registering yourself. I like what you mentioned to be an officiant. So, I couldn’t find anything about that. So, yeah, I think it would be easier instead of… because at the moment, you have to call someone from the council, which I think you have to pay them as well, for them to come there.

And the couples have to… so, basically there’s an extra payment that they make, and it has to be specific venue which is a bit difficult because when people do the Nikah, they usually look at different venues. They look at the quality and the price. So, they wouldn’t just go anywhere. So, they will look at the quality and the price. So, having a venue… having the option to choose your own venue and just go to any venue to perform Nikah and do that, the need of someone from the council have to come and attend and see the Nikah. I think it will be… it’ll make it easier as well.

Especially also in terms of wordings. Some communities have their own wordings. They usually, when they perform the Nikah, so also make it easy for them.

**M**

OK. OK, great. The second question is, would any of the proposals give rise to problems for the types of ceremonies you conduct?

**R**

I don’t think there’s any problem, it will cause any problems.

**M**

OK, so with regards to that, if people prefer not to have a legally binding ceremony, on the whole, can you see any problems with you being an officiant?

**R**

Um.

**M**

It doesn’t negate your… I mean, you can still conduct those ceremonies.

**R**

Because unless there is a rule that says that whenever you conduct a Nikah, I mean, a Nikah has to be legally binding, then I would say that’s when it would cause a problem but otherwise, I don’t think it will cause a problem.

**M**

OK. So, why would that cause a problem? Having a law like that because some people are calling for exactly that.

**R**

Yeah, because some people, if they don’t… because I know a lot of people, they don’t want to register with the government. So, then that means I cannot conduct their Nikah. I would just tell them, “OK, I can’t because, by law, I’m not allowed to conduct a Nikah.”

**M**

OK. How do you think the proposals might impact on the process of getting married amongst… within Muslim communities? Do you think there will be…?

**R**

Can you read that again? Sorry.

**M**

How do you think the proposals might impact on the process of getting married in Muslim communities?

**R**

I’m not… can you elaborate more on it?

**M**

So, at the moment, there’s a way… there’s a process for how people marry and the steps that they take. Is this likely to have an impact on that?

**R**

I wouldn’t think it would, because I think it will just… the Nikah will just take place as normal. The only difference that their marriage now is officially recognised by the government.

**M**

Do you think the couples will readily engage? Because there is that pre-marriage engagement with the register office to get the schedule, so obviously that’s not in place at the moment. Do you think that’s something that is likely to become a norm?

**R**

Yeah. It could… I think it could be. Unless it’s like… you know, sometimes there’s an emergency Nikah taking place. Like, for example, when they go to propose… some people when they go to propose, they will like to do a Nikah straight away. Like a small Nikah straight away. So, in that case… but I think that would be, because that is private, and no one knows about it. I think it is OK for that one but and then, OK, you have to go and give notice. But I think it would become a norm for people. Especially those people growing up in the UK, so they get used to the norms of this country.

**M**

OK, so just… sorry, coming back to the small Nikah that you’ve mentioned. So, that’s something that’s private. Is that then repeated? So, say the couple get to know each other and then they decide… the families decide, yes right, this marriage is happening. Do they then conduct another Nikah in public?

**R**

Yes.

**M**

OK.

**R**

Yes. So, they repeat the Nikah again.

**M**

OK, interesting. And is this something particular to the UK, do you think?

**R**

No. They even do it back home as well. So, when they… and not everyone does it. So, it depends. Some people prefer and say, “OK, let’s do a small Nikah for that.” Because some people, for example, when they propose, there’s a gap between when the proposal happened and when they married. So, that’s when they decide to do a small Nikah. So, they said, “OK, just in case we can go out and we can speak… talk to each other, know each other better.” And then, after that, they will repeat.

But if there’s a small gap, for example, like a few months, some people won’t do it. And some people, the reason they do it is because, for example, there’s an elder in the house. So, just for the elder to see the Nikah taking place, they will do it in the house. For example, their grandmother. They want their grandmother to see the Nikah taking place so they will do it in her presence.

**M**

OK. OK, thank you. Is there anything else you’d like to say about the proposals?

**R**

So, the proposal usually is just the elders from both sides…

**M**

Sorry, let me clarify. The Law Reform proposals.

**R**

Ah, OK. Personally, I think it’s a great idea because it will make it easy, the process and also it will make a lot of people’s marriage… because one of the reasons I will say people don’t want to register, because they hear, OK when you go there, there’s a non-Muslim or there’s a non-Muslim doing the marriage and all those sorts of… they said, “Oh, I’m just doing my Nikah, then.” But I think if the Nikah is recognised, I will say that I’m sure people will opt to that option as well. But some people wouldn’t because even in Kenya, I will say, because Nikah is legally binding, but usually, after the Nikah, you have to go to the… unless the kalbi, you inform the kalbi from before and then he comes with the certificate and people sign it there and then. But otherwise, you have to go to the kalbi and register. But some people don’t do either. They just do the Nikah and then that’s it. They don’t go through this stuff.

**M**

OK. So, it’s pretty similar then across the two.

**R**

Yeah.

**M**

OK. OK, so my final question is, is there anything else you would like to say about the marriage process?

**R**

In what sense?

**M**

Anything. Any concluding observations? Or anything you want to share?

**R**

Yeah. Usually, so I would say with the proposal can add to that. It depends because some… what did I want to say? Yeah, again, it depends on the couples if they both are to go to the council. But I think if you can… so, you mentioned they can give notice online without going to the… yeah, I think it would also make the process easier. Because some people couldn’t, can’t be bothered and especially, I will say that another problem with going to register for the marriage to give notice, is that it’s going to be difficult, especially in some communities, like for the man and the woman to go together. Only them two going to give notice to the council, going to the town hall together, I think that’s also another problem that people… Unless after the Nikah and I think most people, before giving notice, they do that after the Nikah. So, once the Nikah has taken place, then they will go to the council and register after that and they give notice and then they go after. But before they wouldn’t because obviously, they can’t be together or walking around together. So, I would say also, having to register online will make the process easier as well for them to go there together. So, they can just do it online.

**M**

OK. OK, right. Thank you so much. I’ll stop recording.

0:36:20