

ISLAMIC SHARIAH COUNCIL

INFORMATION FORM



PLEASE READ THIS DOCUMENT CAREFULLY

1. THE APPLICANT MUST SUBMIT ALL THE REQUIRED INFORMATION IN FULL TO US BY COMPLETING OUR APPLICATION FORM AND PROVIDING US WITH COPIES OF THE REQUIRED DOCUMENTATION
2. ALL THE COMPLETED FORMS AND INFORMATION RECEIVED WILL BE CHECKED AND PROCESSED CONFIDENTIALLY AT OUR OFFICE. IF FURTHER INFORMATION IS REQUIRED THE APPLICANT WILL BE CONTACTED DIRECTLY
3. ONCE ALL THE INFORMATION HAS BEEN RECEIVED BY THE APPLICANT AND THE FEES HAVE BEEN PAID, THE APPLICATION WILL BE REGISTERED AND A COPY OF OUR FIRST NOTICE WILL BE SENT
4. THE RESPONDANT WILL ALSO BE ISSUED WITH A NOTICE AND ASKED TO EITHER APPROVE THE APPLICANTS REQUEST FOR DIVORCE OR TO SHARE WITH THE COUNCIL REASONS FOR NOT DOING SO. THE RESPONDANT WILL GIVEN 10-30 DAYS TO DO SO AND THE COUNCIL MAY GRANT AN EXTENSION (ONLY ON REASONABLE GROUNDS)
5. ALONG WITH THE FIRST NOTICE A COPY OF THE APPLICANTS STATEMENT IS USUALLY SHARED WITH THE RESPONDANT AS THEY HAVE THE RIGHT TO KNOW THE REASONS FOR REQUESTS FOR DIVORCE. IF THE APPLICANT DOES NOT WISH TO SHARE THE STATEMENT, THEY MUST NOTIFY THE COUNCIL IMMEDIATELY AND EXPLAIN THE REASONS FOR THIS
6. IF THE RESPONDANT DOES NOT REPLY TO OUR FIRST NOTICE IN TIME THEN A SECOND NOTICE WILL BE SENT GIVING THEM A REPEATED OPPORTUNITY
7. IF THE HUSBAND IS NOT WILLING TO FILE FOR DIVORCE AND THE WIFE IS NOT WILLING TO ACCEPT RECONCILIATION, THE SHARIAH COUNCIL WILL ISSUE A TERMINATION OF MARRIAGE NOTICE. THIS IS DONE AS A SAFEGUARDING MEASURE TO PREVENT FURTHER HARM OCCURRING
8. IF EITHER PARTY IS UNABLE TO ATTEND ANY MEETINGS, THEY MUST PROVIDE A VALID REASON
9. IF THE RESPONDANT WRITES TO THE COUNCIL AND OPTS TO DEFEND HIS/HER CASE, ASKS FOR RECONCILIATION OR WISHES TO DISCUSS THE CASE IN MORE DETAIL:

(A) THE APPLICANT WILL BE INVITED TO PARTICIPATE IN A JOINT MEETING WITH THE RESPONDANT

(B) THE MEETING IS NOT NECESSARILY FOR RECONCILIATION AS THIS CAN ONLY TAKE PLACE IF BOTH PARTIES AGREE TO IT. THE PURPOSE OF THIS MEETING IS TO AVOID A BACK AND FORTH AND ALSO TO AVOID DELAYS IN ARRIVING TO A CONCLUSION AND DRAWING TO A CLOSURE

(C) FAILURE OR REFUSAL TO ATTEND SUCH A MEETING WILL RESULT IN UNECESSARY DELAYS AND THE **MAY RESULT IN THE DISMISSAL OF THE CASE**

(D) A MEETING WILL NOT BE CALLED IF A RESTRAINING ORDER/SIMILAR INJUNCTIONS HAVE BEEN ISSUED AGAINST ONE OF THE PARTIES

(E) THE COUNCIL MAY AT THE REQUEST OF THE RESPONDANT ALLOW A REASONABLE PERIOD FOR GENUINE RECONCILIATION EFFORTS TO BE MADE BY THE RESPONDANT THROUGH HIS/HER OWN RESOURCES AND FAMILY

(F) IF THE RESPONDANT AGREES TO DIVORCE THE APPLICANT WITH CONDITIONS (eg DEMANDS SOME REPAYMENT OF THE MAHR TO APPROVE THE KHULA OR DEMANDS ANY JEWELLERY GIVEN AT THE TIME OF MARRIAGE TO BE RETURNED), SUCH ON OFFER WILL BE ADJUDICATED BY THE COUNCIL AND A DECISION WILL BE MADE ACCORDINGLY

(G) MATTERS RELATING TO CASH, GOLD, PROPERTY, CHILDREN AND OTHER FINANCIAL CLAIMS SHOULD BE ATTEMPTED TO BE RESOLVED MUTUALLY. IF A MUTUAL AGREEMENT CANNOT BE MADE, THEY NEED TO BE TAKEN TO THE COURTS OF CIVIL LAW

(H) HOWEVER, THE COUNCIL ON MORAL GROUNDS CAN IMPOSE OR ADVISE SOME CONDITIONS WITH THE DIVORCE

MISBAH-UL-QUR'AN (INT)

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