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Revealed: UK's first official sharia courts

Abul Taher

ISLAMIC law has been officially adopted in Britain, with sharia courts given powers to rule on Muslim civil cases.

The government has quietly sanctioned the powers for sharia judges to rule on cases ranging from divorce and financial disputes to those involving domestic violence.

Rulings issued by a network of five sharia courts are enforceable with the full power of the judicial system, through the county courts or High Court.

Previously, the rulings of sharia courts in Britain could not be enforced, and depended on voluntary compliance among Muslims.

It has now emerged that sharia courts with these powers have been set up in London, Birmingham, Bradford and Manchester with the network's headquarters in Nuneaton, Warwickshire. Two more courts are being planned for Glasgow and Edinburgh.

Sheikh Faiz-ul-Aqtab Siddiqi, whose Muslim Arbitration Tribunal runs the courts, said he had taken advantage of a clause in the Arbitration Act 1996.

Under the act, the sharia courts are classified as arbitration tribunals. The rulings of arbitration tribunals are binding in law, provided that both parties in the dispute agree to give it the power to rule on their case.

Siddiqi said: "We realised that under the Arbitration Act we can make rulings which can be enforced by county and high courts. The act allows disputes to be resolved using alternatives like tribunals. This method is called alternative dispute resolution, which for Muslims is what the sharia courts are."

The disclosure that Muslim courts have legal powers in Britain comes seven months after Rowan Williams, the Archbishop of Canterbury, was pilloried for suggesting that the establishment of sharia in the future "seems unavoidable" in Britain.

In July, the head of the judiciary, the lord chief justice, Lord Phillips, further stoked controversy when he said that sharia could be used to settle marital and financial disputes.

In fact, Muslim tribunal courts started passing sharia judgments in August 2007. They have dealt with more than 100 cases that range from Muslim divorce and inheritance to nuisance neighbours.

It has also emerged that tribunal courts have settled six cases of domestic violence between married couples, working in tandem with the police investigations.

Siddiqi said he expected the courts to handle a greater number of "smaller" criminal cases in coming years as more Muslim clients approach them. "All we are doing is regulating community affairs in these cases," said Siddiqi, chairman of the governing council of the tribunal.

Jewish Beth Din courts operate under the same provision in the Arbitration Act and resolve civil cases, ranging from divorce to business disputes. They have existed in Britain for more than 100 years, and previously operated under a precursor to the act.

Politicians and church leaders expressed concerns that this could mark the beginnings of a "parallel legal

system” based on sharia for some British Muslims.

Dominic Grieve, the shadow home secretary, said: “If it is true that these tribunals are passing binding decisions in the areas of family and criminal law, I would like to know which courts are enforcing them because I would consider such action unlawful. British law is absolute and must remain so.”

Douglas Murray, the director of the Centre for Social Cohesion, said: “I think it’s appalling. I don’t think arbitration that is done by sharia should ever be endorsed or enforced by the British state.”

There are concerns that women who agree to go to tribunal courts are getting worse deals because Islamic law favours men.

Siddiqi said that in a recent inheritance dispute handled by the court in Nuneaton, the estate of a Midlands man was divided between three daughters and two sons.

The judges on the panel gave the sons twice as much as the daughters, in accordance with sharia. Had the family gone to a normal British court, the daughters would have got equal amounts.

In the six cases of domestic violence, Siddiqi said the judges ordered the husbands to take anger management classes and mentoring from community elders. There was no further punishment.

In each case, the women subsequently withdrew the complaints they had lodged with the police and the police stopped their investigations.

Siddiqi said that in the domestic violence cases, the advantage was that marriages were saved and couples given a second chance.

Inayat Bunglawala, assistant secretary-general of the Muslim Council of Britain, said: “The MCB supports these tribunals. If the Jewish courts are allowed to flourish, so must the sharia ones.”

Additional reporting: Helen Brooks

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