



OUTER TEMPLE
CHAMBERS

Islamic law in the United Kingdom

Andrew Allen

Outline

- Recent calls for adoption of sharia in the UK
- Reality for British Muslims
- My role as an expert - case studies
 - Marriage and Divorce
 - Inheritance
 - Abortion

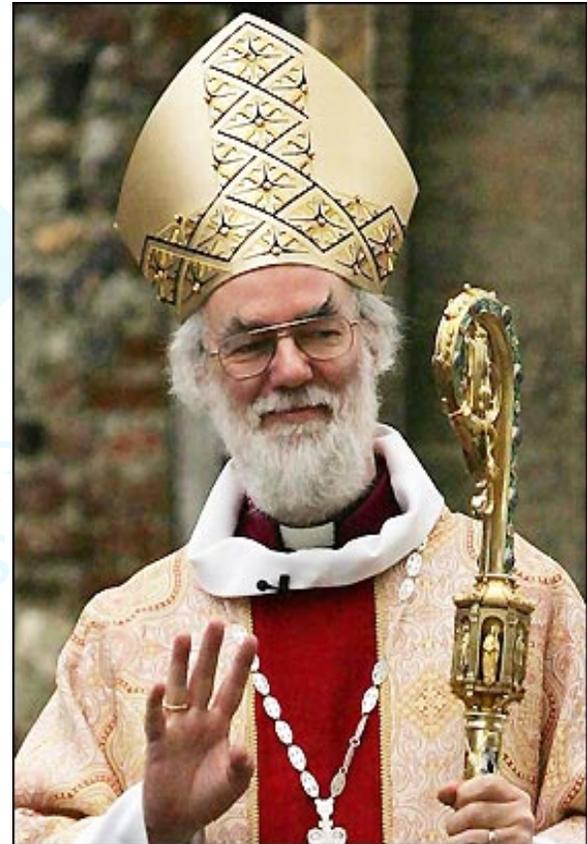


OUTER TEMPLE
CHAMBERS

Calls for the Adoption of Sharia

the **guardian**

Uproar as
archbishop says
sharia law
inevitable in
UK



Quality Mark - Legal Services
Accredited Chambers



OUTER TEMPLE
CHAMBERS

Calls for the Adoption of Sharia



Judge
backs
Sharia law
in UK



Quality Mark - Legal Services
Accredited Chambers



OUTER TEMPLE
CHAMBERS

Calls for the Adoption of Sharia

THE  TIMES

Queen
'worried' at
Sharia
proposal



Quality Mark - Legal Services
Accredited Chambers



OUTER TEMPLE
CHAMBERS

Reality for British Muslims

- 1.7 million
- Just under 3% of the population
- Predominantly of Pakistani, Bangladeshi, Indian origin (some via East Africa)
- Also substantial Turkish (and Cypriot), Somali, Afghan, Iranian and Iraqi
- London has number of semi-permanent Gulf Arabs



INVESTOR IN PEOPLE

Quality Mark - Legal Services
Accredited Chambers

Sharia ‘courts’ in the UK

- Informal sharia mediation systems already exist – in mosques and community centres
- Large number of variations in practice and application
- Primarily concerned with personal status



OUTER TEMPLE
CHAMBERS

My role as an expert witness

- Often jointly instructed
- To provide evidence on foreign law which is a question of fact
- Three perspectives
 - Foreign law
 - ‘Classical’ Islamic law (different schools)
 - English law



INVESTOR IN PEOPLE

Quality Mark - Legal Services
Accredited Chambers

Marriage and Divorce

- Issues usually arise (a) upon relationship breakup (b) in the immigration field
- Talaq –
 - Pronounced in the UK
 - Pronounced abroad
 - Notification and registration
- Polygamy

Inheritance

- One third bequest limit
- Mathematical exercise
- Important to distinguish between schools

Abortion

- Clinical negligence
- Foetal abnormality test
- Defence raised that abortion illegal in foreign country
- Opinion required on foreign abortion law

Further Reading

- *The Yearbook of Islamic and Middle Eastern Law* (Kluwer, 1994-)
- David Pearl & Werner Menski, *Muslim Family Law* (Sweet & Maxwell, 1998)
- Chibli Mallat, *Introduction to Middle Eastern Law* (Oxford, 2007)