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DIVORCE PROCEDURE

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Procedure for Divorce

1. The applicant (wife) has to submit all the required information in full to the Sharee Council, by completing an application form and providing us with copies of the required documents and paying a one off charge.
2. Once all the information has been received, the applicant will be acknowledged with a case number and reference number and a receipt for the payment of the fee.
3. At the same time, the husband (respondent) will be contacted with a copy of his wife's reasons for wanting a divorce requesting him to clarify his position in the matter.
4. If he writes to the Council and asks for reconciliation.
 - a. The applicant will be contacted again and instructed accordingly by the Council (with a copy of the respondent's letter).
 - b. The Council will arrange a meeting between both parties at the Council in an effort to resolve the case by reconciling both parties or issuing a divorce. **It is necessary for the applicant (wife) to attend the meeting. Otherwise a judgement cannot be passed.**
 - c. Normally at the request of the respondent (husband) the Council allows a reasonable period of time for reconciliation efforts to be made by the husband through his own resources and family contacts.
 - d. However, if the applicant does not agree to reunite, then eventually the Council, under the rules of Islamic Law, will have to dissolve the Nikah (marriage) and issue a Divorce Certificate to the applicant. (Reconciliation can take place only if both parties agree to it)
5. If the respondent does not reply to the first letter in time, then a second letter will be sent giving him another opportunity.
 - a. If the respondent fails to reply to the second letter, then a meeting is arranged between both parties at the Council in an effort to resolve the issue. In the event of the respondent being absent, an oath will be taken from the applicant. The Council will have no other alternative but to consider the applicants allegations as true and consequently take appropriate action in the matter according to the teachings of the Shariah.
6. If the respondent offers to divorce the applicant then he will be sent the necessary documents to sign and return to the Council. Thereafter, a certificate will be issued and sent to both parties.
 - a. If he offers to divorce with certain conditions e.g. demands some money by way of *Khula*, then the Council will inform the applicant requesting her decision. (A *khula* can only take place if both parties agree to it)
7. Once the council has decided to dissolve the *Nikah*, a divorce certificate will be sent to the applicant.
A final letter will be sent to the respondent informing him of the Councils decision.
8. Normally, the divorce case takes up to six months.
9. If the applicant withholds or conceals any information regarding the case, or provides the Council with misleading information, the matter will be cancelled from our files and the Islamic Divorce issued by the Council will become null and void. (Someone providing untrue information knowingly calls for the wrath of Allah).
10. The Sharee Council do not deal with financial or child custody issues as they are outside our jurisdiction and must be resolved in the civil courts.

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