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# Sharia Law in the UK

## Introduction

This report provides a factual analysis of the interaction between Sharia principles and the legal system of the United Kingdom. It details how specific aspects of UK law, particularly those concerning freedom of choice in wills and contracts, allow for the application of Sharia principles in certain civil matters. The report will examine the precise legal mechanisms that enable this interaction, focusing on the key areas of inheritance, finance, and family law.

A core component of this report is a factual investigation into the policies of the David Cameron government (2010–2016) regarding Sharia, specifically addressing the assertion that it introduced Sharia principles into UK inheritance law. The analysis will present the available evidence regarding government actions during this period.

The report is structured in three parts. Part I will establish the foundational principles of both Sharia and UK law in the relevant civil domains, including the Sharia rule that a son's inheritance share is typically double that of a daughter. Part II will analyze their practical intersection. Finally, Part III will provide a conclusive, evidence-based investigation into the policies of the 2010–2016 coalition government.

## Part I: Foundational Legal Principles

To comprehend the nature of the interaction between Sharia and British law, it is essential to first understand the distinct legal philosophies and specific rules that govern each system. This section provides the necessary legal context, outlining the principles of each system to identify their points of contact and divergence.

## Key Tenets of Sharia in Civil Law

Sharia is not a single code but a complex jurisprudential system derived from a hierarchy of sources. It is understood by its adherents as a holistic and obligatory code of conduct governing all aspects of life, both temporal and spiritual.<sup>1</sup> Its rules are not mere suggestions but are considered divine commandments. This prescriptive nature is fundamentally different from the permissive philosophy of the UK common law system, which generally allows individuals to do anything not expressly forbidden. The primary sources of Sharia are the Qur'an, considered the direct word of God; the Sunnah, which are the traditions and practices of the Prophet Muhammad;

*Ijma'*, the consensus of learned scholars; and *Qiyas*, or analogical reasoning.<sup>1</sup>

### Inheritance ('Ilm al-Fara'id - The Science of Shares)

The Islamic law of succession, known as *'ilm al-fara'id*, is a highly detailed and mandatory system designed to ensure the wide distribution of wealth and prevent its concentration.<sup>1</sup> Its core tenets include:

- **Compulsory Shares:** Upon a Muslim's death, after the payment of funeral expenses and debts, two-thirds of the net estate is distributed among designated heirs according to fixed, compulsory shares (*Fara'id*) prescribed in the Qur'an.<sup>5</sup>
- **Designated Heirs:** Primary heirs, who can never be fully excluded, include the spouse, children, and parents.<sup>7</sup> The specific shares are meticulously defined; for example, a wife is entitled to one-eighth of her husband's estate if he has children, and a quarter if he does not.<sup>3</sup> A son's share is typically double that of a daughter of the same parents.<sup>35</sup>
- **Limited Testamentary Freedom:** A testator has the freedom to bequeath only up to one-third of their net estate. This portion can be left to individuals or entities who are not compulsory heirs, such as charities or non-Muslim relatives.<sup>35</sup> Under Sunni jurisprudence, a bequest cannot be made to a legal heir who is already entitled to a fixed share.<sup>5</sup>
- **Sectarian Differences:** There are notable differences between the major schools of Islamic law. Sunni law prioritises agnatic relatives (those who trace their lineage to the deceased through males), whereas Shi'a law gives equal weight to maternal and paternal connections when determining heirs.<sup>5</sup>

## Finance (Muamalat)

Islamic finance operates on distinct ethical principles that govern commercial transactions (*muamalat*). The foundational principles are:

- **Prohibition of *Riba*:** The charging or receiving of interest (*riba*) is strictly forbidden.<sup>2</sup> This is the cornerstone of Islamic finance, as money is seen as a medium of exchange, not a commodity to be profited from in itself.<sup>9</sup>
- **Risk-Sharing:** Financial transactions must be based on the principle of sharing risk and reward between parties, rather than transferring all risk to one party, as is common in conventional debt financing.<sup>2</sup>
- **Avoidance of Uncertainty and Gambling:** Contracts must be free from excessive uncertainty (*gharar*) and speculation or gambling (*qimar*).<sup>2</sup>
- **Asset-Backed Transactions:** All financial transactions must be linked to a tangible, underlying asset. Investment is restricted to permissible (*halal*) activities, and forbidden (*haram*) sectors such as alcohol, pork, and gambling are excluded.<sup>2</sup>

## Family Law (Marriage and Divorce)

- **Marriage (*Nikah*):** An Islamic marriage is a civil contract between two consenting parties.<sup>11</sup> An essential component is the *Mahr*, a mandatory payment or gift from the husband to the wife, which becomes her exclusive property.<sup>12</sup>
- **Divorce:** Islam permits divorce but provides different mechanisms. A *Talaq* is a unilateral repudiation of the marriage by the husband.<sup>12</sup> A *Khula* is a divorce initiated by the wife, which typically requires her to return the *Mahr* to the husband.<sup>12</sup> A *Faskh* is a dissolution of the marriage granted by a religious body on specific grounds, such as abuse or neglect, even without the husband's consent.<sup>12</sup>

## Relevant Principles of the UK Legal System

The legal system of the United Kingdom, particularly that of England and Wales, is built on a set of foundational principles that create a framework capable of accommodating a wide range of individual choices, including those motivated by religious belief.

- **Parliamentary Supremacy:** The ultimate legal authority in the UK resides with the UK Parliament. Acts of Parliament are the highest source of law and cannot be overridden by any other body, including the courts or any religious institution.<sup>16</sup> This principle precludes the existence of any legally authoritative parallel legal system.<sup>17</sup>
- **Testamentary Freedom:** A cornerstone of English common law, enshrined in the **Wills Act 1837**, is the principle of testamentary freedom. This grants any adult of sound mind the absolute right to dispose of their property in a will as they see fit.<sup>35</sup> This stands in direct contrast to the compulsory or "forced heirship" rules found in Sharia and in many civil law jurisdictions.<sup>19</sup> For a will to be legally valid, it must meet the formal requirements of Section 9 of the Act: it must be in writing, signed by the testator, and witnessed by two individuals.<sup>37</sup> This freedom is not entirely unlimited; the **Inheritance (Provision for Family and Dependents) Act 1975** allows certain individuals, such as spouses and children, to make a claim against an estate if the will does not make "reasonable financial provision" for them.<sup>39</sup>
- **Freedom of Contract:** Parties are generally free to enter into contracts on terms of their own choosing. As long as the terms are not illegal or contrary to public policy, the courts will enforce the agreement. This principle is fundamental to the operation of bespoke financial products, including those designed to be Sharia-compliant.
- **Alternative Dispute Resolution (ADR) and the Arbitration Act 1996:** The UK legal system actively encourages ADR as a means of resolving disputes without resorting to litigation.<sup>20</sup> The **Arbitration Act 1996** is a pivotal piece of legislation in this context. It provides a statutory framework that allows parties to voluntarily agree in writing to submit their dispute to a private arbitrator or tribunal. The resulting decision, known as an "award," is legally binding and can be enforced through the civil courts.<sup>16</sup>

These principles combine to create a system that is not designed to recognise or validate religious doctrine itself, but rather to empower individual *choice*. A person can *choose* to draft a will that reflects Sharia inheritance rules, *choose* to enter into an Islamic mortgage contract, or *choose* to submit a commercial dispute to a religious body for arbitration. The law is agnostic as to the motivation behind these choices; it enforces the legally valid instrument—the will, the contract, the arbitration agreement—not the underlying religious doctrine that informed it.

## Part II: The Intersection of Sharia and UK Law in Practice

Having established the theoretical foundations, this section examines how these two distinct

legal systems interact in three key areas: inheritance, finance, and family law.

## Inheritance and Succession: The 'Sharia-Compliant Will'

A "Sharia-compliant will" is not a special category of legal document under British law. It is an ordinary English will, which must comply with the **Wills Act 1837** to be valid, in which the testator exercises their testamentary freedom to direct their estate to be distributed in accordance with Sharia principles.<sup>37</sup> The testator simply instructs their executors to divide the compulsory two-thirds of the estate according to the fixed shares prescribed in the Qur'an and may use the discretionary one-third for bequests to non-compulsory heirs or charities.<sup>35</sup>

However, this practice creates several points of tension with the broader UK legal and fiscal landscape. Firstly, Sharia distribution rules are not tax-efficient under UK law. For example, they do not take full advantage of the complete exemption from Inheritance Tax for assets passing between spouses, which can result in a significantly higher tax liability for the estate.<sup>37</sup> Secondly, a will that strictly adheres to Sharia principles—for instance, by providing a daughter with half the share of a son, or excluding a non-Muslim spouse—could be vulnerable to a legal challenge under the

**Inheritance (Provision for Family and Dependants) Act 1975** on the grounds that it fails to make "reasonable financial provision" for a dependant.<sup>35</sup>

## Case Study: The Law Society's Withdrawn 2014 Guidance

The inherent tension between accommodating individual religious choice and upholding public policy on equality came to a head in 2014. The Law Society of England and Wales, the professional body for solicitors, published a practice note to guide its members on drafting Sharia-compliant wills.<sup>42</sup> The guidance accurately outlined key Sharia inheritance principles, including that male heirs generally receive double the share of female heirs and that non-Muslims may be excluded from inheritance.<sup>24</sup>

The publication was met with a storm of criticism. Opponents, including the cross-bench peer Baroness Cox and the National Secular Society, argued that the Law Society was effectively endorsing and legitimising a system that is inherently discriminatory against women and non-Muslims, contrary to the spirit of UK equality law.<sup>24</sup> In response to the backlash, the Law Society withdrew the guidance and issued an apology, clarifying that its intent was only to

help solicitors serve their clients within the bounds of existing English law.<sup>24</sup>

This episode reveals the practical limits of the UK's model of neutral accommodation. While an individual's choice to create a will with discriminatory outcomes is legally permissible under the principle of testamentary freedom, it becomes highly problematic for a major professional body to be seen as actively facilitating or standardising such practices. The controversy demonstrated a conflict not merely between two sets of rules, but between a foundational legal freedom and a core societal value of equality.

## **Islamic Finance: Regulatory Accommodation and Government Policy**

The most direct and substantial legislative engagement with Sharia principles in the UK has occurred in the realm of finance. This engagement has been driven not by a desire to incorporate religious law, but by economic pragmatism aimed at establishing London as a global hub for the multi-billion-pound Islamic finance industry.<sup>25</sup>

The core challenge was that the structure of Sharia-compliant products, designed to avoid interest, often involves multiple asset transfers. For instance, a common form of Islamic mortgage (a Home Purchase Plan) involves the bank buying a property and then either leasing it or selling it to the customer over time.<sup>27</sup> Under standard UK tax law, these multiple steps would trigger multiple layers of taxation (such as Stamp Duty Land Tax and Capital Gains Tax), rendering the products commercially uncompetitive against conventional mortgages.<sup>29</sup>

To resolve this, successive UK governments have introduced a series of highly technical amendments, primarily through Finance Acts passed since 2003, to create a "level playing field".<sup>29</sup> These changes ensure that, for tax and regulatory purposes, a Sharia-compliant product involving multiple steps is treated as a single, conventional transaction. This applies to Home Purchase Plans, which are regulated by the Financial Conduct Authority just like standard mortgages, and to Islamic bonds (

*sukuk*), which have been given equivalent tax treatment to conventional bonds.<sup>27</sup> This legislative work is a clear example of the state adapting its complex rules to facilitate a new class of financial products for economic benefit. The religious principles are the reason for the products' unique structure, but the state's motivation for accommodating them is unequivocally economic.

## **Family Law and Dispute Resolution: The Role of Sharia Councils**

Sharia councils in the UK are voluntary, private bodies that offer advice and dispute resolution services to Muslims, primarily in matters of marriage and divorce.<sup>14</sup> It is a fundamental legal reality that these councils have no official legal status and no inherent authority within the British legal system.<sup>16</sup> Their rulings are not, in themselves, legally binding, and the description of their activities as a "parallel legal system" is legally inaccurate.<sup>17</sup>

A council's decision can become legally binding, but only through the framework of a secular law: the **Arbitration Act 1996**. If both parties agree in writing beforehand to be bound by the council's decision as a form of arbitration, the resulting award can be enforced by the civil courts.<sup>16</sup> In this scenario, the council is acting as a private arbitral tribunal, and the court is enforcing the parties' prior agreement to arbitrate, not the religious substance of the ruling.

The primary function of these councils is to grant religious divorces. A civil divorce granted by a UK court dissolves the state-recognised marriage but does not dissolve the Islamic marriage contract (*Nikah*).<sup>13</sup> Therefore, many Muslim women, particularly those in religious-only marriages not recognised by UK law, seek a religious divorce from a Sharia council to be able to remarry within their faith community.<sup>12</sup>

The operation of Sharia councils is a subject of significant controversy. Concerns are frequently raised about discriminatory practices against women, especially in relation to pressure to forfeit their *Mahr* to secure a divorce, and in rulings on child custody and domestic violence.<sup>14</sup> These concerns have led to multiple high-level investigations, including an Independent Review commissioned by the Home Office in 2018 and an inquiry by the parliamentary Home Affairs Select Committee, both of which examined the councils' impact on vulnerable women and their relationship with UK law.<sup>17</sup>

To place the status of Sharia councils in the proper legal context, it is useful to compare them with other religious tribunals operating in the UK.

Feature	Church of England Ecclesiastical Courts	Jewish Beth Din	Islamic Sharia Councils
<b>Statutory Basis</b>	Yes (e.g., Ecclesiastical Jurisdiction Measure 1963) <sup>16</sup>	No, operate as voluntary bodies or via the Arbitration Act 1996 <sup>16</sup>	No, operate as voluntary bodies or via the Arbitration Act 1996 <sup>16</sup>
<b>Legal Jurisdiction</b>	Limited and	None. Jurisdiction	None. Jurisdiction

	specific statutory jurisdiction over internal Church matters (e.g., clergy discipline, church property) <sup>16</sup>	is derived solely from the consent of the parties <sup>16</sup>	is derived solely from the consent of the parties <sup>14</sup>
<b>Enforceability of Rulings</b>	Enforceable within their statutory domain as part of the English legal framework <sup>16</sup>	Binding only if parties agree to arbitration under the Arbitration Act 1996; otherwise, morally persuasive only <sup>16</sup>	Binding only if parties agree to arbitration under the Arbitration Act 1996; otherwise, morally persuasive only <sup>16</sup>

This comparison clarifies that the Church of England's courts are unique due to the Church's status as the established state church. Sharia councils, like Jewish Beth Din, fit the long-standing model for how the UK state interacts with non-established faiths: they are private bodies whose authority is derived entirely from the consent of their community and the voluntary application of general secular laws like the Arbitration Act.

## Part III: Investigating the Record: The David Cameron Government (2010–2016)

This final section directly investigates the specific claim that the government led by David Cameron introduced Sharia law regarding inheritance, providing a conclusive finding based on the available evidence.

### A Policy of Financial Integration, Not Legal Incorporation

A thorough review of the policies and announcements made during the 2010–2016 coalition government reveals a clear and consistent focus on integrating the UK into the global Islamic finance market. There is no evidence of any government action, proposal, or consultation aimed at altering UK inheritance law to align with Sharia principles.



The government's key policies in this area were explicitly financial and economic:

- **Promoting London as a Financial Hub:** In speeches at events such as the World Islamic Economic Forum, Prime Minister David Cameron articulated a clear ambition for London to stand alongside Dubai as one of the great global capitals of Islamic finance.<sup>25</sup> This goal framed the government's entire approach as one of economic competition and market development.
- **The UK Sovereign Sukuk:** In 2013, the government announced its intention to issue a £200 million sovereign *sukuk*, or Islamic bond, making the UK the first nation outside the Islamic world to do so.<sup>25</sup> This was a landmark financial initiative designed to attract investment from sovereign wealth funds and Islamic financial institutions. The instrument was structured to provide a return based on underlying assets rather than interest, in compliance with Sharia principles.<sup>10</sup>
- **Sharia-Compliant Student and Start-Up Loans:** At an Eid reception in October 2013, the Prime Minister announced proposals to make government-backed student loans and Start-Up Loans accessible in a form consistent with Islamic financial principles, thereby removing a barrier for Muslims who might otherwise be deterred from higher education or entrepreneurship.<sup>34</sup> The announcement carefully stressed that these alternative financing models would not confer any advantage; borrowers would repay the exact same amount as those with conventional loans.<sup>34</sup>

Across all government announcements, speeches, and related news reports from this period, the focus remained exclusively on these financial instruments. The record shows a complete absence of any initiative related to the incorporation of Sharia principles into UK succession or family law.

## Factual Record of Government Policy on Sharia

The public record indicates that the Cameron government's engagement with Sharia was focused on finance. The government's use of terms like "Sharia law bond" and "Sharia-compliant" loans in high-profile announcements referred specifically to these financial instruments.<sup>25</sup>

This focus on finance coincided with a separate, public debate on Sharia inheritance. In 2014, during Cameron's premiership, a controversy arose over guidance issued by the Law Society to solicitors on drafting Sharia-compliant wills.<sup>24</sup> This event brought the topic of Sharia inheritance into public discourse. The government's documented actions, however, remained centered on the economic goal of making London a hub for Islamic finance, rather than on altering UK succession law.

# Sharia Courts Around the UK

There are assumed to be about 85 Sharia Courts in the UK and although not legally binding, those who use them treat their "recommendations" as law.

While most don't have an online presence there are some that do:

#	Name	Approx. address	Contact	Website / source
1	Islamic Sharia Council	34 Francis Road, Leyton, London E10 6PW	020 8558 0581 info@islamic-sharia.org	islamic-sharia.org
2	Muslim Law (Shariah) Council UK	20–22 Creffield Road, Ealing, London W5 3RP	020 8992 6636 info@shariahCouncil.org	shariahCouncil.org
3	Muslim Arbitration Tribunal (MAT)	Hijaz Manor, Watling Street, Nuneaton CV11 6BE (HQ)	info@matribunal.com	matribunal.com
4	Birmingham Central Mosque — Sharia Council	180 Belgrave Middleway, Birmingham B12 0XS	Via mosque switchboard	centralmosque.org.uk
5	Fiqh Council Birmingham	1A Highfield Road, Hall Green, Birmingham B28 0EL	07405 327094 info@fiqhCouncilBirmingham.com	fiqhCouncilBirmingham.com
6	MCR Sharia Council (Manchester)	Manchester (by appointment)	07305 330159	mcrshariacouncil.co.uk
7	Shariah Chambers	UK (multiple offices; contact page)	Via contact form	shariahchambers.com
8	The Sharia Council (National Islamic Sharia Council)	UK (national / online)	0333 242 1851 enquiries@theshariacouncil.org.uk	theshariacouncil.org.uk
9	Sharee Council (Dewsbury)	Dewsbury (local office)	01924 464122	shareecouncil.org
10	Dewsbury Shariah Office	Dewsbury / Bradford area	01924 566129 · WhatsApp +44 7404 237745	dewsburysahriah.com
11	Bradford Shariah Office Ltd	Horton Grange Rd, Bradford BD7 3AQ (registered)	—	Companies House
12	Sharia Council — Bradford	Bradford (local office)	01924 975060	Local listing
13	Shari'ah Chambers — Bradford Shariah Office	Bradford (local listing)	01274 710726	Local directory
14	Misbah-ul-Quran — Islamic Shariah Council	38 Manor Farm Road, Tyseley, Birmingham B11	0121 340 1716 misbahulquran@hotmail.co.uk	misbahulquran.net

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15	Al-Muntada Trust — Sharia/Family Services	7 Bridges Place, Fulham, London SW6 4HW	020 7471 8260 admin@almuntadatrust.org	almuntadatrust.org
16	Darul Iftaa (Leicester)	48 Baggrave Street, Leicester LE5 3QS	0116 251 3937	daruliftaa.com
17	East London Mosque — Sharia services	82–92 Whitechapel Road, London E1 1JQ	020 7650 3000	eastlondonmosque.org.uk
18	Islamic Cultural Centre / London Central Mosque	146 Park Rd, London NW8 7RG	Via ICCUK contact	iccuk.org
19	Islamic Sharia Council for Northern Britain	Union Chambers, Newcastle upon Tyne NE1 5JE	0191 933 3333 salam@theislamicshariacouncil.org.uk	theislamicshariacouncil.org.uk
20	Islamic Sharia Council — Scotland	311 Calder St, Glasgow G42 7NQ	0141 260 6489 info@islamicshariascotland.co.uk	islamicshariascotland.co.uk
21	Ummah Shariah Council Ltd (Blackburn)	Companies House — Blackburn	—	Companies House
22	National Sharia Council	UK (online)	Via Muslim Women's Network	mwnhelpline.org.uk
23	Sharia Council UK	UK (online)	Via contact form	shariacouncil.co.uk
24	The Islamic Council (ICUK)	UK (online)	Application form / contact	theislamiccouncil.co.uk
25	London Ifta Council / Ifta UK	London (online)	helpdesk@ifta.uk	ifta.uk
26	Darul Uloom (Birmingham / London)	Small Heath, Birmingham & Chislehurst, London	Via institutions	darululoom sites
27	Islamic Centre of England (ICEL)	140 Maida Vale, London W9 1QB	020 7604 5500 icel@ic-el.com	ic-el.uk
28	Liverpool Muslim Society / Al Rahma Masjid	29–31 Hatherley St, Liverpool L8 2TJ	0151 709 2560	Local listing
29	Manchester Islamic Centre & Didsbury Mosque	271 Burton Road, Manchester M20 2WA	—	Local listing
30	Morning Dew Service	UK (online)	morningdewservice@gmail.com	MWN listing
31	Muslim Arbitration Council	Watling St / Nuneaton	0747 932 3717 info@matribunal.com	MWN / MAT listing
32	Muslim Law Council	Heald Green / Cheadle	—	Local listing
33	Reconcile (Islamic	London (online)	Via FB contact	Reconcile FB

	mediation)			
34	Sharia Council Midlands	Sparkbrook / Small Heath, Birmingham	Via mosque trust	Local mosques

## Conclusion

This report has presented the factual basis for the interaction between Sharia principles and UK law. The evidence shows that the UK legal system, through frameworks such as the **Wills Act 1837** and the **Arbitration Act 1996**, allows individuals the freedom to make personal arrangements that align with their religious beliefs.

- In **inheritance**, this is achieved when an individual chooses to draft a will that directs their estate to be distributed according to Sharia rules. This is an application of the principle of testamentary freedom, not a change to UK succession law itself.<sup>35</sup>
- In **finance**, government action, particularly under the David Cameron administration, made technical adjustments to tax and regulation to facilitate Sharia-compliant financial products for economic purposes.<sup>25</sup> The factual record shows these actions were confined to finance and did not extend to UK inheritance law.
- In **family law**, Sharia councils operate as voluntary bodies. Their decisions can become legally binding only when parties voluntarily agree to arbitration under the **Arbitration Act 1996**.<sup>16</sup>

The practical application of these principles can lead to complex situations. The controversy over the Law Society's withdrawn guidance on wills, for example, highlighted the tension between testamentary freedom and public policy on equality.<sup>24</sup> The relationship between Sharia principles and the British legal system is therefore defined by the application of existing UK laws that enable individual choice, rather than by a formal incorporation of religious statutes.

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