

LOCKDOWN
UK 2.0



THE BRITISH BOARD OF SCHOLARS & IMAMS (BBSI)

BBSI GUIDANCE ON KEEPING MOSQUES OPEN FOR PRIVATE WORSHIP - BBSI-G10

'Leadership through service, Development through learning, Co-operation through dialogue'

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GUIDANCE ON KEEPING MOSQUES OPEN FOR PRIVATE WORSHIP IN ENGLAND - BBSI-G10 | Nov 8 2020

Authored & Produced by The British Board of Scholars & Imams (BBSI)

BBSI is a national assembly of Imams, Scholars & Islamically literate Muslim Academics formed to facilitate intra Muslim dialogue on theology, jurisprudence and community welfare. The need for this has been recognised for many years, with the first informal gathering having taken place in 2013.

Vision

Empower Imams & Scholars in order that they might contribute to equity, social cohesion, and the common good in the UK.

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Executive Summary

1. The various pieces of guidance are issued by central guidance, interpreted and enforced by local authorities, and then implemented by masjid. This means that there is a lot of scope for difference of interpretation and potential confusion.
2. BBSI, being part of the government taskforce, have co-authored and signed a high-level inter-faith letter to the government that strongly reinforces the necessity of faith in the life of the community, and the centrality of the masjid in providing this. We also support the statements regarding this issued by various Muslim organisations. We are also working to establish collective worship as soon as possible and iron out any confusion arising from Government Guidance.
3. During the November lockdown, masjid can remain open for individual worship, and where possible, we should continue to honour them whilst maintaining safety. We advise all masjid to notify the local authority and police of any permitted activity according to the Regulation to avoid any misunderstanding and misapplication of the Regulation.
4. However, it has been made clear that, unfortunately, no communal worship allowed at all, including Jumua and both formal (Imam-led) and informal congregations. We advise all Masjids to follow the Regulation and Gov Guidance. Where there is apparent conflict with the Regulation and Gov Guidance, follow the Regulation, seek legal advice and clarification from the LA and Police. It is important for masjid to be aware of any dangers and concerns as a result of Covid19 both locally and nationally.
5. There are no change to the regulations for funerals, and janaza congregations can occur with up to thirty participants.
6. There is latitude within the current wording of the guidance and regulations for madrassas, including in places of worship, to remain open for 'reasonable and necessary education'. This may change if the regulations change. Madrassas should consider on their own facts whether this is the case for them, and liaise closely with their local authority and the police, as well as ensuring that the education can be delivered safely. Online education should carry on where possible.
7. Jumua cannot be performed virtually – see our previous guidance for details of this.
8. We remind all believers that, notwithstanding the importance of our places of worship, it is a religious priority to maintain our own and others' health, and we urge Muslims to continue to care for themselves and all members of the British community, and to keep safe.
9. This is likely to be another very difficult period for all of us. We may well once again encounter deaths and serious illness in our community, the inability to perform our religious obligations, increasing isolation, worsening mental illness and extreme pressure on the NHS and its staff. Where there is an increase in infection rates, hospitalisation and deaths and the capacity of the NHS is overstretched to breaking point consider further voluntary limits of even permitted activity at the Masjid.

10. Lastly, We ask Allah that all of us are given the *taufiq* to turn to Him in supplication, patience and worship.

INTRODUCTION

All praise be to Allah Who has made the religion of Islam relevant for all times and situations and has enabled the *ulama*, to be diligent in the derivation and application of the injunctions of His *Deen* (religion). During the hours of need, with a multitude of sophisticated rational and scriptural tools at their disposal, the Muslim jurists exercised reasoned legal judgment (*ijtihad*) concerning the emergent jurisprudential issues (*Fiqh al-Nawāzil*) – indeed, they went further in considering hypothetical scenarios that may arise in the future and explored legal answers for the as well. May Allah reward them abundantly for their efforts.

Due to their efforts, the Ummah have always remained dynamic and motivated in their accomplishment of worship to their Creator and service of is creation. This kind of *Ijtihad* has been encouraged by the Lawgiver, our beloved Messenger صلى الله عليه و سلم and has been practiced even in the time of the Prophet صلى الله عليه و سلم in his absence by his companions.

The BBSI is an apolitical national assembly of imams, traditional scholars and Islamically literate Muslim academics formed to facilitate scholarly intra-Muslim research and dialogue. Our aim is to provide authoritative ethico-theological guidance and leadership on matters relevant to Muslims, whilst promoting wider community welfare. It primarily seeks to do this by developing theological leadership that can authentically represent the rich scholarly inheritance of Islam, whilst responding flexibly to the context of modern times. Its ultimate aim is to both serve and represent the Muslim community in an ethical, inclusive, professional, and scholar-led way.

The BBSI especially takes seriously the responsibility to provide theologically grounded, practically focussed, holistic and – above all – cool-headed and far-sighted guidance to the community in times of generalised anxiety and panic. Having been asked to join the Faith and Places of Worship Taskforce by the Ministry for Housing, Communities and Local Government on behalf of the Sunni Muslim community, we continue to advocate for the best interests of the community in this and other forums.

However, once again, due to the emergency measures which the government has enacted in the wake of the surge of Covid cases in England, we find ourselves with the difficult choice to either operate the *masajid* following the new guidelines that permit only private worship, or suspend prayers completely and close the doors of the *masajid* temporarily until the restrictions

are eased. Whichever of the two an individual masjid chooses to take is an individual decision, and either way they should be supported and assisted by the community.

This guidance seeks to explore the notion of private, individual worship in the masjid and the possibility of its application within the framework of Islamic Law. It is evident that Islam encourages collective and official worship within the confines of the masajid for the obligatory prayers. Hence, this coinage (individual worship) – which maybe seen foreign to our tradition, as masajid are primarily for collective worship and only secondarily for private voluntary worship – causes something of a dilemma.

For this reason, it is important to prepare a guidance to explore this notion and dynamically operate within the confines of the divine laws and rules of the land. We hope that Allah helps us in fulfilling His obligations, He is Happy with us and grants us eternal happiness and success.

At the outset, it is important to remind ourselves of both the animating and operational principles of this lockdown. The animating principle is that, during lockdown, everything is to be shut except that which is deemed (by the government) ‘necessary and reasonable’. Any amendment during this period needs to demonstrate to them not merely that it is safe, but that it is necessary. The operational principle is that guidance and regulations are issued from central government, but interpreted and enforced by local authorities. They then need to be applied by the various religious bodies, such as masajid and madaris. As such, we would therefore advise mosques and schools to liaise closely with their Local Authorities in terms of how the latter should be or are interpreting this guidance. One should also note that it may be that, because of this difference in interpretation, there may be slightly different rules that apply in different localities.

A. Health and Safety during pandemic in Islam

The Messenger of Allah SAW laid the foundation of taking precaution during pandemics, advising us to travel neither to or from places inflicted with a pandemic. These measures can now be understood as effective means of infection control through isolation and quarantine and it leaves no doubt that we, as Muslims, must take into consideration all precautionary measures to contain transmission, as well as to help allow lives to return to normalcy.

B. Cooperation in following health and safety rules

There are some rules that are to be followed and not broken, as they are crafted by the experts to ensure the interests of all. For example, the highway code is a set of rules that ensure road safety for all users. Similarly, when health experts propose some measures to minimise Covid transmission, it is important for everyone to follow those measures. We are reminded in the Noble Quran to cooperate in such acts of righteousness and piety. Allah, The Most Exalted, states,

“And cooperate in righteousness and piety...” (Al-Maidah: 2)

It is therefore important to cooperate with the experts and authorities to ensure the greater goodness for humanity and bring success to everyone.

C. The Masajid and communal worship¹

Though individual/private worship is perfectly acceptable in masajid, their primary objective is for collective worship. The generality of its function is given in the verse below:

فِي بُيُوتِ الَّذِينَ اللَّهُ أَنْ تَرْفَعَ وَيُذَكَّرَ فِيهَا أَسْمُهُ يُسَبِّحُ لَهُ فِيهَا بِالْغُدُوِّ وَالْآصَالِ (٣٦) رَجَالٌ لَا تُلْهِيمُهُمْ تِجَارَةً وَلَا بَيْعًا عَنْ ذِكْرِ اللَّهِ وَإِقَامِ الصَّلَاةِ وَإِيتَاءِ الزَّكَاةِ يَخَافُونَ يَوْمًا تَتَقَلَّبُ فِيهِ الْقُلُوبُ وَالْأَبْصَارُ (٣٧)

“(The guided people worship Allah) in the houses that Allah has permitted to be raised, and where His name is rehearsed and His transcendent holiness proclaimed, in the morning and in the evening, by men whom no trade or sale can make neglectful of the remembrance of Allah, nor from establishing Salāh and paying Zakāh. They are fearful of a day in which hearts and eyes will be over-turned.” (24: 36-37)

Hence, together with communal obligatory worship, other acts of private worship such as remembering Allah (*dhikr*), voluntary (*nafl*) prayers, recitation of the Noble Quran, and supplications *duas* are also part and parcel of the daily usage of masajid.

D. Communal worship

As mentioned above, communal worship (*jamaat*) is the main part of worship inside the masjid. Congregational salaah has been legislated by the Sacred Texts. The Glorious Quran states,

وَإِذَا كُنْتَ فِيهِمْ فَأَقَمْتَ لَهُمُ الصَّلَاةَ .

“When you in their midst (oh Prophet) and you arrange the prayers for them.” (4:102)

The verse above was revealed about establishing communal prayers in the state of active battle, and so the scholars infer that in a state of peace and rest, the establishment of collective obligatory worship would have a greater priority.¹ Further, countless narrations emphasize its Sunnah and the consensus (*ijma*) of the scholars reinforces its importance. The traditional importance of collective worship in masajid can thus be well understood from the sacred sources.

¹ Also known as congregational and collective worship or prayers in *jamaat*.

However, since a mosque is a place whose primary objective is to facilitate communal worship, its setting also accommodates other forms of private and individual worship such as *dhikr*, recitation of the Quran quietly, teaching, silent supplication (*dua*), *'itikaf* (isolation), voluntary *nafl* prayers and so on. The dilemma many are facing during the new rules in England is concerning the heart of the core objectives upon which a mosque is founded – that is, communal worship. For this reason, many Muslim communities are in limbo as to how to overcome this dilemma whilst still observing the new legislation.

We are also working with the government taskforce to advise on re-establishing collective worship as soon as possible and iron out any confusion arising from Government Guidance, but we advise all masajid to follow the government guidance and regulations. Where there is apparent conflict with the two, follow the regulations, seek legal advice and get clarification from the Local Authority and Police. We also strongly advise all masajid to notify the local authority and police of any permitted activity to avoid any misunderstanding and misapplication of the Regulation.

E. Keeping Masajid Open

Given the fact that the new legislation allows the places of worship to remain open for individual worship, the question in the minds of many members of mosque committees and managements is whether keeping the masajid open for individual worship is feasible or not. Reasonable and evidenced Islamic guidance is needed in making the right decision concerning this. That decision needs to be backed by a scholarly analysis of our Sacred Texts. Below is an attempt to understand the correct steps the masajid can take concerning this issue in the light of the Book of Allah and the Sunnah of His beloved Messenger صلى الله عليه و سلم.

1. The Sunnah of the Messenger صلى الله عليه و سلم has emphasised the importance of creating the connection with masajid, separately from the imperative of communal prayer. In a narration narrated by both Bukhari and Muslim,ⁱⁱ the Messenger of Allah صلى الله عليه و سلم mentions about seven types of people who will be ‘sheltered by Allah under His Shade, on the day of judgement, on the day when there will be no shade apart from His Shade;’ one of whom is, ‘a person whose heart is attached to the masjid.’ The attachment to the masjid is gained through the love for those blessed places and through one frequenting them often. Their closure, in situations where they are legally allowed to remain open, might be counterproductive and hurt the feelings of devoted worshippers, who have a great attachment to these sacred places.
2. Again, in the Sunnah, the following Prophetic narration reads,

أَحَبُّ الْمَبَلَدِ إِلَى اللَّهِ مَسَاجِدُهَا وَأَبْغَضُ الْمَبَلَدِ إِلَى اللَّهِ أَسْوَاقُهَا.

“The dearest places to Allah are the masajid and the most detested are the marketplaces.”
(Muslim, 671)

An-Nawawi comments on the hadith stating that the reason for the masjid being beloved to Allah is because they are places of obedience to Allah and their foundations are based on *taqwa* (righteousness). On the other hand, the marketplaces are described as divinely detested because they are places where deceit, cheating, usury, false oaths, breaking promises, turning away from the remembrance of Allah take place. The love and anger attributed to Allah mean the divine intention for good and evil, or His doing of that for the one whom He intends to grant success or failure. Hence, the masjid are places where the divine mercy descends and marketplaces are the opposite of that. This narration again encourages us to keep the masjid open and running.

3. The Noble Quran praises those who ‘populate’ the masjid. The following verse states,
 إِنَّمَا يَعْزُمُ مَسْجِدَ اللَّهِ مَنْ ءَامَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَأَقَامَ الصَّلَاةَ وَءَاتَى الزَّكَاةَ وَلَمْ يَحْشَ إِلَّا اللَّهَ فَعَسَىٰ أُولَٰئِكَ أَنْ يَكُونُوا مِنَ الْمُهْتَدِينَ (١٨)

“They only shall tend Allah’s masjid who believe in Allah and the Last Day, establish prayer, give the Zakat and fear none save Allah. It is hoped that they will be among those who will be of the guided ones.” (9:18)

The word used here in this verse is ‘*Imārah*’ which carries multiple meanings that are tied to each other. Ibn al-Jawzi mentions in his Tafsir that ‘*Imārah*’ absorbs the meanings of frequenting the masjid, sitting inside them, building them, and also maintaining them. One can envisage the divine praise for those exercising ‘*Imārah*’ of masjid in the verse above, which again necessitates keeping the places of worship open.

4. Allah, The Most Exalted, has warned about deserting the masjid and allowing them to fall into ruin. Allah, The Most High,
 وَمَنْ أَظْلَمُ مِمَّن مَّنَعَ مَسْجِدَ اللَّهِ أَنْ يُذَكَّرَ فِيهَا اسْمُهُ وَسَعَىٰ فِي خَرَابِهَا أُولَٰئِكَ مَا كَانَ لَهُمْ أَنْ يَدْخُلُوهَا إِلَّا خَائِفِينَ لَهُمْ فِي الدُّنْيَا خِزْيٌ وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ (١١٤)

“Who is more cruel than the one who prevents the masjid of Allah from having His name being recited therein, and strives for their destruction? It was not for such men to enter them except in awe. For them there is disgrace in this world, and for them there is a mighty punishment in the other world.” (2:114)

Although this verse is related to some specific historical contexts, however, it is general in its warning against all those who create unnecessary hurdles and prevent the faithful from attending the masjid, which in turn leads to their ruination. It is noteworthy to address that where an act is warned against in the Noble Quran, that act carries the meaning of prohibition. Thus, it is important for the committee members and mosque managers to reflect upon this verse, given that the present legislation permits keeping the masjid open.

F. Suspension of Communal Worship and keeping of Individual Worship

The dilemma created by the update legislation is that it only allows individual worship. Under “The Health Protection (Coronavirus Restrictions) (England) (No. 4) Regulations 2020,” precisely under “(f) for individual prayer, and for these purposes, “individual prayer” means prayer by individuals which does not form part of communal worship,” this gives exclusive provision for places of worship to remain open for that purpose.

It is worth noting that individual and private worship is a secondary act in masjid, while collective and congregational prayers are primary. This puts the mosque committees and managements in limbo when deciding to either keep the masjid open for that limited provision or close them temporarily.

Based on the evidences given above, we would suggest that would be better and more commendable to keep them open, and explore further how the masjid can be kept functioning within the constraints of individual worship, such as the types noted above.

Given that the legislation suspends communal prayers, can the faithful perform obligatory prayers individually instead? The answer is yes. If any mosque user comes to the mosque and performs fard/obligatory prayers alone, his prayers are accepted.

Will one performing obligatory prayers individually inside the mosque in the current emergency circumstances receive the full reward of congregation (jamaat)? Of course, yes. The suspension of congregational prayers is an emergency situation outside the bounds of one’s ability to counteract it, as it has been implemented to protect vulnerable lives. Therefore one performing the obligatory prayers individually and privately inside the mosque will be rewarded fully as one who performs these prayers in congregation. The Messenger of Allah صلى الله عليه و سلم has stated,

إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ.

“Actions are according to intentions.” (Bukhari and Muslim)

The rewards for actions are based on intentions. Hence, praying the obligatory prayers individually in the mosque will carry the same reward as praying in congregation, due to the exigency of the time caused by the current situation which restricts congregation. Furthermore, one will also be receiving the reward of *al-Imārah*, which covers the areas of frequenting, tending, looking after and maintaining masjid.

G. Jumu’ah prayers

Jumu’ah prayers cannot be performed individually; if the masjid are open for individual prayers on Fridays, those visiting the masjid on this blessed day should perform *Zuhr* prayers as individuals. Again, it is worth mentioning that due to the situation which we are currently

facing, one will receive the full rewards of performing Jumu'ah prayers. This issue has been dealt with above, please refer to it for further clarification.

H. Madrassahs

The importance of education in our religion cannot be understated; the very first revelation received by the blessed Prophet (صلى الله عليه و سلم) was to 'read', and the Quranic verses and hadiths about the merit of seeking knowledge are too plentiful to mention. This importance, not merely to the education of children (and adults), but also in terms of secondary benefits of freeing up parents and carers to seek work and income, as well as rest and respite, has also been recognised by the government.

Safety remains the key consideration. As with prayer and opening places of worship, our position is that cessation of such activities as congregational worship or education can only be countenanced because of an over-riding preventative (*mani'*) – here, maintaining the health of attendees and the community in general. As such, our position is dependent upon whether or not the preventative measures will actually achieve this end. It is recognised that we now know a lot more about the virus than we did six months ago, especially in terms of who is affected, how it spreads and how to mitigate transmission.

In this, we rely on expert opinion, who now indicate that such gatherings are safe enough to be allowed. Hence a major difference between the first and second lockdown is that places of education – schools and universities – are open this time. However, this blanket permission has **not** been extended to out-of-school settings, such as madrassas.

The BBSI fully recognise that religious education is just as important as (if not more so than) mainstream education, and continue to advocate for this position in the forums in which we are involved – although it should be noted that our taskforce does not advise directly on the question of education. This is the responsibility of Department for Education. Our position is that, given that education is important and schools are deemed safe enough to be open, madrassas should also be open as long as: (1) educational gatherings are deemed safe by the Public Health experts, and (2) they are sure that they can follow the government health and safety guidelines.

However, there appears to have been significant confusion about whether madrassas *can* in fact remain open during this period of lockdown. This confusion is caused, it seems, by the apparent contradiction between the government guidelines and the wording of the legal regulation. In the most recent update, including the legislation that has been passed in parliament, it is apparent that the default position is that madrassas should **not** be open, except in particular exceptional circumstances: that they are providing “necessary and reasonable” “education”.

The regulation is silent on what this means, and leaves the determination of whether this is the case up to interpretation by the providing bodies; the guidelines on the other hand provide examples which do not appear to be restrictive (ie: there may be other examples). The most important of these is that if the madrassa is providing an essential child-care service to parents who have to go out to work or study.

As such, this is a legal test which each madrassa will need to look at on its own facts. It should also be noted that this may well be resolved one way or another in updates to either guidance or regulations, and that ultimately it is the local authority that will determine how the rules are to be interpreted and understood. Our advice, therefore, is to liaise closely with the Local Authority and Police, and provide clear examples of the types of permitted activity occurring on one's premises. In summary, there appears to be latitude within the wording of the guidance and regulations for madrassas, including in places of worship, to remain open for 'reasonable and necessary education'. What precisely this entails should be a matter for discussion between madrassas and the local authority, unless and until the ambiguity in the central guidance is resolved.

We will continue to advocate for the importance of religious education, as we are advocating for the centrality of places of worship and communal prayer. We would also encourage the use of online education where possible, and remind all of the importance of containing the spread of the virus, especially in our community which has been affected in an outsize way.

I. Donating towards your local mosque

Donating towards your masjid carries a great reward. That donation is also part of *al-Imārah*, which includes maintain and upkeep of the masjid and its services. One also receives the reward of building a mosque. It is narrated in a ḥadīth wherein the Prophet صلى الله عليه و سلم states,

مَنْ بَنَى مَسْجِدًا لِلَّهِ بَنَى اللَّهُ لَهُ بَيْتًا فِي الْجَنَّةِ مِثْلَهُ.

“One who builds a mosque for the sake of Allah, Allah will build for him a house like it in Paradise.” (Bukhari, 1450; Muslim, 1533; and Musnad Ahmad, 506)

It is clear that the above narration is about building the mosque which is the stepping stone to its being maintained by donation later on. Hence, one who donates towards the maintenance of the mosque he or she frequents, shares the reward mentioned in this narration. The Muslim scholars (ulama) state that any donation is firmly rewarded by Allah when the giver gives with sincerity from his permissible (halal) wealth. It is also worth noting that the reward is continuous for whatever amount of donation one keeps on giving towards his local mosque as that is also part of *al-Imārah* mentioned above.

Conclusion

This guidance clarifies the importance of keeping the mosque open and running within the framework of the present legislation and highlights its need to remain so as it is well documented and enshrined in the glorious divine law. It also explores the notion of individual and private worship in Masjids and its scope in terms of practice in Islamic law. It is noted that individual and private worship takes place in our masajid in various forms such as voluntary *sunnah* and *nafl* prayers, *dua* (supplication), *dhikr* (remembrance of Allah), recitation of the Noble Quran, *i'tikāf*, and so on. Despite these being secondary acts of worship (with the primary objective being to perform worship collectively and communally), they are still important, as they are vital parts of the daily function and usage of masajid.

We stress once again that it is important for masajid to be aware of any dangers and concerns as a result of Covid19 both locally and nationally. Where there is an increase in infection rates, hospitalisation and deaths, and the capacity of the NHS is overstretched to breaking point, one should strongly consider further voluntary limits of even permitted activity at the Masjid.

It has been previously argued that it is important to keep the masajid open due to the clear sacred proofs pointing towards that necessity, given under section E. At the same time, it should be very clearly noted that, if a mosque committee feel that they would be unable to keep people safe, or to prevent acts contrary to current lockdown legislation occurring (like congregational prayer), **then the committee would be well within their rights to choose to close up the mosque.**

Section F dealt with the dilemma of performing obligatory prayers individually in masajid during the present crisis. That was answered that it is permissible to do so due to the exigent circumstances we are in and that it is hoped that the faithful will also receive the full reward of performing congregationally as well as the reward of *al-'Imārah*.

Section G discussed about the Jumu'ah prayers in the current situation. It was explained that the current legislation does not allow congregational prayers to take place, hence, those visiting the masajid on Fridays will perform *Zuhr* prayers individually instead and will receive their reward in full, (see the paragraph above for further clarification).

Under section H, it was mentioned religious settings providing education such as Madrassahs and Maktabas should not operate as normal under the current updated legislation, with very specific exceptions. If they qualify for those exceptions, they still need to ensure that they have all precautionary measures in place. For example, when moving within the building, entering premises or leaving them, children 11 years and over as well as staff must adhere to cover their faces.

Under section I, the congregants and mosque users are encouraged to donate and help their places of worship. In times of dire need, it is worth mentioning that that act becomes more imperative. Also, it is vital to mention that the reward becomes greater when the need to protect the sanctuaries of worship becomes pressing.

Finally, it is worth stressing on all mosque users as well as the management teams and mosque committees to take the pandemic seriously and put in place and practice all the preventative measures to protect the lives of the vulnerable members in their communities and ensure safety of everyone. Protection of life is an essential objective of Islamic Law. Allah, The Majestic, states in His Glorious Book,

مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَىٰ بَنِي إِسْرَائِيلَ أَنَّهُ مَن قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

“For this reason, We decreed for the children of Isrā’īl that whoever kills a person not in retaliation for a person killed, nor (as a punishment) for spreading disorder on the earth, is as if he has killed the whole of humankind, and whoever saves the life of a person is as if he has saved the life of the whole of humankind.” (5:32)

We ask Allah, The Exalted, to protect us all and family members and grant us all success. Ameen.

Addendum

The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020

Found at: <https://www.legislation.gov.uk/uksi/2020/1200/regulation/>

UK Statutory Instruments 2020 No. 1200 PART 2 Regulation 5

Restrictions on leaving home

5.—(1) No person may leave or be outside of the place where they are living without reasonable excuse.

(2) For the purposes of paragraph (1)—

(a) the circumstances in which a person has a reasonable excuse include where one of the exceptions set out in regulation 6 applies;

(b) the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(3) This regulation does not apply to any person who is homeless.

Exceptions: leaving home

6.—(1) These are the exceptions referred to in regulation 5.

Exception 1: leaving home necessary for certain purposes

(2) Exception 1 is that it is reasonably necessary for the person concerned (“P”) to leave or be outside the place where P is living (“P’s home”)—

(e) to attend a place of worship;

(4) Exception 2 is that it is reasonably necessary for P to leave or be outside P’s home

(b) for the purposes of education or training;

Participation in indoor gatherings

8.—(1) No person may participate in a gathering which—

- (a) consists of two or more people, and
 - (b) takes place indoors (including indoors within a private dwelling).
- (2) Paragraph (1) does not apply if any of the exceptions set out in regulation 11 apply.

Exceptions in relation to gatherings

11.—(1) These are the exceptions referred to in regulations 8, 9 and 10.

Exception 1: same or linked households

- (2) Exception 1 is that all the people in the gathering—
- (a) are members of the same household, or
 - (b) are members of two households which are linked households in relation to each other (see regulation 12).

Exception 2: gatherings necessary for certain purposes

- (3) Exception 2 is that the gathering is reasonably necessary—
- (a) for work purposes or for the provision of voluntary or charitable services;
- (b) for the purposes of education or training;**
- (c) to provide emergency assistance;
 - (d) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
 - (e) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(1);
 - (f) to facilitate a house move.

Further restrictions and closures

18.—

(7) A person who is responsible for a place of worship must ensure that the place of worship is closed, except for uses permitted in paragraph (8) and regulation 11(18).

- (8) A place of worship may be used—
- (a) for funerals,
 - (b) for commemorative events celebrating the life of a person who has died,
 - (c) to broadcast an act of worship, whether over the internet or as part of a radio or television broadcast,

(d) to provide essential voluntary services or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency),

(e) for childcare provided by a person registered under Part 3 of the Childcare Act 2006,

(f) for individual prayer, and for these purposes, “individual prayer” means prayer by individuals which does not form part of communal worship, or

(g) to host any gathering which is permitted under regulation 8 or 9.

Extract from Guidance - Education and childcare settings: New National Restrictions from 5 November 2020 dated 5 November 2020

Out-of-school activities and wraparound childcare

Out-of-school activities (including wraparound care) may continue to operate if their primary purpose is providing registered childcare, or where they are offering other childcare activities, where this is reasonably necessary to enable parents to:

- work or search for work
- undertake training or education

Out-of-school activities may continue to operate for the purposes of respite care, including for vulnerable children.

Out-of-school activities that are primarily used by home educating parents as part of their arrangements for their child to receive a suitable full-time education (which could include, for example, tuition centres, supplementary schools, or private tutors) may also continue to operate for the duration of the national restrictions.

Youth support services, including 1-1 youth work and support groups, may also continue to operate.

These settings should continue to undertake risk assessments and implement the system of controls set out in the protective measures for holiday clubs and after-school clubs and other out-of-school clubs for children during the coronavirus (COVID-19) outbreak guidance. Providers of youth services and activities should also refer to the National Youth Agency’s guidance for managing youth sector spaces and activities during COVID-19, where it is relevant to do so.

All other out of school activities, not being primarily used by parents for these purposes, should close for face-to-face provision for the duration of the national restrictions.

Please note.

There is no specified list of “reasonably necessary” purposes for education set out in the Regulation 18 exception 2, which we note and follow as the law.

The list of “reasonably necessary” examples provided in the Government ‘Guidance’ for ‘education’ purposes are a helpful non-exhaustive list which we follow as advice.

Where there is a real or apparent contradiction or confusion between Regulation and Government Guidance, we will of course follow the Regulation as we understand it.

ⁱ See Nihayatul Muhtaj ila Sharh al-Mihaj.

ⁱⁱ Riyadh as-Saaliheen, 659, Sahih Muslim 1031 a, and Sahih al-Bukhari 1423.