

Shay Legal Services
Traditional Values – Modern Methods

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Dear Customer,

Your Islamic Will

Thank you for purchasing your Will from Shay Legal Services.

In order for us to prepare your Will we attach a questionnaire which you will need to fully complete and return to us at the e-mail address stated above.

After having received your completed questionnaire we shall prepare your Will and send it out to you within 4 working days of receipt of the questionnaire.

In addition to the Frequently Asked Questions on our website we have attached some further questions and answers which you may find helpful when completing the questionnaire.

If you have any questions concerning the questionnaire then please do not hesitate to contact us.

We look forward to receipt of the questionnaire so your Will can be prepared thus allowing you to fulfil your obligations as stated in the Quran and Sunnah.

Yours sincerely,



Shay Legal Services

Islamic Will FAQs

Who can make an Islamic Will?

Any Muslim can make an Islamic Will in England & Wales providing he/she is:

1. 18 or over; and
2. of sound mind, memory and understanding.

Do I need to prepare a Declaration of Faith?

This is encouraged amongst Muslims whilst finalising the wishes in their Will (our Will has this included within it). A declaration of faith is a document where you proclaim certain true facts, in particular:

- that there is nothing worthy of worship but the one, the merciful, the almighty Allah;
- that He is the one God and has no partner;
- that the prophet Muhammad (peace be upon him) was the true and last messenger of all prophets before Him;
- that paradise and hell are true and realities;
- that the day of judgement is true and shall come, and where Allah shall resurrect the dead.

Who will be my Executors?

Your Executors will be the persons you wish to deal with the administration of your estate after your death. They shall have the responsibility of ensuring that your estate is distributed in accordance with Islamic law. Your beneficiaries can also be your Executors.

It is your Executors' responsibility to:

- a) determine what property and other assets you own at the date of death, as well as your liabilities.
- b) arrange for current valuations of your personal possessions, property, investments any pension or insurance entitlements due including any debts and bills
- c) arrange your funeral and arrange for the payment
- d) establishing Income and Inheritance Taxes liabilities and completing the necessary tax returns for the Revenue
- e) completing and submitting the necessary probate forms and submitting these to the Probate Registry
- f) arrange the clearance and sale of any property (should this be required)
- g) collecting assets and paying any debts
- h) arrange to pay any legacies to legatees before the remainder of your estate is distributed in accordance with Islamic law
- i) compiling detailed accounts to give to the main beneficiaries, before distribution of the estate and in accordance with Islamic law

- j) in the case of children being beneficiaries, then the Trustees shall hold the monies on trust until required then distribute
- k) Choose your Executor(s) carefully as this can determine how quickly and efficiently the administration of your estate is progressed.

Appointing Guardian(s) for my Children

Many people are deterred from making a Will because they do not want to think of their children without them. A Will can reflect a parent's wishes and clearly state who will care for a child / children in the event of the death of the parents or guardians. Why leave this decision to the courts?

For your information, if a mother is not married to the child's father, or the father's name is not on the child's birth certificate, then the mother would need to appoint the father as the first chosen guardian. If this is not done then according to the current law, the father would not have any automatic rights as guardian, if the mother died first.

Can my Islamic Will be challenged?

Yes, despite preparing a Will, it is possible for certain persons to make a claim on your estate if it can be shown that at the time of your death your Will does not make reasonable provision for them, i.e. if an individual is disinherited or inadequately provided for. Any claim allowed, would be assessed by the Court.

If it was anticipated that such a claim could arise it might be advisable to leave a letter to your Executor setting out any special circumstances relevant to any possible claim.

The persons that may have a right to apply to the Court are:

- I. Any partner of yours, if you have lived as man and wife or civil partners for at least 2 years prior to your death
- II. Any former wife or civil partner provided he or she has not remarried or has entered into a subsequent civil partnership, or an order of the Court bars any claim
- III. Any child of yours
- IV. Any person not being your own child who in the case of any marriage of yours was treated by you as a child of the family in relation to that marriage
- V. Any other person who immediately prior to your death was being maintained wholly or in part by you

If you feel that an individual may have a claim on your estate then we would recommend that you explain your thinking in a letter to the Executors in case your Will is challenged after your death.

When can I amend or revoke my Islamic Will?

You can amend or revoke your Will at any time before your death. However, there are some circumstances where a Will is automatically amended or revoked:

- a) Upon divorce, a Will is altered insofar as any gift to a former spouse is rendered invalid.
- b) Upon marriage (unless made in contemplation of the event), a Will is revoked.

- c) When a new Will is written, the old Will should be destroyed to avoid any confusion at a later date.

We recommend that you review your Will every five years, or after any major life event such as birth, death, marriage, divorce, separation, or moving house. We recommend that Wills are reviewed in order to incorporate the changes.

What about joint assets?

In relation to jointly owned assets, please note that such assets are usually held either as 'Joint Tenants' or 'Tenants in Common'. If your assets are held as Joint Tenants then upon death the assets shall pass automatically to the survivor and not in accordance with your Islamic Will. If your assets are held as Tenants in Common then the position is such that your asset, or your share of that asset, is held by you and such asset or your share of such asset shall pass in accordance with your Islamic Will.

In relation to your property, if held jointly, we strongly suggest that you ensure that your property is held as 'Tenants in Common', so that the property or your share of your property can pass in accordance with your Islamic Will. For further detail, please contact our specialist team.