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Myerson **Personal**

A Guide to making an Islamic Will

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Welcome

We understand the complexities of modern life, relationships, and the importance of taking care of you, your family and your financial interests. So it's a deep source of satisfaction that so many families, institutions and individuals choose Myerson as an integral part of their succession strategy.

Why Myerson?

As a Top 200 UK Law Firm, we are proud to be ranked as '**Top Tier**' in the prestigious international directory **The Legal 500**, and commended by The Times '**Best Law Firms 2023**'. This means you can be certain that you will be receiving the highest quality legal advice.

Being a full-service law firm means we are well placed to provide wide-ranging, tailored legal advice to meet your individual needs. We work closely with other departments internally including Real Estate, Corporate, Commercial and Private Wealth Lawyers to ensure that your needs are protected comprehensively.

Find out more about our [**Private Client Team**](#).



A Guide to making an Islamic Will

In England and Wales, if you do not leave a Will, the intestacy rules will apply to your estate when you pass away. This means that you would not leave your estate in accordance with the Islamic succession rules.

If you would like to make a Will so your beneficiaries inherit under the Islamic law, our team of experts can assist you. This could help to prevent potential disputes between your family members and a costly lengthy probate process.

Your Will will still need to be valid under English law. Therefore, it is important to seek professional advice to ensure your Will not only complies with the Islamic succession laws, but also with the legal requirements under English law.

What is a Sharia compliant Islamic Will?

An Islamic Will is a legally binding document which sets out the distribution of your estate in accordance with the principles of Sharia law.

“It is the duty of a Muslim who has anything to bequeath not to let two nights pass without writing a will about it.” - (Hadith, cited by Bukhari)

The Sharia-Compliant Will covers the same important aspects as a secular Will such as the appointment of your executors and your guardians for minor children. However, the Sharia Will also ensures that your estate is distributed in accordance with the Islamic succession laws.



For your Will to be Sharia-Compliant:

- Your executor (or wasi) must be Muslim
- A minimum of two thirds of your estate must be left to living family members per Islamic succession laws.
- The entitlement of your heirs is fixed. It cannot be determined in advance as the exact distribution will depend on which family members have survived you at the date of your death.
- One-third of the estate can be allocated to anyone not entitled to a fixed share, such as a charity, friends or more distant relations. It cannot be used to boost the entitlement of heirs.

By making a Sharia compliant Islamic Will, you can also leave a third of your estate to beneficiaries who would not benefit automatically under the principles of Islamic law e.g. charities. It can also deal with religious debts such as unpaid zakat (compulsory charity) and compensation for missed prayers and fasts.

Islamic Will Calculator – Who Is Entitled to What?

Islamic wills, also known as wasiyyahs, are determined according to Sharia law, which outlines the distribution of assets after a person's passing.

An example case study showing the distributions as per the key inheritance rules under Sharia law:

Husband has died leaving wife, 1 son and 1 daughter. His parents have predeceased him.

- 12.5% would pass to the surviving wife
- 58.34% to his son
- 29.16% to his daughter



The proportions passing to the beneficiaries will need to be reduced if the testator leaves one third of his estate to other beneficiaries such as charities.

Wife dies leaving husband, 1 son and 1 daughter. Her parents have predeceased her.

- 25% to surviving husband
- 50% to her son
- 25% to her daughter

Contact our Islamic Wills specialists, who will provide you with a tailored questionnaire to help create a personalised breakdown of how your assets will be distributed according to Sharia Law.

Bequests

Bequests are an important aspect to consider when writing an Islamic Will. They offer a unique flexibility within the otherwise structured guidelines of Islamic inheritance.

In Islamic Wills, the testator is permitted to distribute up to one-third of their estate as they wish, without adhering to the standard distribution rules set forth by the Qur'an or Sharia law. This discretionary portion is known as a bequest.

While using a bequest is optional, it provides an opportunity to allocate a portion of the estate according to personal wishes. Some may use it to donate to charity, leave a specific item to a loved one, or make a kaffarah payment to atone for missed prayers and fasts. However, if preferred, the entire estate can still be distributed strictly according to Islamic inheritance laws.



Rules for Bequests

When including a bequest in your Will, two key rules must be followed:

Specificity: Clearly specify in your Will what is being bequeathed and to whom. This could be a particular item, such as a piece of jewellery, or a specific sum of money.

Limit: The value of the bequest must not exceed one-third of your total estate.

How much will it cost?

At Myerson, we provide a bespoke service and tailor your Will to your individual circumstances. We will be able to provide you with a more accurate quote once we have received your completed Will Questionnaires (we also have a questionnaire specifically for Islamic Wills). As a guide, if you will require a trust in your Wills, our fee estimate is from £2,500 plus VAT.



You're in safe hands!

If you would like further information about how we can help you setting up an Islamic Will, or if you have any questions, please don't hesitate to contact a member of our **Private Client Team** today.

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