

Non-Muslim wills made easy, but to cost more

Brings clarity on succession; jurisdiction limited to Dubai



LEGAL VIEW

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THE DUBAI International Financial Centre Wills & Probate Registry — the first-of-its-kind service in the Middle East for non-Muslim expatriates, is a welcome step taken in the right direction. Something like this has been long-awaited. Dubai is home to millions of expatriates and has been able to attract investors and entrepreneurs from all over the world to invest in properties and own other movable assets here. The ownership of sizeable property naturally enhances the need for the property owners to protect the rights and title over the property for themselves as also for their heirs and assigns.

The introduction of probate services at the DIFC brings clarity for a sizeable number of the non-Muslim expatriate population in the emirate, most of who may not speak or read Arabic. Prior to introduction of probate services by DIFC, expatriates who owned or who did not own movable and immovable assets in the UAE and or outside the UAE would get their bilingual language wills attested either by the Notary Public in Dubai or the diplomatic missions of the respective countries. In the event of an ambiguity in a bilingual will, the contents in Arabic language took precedence over English language. This has been a cause of great worry for expats who don't know Arabic.

However attestation of a will by the notary public or the diplomatic

mission may not be as secure as compared to registration of a will at the DIFC Wills & Probate Registry. It is of paramount importance to have a will prepared by a qualified competent professional who possess full knowledge about the enforcement and execution of a will in the UAE.

A poorly drafted will may frustrate the beneficiaries under the will, at the time of its execution. Whereas now, pursuant to the DIFC Wills & Probate Registry, eligible individuals with real estate and other assets in Dubai can reg-

higher than what people would usually incur for attestation at the office of the Notary Public or their respective diplomatic mission. In accordance with the Practice Direction No. 1 of 2015 The DIFC Wills and Probate Registry's Fees, which is the charter of fees for registry services, the cost for 'Execution (Registration) of a DIFC will before a registry officer' is Dh10,000. Whereas, the cost for 'Simultaneous execution (Registration) of two Mirror DIFC Wills (by spouses) before a registry officer' is Dh15,000.

DH10,000

cost for execution of such a will

ister their wills that provides legal certainty, simple and efficient mechanism for non-Muslims to pass on their assets according to their wishes, to their legal heirs.

This registry works in conjunction with DIFC Courts who will issue the necessary distribution orders for the probate process. Attestation of wills by the Notary Public or the diplomatic missions does not provide the security to the legal heirs as provided by the DIFC Wills & Probate as attestation is completely different from registration of a will.

Non-Muslim expatriates will have a better understanding and clarity about the contents of testaments executed by them in English language with this facility.

The costs of registration of a will at the registry may be much

One of the major issues regarding the registry, which we noted, is the limitation in its jurisdiction. For one, the wills/testaments to be registered must include properties based only in Dubai and not beyond its jurisdiction.

Owing to this limitation in jurisdiction, it may be opined that eventually the scope of the registry services gets restricted to a great extent. Since properties existing within Dubai can only be registered as part of a testament; a property-owner will be required to execute a second instrument of will for its properties outside the jurisdiction of Dubai.

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DH15,000

The cost for registration of two mirror wills (by spouses) before a registry officer

