



DIFC WILLS

The DIFC Court's Wills Registry for Non-Muslims ("DIFC Registry") aims at addressing with certainty succession and inheritance matters of non-Muslims with assets in the United Arab Emirates (UAE) and abroad. As such, it represents a fundamental step forward for the jurisdiction. Below is a brief of the DIFC Wills Service Centre's key features and mechanisms.

1. What is the DIFC Wills Service Centre?

An English language entity based inside the DIFC - the Dubai International Financial Centre - established to provide administrative support to the DIFC Registry and enabling the formal registration of wills.

2. Who is it aimed at?

Non - Muslim individuals over the age of 21 with assets in the United Arab Emirates or abroad. The registration of DIFC Wills is not open to Muslims.

3. What assets may be covered in a DIFC will?

Any assets physically located or registered in the United Arab Emirates or abroad. While Dubai based and formerly reserved to assets located in Dubai and Ras Al Khaimah (RAK), the DIFC Wills scope does extend to the other Emirates and overseas since 30 June 2019.

4. Does this include real estate?

Absolutely. Real estate can be covered in a DIFC will.

5. Does one need to be a UAE resident to register a DIFC will?

No. UAE resident status is not a criteria to register a DIFC will.

6. What is the DIFC registry's legal framework?

The DIFC is a Common Law jurisdiction. The Wills and Probate Registry's Rules are based primarily on the principles contained in the UK Estates Act and Probate rules. Sharia principles do not form part of the DIFC Registry's legal framework.

7. Does any restriction apply as to the devolution of assets?

The DIFC Wills and Probate Registry Rules provide for full testamentary freedom. Some restrictions may apply depending on the testator's citizenship and/or place of residency.

8. Can guardianship issues be covered in a DIFC will?

Yes. The guardianship of minor children habitually residents in Dubai or RAK may be addressed in a DIFC standard will, or alternatively, in a specific guardianship will, i.e a will executed specifically to address such particular purpose.

9. Can a DIFC Will be registered abroad?

Yes. In certain circumstances, e.g. terminal illness, the DIFC Wills Service Centre may approve and send an Authorized Officer to

assist in will registration outside the DIFC Wills Service Centre's office to enable the testator to execute a will. Additional costs may apply.

10. How does the DIFC Registry work in practice?

An appointment is booked online with the DIFC Wills Service Centre. The execution of the will takes place at the time of registration in the presence of an officer of the centre and two (2) witnesses chosen by the testator. The DIFC Registry retains an electronic copy of the will which will be treated as the original. Testators have the option of taking the signed hard copy.

11. Once the will is registered, will the DIFC Wills Service Centre take decisions in this respect?

No. The DIFC Wills Service Centre is an administrative body primarily in charge of wills registration. Probate grants, court orders and guardianship orders are issued by the DIFC courts, which are also competent to adjudicate any contentious probate matters. Grants and orders are issued in English and Arabic.

12. How much does the registration of a DIFC will cost?

USD 2,800 for a single standard will and USD 4,200 for two mirror standard wills; USD 1,400 for a single guardianship will and USD 2,100 for two mirror guardianship wills. Such costs do not include professional fees for assistance in drafting the DIFC will, registering it, acting as first witness, drafting the letter of wishes, being appointed and/or acting as executor.

13. How much does the enforcement of a DIFC will cost?

USD 1,500 for an application for a grant of probate. A "grant of probate" is a legal instrument that gives authority to the executor to handle the disposal of the deceased's assets and debts.

14. Who can be an executor?

A family member, a friend or a legal representative (attorney). It is possible to appoint co-executors - e.g. a family member together with an attorney. Being appointed as executor is not neutral and comes with its set of specific duties.

15. Can a DIFC will be challenged?

Yes. A challenge may be lodged before the DIFC Courts who will hear any claim launched against a will.

Who we are

We are a multi-services platform catering to a broad spectrum of clients - from individual entrepreneurs and local SMEs to wealthy international families, to established blue-chip companies and multinationals. Our one-stop-shop offering is unique in the Middle East: a holistic and cross-disciplinary combination of a market-leading corporate services firm, a law firm's specialist expertise and a regulatory & compliance services practice, all through one single platform.

We have broad experience in advising successful individuals and wealthy international families on legacy planning and on the use of the UAE for asset consolidation, through a combination of tools - e.g. HoldCo, corporate migration, DIFC will, foundation, PTC).

Headquartered in the UAE, we are an entrepreneurial firm for entrepreneurial clients.

Who will assist you



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