

The Dispute Resolution Authority

Practice Direction No. 3 of 2016

The DIFC Wills and Probate Registry (WPR)'s Property Will - Form of Will 3

Citation, commencement and interpretation

In exercise of the powers conferred on me by Article 8(3)(a) of Dubai Law No. 9 of 2004, as amended, and Rule 7 of the DIFC WPR Rules, I, Chief Justice Michael Hwang, Head of the DIFC Dispute Resolution Authority, issue the following Practice Direction after having reviewed the DIFC Wills and Probate Rules, including, but not limited to, Rules 9, 10, 13, 21 and Schedule 1.

The purpose of this Practice Direction is to introduce a form of will 3 to Schedule 1 of the DIFC WPR Rules and permit registration of a will made in compliance with form of will 3 at the DIFC WPR.

1. This Practice Direction will come into effect on the date of signature. It may be cited as **Practice Direction 3 of 2016 — DIFC Wills and Probate Registry's Form of Will 3** and may be abbreviated to **PD 3/2016**.

2. In this Practice Direction—
 - (a) “DIFC WPR” means the DIFC Wills and Probate Registry.
 - (b) “DIFC WPR Rules” means the DIFC Wills and Probate Registry Rules.
 - (c) “Property Will” means any will prepared in accordance with the form of will 3 (as contained in Schedule 1 of the DIFC WPR Rules) and registered with the DIFC WPR from time to time.
 - (d) “Property Will Portal” means the DIFC WPR’s electronic online system for preparing and submitting a Property Will together with associated information and documents.
 - (e) “Testator” means an individual who makes a Property Will.
 - (f) “the Register” means the DIFC WPR’s Register of Will Draftsmen.
 - (g) “Will Draftsman” means an individual registered in the Register.

Introduction of form of will 3

3. Schedule 1 to this Practice Direction shall be inserted at Schedule 1 of the DIFC WPR Rules.

Registration of a Property Will

4. The DIFC WPR will establish and maintain the Property Will Portal.

5. A Property Will must be prepared and submitted to the DIFC WPR by a Testator or by a Will Draftsman on behalf of a Testator using the Property Will Portal.

6. The Testator must register the Property Will at the DIFC WPR.

Disapplication of DIFC WPR Rules

7. Rules 30(2), 30(3), 30(4), 31(2), 35(2), 37 and 38 shall not apply to a Property Will registered at the DIFC WPR.

Dated this 7th day of September 2016

Chief Justice Michael Hwang

Head of the Dispute Resolution Authority

SCHEDULE 1: FORM OF WILL 3

Form of Will 3

Property Will of []

A. INTRODUCTION

1. I [*name*] born on [*date of birth*] of [*address*] declare this to be my last Will.

B. INCLUSION OF PROPERTY AND RENTAL INCOME

2. This Will is made in respect of my interests in immovable property¹ situated in the Emirate of Dubai as listed below in Table A, together with all rental income payable on such immovable property from the date of my death (“my Dubai Property”).

3. Table A: List of Dubai Property

Property Address	Plot Number	Date of Purchase/ Acquisition	% Share of Property (owned by me)	Mortgage (Yes/No)

C. REVOCATION

4. I revoke all my earlier testamentary dispositions to the extent that they relate to my Dubai Property.

D. RELIGION DECLARATIONS

5. I declare that I am not Muslim and have never been a Muslim.

6. I declare that this Will will be void if I am a Muslim at any time before my death.

¹ WPR Rules Rule 5(2)(a) Immovable Property definition means: includes all interests in land but not money secured or charged on land.

E. APPOINTMENT OF EXECUTORS AND TRUSTEES

7. I appoint my [*relationship*] [*name*] born on [*date of birth*] (“First Executor”) to be my sole executor and trustee in relation to my Dubai Property.
8. If the appointment of my First Executor fails (because they die with me or die in my lifetime or die before proving this Will, or they shall renounce probate, or for any reason be unable or unwilling to act as executor to this Will) then I appoint my [*relationship*] [*name*] born on [*date of birth*] (“Second Executor”) to be my sole executor and trustee in relation to my Dubai Property.

F. DISTRIBUTION OF DUBAI PROPERTY

9. My Executors shall distribute my Dubai Property as listed below in Table B.

[10. *Table B: Distribution of Dubai Property – by shares of estate*]

<i>Beneficiary Number</i>	<i>Beneficiary’s Full Name</i>	<i>Date of Birth</i>	<i>Relation (to you)</i>	<i>Share of Dubai Property (%)</i>	<i>Substitution Distribution</i>

Or

[10. *Table B: Distribution of Dubai Property – by specific properties*]

<i>No.</i>	<i>Property Plot Number (together with all rental income payable)</i>	<i>Number of Beneficiaries per Plot</i>	<i>Beneficiary Number</i>	<i>Beneficiary’s Full Name</i>	<i>Date of Birth</i>	<i>Relation (to you)</i>	<i>Share of Plot Number (%)</i>	<i>Substitution Distribution</i>

11. Table C – Substitution Distribution of Dubai Property

<i>No.</i>	<i>Substitute Beneficiary’s Full Name</i>	<i>Date of Birth</i>	<i>Relation</i>	<i>Share of Dubai Property (%)</i>

G. GOVERNING LAW

- 12. The law and the Rules of the Dubai International Financial Centre (including the Wills and Probate Registry (WPR) Rules, as applicable) govern the validity of this Will and its constructions, effect and the administration of my Dubai Property.
- 13. The Courts of the Dubai International Financial Centre (as established under Dubai Law No. 12 of 2004) have exclusive jurisdiction in any proceedings involving rights or obligations under this Will or the administration of my Dubai Property.

H. ATTESTATION

Signed by [name] to give effect to this Will,
in the presence of the witness and the Director/Authorised Officer present at the same time,
who have each signed this Will in the presence of the Testator.

Signature of Testator

[name]

Date

Address

Signature of First Witness

Name of First Witness

Date

Address

Signature of attending Director/Authorised Officer

Name of Second Witness

Date

Address

Seal of Registry