

**IN THE DISPUTE RESOLUTION AUTHORITY  
THE DIFC WILLS AND PROBATE REGISTRY  
THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS**

**Practice Direction No. 2 of 2015**

**THE PROBATE APPLICATION FORMS AND WITNESS STATEMENTS IN DIFC  
WILLS AND PROBATE MATTERS**

Citation, commencement and interpretation

This Practice Direction is issued pursuant to the powers conferred by the DIFC Wills and Probate Registry Rules (“the DIFC WPR Rules”), and including, but not limited to, Articles 7, 10, 21, 23, 27, 42, 51, 70, 86 and by the Rules of the DIFC Courts (“RDC”) Relating to Probate Claims, as stated in Part 55.

This Practice Direction will come into effect on the date of issue. It may be cited as Practice Direction 2 of 2015 — **THE PROBATE APPLICATION FORMS AND WITNESS STATEMENTS IN DIFC WILLS AND PROBATE MATTERS** and may be abbreviated to **PD 2/2015**.

The following forms are contained in this Practice Direction:

- (1) FORMS FOR PROBATE APPLICATIONS,**
- (2) WITNESS STATEMENT ON BEHALF OF A GUARDIAN UNDER RULE 10(6),**
- (3) WITNESS STATEMENT ON BEHALF OF AN EXECUTOR UNDER RULE 27 AND RULE 70, AND**
- (4) WITNESS STATEMENT ON BEHALF OF A GUARDIAN UNDER RULE 86**

Dated this 29th day of April 2015

**Michael Hwang**  
**HEAD OF THE DISPUTE RESOLUTION AUTHORITY**

The following forms are formal requirements for completion and delivery, including any additionally required documents, to the DIFC Wills and Probate Registry, in accordance with the DIFC Wills and Probate Registry Rules and the applicable Rules of the DIFC Courts, Part 55. They shall be read in conjunction with the applicable DIFC Wills and Probate Registry Fees, as set out in Dispute Resolution Authority Practice Direction No. 1 of 2015.

**PROBATE APPLICATION FORM – Form [\*\*]**

Name of deceased:

Interview Venue:

Dates to avoid:

**SECTION A: The Will**

A1. Is the deceased a non-Muslim?

A2: Did the deceased register a will at the DIFC Wills and Probate Registry?

A3. Did the deceased marry after the date of the will?

A4. Is there anyone under 21 years old who receives anything in the will?

A5. Did any of the witnesses to the will or the spouse of any witness receive a gift under the will or other testamentary documents?

A6. Who are there executors named in the will?

A7. Give the names of those executors who are not applying and the reasons why. Note: All executors must be accounted for.

A.8 To your best knowledge, did the deceased make any other will referring to his Dubai assets, after the will registered with the DIFC Wills and Probate Registry?

## **SECTION B: Details of applicant**

B1. Title: Mr Mrs Miss Ms Other

B2. Forenames:

B3. Surname:

B4. Address:

P.O. Box / Postcode:

B5. Telephone number:

B6. Email address (optional)

B7. Occupation:

B8. Are you related to the deceased?

B9. If Yes, what is your relationship?

B10. If there are any other applicants, up to a maximum of three, give their details.

(Note: All applicants named in Sections C1 and C10 must attend an interview.)

B11. Name and address of any surviving lawful spouse of the deceased, unless stated above

B12. If you are applying as an attorney on behalf of the person entitled to the grant, please state their name, address, and capacity in which they are entitled (e.g relationship to the deceased).

B13a. Has anyone been appointed by the person entitled as their attorney?

B13b. If Yes, has it been registered?

B13c. Does the donor of the power of attorney lack mental capacity?

## **SECTION C: Details of the Deceased**

C1. Forenames:

C2. Surname:

C3a. Was the deceased known by any other name in which he/she made a will?

C3b. If so, what name was it made in?

C4. Last permanent address of the deceased

C5. Date of birth

C6. Date of death

C7. Nationality

## **SECTION D: Submitting your application**

Please send your application to the DIFC Wills and Probate Registry, which controls the interview time and venue you wish to attend. Otherwise your application may be delayed.

You should send the following documents:

*Form [\*\*]*

*Official copy of death certificate*

*Other documents as requested on Form [\*\*]*

Signed

Dated:

**WITNESS STATEMENT ON BEHALF OF A GUARDIAN UNDER RULE 10(6).**

**IN THE ESTATE OF [NAME]**

I (full name) of (address) say as follows:

1. Unless otherwise stated (in which case I state the source of my belief), the facts and matters set out in this witness statement are within my own knowledge.
2. I am appointed as a Guardian of the testator's minor child(ren) in the event of his death (and the other parent predeceasing) under the Will which will be registered at the DIFC Wills and Probate Registry.
3. I confirm that I accept my appointment and I undertake to assume parental responsibility for the above named child in accordance with Rule 86 of the DIFC Wills and Probate Registry Rules and in accordance with DIFC law.
4. I confirm that I submit to the jurisdiction of the DIFC Courts.

**I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT ARE TRUE.**

**SIGNED:**

**NAME:**

**DATE:**

**WITNESS STATEMENT ON BEHALF OF AN EXECUTOR UNDER RULE 27 AND RULE 70.**

**IN THE ESTATE OF [NAME] DECEASED**

I (full name) of (address) say as follows:

1. Unless otherwise stated (in which case I state the source of my belief), the facts and matters set out in this witness statement are within my own knowledge.
2. The above named deceased was born on [date of birth]. He/she died on [date of death]. A death certificate issued by (authority of place of death) is attached to this witness statement at Exhibit [...].<sup>1</sup>
3. The principal residence of the Deceased was [address of principal residence]. His nationality on death was [nationality].
4. I was appointed as an Executor under the Will of (testator) which was executed before the Registrar and registered with the DIFC Wills and Probate Registry on [date].
5. I confirm that I undertake to administer the Estate of the above named testator in accordance with the DIFC Wills and Probate Registry Rules, the DIFC Court Rules (RDC) and I confirm that I submit to the jurisdiction of the DIFC Courts.

**I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT ARE TRUE.**

**SIGNED:**

**NAME:**

**DATE:**

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<sup>1</sup> In accordance with the Rule 27(3) of the WPR Rules, a Grant may be issued on the fact of death being otherwise proved to the satisfaction of the Director.



**WITNESS STATEMENT ON BEHALF OF A GUARDIAN UNDER RULE 86**

**IN THE ESTATE OF [NAME] DECEASED**

I (full name) of (address) say as follows:

1. Unless otherwise stated (in which case I state the source of my belief), the facts and matters set out in this witness statement are within my own knowledge.
2. The above named deceased was born on [date of birth]. He/she died on [date of death]. A death certificate<sup>2</sup> issued by (authority of place of death) is attached to this witness statement at Exhibit [...].
3. I was appointed as a Guardian of the testator's minor child(ren) in the event of his death (and the other parent predeceasing) under the Will executed before the Registrar and registered with the DIFC Wills and Probate Registry on [date]. I gave the undertakings required by Rule 10 of the DIFC Wills and Probate Registry Rules to the Registrar personally on [date]/by witness statement [dated].
4. I confirm that I assume (interim) parental responsibility of the above named child in accordance with the DIFC Wills and Probate Registry Rules, the DIFC Court Rules (RDC) and I confirm that I submit to the jurisdiction of the DIFC Courts.

**I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT ARE TRUE.**

**SIGNED:**

**NAME:**

**DATE:**

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<sup>2</sup> In accordance with the Rule 27(3) of the WPR Rules, a Grant may be issued on the fact of death being otherwise proved to the satisfaction of the Director.