

**The Dispute Resolution Authority
The DIFC Wills Service**

**Practice Direction No. 1 of 2018
The DIFC Wills and Probate Registry Rules – Form of Will 4**

Citation, commencement and interpretation.

In exercise of the powers conferred on me by Article 8 section (3) of Dubai Law No. 9 of 2004, as amended, and Rules 4 and 7 of the DIFC Wills and Probate Registry Rules, I, Dr. Michael Hwang SC, Head of the DIFC Dispute Resolution Authority, issue the following Practice Direction after having reviewed the DIFC Wills and Probate Registry Rules, including, but not limited to, Rules 9, 10, and Schedule 1.

The purpose of this Practice Direction is to amend Schedule 1 – Form of Will 4 of the DIFC Wills and Probate Registry Rules, formerly known as the ‘Free Zone company Will’, to extend its scope to allow for the nomination and transfer of shareholdings in any type of company incorporated in the Emirate of Dubai or the Emirate of Ras Al Khaimah including but not limited to free zone company shares, and to permit registration of a will made in compliance thereto at the Wills Registry for Non-Muslims at the DIFC Courts.

1. This Practice Direction will come into effect on the date of signature. It may be cited as **Practice Direction 1 of 2018 – The DIFC Wills and Probate Registry Rules – Form of Will 4** and may be abbreviated to **PD 1/2018**.
2. In this Practice Direction “DIFC WPR Rules” means the DIFC Wills and Probate Registry Rules.

Amendments to the DIFC WPR Rules.

3. Schedule 1 – Form of Will 4 of the DIFC WPR Rules shall be amended at clause B, 2, 3, 4, 5, 6, 7, 8, 9, 10, F, 11, 12, 13, 14 and 15.

Annexure of the DIFC WPR Rules Schedule 1.

4. Schedule 1 – Form of Will 4 of the DIFC WPR Rules as amended by this Practice Direction is attached hereto.

Dated this 2nd day of July 2018

Dr. Michael Hwang SC

Head of the Dispute Resolution Authority

Form of Will 4

Business Owners Will of []

A. INTRODUCTION

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

B. INCLUSION OF COMPANY SHARES

2. This Will is made in respect of my shareholdings in those companies established in accordance with United Arab Emirates Federal Law and incorporated in the [Emirate of Dubai] [Emirate of Ras Al Khaimah] [Emirates of Dubai and Ras Al Khaimah] as listed below in Table A, as well as all other shares derived from such shares, whether by way of bonus, rights or otherwise howsoever, as well as dividends declared from time to time in respect of all shares held by me (“my Company Shares”).
One of the three options should be chosen here.

3. Table A: List of Company Shares

Shareholding	Company Name	Company Number/Registration Number	Registering Authority	Emirate	Number of Shares (owned by me)
<i>A</i>					
<i>B</i>					
<i>C</i>					
<i>D</i>					
<i>E</i>					

C. REVOCATION

4. I revoke all my earlier testamentary dispositions to the extent that they relate to my Company Shares.

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.

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 Company Shares.
- 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 Company Shares.
- 9. In this Will the expression ‘my sole executor and trustee’ shall for the purpose of holding title to my Company Shares mean my personal representatives and the person recognized as having any title to my Company Shares.

F. DISTRIBUTION OF COMPANY SHARES

- 10. I give to my executor and trustee my Company Shares on trust to distribute the same to the beneficiaries identified in Table B.
- 11. Table B: Distribution of Company Shares

Shareholding	Number of Beneficiaries per Shareholding	Beneficiary Number	Beneficiary’s Full Name	Date of Birth	Relation (to you)	Number of Shares	Substitution Distribution
A							
B							
C							
D							
E							

- 12. In the event that a first named beneficiary as identified in Table B above shall predecease me then their share of my Company Shares shall be distributed by my executor and trustee to the substitute beneficiaries in accordance with Table C below.

Table C: Substitution Distribution of Company Shares

Number	Substitute Beneficiary’s Full Name	Date of Birth	Relation (to you)	Number of Shares
<i>A a (i)</i>				
<i>A a (ii)</i>				

G. GOVERNING LAW

- 13. 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 construction, effect and the administration of my Company Shares.
- 14. 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 Company Shares.

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