



Family Laws in UAE – Succession, Wills & More!

STA Law Firm, United Arab Emirates

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Points of Discussion

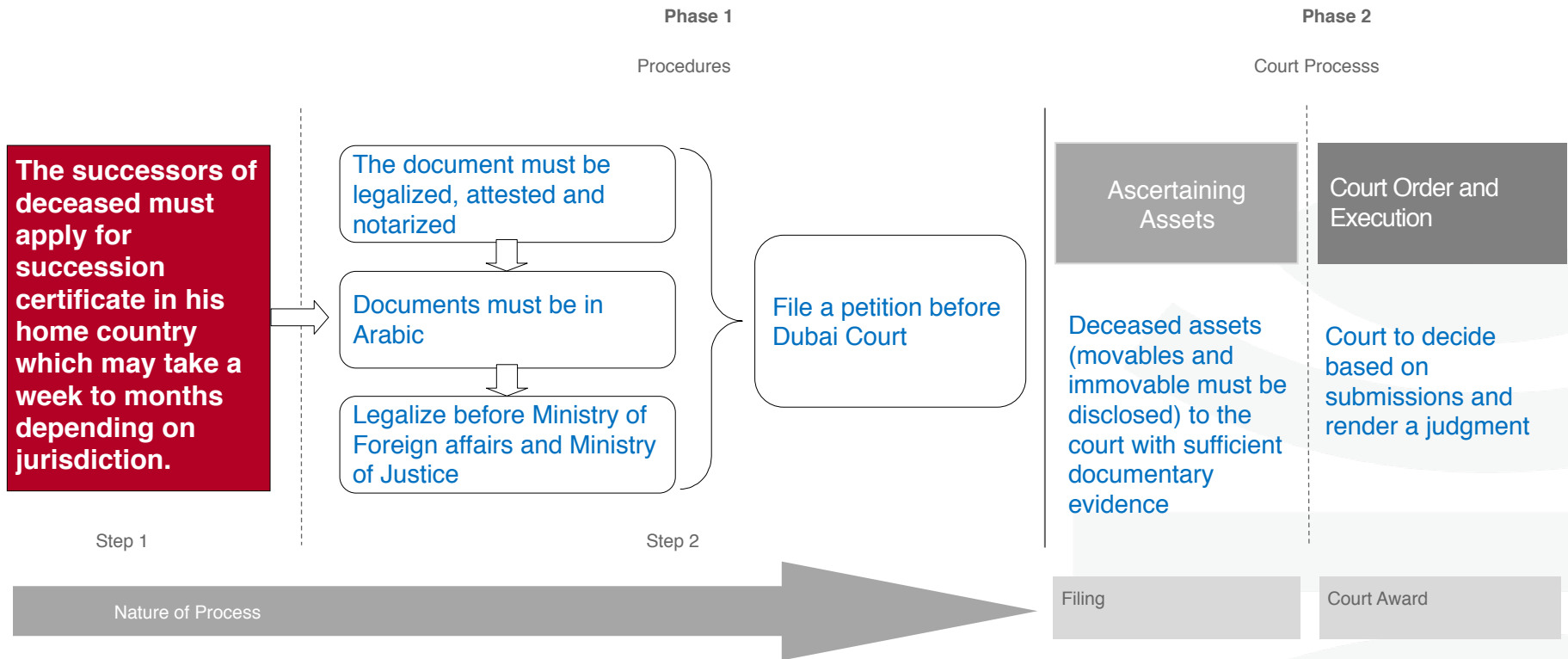
1. Importance of Wills: An Overview
2. Importance of Wills (Continued)
3. Case Studies
4. Process: Getting the Right Will
5. Things Family Members Should Know

- i. Dealing with Succession: what happens when an expatriate dies intestate, which means dying without a will?
- ii. Understanding Sharia – Whom does it apply? When does it apply? Applies to Muslims only?
- iii. Why would banks freeze the bank account upon death of deceased?
- iv. Understanding the Legal Provisions: Federal Law Number 5 of 1985 relating to the law of Civil Transactions (the **Civil Code**) and Federal Law Number 28 of 2005 dealing with UAE Personal Affairs Law (the **Law**).

Civil Code sets out that [Law of Home Country](#) applies to matters of inheritance.

Further, it provides that where a will is made by a non-Muslim involving disposal of [real property in the UAE](#), the UAE Law will apply.

What happens if there is no Will? How to deal with Succession Certificate?



1. Deceased Husband has one wife, one son and one daughter, how will assets be distributed?
Ans: In such event, the wife gets $\frac{1}{8}$ th share in the assets, the daughter is entitled to $\frac{1}{2}$ of son's entitlement and son gets $\frac{2}{3}$ rd of balance.
2. How are assets distributed when deceased husband has one wife and one daughter?
Ans: In such event, the wife gets $\frac{1}{8}$ th share in the assets, upon such distribution, half of remaining balance is the legal share of daughter; and the brother (or; cousin or any male member in family) of deceased is entitled to the rest.
3. How are assets distributed if deceased husband's family includes wife, mother and his father?
Ans: In such event, the wife gets $\frac{1}{4}$ th share in the assets. The deceased's mother is entitled to $\frac{1}{6}$ th share in the total assets and deceased's father is entitled to balance.
4. How are assets distributed if deceased husband's family comprises of wife, one son, one daughter, one mother and his father?
Ans: In such event, the father is entitled to $\frac{1}{6}$ th share in the property, wife is entitled to $\frac{1}{8}$ th share if deceased has a son and $\frac{1}{4}$ th in absence of son. Deceased's mother is entitled to $\frac{1}{6}$ th and balance to daughter. If there are two daughters, they are entitled to $\frac{2}{3}$ rd of balance.

1. Peace of Mind

- i. Careful and planned distribution of assets.
- ii. Ensuring there are no contentious disputes between family members.
- iii. Appointing Guardians for your children
- iv. Curtailing long process involved in obtaining succession certificate

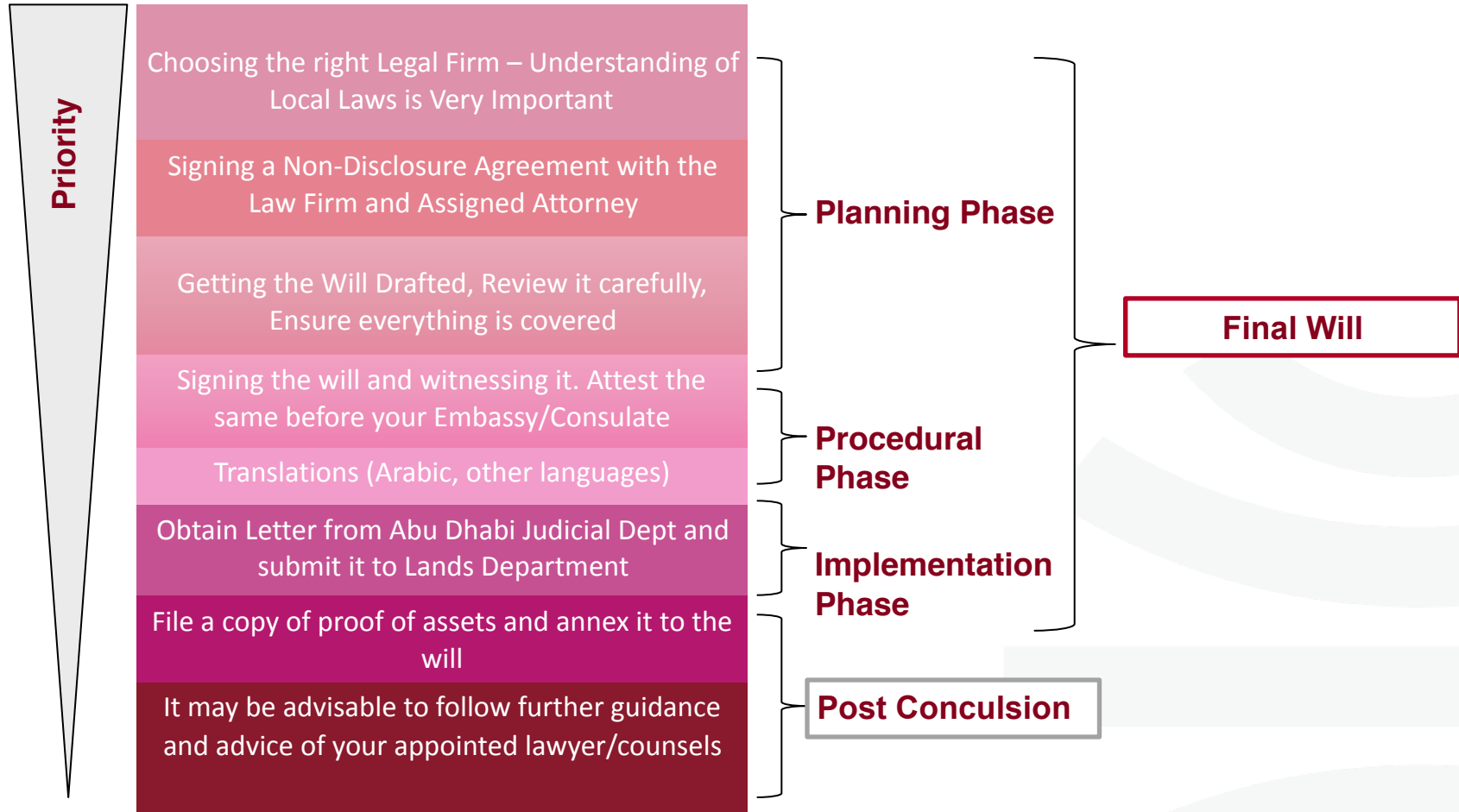
2. Sharia Implications

- i. A will instrument will override sharia implications for non- Muslims
- ii. Affords flexibility in nominating executors
- iii. You can contribute to a charity of your choice
- iv. Property owned in joined names will be regulated by the Will.

3. Range of Benefits

- i. Tax efficiency (subject however to tax laws of expatriate's domestic tax laws);
- ii. Avoid complex procedures involved in obtaining succession certificates, legalization and attestation of succession certificate, obtaining court order in home country and in Abu Dhabi/Dubai/UAE;
- iii. Estate planning can help further where property and asset portfolio includes wide range of immovable and other assets;
- iv. Simple procedures – whether choosing DIFC Will framework, registration before Abu Dhabi Courts or Dubai courts.

Process: Getting the Right Will



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