



Scottish Muslim
FUNERAL SERVICES

LAST WILL & Testament





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DISCHARGE OF LEGAL RIGHTS

I _____
residing at _____
_____ considering that in terms of the Will
dated _____ of my _____
(relationship to deceased) _____
who resided at _____

and who died on _____ wished that his / her [delete as appropriate] estate
be distributed according to Islamic law;

further considering that I have been informed of my entitlement to claim legal rights from the net
moveable estate of my late _____
(relationship to deceased) _____
and also the estimated value of my said entitlement;

further considering that my said entitlement may be greater than the entitlement from the net
estate which I would receive under shariah law;

further considering that I have been advised to take separate and independent legal advice in
respect of my said entitlement but that I have chosen not to do so;

do hereby discharge now and in all time coming my entitlement to claim legal rights from the net
moveable estate of my said _____ (relationship to deceased)
_____. I do hereby
exoner and discharge his / her [delete as appropriate] executors and trustees in that respect.

IN WITNESS WHEREOF these presents are subscribed as follows:
(Witness must be 2 males or 1 male and 2 females)

(Sign)

At _____

Date _____

In the presence of _____

Witness _____

Full Name _____

Address _____

(Sign)

At _____

Date _____

In the presence of _____

Witness _____

Full Name _____

Address _____

(Sign)

At _____

Date _____

In the presence of _____

Witness _____

Full Name _____

Address _____



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LAST WILL AND TESTAMENT OF _____

I _____ residing at _____ dated _____
in order to settle the succession to my estate after my death provide as follows:

ONE

REVOCATION

I revoke all prior wills and testamentary writings and instruct their destruction.

TWO

EXECUTORS AND TRUSTEES

I appoint _____
residing at _____
and _____ residing at _____
_____ to be my executors and trustees.

Any executors or trustees acting under my will are referred to as my 'Trustees'.

THREE

DEBTS / EXPENSES

I direct my Trustees to pay all my debts, deathbed and funeral expenses and the expenses of administering and winding up my estate.

FOUR

INFORMAL WRITINGS

I direct my Trustees to give effect to any writings by me however informal they may be, provided they are subscribed by me, on or after the date hereof and are clearly expressive of my intention as to which my Trustees shall be the sole judges.

FIVE

FUNERAL WISHES

I direct my Trustees, surviving relatives and friends to ensure that I have a funeral strictly in accordance with Islamic law, which must include ghusl (washing), janazah (funeral prayer) and dafn (burial). In particular I do not wish for a post mortem to be performed on my body, and request that my body be released for burial immediately upon death or as soon as is practicable.

In the event that a post mortem becomes a legal requirement, I would wish that this is met through a CT / MRI scan. I would also like to be buried in the Muslim cemetery closest to the place of my death. I am aware that this is a serious obligation and would request that you use your best endeavours to reach agreement over the fundamental matters mentioned and compromise on others if you differ in opinion.

SIX

DECLARATION OF FAITH

I bear witness that there is nothing worthy of worship but Allah, the One, the Merciful, Almighty God, Creator of the heavens and the earth and all therein, God of Abraham, Moses, Jesus, Muhammad (peace and blessings be upon him) and all the Prophets, peace be upon them. He is the One God and He has no partner. I bear witness that the Prophet Muhammad



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LAST WILL AND TESTAMENT

(peace and blessings be upon him) is His servant and messenger and the last of all of the Prophets, peace be upon them all. I bear witness that paradise is true and that hell is true. I bear witness that the coming of the Day of Judgment is true, there is no doubt about it, and that Allah who is exalted above all deficiency and imperfection will surely resurrect the dead of all the generations of mankind; first and last and those in between.

This is my counsel to my relatives and friends, my Muslim brothers and sisters and all those who remain after me: that they strive to be true Muslims and that they submit to their Creator, may He be exalted, and worship Him as He alone is to be worshipped, fear Him and love Him and His Prophet Muhammad (peace and blessings be upon him) with a complete love that is rivalled by nothing besides them. Let them obey Him and hold fast to His shariah. Let them spread and firmly establish His religion of Islam, and let them die only in a state of complete submission to His will.

I remind them that no man and no woman dies before or after their appointed time. The exact duration of each lifespan is determined before we are born. Please do not preoccupy yourselves with my death but instead make proper preparations for your own. Whilst it is natural to grieve, please do this within the remits of Islam.

I ask all my friends, relatives and others, regardless of their own beliefs, to honour my instructions and wishes in this document. Let them see that I am buried as I have instructed and my assets are divided as I have instructed.

SEVEN

LEGACIES

Unless otherwise specified any legacy granted by any writing shall be paid or made over as soon as my Trustees consider practicable after my death, free of taxes in respect of my death and of expenses, but without interest.

EIGHT

TWO YEAR DISCRETIONARY TRUST

(a) I direct my Trustees to establish a discretionary trust in terms of this clause. The purpose of this discretionary trust is to ensure the residue of my estate is distributed or invested in accordance with shariah (Islamic law) within a period of two years of my death.

Trustees to resort to _____ school of thought

It is my understanding that any claim to legal rights has been or will be discharged in order to facilitate distribution in keeping with shariah principles.

[NB, this paragraph is only required if the testator has a spouse or children.

Delete if not required.]

My Trustees shall have the discretion to interpret and apply shariah as they deem fit. Such interpretation should not be in contravention of Scottish law.

(b) In this clause, unless the context otherwise requires, "Beneficiaries" means anyone who would be entitled to inherit from me in terms of shariah law.





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FUNERAL SERVICES

LAST WILL AND TESTAMENT

(c) Discretion as to income

During the period of two years from the date of my death, or until my Trustees exercise or renounce their discretionary powers as to capital they may accumulate the income of the residue of my estate and apply this income for the benefit of any of the Beneficiaries, in keeping with the terms of shariah law.

(d) Two year discretion as to capital

My Trustees shall hold the residue of my estate for the benefit of any Beneficiaries on such terms as my Trustees deem fit.

NINE

BENEFICIARIES LACKING CAPACITY

If any part of my estate is held for a beneficiary who lacks full legal capacity my Trustees shall have power to

(a) pay or apply the whole or any part of the income or capital falling to such beneficiary for his or her benefit in any manner my Trustees may deem proper or

(b) to retain the same until such capacity is attained or

(c) to pay over the same to the legal guardian or the person for the time being having the custody of such beneficiary whose receipt shall be a sufficient discharge to my Trustees.

TEN

RENUNCIATION OF BENEFIT

In the event of any benefit by this Will being renounced in whole or in part, this situation shall be dealt with in accordance with shariah principles.

ELEVEN

TRUSTEES' POWERS

My Trustees shall have the fullest powers of and in regard to retention, realisation, appropriation, transfer of property without realisation and management of my estate as if they were absolute owners and not Trustees.

My Trustees shall have the power to do everything they may consider necessary or expedient for the administration of the trust and distribution of my estate in accordance with shariah law.

TWELVE

IMMUNITIES

My Trustees shall not be liable for depreciation in value of any property in my estate, nor for omissions or errors in judgment nor for neglect in management, nor for insolvency of debtors, nor for the acts, omissions, neglects or defaults of each other or any agent employed by them.





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FUNERAL SERVICES

LAST WILL AND TESTAMENT

THIRTEEN

CHARITABLE LEGACY

I direct my Trustees to pay:

To _____

Address _____

(Charity number) _____ the sum of _____

In the event of the charity [or 'any of the said charities' if more than one] having been wound up, having amalgamated with or transferred their assets to another body, or having been wrongly designed in the first instance, I authorise my Trustees to make the relevant bequest over to such other body or bodies having similar purposes and, in such proportion or proportions, all as my Trustees may in their sole discretion decide; the receipt of the Treasurer or other duly authorised official for the time being of any such body being a sufficient discharge to my Trustees. **Note:** Must not exceed 1/3rd of wealth value.

FOURTEEN

OTHER LEGACIES

[Other than above charitable bequests, insert anyone else / any other cause you would wish to leave the free one third of your estate to.

Note it is important to be specific in order to ensure that ambiguities do not cause problems with interpretation] **Note:** Must not exceed 1/3rd of wealth value.

FIFTEEN

DOMICILE

I declare that my domicile is Scotland

SIXTEEN

GUARDIANS

In the event of my wife / husband [delete as appropriate], residing with me, failing to survive me for thirty days, I appoint _____
residing at _____

or if he / she is unable, then I appoint _____
residing at _____

_____ to be guardians to my children

SEVENTEEN

TESTING CLAUSE

This document is executed as follows:-

SIGNED by me on the (DD/MM/YY) _____

SIGNED by

Print name in CAPITALS _____



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IN WITNESS WHEREOF these presents are subscribed as follows:
(Witness must be 2 males or 1 male and 2 females)

(Sign)

At _____

Date _____

In the presence of _____

Witness _____

Full Name _____

Address _____

(Sign)

At _____

Date _____

In the presence of _____

Witness _____

Full Name _____

Address _____

(Sign)

At _____

Date _____

In the presence of _____

Witness _____

Full Name _____

Address _____

LIST OF MAJOR ASSETS AND FAMILY DETAILS OF (insert your name and address here):

Please include:

- **Properties** (include full postal address)

Address 1: _____

Address 2: _____

Address 3: _____

Address 4: _____

Address 5: _____

- **Bank Account** (include name of holder, name of bank, sort code, account number).





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- **Shares** (Include name of companies and number of shares owned)

- **ISAs / Pensions etc** (include policy numbers and provider name)

- **Jewellery / Diamonds /Watches etc** (include details of where these are stored)

- **Any other valuable assets not mentioned above** (please use additional sheets if required)

Note to Executors / Guardians:

When required please visit the following weblink for details on how to obtain probate, death certificate etc: <http://www.direct.gov.uk/en/Governmentcitizensandrights/Death/index.htm>

