

## **The Dispute Resolution Authority**

### **Practice Direction No. 3 of 2017**

#### **The DIFC Wills and Probate Registry's Free Zone Company Will - Form of Will 4**

##### **Citation, commencement and interpretation**

In exercise of the powers conferred on me by Article 8(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 Rules, including, but not limited to, Rules 9, 10, 13, 21 and Schedule 1, and DIFC Wills and Probate Registry Practice Direction 1/2017.

The purpose of this Practice Direction is to introduce a form of will 4 to Schedule 1 of the DIFC Wills and Probate Registry Rules and permit registration of a will made in compliance with form of will 4 at the DIFC Wills and Probate Registry.

1. This Practice Direction will come into effect on the date of signature. It may be cited as **Practice Direction 3 of 2017 — DIFC Wills and Probate Registry's Form of Will 4** and may be abbreviated to **PD 3/2017**.

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) “Free Zone Company Will” means any will prepared in accordance with the form of will 4 (as contained in Schedule 1 of the DIFC WPR Rules) and registered with the DIFC WPR from time to time, and may be abbreviated to “FZ Company Will”.
- (d) “Free Zone Company Will Portal” means the DIFC WPR’s electronic online system for preparing and submitting a Free Zone Company Will together with associated information and documents, and may be abbreviated to “FZ Company Will Portal”.
- (e) “Testator” means an individual who makes a Free Zone Company 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 Share Will**

4. The DIFC WPR will establish and maintain the Free Zone Company Will Portal.
5. A Free Zone Company 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 Free Zone Company Will Portal.
6. The Testator must register the Free Zone Company 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 Free Zone Company Will registered at the DIFC WPR.

Dated this 10th day of May 2017.

**Dr. Michael Hwang SC**

**Head of the Dispute Resolution Authority**

**SCHEDULE 1: FORM OF WILL 4**

**Form of Will 4**

**Free Zone Company Will of [       ]**

**A. INTRODUCTION**

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

**B. INCLUSION OF FREE ZONE SHARES**

2. This Will is made in respect of my interests in free zone shares situated in the [Emirate of Dubai] [Emirate of Ras Al Khaimah] [Emirates of Dubai and Ras Al Khaimah] as listed below in Table A, together with all dividends declared but not yet paid on such shareholdings up to and including the date of my death and all dividends declared on such shareholdings from the date of my death (“my Free Zone Shares”). *One of the three options should be chosen here.*

3. In clause 2 of this Will the expression ‘free zone shares’ shall mean any shares in any corporate entity which is either (i) registered in a free zone established in the United Arab Emirates in accordance with United Arab Emirates Federal Law or (ii) registered with the Ras Al Khaimah International Corporate Centre (established pursuant to Ras Al Khaimah Government Decree Number 12 of 2015, as amended by Decree Number 4 of 2016).

4. Table A: List of Free Zone Shares

<b>Company</b>	<b>Company Name</b>	<b>Free Zone</b>	<b>Emirate</b>	<b>Number of Shares (owned by me)</b>
<b>A</b>				
<b>B</b>				
<b>C</b>				
<b>D</b>				
<b>E</b>				

**C. REVOCATION**

5. I revoke all my earlier testamentary dispositions to the extent that they relate to my Free Zone Shares.

**D. RELIGION DECLARATIONS**

- 6. I declare that I am not Muslim and have never been a Muslim.
- 7. 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**

- 8. I appoint my [*relationship*] [*name*] born on [*date of birth*] (“First Executor”) to be my sole executor and trustee in relation to my Free Zone Shares.
- 9. 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 Free Zone Shares.
- 10. In this Will the expression ‘my sole executor and trustee’ shall for the purpose of holding title to my Free Zone Shares shall mean my personal representatives and the person recognized as having any title to my Free Zone Shares.

**F. DISTRIBUTION OF FREE ZONE SHARES**

- 11. My Executors shall distribute my Free Zone Shares as listed below in Table B.
- 12. Table B: Distribution of Free Zone Shares

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

11. Table C – Substitution Distribution of Free Zone Shares

<i>Number</i>	<i>Substitute Beneficiary's Full Name</i>	<i>Date of Birth</i>	<i>Relation (to you)</i>	<i>Number of Shares</i>
<i>A a (i)</i>				
<i>A a (ii)</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 construction, effect and the administration of my Free Zone Shares.
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 Free Zone 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

Address

Seal of Registry