

The DIFC Wills and Probate Registry

Practice Direction No. 1 of 2016

The DIFC Wills and Probate Registry (WPR)'s Register of Will Draftsmen

Citation, commencement and interpretation

In exercise of the powers conferred on me by Article 8(3)(a) of Dubai Law No. 9 of 2004, as amended, and Rule 7 of the DIFC WPR Rules, I, Chief Justice Michael Hwang, Head of the DIFC Dispute Resolution Authority, issue the following Practice Direction (PD) after having reviewed the DIFC WPR Rules including but not limited to Rules 6 and 8, and following a one month's period of public consultation.

1. This Practice Direction will come into effect on 1 March, 2016 with three (3) months' grace period for registration of Will Draftsmen before compliance becomes mandatory. It may be cited as **Practice Direction 1 of 2016 — DIFC Wills and Probate Registry's Register of Will Draftsmen** and may be abbreviated to **PD 1/2016**.

2. In this Practice Direction—

- (a) "AOL" means the DIFC DRA Academy of Law.
- (b) "Authorised Officer" means any officer of the Registry who is for the time being authorised by the Director to supervise and witness the execution of a Will, seal and certify copies, and carry out the Director's function.
- (c) "DIFC WPR" means the DIFC Wills and Probate Registry.
- (d) "DIFC WPR Rules" means the DIFC Wills and Probate Registry Rules.
- (e) "Director" means the Director of the DIFC Wills and Probate Registry.
- (f) "DRA" means the Dispute Resolution Authority, as defined in Dubai Law No. 7 of 2014.
- (g) "Law Firm" means a Firm or set of legal chambers which is licensed to provide legal services as its principal business.
- (h) "Trust Company" means a Firm that acts as a fiduciary, agent or trustee on behalf of a person or business entity for the purpose of administration, management and the eventual transfer of assets to a beneficial party, where such Firm is licensed or otherwise authorised to provide such services in any jurisdiction. The Firm may act as a custodian for trusts, estates, and in relation to custodial arrangements, asset management, stock transfers, beneficial ownership registrations and other related arrangements.
- (i) "RDC" means the Rules of the DIFC Courts.

- (j) “Testator” means an individual who makes a will.
- (k) “Will” means any will registered under the rules of the DIFC WPR from time to time.
- (l) “Will Draftsman” means an individual registered in the Register.

The language used in this Practice Direction is gender neutral and references (express or implied) to one gender shall be taken to refer also to the other.

3. The DIFC WPR shall establish and maintain a register of those persons authorised to draft Wills for registration in the Register.

4. A Will must have been drafted either by a Testator or by a Wills Draftsman.

5. If a Testator has not drafted his or her own Will, the Testator shall submit proof to the DIFC WPR that the Will has been drafted by a Will Draftsman by either:

- (a) providing a signed letter from the Will Draftsman confirming that he or she has drafted the will;
- (b) providing any other document acceptable to the Officer substantiating the services provided to the Testator by the Will Draftsman;
- (c) personal attendance of the Will Draftsman at the time of the registration of the Will;
or
- (d) direct email communication from the Will Draftsman to the DIFC WPR confirming the services provided to the Testator.

The procedure for registration in the Register:

6. An applicant must attend an interview with the Authorised Officer during which the Authorised Officer shall establish the experience of the applicant and his or her knowledge of the rules and procedures applicable to the DIFC WPR in relation to the drafting of wills in accordance with those rules and procedures.

7. Not less than seven (7) days prior to the interview (or such shorter time as the Authorised Officer may accept in his or her sole discretion) the applicant shall submit to the DIFC WPR the following:

- a) a copy of any professional qualification which supports the application;
- b) a copy of the applicant’s admission certificate to a bar or a law society of any jurisdiction or act as a notary (in a civil law jurisdiction), and a copy of his current legal practising certificate or its equivalent in any jurisdiction,
which in the opinion of the Authorised Officer constitutes appropriate legal standing;
- c) evidence of the applicant’s employment by a Law Firm or a Trust Company;

- d) evidence of the applicant's relevant experience of a minimum of one (1) year in will drafting or having drafted a minimum of twelve wills for clients, or the successful completion of relevant training courses in will drafting and DIFC WPR Rules, as offered by AOL;
- e) evidence of the applicant's familiarity with the rules (including the RDC) and procedures governing the DIFC WPR which will be established via the means of an interview with the Authorised Officer or otherwise by their successful completion of relevant training courses in will drafting and DIFC WPR Rules, as offered by AOL; and
- f) evidence of the applicant's fluency in the English language which will be established via the means of an interview with the Authorised Officer.

8. The Authorised Officer shall, within fourteen (14) days after the interview, either advise the candidate that he or she will be added to the Register or that their application has been unsuccessful. Registration in the Register does not confer any right to conduct proceedings or to appear in the DIFC Courts.

9. Should the Authorised Officer find the application to be unsuccessful, he or she shall provide the applicant with the reasons for that finding in writing.

10. The Authorised Officer reserves the right to refuse to register and to remove an individual from the Register subject to providing that person with the reason(s) for that decision in writing.

11. In the event an application is unsuccessful or a Will Draftsman is removed from the Register, the individual concerned may, within fourteen (14) days, lodge a written and reasoned request for reconsideration with the Head of the DRA, whose ultimate decision will be final and against which there is no further appeal.

12. A Will Draftsman shall promptly inform the DIFC WPR of any matter which might reasonably affect his or her registration, including a disqualification from the practice of law in any jurisdiction, a change of the firm for which he or she works, bankruptcy proceedings having been commenced against the Will Draftsman or any disciplinary proceedings being commenced against the Will Draftsman, in any jurisdiction.

Fees for Registration and Renewals

13. The non-refundable fee to apply for an interview with the Officer is AED 1,000. If the application is successful, the applicant will be registered in the Register by the Director.

14. A yearly non-refundable renewal fee of AED 500 is applicable. If the registration is not renewed within two (2) months of the expiry date, the Will Draftsman's registration will be cancelled and he or she will need to file a new application for entry in the Register with the applicable registration fee.

15. The fees above are all administrative fees. All of the above mentioned fees are payable in United Arab Emirates Dirham (AED) or their equivalent in other currencies at the applicable conversion rates, and as determined by the DIFC Wills and Probate Registry, from time to time.

16. Payments may be made by using the DIFC Wills and Probate Registry's payment facility or alternatively by registering with the DIFC WPR credit facility. Payments can also be made in person. Please visit our website or contact us at info@difcprobate.ae for further information.

Dated this 9 day February 2016

Chief Justice, Michael Hwang

Head of the Dispute Resolution Authority