



Shariah wills



What you need to know about **Shariah wills**

What is a Shariah will?

A Shariah will is a document drawn up in accordance with the Islamic Law of Inheritance as enshrined in the Qur'an, which dictates how a Muslim's estate must be distributed after death.



Is it required for Muslims to draw up a will?

Yes. It is obligatory for Muslim persons to have a will to ensure that their estate is administered in terms of the Islamic Law of Inheritance.

What is the difference between a Shariah will and a Regular will?

One of the fundamental differences is that the heirs in a Shariah will are determined on death of the testator and not during the lifetime of the testator.

What is the Wassiyah bequest?

The Wassiyah is a gift bequeathed to any institution, charity or person who does not qualify as a primary heir, subject to a maximum of 1/3 of the net estate.

What happens to inheritance of minors in terms of my will?

Funds due to minors can be held in a Trust. A Testamentary Trust can be created and an age can be stipulated when such Trust must terminate. All funds held in the Trust must be administered in terms of Shariah Law.





Can married couples draft a joint Shariah will?

Each spouse's heirs and their inheritance rights are different. The inheritance distribution of each spouse is also different. It is for this fundamental reason that a joint will is not recommended.

Does the Wills Act 7 of 1953 apply to Shariah wills?

Yes. Whether it is a Shariah compliant will or not, any will drafted must comply with the provisions of the Wills Act 7 of 1953 as amended.

What happens when a Muslim dies without a Shariah will?

Shariah Law will not apply. The estate will be administered in terms of the South African Law of Intestate Succession, which is regulated by the Intestate Succession Act 81 of 1987. This would impact Muslim persons, as their heirs who should inherit, may not and those, who should not, may inherit.



Who drafts a Shariah compliant will?

Sanlam Trust has qualified drafters that can compile a Shariah will. Please send any requests to wills@sanlamtrust.co.za.

