The Islamic Will in England & Wales

How a farāid-compliant distribution is rendered as a valid English will - formality, the wasiyyah third, residue drafting, and the 1975 Act exposure that most templates ignore.

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About this guide. iProbate provides will-writing, estate-planning and estate-administration services. We are not a firm of solicitors and do not carry out reserved legal activities under the Legal Services Act 2007. This guide is general information about the law of England and Wales as at September 2026, not advice on your circumstances. Succession and tax law differ by jurisdiction and change over time. Take advice before you act.

A further note. iProbate is not a religious authority and issues no rulings. Where the correct shares turn on a point of jurisprudence, we work from the determination of your scholar, mosque or institution. Our contribution is to render that determination as an English disposition that will be enforced exactly as written.

1. The legal position, stated simply

England and Wales has no forced heirship. A testator may leave their estate to anyone, in any proportion, for any reason or none. That is why a Shariah-compliant distribution is straightforwardly permissible here in a way it would not be in France or Spain: the freedom that makes English law awkward for civil-law families is exactly what makes it hospitable to farāid.

The religious basis of the distribution is legally irrelevant to validity. A probate registry does not assess whether shares are correctly calculated under any school of jurisprudence. It asks whether the document is a validly executed will.

2. Formality: where templates fail

Under the Wills Act 1837 a will must be in writing, signed by the testator (or by someone in their presence and at their direction) with the intention of giving effect to it, and that signature must be made or acknowledged in the presence of two witnesses present at the same time, who then each attest.

Section 15 is the trap: a gift to a witness, or to a witness's spouse or civil partner, is void. The will stands; the gift does not. In practice a family member is asked to witness, and a share is lost.

The four structural defects we see most

- Aspiration instead of disposition. "I wish my estate to be distributed according to Islamic law" is a wish. It gives an executor nothing to execute and can leave the estate partially intestate.
- A fixed list of heirs. Shares stated as a snapshot of today's family become wrong the moment someone is born or predeceases. Draft the shares as a formula with substitution.
- No residuary clause. Anything not disposed of falls into intestacy - spouse takes the statutory legacy and half the residue, children the remainder, parents and siblings nothing. That is further from farāid than making no will at all.
- A wasiyyah with no fallback. A charitable gift to an institution that has closed, with no substitution or general charitable intention, may fail into residue.

3. The order of operations

Classical jurisprudence separates the estate into the wasiyyah - up to one third, freely bequeathable to non-heirs or to charity - and the remaining two thirds distributed to the Qur'anic heirs in fixed fractional shares. Rendering that in an English will means being explicit about sequence.

Step	How it appears in the will
Funeral and burial	An express direction ahead of all gifts, with the instructions repeated in an accessible letter - a will is often not read until after burial.
Debts, including religious obligations	Ordinary debts, plus any unpaid zakāt or unperformed obligations you wish treated as a debt of the estate, expressed as a binding direction.
Wasiyyah (up to one third)	Specific pecuniary or fractional gifts, capped at one third of the net estate after debts, with a mechanism for what happens if a gift fails.
Farāid shares (the residue)	Residue divided in the fractions applicable to the heirs who in fact survive - drafted as a formula with substitution.

4. The 1975 Act, handled honestly

The Inheritance (Provision for Family and Dependants) Act 1975 lets a defined class apply to the court for reasonable financial provision from an estate, regardless of the will. The class includes a spouse or civil partner, a former spouse who has not remarried, a child of any age, a person treated as a child of the family, and anyone being maintained by the deceased immediately before death.

A surviving spouse is judged by the more generous standard: what is reasonable in all the circumstances, not merely what is required for maintenance, with the court directed to consider what she might have received on divorce. A farāid distribution commonly gives a widow one eighth of the estate. The gap between one eighth and a divorce-comparable award is the exposure, and it is not theoretical.

Four things that reduce it

- Lifetime provision, so the estate is not the only thing supporting the survivor.
- Jointly held property passing by survivorship outside the estate.
- Deliberate use of the wasiyyah third to top up provision where that is religiously permissible for the family concerned.
- A letter of wishes recording reasons, which the court may take into account.

What does not work is silence. Ignoring the exposure does not remove it; it moves the argument to a courtroom, after death, between grieving relatives.

5. Assets outside the UK

Most Muslim families we work with hold assets in more than one country - property in Pakistan, India, Bangladesh or Turkey, an account or business in the Gulf, sometimes an EU property. Land abroad follows the law where it sits, and several jurisdictions apply their own succession rules to a Muslim's estate irrespective of any will.

The UAE illustrates the point. The DIFC and ADGM registered-will regimes let non-Muslims opt out of default Shariah succession for UAE assets, while a Muslim's UAE estate is generally governed by Shariah in any event. The right structure depends on faith, nationality and situs together.

A checklist before you sign

- The shares are stated as gifts, not as a wish
- Substitution provided for every heir who might predecease
- A residuary clause that cannot fail
- Neither witness is a beneficiary, nor married to one
- Burial directions also held somewhere findable within hours
- 1975 Act exposure identified and addressed in writing
- Foreign assets covered by the right instrument in the right jurisdiction
- Executors know the will exists and where the original is kept

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