TUHFAH EDUCATION PRESENTS

Islamic Inheritance

A Practical Guide for Muslims in the UK

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TUHFAH EDUCATION

OVERVIEW

What We Will Cover

Our Inheritance Course

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“Every Soul Shall Taste Death”

كُلُّ نَفْسٍ ذَائِقَةُ الْمَوْتِ ۗ وَإِنَّمَا تُوَفَّوْنَ أُجُورَكُمْ يَوْمَ الْقِيَامَةِ (سورة آل عمران: 185)

“Every soul shall taste death, and you will only be given your full recompense on the Day of Resurrection.”

Surah Aal ʿImran (3:185)

كُلُّ نَفْسٍ ذَائِقَةُ الْمَوْتِ ۗ وَنَبْلُوكُمْ بِالشَّرِّ وَالْخَيْرِ فِتْنَةً ۖ وَإِلَيْنَا تُرْجَعُونَ (سورة الأنبياء: 35)

“Every soul shall taste death. We test you with evil and with good as a trial, and to Us you will be returned.”

Surah Al-Anbiya (21:35)

كُلُّ نَفْسٍ ذَائِقَةُ الْمَوْتِ ۖ ثُمَّ إِلَيْنَا تُرْجَعُونَ (سورة العنكبوت: 57)

“Every soul shall taste death; then to Us you will be returned.”

Surah Al-Ankabut (29:57)

“Every Soul Shall Taste Death”

أَيْنَمَا تَكُونُوا يُدْرِككُّمُ الْمَوْتُ وَلَوْ كُنتُمْ فِي بُرُوجٍ مُّشَيَّدَةٍ (سورة النساء: 78)

“Wherever you may be, death will overtake you, even if you are in fortified towers.”

Surah An-Nisa (4:78)

قُلْ إِنَّ الْمَوْتَ الَّذِي تَفِرُّونَ مِنْهُ فَإِنَّهُ مُلَاقِيكُمْ (سورة الجمعة: 8)

“Say: Indeed, the death from which you flee - it will surely meet you.”

Surah Al-Jumuʿah (62:8)

وَجَاءَتْ سَكْرَةُ الْمَوْتِ بِالْحَقِّ ۖ ذَٰلِكَ مَا كُنتَ مِنْهُ تَحِيدُ (سورة ق: 19)

“And the agony (intoxication) of death will come with the truth. That is what you were trying to avoid.”

Surah Qāf (50:19)

TUHFAH EDUCATION

1. What is Islamic Inheritance?

What is Islamic Inheritance?

Islamic inheritance is the system of distributing a deceased person's wealth according to principles outlined in the Qur'an and authentic Sunnah.

- **Fair and equitable distribution of assets**
- **Protects women's rights to inherit**
- **Ensures justice within families**

Quranic Foundation

لِلرِّجَالِ نَصِيبٌ مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۚ
نَصِيبًا مَفْرُوضًا

"For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it a little or a lot - a fixed share." (Surah An-Nisa 4:7)

Women's Rights

Women are entitled to inherit and receive fixed shares

All Assets Distributed

Every item, no matter how small, must be accounted for

Fixed Shares

Amounts are predetermined by Islamic law, not by individual choice

Pre-Islamic vs Islamic Practices

Pre-Islamic Era *(Jahiliyyah)*	Islamic System
Women excluded or minimal share	Fair rights for women
Wives inherited by eldest son	Protection of spouses
Only warriors received inheritance	Fair distribution to all
Young sons denied inheritance	Includes young and old
No justice or fairness	Justice and equity

Why do females receive half the share of males in some cases?

This ruling is tied to financial responsibility, not to personal worth or status.

In Islamic law, a woman is not obligated to earn or spend on others throughout her life.

- From birth until marriage, her father or guardian is responsible for her maintenance.
- After marriage, her husband is responsible for her living expenses.
- In old age, her children are responsible for caring for her.

Whatever wealth she owns remains entirely hers, and she is not required to spend it on the household.

In contrast, a man is legally responsible for financial provision. He must support himself, his wife, his children, and in some cases other dependants. He is also required to give mahr at marriage and bear ongoing household costs. Because of these binding financial duties, the male is given a larger share in many inheritance scenarios.

It is also important to note that this is not a universal rule. In some cases, women receive the same as men, and in others, they may receive more, depending on the specific family structure.

Case Study

SCENARIO A: Faatimah Dies With Living Inheritors

Inheritors:

- Husband (alive)
- Father (alive)
- Mother (alive)
- 2 Daughters (alive)

Inheritor	Share	Parts (15)
Husband	1/4	3
Father	1/6 + residue	2+0
Mother	1/6	2
Daughter A	⅔ = ⅓ (33.33) each	4
Daughter B		4

SCENARIO B: Faatimah Dies With Living Inheritors

Inheritors:

- Husband (alive)
- Father (alive)
- Mother (alive)
- 2 Sons(alive)

Inheritor	Share	Parts (24)
Husband	1/4	6
Father	1/6	4
Mother	1/6	4
Son A	10/24 = 5/24 (20.83%) each	10
Son B		

Fard Kifayah - Communal Obligation

Islamic inheritance is a Fard Kifayah (communal obligation) for society

What it Means

Society needs knowledgeable individuals to guide others in distribution, according to Islamic law

If Neglected

Entire community shares the sin for failing this essential duty to implement Islamic principles

Who is Permanently Excluded?

Reason	Explanation
Different Faith	If deceased and inheritor have different religions
Killing	If the inheritor killed the deceased (major killing)
Different States	If a non-Muslim deceased person passes away in a country that is not allied with the country where non-Muslim inheritors live, those inheritors will not receive an inheritance. However, this rule only applies when a Muslim judge makes the decision. **This rule does not apply to Muslims.** Muslim relatives will inherit from each other regardless of which countries or states they live in.
Slavery	If either deceased or inheritor is enslaved
Unknown Death Time	When order of death cannot be determined

Categories of Inheritors

al-Furudh (الفروض)

Fixed shares predetermined by Qur'an

al-Asabah (العصبة)

Relatives with no fixed share - inherit remainder

al-Arhaam (الأرحام)

Relatives who are connected through a female link - inherit if no Furudh or Asabah

Spouses Always Inherit

Widow (Wife)	Widower (Husband)
1/8 of estate if children exist	1/2 of estate if no children
1/4 of estate if no children	1/4 of estate if children exist

Example

A man passes away leaving an estate worth £100,000. His widow and two children survive him.

The widow receives: 1/8 × £100,000 = £12,500

The children share the remainder proportionally.

Parents Always Inherit

Mother	Father
If the deceased has any children or has two or more siblings, then the mother receives one-sixth of the inheritance.	If the deceased has any children, such as a son or grandson, then the father receives one-sixth of the inheritance.
If the deceased has no children and fewer than two siblings, then the mother receives one-third of the total inheritance.	If the deceased does not have any sons but has daughters or other female descendants, then the father receives one-sixth as a fixed share, and he also takes the remainder of the inheritance.
In a special case where the deceased leaves behind only the father, the mother, and a spouse, then the spouse is given their share first. After that, the mother receives one-third of what remains, and the father takes the rest.	If the deceased has no children at all, then the father takes whatever remains of the inheritance after the other fixed shares have been distributed.

Example

A woman passes away leaving £60,000. Her parents survive but no children.

Result: Her parents inherit the entire £60,000 and divide it between them.

Children Share the Estate

Sons receive TWICE the share of daughters

Only Daughters	Only Sons	Sons & Daughters
Daughters share 2/3 of estate equally	Sons divide remainder equally	Each son gets double a daughter's share

Example

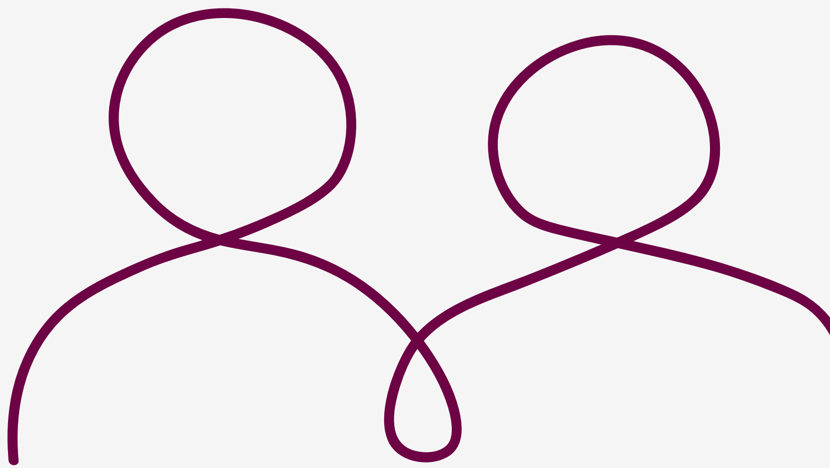
Estate of £120,000 with 1 son and 2 daughters:

- Son receives: 2 shares
- Each daughter receives: 1 share
- Total shares: 4 (£30,000 per share)
- Son gets £60,000 | Each daughter gets £30,000

Siblings

Siblings only inherit if NO children and NO male ascendants are alive

Siblings CAN Inherit	Siblings CANNOT Inherit
Full brothers and sisters inherit together	If the children are alive, the siblings get nothing
Brothers receive double the share of sisters	-
They divide the entire remaining estate	-



Islamic Inheritance Scenario: How One Change Transforms Everything

Estate Value: £240,000.
Immediate Costs & Debts: £0
Amount to Distribute: £240,000

SCENARIO A: Faatimah Dies With Living Inheritors (ORIGINAL)

Original Inheritors:

- Husband (alive)
- Mother (alive)
- 1 Son (alive)
- 2 Daughters (alive)

Inheritor	Amount	Percentage
Husband	£60,000	25%
Mother	£40,000	16.67%
Son	£70,000	29.17
Daughter A	£35,000	14.58
Daughter B	£35,000	14.58

Islamic Inheritance Scenario: How One Change Transforms Everything

Estate Value: £240,000.
Immediate Costs & Debts: £0
Amount to Distribute: £240,000

SCENARIO B:Faatimah Dies With Living Inheritors (ONLY ONE CHANGE)

NEW Inheritors:

- Husband (alive)
- **Mother (DECEASED)**
- 1 Son (alive)
- 2 Daughters (alive)

Inheritor	Amount	Percentage
Husband	£60,000	25%
Mother	£0	0%
Son	£90,000	37.5%
Daughter 1	£45,000	18.75%
Daughter 2	£45,000	18.75%

2. The Foundation Of Will Writing

THE FOUNDATION

The Certainty of Death

كُلُّ نَفْسٍ ذَائِقَةُ الْمَوْتِ... فَمَن زُحْزِحَ عَنِ ٱلنَّارِ وَأُدْخِلَ ٱلْجَنَّةَ فَقَدْ فَازَ

"Every soul shall taste death... whoever is saved from the Fire and admitted to Paradise has indeed succeeded."

Huqūq Allāh (The rights of Allah)

Make up any missed ṣalāh, ṣawm, and zakāh before you pass away. If it feels overwhelming, make a clear plan and ask Allah to make it easy for you.

Huqūq al-ʿIbād (The rights of people)

Resolve any disputes with others: whether financial, family-related, or social and make sure you do not leave anyone with a grievance against you.

Write Your Will

The Prophet ﷺ said no Muslim who has something to bequest should let two nights pass without a written will. (Sahih al-Bukhari 2738)

The Command to Write a Will

مَا حَقُّ امْرِئٍ مُسْلِمٍ لَهُ شَىْءٌ، يُوصِي فِيهِ يَبِيتُ لَيْلَتَيْنِ، إِلاَّ وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ

The Prophet ﷺ said no Muslim who has something to bequest should let two nights pass without a written will. (Sahih al-Bukhari 2738)

إِذَا مَاتَ الإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلاَّ مِنْ ثَلاَثَةٍ إِلاَّ مِنْ صَدَقَةٍ جَارِيَةٍ أَوْ عِلْمٍ يُنْتَفَعُ بِهِ أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ

"When a man dies, his deeds come to an end except for three things: ongoing charity (Sadaqah Jariyah), knowledge that is benefited from, and a righteous child who prays for him."

Ṣaḥīḥ Muslim 1631

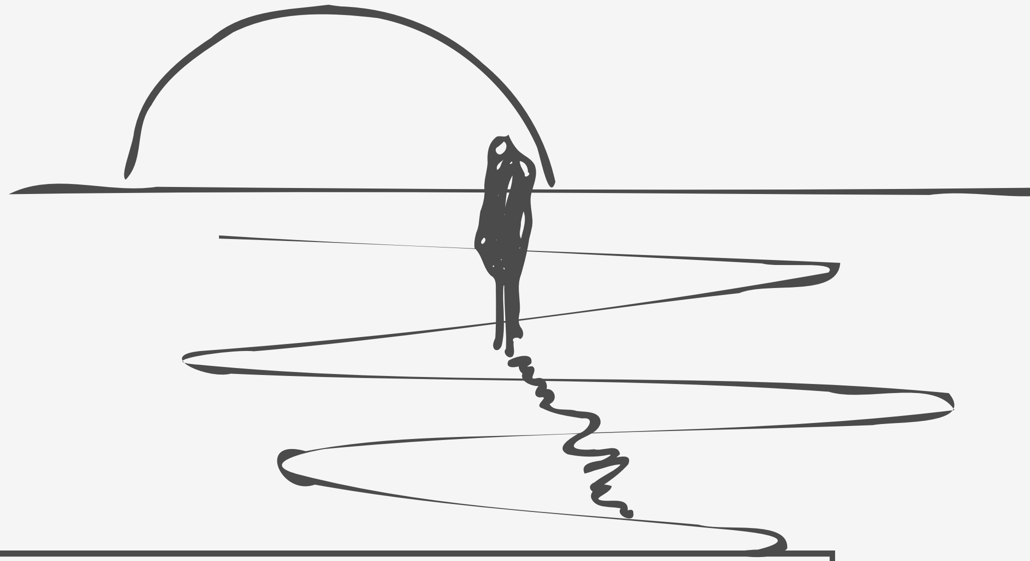
Writing a Will helps ensure part of your wealth goes to ongoing charity. In Islam, up to one-third of your estate can be given as Sadaqah Jariyah, allowing the reward to continue after your death.

عَنِ ابْنِ عَبَّاسٍ ـ رضى الله عنهما ـ قَالَ لَوْ غَضَّ النَّاسُ إِلَى الرُّبْعِ، لأَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَالَ " الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ أَوْ كَبِيرٌ "

Ibn `Abbas narrated: I recommend that people reduce the proportion of what they bequeath by will to the fourth (of the whole legacy), for Allah's Messenger (ﷺ) said, "One-third, yet even one third is too much."

Ṣaḥīḥ al-Bukhārī 2743

3. Importance of A Will



Last-Minute Wills

Wills written on one's deathbed are not considered valid according to Sharīʿah. Similarly, gifts made during a person's final illness are not binding. **If any bequest is made in favour of an heir, it will only be valid if all adult heirs approve it after the person's death; any approval given before death is not recognised.**

For this reason, it is essential to prepare a will in advance, especially in today's circumstances.

The Prophet ﷺ said: *"The best charity is that which you give while you are healthy, cautious with wealth, fearing poverty and hoping for richness. Do not delay until death approaches and then say: 'Give this to so-and-so,' when it already belongs to them."* (Sahih al-Bukhari)

Importance of A Will

Five Reasons Every Muslim Needs One

Fulfil Your Duty

Without a will, your estate is not distributed according to Sharīʿah even if you have a Nikāḥ.

Protect Your Family

Provide for stepchildren and choose guardians for your children.

Minimise Inheritance Tax

Charitable gifts, trusts and proper planning can significantly reduce your tax bill.

Control Your Estate

Decide exactly who receives what and leave personal messages and duʿas for your loved ones.

Leave Peace, Not Conflict

Clear instructions reduce family disputes, legal battles and costly delays.

Without a will: your Nikāḥ-only spouse receives £0, your estate is distributed under English law, not Sharīʿah.

COMPARISON

Will vs Intestacy: What Changes?

Situation	With Islamic Will	No Will
Burial wishes	Islamic rights guaranteed	Next of kin decides
Nikāḥ-only spouse	Inherits their Islamic share	Receives nothing automatically
Children's guardian	You choose a trusted adult	Courts decide
Charitable donations	Up to ⅓ to any ḥalāl cause	No donations possible
Estate distribution	Per Sharīʿah shares	English law only
Inheritance tax	Planning & exemptions available	No room for Inheritance tax reduction
Administrator	Your chosen executor(s)	Court-appointed administrator

Legal Importance of Writing an Islamic Will (UK Context)

A Will must be legally valid to be enforced by the courts. Since Sharīʿah is not recognised under English law, one practical solution is to place wealth into a trust upon death.

Using a Trust

For more detail, please see Section 9!

- A trust is a legal structure recognised in UK law.
- Trustees are appointed (in the Will) to manage the estate.
- They are legally bound to distribute the wealth according to the legally recognised Will.
- Beneficiaries are typically family members.

If No Will is Left (Intestacy)

The estate is distributed according to English intestacy laws which do not follow Sharīʿah
Courts appoint an administrator to distribute the estate, this can lead to family disputes

Will	No Will (Intestacy)
Ensures wealth is distributed according to Sharīʿah principles	Sharīʿah is not directly recognised under English law
Can be enforced legally if structured correctly (e.g. through a trust)	Requires proper legal setup, which can be complex
Helps prevent family disputes	May involve legal costs (solicitors, drafting, etc.)
Allows you to appoint trusted individuals (trustees)	If done incorrectly, it may not be enforceable
Provides clarity and peace of mind	Needs to be kept updated over time

Importance of Registering Your Nikāḥ (UK Context)

If your Nikāḥ is not legally registered and you do not have a Will:

- Your spouse may receive nothing under UK law
- They may need to make a dependency claim after death
- This process can be time-consuming, costly and uncertain

If your Nikāḥ was legally registered abroad:

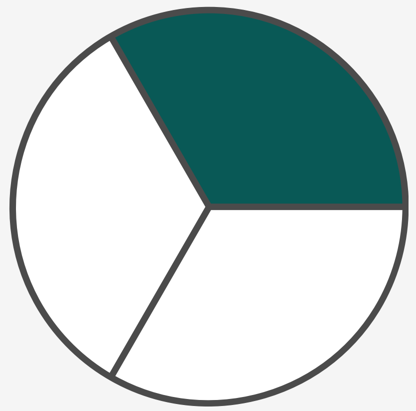
- It may be recognised under UK law
- Not all foreign marriages are automatically recognised

REGISTER NOW

4. Your Estate

YOUR ESTATE

How Your Estate is Divided



MAX ⅓ — Wasiyyah	MIN ⅔ — Fixed Inheritance Shares

First, deduct:

- Funeral expenses (director, kafn, ghusl, grave
- All outstanding debts & unpaid mahr

The Wasiyyah (Max ⅓)

It can be used for:

- Charitable donations
- Outstanding zakāt
- Fidya for missed ṣalāh / fasting
- Gifts to non-heirs
- Ḥajj al-Badal (if applicable)

Fixed Islamic Shares (Min ⅔)

- Distributed according to Shari’ah
- Closest relatives inherit first
- You CANNOT increase an heir's share
- Heirs can voluntarily redistribute after death

When Should You Consult a Sharīʿah-Conscious Solicitor?

It is strongly recommended to seek professional advice if your assets exceed £325,000 as a single person without property, £500,000 as a single person with property, £650,000 as a married couple, or £1,000,000 as a married couple with property.

You should also seek professional advice if you jointly own assets, such as a house with a spouse.

Professional advice is advisable if you have complex financial circumstances, including business assets, unclear ownership structures, life insurance policies, or overseas properties.

Additionally, you should seek professional advice if you do not live in the UK or if you have assets located outside the UK.

The 11 Parts of an Islamic Will Template

- [ ] Identify all assets and property
- [ ] List all debts, debtors, and outstanding obligations
- [ ] Mention any outstanding zakāt and kaffārah obligations
- [ ] Discuss your inheritance wishes with family members
- [ ] List Charitable donations (up to one-third of the estate)
- [ ] Choose executors/trustees
- [ ] Choose executors/trustees
- [ ] Record your funeral wishes
- [ ] Ensure the will is Sharīʻah-compliant and legally valid (accurately drafted, signed, and witnessed)
- [ ] Store the will and related documents in a safe place. Password instructions (stored securely, not written in the will)
- [ ] Inform family members of the document location
- [ ] Review and update the will every 3–5 years

Important Documents to Gather

- Original will and codicils
- Property deeds and titles
- Investment titles
- Birth certificates
- Bank statements & account details
- Pension documentation
- Marriage/divorce certificates
- Insurance policies
- Business ownership documentation

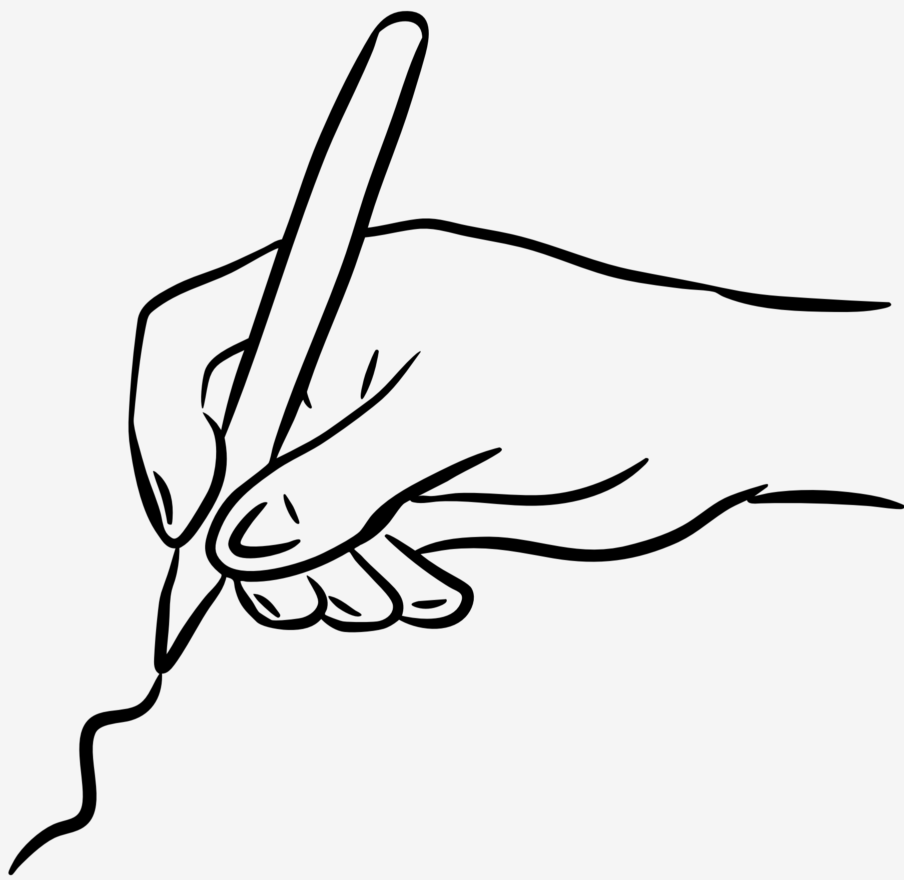
Two Approaches in Writing a Will

1. General Islamic Distribution

- Executors distribute according to Sharīʿah
- No names specified
- Easier to manage over time (no updates needed)

2. Fixed Named Shares

- Specific heirs and shares are listed
- More detailed and explicit
- Requires regular updates (births, deaths, etc.)



EXECUTORS & TRUSTEES

Choosing the Right People

Appoint 2–4 people. They are legally and Islamically responsible for faithfully fulfilling your will.

Willing & Prepared

Only appoint someone who has agreed to take on the role.

Diligent & Persistent

Must handle institutions, creditors, and grieving family with patience.

Know Each Other

Executors who know each other make decisions more easily.

Trustworthy

Must act honestly and never make personal gains from the estate.

Can Be Female

A woman can be an executor. Choose who you trust most.

Must Be 18+

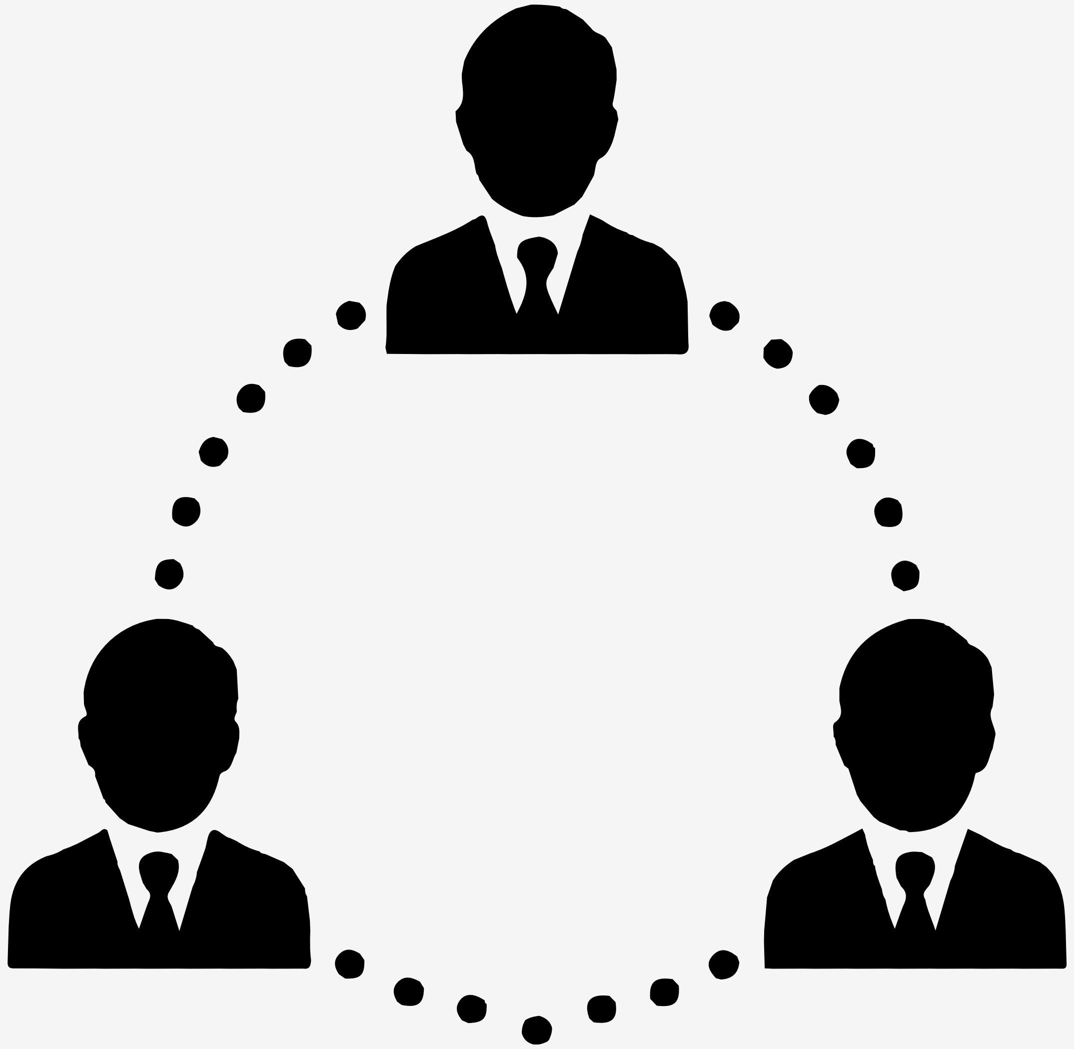
Can also be a beneficiary but witnesses must be independent.

Allah warned: "Whoever changes the Will after hearing it - the sin is upon those who changed it. Indeed Allah is All-Hearing, All-Knowing." [Al-Baqarah 2:181]

Role of Trustees / Executors

Trustees are responsible for:

- Managing the estate
- Converting assets into cash if needed
- Distributing shares according to Sharīʿah



Donations, Debts & Missed Acts of Worship

Charitable Donations

- Name charities clearly in your Will
- Donations to UK charities are IHT-free
- Giving 10% to charity may reduce IHT (40% → 36%)
- You may donate up to 1/3 of your estate (after debts and expenses)
- You cannot give a will to an heir (unless others agree after death)
- Best charity: Ṣadaqah Jāriyah (ongoing benefit)

Missed Acts of Worship

- First priority: make up missed acts during your lifetime
- Record any missed: Ṣalāh, Fasting, Zakāhand Ḥajj
- Fidya may be paid for missed prayers/fasts
- If Ḥajj was obligatory, arrange Ḥajj al-Badal from the estate
- All of this is taken from the 1/3 (waṣiyyah portion)
- Family are not obliged to fulfil this if no will was left

IF THE DECEASED DOES NOT LEAVE A WASIYYA FOR MISSED SAWM/ HAJJ, THE FAMILY ARE NOT OBLIGED TO PAY FIDYA

Donations in Your Will: Islamic Guidelines

A person can include in their Will their desire to donate to any halal charitable cause, charity, or non-heir beneficiary. However, the **maximum amount that can be donated is one-third of what remains after immediate costs and debts have been paid.**

If the donation is intended for a haram (forbidden) cause, the Executors have the Islamic right to refrain from donating to that cause.

You can also choose to share the **one-third amongst family members who will not inherit** under Islamic law. This includes brothers, sisters, uncles, aunts, nephews, nieces, step-children and grandchildren who are not inheriting. It is noble to keep a portion of the one-third for these individuals, especially if they are in need.

If you wish to donate more than one-third of your estate, the donation will be limited to one-third unless every single heir voluntarily forgoes their inheritance rights to allow your request to be fulfilled in full.

Donating to a Charity

When leaving money to charity in your Will, **you must explicitly state which specific charity will receive the donation.** If you are open to alternative charities, you should allow the executors freedom to donate to charities of their choice by mentioning this flexibility in your Will.

There are significant tax benefits to donating to UK registered charities. **Any money left to a charity is free from Inheritance Tax. Additionally, if you give 10% or more of your estate to a charity of your choice, the Inheritance Tax on the rest of your estate is reduced from 40% to 36%.**

Treating Heirs Fairly: Giving During Your Lifetime

If you wish to give more to an Islamic heir, this must be done **during your lifetime**, not through your Will. However, you must have a valid and fair reason for giving more to one heir than another. For example, you may give preferentially to a child who has a specific need, disability, or debt.

Without a valid reason, Islam requires that you treat your dependents fairly and equally, especially your children. *The Prophet Muhammad (peace be upon him) said: "Act equally between your children; Act equally between your sons." (Sunan Abi Dawood)*

If an heir receives a gift during your lifetime, this **does not affect their right to inherit** their full entitled share after your death. Lifetime gifts are separate from inheritance, so receiving a gift does not reduce what an heir will inherit.

Treating Heirs Fairly: A Scenario

Zaid starts a small family business through which he supports his household. At a young age, his eldest son joins him in the business. As the business grows and needs to expand, another son also joins. However, one of the sons chooses to focus on his studies and eventually becomes a doctor, while another qualifies as a lawyer. The expenses for their education and upbringing are all taken from the family business.

In later years, it is mainly the sons involved in the business who build and expand it. Despite this, everything remains in the father's name.

At one point, one of the sons suggests that proper shares be given to everyone or that fixed salaries be set. He is told, "It all belongs to you anyway, why are you asking for a share or salary? Just carry on taking your allowance." The matter is brushed aside. The father continues to sign all the cheques and distributes money as he sees fit, funding houses, cars, weddings, and even Hajj. On the surface, everything seems fine.

Treating Heirs Fairly: A Scenario

But when the father passes away, the reality becomes clear. Since everything legally belongs to him at the time of his death, the estate is divided according to inheritance rules. All the children receive their shares, including the daughters and those sons who did not contribute to the business, such as the doctor and the lawyer, even though they had already benefited greatly over the years.

The sons who built the business feel deeply hurt. They worked for years, took only small allowances, and never received proper wages, yet they end up with the same share as their brothers who did not work in the business and are already financially secure.

Respect and honour for one’s father is necessary, but financial matters must be dealt with properly. Clear arrangements and proper accounting are important to avoid this kind of situation.
The same issue can arise in partnerships between husband and wife, or between brothers, where roles and shares are not clearly defined from the beginning.

Validity of a gift

A gift is only valid in Shari'ah when the person receiving it takes **physical possession.**

A common problem is that after someone passes away, people claim, *"He gave this to me while he was alive."* It should be understood that if physical possession was not taken, the gift is not valid.

Physical possession means that the person is fully in control of the item and is free to use it, sell it, or deal with it independently.

If this kind of control was not established, then the item will be treated as part of the estate, and all the heirs will have a share in it.

Validity of a gift

In Islam, a gift is only valid and complete when the person receiving it takes full ownership and possession. **Simply putting something in a person's name is not enough in Shari'ah. In such a case, the gift will not be valid.**

For houses and property, possession is shown by actions such as handing over the keys, removing personal belongings and leaving no barriers for the new owner to move in and live there.

Often, a father may say verbally, "This house is yours," but he continues to live in it and treat it as his own. This is not a valid gift. A true gift is one where the son has full control. If he were to ask the father to move out, the father would do so without hesitation, and it would be clearly understood that the house now belongs to the son.

Joint Property Ownership

Many couples own their home together as a “joint tenancy”. This means that when one spouse passes away, the whole property automatically goes to the surviving spouse, no matter what the Will says. Although this may be helpful for tax reasons, it can go against Shari‘ah. This is because other heirs who have a right to the estate may be left out.

One solution is to change the ownership to “tenants in common”. This allows each person’s share to be passed on according to their Will. However, if the total estate is worth more than £500,000, this may cause inheritance tax issues.

A better option is to keep the property as a joint tenancy for tax purposes, but clearly state in the Will that the surviving spouse must distribute the value of the property to the rightful heirs according to Islamic law.

However, this can still be difficult in practice, especially if most of the wealth is tied up in the house. The surviving spouse may struggle to pay the heirs without selling the property.

Pensions

Pension schemes can be halal or haram, depending on how they are set up.

The type of pension will affect what happens to the benefits after death.

In some cases, the pension benefits may need to be distributed according to Islamic inheritance rules. For this reason, it is important to choose the correct beneficiary.

Sometimes, pension payments after death are given directly to a nominated person and do not form part of the estate. In other cases, they may be included in the estate. Because of this, it is important to take proper advice, including tax advice where necessary.

I'll be left bankrupt!

If you have missed acts of worship, you should strive to make up your qaḍāʾ as soon as possible before you pass away, including witr; start now, as fidyah is not a substitute for making up missed prayers. Any outstanding obligations should be recorded in your will, as a means of seeking Allah's forgiveness given the seriousness of the matter.

However, if the amount allocated for missed prayers exceeds one-third of your remaining estate and would disadvantage the heirs, then only up to one-third is binding, and anything beyond that may be fulfilled by the heirs voluntarily if they wish.

Malpractices

When a person passes away, their debts must be paid after burial. Paying off the debts of the deceased is the first right.

After that, any *wasiyyah* should be carried out, but only up to one-third of the estate. Then, whatever remains should be distributed among the heirs according to the laws of inheritance.

Every item that belonged to the deceased is part of the estate, even if it seems small or insignificant. A common mistake is to give away the deceased's clothing. This is only allowed if all the heirs agree.

It is sinful to take anything from the estate, or to give anything away, before the proper distribution has taken place and without the permission of all the heirs.

Malpractices

A common mistake is to give the share of a son who passed away before his parents to his children, meaning the grandchildren of the deceased. This is not permissible. If a child dies during the lifetime of his parents, he is not considered an heir when they pass away. The remaining children will inherit the estate, including what would have been his share. However, a person may make a *wasiyyah* of up to one-third of their estate in favour of such grandchildren.

Another common practice is that a daughter is given a large gift at the time of marriage and then excluded from inheritance. This is not permissible. Her share in the estate remains her right.

What is the Residuary Estate?

The residuary estate is what remains after:

- Funeral expenses
- Debts
- Valid will (*wasiyyah*) – up to 1/3

Formula: Assets – Debts – Post-death costs = Residuary Estate

Storing and Updating your will

Once written, your Will should be printed and securely stored. It is advisable to keep copies.#

Where can you store it?

- At home (in a safe place)
- In a safe deposit box
- With a solicitor
- With a probate service, If stored with a probate service (like: https://probatesearch.service.gov.uk/#wills) Your Will can then be searched online by family members (UK Probate Service)

Updating your will:

- If you want to update your will, you need to make an official alteration (called a ‘codicil’) or make a new will.
- If you make any changes to your will, you must follow the same signing and witnessing process.

Can Inheritors Change Their Shares?

Islamic Perspective

Yes, but with strict conditions:

- All heirs must willingly agree
- There must be no pressure or coercion
- Each heir may choose to give up part of their share for another

Forcing someone to give up their inheritance is unlawful and sinful

Can Inheritors Change Their Shares?

Legal Perspective (UK)

- All inheritors must sign a Deed of Variation
- This must be done within 2 years of death
- It is a legal document used to modify a Will, or adjust distribution under intestacy rules

5. The Islamic Will template

To view an Islamic will template, please scan the QR code to access our official will document.

TUHFAH EDUCATION

MY ISLAMIC WILL

Prepared by Tuhfah Education

Name: ______________________

INFO@TUHFAH.NET

TUHFAH EDUCATION

I, ... [Insert Full Name of Testator]

, revoke all former Wills and testamentary dispositions made by me at any time and declare this document to be my **Last Will and Testament**.

APPOINTMENT OF EXECUTORS AND TRUSTEES

I appoint the following person(s) to be the **Executor(s) and Trustee(s)** of this my Will:

Executor/Trustee (1)

Full Name .... [Insert Full Name Here]

Address .... [Insert Full Address Here]

Executor/Trustee (2)

Full Name .... [Insert Full Name Here]

Address .... [Insert Full Address Here]

Executor/Trustee (3)

Full Name .... [Insert Full Name Here]

Address .... [Insert Full Address Here]

My Executor(s) shall have **all powers conferred upon personal representatives and trustees under English law**, including all powers necessary to administer and give full effect to this Will.

Unless stated otherwise, where any trust arises under this Will, the Executor(s) shall also act as the **Trustee(s)** of such trust.

If any of my appointed Executor(s) is unable or unwilling to act, or ceases to act for any reason, then

.... [Insert Name of Islamic Judicial Body Here]

shall be authorised to appoint one or more replacement Executor(s).

6. Dealing with Assets and Liabilities

The Testator’s Asset Identifier

What It Includes

- Financial Assets
- Cash
- Bank accounts
- Shares / stocks
- ISAs, bonds, gilts
- Pensions

Other Assets

- Property (real estate)
- Jewellery and valuables
- Money lent to others
- Assets lent to others

Liabilities

- Money borrowed from others
- Assets borrowed from others

Bequests

Any allocations to:

- Charities
- Other individuals (within 1/3)

Liabilities to be Deducted (Islamically)

Post-Death Expenses

- Funeral costs:
- Kafan (shroud)
- Ghusl
- Burial plot and related costs
- Probate application fee (e.g. £300 in 2025)
- Immediate household bills due
- All debts owed by the deceased

Important Note: Mortgage

Many banks/building societies offer up to a 12-month grace period, Monthly payments may be paused. However, interest may still accrue

Non-Deductible Liabilities (UK Law – Probate & IHT)

These cannot be deducted when calculating the estate for probate and Inheritance Tax:

- Court and legal fees
- General post-death expenses
- Probate (application) fees - Treated as administrative costs, not debts

Key Takeaway

Islamically: many costs are deducted before distribution

Legally (UK): not all expenses reduce the taxable estate

Household Debts

Unpaid liabilities are divided into two distinct categories: **debts owed to people** (ḥuqūq al-ʿibād) and **duties owed to Allah** (ḥuqūq Allāh), and each is treated differently in the distribution of an estate.

Firstly, debts owed to people (ḥuqūq al-ʿibād):

These must be settled in full from the entire estate before any distribution to heirs or charitable bequests. This includes all financial obligations such as unpaid household bills (e.g. rent or mortgage, gas, electricity, water, council tax, and similar expenses), outstanding insurance payments, and any other amounts owed to individuals or companies. These debts take priority and are deducted completely from the estate.

Secondly, duties owed to Allah (ḥuqūq Allāh):

These include obligations such as unpaid Zakāt, Fidyah for missed fasts, or similar religious duties. These are not deducted from the full estate. Rather, they may only be fulfilled from up to one-third of the estate, unless the heirs voluntarily agree to pay more.

Accordingly, debts owed to people reduce the estate entirely before distribution, whereas duties owed to Allah are limited to one-third of the estate. It is therefore important to distinguish between the two when calculating what remains for heirs and charitable bequests.

7. Debts

Record Your Debts

Keep a clear written record (paper trail) of all debts

Inform your family members

If Debts Are Unknown, family should announce at the funeral for any outstanding claims. This helps ensure no right is left unpaid.

This ensures debts are repaid correctly and they are deducted (Islamically and for IHT purposes)

Seriousness of Debt

The Prophet ﷺ said: *"If a person is killed in the path of Allah... but has a debt, he will not enter Jannah until it is repaid."* (al-Nasāʼī)

The Prophet ﷺ even refused to lead Janāzah for someone with unpaid debts. (Sahih al-Bukhari)

The Prophet ﷺ said: *"The soul of the believer is held back by his debt until it is settled."* (al-Tirmidhī)

Debt is not a small matter

It affects a person even after death

Dealing with Creditors

When dealing with creditors, it helps to be honest and upfront about your financial situation so they understand what you're facing. If you need extra time to make a payment, clearly requesting it can prevent unnecessary pressure. Most creditors are willing to show leniency when you communicate early and openly, which can make the whole process far less stressful.

Dealing with Creditors

When a claim for money is made, the person demanding payment must provide proper proof, such as clear evidence, reliable witnesses, or by taking an oath. If they cannot offer any valid proof, you are not obliged to pay the amount they claim. However, if they do provide genuine evidence, you should arrange repayment promptly and responsibly.

Dealing with Creditors

When you are owed money and the family genuinely cannot repay, it is wise to consider giving them more time or even forgiving the debt altogether. Islam places great virtue in this kindness:

Allah says, *“If the debtor is in hardship, then grant them time... and to forgive it as charity is better for you”* (Al-Baqarah 2:280).

The Prophet ﷺ also taught that *“Whoever relieves a debtor or forgives him will be under the shade of Allah’s Throne”* (Muslim).

These teachings highlight the reward and compassion involved in easing the burden of someone in difficulty.

The Importance of Mahr

The husband is required to give his wife the mahr (dowry). This is a right that belongs to the wife.

If the husband dies before paying the mahr, it does not get cancelled. It is treated like a debt and must be paid from the wealth he leaves behind.

As it is a debt, it must be paid before the inheritance is shared out. No one can take their share until the mahr has been given to the wife.

If the mahr is so large that it uses up all of the estate, then it will still be paid. In that case, the other heirs may receive nothing.

8. UK Inheritance Laws

Overview of UK Inheritance Laws

Inheritance Tax (IHT)

This tax is applied to the estate (including property, money, and possessions) left by a deceased person. It may also apply to certain gifts made during the individual’s lifetime.

Nil Rate Band (NRB)

The Nil Rate Band is the threshold below which no Inheritance Tax is payable. As of 2024, this threshold is £325,000. Inheritance Tax is only charged on the value of the estate that exceeds this amount.

Standard IHT Rate

40% on amounts above thresholds

Residence Nil Rate Band (RNRB)

What it is: An additional £175,000 tax-free allowance for residential property, on top of the standard Nil Rate Band.

Key conditions:

- Amount: £175,000 per person (property value only)
- Who inherits: Must pass to direct descendants (children, grandchildren, great-grandchildren) - not siblings, aunts, uncles, or nephews
- Estate limit: Only available if total estate is under £2 million. Above £2 million, the RNRB reduces or disappears
- Property only: Cannot be transferred to other assets if unused - it applies only to the residential property itself

Bottom line: If you leave your home to your children and your total estate is under £2 million, up to £175,000 of the property value is inheritance tax-free.

Spousal Exemption

No Inheritance Tax is due on ANY amount left to a spouse or civil partner - regardless of value or timing.

Requirements:

- Must be legally married or in a civil partnership
- Spouse must live permanently in the UK

Transferable Allowances

Unused tax-free allowances from the first spouse can be passed to the surviving spouse. When the surviving spouse dies, they can use:

- Their own allowance: £500,000 (NRB + RNRB)
- Plus the transferred allowance: £500,000
- Total: £1,000,000 tax-free

Key Exemptions from IHT

Spousal Exemption

No IHT on any gifts to spouse/civil partner (must be UK resident)

Charitable Gifts

No IHT on gifts to registered charities, regardless of timing

Political Gifts

No IHT on gifts to registered political parties

Seven-Year Rule

IHT does not apply to gifts given to individuals other than the spouse, charities, or political parties if the deceased person survived for seven years after making the gift

Key Tax Thresholds & Bands (2024)

Threshold	Amount	Description
Nil Rate Band (NRB)	£325,000	Standard tax-free allowance per person
Residence Nil Rate Band (RNRB)	£175,000	Additional allowance for residential property
RNRB Estate Limit	£2,000,000	Max estate value to qualify for RNRB
Combined Threshold	£500,000	NRB + RNRB per person

Inheritance Tax Rate & Payment

Standard IHT Rate

40%

Charged only on estate value exceeding the tax-free thresholds

The payment deadline for inheritance tax is the end of the sixth month following the date of death. For example, if someone passes away in January, the tax must be paid by 31 July. All payments and forms must be submitted to HM Revenue & Customs (HMRC).

Gifts Within 7 Years of Death - Tax Rates

Time Before Death	Tax Rate
Less than 3 years	40%
3 to 4 years	32%
4 to 5 years	24%
5 to 6 years	16%
6 to 7 years	8%
7 years or more	0%

Residence Nil Rate Band (RNRB)

£175,000 RNRB threshold per person

Downward Reduces if estate exceeds £2 million

Direct Heirs Property must pass to children, grandchildren, or great-grandchildren

No Flexibility Unused RNRB cannot be transferred to increase other tax-free amounts

Property Only RNRB applies only to residential property, not other assets

Transferable NRB & RNRB

First Spouse Dies

Estate passes to surviving spouse

No IHT due (spousal exemption)

NRB + RNRB = £500,000

Surviving Spouse Dies

Own allowance: £500,000

+ Transferred: £500,000

Combined Available: £1,000,000

Benefit: Children inherit up to £1,000,000 tax-free

Conditions for a Valid Will in the UK

1. *Testator must be of sound mind*
2. *Testator must be at least 18 years old*
3. *Will must be signed by testator in presence of 2 independent witnesses*
4. *Both witnesses must sign in presence of testator*
5. *An executor must be appointed to administer the estate*
6. *No fraud, undue influence, or coercion involved*
7. *Marriage after will creation revokes the will automatically*
8. *Latest valid will supersedes all previous versions*

Intestacy Rules - No Valid Will

When someone dies without a valid will, the estate is distributed according to a strict statutory order:

With Spouse & Children

Spouse receives:

- All personal possessions
- All assets up to £322,000
- 50% of anything above £322,000

Children receive:

- 50% of assets above £322,000 (shared equally)
- Or grandchildren inherit if their parent has died

Without Spouse

Estate divided equally among:

1. Children (or grandchildren if children deceased)
2. Parents (if no children)
3. Siblings (if no parents)
4. Grandparents (if no siblings)
5. Aunts/Uncles (if no grandparents)
6. Half-Aunts/Half-Uncles (if no aunts/uncles)
7. The Crown (if no relatives at all)

Key Point

Make a will. Without one, the law's rules may not match your wishes and distant relatives could inherit before close friends or unmarried partners.

Worked Example 1: Property + Other Assets

Estate Details:

Property: £300,000

Other Assets: £190,000

Total Estate: £490,000

Estate Value	£490,000
Minus: RNRB	- £175,000
Remaining	£315,000
Minus: NRB	- £325,000
Taxable Amount	£0
IHT Due (40%)	£0

Worked Example 2: Limited Property, More Assets

Estate Details:

Property: £300,000

Other Assets: £190,000

Total Estate: £490,000

Estate Value	£490,000
Minus: RNRB	- £100,000
Remaining	£390,000
Minus: NRB	- £325,000
Taxable Amount	£65,000
IHT Due (40%)	£26,000

Worked Example 3: Gifts Within 7 Years

£50,000 to friend

9 years ago

No IHT (outside 7-year period)

£325,000 to sister

4 years ago

No IHT (within NRB threshold)

£100,000 to friend

3 years ago

IHT at 32% (within 3-4 year band)

Tax Impact:

£100,000 gift × 32% = £32,000 IHT

Important Laws

Administration of Estates Act 1925

Intestates' Estates Act 1952

Inheritance (Provision for Family and Dependents) Act 1975

Estates of Deceased Persons (Forfeiture Rule and Law of Succession) Act 2011

Key Takeaways

- Plan ahead - Use exemptions and allowances strategically
- Spousal gifts are fully exempt from IHT
- Gifts outside 7-year period escape IHT entirely
- Valid will prevents intestacy complications
- Combined NRB + RNRB can reach £500,000 per person
- Professional advice recommended for complex estates

9. Trusts

Using Trusts to Reduce IHT - all legal!

Firstly, you should speak to an experienced Muslim solicitor and a Mufti or Imam about the legal avenues available to minimise the tax you pay on your estate.

Trusts can be an effective tool to reduce your Inheritance Tax bill and give you control over how your assets are used by future generations. A trust can help you keep a lump sum outside of your survivor's estate to ensure it is not subject to Inheritance Tax. Trusts also protect your children's or grandchildren's legacy if your surviving spouse remarries, and they protect their inheritance from their own marital disputes. Additionally, trusts allow you to avoid giving children or grandchildren a large sum of money that they may not spend as wisely as you would like.

Although you will need to pay taxes on assets held in a trust, these tax rates are lower than standard Inheritance Tax rates.

What is a Trust?

A trust is a legal arrangement where a trustee holds and manages assets on behalf of beneficiaries. You transfer ownership of your property to the trust, and the trustee is legally obligated to manage those assets according to your instructions.

Grantor	You create and fund the trust
Trustee	Manages the trust assets
Beneficiary	Receives benefits from the trust

What is a Trust?

Avoid Probate

Assets pass directly to beneficiaries without court involvement or delays

Privacy

Trusts are private documents, unlike wills which become public record

Control

Specify exactly how and when beneficiaries receive assets

Tax Benefits

Potentially reduce estate taxes and minimize tax liability

Common Types of Trusts

1	**Revocable Living Trust** Can be changed or cancelled during your lifetime; avoids probate
2	**Irrevocable Trust** Cannot be changed once created; provides asset protection and tax benefits
3	**Testamentary Trust** Created through your will and established after your death

Miscellaneous

1	A missing person's property will be held until it is confirmed that he has passed away, or until a set period has passed and he is legally declared dead.
2	A child in the womb also has a right to inherit.
3	If a person sets aside money for a purpose, such as a child's marriage or building a masjid, but passes away before giving it or transferring ownership, then that money will still be part of the estate.

Miscellaneous

4	Being far away or not in contact for a long time does not affect a person's right to inheritance.
5	Disobedience does not remove a person's right to inherit.
6	An estranged wife will still inherit from her husband as long as the marriage (nikah) remains in place.

Trusts in Shari'ah: Islamic Legal Considerations

In Islamic law, if a trust is not formed with the intention of gifting the assets to the people included as beneficiaries, but rather is created solely for tax purposes, then the trust will be regarded as the complete ownership of the person who formed it. Upon the death of the person who created the trust, it will be considered part of their Islamic estate for inheritance purposes, even though it may not be part of their Inheritance Tax liable estate.

If you have a traditional Interest in Possession Trust, the income received from it is immediately subject to Zakat, and the capital becomes subject to Zakat once it is accessible to the beneficiaries.

If a child trust fund is set up in a manner where ownership of your property is transferred to your children after your death, this is not permissible in Islam. This is because your estate must be divided among all your heirs according to Islamic inheritance law, and your spouse is entitled to a share as one of your heirs. This applies unless all adult heirs give their consent at the time of your death.

However, if a child trust fund is set up in a manner where ownership of your property is transferred to your children during your lifetime, this is permissible in Islam, and you do not need anyone's consent to do so.

COMMON QUESTIONS

Frequently Asked Questions

Q: Can I give more to one child?

No, you cannot increase an heir's share through your Will. If necessary for a valid reason, gift them in your lifetime.

Q: Is my Nikah-only spouse protected?

Only with a Will. Without one, they receive nothing under UK law. Strongly register your Nikāḥ legally.

Q: Must a Will be witnessed by a solicitor?

No. Two independent witnesses (not beneficiaries) signing in the same sitting is sufficient under the Wills Act 1837.

Q: Can inheritors change the shares after death?

Yes, if all adult heirs freely agree. They must sign a 'Deed of Variation' within 2 years of death. Coercion is sinful.

Q: Is an audio or digital Will valid?

Currently no. A written, signed, witnessed Will is required. Digital Wills may be permitted from May 2026.

Q: Are debts passed to my family?

No, only the estate is liable for debts. Family can voluntarily repay remaining debts as an act of goodness.

Case Study

A person passes away, leaving behind £50 after all burial costs, debts, and wills are settled. The surviving relatives are:

-Father

-Mother

-Six daughters

Calculate the share each relative will receive.

Relative	Fraction share	Percentage share	Amount
Father	⅙ + Asabah	16.67%	£8.33
Mother	⅙	16.67%	£8.33
Each daughter	⅔	11.11%	£5.56
Total amount	**£50.02 (2 pence extra)**		

Case Study

A person passes away, leaving behind £100 after all burial costs, debts, and wills are settled. The surviving relatives are:

-Husband

-Mother

-Paternal Grandmother

-Maternal grandmother

-Paternal uncle

-Daughter

Calculate the share each relative will receive.

Relative	Fraction share	Percentage share	Amount
Husband	¼	25%	£25
Mother	⅙	16.67%	£16.67
Paternal grandmother	-	-	-
Maternal grandmother	-	-	-
Paternal uncle	**1/12**	8.33%	£8.33
Daughter	½	50%	£50
Total amount	**£100 (exact amount)**		

TUHFAH

JazākAllāh for Listening

A Will is an obligation upon every Muslim who has anything to bequest.

Do not let another night pass without yours being written.