

GUIDE TO WRITING A

Will & Leaving a Legacy...



IMRAN KHAN CANCER APPEAL

A life to
praise
Allah,
deserves
a legacy
to please
Allah.



*For those who give in Charity, men and women,
and loan to Allah a Beautiful Loan,
it shall be increased manifold [to their credit],
and they shall have [besides] a liberal reward.*

THE HOLY QUR'AN 57:18

No lifetime is enough to give back to Allah for all His blessings. But when writing your Will, you could gift Allah a beautiful loan, that will keep on giving for His pleasure.

Inside, you will find all you need to know about the process of writing a Will and why it is important to do so sooner rather than later. You will also learn about the benefits of leaving a gift in your Will, how this can be done, and how much you are advised to give in charity, according to the Shari'ah, when willing your estate.

Thank you for your interest in supporting IKCA with a gift in your Will. Sadaqah and Sadaqah Jariyah gifts in Wills are the life-force of our lifesaving work. They've enabled us to give hope through healing to Pakistan's poorest in their time of greatest need.

If you need help finding legal guidance to write your Will, IKCA can put you in touch with the right people.





It's never too soon to write your will.

We don't think about death enough. And yet, it is the only certainty. To prepare for it, our Prophet Muhammad (SAW) encouraged us to reflect on death regularly, and writing a will goes hand in hand with that.

Writing a Will gives you peace of mind. It is a way of putting your affairs in order and ensuring your loved ones are taken care of. It is your right to stipulate how your estate is distributed after you pass away. Doing so will also prevent unnecessary family disputes that may crop up while your wealth is being distributed.

Here are some other reasons why it is a good idea to write your Will

If you die without leaving a will you are deemed 'intestate'.

This means your estate will be divided and distributed in accordance with the (UK) government's laws on intestacy. Not only are these laws different from the Shari'ah rulings on inheritance, they will not take into account how you wanted your wealth to be distributed.

If you die intestate, your loved ones will have to apply to the courts to administer your estate.

This is a lengthy and costly process. By comparison, writing a Will is simple, straightforward and financially inexpensive.

If you have children under the age of 18, writing a Will ensures they are taken care of in the way that you would have wanted.

In the event that you and your spouse should pass away, the courts can get involved to determine who looks after your children. By appointing legal guardians for them, in your Will, you can prevent this from happening.

While writing a Will, you have the option of making it tax-efficient, which can reduce the amount of inheritance tax your loved ones may have to pay after you pass away.

You can learn more about this in the next section, under the heading: *The Benefits of a Gift in your Will*.

Where to begin!

If you want to write your Will but don't know where to begin, we can point you in the right direction

Appoint your own solicitor

If you already have a solicitor, or know one that you would like to work with, then you can contact them for help on writing your will - they will be able to give you advice, guidance and any fees associated with writing your will.

An independent online automated Islamic Will Service

You can now use an online self-service tool that automates preparing your Wasiya / Will and delivers a personalised shariah-compliant Will in your email inbox! A Will that will be enforceable under UK and English law to ensure that your inheritors receive the inheritance and assets they are entitled to. NB Charges may apply.

For further information call us on 01274 424 444 or email us at info@ikca.org.uk

Professional Independent Will Drafting Service

This is a professional service which will allow you to hold a virtual group meeting direct with the solicitor who will inform potential executors about what to expect, and help you with any awkward discussions to appoint executors or guardians, by a process designed by the University of Florence for hosting virtual-group-calls, to help them make a better and informed choice to represent you after you have gone ("Executor Mentoring"). NB Charges may apply

A gift that keeps on giving, even when you're gone.

Leaving even a small fraction of your estate to IKCA, as a Sadaqah or Sadaqah Jariyah gift, can make a massive difference for the cancer patients we care for.

The meaning of Sadaqah

Sadaqah, meaning charity, is the concept of voluntary giving in Islam fi sabillilah' - for the cause of Allah. The term stems from the Arabic root word 'sidq', which means sincerity. Therefore giving Sadaqah is considered a sign of sincere faith.



The benefits of a Sadaqah Jariyah Gift

Sadaqah Jariyah is the Islamic concept of charity invested in something which has ongoing benefits for people, such as a hospital. Sadaqah Jariyah allows you to reap the blessings of your charity, even after death, for as long as it continues to benefit others.

What your Sadaqah Jariyah Legacy can achieve

For over two decades, we've been investing Sadaqah Jariyah into healthcare projects which serve our patients, and provide ongoing rewards for our donors. Sadaqah Jariyah has allowed us to build two cancer hospitals that have treated, cured and saved thousands of people. A third hospital is now also being built in Karachi. All this has made free cancer-care for the poor a reality, in a country with no national health service.

Tax Benefits

A gift in your Will doesn't just benefit others. It can also have tax benefits for your loved ones, after you pass away. Before your assets can be inherited, they will be calculated to determine whether they are liable for inheritance tax. But any gift you leave to IKCA will be taken out of your estate before it is calculated.

So the value of inheritance tax your loved ones may have to pay, will be reduced. Some people find this is a good way to bring their estate under the inheritance tax threshold, which is £325,000 (as of January 2020 – please speak to your solicitor for more up to date info.) And here is a further incentive: leaving 10% (or more) of your estate to charity allows you to benefit from an inheritance tax rate reduction, so that the rate of inheritance tax payable on your estate is reduced from 40% to 36%.

What to leave as a Gift in your Will

There are different kinds of legacy gifts you can leave to IKCA in your will. Here are some:

A SUM OF MONEY

Many people prefer to gift a fixed sum of money, like £1000, £5000, or £10,000. This is called a pecuniary legacy.

AN ITEM OR ASSET

A gift in your will doesn't have to be monetary. You can also gift specific assets such as property, stocks, shares of valuables like jewellery or antiques. This is called a Specific legacy.

A SHARE OF YOUR ESTATE

Once your wealth has been divided and distributed, and all the outstanding costs, debts and inheritance tax are paid for, you may want to leave what remains of your estate, or even just a percentage of what remains, as a gift. This is called a residuary legacy.

A GIFT IN TRUST WITH REVERSIONARY BENEFICIARIES

This sounds complicated, but it's really not. Leaving a gift in trust means you leave your estate, or part of it, on trust to a particular person or loved one. This person can benefit from the assets, and receive income from them, throughout their life. But when they pass away, the assets will pass to other beneficiaries of your choice, called 'reversionary beneficiaries.'

Many people choose a charity to be the reversionary beneficiary of their gift in trust.

How to Leave a Gift in your Will

Leaving a gift in your Will is simple. All you need is the name, address and registered charity number of the charity you wish to leave the gift to.

If you want to leave a gift to IKCA, simply instruct your solicitor about the amount or item you want to give, along with the following details...

Name:
Shaukat Khanum Memorial Trust AKA Imran Khan Cancer Appeal

Address:
PO BOX 786,
66 Little Horton Lane,
Bradford, BD5 0YE

Registered charity number:
1000580

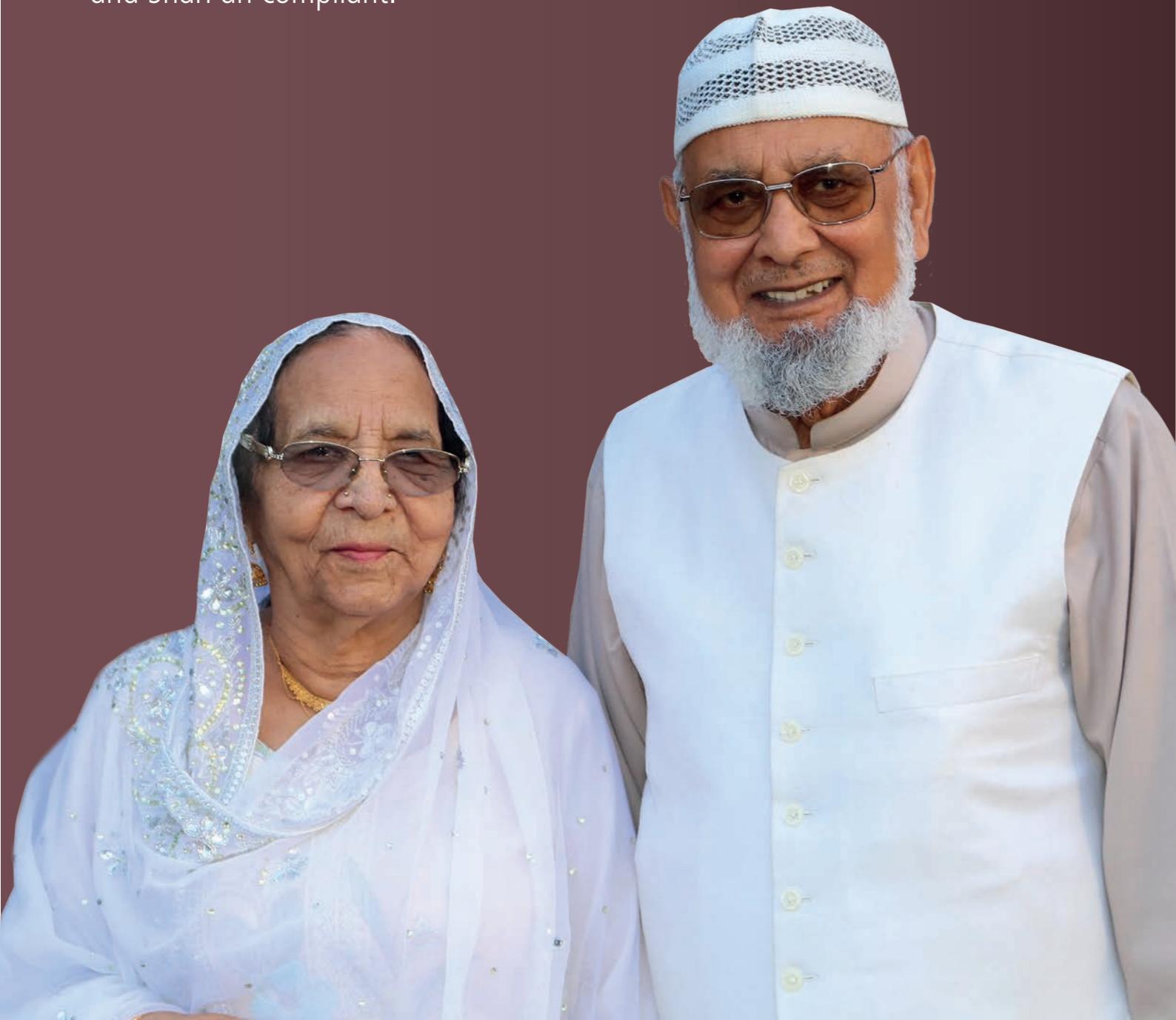
The Prophet (SAW) said,
'When a man dies, his good deeds come to an end except for three things: Sadaqah Jariyah [ceaseless charity]; a knowledge which [he has passed on and] is beneficial; or a virtuous descendant who prays for him.'

HADITH: MUSLIM



Things to consider when making your will.

Ready to write your will? Here are some points to consider if you want your will to be legally valid and Shari'ah compliant:



When asked by an ailing companion if he should give two thirds or half of his wealth in charity, and leave the rest to his only daughter, the Prophet (saw) said, '*Give one-third (in charity) and that is quite enough. To leave your heirs rich is better than to leave them poor, begging from people.*

(HADITH: MUSLIM)

Get a solicitor

A Will is a legal document. Therefore, though it is possible to write your own Will, it is also strongly recommended that you seek professional advice while doing so. Particularly if your financial and property affairs are complicated, and/or you want to make several specific bequests.

For your Will to be legally valid and the conditions under which it was made, must satisfy the following basic requirements of UK domestic law:

- You must be at least 18 years old
- You must be of sound mind
- Your Will must be in writing
- You must identify yourself as the author of the Will
- You must state that it is your Last Will – and that any previous Wills and codicils are revoked
- Your will must be dated and signed by you in the presence of, and attested by, two witnesses. These witnesses cannot be your spouse or any person who is a beneficiary under your Will.

Consider funeral and Burial Instructions

For Muslims living in the UK, this part is important. If you want your funeral and burial rites to be carried out in accordance with the practices of Islam, you must specify this. It is also useful to set aside some funds with which your family can cover the cost of your funeral and burial, and make these readily available for them. Here are some points to consider:

- Request that your body be released for burial immediately after death, so that it can be buried promptly as is the practice in Islam. If you do not want your body to undergo a routine post-mortem, specify this.
- Request a Muslim burial, advising on where and how you want your body to be interred.
- The UK currently has an opt-out system, where organ donation will occur automatically unless you opt out. If you do not want any of your organs to be used for medical research or organ replacement, you can register a decision not to donate on the NHS Organ Donation site:

www.organdonation.nhs.uk/register-your-decision/do-not-donate/

Some people include their funeral and burial instructions in their will. Others prefer to have a separate, legal document for these instructions, which can be taken into consideration as soon as they've passed away. This is because a person's will is usually opened after burial. If you have decided to include your funeral/burial instructions in your will, instruct your solicitor and loved ones accordingly.

Choose your executors

Executors are the people who will carry out the wishes expressed in your Will. Unlike the witnesses who attest your will, executors can be beneficiaries of your estate. You will need a minimum of two executors. These can be friends or relatives, but do make sure they are willing to accept this responsibility, which can often be time-consuming.

If you prefer to have solicitors as your executors, you must take into account that they will be expecting to be paid for their services out of your estate.

If you are writing a Shari'ah compliant Will, it is recommended that you choose executors with a sound knowledge of the Shari'ah rulings on inheritance. →

Value your wealth

Now make a list of everything you own: your home and its contents, your car, jewellery (particularly gold) and all your savings. These are called your 'estate.' Also list any debts you have, or outstanding payments, such as a dowry (mahr) or your Zakat.

It is best that you pay these before you pass away. However, on the off chance that you won't be able to, you will need to deduct these from your estate before you decide what you intend to bequeath to whom; and request that your family and/or solicitor settle them on your behalf, out of your wealth.

Decide how you'll distribute your wealth

First, any outstanding payments, taxes, debts and administrative expenses (for your funeral etc.) must be settled. When dividing what remains of your estate, one third can be left to whoever you wish. This can include charities of your choice or friends and family, who are not entitled to inherit as per the Shari'ah, as well as charities. The remaining two-thirds of your wealth will then be distributed according to the Shari'ah rulings on inheritance, set down by the Holy Qur'an and Sunnah. These are fixed, unless you decide not to have a Shari'ah compliant will.

It is useful to put a residuary clause in your Will. A residuary clause determines what will happen to your estate in the event that you have no surviving relatives to inherit. In such cases, your wealth can be left to a charity. If you'd like to gift it to more than one charity, you must state in what proportion.



Some image description can go here

Choose a guardian for your children

This is a prudent, precautionary measure, in the event that both you and your spouse pass away. If there is a possibility that one or more of your children will be under the age of 18 if/when such a thing should happen, you must appoint a guardian for them. You should also include a clause which states how the inheritance shares of your children should be held on trust, and invested or expended for their needs. It's probably useful to stipulate that any such investment does not involve interest/usury, which is forbidden in Islam.

Keep your will safe

Keep your Will in a safe place, once it is complete and has been witnessed and signed. You may choose to keep it yourself or entrust it to your solicitor or a relative or friend. Do make sure your executors

are informed of where the original copy of your Will is being kept, and do keep a photocopy of it for your own records.

Keep your will updated

Do review your Will regularly. Any changes in your circumstances (i.e. your marital status etc.) can affect the validity of your Will. For minor changes, you may simply require a codicil – an addition or alteration of your existing Will. But if these changes are significant, you may have to make an entirely new Will.

A Gift Can Save People Like Marriam.

Marriam was six months pregnant when she was diagnosed with breast cancer. Her first question to the doctor was, 'Am I going to lose the baby?'

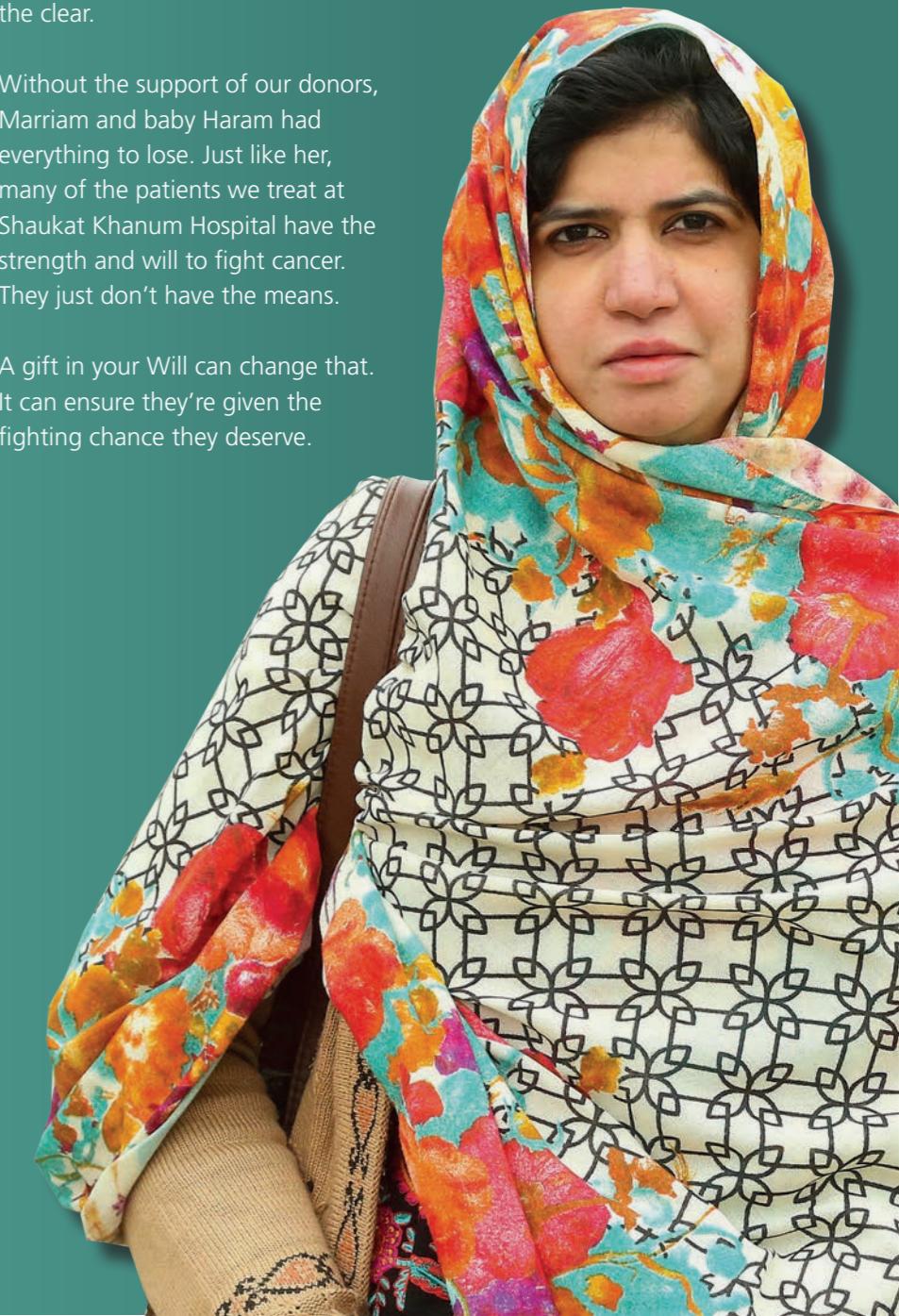
The answer she received was, 'Yes.' The pregnancy would have to be terminated. But this was before her husband brought her to Shaukat Khanum Hospital, as a final resort.

Our doctors told Marriam she could undergo chemotherapy while pregnant, if she felt she was strong enough. She was. And throughout the difficult treatment, during the final trimester of her pregnancy, she surprised all of our staff with that strength. In the end, Marriam and her husband were blessed a healthy baby girl they named Haram.

With her course of chemo completed, Marriam underwent surgery to have the tumour removed. In April 2019 she won the battle against cancer. Today Marriam she is a proud mother of two, and in the clear.

Without the support of our donors, Marriam and baby Haram had everything to lose. Just like her, many of the patients we treat at Shaukat Khanum Hospital have the strength and will to fight cancer. They just don't have the means.

A gift in your Will can change that. It can ensure they're given the fighting chance they deserve.



Leaving a *Gift* in your Will to IKCA.

Thank you for your interest in leaving a gift in your Will to IKCA.

Your Sadaqah or Sadaqah Jariyah gift will be a lifeline for cancer patients who don't stand a fighting chance against cancer without it. It will enable us to provide free treatment to needy men, women and children, who cannot afford medical care.

May Allah reward you for your intention and your Sadaqah.



When leaving a gift in your will to IKCA, please ensure you follow these three simple steps.

One.

First consult with and/or inform your loved ones about the gift you intend to leave in your Will to IKCA. This is to prevent any disputes and dissatisfaction that might crop up among family members if the instructions in your Will come as a surprise.

According to the Shari'ah, you are within your right to give one third of your wealth in charity, while the rest of your estate belongs to your inheritors. No one can dispute this. However, we urge you to ensure all your loved ones are aware of your noble intention and in support of it, beforehand.

If you want to gift all your wealth to charity, there is a way to do this according to Shari'ah rulings. But you can only do so providing that all your loved ones, who have a right to inherit, accept and support your decision.

Do ensure that you arrange for their acceptance to be made in writing, to ensure transparency and avoid the possibility of conflicts in the future.

Two.

Instruct your solicitor to include IKCA in your Will. In the event that you are writing your own Will, you can word your bequest as follows:

a) *When leaving fixed sum of money to IKCA (in legal terms this is called a Pecuniary Gift):*

"I give to Shaukat Khanum Memorial Trust AKA Imran Khan Cancer Appeal, at PO Box 786, Bradford BD5 0YE, registered charity number in England and Wales (1000580) the sum of X amount (free of all taxes) for its charitable purposes, and I declare that the receipt of the Treasurer or authorised officer will be sufficient discharge to my Executor/s".

"I give my residuary estate to Shaukat Khanum Memorial Trust AKA Imran Khan Cancer Appeal, at PO Box 786, Bradford BD5 0YE, registered charity number in England and Wales (1000580), for its charitable purposes, and I declare that the receipt of the Treasurer or authorised officer will be sufficient discharge to my Executor/s".

Three.

Lastly, where do you want the gift in your Will to go in the event that the beneficiaries die, or named charities cease to exist, before you pass away?

You may want to include a residuary clause, about which your solicitor can advise you further.

Our Charity Details

Name: Shaukat Khanum Memorial Trust AKA Imran Khan Cancer Appeal

Address: PO BOX 786, 66 Little Horton Lane, Bradford, BD5 0YE

Registered charity number: 1000580

Do I really need a Will?

It is your right to stipulate how your estate is distributed after you pass away, and your Will is the only way you can do so. Writing a Will can also prevent unnecessary family disputes that may crop up while your wealth is being distributed. It will also save your family from the high cost and lengthy process of applying to the courts to administer your estate.

What happens if I don't make a Will?

If you die without leaving a Will you are deemed 'intestate' – which means your estate will be divided and distributed in accordance with (UK) government laws. In the event this happens, your wealth may not be distributed as you'd intended. Writing a Will is the only way to prevent this.

How often should I review/update my Will?

Every three years, at least, it is advisable to look over your Will and consider any updates that might be required due to changes in your finances or even in the taxation system. If your personal circumstances change – i.e. if you marry, divorce or lose your spouse, or if there is a birth or death in your family- you should update your Will sooner.

FAQs

Can I write or amend my own Will?

We strongly recommended that you seek professional advice and/or the services of a solicitor while writing your Will. Technically you can write your own Will, but to be valid, it must meet certain legal requirements.

Without a solicitor, it is easy to make a mistake which may cause your Will to be invalid and/or contested.

Will I have to pay Inheritance Tax?

Depending on the value of your estate you may be liable for Inheritance Tax. Gifts to charities are exempt from Inheritance Tax so including a gift to IKCA could have tax benefits.

To find out more, flip back to section two, heading: The Benefits of a Gift in your Will. Your solicitor can advise you further. You may also find the gov.uk resource on inheritance tax helpful:

www.gov.uk/inheritance-tax

Can I add IKCA to my existing Will?

If you already have an up-to-date Will but want to leave a gift to IKCA, you can add a codicil. A codicil is a short and fairly simple legal document, which amends your existing Will. However, we strongly advise that you seek the services of your solicitor to prepare it.

Simply making handwritten amendments to your Will, could make the whole thing invalid. If you've made more than one Will, ensure that the codicil relates to your most recent Will.

What if I want the gift in my Will to go towards a particular area of IKCA's work?

This is usually fine, and we will do everything in our power to honour your wishes. However, please bear in mind that it can be difficult to know how things pan out in the future, by the time you pass away.

It may be that IKCA will have completed the project you wanted to support, or will no longer be delivering the service you intended your gift to fund. Please get in touch so we can advise you on the best way you can meaningfully support our work without compromising on your wishes.

**Telephone us on:
01274 424 444 or
email: support@ikca.org.uk**

This Guide is also available online at: www.ikca.org.uk



Can we Stay in Touch?

The Prophet Muhammad (SAW) said,

'The believer's shade on the Day of Resurrection will be their charity.'

HADITH: TIR MIDHI

Whether you intend to leave a gift to IKCA in your will, or you're still thinking about it, we'd really like to hear from you. Please complete the form enclosed to let us know about your intention and interest. This will allow us to thank you and keep you updated on how your gift will help.



**TOGETHER
WE CAN
SAVE
LIVES**

Imran Khan Cancer Appeal, PO Box 786, Bradford BD5 0YE.

Tel: 01274 424 444 . www.ikca.org.uk

Registered Charity No. 1000580