

117209 - One year has passed since the estate was divided and he has not received anything; does he have to pay zakaah on it?

the question

My father died and the estate was divided, but I have not received my share from my brothers until now, and one year has passed since it was divided. Do I have to pay zakaah on my share of the inheritance?.

Detailed answer

If the estate consisted of wealth on which zakaah is due, such as gold, silver and cash, and your share of it reached the minimum threshold (nisaab) by itself or when added to similar wealth that you already possess, then zakaah must be paid on it when one year has passed, even if you have not received it, because it is wealth that belongs to you, unless it is wealth that you have no hope of obtaining because of denial on the part of the one who has control of it, or because a persistent delay in giving it to you. In that case you do not have to pay zakaah on it until you take possession of it and start counting the year for it from that time.

The scholars of the Standing Committee for Issuing Fatwas were asked: When should zakaah be paid on inheritance? Is that when it is received or after one year has passed? And what about gifts if they are cash or real estate?

They replied:

Zakaah must be paid on a legacy when one year has passed since the death of the person who left it behind, because possession of the estate is transferred from the deceased to the heir from the date of death.

(Zakaah must be paid on it) if the heir's share reaches the minimum threshold of cash or gold or silver jewellery. With regard to other kinds of legacies, no zakaah is due on them unless the heir has prepared them for trade, in which case he should start counting the year for zakaah from the date when he prepared it for that purpose. With regard to real estate, it is not subject to zakaah if it is not for trade, but if it is rented out then zakaah must be paid on the rent if it reaches the minimum threshold by itself or when added what one has of cash or trade goods, after one year has passed. If the estate was in the form of camels, sheep or cattle, if they are for trade then the zakaah of trade goods must be paid on them, but if they are to be kept, there is no zakaah on them, except in two cases:

(i) if they reach the nisaab

(ii) if they are put out to pasture for the entire year or most of it.

In the case of a gift, the ruling is the same as that on something received by way of inheritance, as outlined above.

End quote.

Fataawa al-Lajnah al-Daa'imah,
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If your siblings are going to delay the sharing out of the money, then they should agree to pay zakaah on the total amount and delegate one of your number to do that, because it is not permissible to delay paying zakaah from the time it is due.

And Allah knows best.