

1st Ethical Charitable Trust's Guide to



Understanding & Calculating Zakah

Edition V

1st EthicalTM
Charitable Trust

1. Introduction	3
2. What is Zakah?	4
3. Who Pays Zakah?	5
4. Who Receives Zakah?	5
4. Assets Subject to Zakah	6-7
5. When to Pay Zakah	8
6. Conditions for the Validity of Zakah	9
7. Zakah on Debts - Receivable and Payable	10-11
8. The Zakah Self-Assessment Form	12-13
9. Tax-Efficient Charitable Donations	14
9. Summary	15

The contents of this guide have been verified by the Al-Qalam Shariah Scholar Panel.
www.alqalam.org.uk

1st EthicalTM
 Charitable Trust

1st Ethical Charitable Trust
 Springfield Court
 Summerfield Road
 Bolton
 BL3 2NT

Phone: 01204 559914
 Fax: 01204 399786
 Email: info@1stethical.com
 Website: www.1stethical.com

All praise be to Allah, Creator of the heavens and the earth, and Owner of the Day of Judgement. We bear witness that there is no-one worthy of worship other than Allah (SWT), and that the Prophet Muhammed (SAW) is his final messenger.

Islam encourages trade, entrepreneurial activity and the equitable distribution of wealth. In order for commerce to benefit society, Islam imposes several obligations on those involved in wealth-creation.

Islam also encourages Muslims to be kind and helpful. This attitude is often manifested through the act of giving in charity. Whilst certain types of charity (Sadaqah) are optional, Islam has made the payment of Zakah a compulsory obligation upon each Muslim. Although Zakah is a fundamental pillar of faith, many Muslims are confused by the subject and are either paying Zakah incorrectly or worse still not paying it at all.

Muslims may also be unaware of valuable tax concessions available on donations made to UK registered charities. These concessions can enhance the value of donations by at least 25% for a basic rate tax payer and even more for a higher rate tax payer, and are easily claimable in most cases by signing a simple declaration.

This guide offers practical advice to UK based Muslims on tax-efficient Zakah-giving according to the Hanafi school of thought. People not affiliated to the Hanafi school should consult a scholar of their own choosing for further guidance.

The Importance of Zakah

Zakah is the third pillar of Islam. It's important is such that the Quran refers to Zakah in 82 separate verses and has associated Zakah immediately after Salah on 32 occasions.

The Quran commands Muslims to:

Establish regular prayer and give Zakah (73:20)

The Prophet Muhammad (SAW) states:

"If someone is given wealth by Allah but does not pay its Zakah, that wealth will appear to him on the Day of Judgement in the form of a bald serpent with 2 horns, encircling him and squeezing him all day, then holding him by the lips and telling him, "I am your wealth, the treasure which you hoarded". (Bukhari & Muslim)

Scholars infer the giving of Zakah has both an outer and an inner dimension. The outer dimension involves the purification of a Muslim's wealth. Zakah serves as a filter to keep out impurities from a believer's wealth and for that wealth to then increase in a manner pleasing to Allah. The inner dimension suppresses the ego, and quells ugly tendencies such as greed, jealousy and miserliness.

What is Zakah?

Who Pays Zakah? Who Receives Zakah?

What is Zakah?

Zakah is commonly referred to as either a tax or as charity. Neither of these is accurate as Zakah is a divine duty. Zakah is considered a right of the poor over the rich. Withholding it is tantamount to depriving the poor of their God-given right.

Allah (SWT) says of the wealthy in the Qur'an;

'In their wealth there is a known share for the beggars and the destitute' (70:24-25)

'Take alms from their property that you may purify and sanctify them and pray for them. Verily your prayers are a comfort for them' (9:103)

Definition of Nisab

The Nisab is the minimum amount of wealth upon which Zakah is payable. It represents the guaranteed minimum financial floor above which an individual is deemed to be 'Sahib-un-Nisab' (owner of wealth) and therefore liable to Zakah.

The Nisab limit was set by the Prophet (SAW) at 20 Mithqaal of gold or 200 dirhams of silver. These measures are equivalent to 87.48 grams of Gold and 612.36 grams of Silver respectively. If a person only has Gold as an asset, then the Nisab measure for Gold must be used. If however the person has a mixture of assets, then the Nisab level for Silver should be used.

To ascertain the current monetary equivalent of the Nisab limit, it is necessary to establish the market rate for a gram of Gold & Silver. This can be obtained from www.kitco.com. The current market rate (July 2009) for a gram of 24 carat Gold is £20.37, and £0.29 for a gram of Silver. Therefore, the Nisab threshold for Gold is approximately £1781.96 and for Silver it is £177.58.

A person will only pay Zakah if his Zakatable assets, after adding and subtracting debts owed either to or from others, is equal to, or in excess of £177.58.

Zakah is payable at a rate of 2.5% on all assets including those within the Nisab threshold.

Example 1

Zaid has valued his Zakatable assets at £5,000 on his Zakah anniversary. He owes £4,900 to his brother and has no money owing to him. His Zakatable assets are therefore £5,000 - £4,900 = £100, which is below the Nisab threshold. Zaid is therefore not liable to pay Zakah.

Example 2

Zahida has valued her Zakatable assets at £3,000 on her Zakah anniversary. Zahida owes £1,000 to various people. Zahida is also owed £3,000 by a friend. Her Zakatable assets are therefore £3,000 - £1,000 + £3,000 = £5,000. This makes her Zakah liability 2.5% of £5,000 = £125.

Those required to pay Zakah must be:

- Sane
- Adult (have reached puberty)
- Muslim
(Zakah is not paid by non-Muslims)
- Sahib-un-Nisab
(owner of wealth equal to or above the level of Nisab)

Those barred from receiving Zakah:

- A Hashimi
(Descendant of the Prophet Muhammed SAW)
- The payer's descendants
- The payer's ascendants
- The payer's spouse

Those entitled to receive Zakah:

The Quran, in Surah 9 verse 60 details those categories of people entitled to receive Zakah. The **primary recipients** of Zakah are the **poor and destitute**. These can be defined as those people whose total assets, excluding assets used for basic necessities (house, car furniture etc.), and after deducting outstanding basic living expenses and money owed to others, are less than the Nisab level.

Preference should be given to relatives over the general public as Islam places great emphasis on the virtue of family ties. When giving Zakah, it is not necessary to inform the recipient of the nature of payment. (e.g. you can disguise the Zakah payment as a gift).



Assets Subject to Zakah

General Rules on Assets

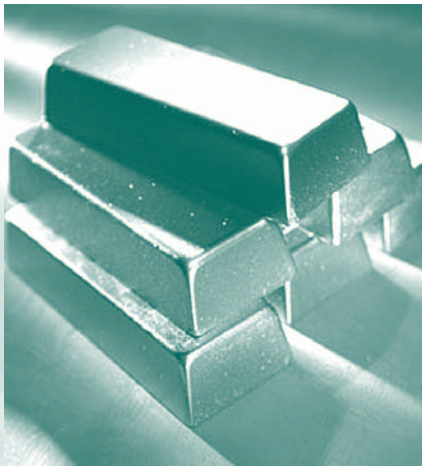
Personal Assets

All assets owned for personal use and used to meet basic living expenses are completely exempt from Zakah EXCEPT for Cash and items made from Gold & Silver.

Trading Assets

All assets purchased for the explicit purpose of resale are liable for Zakah. Assets purchased with the express intention of generating a rental / investment return are not themselves liable to Zakah.

Zakah is always paid on the balance of assets owned on the Zakatable date, not on fluctuating amounts during the year or even an average amount.



There are principally five categories of assets which are subject to Zakah:

1. Gold & Silver
2. Cash & Liquid Investments
3. Business Assets
(includes Stocks, Shares, Property and Pensions)
4. Livestock
5. Agricultural Output

1. Gold & Silver

Gold and silver, in whichever form (jewellery, coin, ingot etc.) are always subject to Zakah, regardless of whether they are owned for personal use or for trade. If one owns personal use items made from a mixture of metals, these are only liable to Zakah if more than half the metal is gold or silver. Consequently, gold plated jewellery is not liable for Zakah as the gold is invariably less than half the total content of the metal used.

2. Cash & Liquid Investments

Cash and Liquid investments are fully subject to Zakah and can be defined as follows:

- i. Cash at Bank and in Hand
- ii. Conventional Investment Bonds
- iii. Cash ISAs / TESSAs / PEPs
- iv. National Savings (run by Post Office)
- v. Any form of investment which can be readily liquidated
(excluding equity based investments e.g. Shares/Unit Trusts/OEIC's)

3. Business Assets (including Stocks, Shares, Property and Pensions)
Assets can be categorised as follows:

i. Property & other Fixed Assets

The Zakah treatment for these assets is principally based upon the intention behind the purchase. We can classify intentions as follows:

Clear Intention to resell

If the asset is purchased with the express intent to resell at a profit, then that asset effectively represents 'stock in trade' and therefore the entire value of the property/asset stock is subject to Zakah.

Clear intention to retain asset

If the asset is purchased with the intention of retaining ownership, eg investment property, the asset is not subject to Zakah. Any profit from rental income received is fully subject to Zakah.

Clear intention to reside in property

If no part of the property is being let out and it is used entirely as residence then it is exempt from Zakah as it falls under the category of 'personal use'.

No clear intention

If there is no clear intention behind the purchase, then no Zakah is payable on the value of the asset. Any profit received from rent is still liable to Zakah.

ii. Finished Goods, Work in Progress and Raw Materials

These are subject to Zakah, as they are purchased with the express intention for resale.

iii. Shares / Unit Trusts / Equity Investments

If shares are purchased with the express intention for resale then the entire holding is subject to Zakah. If however shares are purchased as an investment to generate dividends, then as Zakah is only due on the Zakatable assets of the firm (e.g. raw material and finished goods), a realistic attempt must be made to calculate the percentage of the shareholding relating to Zakatable assets.

iv. Pensions

Zakah treatment of Pensions is covered further on.

4. Livestock

The Zakah treatment of livestock has not been explained here given UK Muslims tend not to own this asset.

5. Agricultural Output

Please see note above on livestock.

Please note Zakah is not payable on **HARAAM** income.

The entire value of Haraam income must be given in charity.

When to Pay Zakah

Conditions for the Validity of Zakah

Zakah is only payable on assets which have been held for one lunar year. The Zakah year starts only when a person first becomes Sahib-un-Nisab, i.e. the owner of wealth equal to or in excess of Nisab. The following points need to be taken into consideration when deciding upon the date when calculating Zakah will be due:

Date when person first became Sahib-un-Nisab

An individual's Zakah year starts on the date their wealth first equalled Nisab. The Zakah liability should be calculated every year thereafter on that date. If a person cannot remember the date he first became Sahib-un-Nisab, then he should best estimate that date. If a reasonable estimate of the date cannot be made, then a date should be fixed at random.

The beginning of an individual's Zakah year may be fixed in Ramadan, but this is not necessary. However, it is true to say that giving charity in Ramadan yields greater rewards than in other months.

Fluctuating wealth during year

It is quite possible that a person's wealth may fluctuate above and below the level of Nisab during the year. If this is the case then Zakah is only due if wealth is in excess of the Nisab at the end of the Zakah year.

Distribution Date

Zakah should be disbursed as soon as possible. At the very latest Zakah should be distributed one year after the calculation date.

A **straight-forward approach** to paying Zakah is as follows:

1. Identify the date on which you first became Sahib-un-Nisab. **used in the Zakah calculation should be the market value of the assets on your Zakatable date.**
2. If you can't remember that date, then make your best estimate.
3. If you cannot estimate, then fix any date during the lunar year and stick to it annually.
4. Determine value of Zakatable assets on this date. **The value of the assets**
5. Deduct money owed to others and add in money owed to yourself.
6. Pay Zakah at a rate of 2.5% on the remaining Zakatable assets figure.

The following conditions must be observed when paying Zakah:

i) Intention

It is mandatory to make the intention of giving Zakah either at the time of separating the amount payable or at the time of payment.

ii) Eligibility of Recipient

The Qur'an has clearly defined the categories of recipients for Zakah. Most recipients of Zakah are poor and/or destitute.

iii) Recipient's Ownership

The recipient must be made to own the assets given in Zakah.* The donor cannot reserve any rights over the wealth given in Zakah.

iv) Pre-paying Zakah

It is permissible to pre-pay Zakah for future years. In this case the amount that is pre paid can be offset against the actual Zakah liability incurred in future years. However at the time of payment the intention must clearly be for future years.

v) Ineligible Recipients

As explained earlier, there are certain recipients who are not allowed to receive Zakah e.g. a Hashimi or the payer's wife etc.

***Note:** Scholars therefore advise against giving Zakah to general causes such as hospitals. This is because these funds are not directly owned by the recipient.

Missed Zakah

If one has not paid Zakah in previous years, either due to negligence or ignorance or error, then a realistic attempt must be made to calculate the Zakah due for each of the years missed. This amount must then be paid as a matter of urgency.



Zakah on Debts & Other Assets

Debts & Other assets can be divided into three distinct sections:

1. Debts owed to oneself eg. Loans given to friends, debtors etc...
2. Debts payable to others eg. Mortgages, money borrowed from friends etc...
3. Other Assets eg. Home purchase schemes, pensions, child trusts funds etc...

1. Debts owed to oneself

All outstanding debts are subject to Zakah (except for debts which have been written off). There is however, differing treatment on the timing of when Zakah is calculated. In this regard, debts owed to oneself can be split as follows:

i) Inclusion in Zakah calculation even before they are received.

The following types of debt should be included in full in one's Zakah calculation:

1. Personal loans made to friends, family or anyone else.
2. Trade debtors who purchase goods on account and owe you money on the Zakah anniversary date.

ii) Inclusion in Zakah calculation only after they are received.

1. Incidental Sales (personal belongings, furniture, etc)
2. Wages (salaries, dividends and any other form of remuneration)
3. Dowry owed to Wife
4. Pensions
5. Inheritance
6. Assets held in Trust

2. Debts payable to others

All debts are normally deductible against assets prior to assessment against the Nisab threshold. However questions arise when considering the Zakah treatment of certain deferred debt repayments e.g. mortgage payments. The following is a succinct summary of the main debts payable and their treatment for Zakah purposes.

i) **Mortgages and other installment based debt** - Jurists have classified this type of debt into 2 categories.

'Mu'ajjal'

This refers to debt where repayment is due immediately e.g. a personal loan from a friend that is now due. This type of debt is wholly deductible for Zakah purposes.

'Muajjal' (pronounced slightly differently to 'Mu'ajjal')

This refers to debts that are usually paid by installments. Mortgage payments usually fall into this category as they are payments that are all not due at one point in time.

Contemporary scholars have ruled **Muajjal** debt should not be deducted from assets in arriving at a figure to compare with Nisab.

ii) **Outstanding basic living expenses** - Expenses incurred which have not yet been paid for (e.g. utility bill) can also be deducted for the Zakah period in question.

iii) **Goods purchased on credit** - If you have taken receipt of goods but not yet paid for them, and fully intend to pay the debt, then the value of the entire debt can

be deducted against assets in arriving at a net assets figure for Zakah purposes.

iv) **Outstanding salaries and remuneration due to others** - These can also be deducted for the Zakah period in question.

v) **Unpaid dowry to wife** - Assuming one intends to pay this during the year then it too can be deducted.

vi) **Personal loans** - Usually from family or friends. These are repayable as soon as the borrower has the means and intention to do so and can be fully deducted for Zakah purposes.

vii) **Commercial loans** - The entire loan cannot be deducted against assets, only the portion which has been used to finance Zakatable assets.

Basic Living Expenses

There is no unanimously agreed definition for what constitutes basic living expenses. However, expenses such as rent, fixed loan repayments, utility bills, fixed leasing costs, food and fuel costs, service & maintenance costs are accepted as valid expenses. One should calculate all basic living expenses outstanding on the Zakah anniversary date. This total can then be fully deducted from the Zakatable assets figure.

3. Other Assets

Home Purchase Schemes are **NOT** considered as debt under Shariah. They have their own status for Zakah purposes as follows:

With regards to monthly payments made to Murabaha Schemes, contemporary Shariah scholars say it is permissible to deduct twelve months installments from the value of your zakatable assets. With regards to Ijarah and Diminishing Musharakah schemes, it is not permissible to deduct any future installments from the value of your Zakatable assets. On the contrary, Zakat may need to be paid on the portion of monthly installments paid into a separate bank account, to be used to purchase all or

part of the property in the future. Scholars have opined that if the bank account payments can be accessed by the tenant personally then Zakah must be paid. If the bank payments cannot be accessed by the tenant then Zakah is not payable. Please refer to www.alqalam.org.uk for a detailed ruling on this issue.

Pensions

Pensions received by an individual after retirement are liable to Zakah. Pension contributions made by an individual prior to retirement may not be liable to Zakah if the individual has no say over how the money is invested (as is the case with most final salary schemes). If the individual has a choice over how to invest the money (as is the case with all money purchase and personal pension schemes) then Zakah is payable. Please refer to www.alqalam.org.uk for a detailed ruling on this issue.

Assets held under trust - including Child Trust Funds (CTF)

No Zakah is payable on assets held within a CTF until the child reaches the age of eighteen. For assets held under a bare (Nominee) Trust, Zakah is payable unless the beneficiary is a minor (pre-puberty) according to the shariah. If the beneficiary is a child who 'has come of age' then the Trustees' are required to pay Zakah on behalf of the beneficiary. For all other types of trusts, Zakah is not payable on assets held in trust, because neither the trustees nor the beneficiaries have possession on the assets. Zakah liability will only occur on assets once they have been received by the beneficiaries. Please refer to www.alqalam.org.uk for a detailed ruling on this issue.

Taxes

Money paid in tax cannot be offset against money paid as Zakah as the two are completely different, but money owed in tax can be deducted from Zakatable assets.

The Zakah Self-Assessment Form

If you wish your Zakah figure to be automatically calculated for you, please use the Zakah Calculation Form available at www.1stethical.com.

Alternatively, please use the form below:

- Work your way chronologically through the form, referring to the preceding pages when required.
- Use a pencil initially as it may take a couple of attempts to get the calculation right.
- When performing your calculations, always use market values for your asset valuations.
- If you have any queries please consult a scholar of your choosing.

Assets	Totals
Gold	
Silver	
Cash at Bank	
Cash in hand	
Bonds	
Cash ISAs / TESSAs / PEPs	
National Savings Account	
Other liquid investments	
Property (for resale only)	
Profit from rental income (if not already included in Cash above)	
Finished goods	
Work in progress	
Raw materials	
Shares (for resale)	
Shares held as investment (refer to page 7)	
Debts owed to you	
Trade debtors	
Pension fund value (see exemptions)	
Bare Trusts	
Total Assets BOX 1	

Liabilities	Totals
Personal loans owed to others	
Outstanding mortgage payments (for current Zakah Yr)	
Rent, bills and other utilities outstanding	
Goods purchased on credit	
Salaries due to be paid to staff	
Dowry to wife	
Commercial loans (Refer to research paper, only Zakatable element can be deducted)	
Bad debts	
Any other valid deduction	
Outstanding basic living expenses (see page 11)	

Total Liabilities
BOX 2

BOX 1 - BOX 2 = **Net Assets**

Net Assets x 2.5% =

Zakah Due

Disbursing Zakah

1. Your Zakah liability should be paid as soon as possible.
2. The primary recipients of Zakah are the poor and destitute.
3. Your poor relatives take priority over other candidates for Zakah.
4. If you are paying through an agent, or Islamic Charity, then ensure they can guarantee that your donation will reach the correct recipient.
5. If the charity you are using takes administration expenses from the Zakah funds, then add an additional amount to compensate for this. (The maximum a Muslim charity will normally take will be 12.5%).
6. In case of query, please contact a Scholar of your own choosing or visit www.alqalam.org.uk

The UK taxation system confers valuable tax concessions to tax-payers who donate to UK registered charities. These concessions are not available to charities which fail to register. The tax advantages can be summarised as follows:

1. Concessions for an individual tax payer

Charitable donations made by an individual to UK registered charities will attract tax relief via the Gift Aid Scheme. Donations are deemed to have been made net of basic rate tax. Charities are able to reclaim this tax* and thereby increase the value of the donation.

For example a contribution of £80 made by a tax payer would be increased by £20 as a result of Gift Aid making a total contribution of £100. As relief is given at the basic rate this is effectively 20% of the gross contribution (£20 of £100) or 25% on the net contribution (£20 of £80). **An individual cannot offset basic rate tax relief against his Zakah liability.**

If an individual pays higher rate tax, they can claim higher rate relief (an additional tax saving of 20% of the gross contribution) via their tax return.

Many people prefer to pay their Zakah directly to foreign institutions. As these institutions invariably are not UK registered, they do not qualify for any tax concessions. In this scenario, it is advisable to make the initial payment to a UK registered charity. After claiming the tax concessions, the charity can donate money to the foreign institutions, in accordance with the terms of its charity trust deed.

*Provided the individual has paid enough tax to cover the amount that will be reclaimed by the charity.

2. Concessions for companies

All contributions, irrespective of amount, made to a UK registered charity are deemed to be a fully qualifying deductible expense. It is advisable to consult your accountant to ascertain whether it is more tax efficient to make charitable donations from personal or company income.

It is perfectly possible for a UK registered company to set up its own Charitable Trust.

Once the Charitable Trust has been approved by the Charities Commission, then all contributions to it by the sponsoring company are free of corporation tax. In addition to generating tax savings for companies, this route also allows individuals to exercise control over the projects where money is being donated.



The payment of Zakah enables Muslims to fulfil a central obligation of Islam. The principles underpinning the calculation of Zakah are timeless and apply universally to all types of wealth. This guide has been an attempt to apply traditional Hanafi fiqh on Zakah to typical financial scenarios faced by UK Muslims.

It should be noted that a short time after the death of the Prophet Mohammed (SAW) the chosen Caliph Abu-Bakr Siddique (RA) declared war on a group of tribes who refused to pay Zakah. The conflict was dubbed 'The War of the Apostates' - such is the serious nature of Zakah.

It should also be noted that the United Nations has set a target for all 'rich' countries to give 0.7% of their Gross Domestic Product to 'under developed' countries as aid by 2010. The United Nations has recognised that a small fraction of the wealth of the rich is sufficient to alleviate the poverty of the poor. At present, the vast majority of 'rich' countries struggle to give even 0.3% of their GDP as charitable aid. Thus the potential of Zakah to transform the lives of the poor should not be underestimated.

Wealth is ultimately a trust (amanah) given to us by our Creator about which we will be questioned. Therefore we should give Zakah gladly, without a heavy heart, and with firm belief that giving Zakah will not diminish our wealth.

We pray to Allah (SWT) that he is pleased with this guide, and makes it a means through which the obligation of Zakah can be fulfilled correctly. If there are any errors, they are solely from ourselves, whilst any guidance can only be from Allah (SWT).

Sources

Zakah Calculation (Audio Tape) By Mufti Mohammed Taqi Usmani.
Tape is available from Ebrahim Community College, London.

Calculating Zakah
By Mushfiqur Rahman (Based upon Fiqh-uz-Zakah by Shaykh Yusuf Qaradawi).

The Rules of Zakah
By Mohammed Shoaib Omar

Zakah in Detail
By Moulana Abdur Rahman

Al-Qalam Shariah Scholar Panel
The above have vetted the contents of this guide from a Shariah perspective



What is the 1st Ethical Charitable Trust?

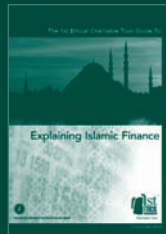
1st Ethical Charitable Trust is the charitable arm of the 1st Ethical Group and is regulated by the Charities Commission. In addition to providing humanitarian relief, the Charitable Trust seeks to provide information to UK-based Muslims on how best to apply Shariah principles to common legal and financial concerns. The Charitable Trust has published guides on topics such as Zakah, Islamic wills, Halal investments and alternatives to interest, and also operates an extensive online Shariah resource library. For more information please visit www.1stethical.com.

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LST EthicalTM
Charitable Trust

1st Ethical Charitable Trust

Springfield House | Springfield Court
Summerfield Road | Bolton | BL3 2NT

Phone: 01204 559914 | Fax: 01204 399786

Email: info@1stethical.com

Website: www.1stethical.com