

No. 3 of 1951. ✓ 42/54

A LAW TO MAKE PROVISION FOR THE ESTABLISHMENT OF
TURKISH FAMILY COURTS.

A. B. WRIGHT,
Governor.

[29th January, 1951.]

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows :—

1. This Law may be cited as the Turkish Family Courts Short title
Law, 1951.

PART I.

DEFINITIONS.

Interpretation.

2. In this Law, unless the context otherwise requires—

“heir under disability” means every heir who shall not have completed the age of eighteen years or is a lunatic, idiot, imbecile or otherwise mentally incapacitated from the management of his affairs or is absent from the Colony;

“judge” means a judge of a Turkish Family Court established under the provisions of this Law;

“religious matters” means the following matters and no others concerning persons of the moslem faith:—

- (a) betrothal, marriage and divorce and matters incidental thereto;
- (b) maintenance in relation to marriage and divorce including the maintenance of the children of the marriage;
- (c) the registration of vakfihs; and
- (d) administration of infants' estates.

PART II.

TURKISH FAMILY COURTS, JUDGES AND OFFICERS.

Turkish Family Courts.

3. There shall be established in the Colony Turkish Family Courts to take exclusive cognizance of, and deal with, religious matters concerning persons of the moslem faith:

Provided that the Turkish Family Courts shall take exclusive cognizance of any of the matters referred to in paragraphs (a) and (b) of the definition of “religious matters” in section 2, notwithstanding that one of the parties to a betrothal or marriage is a non-moslem woman who has betrothed or married a moslem man.

Power to Governor to fix number and local jurisdiction of Turkish Family Courts.

4. The Governor may, from time to time, fix the number of the Turkish Family Courts which shall be maintained in the Colony and define, extend and vary the local limits of their jurisdiction.

Constitution of Turkish Family Courts.

5. Every Turkish Family Court shall consist of one judge.

6. Judges of Turkish Family Courts shall be appointed by an instrument in writing under the hand of the Governor and shall hold office during the Governor's pleasure, subject to any conditions as the Governor may deem fit to impose.

Appointment of judges.

7. Every judge shall, before entering in the execution of the duties of his office, take and subscribe before the Chief Justice the oath of allegiance and the judicial oath in the form set out in the Schedule.

Oath of allegiance and judicial oath.
Schedule.

8. The Governor may appoint such number of persons to be Registrars and other officers of Turkish Family Courts for the performance of such duties as they may be required or empowered to perform under any Law or Rules in force for the time being, relating to such courts.

Appointment of other officers.

9. Every Turkish Family Court, in taking cognizance of, or dealing with, any religious matter under this Law or any other Law in force for the time being, and the Supreme Court on appeal, shall apply—

Law to be applied.

(a) the Sheri Law, save as other provision has been or shall be made by any Law ;

(b) any Law or public instrument dealing with any religious matter, which provides that it shall be applied by a Turkish Family Court.

10. Every decision of a Turkish Family Court shall be liable to appeal to the Supreme Court and such appeal shall be heard and determined in accordance with any Law or Rules of Court in force for the time being relating to appeals to the Supreme Court in civil cases.

Appeals from Turkish Family Courts.

11. For the purposes of sections 33 and 34 of the Courts of Justice (Supplementary Provisions) Law, 1949, a Turkish Family Court shall be deemed to be a Court within the meaning of the said sections and the provisions of the said sections shall apply *mutatis mutandis* to the Turkish Family Courts and to proceedings pending therein.

Obstruction in, and contempt of, Turkish Family Courts.
7 of 1949

PART III.

MISCELLANEOUS.

12.—(1) Upon the making of an inventory of the estate of a deceased moslem resident in the Colony who has died leaving an heir or heirs under disability, there shall be taken by the Turkish Family Courts a fee of two and a half per centum upon the net value of the movable property which forms the share of each heir under disability.

Fees on making inventories.

(2) In calculating the net value of the movable property which forms the share of an heir under disability, the Turkish Family Courts will deduct from the gross value its quota or share of the funeral expenses of the deceased and of the debts and of any legacies left by the deceased.

Paupers.

13. A Turkish Family Court, if satisfied that a person is not worth ten pounds (his wearing apparel and the subject-matter of the action or proceeding alone excepted), may admit such person to sue or defend as a pauper and may make an order exempting him from the payment of all or any fees, or as to the time and manner of the payment of the fees or any of them as to the court may seem just.

Rules.

14.—(1) The Governor, with the advice and assistance of the Chief Justice, may, from time to time, by writing under the hand and official seal of the Governor and the hand of the Chief Justice, make Rules—

- (a) for regulating the exercise of the duties of the judges and the sittings of the Turkish Family Courts under the directions and supervision of the Chief Justice ;
- (b) for regulating the pleading, practice and procedure of, and the evidence to be admitted and taken in, the Turkish Family Courts ;
- (c) for regulating the qualification of persons who may be permitted to appear on behalf of parties before the Turkish Family Courts ;
- (d) generally, for regulating any matters relating to the practice and procedure of Turkish Family Courts or to the duties of any officer of such courts or to the costs of proceedings therein to be allowed to the advocates and others lawfully representing any parties thereto ;
- (e) prescribing the fees to be taken by Turkish Family Courts or by any officer of such courts.

(2) Every rule made and every list of fees prescribed under the provisions of this section shall be published in the *Gazette*, and shall come into force either immediately or on such day as shall be provided by such rule upon its publication as aforesaid.

15. Whenever in any Law or public instrument reference is made to Sheri Tribunals or to Mehkeme-i-Sherié or to a Mussulman Religious Tribunal or to a Tribunal as meaning a Mussulman Religious Tribunal, it shall be deemed to be reference to the Turkish Family Courts as established under this Law and any such reference in any such Law or public instrument shall be read accordingly.

References to Sheri Tribunals, etc., to be references to Turkish Family Courts under this Law.

16.—(1) Upon the coming into operation of this Law, all proceedings relating to religious matters then pending in or before any Sheri Tribunal hitherto exercising jurisdiction over such matters under the Moslem Religious Tribunals Law, 1949, shall be transferred, continued and determined before the appropriate Turkish Family Court established under this Law.

Transfer of pending cases.

8 of 1949

(2) The evidence of any witness already taken in any of the above-mentioned proceedings shall, for all intents and purposes, be deemed to be evidence taken by the Turkish Family Court before which such proceedings are being continued under the provisions of this section :

Provided that such Turkish Family Court may, upon application by either party to the proceedings or of its own motion, order that the evidence of any such witness be heard and taken before such court and, thereupon, the court shall hear and take such evidence subject to such order as to the payment of costs as the court may think fit to make.

17. Unless and until other provision is made under the provisions of this Law, every Order in Council or rule, in force on the date of the coming into operation of this Law, made or deemed to have been made under the Law repealed by this Law as in section 18 provided, shall remain valid and effective as if made under the provisions of this Law.

Saving.

18. This Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette* and, thereupon, the Moslem Religious Tribunals Law, 1949, shall be repealed.

Date of commencement and repeal, 8 of 1949

SCHEDULE.

OATH OF ALLEGIANCE—(Section 7).

I,....., do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors, according to Law, — So help me God.

JUDICIAL OATH.

I....., do swear that I will well and truly serve Our Sovereign Lord King George the Sixth in the office of judge of Turkish Family Courts and will do right to all manner of people after the Laws and usages of Cyprus without fear or favour, affection or ill will, — So help me God.

29th January, 1951.

O. R. ARTHUR,
Acting Colonial Secretary.

No. 4 OF 1951.

A LAW TO MAKE PROVISION FOR MARRIAGE AND DIVORCE AND MATTERS INCIDENTAL THERETO REGARDING THE TURKISH MOSLEM COMMUNITY OF CYPRUS.

A. B. WRIGHT,]
Governor.

[29th January, 1951.

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows :—

Short title.

1. This Law may be cited as the Turkish Family (Marriage and Divorce) Law, 1951.