

DEFINITIONS

In this Law unless the context otherwise requires, the expressions mentioned in the following table shall have the meanings therein assigned to them.

1. "Turkish Family Court" means a court established under the provisions of this Law; and "Judge" means a Judge of a Turkish Family Court.

TURKISH FAMILY COURTS, JUDGES AND OFFICERS

1. The Governor may, after consulting the Council of the Colony, establish Turkish Family Courts and may vary the local limits of their jurisdiction.

2. The Governor may, after consulting the Council of the Colony, appoint and remove Judges and Officers of Turkish Family Courts and may vary the local limits of their jurisdiction.

No. 42 of 1954.

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

R. P. ARMITAGE,] [24th August, 1954.
Governor.

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 Law, 1954. Short title.

PART I.

DEFINITIONS.

Interpreta-
tion.

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

PART II.

TURKISH FAMILY COURTS, JUDGES AND OFFICERS.

Turkish
Family
Courts.

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

Appointment
of judges,
etc.

4.—(1) 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.

(2) The Governor may, by an instrument in writing under his hand, appoint any fit and proper person to act as a judge for such time as may be specified in the instrument or to hear and determine any proceeding specified therein, and every person so appointed shall, while so acting, or during the hearing and determination of such proceeding, have all the powers of a judge.

Oath of
allegiance
and judicial
oath.
First
Schedule.

5. 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 First Schedule.

Power to
appoint one
judge to
act for
another.

6. During the temporary absence of a judge, or whenever it is for any cause undesirable that a judge should hear a particular proceeding, the Chief Justice may direct that the judge of a Turkish Family Court shall in addition act as judge of the Turkish Family Court in place of the judge temporarily absent therefrom or shall hear and determine any proceeding specified in the direction.

7. 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.

PART III.

JURISDICTION, LAW AND APPEALS.

8.—(1) The Turkish Family Courts shall have jurisdiction to hear and determine religious matters and shall, subject to the provisions of section 3, have exclusive jurisdiction in 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.

Jurisdiction.

(2) The Turkish Family Courts shall exercise the powers conferred on District Courts by the Guardianship of Infants and Prodigals Law in respect of infants and prodigals who are the issue of a marriage valid under the Turkish Family (Marriage and Divorce) Law, 1951, or where the infant or prodigal is not the issue of a lawful marriage and the mother is a moslem of Turkish race.

Cap. 102
41 of 1954

4 of 1951

9. Every decision of a Turkish Family Court shall be subject to an 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.

10. 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.

11.—(1) The enactments set out in the first column of the Second Schedule shall apply to all proceedings in a Turkish Family Court to the extent and subject to the modifications set out in the second column thereof, and a Turkish Family Court shall be deemed to be a Court within the meaning of the enactments applied in whole or in part by this section.

Application
of certain
Laws.

Second
Schedule.

(2) Rules of Court made to regulate the practice and procedure in relation to matters contained in the enactments applied in whole or in part by this section, shall, *mutatis mutandis*, apply to proceedings in a Turkish Family Court.

PART IV.
MISCELLANEOUS.

Period of sittings.

12. Subject to any Rules of Court, the Turkish Family Courts shall be open throughout the year except on Sundays and public holidays.

Seals.

13.—(1) Each Turkish Family Court shall have and use as occasion requires a seal bearing the style of such Court and such device as may be approved from time to time by the Governor, and the Registrar of such Court shall have the custody thereof.

(2) All writs, orders and other instruments issued by a Turkish Family Court shall be sealed with the seal of such Court.

Paupers.

14. 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.

Execution against immovables.

15.—(1) No writ of execution by the sale or sequestration of immovable property shall issue out of a Turkish Family Court.

(2) Where a debt is due under a judgment of a Turkish Family Court and the Court is satisfied that a writ of execution upon movable property has failed to satisfy the debt and the debtor has an interest in immovable property, the Turkish Family Court shall transfer the execution of the judgment to the District Court where such immovable property is situate and thereafter such District Court shall have jurisdiction to enforce the judgment as if the same were a judgment of the District Court.

Review by Judge of Supreme Court of order to imprison debtor.

Cap. 7
24 of 1954.

16.—(1) Where the Court commits any debtor to prison under section 81 of the Civil Procedure Law it shall within four days of such committal send to the Chief Registrar a copy of the order and a statement of the grounds upon which the same was made.

(2) A Judge of the Supreme Court in Chambers shall review the order and the grounds therefor and may, if he thinks fit, vary or rescind such order.

Service and execution of legal processes.

17. Subject to any Rules of Court under this Law, writs and other processes of the Court shall *mutatis mutandis* be served, executed and returned by the Sheriff or his officers

in the same manner as such writs and processes are served, executed and returned when issued by a District Court :

Provided that the liabilities of the Sheriff shall be limited as provided in the Courts of Justice Law, 1953.

40 of 1953.

18. The jurisdiction conferred by this or any other Law upon the Turkish Family Courts shall be exercised in accordance with the procedure prescribed by any Law in force for the time being or any Rules of Court under any such Law, and in default thereof shall, in so far as circumstances permit, be exercised in accordance with the practice and procedure observed by the District Courts.

Practice and procedure.

19.—(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—

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.

20. 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.

Date of commencement and repeal.
3 of 1951.

21. This Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette* and thereupon the Turkish Family Courts Law, 1951, shall be repealed.

FIRST SCHEDULE.

OATH OF ALLEGIANCE—(Section 5).

I,, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to Law,—so help me God.

JUDICIAL OATH.

I,, do swear that I will well and truly serve Our Sovereign Lady Queen Elizabeth the Second 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.

SECOND SCHEDULE.

(1)

(2)

The Evidence Law (Cap. 15) :	The whole Law.
The Civil Procedure Law (Cap. 7) and Law 24 of 1954.	} The whole Law, excepting sections 21-51 inclusive and sections 71 and 99.
The Courts of Justice Law, 1953 (40 of 1953).	
	Sections 37 and 46-62 inclusive.
	Sections 67 and 69-75 inclusive modified as follows :—

In section 71 for " President of District Court " read : " judge ".

In section 73 for " the presiding or senior judge or another judge by his direction " read : " the judge ".

J. FLETCHER-COOKE,
Colonial Secretary.

24th August, 1954.