



## SUPPLEMENT No. 3

TO

# THE CYPRUS GAZETTE No. 3802 OF 6TH JANUARY, 1955. SUBSIDIARY LEGISLATION.

## No. 1. THE ADMINISTRATION OF ESTATES RULES, 1955.

R. P. ARMITAGE,  
*Governor.*

In exercise of the powers vested in me by section 56 of the Administration of Estates Law, 1954, I, the Governor, with the advice and assistance of the Chief Justice, do hereby make the following Rules :—

### *Preliminary.*

1. These rules may be cited as the Administration of Estates Rules, 1955. Title.
2. In these rules— Definitions.

“President” means the President of the District Court.

### *Deposit of Wills.*

3.—(1) Any will to be deposited must be delivered to the probate registrar by the testator in person. Delivery of will to probate registrar.

(2) In case the testator is not personally known to the probate registrar he must be identified by affidavit sworn by someone personally known to the probate registrar. No fee shall be charged for this affidavit.

(3) The will must be delivered enclosed in an envelope, which may be obtained from the probate registrar free of charge.

(4) The envelope in which the will is enclosed shall be sealed by the probate registrar with the seal of the Court.

4.—(1) The testator shall, in the presence of the probate registrar, sign his name or (if illiterate) put his mark to an endorsement on the envelope in which the will is enclosed, to the following effect :— Identification of will and testator.

“This sealed packet contains the last will, or codicil to the last will, or last will and codicil thereto, (*as the case may be*) bearing date.....  
(*if more than one paper is enclosed, give the date of each respectively*)  
of A.B. of....., and is delivered by me for safe custody in the registry of..... to remain deposited there until after my decease”.

(Sgd.) A.B.

(2) The affidavit (if any) provided in rule 3 (2) shall be subjoined to the endorsement on the envelope and shall be to the following effect :—

“I, C.D., of....., make oath and say that the signatory to the above endorsement is A.B. of.....”.

(Sgd.) C.D.

Sworn before me on.....

(Sgd.) E.F.

*Probate Registrar of.....*

(3) The probate registrar shall annex to the endorsement and the affidavit (if any) a minute to the following effect :—

“Deposited by A.B. who is personally known to me”.

or, (*if such is the case*),

“Deposited by A.B. who has been identified to me by C.D. who is personally known to me”.

Dated.....

(Sgd.) E.F.

*Probate Registrar of.....*

(1)

25/7/80

Register of  
wills and  
alphabetical  
list.

5.—(1) When a will is deposited, the probate registrar shall forthwith note the deposit in a register of wills deposited by living persons to be kept for the purpose. The register shall have the following headings :—

- | <i>No.</i> | <i>Date</i>  | <i>Deposited by</i> | <i>Remarks</i> |
|------------|--|---------------------|----------------|
| (a)        | Under the heading "No.", the number to be entered shall be the serial number of the will deposited in the registry.  |                     |                |
| (b)        | Under the heading "Date", the date to be entered shall be the date on which the will is deposited.   |                     |                |
| (c)        | Under the heading "Deposited by", in addition to the full name of the testator depositing his will, his place of residence shall also be shown.  |                     |                |
| (d)        | Under the heading "Remarks", there shall be noted, in the event of the will being removed from the depository of wills kept under the Law, the date of and the reason for the removal, and the place to which it has been removed. |                     |                |

(2) The serial number under which the deposit is noted in the register shall be marked on the envelope in which the will is enclosed.

(3) The probate registrar shall keep an alphabetical list of testators who have deposited wills under rule 3.

Receipts.

6. The probate registrar shall give to the testator depositing his will a receipt to the following effect :—

"Received to-day for custody from *A.B.* of..... an envelope purporting to contain his will, which I have registered in my book under No....."

*Dated*.....

(*Sgd.*) *E.F.*

*Probate Registrar of*.....

Attendance  
of probate  
registrar  
on testator.

7.—(1) The President or, in his absence, a District Judge may, where he so thinks fit, direct the probate registrar to attend a person wishing to deposit a will who is unable to come to the registry for the purpose.

(2) Before making any such direction the President or, in his absence, a District Judge shall ensure that sufficient provision has been made for the probate registrar's travelling expenses.

Opening of  
deposited  
will.

8.—(1) A will may not be opened in the lifetime of a testator except with his consent ; and after a will has been opened it shall be re-sealed and endorsed as required by rules 4 and 5 unless a testator revokes such will by endorsement thereon.

(2) A will may be opened after the death of the testator by his executor or other interested person.

(3) No will shall be opened under this rule except in the presence of the probate registrar who must be satisfied of the testator's identity (if alive) or of his death and of the identity and interest of the persons desiring to have the will opened. For this purpose the probate registrar may require evidence as to death or identity upon affidavit.

#### *Applications for grants.*

The making  
and filing  
of applica-  
tion for  
grant.

9.—(1) Application for a grant shall be made at the registry of the District Court within the jurisdiction of which the deceased had his fixed place of abode at the time of death, and if the deceased had no such place of residence, the application shall be made to the probate registrar of Nicosia.

(2) Such application shall be in writing and signed by the applicant and may be made through an advocate or in person by executors or any other person entitled to a grant and shall be on Form 1 of Appendix A.

(3) The probate registrar shall keep a book in which all applications filed under this rule shall be entered and every application shall be given a serial number.

10.—(1) The probate registrars shall not allow probate or letters of administration to issue until all inquiries which they may see fit to institute have been answered to their satisfaction. The probate registrars are, notwithstanding, to afford as great facility for the obtaining grants of probate or administration as is consistent with a due regard to the prevention of error or fraud.

Enquiries  
by probate  
registrar  
before  
grant.

(2) The probate registrar shall require evidence, in addition to that offered by the applicant, where additional evidence in that behalf seems to the probate registrar necessary or desirable, in regard to the identity of the deceased or of the applicant, or in regard to the relationship of the applicant to the deceased, or in regard to any person or persons in existence with a right equal or prior to that of the applicant to the grant of probate or administration sought by the applicant, or in regard to any other matter which may be considered by the probate registrar relevant to the question whether the applicant is the proper person to whom the grant should be made :

Provided that the probate registrar may refuse the grant unless the applicant produces the required evidence on these points or any of them.

*Applications for Probate and Administration with will annexed.*

11. An application of an executor or of an administrator with will annexed shall be accompanied by an affidavit made by such applicant exhibiting the will required to be proved and such will shall be annexed to the affidavit and marked by the applicant and the person before whom the affidavit is sworn. Such affidavit shall be in Form 2 or Form 3 of Appendix A as the case may be.

Affidavit to  
lead grant of  
probate or  
letters or  
administration  
with  
will annexed.

12.—(1) On receiving an application for probate or for administration with will annexed the probate registrar shall inspect the will, and see whether it appears to be signed by the testator, or by some other person in his presence, and by his direction, and to be subscribed by two witnesses according to the enactments relative thereto, and shall not proceed further if the will does not appear to be so signed and subscribed.

Examination  
of will as  
to its  
execution.

(2) If the will appears to be so signed and subscribed, the probate registrar shall then refer to the attestation clause (if any), and consider whether the wording thereof states the will to have been, in fact, executed in accordance with those enactments.

13. If there is no attestation clause, or if the attestation clause is insufficient, the probate registrar shall require an affidavit from at least one of the subscribing witnesses, if either of them is living, to prove that the will was, in fact, executed in accordance with those enactments. The affidavit shall be carefully typed and form part of the probate, so that the probate may be a complete document on the face of it.

Proof of  
execution  
where  
attestation  
clause  
defective.

14. If on perusal of the affidavit it appears that the will was not, in fact, executed in accordance with those enactments, the probate registrar shall refuse probate.

Where will  
not executed  
according  
to law.

15. If both the subscribing witnesses are dead, or if from other circumstances such an affidavit cannot be obtained from either of them, resort for such an affidavit shall be had to other persons (if any) present at the execution of the will ; but if no such affidavit can be obtained, proof shall be required of that fact, and of the handwriting of the deceased and of the subscribing witnesses, and also of any circumstances raising a presumption in favour of the due execution of the will.

Evidence on  
failure of  
attesting  
witnesses.

Will of  
blind or  
illiterate  
testator.

16. Where the testator was blind or illiterate, the probate registrar shall not grant probate of the will, or administration with the will annexed, unless the probate registrar is first satisfied, by proof of what appears on the face of the will that the will was read over to the deceased before its execution, or that he had at that time knowledge of its contents.

Interline-  
ations,  
erasures,  
obliterations.

17. The probate registrar, on being satisfied that the will was duly executed, shall carefully inspect it to see whether there are any interlineations or alterations, or erasures, or obliterations appearing in it, and requiring to be accounted for. Interlineations, alterations, erasures, and obliterations are invalid unless they existed in the will at the time of its execution, or unless, if made afterwards, they have been executed and attested in the mode required by the said enactments, or unless they have been made valid by the re-execution of the will, or by the subsequent execution of some codicil thereto. Where interlineations, alterations, erasures, or obliterations appear in the will (unless duly executed or recited in or otherwise identified by the attestation clause) an affidavit in proof of their having existed in the will before its execution shall be filed. If no satisfactory evidence is adduced respecting the time when an erasure or obliteration was made, and the words erased or obliterated are not entirely effaced, and can, on inspection of the will, be ascertained, they shall form part of the probate. Where any words have been erased which might have been of importance, an affidavit shall be required.

Documents  
referred to  
in a will

18.—(1) Where a will contains a reference to any document of such a nature as to raise a question whether it ought or ought not to form a constituent part of the will, the probate registrar shall require the production of the document, with a view to ascertaining whether or not it is entitled to probate; and if it is not produced, a satisfactory account of its non-production shall be proved. A document cannot form part of a will unless it was in existence at the time when the will was executed.

or annexed  
or attached.

(2) If there are vestiges of sealing wax or wafers, or other marks on the will, leading to the inference that some document has been at some time annexed or attached thereto, a satisfactory account of them shall be proved, and the production of the document shall be required, and if it is not produced, a satisfactory account of its non-production shall be proved.

Form of  
affidavits.

19.—(1) With such variation as circumstances may require, the affidavit of an attesting witness shall be in Form 4 of Appendix A.

(2) An affidavit required under rule 15 shall be in Form 5 of Appendix A.

Codicils.

20. The rules respecting wills apply equally to codicils.

#### *Applications for Administration without will annexed.*

Affidavit to  
lead grant on  
intestacy.

21. An application for administration where there is no will shall be accompanied by an affidavit in Form 6 of Appendix A.

Administra-  
tion bond.

22.—(1) The person to whom administration is granted shall give a bond, with two or more responsible sureties, to the probate registrar for the time being conditioned for duly collecting, getting in, and administering the personal property of the deceased, such sureties to be to the satisfaction of the probate registrar.

(2) The probate registrar may, if he thinks fit, take one surety only.

(3) The bond shall be in a penalty of double the amount under which the estate of the deceased is sworn, unless the probate registrar in any case thinks it expedient to reduce the amount.

(4) The probate registrar may also in any case direct that more bonds than one shall be given, so as to limit the liability of any surety to such amount as the probate registrar thinks reasonable.

(5) The bond and the justification for sureties, with such variations as may be necessary, shall be in Forms 7, 8 or 9 of Appendix A.

23. No probate or letters of administration shall issue until after the lapse of seven days in the case of a will or will annexed, and fourteen days in the case of administration from the filing of the application unless under the direction of the Court.

When probate or letters of administration may issue.

*Objections to and the right to a grant.*

24.—(1) A caveat against a grant of probate or administration may be entered in the principal probate registry or in any probate registry.

Caveats.

(2) On a caveat being entered in a registry the probate registrar shall immediately send a copy thereof to the principal probate registry to be entered among the caveats in that registry.

(3) The principal probate registrar shall send a copy of caveats received from probate registries, other than the registry to which the application for a grant was made, to the latter registry.

(4) A caveat shall state the interest of the caveator in the estate of the deceased.

(5) No grant shall be made to an applicant after a caveat has been entered against his application unless—

(a) the caveator withdraws the caveat ; or

(b) the caveator has for three months brought no action for administration ; or

(c) the Court in an action between the applicant and the caveator orders a grant to issue to the applicant.

(6) A caveat shall be in Form 10 of Appendix A.

(7) A notice withdrawing a caveat may be filed either in the principal probate registry or in the probate registry where the application for a grant is made, and the registry receiving the notice of withdrawal shall send in a copy of such notice to the other.

25. No second or subsequent application for a grant shall be received by a probate registrar so long as the first application has not been disposed of, and the probate registrar shall inform a second or subsequent applicant that such applicant must proceed by entering a caveat against the first applicant.

Subsequent application only after disposal of first.

26. An application for grant is disposed of when such application is withdrawn or the probate registrar and (if the application is submitted for review) the Court have refused a grant.

When application is deemed to be disposed of. Renunciation.

27. The renunciation of an executor or an administrator with will annexed shall be in Form 11 of Appendix A.

28. Before making a limited grant, a probate registrar shall obtain the directions of the Court.

Limited grants.

29. In the case of a person residing out of Cyprus letters of administration, or letters of administration with will annexed, may be granted to his attorney acting under a power of attorney duly proved and filed in the Court.

Grant to an attorney.

30. The priority of right to a grant of probate or letters of administration with will annexed shall be as follows :—

Priority of right to grant.

1. Executors.

2. Residuary legatees and devisees.

3. Legatees, devisees, creditors.

4. The Crown.

**Priority to grant in intestacies.**

31. The priority of right to a grant of letters of administration where the deceased died wholly intestate shall be as follows :—

1. Husband or wife.
2. Children, or other issue of deceased taking *per stirpes*.
3. Father or mother.
4. Brothers and sisters of the whole blood, or the issue of deceased brothers and sisters of the whole blood, taking *per stirpes*.
5. Brothers and sisters of the half blood, or the issue of deceased brothers and sisters of the half blood, taking *per stirpes*.
6. Grandparents.
7. Uncles and aunts of the whole blood, or the issue of deceased uncles and aunts of the whole blood, taking *per stirpes*.
8. Uncles and aunts of the half blood, or the issue of deceased uncles and aunts of the half blood, taking *per stirpes*.
9. The Crown.
10. Creditors.

**Advertising application for grant.**

32. The probate registrar may require, before probate or administration is granted, that notice of the application be published in such newspapers as he may direct. The notice shall be in Form 13 of Appendix A and, upon payment of the cost, the advertisement shall be inserted by the probate registrar.

**Clearing off prior rights to grant.**

33. Unless the Court because of special circumstances otherwise directs, any person having a prior right to a grant shall be preferred unless—

- (a) he has renounced such right and such renunciation shall be in Form 11 or 12 of Appendix A as the case may be ; or
- (b) he has not, within seven days after service of notice upon him of the application for a grant, entered a caveat ; or
- (c) he is residing outside Cyprus or cannot be found.

**Grants to guardians.**

34. Where an heir under disability would, if he were not under disability, be entitled to a grant, the probate registrar shall—

- (a) if the deceased was a Moslem, refer the matter to the Turkish Family Court ; and
- (b) in every other case, refer the matter to the Court, and the Turkish Family Court or the Court, as the case may be, shall appoint one or more guardians to whom a grant can be made.

*Forms.*

**Form of grant.**

35. A grant shall be in Form 14, 15 or 16 of Appendix A as the case may be.

**Oath to accompany inventory.  
Declaration of renunciation.**

36. The oath to accompany the inventory of a personal representative shall be in Form 17 of Appendix A.

37. The form of declaration of renunciation of an estate shall be in Form 18 of Appendix A.

*Contentious Business.*

**No action until caveat warned.**

38. An applicant for a grant shall not institute an action for probate or administration when an unexpired caveat has been entered against such grant, until he has caused to issue from the registry where the caveat was entered a notice in Form 19 of Appendix A and the caveator has not within seven days of the service of this notice withdrawn the caveat.

*Affidavits as to Scripts.*

39. In testamentary causes the plaintiff and defendant, within eight days of the entry of an appearance on the part of the defendant, are respectively to file their affidavits as to scripts, whether they have or have not any script in their possession. Affidavit for scripts in testamentary causes.

40. Every script which has at any time been made by or under the direction of the testator, whether a will, codicil, draft of a will or codicil, or written instructions for the same, of which the deponent has any knowledge, is to be specified in his affidavit of scripts ; and every script in the custody or under the control of the party making the affidavit is to be annexed thereto, and deposited therewith in the registry. All scripts to be included in affidavit.

41. No party to the cause, nor his advocate, or attorney, shall be at liberty, except by leave of the President, to inspect the affidavit as to scripts annexed thereto, filed by any other party to the cause, until his own affidavit as to scripts shall have been filed. Inspection of scripts by other party.

*Probate Actions.*

42. The party or parties pleading to a declaration propounding a will or testamentary script shall be allowed to plead only the pleas hereunder set forth, unless by leave of the Court, to be obtained on summons :— Pleadings of party opposing will.

1. That the paper writing bearing date, etc., and alleged by the plaintiff (or defendant) to be the last will and testament (or codicil to the last will and testament) of *A.B.*, late of, etc., deceased, was not duly executed according to the provisions of the Wills and Succession Law in manner and form as alleged. Cap. 220 of 1951.

2. That *A.B.*, the deceased in this cause, at the time his alleged will (or codicil) bears date, to wit, on the, etc., was not of sound mind, memory, and understanding.

3. That the execution of the said alleged will (or codicil) was obtained by the undue influence of *C.D.*, and others acting with him.

4. That the execution of the said alleged will (or codicil) was obtained by the fraud of *C.D.* and others acting with him.

5. That the deceased at the time of the execution of the said alleged will (or codicil) did not know and approve of the contents thereof.

Any party pleading the last of the above pleas shall therewith (unless otherwise ordered by the Court) deliver to the adverse parties and file in the registry particulars in writing, stating shortly the substance of the case he intends to set up thereunder ; and no defence shall be available thereunder which might have been raised under any other of the said pleas, unless such other plea be pleaded therewith.

43. In probate actions the party opposing a will may, with his defence, give notice to the party setting up the will that he merely insists upon the will being proved in solemn form of law, and only intends to cross-examine the witness produced in support of the will, and he shall thereupon be at liberty to do so, and shall not, in any event, be liable to pay the costs of the other side, unless the Court shall be of opinion that there was no reasonable ground for opposing the will. Notice of intention not to call witnesses.

*Fees.*

44. Fees of Court as prescribed in Appendix B shall be taken and applied in the manner specified therein. Court fees.

45. Subject to any special order of the Court, advocates as between themselves and their clients shall be entitled to charge and shall be allowed the fees prescribed in Appendix C in respect of the matters mentioned therein. Advocate fees.

*General.*

46. Subject to the provisions of these rules, the provisions of the Rules of Court, 1938 to (No. 1) 1954, as amended by any subsequent rules, shall apply to the service of documents and the enlargement and abridgement of time in contentious and non-contentious probate business. Service and time.

## APPENDIX A.

Form 1.

*The Administration of Estates Rules, 1955.*

## APPLICATION FOR A GRANT—(Rule 9).

In the District Court of .

Probate Jurisdiction.

In the matter of . of ., deceased.

Application is hereby made to the Court for the grant to me <sup>(1)</sup> of . of probate of the will (~~or~~ administration with the will annexed of the property, ~~or~~ administration of the property) <sup>(2)</sup> of . who died on the . day of ., 19 ., and <sup>(2)</sup> whose will is dated . and is deposited in the Court.

2. The estimated value of the movable and immovable property of the deceased is as follows :—

Movables £

Immovables £

3. The following are to the best of my information and belief all the persons who are entitled to an interest in the estate of the deceased.

*Names.* *Residence.* *How entitled (as wife, child, etc.).*

Address for service :

(Signed).....

<sup>(1)</sup> Insert name of person applying for grant.<sup>(2)</sup> Strike out inapplicable words.

Form 2.

*The Administration of Estates Rules, 1955.*

## OATH FOR EXECUTOR—(Rule 11).

In the District Court of .

Probate Jurisdiction.

In the matter of . of ., deceased.

I, . of ., make oath and say : That I believe the paper writing hereto annexed, and marked by me, to contain the true and original last will of . late of ., deceased, and that I am the executor therein named, and that I will faithfully administer the property of the testator according to law and the tenor of the will ; that I will exhibit an inventory of the property and render an account of my executorship whenever lawfully required ; that the testator died at . on the . day of ., 19 . ; that at the time of his death he had his fixed place of abode at ., within the jurisdiction of this Court, and the estimated value of the movable and immovable property of the deceased is as stated in my application for a grant of probate.

(Signed)

Sworn and signed before me on

the . day of ., 19 .,

at .

(Signed)

Registrar.



*The Administration of Estates Rules, 1955.*

OATH FOR ADMINISTRATOR (WILL ANNEXED)—(Rule 11).

Form 3

In the District Court of

Probate Jurisdiction.

In the matter of \_\_\_\_\_ of \_\_\_\_\_, deceased.

I, \_\_\_\_\_ of \_\_\_\_\_, make oath and say that I believe the paper writing hereto annexed, and marked by me, to contain the true and original last will of late of \_\_\_\_\_, deceased; that I am the named therein; that I will faithfully administer the property of the testator according to law and the tenor of the will; that I will exhibit an inventory and render an account of my administration whenever lawfully required; that the testator died at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that at the time of his death he had his fixed place of abode at \_\_\_\_\_, within the jurisdiction of this Court, and the estimated value of the movable and immovable property of the deceased is as stated in my application for a grant of probate.

(Signed)

Sworn and signed before me  
on the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at \_\_\_\_\_.

(Signed)

Registrar.

*The Administration of Estates Rules, 1955.*

AFFIDAVIT OF ATTESTING WITNESS—(Rule 19).

Form 4.

In the District Court of \_\_\_\_\_.

Probate Jurisdiction.

In the matter of \_\_\_\_\_, of \_\_\_\_\_, deceased.

I, \_\_\_\_\_ of \_\_\_\_\_, make oath and say that I am one of the subscribing witnesses to the last will of the said \_\_\_\_\_, late of \_\_\_\_\_, deceased, the said will bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and having been deposited in the District Court of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

I further make oath and say that the said testator executed the said will on the day of the date thereof by signing his name as the name now appears thereon, in the presence of me and of \_\_\_\_\_ of \_\_\_\_\_, the other subscribed witness[es] thereto, we all being present at the same time, and that we thereupon attested and subscribed the said will in the presence of the said testator and in the presence of each other.

The estimated value of the movable property of the deceased is £ \_\_\_\_\_.

The estimated value of the immovable property of the deceased is £ \_\_\_\_\_.

(Signed)

Sworn and signed before me  
on the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at \_\_\_\_\_.

(Signed)

Registrar.

*The Administration of Estates Rules, 1955.*

Form 5.

AFFIDAVIT WHERE ATTESTING WITNESS DEAD OR ABSENT FROM THE  
COLONY—(Rule 19).In the District Court of  
Probate Jurisdiction.

In the matter of , of , deceased.

I, of (or we, of and of )  
 having with care and attention inspected the last will of the said  
 late of , deceased, the said will bearing date the day of  
 , 19 , and having been deposited in the District  
 Court of on the day of , 19 , the said  
 will beginning thus : and ending thus :

and being thus subscribed : and having observed the  
 names set and subscribed to the said will as  
 witnesses attesting the due execution thereof, make oath and say as follows :

1. I am the (lawful widow or executor, as the case may be), of ,  
testator.
2. I have made inquiries and ascertained that no person or persons was  
or were present at the execution of the said will, save and except the said  
testator and the said .
3. I knew and was well acquainted with the said testator for many years  
before his death, and during such period I have frequently seen him write  
and subscribe his name to writings, and I am well acquainted with the  
manner and character of his handwriting and signature, and I verily and in  
my conscience believe the name subscribed to the said will as aforesaid to be  
of the true and proper handwriting of the said testator.

4. (Here set out the date of the deaths of the attesting witnesses or state  
that they are absent from the Colony, as the case may be, and state also whether  
their signatures are genuine.)

5. The estimated value of the movable property of the deceased is £ .

6. The estimated value of the immovable property of the deceased is  
£ .

(Signed)

Sworn and signed before me on  
 the day of , 19 ,  
 at .

(Signed)

Registrar.

*The Administration of Estates Rules, 1955.*

Form 6.

## OATH FOR ADMINISTRATOR (WITHOUT WILL)—(Rule 21).

In the District Court of  
Probate Jurisdiction.

In the matter of , of , deceased.

I, of , make oath  
 and say : That , late of  
 deceased, died intestate and that I am his (a) ;  
 (a) widow, son, etc.

That I will faithfully administer the property of the deceased, according  
 to law ;

That I will exhibit an inventory of the property and render an account  
 of my administration as required by law ;

That the deceased died at \_\_\_\_\_ on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_;

That at the time of his death he had his fixed place of abode at \_\_\_\_\_,  
within the jurisdiction of this Court;

And that the whole of his property amounts in value to the sum of \_\_\_\_\_  
pounds sterling and no more, to the best of my knowledge, information  
and belief.

(Signed)

Sworn and signed before me on  
the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,  
at \_\_\_\_\_.

(Signed)

Registrar.

*The Administration of Estates Rules, 1955.*

ADMINISTRATION BOND (WILL ANNEXED)—(Rule 22).

Form 7

In the District Court of \_\_\_\_\_.

Probate Jurisdiction.

In the matter of \_\_\_\_\_ of \_\_\_\_\_, deceased.

Know all men by these presents that we \_\_\_\_\_,  
of \_\_\_\_\_, of \_\_\_\_\_ and \_\_\_\_\_,  
of \_\_\_\_\_ are jointly and severally bound unto \_\_\_\_\_,  
the probate registrar of the District Court of \_\_\_\_\_,  
in the sum of \_\_\_\_\_ pounds sterling, to be paid to the said \_\_\_\_\_,  
or the probate registrar of the said Court for the time being; for which  
payment we bind ourselves and each of us for himself in the whole, our and  
each of our heirs, executors, and administrators, firmly by these presents.  
Sealed with our seals. Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

The condition of the above-written obligation is such, that if the above-named \_\_\_\_\_, the intended administrator with will annexed of the property of \_\_\_\_\_ late of \_\_\_\_\_, deceased, who died on the \_\_\_\_\_ day of \_\_\_\_\_, do make a true and perfect inventory of the property of the deceased \_\_\_\_\_ which has or shall come into his possession, or into the possession of any person for him, and the same so made do exhibit into the District Court of \_\_\_\_\_, whenever required by law so to do, and the same property and all other the property of the deceased, which shall at any time after the making and exhibition of such inventory come into the possession of the said \_\_\_\_\_ or of any person for him do well and truly administer (that is to say) do pay the debts which the deceased owed at his death, and then the legacies given by the said will annexed to the said letters of administration, as far as such property will extend, and the law bind him, and all the residue of the said property shall deliver and pay unto such person or persons as shall be by law entitled thereto; and further, do make a true and just account of his said administration whenever lawfully required, then this obligation shall be void; otherwise, shall remain in full force.

Signed, sealed and delivered by the	}	(L.S.)
above-named		(L.S.)
in the presence of		(L.S.)

*The Administration of Estates Rules, 1955.*

Form 8.

## ADMINISTRATION BOND (WITHOUT WILL)—(Rule 22).

In the District Court of  
Probate Jurisdiction.

In the matter of \_\_\_\_\_, of \_\_\_\_\_, deceased.

Know all men by these presents that we \_\_\_\_\_, of \_\_\_\_\_, of \_\_\_\_\_, and \_\_\_\_\_ are jointly and severally bound unto the probate registrar of the District Court of \_\_\_\_\_, in the sum of \_\_\_\_\_ pounds sterling, to be paid to the said \_\_\_\_\_ or the probate registrar of the said Court for the time being; for which payment we bind ourselves and each of us for himself in the whole, our and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals. Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

The condition of the above-written obligation is such, that if the above-named \_\_\_\_\_, the intended administrator of the property of \_\_\_\_\_ late of \_\_\_\_\_, deceased, who died on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, do make a true and perfect inventory of the property of the deceased which has or shall come into his possession, or into the possession of any person for \_\_\_\_\_ and the same so made do exhibit into the District Court of \_\_\_\_\_ whenever required by law so to do; and the same property and all other the property of the deceased, which shall at any time after the making and exhibition of such inventory come into the possession of the said \_\_\_\_\_ or of any person for him do well and truly administer according to law (that is to say) do pay the debts which the deceased owed at his death, and all the residue of the said property do deliver and pay to such person or persons as shall be entitled thereto by law, and further do make a true and just account of his administration whenever lawfully required; and in case it shall hereafter appear that any will was made by the deceased, and the executor or executors, or other persons therein named, do exhibit the same for probate, then if the said \_\_\_\_\_ being thereunto required, duly render and deliver up the letters of administration granted to him, then this obligation shall be void; otherwise, shall remain in full force.

Signed, sealed and delivered by the	}	(L.S.)
above-named		(L.S.)
in the presence of		(L.S.)

*The Administration of Estates Rules, 1955.*

Form 9.

## JUSTIFICATION OF SURETIES—(Rule 22).

In the District Court of  
Probate Jurisdiction.

In the matter of \_\_\_\_\_, of \_\_\_\_\_, deceased.

We \_\_\_\_\_ of \_\_\_\_\_, and \_\_\_\_\_ of \_\_\_\_\_ severally make oath and say, that we are the proposed sureties in the penal sum of \_\_\_\_\_ pounds sterling, on behalf of \_\_\_\_\_, the intended administrator of the property of \_\_\_\_\_ late of \_\_\_\_\_ deceased, for his faithful administration thereof.

And I the said \_\_\_\_\_ for myself, make oath and say, that I am, after payment of all my just debts, well and truly worth in money and effects the sum of \_\_\_\_\_ pounds sterling.

And I the said \_\_\_\_\_ for myself, make oath and say, that I am, after payment of all my just debts, well and truly worth in money and effects the sum of \_\_\_\_\_ pounds sterling.

\* Sworn and signed before me on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at \_\_\_\_\_.

(Signed)

Registrar.

\* If the deponents swear at different times, a separate jurat should be written out for each and his name inserted after the word "Signed", viz.: "Sworn and signed by the above-named A.B.", etc. If, however, all the deponents swear at one time, it will be enough to say "Sworn and signed by all the above-named deponents", etc.

*The Administration of Estates Rules, 1955.*

NOTICE TO PROHIBIT GRANT—(Rule 24).

Form 10.

In the District Court of \_\_\_\_\_.

Probate Jurisdiction.

In the matter of \_\_\_\_\_ deceased.

Let nothing be done in the matter of \_\_\_\_\_, late of \_\_\_\_\_, deceased, who died on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, and had at the time of his death his fixed place of abode at \_\_\_\_\_, within the jurisdiction of this Court, without warning being given to \_\_\_\_\_, of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed)

*The Administration of Estates Rules, 1955.*

RENUNCIATION OF EXECUTOR—(Rules 27 and 33).

Form 11.

In the District Court of \_\_\_\_\_.

Probate Jurisdiction.

In the matter of \_\_\_\_\_, deceased.

Whereas \_\_\_\_\_ late of \_\_\_\_\_, deceased, died on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, having at the time of death fixed place of abode at \_\_\_\_\_ within the jurisdiction of this Court; and whereas \_\_\_\_\_ made and duly executed his last will dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and thereof appointed me his executor;

Now I, the said \_\_\_\_\_, do hereby declare that I have not intermeddled in the property of the deceased, and will not hereafter intermeddle therein, with intent to defraud creditors or any person interested in the administration or distribution of the property of the deceased; and further do hereby expressly renounce all right to probate of the said will and to administration with the said will annexed, of the property of the deceased.

In witness whereof I have hereto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed)

Sworn and signed before me on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at \_\_\_\_\_.

(Signed)

Registrar.

*The Administration of Estates Rules, 1955.*

Form 12.

## RENUNCIATION OF ADMINISTRATION (WITHOUT WILL)—(Rule 33).

In the District Court of .

Probate Jurisdiction.

In the matter of of , deceased.

Whereas late of , deceased, died on the day of , 19 , at intestate, having had at the time of his death his fixed place of abode at , within the jurisdiction of this Court ;

And whereas I, , of , am his ;

Now I, the said , do hereby declare that I have not intermeddled in the property of the deceased ; and further do hereby expressly renounce all right to administration thereof.

In witness whereof I have hereto set my hand this day of , 19 .

(Signed)

Sworn and signed before me on the day of , 19 , at .

(Signed)

Registrar.

*The Administration of Estates Rules, 1955.*

Form 13.

## ADVERTISEMENT OF APPLICANT FOR GRANT—(Rule 32).

In the District Court of .

Probate Jurisdiction.

A.B., deceased.

Notice is hereby given that, after the expiration of eight days, application will be made in the principal probate registry of for the grant of probate of the will (or letters of administration of the estate) of A.B., late of , deceased.

Advocate for

*The Administration of Estates Rules, 1955.*

Form 14.

## GRANT OF PROBATE—(Rule 35).

In the District Court of .

Probate Jurisdiction.

In the matter of , deceased.

Be it known that on the day of , 19 , the last will (a copy whereof is hereto annexed) of late of , deceased, who died on the day of , 19 , at , and who at the time of his death had his fixed place of abode at , within the jurisdiction of this Court, was proved and registered in this Court, and that the administration of the property of the said deceased was granted by this Court to , the executor named in the said will, he having been first duly sworn.

Sworn under £ and that the testator died on or about the day of , 19 .

Probate Registrar.

*The Administration of Estates Rules, 1955.*

GRANT OF LETTERS OF ADMINISTRATION (WITH WILL ANNEXED)—(Rule 35). Form 15.

In the District Court of .

Probate Jurisdiction.

Be it known that , late of , deceased, who died on the day of , at , and who had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, made and duly executed his last will and did therein name .

And be it further known that on the day of , 19 , letters of administration with the said will annexed of the property of the deceased were granted by this Court to , he having been first duly sworn.

.....  
*Probate Registrar.*

*The Administration of Estates Rules, 1955.*

GRANT OF LETTERS OF ADMINISTRATION (WITH NO WILL ANNEXED)—(Rule 35). Form 16.

In the District Court of .

Probate Jurisdiction.

Be it known that on the day of , 19 , letters of administration of the property of , late of , deceased, who died on the day of , 19 , at , intestate, and who had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, were granted by this Court to of the said intestate, he having been first duly sworn.

Sworn under £ and that the intestate died on or about the day of , 19 .

.....  
*Probate Registrar.*

*The Administration of Estates Rules, 1955.*

OATH ON FILING INVENTORY—(Rule 36).

Form 17.

In the District Court of .

Probate Jurisdiction.

In the matter of , deceased.

I, of , as executor/administrator of , who died on the day of , 19 , and who had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, declare that—

- (1) The said deceased at the time of his death was possessed or entitled to the properties mentioned in the Inventory attached hereto ;
- (2) No property of the said deceased has at any time come to my possession or knowledge save as is set forth in the said Inventory.

(Signed)

Sworn and signed before me on  
 the day of , 19 ,  
 at .

(Signed)

*Registrar.*

*The Administration of Estates Rules, 1955.*

Form 18.

## RENUNCIATION OF ESTATE—(Rule 37).

In the District Court of

Probate Jurisdiction.

In the matter of \_\_\_\_\_ late of \_\_\_\_\_, deceased.

Whereas \_\_\_\_\_ late of \_\_\_\_\_, deceased, died on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ having at the time of his death his fixed place of abode at \_\_\_\_\_, within the jurisdiction of this Court ;

And whereas I \_\_\_\_\_ of \_\_\_\_\_, am his lawful child/next of kin ;

Now, I, the said \_\_\_\_\_, do hereby expressly renounce my right to inherit from the said deceased.

In witness whereof I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signature)

Signed in the presence of \_\_\_\_\_

*The Administration of Estates Rules, 1955.*

Form 19.

## NOTICE TO WITHDRAW CAVEAT—(Rule 38).

In the District Court of

Probate Jurisdiction.

In the matter of \_\_\_\_\_, late of \_\_\_\_\_, deceased.

To \_\_\_\_\_ of \_\_\_\_\_

You are hereby warned that unless you, by notice filed in this registry or in the principal probate registry, Nicosia, withdraw the caveat entered by you against the application of *A.B.*, for a grant of \_\_\_\_\_ to the estate of the abovenamed deceased, the applicant *A.B.* shall be at liberty to bring an action against you claiming a grant of \_\_\_\_\_

This notice is issued at the instance of the said *A.B.*

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signed)

\_\_\_\_\_  
Probate Registrar.

## APPENDIX B.

The following fees shall be paid in stamps to be disposed of as directed in each case :—

- |  | £ | s. | p. |
|--|---|----|----|
| 1. For depositing the will of a living person (r. 3) (to be affixed in the register prescribed in r. 5) .. .. .        | 1 | 0  | 0  |
| 2. For depositing a will of a deceased person (to be affixed in the register of wills) .. .. .                         | - | 5  | 0  |
| 3. On filing request to open will deposited in testator's lifetime (r. 8 (1)) (to be affixed to the request) .. .. .   | - | 3  | 0  |
| 4. On an application for a grant (r. 9) (to be affixed to the application) .. .. .                                     | - | 10 | 0  |
| 5. (i) Swearing and filing an affidavit (to be affixed to the affidavit) .. .. .                                       | - | 4  | 0  |
| (ii) On marking each exhibit (to be affixed to the document) .. .. .   | - | 1  | 0  |
| 6. On executing and filing administration bond, irrespective of the amount (r. 22) (to be affixed to the bond) .. .. . | - | 7  | 0  |



7. For the entry of a caveat (r. 24) (to be affixed to the caveat) .. .. .	£ s. p.
8. For the withdrawal of a caveat (r. 24) (to be affixed to the notice of withdrawal) .. .. .	- 5 0
9. On filing a renunciation of an executor (r. 27—Form 11) (to be affixed to the renunciation) .. .. .	- 3 0
10. On issue of a certificate by the probate registrar under section 29 (to be affixed to the application—in addition to the fee under item 21) .. .. .	- 5 0
11. On grant of probate or letters of administration with or without the will annexed :—	

If the net estate—

(i) Does not exceed £1,000 .. .. .	1 0 0
(ii) Exceeds £1,000, for each £1,000 or part thereof, up to a maximum of £25 .. .. .	1 0 0
(to be affixed in the probate order book.)	

*Note :* The net estate to be valued as shown in the Certificate of the Commissioner of Estate Duty.

12.—(i) Where the value of the property does not exceed £50 a single fee of 10/-, and (ii) where the value of the property exceeds £50 but does not exceed £300 a single fee of £1, shall be charged in lieu of all the other fees prescribed under this Appendix (to be affixed in the probate order book).	
13. For any second or subsequent grant in respect of the same deceased person (to be affixed in the probate order book) .. .. .	1 0 0
14. On an application for a grant of administration <i>pendente lite</i> (section 20) (to be affixed to the application) ..	- 10 0
15. For a grant of administration <i>pendente lite</i> (to be affixed in the probate order book) .. .. .	1 0 0
16. On entering any order, except an order granting probate or administration (to be affixed in the order book) .. .. .	- 10 0
17. On filing a declaration accompanying the inventory (under section 40—r. 36) (to be affixed to the declaration) .. .. .	- 5 0
18. On filing inventory (under section 40—r. 36) (to be affixed to the inventory) .. .. .	- 2 0
19. On filing declaration of renunciation of estate (r. 37—Form 18) .. .. .	- 5 0
20. For a warning to a caveat (r. 38—Form 19) (to be affixed to the warning) .. .. .	- 3 0
21. On application for review of registrar's decision (section 24) (to be affixed to the application) .. ..	- 10 0
22. On filing an application to Court not otherwise provided .. .. .	- 10 0
23. On issuing summons to witness, for service of documents, furnishing copies of proceedings, on search or inspection of a will or other document on the record, and for other proceedings not expressly provided in this Appendix (stamps to be disposed of as in actions) .. .. .	Same fees as in civil proceedings relating to claims of more than £25

24. Notwithstanding any provision in this Appendix, the only fee to be charged in any proceedings under section 49 of the Law, shall be such fee, as a judge may, in each case direct, not exceeding five per centum on the value of the movable property falling to the share of any heir under disability.

## APPENDIX C.

## COSTS IN NON-CONTENTIOUS BUSINESS, IN RESPECT OF PROBATES AND LETTERS OF ADMINISTRATION.

Property sworn up to	Oath of executor or administrator and attendance on the party being sworn	Probate or Letters of Administration under seal.*	Bond
£	s. p.	£ s. p.	s. p.
50	5 0	— 5 0	5 0
100	6 0	— 6 0	6 0
200	8 0	— 10 0	8 0
500	10 0	1 0 0	10 0
2,000	"	3 0 0	"
5,000	"	5 0 0	"
10,000	"	6 0 0	"
15,000	"	7 0 0	"
20,000	"	8 0 0	"
25,000	"	9 0 0	"
30,000	"	10 0 0	"
35,000	"	11 0 0	"
40,000	"	12 0 0	"
45,000	"	13 0 0	"
50,000	"	14 0 0	"
60,000	"	15 0 0	"
70,000	"	16 0 0	"
80,000	"	17 0 0	"
90,000	"	19 0 0	"
100,000	"	20 0 0	"

And for every additional £100,000, or any fractional part of £100,000, under which the property is sworn, in addition to the above fees, a further fee for probate or letters of administration, under seal, of .. £5.

## CAVEATS.

For attendance in the registry and entering or subducting a caveat .. .. .	£ s. p.
For attendance in the registry and giving instructions for warning caveators .. .. .	— 10 0

## AFFIDAVITS.

(Other than affidavits and oaths included in the fees of Probate and Letters of Administration.)

For taking instructions and drawing up affidavit or declaration .. .. .	— 8 0
---	-------

\* Includes fee for application and affidavit in support.

## INSTRUMENTS OF RENUNCIATION, ETC.

For taking instructions for every instrument of renun-	£	s.	p.
ciation, or other document . . . . .	-	8	0
For drawing and fair copy thereof per folio of 100 words..	-	2	0

Given under the hand and official seal of the Governor and the hand of the Chief Justice, at Nicosia, this 4th day of January, 1955.

(M.P. 1303/53.)

E. HALLINAN,  
*Chief Justice.*

## No. 2. THE TURKISH FAMILY COURTS LAW, 1955.

### RULES MADE UNDER SECTION 19.

R. P. ARMITAGE,  
*Governor.*

In exercise of the powers vested in me by section 19 of the Turkish Family Courts Law, 1954, and with the advice and assistance of the Chief Justice, I, the Governor, do hereby make the following rules :—

1. These rules may be cited as the Turkish Family Courts Rules, 1955. Title.
2. In these rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :— Definitions.

“ Action ” means proceedings commenced before a Turkish Family Court by writ of summons.

“ Ancillary relief ” in any matrimonial cause means a claim for the maintenance of the wife, or for the maintenance or custody of infant children or both and shall be deemed to include provision for the access to such children.

“ Claimant ” includes every person asking any relief (other than a defendant asking relief by way of counter-claim) against any other person by any form or proceeding, whether the proceeding is by action, motion, summons, or otherwise.

“ Court ” means a Turkish Family Court having jurisdiction or power under any Law for the time being in force and includes a Judge having such jurisdiction or power.

“ Defendant ” includes any person entitled to appear in any proceedings other than a plaintiff.

“ Judge ” means a Turkish Family Court Judge.

“ Matrimonial cause ” means any proceedings in which the claim is for—

- (i) a declaration that a marriage is invalid or void,
- (ii) a divorce, or a judicial separation,
- (iii) admonition or compensation for neglect of marital duty or conduct injurious to the other spouse.

3. Proceedings for breach of promise or in any matrimonial cause shall be commenced by filing a writ of summons as in Form 1 of the Appendix hereto in the Court within the jurisdiction of which the claimant ordinarily resides. Proceedings how commenced.

- 4.—(1) In any matrimonial cause the statement of claim endorsed on the writ of summons shall state :— Form of action.

- (a) The names of the parties to the marriage, the occupation of the husband, the place and date of the marriage and the name and status of the wife before the marriage.
- (b) The principal addresses at which the parties to the marriage have cohabited within the jurisdiction or, if it be the case, that there has been no cohabitation within the jurisdiction.
- (c) Whether there are living any children of the marriage and, if so, the names and dates of birth or ages of such children.

- (d) Whether at the date of the institution of the cause one or both of the parties is a Turk resident in Cyprus professing the Moslem faith.
- (e) Whether there have been before the Court any and, if so, what previous proceedings with reference to the marriage or on behalf of either of the parties to the marriage, and the result of such proceeding.
- (f) Except in suits for a declaration of invalid or void marriage, the matrimonial offences charged set out in separate paragraphs.
- (g) Where adultery is alleged, whether the claimant has in any way been accessory to or connived at or condoned the adultery, and where ill-treatment is alleged, whether the claimant has condoned the ill-treatment.
- (h) In suits for the declaration of invalid or void marriage, the grounds upon which such declaration is claimed.
- (i) In suits for divorce and for neglect of marital duty or conduct injurious to the other spouse, a claim (if required) for compensation.
- (j) A statement giving particulars of the relief claimed which may include a claim for ancillary relief.

Originating  
summons  
and  
applications.

5.—(1) Any application in any pending cause or matter which may, according to the practice and procedure of a District Court, be made *ex parte*, may be made *ex parte* in a Turkish Family Court and shall be in Form 2 of the Appendix hereto ; provided that a Judge may, if he considers the application should be on notice, require the claimant to proceed by summons in Form 3 of the Appendix hereto.

(2) Any proceedings not commenced by writ of summons and any application not *ex parte* shall be instituted or made by summons in Form 3 of the Appendix.

4 of 1951.

(3) Proceedings for a declaration of legitimacy or illegitimacy or for a declaration that a marriage contracted under the Sheri Law, before the coming into operation of the Turkish Family (Marriage and Divorce) Law, 1951, is valid shall be made by summons on Form 2 or Form 3 as circumstances require.

Signature  
and date of  
appearance.

6. Every statement of claim upon a writ of summons and every summons and *ex parte* application shall be signed by the party who institutes or makes the same and, in the case of a minor or other person who is not *sui juris*, by his or her guardian, and shall be endorsed in conspicuous characters with a notice to appear before the Court on the day specified therein.

Settlement of  
issues.

7.—(1) Except by leave of the Court, pleadings in any action other than the particulars contained in the writ of summons shall be made orally before the Court at or before the commencement of the trial.

(2) A defendant who has not appeared before the Court on the day appointed by the writ of summons may appear and make his defence at any time prior to judgment upon payment of such costs to the claimant as the Court may direct.

Counter-  
claim.

8.—(1) The defendant at any time before the day specified in the writ of summons for his appearance (or thereafter with the leave of the Court) may deliver to the plaintiff and file in Court a counter-claim but the Court may order any counter-claim to be tried separately which cannot conveniently be tried together with the claim.

(2) On the day upon which the parties appear before the Court pursuant to the writ of summons (or thereafter by leave of the Court) the plaintiff shall make his defence to the counter-claim, and the defendant may then give his reply, if any, or join issue with the claimant.

9. When the issues are settled, the Court shall fix the date of hearing.

Date of  
hearing.  
Amend-  
ments.

10.—(a) The claimant may amend his writ of summons or application before service upon filing an affidavit verifying the new facts alleged.

(b) After service a writ of summons may be amended only with the leave of the Court and on such terms and conditions as the Court may direct.

11.—(a) Any party may by letter require any other party to furnish particulars of any allegation or other matter pleaded and, if the other party fails to furnish such particulars within a reasonable time, the party requiring the particulars may apply for an order that particulars be given. Particulars.

(b) All particulars, whether given in pursuance of an order or otherwise, shall be filed within 24 hours after being furnished to the party requiring them.

12.—(1) Applications made *ex parte* or by summons shall state the facts on which the applicant relies and need not be supported by affidavit unless required by the Court or Judge. Hearing of application.

(2) On the day upon which the parties appear before the Court pursuant to an application by summons, prior to the hearing of any evidence other than such as is or may be ordered to be on affidavit, the party, if any, opposing the application shall state the grounds for such opposition.

(3) The Court may thereupon proceed to hear and determine the application, or may fix a date for the hearing thereof.

13. Nothing in these rules shall dispense with the requirements of legal evidence and no order shall be made except the facts in support thereof are of record or are admitted or are supported by sworn testimony. Requirements of proof.

14. The witnesses in any cause or matter shall be examined *viva voce* and in open court : Evidence.

Provided that the Court may—

- (a) order that any particular facts to be specified in the order may be proved by affidavit ;
- (b) order that the affidavit of any witness may be read at the trial on such conditions as the Judge may think reasonable ;
- (c) order that not more than a specified number of expert witnesses may be called ;
- (d) having regard to the nature of the case and the evidence to be adduced and with the consent of the parties order that the evidence of a particular witness or witnesses be taken *in camera*.

15.—(1) Where in any matrimonial cause, relief is claimed on the ground of impotence or incapacity or under section 19 (e) of the Turkish Family (Marriage and Divorce) Law, 1951, the party claiming such relief may apply to the Court and the Court may appoint a medical inspector or two medical inspectors to examine the parties and to report to the Court the result of the examination. Medical inspection.  
4 of 1951.

(2) Every examination under this rule shall be made at such time and place as the Court may direct.

16. Every judgment or order of the Court shall be signed by the Judge and, on the application of any party to the registrar, be entered in a book to be kept for the purpose, and copies may be issued on payment of the prescribed fees. Judgment and order.

17. Where a Court transfers the execution of a judgment to the District Court under section 15 of the Turkish Family Courts Law, 1954, the registrar shall certify to the appropriate District Court the amount due under the judgment, and shall transmit to such Court certified copies of the judgment and of the order of transfer. Transfer of execution to District Court.  
42 of 1954.

18.—(1) A writ for the seizure and sale of movable property shall be signed and sealed by a Judge. Execution upon movable property.

(2) The duties of writs clerk shall be performed by the registrar.

19. Every bill of costs shall be referred to the Court at the conclusion of hearing for taxation by the Judge. Taxing of bills of costs.

## APPENDIX.

## FORM NO. 1.—WRIT OF SUMMONS.

In the Turkish Family Court of \_\_\_\_\_ No. \_\_\_\_\_ of 19 \_\_\_\_  
Between :

\_\_\_\_\_  
and \_\_\_\_\_  
Claimant,  
Defendant.

To

of (a) \_\_\_\_\_, (b)

This is to command you to appear before the Court at (c)  
on \_\_\_\_\_ day the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_, at the hour of \_\_\_\_\_  
in the forenoon, for the hearing of an action against you by  
of (a)

(d)

The Claimant's claim in the action is set out in the statement of claim overleaf.

The Claimant's address for service is (e)

And take notice that, in default of your appearing before the Court on the day aforesaid, the Claimant may proceed in the action and judgment may be given in your absence.

Filed and sealed on the (f) \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*Registrar.*

- 
- (a) Give full address, including street and number of premises, if any.
  - (b) State Defendant's occupation, if known.
  - (c) State the town or village in which the Court will hear the action.
  - (d) State Claimant's occupation.
  - (e) Give the full name, occupation, and address of a person within the municipal limits of the town or village in which is situated the Registry in which the action is filed, with whom documents intended for Claimant may be left.
  - (f) The date should be filled in by the Registrar.

N.B.—In drawing up a writ regard should be had to the provisions governing statements of claim.

*Statement of Claim.*

True Copy.

(Signed)

*Registrar.*

(a) *Advocate for Claimant.*

---

(a) Strike out the words "Advocate for" if suing in person.

FORM NO. 2.—APPLICATION MADE *EX PARTE*.

In the Turkish Family Court of \_\_\_\_\_ No. \_\_\_\_\_ of 19 \_\_\_\_  
Between :

A.B.,  
and \_\_\_\_\_  
C.D.,  
Claimant,  
Defendant.

*Ex Parte* A.B., of \_\_\_\_\_, Applicant.

The above applicant applies for (a)

The application is based on (b)

- 
- (a) Set out order or direction applied for.
  - (b) Set out specific section of Law or specific Rule of Court.

\* The facts relied upon are as follows : (c)

This application is made by *A.B.* in person (or by *E.F.*, advocate for *A.B.*). Address for service :

(Signed)

*Advocate for Applicant.*

Filed on the       day of       , 19       .

Fixed for hearing on the       day of       , 19       , at       o'clock  
in the forenoon.

*Registrar.*

(c) If the application is not required by the rules to be supported by affidavit, the facts relied upon should be stated in the application.

\* Strike out if not required.

### FORM NO. 3.—APPLICATION BY SUMMONS.

In the Turkish Family Court of       No.       of 19       .

Between :

*A.B.*,

Claimant,

and

*C.D.*,

Defendant.

Application by *A.B.*, of       .

Let all persons concerned attend the Court at       on the       day  
of       , 19       , at the hour of       in the  
forenoon, on the hearing of an application whereby the above-named  
applicant applies for (a)

The application is based on (b)

\* The facts relied upon are as follows : (c)

or

\* (The facts relied upon are set out in the accompanying affidavit of *A.B.*  
of       dated the       day of       , 19       .)

This summons was taken out by the applicant in person (or by *E.F.*,  
advocate for the applicant). Address for service :

(Signed)

Filed on the       day of       , 19       .

Fixed for hearing on the       day of       19       , at the hour  
of       in the forenoon.

To (d)

*Registrar.*

(a) Set out order or direction applied for.

(b) Set out specific section of Law or specific Rule of Court.

(c) If the application is not required by the rules to be supported by affidavit, the facts relied upon should be stated in the application.

(d) State name and address of person to be served with the summons ; and on form filed in Court give names and addresses of every such person.

\* Strike out if not required.

Given under the hand and official seal of the Governor and the hand of  
the Chief Justice, at Nicosia, this 4th day of January, 1955.

E. HALLINAN,  
Chief Justice.

## No. 3.

## THE ELECTRICITY DEVELOPMENT LAWS, 1952 TO 1954.

## NOTIFICATION UNDER SECTION 27 (3).

R. P. ARMITAGE,  
Governor.

Whereas by Notification published under No. 624 in Supplement No. 3 to the *Gazette* of the 21st October, 1954 (hereinafter referred to as "the notice"), the Electricity Authority of Cyprus (hereinafter referred to as "the Authority"), gave notice that the immovable property described in the notice (hereinafter referred to as "the immovable property"), is required by the Authority for the purpose of its functions, that is to say, for the purpose of erecting a substation;

And whereas the Authority has, at the expiration of the period set out in the notice, forwarded to the Governor a plan of the immovable property, together with the particulars required to be furnished under section 27 (2) of the Electricity Development Laws, 1952 to 1954, no objections or statements having been made against the proposed acquisition;

And whereas I, the Governor, have approved the plan submitted and have considered it expedient, having regard to all the circumstances of the case, that the immovable property in question be acquired:

Now, therefore, in exercise of the powers vested in me by section 27 (3) of the Electricity Development Laws, 1952 to 1954, I, the Governor, do hereby sanction the acquisition under the provisions of the said Laws, of the immovable property.

Dated this 4th day of January, 1955.

(M.P. 10400/54.)

## No. 4.

## THE MUNICIPAL CORPORATIONS LAW.

CAP. 252 AND LAWS 11 OF 1950, 31 OF 1951, 20 OF 1953, AND 29 OF 1954.

## ORDER IN COUNCIL No. 2732

MADE UNDER SECTION 124 (1).

*Authority to the Council of the Municipal Corporation of Larnaca to contract a loan.*

Cap. 252  
11 of 1950  
31 of 1951  
20 of 1953  
29 of 1954.

In exercise of the powers vested in him by section 124 (1) of the Municipal Corporations Law, His Excellency the Governor, with the advice of the Executive Council, has been pleased to order as follows:—

1. The Mayor, Deputy Mayor, Councillors and Townsmen of the Municipal Corporation of Larnaca (hereinafter referred to as "the Municipal Corporation") shall be at liberty to borrow from the Loan Commissioners (hereinafter referred to as "the Lender") the sum of six thousand and five hundred pounds (£6,500) at a rate of interest not exceeding four per centum (4%) per annum, subject to the following terms and conditions, that is to say:—

(a) the sum borrowed shall be repayable by the Municipal Corporation to the Lender in ten equal annual instalments (comprising sinking fund and interest) the first instalment being payable one year after



the date of borrowing and the subsequent instalment being payable on the corresponding date of each year following until final repayment ;

- (b) the Municipal Corporation shall, in each year and until final repayment of the sum borrowed, insert in the annual estimates as a charge on its revenues the annual sum payable as aforesaid in the year to which such estimates relate ;
- (c) the sum borrowed shall be utilized by the Municipal Corporation for the construction of drains and culverts within the municipal limits of Larnaca.

2. For the purpose of securing the repayment of the sum under the loan, the Municipal Corporation is hereby authorized, subject to any prior mortgage thereon, to mortgage to the Lender all the rates, fees and duties now payable or hereafter to become payable to the Municipal Corporation.

Ordered this 31st day of December, 1954.

By Command of His Excellency the Governor,

G. P. CASSELS,

*Clerk of the Executive Council.*

(M.P. 1385/49.)

#### No. 5.

### THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS, 1948 TO 1953.

#### APPOINTMENT OF LICENSING AUTHORITY UNDER REGULATION 5.

In exercise of the powers vested in him by regulation 5 of the Air Transport (Licensing of Air Services) Regulations, 1948 to 1953, His Excellency the Governor has been pleased to direct that the Licensing Authority for the purposes of the said Regulations shall consist of three members and does hereby appoint the officers whose names appear in the first column of the Schedule hereto as members of the said Authority to hold office for the period specified against their names in the second column of the said Schedule.

#### SCHEDULE.

Members	Term of Office
Arthur Frederick John Reddaway, <i>Chairman.</i>	From 1st January, 1955 to 31st December, 1955.
Donald McVean.	From 1st January, 1955 to 31st December, 1955.
Loizos Nicolaou Loizou.	From 1st January, 1955 to 31st December, 1955.

Made this 3rd day of January, 1955.

By Command of His Excellency the Governor,

A. F. BATES,

*Acting Colonial Secretary.*

(M.P. 985/45/4.)

**No. 6.****THE AGRICULTURAL PRODUCE EXPORT REGULATIONS,  
1953 TO 1954.**

ORDER UNDER PARAGRAPHS 2 AND 4 OF PART V OF THE FOURTH APPENDIX.

In exercise of the powers vested in me by paragraphs 2 and 4 of Part V of the Fourth Appendix to the Agricultural Produce Export Regulations, 1953 to 1954, and of any other power enabling me in that behalf, I, the Director of Agriculture, do hereby order the revocation of the order dated the 10th June, 1953, and published under Notification No. 289 in Supplement No. 3 to the *Gazette* of the 11th June, 1953.

Dated this 5th day of January, 1955.

(M.P. 8043/54.)

W. ALLAN,  
*Director of Agriculture.*

**No. 7.****THE AGRICULTURAL PRODUCE EXPORT REGULATIONS,  
1953 TO 1954.**

NOTICE UNDER REGULATION 14 (b).

In exercise of the powers vested in me by regulation 14 (b) of the Agricultural Produce Export Regulations, 1953 to 1954, and further to the notice dated the 10th June, 1953, and published under Notification No. 291 in Supplement No. 3 to the *Gazette* of the 11th June, 1954, I, the Director of Agriculture, do hereby direct that until further notice all potatoes graded as "Selected" or "New Potatoes" and described as being of "Mixed Size" shall contain not less than 15 per cent by weight of "Small", 15 per cent by weight "Medium No. 1 and 2" and 10 per cent by weight "Large" tubers as prescribed in the provisions of part V of the Fourth Appendix to the above mentioned Regulations and in the notice dated the 18th February, 1954, and published under Notification No. 120 in Supplement No. 3 to the *Gazette* of the 18th February, 1954.

Dated this 5th day of January, 1955.

(M.P. 8043/54.)

W. ALLAN,  
*Director of Agriculture.*

**No. 8.****THE AGRICULTURAL PRODUCE EXPORT REGULATIONS, 1953  
TO 1954.**

NOTICE UNDER REGULATION 14 (b).

In exercise of the powers vested in me by regulation 14 (b) of the Agricultural Produce Export Regulations, 1953 to 1954, and further to the notice dated the 18th March, 1954, and published under Notification No. 188 in Supplement No. 3 to the *Gazette* of the 18th March, 1954, I, the Director of Agriculture, do hereby direct that until further notice:—

- (1) Sour lemons packed in the "standard" case with counts of 336 shall be packed in six layers.
- (2) Paragraph 4 (i) of the above-mentioned notice is hereby amended by the deletion of the counts 200, 226 and 250.
- (3) Citrus fruit intended for export shall be wrapped in paper containing not less than 6.5 milligrams and not more than 9.0 milligrams of Diphenyl in every 100 square centimeters.

Dated this 5th day of January, 1955.

(M.P. 8043/54.)

W. ALLAN,  
*Director of Agriculture.*

## No. 9.

THE AGRICULTURAL PRODUCE EXPORT REGULATIONS, 1953  
TO 1954.

## NOTICE UNDER REGULATION 14 (b).

In exercise of the powers vested in me by regulation 14 (b) of the Agricultural Produce Export Regulations, 1953 to 1954, I, the Director of Agriculture, do hereby direct that until further notice musk melons and water melons intended for export to any market outside Cyprus shall be packed in wood wool in cases or trays, the dimensions of which are specified below, made of new clean wood which has been dried to a maximum moisture content of 15 per cent :—

2.—(i) Musk melons, including honeydews, shall be packed in cases of the following dimensions :—

Internal height of ends 16 to 22 cm.

Internal width 37 cm.

External length 61 cm.

(ii) The cases shall be constructed of wood of the following thickness :—  
Ends 16 mm.

Top, bottom and side staves 7 mm.

(iii) The cases shall be fastened with two wire or strip metal bands to the satisfaction of the Produce Inspector.

3.—(i) Water melons shall be packed in trays of the following dimensions :—

Internal height of ends 18 to 20 cm.

Internal width 40 cm.

External length 61 cm.

(ii) The minimum thickness of the timber shall be :—

Ends 8 mm.

Bottom and sides 6 mm.

(iii) The trays shall at either side of the bottom have one cleat and in the internal corners of the tray there shall be triangular pieces of timber which shall protrude in such a way so as to fit the space left at the end of the bottom cleat.

(A specimen tray will be kept available for inspection at the Produce Inspection Offices of Famagusta, Larnaca, Limassol and Paphos).

4. Musk melons including honeydews may be packed in trays as prescribed in paragraph 3 above.

5. The number of the fruits contained in each case or tray shall be clearly marked on the case or tray.

Dated this 5th day of January, 1955.

(M.P. 8043/54.)

W. ALLAN,  
*Director of Agriculture.*

## No. 10.

THE AGRICULTURAL PRODUCE EXPORT REGULATIONS,  
1953 TO 1954.

## NOTICE UNDER REGULATION 14 (b).

In exercise of the powers vested in me by regulation 14 (b) of the Agricultural Produce Export Regulations, 1953 to 1954, and further to Notification No. 260 of 20th May, 1953, I, the Director of Agriculture, do hereby direct that until further notice, potatoes graded as "New Potatoes", and packed in wooden cases with moist peat moss as directed in paragraph 1 of the notice dated the 20th May and published under Notification No. 260 in Supplement No. 3 to the *Gazette* of the 21st May, 1953, shall be packed in cases :—

(1) having the following dimensions :—

Internal height 18 cm.

Internal width 40 cm.

External length 74 cm.

(2) constructed of wood which has been adequately dried to a maximum moisture content of 15 per cent, and shall have the following thicknesses :—

Ends 16 mm.

Top, bottom and side staves 7 mm.

(3) the net content of which shall be 72 lb.

(4) the inside of which shall be lined with paper in such a manner as to protect the contents, to the satisfaction of the Produce Inspector.

Dated this 5th day of January, 1955.

(M.P. 8043/54.)

W. ALLAN,  
*Director of Agriculture.*

## No. 11.

### THE AGRICULTURAL PRODUCE EXPORT REGULATIONS, 1953 TO 1954.

#### NOTICE UNDER REGULATION 14 (b).

In exercise of the powers vested in me by regulation 14 (b) of the Agricultural Produce Export Regulations, 1953 to 1954, I, the Director of Agriculture do hereby direct that until further notice grapes intended for export to any country shall be packed as follows :—

1. (a) In trays made of 14 pieces of timber, free from large knots, which shall be dried to a maximum moisture content of 15 per cent.

(b) The dimensions of the trays shall be :—

Internal width 34 cm.

Internal height up to the top of ends 8 cm.

External length 50 cm.

(c) The minimum thickness of the timber shall be :—

Ends 9 mm.

Side staves 6 mm.

Bottom staves 5 mm.

(d) Each side of the tray shall be constructed of one single piece of timber ; the bottom of the tray shall be constructed of four pieces of timber. At either side of the bottom of the tray there shall be one cleat. In the internal corners of the tray there shall be triangular pieces of timber which shall protrude in such a way so as to fit the space left at the end of the bottom cleats.

(A specimen tray will be kept available for inspection at the Produce Inspection Offices of Famagusta, Larnaca, Limassol and Paphos).

2. The grapes in the tray shall be properly protected with perforated paper to the approval of the Produce Inspector.

3. The grapes together with the paper, shall be tied with cord or other material of such a strength, and in such a manner, as shall be approved by the Produce Inspector, and

4. Grapes of the varieties other than sultana may be protected with cork dust and packed in wooden cases the dimensions of which shall be approved by the Produce Inspector.

Dated this 5th day of January, 1955.

(M.P. 8043/54.)

W. ALLAN,  
*Director of Agriculture.*

## No. 12.

THE AGRICULTURAL PRODUCE EXPORT REGULATIONS,  
1953 TO 1954.

## NOTICE UNDER REGULATION 14 (b).

In exercise of the powers vested in me by regulation 14 (b) of the Agricultural Produce Export Regulations, 1953 to 1954, and further to the notice dated the 10th September, 1953, and published under Notification No. 438 in Supplement No. 3 to the *Gazette* of the 10th September, 1953, I, the Director of Agriculture, do hereby direct that until further notice, pomegranates intended for export and packed in wooden cases as directed in paragraph 1 of the above-mentioned notice shall be packed in cases :—

## (1) having the following dimensions :—

Internal height 16 to 22 cm.

Internal width 37 cm.

External length 74 cm., and

## (2) constructed of wood which has been adequately dried to a maximum moisture content of 15 per cent and having the following thicknesses :—

(i) end and centre partitions 16 cm.

(ii) top, bottom and side staves 7 cm.

## (3) having counts of 40 to 100, with an average net weight of 15 okes.

Dated this 5th day of January, 1955.

(M.P. 8043/54.)

W. ALLAN,  
*Director of Agriculture.*

## No. 13.

THE VILLAGES (ADMINISTRATION AND IMPROVEMENT)  
LAWS, 1950 AND 1953.

## BOARD OF PEYIA IN THE DISTRICT OF PAPHOS.

*Elected Members.*

It is hereby notified for general information that at the election which took place at Peyia, in the District of Paphos, on the 19th December, 1954, the following properly qualified persons were elected as members of the Board of Peyia to hold office for four years as from the 7th January, 1955 :—

Evripides S. Kikkides.

Charalambos K. Kountouros.

Michael N. Konikos.

(M.P. 1067/51.)

**No. 14.****CORRIGENDUM.**

With reference to Notification No. 718 published in Supplement No. 3 to the *Gazette* of the 23rd December, 1954, the word "nitrate" in paragraph 4 (c) (ii) should read "citrate". (M.P. 8019/54).