

No. 563. THE EVCAF AND VAKFS LAW, 1955.

REGULATIONS MADE UNDER SECTION 63.

In exercise of the powers vested in them by section 63 of the Evcaf and Vakfs Law, 1955, the High Council of Evcaf, with the approval of His Excellency the Governor, make the following Regulations :—

1. These Regulations may be cited as the Evcaf and Vakfs (Mulhaka Vakfs) Regulations, 1957.

2. With the exception of mutevellis appointed by the Court under section 29, sub-section (4), no person shall act as a mutevelli, or interfere with the vakf properties in any way whatsoever, unless the office of mutevelliship is granted and a Berat issued to him by the High Council.

3. A person shall not be qualified to be the mutevelli of any mulhaka vakf unless he furnishes any security required of him by the High Council and satisfies it that :—

- (i) He is permanently resident in Cyprus.
- (ii) He is of age.
- (iii) He has not been convicted of any offence touching his honour or morality, or of an offence punishable by imprisonment for over six months, proved by a certificate obtained from the Police Authorities.
- (iv) He is fit both physically and mentally for the proper administration of the vakf, proved by a certificate obtained from a medical practitioner approved by the Evcaf Office.
- (v) He is of good conduct in every respect.
- (vi) He has not been removed previously from the mutevelliship of any vakf.
- (vii) He has passed an examination which will be a test of his ability and knowledge required for the proper administration of the vakf ; provided that a graduate of a secondary school or of a higher educational institution shall be exempted from such an examination.
- (viii) He possesses the necessary qualifications for the mutevelliship as provided in the relevant vakfieh in proof of which, in addition to any other requirements provided, he shall submit an affidavit sworn by him in a District Court and a certificate from the Mukhtar of his village or quarter, as the case may be, certified also by the Commissioner of the relevant District, both documents giving complete details : provided however that the High Council may, at its discretion, require such a candidate to submit a judgment of a competent Court instead of such documents, to the same effect.

The costs in obtaining the documents or judgment mentioned in this Regulation shall be met by the candidate himself personally.

4. The examination referred to in Regulation 3 (vii) above, which will be written, shall be in the principles of vakf, the relevant provisions of any Evcaf Law in force at the time, these and other Regulations concerning the mulhaka vakfs and matters referred to therein, the preparation of statements of accounts and necessary reports, and in knowledge required for the administration of vakf properties diligently and in a business-like way, and shall be carried out in the Evcaf Office by a Board of Examiners composed of the Director, the Officer in charge of the Mulhaka vakfs and charitable services, the Property Manager, and the Legal Adviser, if any, of the Evcaf Office.

5. After the provisions of Regulation 3 hereinabove have been fully and successfully satisfied, and the High Council, having made due enquiries, is satisfied that the candidate possesses all the necessary qualifications required

of the mutevellihip, it will, subject to the requirements or provisions of the Law and this and any other Regulations made under it, grant the office of the mutevellihip to the candidate and cause a Berat to be issued to him.

6. It shall be the duty of every mutevelli of a vakf :—

- (i) To effect the registration, at the appropriate Land Registry Office, of all the already unregistered immovable properties belonging to the vakf he is administering.
- (ii) To keep records with full details of all the vakf properties including money, if any, in proper books to be supplied by the Evcaf Office at the expense of the vakf.
- (iii) To use contract forms, to be supplied by the Evcaf Office at the expense of the vakf, for all contracts or agreements to be made on behalf of the vakf.
- (iv) To lodge with the Evcaf Office a copy of every agreement or contract made by him on behalf of the vakf.
- (v) Apart from the necessary expenditure for repairing and maintaining the vakf properties whether subject or object, which is the first charge on the vakf, to expend the income from the vakf as it is received, within the financial year to which it relates according to the Distribution Table (Tevzin Cedveli) prepared and given to him by the Evcaf Office as it may be amended from time to time :
 Provided that he shall lodge with the Evcaf Office, before the end of the financial year to which they relate, all the monies to be expended on all the charitable objects of the vakf with the exception of the recitation of Hatims, Mevlids, and other similar objects, in order that they may be properly and systematically expended for their fixed purposes.
- (vi) To lodge with the Evcaf Office before the end of the financial year to which it relates the sum of money fixed as a reserve in the Distribution Table which sum will be kept by the Evcaf Office for the vakf concerned.
- (vii) To enter, regularly and properly, all the receipts and expenditures for the vakf in cash books and ledgers to be supplied to him by the Evcaf Office at the expense of the vakf.
- (viii) To use receipt forms to be supplied by the Evcaf Office at the expense of the vakf for the receipts which he should give each time he receives any money for the vakf.
- (ix) To keep all the papers and documents concerning the vakf in a safe place and make them available at any time for their inspection by any Evcaf Officer.
- (x) To take any necessary legal proceedings without delay against any person or body for the protection or recovery of the rights and interests of the vakf and inform the Evcaf Office of such action and the ground for which it was taken, and subject to the approval of the Evcaf Office, retain, whenever it is necessary so to do, an advocate for this purpose.
- (xi) To lodge all money over and above the sum of £10,000 mils into a current account to be opened in the name of the vakf at a Bank approved by the Evcaf Office, and allow the Evcaf Officers to inspect and check the money kept by him and the documents relating to the Bank accounts.
- (xii) To lodge, within a week of their receipt, all the proceeds from a duly approved sale, or compulsory acquisition of any vakf property or any part thereof, whether subject or object of the vakf, with the Evcaf Office for safe custody until an exchange is effected or the money is otherwise reinstated with the approval of the High Council.

- (xiii) To inform the Evcaf Office, as soon as possible, of any legal proceedings instituted against the vakf, or of any notice given to him by any acquiring or requisitioning authority in respect of the acquisition or requisition of any property of the vakf and act according to its advice to him.
- (xiv) To base the expenditure for repairing or maintenance works which will cost more than £10,000 mils but less than £25,000 mils, on written technical estimation, and in cases where the cost will exceed £25,000 mils to receive the approval of the Evcaf Office to be based on technical report and estimation supplied by him, before such repair or maintenance works are carried out.
The expenditure on repairing and maintenance which does not exceed £10,000 mils may be carried out by him according to his own judgment, but in any case all expenditure shall be supported by vouchers or receipts.
- (xv) To inform the Evcaf Office of any circumstances which entail the alteration of any figures in the Distribution Table and recommend such amendments he may think fit, upon which the High Council may, if it thinks fit and proper, effect such amendments.
- (xvi) To submit to the Evcaf Office before the end of October in each year the estimates of the vakf for the following year on forms to be supplied by the Evcaf Office at the expense of the vakf, and a report about the condition of the vakf properties and the administration of the vakf generally, including any suggestions for the improvement of the vakf properties and for increasing their income.
- (xvii) To prepare and submit to the Evcaf Office once in every year and not later than the first day of March, a properly audited (*vide* s.49 (1) (d) of the Law) true statement of accounts of the vakf in respect of the preceding year, supported by vouchers or receipts as provided in section 38, sub-section (b) of the Evcaf and Vakfs Law, 1955, and shall, not later than one month after such submission, pay all fees and charges due to the Evcaf Office under the Regulations prescribing the fees to be paid to the Evcaf Office.
- (xviii) To inform the Evcaf Office of any change of his residential address within a week of such change.
- (xix) To inform the Evcaf Office of his intention of departure from the Island at least fifteen days before such departure.
- (xx) To receive the approval of the Evcaf Office before appointing an agent under section 32 of the Law which agent should have the qualifications required of a mutevelli.
- (xxi) To defray any duly incurred cost of the Evcaf Office in any matter concerning the vakf.
- (xxii) To comply with the provisions of the Evcaf and Vakfs Law, 1955, these Regulations or any law or Regulations amending or substituted for the same and any other Regulations affecting the mulhaka vakfs.

7. There shall be appointed only one mutevelli for each vakf, and when the mutevellihip is dedicated to more than one person the one who is most fit in the opinion of the High Council shall be appointed.

8. Any mutevelli who fails to lodge with or pay to the Evcaf Office any money or fees or charges required to be so lodged or paid under these or any other Regulations shall be liable to be removed from the mutevellihip by the High Council and or to be sued in his personal capacity for the recovery of the sum involved with the costs entailed.

The High Council may, in addition to the above remedies or any other remedy it may have against such a mutevelli, take charge of the properties of such vakf and administer it until such money or fees or charges are lodged or paid:

Provided that in the case of non-payment of the fees or charges when no statement of accounts has been given by the mutevelli, such fees or charges shall be fixed by the Evcaf Office having regard to the income of the vakf to be assessed by it.

9. Not later than three months from the date of publication of these Regulations, all the mutevellis shall submit the following to the Evcaf Office :—

- (i) A list showing all the vakf properties including any charitable object specifying their nature, locality, extent, the registration details, and their respective yearly incomes.
- (ii) A copy of the Title Deed of each particular vakf property.
- (iii) A list of all the beneficiaries of the vakf giving the full name, occupation and address of each of them.

10. Without prejudice to the generality of the power conferred on the High Council under section 30, sub-section (4) of the Law, a mutevelli may be removed from the mutevelliship in any of the following cases :—

- (i) Failing to comply with any of the provisions of the Evcaf and Vakfs Law or these Regulations, or any law or regulations amending or substituted for the same, or with the relevant vakfieh.
- (ii) Without any right claiming ownership to any property which belongs to a vakf he is administering.
- (iii) Making any statement or doing any act which is likely to cause any damage to the vakf.
- (iv) Failing to conduct enquiries as to find who are the rightful beneficiaries and pay them their due share of the benefit from the vakf.
- (v) Failing to carry out the necessary repairs or maintenance work for the preservation of the vakf properties whether subject or object of the vakf.
- (vi) Failing to take all necessary steps for receiving a reasonable income from the vakf properties.
- (vii) Failing to protect or recover the rights or interests of the vakf.
- (viii) Failing to carry out properly the charitable purposes of the vakf incumbent on him by the terms of the vakfieh and as arranged under the provisions of these Regulations or any regulations amending or substituted for the same.
- (ix) Managing the vakf properties in a way prejudicial to the interests of the future beneficiaries.
- (x) Conviction of any offence touching his honour or morality, or an offence punishable by imprisonment for over six months.
- (xi) Neglecting his duties as a mutevelli in such a way as would be likely to cause damage to the vakf.
- (xii) Physical or mental incapacity, or moral unfitness, or lack of opportunity or time to administer properly the vakf.

11. Any mutevelli who upon reasonable grounds is suspected of misconduct in relation to the administration of the vakf or fails to give any required information to, or obstructs any Evcaf Officer in checking or inspecting any documents or accounts relating to the vakf, may be suspended from the mutevelliship by such an Officer until an investigation is carried out and a final decision is given by the High Council.

12. A mutevelli who is removed by the High Council or voluntarily gives up the mutevelliship, shall prepare and submit to the Evcaf Office true accounts of the vakf for the period between the date up to which the

preceding true accounts referred, and the date on which his effectual administration ended, and lodge into the current account of the vakf in the Bank any money which according to the approved true accounts stands in his hand.

13. Every mutevelli who is in office, or who is removed, or who gives up his mutevelliship voluntarily, shall be liable in his personal capacity to make good any damage caused to the vakf either by himself or through his negligence, and to pay any debts or liabilities improperly incurred by him in the name of the vakf.

14. The High Council shall, for all intents and purposes, administer as a mutevelli any vakf of which the mutevelli has either died, been removed from office, given up the mutevelliship voluntarily or of which the mutevelliship in any way falls vacant until a person entitled is appointed as mutevelli, in which case all the monies for any purpose payable to the vakf shall be paid to the Evcaf Office, and all the funds belonging to the vakf, whether in a Bank or not, shall come under the charge of the High Council.

15.—(1) Any mulhaka vakf administered by the High Council for fifteen consecutive years without any person rightfully and successfully claiming its mutevelliship, shall vest in the mazbuta vakfs.

(2) If there were any rightful beneficiaries receiving any benefit from such a vakf at the time of such vesting, the High Council shall continue to pay an allowance to the rightful beneficiaries according to their rights under the vakfieh, the Evcaf and Vakfs Law and these Regulations, based on the average yearly income of the vakf for the three years preceding such vesting.

16. Any mulhaka the vakf administration of which requires expert knowledge or permanent employees either due to its nature or extent, shall be administered by the High Council as the mutevelli and no one interested may claim its mutevelliship:

Provided that the provisions of Regulation 15 (1) shall not apply in such cases as long as the reason of such administration is only the provision of this Regulation.

17. Any mutevelli may, if he so desires; and the High Council so agrees, transfer the mutevelliship to the High Council for the purpose of the improvement of the vakf, or of the payment of any properly incurred debts, or of the better administration of the vakf for a length of period necessary for the fulfilment of such purpose.

18. Any person who is in fact administering, or in any way is interfering with any vakf, and who does not possess a Berat or an Order of the Court entitling him to do so, shall, within three months from the publication of these Regulations, apply, subject to the provisions of these Regulations, to the Evcaf Office for the issue of a Berat to him, and shall at once cease to interfere with the vakf in any way whatsoever if he either does not make such an application within the prescribed period, or is found, upon such application, not to be entitled to a Berat under the provisions of these Regulations, in which case Regulations 12, 13 and 14 above shall apply.

No. 564.

THE CUSTOMS MANAGEMENT LAWS, 1954 AND 1955. AND THE CUSTOMS MANAGEMENT REGULATIONS, 1954 AND 1955.

NOTIFICATION UNDER REGULATION 18.

Notice is hereby given that a licence for a private bonded warehouse, in respect of the warehouse situated at No. 12, Sarayi Square, Famagusta (Old City), has been issued to Messrs. Food Preserving & Canning Industries Ltd. of Nicosia, for the year 1957.

16th May, 1957.

T. J. HUDSON,
Comptroller of Customs and Excise.