

No. 8 OF 1949.

A LAW TO CONSOLIDATE THE LAWS RELATING TO
MOSLEM RELIGIOUS TRIBUNALS.

R. E. TURNBULL,]

[22nd February, 1949.

Officer Administering the Government.

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

Short title.

1. This Law may be cited as the Moslem Religious Tribunals Law, 1949.

PART I.—DEFINITIONS.

2. In this Law, unless the context otherwise requires—
- “heir under disability” means every heir who shall not have completed the age of twenty years or is a lunatic, idiot, imbecile or otherwise mentally incapacitated from the management of his affairs or is absent from the Colony ;
- “religious matters” means the following matters and no others concerning persons of the Moslem faith :—
- (a) marriage ;
 - (b) divorce ;
 - (c) maintenance in relation to marriage and divorce ;
 - (d) inheritance and succession ;
 - (e) wills (vessiyet) including registration thereof ; and
 - (f) the registration of vakfihs ;
- “Sheri Tribunal” means a Moslem religious tribunal known as Mehkeme-i-Sherié ; and “Sheri Judge” means a judge of a Sheri Tribunal.

Interpretation.

PART II.—SHERI TRIBUNALS AND SHERI JUDGES.

3. The Governor in Council may, from time to time, fix the number of the Sheri Tribunals which shall be maintained in the Colony and define, extend and vary the local limits of the jurisdiction of such tribunals.
4. The jurisdiction of the Sheri Tribunals shall be restricted to the cognizance of religious matters concerning persons of the Moslem faith except so far as no other provision is made by any Law in force for the time being relating to the administration of Infants' Estates concerning persons of the Moslem faith.
5. Every decision of a Sheri Tribunal shall be liable to appeal to the Supreme Court who may summon the Fetva Emini as an assessor at the hearing thereof.
- 6.—(1) The Governor, with the advice and assistance of the Chief Justice, may from time to time by writing under the hand and official seal of the Governor and the hand of the Chief Justice make rules :—
- (a) for regulating the sittings of the Sheri Tribunals ;
 - (b) for regulating the pleading, practice and procedure of and the evidence to be admitted and taken in any of the said tribunals ;
 - (c) for regulating the qualification of persons who may be permitted to appear on behalf of parties before any such tribunals ;
 - (d) generally for regulating any matters relating to the practice and procedure of such tribunals or to the duties of any officer of such tribunals or to the

Power to Governor in Council to fix number of Sheri Tribunals.

Limitation of jurisdiction.

Appeals from Sheri Tribunals.

Rules.

costs of proceedings therein to be allowed to the advocates and others lawfully representing any parties thereto ;

(e) prescribing the fees to be taken by any Sheri Tribunal or by any officer of such tribunal.

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

7. Every Sheri Judge shall, before entering on the execution of the duties of his office, take and subscribe before the Chief Justice the oath of allegiance and the judicial oath in the form set out in the First Schedule to this Law.

PART III.—MISCELLANEOUS.

8.—(1) There shall be taken by every Sheri Tribunal upon the making of an inventory of the estate of a deceased Moslem who has died leaving an heir or heirs under disability a fee of two and a half per centum upon the net value of the movable property which forms the share of each heir who is under disability.

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

9. There shall be taken by every Sheri Tribunal—

(a) upon the appointment of any person to act as the attorney on behalf of any other person, or upon the legalization or certification of any such appointment, a fee of three shillings ;

(b) upon issuing any copy of any record of such tribunal or of any document recorded in such tribunal, a fee in accordance with the rates authorized by any rules in force for the time being in connection with the preparation and furnishing of office copies of any file of proceedings or of any copy thereof.

10. A Sheri Tribunal may admit any person to sue or defend as a pauper, and, if it is proved that such person is not worth ten pounds, his wearing apparel and the subject matter of the action or proceeding alone excepted, the tribunal may make an order exempting him from the payment of all or any fees, or as to the time and manner of the payment of the fees or any of them as to the tribunal may seem just.

Oath of
allegiance
and judicial
oath.

First
Schedule.

Fees on
making
inventories.

Fees on
appointment
of attorneys,
etc.

Paupers.

11. Unless and until other provision is made under the provisions of this Law, every Order in Council, rule or appointment in force on the date of the coming into operation of this Law, made under the Cyprus Courts of Justice Order, 1927, the Cyprus Courts of Justice Amendment Order, 1931, and the Cyprus Courts of Justice Order, 1927, (Amendment No. 2), Law, 1935, shall remain valid and effective as if made under the provisions of this Law, and every Sheri Court operating on such date shall continue to operate as if operating under the provisions of this Law.

Saving.

36 of 1935

12. This Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette* and, thereupon, the Laws set out in the Second Schedule to this Law shall be repealed as from such date.

Date of coming into operation and repeal.
Second Schedule.

FIRST SCHEDULE.

OATH OF ALLEGIANCE.—(Section 7.)

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

JUDICIAL OATH.

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

SECOND SCHEDULE.

REPEALS.—(Section 12.)

1. The Mussulman Religious Tribunals Law, 1883 ; (4 of 1883).
2. The Sheri Courts Fees Amendment Law, 1898 ; (13 of 1898).
3. The Cyprus Courts of Justice Order, 1927, (Amendment No. 2), Law, 1935 ; (36 of 1935).

H. G. RICHARDS,

22nd February, 1949.

Acting Colonial Secretary.