

**CAP. 41.**

**CYPRUS**

**CHARITIES**

**CHAPTER 41 OF THE LAWS**

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1959

## CHAPTER 41.

## CHARITIES.

## ARRANGEMENT OF SECTIONS.

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## TO MAKE PROVISION FOR THE PROTECTION OF CHARITIES.

1949 Cap. 59.

[27th March, 1925.]

Short title.

1. This Law may be cited as the Charities Law.

Upon application of trustees of any charity Governor may grant certificate of incorporation.

2. It shall be lawful for the trustees for the time being of any charity for educational, literary, scientific or public charitable purposes to apply in manner hereinafter mentioned, to the Governor for a certificate of registration of the trustees of any such charity as a corporate body ; and if the Governor in Council shall consider such incorporation expedient, he may grant such certificate accordingly, subject to such conditions or directions as he shall think fit to insert in the certificate relating to the qualifications and number of the trustees, their tenure or avoidance of office and the mode of appointing new trustees ; and the trustees of such charity shall thereupon become a body corporate by the name described in the certificate, and shall have perpetual succession and a common seal, of which the device shall be approved by the Governor, and power to sue and be sued in their corporate name, and to hold, acquire, transfer, assign and demise any movable or immovable property for the purposes of such charity.

3. The certificate of incorporation shall vest in such body corporate all the movable and immovable property belonging to or held by any person or persons in trust for such charity, and thereupon any person or persons in whose name or names any stocks, funds, securities or immovable property shall be standing in trust for the charity, shall transfer the same into the name of such body corporate.

Property to vest in body corporate.

4. Every application to the Governor for a certificate under this Law shall be in writing, signed by the persons making the same and shall contain the following particulars :—

Particulars respecting application for certificate.

- (a) the objects of the charity and the rules and regulations of the same, together with the date of and parties to every deed, will or other instrument creating, constituting or regulating the same ;
- (b) a statement and short description of the property, movable and immovable, which at the date of the application is possessed by or belonging to or held on behalf of such charity ;
- (c) the names and residences of the trustees of such charity ;
- (d) the proposed title of the corporation ;
- (e) the proposed device of the common seal, which shall in all cases bear the name of incorporation.

5. (1) Before a certificate of incorporation shall be granted, trustees of the charity shall have been effectually appointed in pursuance of the terms of any deed, will or other instrument creating the charity to the satisfaction of the Governor.

Nomination of trustees and filling of vacancies.

(2) When a certificate of incorporation shall have been granted vacancies in the number of the trustees of such charity shall from time to time be filled up so far as shall be required by the constitution or settlement of the charity, or by any such conditions or directions as aforesaid, by such legal means as would have been available for the appointment of new trustees of the charity if no certificate of incorporation had been granted or otherwise as shall be required by such conditions or directions as aforesaid, and the appointment of every new trustee shall be certified by or by the direction of the trustees to the Administrative Secretary upon the completion of such appointment.

(3) Within one month after the expiration of each period

of five years after the grant of a certificate of incorporation or whenever required by the Governor a return shall be made to the Administrative Secretary by the then trustees of the names of the trustees at the expiration of each such period with their residences.

Liability of trustees notwithstanding incorporation.

6. After a certificate of incorporation has been granted under the provisions of this Law, all trustees of the charity, notwithstanding their incorporation, shall be chargeable for such property as shall come into their hands, and shall be answerable and accountable for their own acts, receipts, neglects and defaults and for the due administration of the charity and its property in the same manner and to the same extent as if no such incorporation had been effected.

Certificate to be evidence of compliance with requisition.

7. The certificate of incorporation shall be under the hand and official seal of the Governor, and shall be published in the Gazette, and shall be conclusive evidence that all the preliminary requisitions herein contained and required in respect of such incorporation have been complied with, and the date of incorporation mentioned in such certificate shall be deemed to be the date at which incorporation has taken place.

Duty for certificate. 2 of 29/32.

8. For every certificate of incorporation granted under this Law there shall be charged a duty of five hundred mils.

Gifts to charity before incorporation to have same effect afterwards.

9. After the incorporation of the trustees of any charity pursuant to this Law every donation, gift, and disposition of property movable or immovable theretofore made to or in favour of such charity or the trustees thereof, or otherwise for the purposes thereof, shall take effect as if the same had been made to or in favour of the incorporated body or otherwise for the like purposes.

Accounts to be furnished by trustees.

10. The trustees of any charity incorporated under the provisions of this Law shall in books to be kept by them for that purpose regularly enter or cause to be entered full and true accounts of all moneys received and paid respectively on account of such charity, and shall also at the end of every year prepare and transmit to the Administrative Secretary the following accounts :—

- (a) an account of the gross income arising or which ought to have arisen for the benefit of the charity during the year ending on the 31st day of December then last ;

(b) an account of all balances in hand at the commencement of every year, and of all moneys received during the same year, on account of the charity ;

(c) an account for the same period of all payments ;

(d) an account of all moneys owing to or from the charity so far as conveniently may be,

which accounts shall be certified under the hand of one or more of the said trustees.

11. The Governor may at any time order that the accounts of the trustees of any charity incorporated under the provisions of this Law shall be audited by the Director of Audit or such other person or persons as he may deem fit to appoint.

Audit of trustees' accounts.

12. (1) Every deed, will or other instrument creating a charity shall be enrolled in the office of the Registrar of the Supreme Court.

Enrolment of deeds, etc.

(2) Such enrolment shall be effected by the depositing with the Registrar of the Supreme Court of the deed, will or other instrument :

2 of 14/43.

Provided that where a deed, will or other instrument has been executed out of the Colony a copy thereof duly certified as in subsection (3) hereof may be deposited instead of the original.

(3) A copy of a deed, will or other instrument executed out of the Colony shall be deemed to be duly certified if certified as a true copy thereof by a British Consular Authority or by a notary public.

(4) A deed, will or other instrument creating a charity may be certified in the Colony by a Registrar of a District Court or by a Certifying Officer appointed under the provisions of the Certifying Officers Law.

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(5) A copy certified by the Registrar of the Supreme Court to be a true copy of a deed, will or other instrument deposited in his office or to be a true copy of any copy of a deed, will or other instrument executed out of the Colony deposited in his office shall be received as evidence of the contents and enrolment thereof.

Powers of  
Supreme  
Court.  
3 of 10/34.

**13.** The Supreme Court shall have power and jurisdiction—

- (a) to enforce every trust created for a charitable purpose ;
- (b) to give all such directions and make all such orders as may appear to it necessary or expedient for the administration of any trust created for a charitable purpose ;
- (c) to sanction the sale or other disposition of any property subject to a charitable trust on being satisfied that such sale or disposition is for the benefit and advantage of the charity.

Parties to  
proceedings  
4 of 10/34.

**14.** (1) The Attorney-General shall be a party to all proceedings under this Law and may at any time stay such proceedings and compromise or authorize the compromising of any matters in dispute. No compromise made without the authority of the Attorney-General shall be valid.

(2) All proceedings under paragraph (a) of section 13 shall be instituted by the Attorney-General.

(3) Any proceedings under paragraph (b) or (c) of section 13 may be instituted by the Attorney-General or by the trustees of the charity if authorized by him in writing.

Court to  
apply  
English law.  
5 of 10/34.

**15.** All proceedings under this Law shall be instituted, heard and determined by the Supreme Court in accordance with the law relating to charitable trusts for the time being in force in England.

Power to  
make Rules  
of Court.

**16.** 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 of Court for the better execution of this Law and in particular—

- (a) for regulating the pleading, practice and procedure of the Supreme Court ;
- (b) for regulating and prescribing the fees to be taken or charged by the Registrar of the Supreme Court ;
- (c) for regulating and prescribing the fees to be taken by advocates.