



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.
2. In these rules—
"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.
(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 :—

"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.....

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 :—

- | No. | Date | Deposited by | Remarks |
|-----|--|--------------|---------|
| (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 application 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 I 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.

Renunciation.

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.

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

Declaration of renunciation.

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
5 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 ⁽¹⁾ of of probate of the will (or administration with the will annexed of the property, or administration of the property) ⁽²⁾ of who died on the day of , 19 , and ⁽²⁾ 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.

<i>Names.</i>	<i>Residence.</i>	<i>How entitled (as wife, child, etc.).</i>
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Address for service :

(Signed).....

⁽¹⁾ Insert name of person applying for grant.⁽²⁾ 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

(a) widow,
son, etc.and say : That _____, late of _____,
deceased, died intestate and that I am his (a) _____;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 _____, 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 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 _____ 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.
 RENUNCIATION OF ESTATE—(Rule 37).

Form 18.

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.
 NOTICE TO WITHDRAW CAVEAT—(Rule 38).

Form 19.

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 :—

1. For depositing the will of a living person (r. 3) (to be affixed in the register prescribed in r. 5)	£ s. p. 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	I 0 0
(ii) Exceeds £1,000, for each £1,000 or part thereof, up to a maximum of £25 (to be affixed in the probate order book.)	I 0 0

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)	I 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)	I 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 (to be affixed to the application).	- 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.
	- 10 0
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.

E. HALLINAN,
Chief Justice.

(M.P. 1303/53.)

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.