

CAP. 195.

CYPRUS

WILLS AND SUCCESSION

CHAPTER 195 OF THE LAWS

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CHAPTER 195.

WILLS AND SUCCESSION.

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A LAW TO AMEND AND CONSOLIDATE THE LAW RELATING
TO WILLS AND TO TESTAMENTARY AND INTESTATE
SUCCESSION.

[1st September, 1946.]

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PART I.

GENERAL PROVISIONS.

1. This Law may be cited as the Wills and Succession Law. Short title.

2. In this Law—

“ administrator ” means a person to whom a Court has granted letters of administration or letters of administration with will annexed ; Interpreta-
tion.

“ codicil ” means an instrument in writing made in relation to a will explaining, adding to, altering or revoking in whole or in part, its disposition, and it shall be considered as forming an amending or additional part of the will ;

“ coercion ” means the committing or threatening to commit any act forbidden by the Criminal Code or the unlawful detaining or threatening to detain any property, to the prejudice of any person whatever with the intention of causing any person to do any act against his will, and it is immaterial whether the Criminal Code is or is not in force in the place where the coercion is employed ; Cap. 154.

“ Court ” means the District Court of the district in which the deceased had his ordinary or last place of residence in the Colony ;

“disposable portion” means that part of the movable property and immovable property of a person which he can dispose of by will ;

“estate” means the movable property and immovable property of which a person dies possessed ;

“executor” means a person to whom the execution of the last will of a deceased person is confided by the appointment of the testator ;

“fraud” includes any of the following acts committed by a person or with his connivance or by his agent, with intent to deceive another person or his agent or to induce him to do any act, that is to say—

(a) the suggestion, as to a fact, of that which is not true by one who does not believe it to be true,

(b) the active concealment of a fact by one having knowledge or belief of the fact,

(c) a promise made without any intention of performing it,

(d) any other act fitted to deceive ;

“heir” means a person who by operation of law succeeds to an estate ;

“immovable property” includes—

(a) land,

(b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure,

(c) trees, vines and any other thing whatsoever planted or growing upon any land and any produce thereof before severance,

(d) springs, wells, water and water rights whether held together with, or independently of, any land,

(e) privileges, liberties, easements and any other rights and advantages whatsoever appertaining or reputed to appertain to any land, or to any building or other erection or structure,

(f) an undivided share in any property hereinbefore set out ;

“incapable person” means any person not under disability but who is certified by two duly qualified medical practitioners to be incapable from infirmity of mind due to disease or old age of managing his own affairs ;

“ infant ” means every person who has not completed eighteen years of age ;

“ legacy ” means a gift by will of movable property or immovable property ;

“ legatee ” means a person to whom a legacy has been left ;

“ letters of administration ” means the written authority given to an administrator by a Court to administer the estate of a person who has died intestate or to administer an estate in which a person under disability or an incapable person is interested ;

“ letters of administration with will annexed ” means the written authority given to an administrator by a Court to administer the estate of a person who has left a will without having appointed an executor or has appointed an executor who has renounced probate or become incapable of acting ;

“ mental patient ” means any person adjudged to be a mental patient under the provisions of the Mental Patients Law; Cap. 252.

“ movable property ” means all property of every description which is not immovable property ;

“ person under disability ” means every person who is an infant or a mental patient or is prohibited by a Court from the management of his affairs or is absent from the Colony ;

“ probate ” means an instrument in writing issuing out of the Court declaring that the will of a deceased person has been duly proved and that administration of his estate has been granted to an executor named therein ;

“ religious corporation ” includes any religious establishment or religious institution belonging to any denomination and any throne, church, chapel, monastery, mosque, tekyé, shrine or synagogue ;

“ signature ” and “ to sign ” and their cognate expressions shall, in the case of an illiterate person, include his mark or seal ;

“ statutory portion ” means that part of the movable property and immovable property of a person which he cannot dispose of by will ;