

CAP. 277.

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**GUARDIANSHIP OF INFANTS AND
PRODIGALS**

CHAPTER 277 OF THE LAWS

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CHAPTER 277.

GUARDIANSHIP OF INFANTS AND PRODIGALS.

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Short title.

A LAW to PROVIDE FOR THE GUARDIANSHIP OF INFANTS AND OF PRODIGALS.

[3rd January, 1936.]

1. This Law may be cited as the Guardianship of Infants and Prodigals Law.

Interpre-
tation.

2. In this Law—
“Court” means—

(a) in proceedings for the appointment or removal of a guardian, and the custody of, and right of access to, an infant, the President of the District Court or a District Judge of the District Court within the jurisdiction of which an infant or prodigal resides ; and

(b) in all other cases, a member of the District Court within the jurisdiction of which an infant or prodigal resides ;

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"infant" means a person who has not attained the age of eighteen years : 3 of 41/54.

Provided that a married woman who has not attained the age of eighteen years shall not be deemed to be an infant for the purposes of this Law ;

"prodigal" means a person who by reason of his profuse or wasteful expenditure is unfitted to administer his own property ;

"property" includes both movable and immovable property ;

"ward" means an infant or prodigal whose person or property is under guardianship in accordance with the provisions of this Law.

3. (1) A guardian of an infant may be guardian of—

Kinds of guardians.

(a) the person of the infant ;

(b) the property of the infant ; or

(c) the person and property of the infant.

(2) A guardian of a prodigal shall be guardian only of the property of the prodigal.

4. The guardian of the person of an infant shall have the custody of the infant, and shall, subject to the extent of the infant's property, be responsible for his support and education.

Duties of guardian of person.

5. (1) A guardian of the property of an infant—

Duties and powers of guardian of property.

(a) shall accept on behalf of the infant any gift of property made to the infant ;

(b) shall have the control and management of the property of the infant ;

(c) shall deal with the property of the infant as carefully as a person of ordinary prudence would deal with his own property ;

(d) may, subject to the provisions of this Law, institute and defend all proceedings and generally do all acts which are reasonable and proper for the protection, preservation or realization of the property of the infant.

(2) A guardian of the property of an infant may make reasonable provision out of the income of such property for

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the support and education of the infant having regard to his station in life:

Provided that no sum exceeding ten pounds per month may be so applied without the leave of the Court.

Father or mother to be guardian, and testamentary guardian.

6. Subject to the provisions of this Law—

- (a) the lawful father of an infant shall be the guardian of the infant's person and property;
- (b) where an infant has no lawful father living, the mother of the infant shall be the guardian of the infant's person and property;
- (c) if both the parents of an infant are dead, the testamentary guardian (if any) appointed by the last surviving parent shall be the guardian of the infant's person and property.

Powers of Court to appoint and remove guardians.

7. (1) The Court may at any time, on good cause shown—

- (a) appoint some other person to act as joint guardian of the infant's person and property, or either of them, with the father, mother or testamentary guardian;
- (b) appoint some other person to be the guardian of the infant's person and property, or either of them, in the place of the father, mother or testamentary guardian;
- (c) appoint any person to be the guardian of the infant's person and property or either of them in any case in which both parents of the infant have died without appointing a testamentary guardian;
- (d) appoint any person to be the guardian of the property of a prodigal;
- (e) define, restrict or extend the power and authority of the guardian of the property of an infant in relation thereto, to such extent as may be necessary for the welfare of the infant;
- (f) make such order as it thinks fit regarding the custody of the infant and the right of access thereto of either parent;
- (g) remove from his guardianship any guardian, and appoint another guardian in his place.

(2) In exercising the powers conferred by this section in regard to infants, the Court shall have regard primarily to

the welfare of the infant but shall, where the infant has a parent or parents, take into consideration the wishes of such parent or both of them.

8. Where the Court is of opinion that there is no person suitable and willing to be appointed guardian of the property of an infant, the Court shall declare such infant to be a ward of Court and the Registrar shall have in respect of the property of the infant, the powers of a guardian and shall perform his duties as guardian in such manner as the Court may, subject to any Rules of Court, direct.

Registrar
to be
guardian in
certain cases.
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9. (1) Every order appointing a person as a guardian of the property of a prodigal shall operate as prohibiting the prodigal from—

Effect of
appoint-
ment of
guardian of
prodigal's
property.

- (a) suing, defending or compromising any action or other proceeding;
- (b) borrowing or receiving capital money or giving a discharge therefor;
- (c) selling, mortgaging, exchanging or otherwise parting with the possession of any of his immovable property,

without the advice and consent in writing of his guardian.

(2) Every transaction or contract (other than a contract for necessities) entered into by a prodigal in contravention of the provisions of this section shall be null and void, unless the other party thereto had no notice of the appointment of a guardian of the property of the prodigal.

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(3) Any prodigal who enters into any transaction or contract in subsection (2) mentioned (other than a contract for necessities) without disclosing to the other party thereto that a guardian of his property had been appointed under this Law shall be guilty of an offence.

Penalty: Imprisonment for three months or a fine of fifty pounds or both.

10. Every order appointing a person as a guardian of the property of a prodigal shall be published in the Gazette and in such other manner, whether by notice in a newspaper or otherwise, as the Court may direct.

Publication
of order
appointing
guardian of
prodigal's
property.

11. The Court may, for the purpose of any proceedings under this Law, direct that any person appearing to have

Production
of infant.