

CYPRUS

TURKISH FAMILY COURTS

CHAPTER 338 OF THE LAWS

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CHAPTER 338.

TURKISH FAMILY COURTS.

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A LAW TO MAKE BETTER PROVISION FOR THE ESTABLISHMENT AND CONSTITUTION OF TURKISH FAMILY COURTS.

42 of 54.
29 of 58.

[24th August, 1954.]

Short title.

1. This Law may be cited as the Turkish Family Courts Law.

PART I.

DEFINITIONS.

Interpretation.

2. In this Law, unless the context otherwise requires—
“judge” means a judge of a Turkish Family Court established under the provisions of this Law;

“ religious matters ” means the following matters and no others concerning persons of the moslem faith:—

- (a) betrothal, marriage and divorce and matters incidental thereto;
- (b) maintenance in relation to marriage and divorce, including the maintenance of the children of the marriage;
- (c) the registration of vakfiehs.

PART II.

TURKISH FAMILY COURTS, JUDGES AND OFFICERS.

3. There shall be established in the Colony Turkish Family Courts, and the Governor may from time to time fix the number of the Turkish Family Courts which shall be maintained and define, extend and vary the local limits of their jurisdiction.

Turkish
Family
Courts.

4. (1) Judges of Turkish Family Courts shall be appointed by an instrument in writing under the hand of the Governor and shall hold office during the Governor's pleasure, subject to any conditions as the Governor may deem fit to impose.

Appoint-
ment of
judges, etc.

(2) The Governor may, by an instrument in writing under his hand, appoint any fit and proper person to act as a judge for such time as may be specified in the instrument or to hear and determine any proceeding specified therein, and every person so appointed shall, while so acting, or during the hearing and determination of such proceeding, have all the powers of a judge.

5. Every judge shall, before entering in 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.

Oath of
allegiance
and
judicial
oath.
First
Schedule.

6. During the temporary absence of a judge, or whenever it is for any cause undesirable that a judge should hear a particular proceeding, the Chief Justice may direct that the judge of a Turkish Family Court shall in addition act as judge of the Turkish Family Court in place of the judge temporarily absent therefrom or shall hear and determine any proceeding specified in the direction.

Power to
appoint one
judge to act
for another.

Appoint-
ment of
other
officers.

7. The Governor may appoint such number of persons to be Registrars and other officers of Turkish Family Courts for the performance of such duties as they may be required or empowered to perform under any Law or Rules in force for the time being, relating to such Courts.

PART III.

JURISDICTION, LAW AND APPEALS.

Jurisdiction.

8. (1) The Turkish Family Courts shall have jurisdiction to hear and determine religious matters and shall, subject to the provisions of section 3, have exclusive jurisdiction in matters referred to in paragraphs (a) and (b) of the definition of "religious matters" in section 2, notwithstanding that one of the parties to a betrothal or marriage is a non-moslem woman who has betrothed or married a moslem man.

Cap. 277.

Cap. 339.

(2) The Turkish Family Courts shall exercise the powers conferred on District Courts by the Guardianship of Infants and Prodigals Law in respect of infants and prodigals who are the issue of a marriage valid under the Turkish Family (Marriage and Divorce) Law, or where the infant or prodigal is not the issue of a lawful marriage and the mother is a moslem of Turkish race.

Appeals
from
Turkish
Family
Courts.

9. Every decision of a Turkish Family Court shall be subject to an appeal to the Supreme Court and such appeal shall be heard and determined in accordance with any Law or Rules of Court in force for the time being relating to appeals to the Supreme Court in civil cases.

Law to be
applied.

10. Every Turkish Family Court, in taking cognizance of, or dealing with, any religious matter under this Law or any other Law in force for the time being, and the Supreme Court on appeal, shall apply—

(a) the Sheri Law save as other provision has been or shall be made by any Law;

(b) any Law or public instrument dealing with any religious matter, which provides that it shall be applied by a Turkish Family Court.

Application
of certain
Laws.

11. (1) The enactments set out in the first column of the Second Schedule shall apply to all proceedings in a Turkish Family Court to the extent and subject to the modifications