

CAP. 339.

CYPRUS

TURKISH FAMILY LAW

CHAPTER 339 OF THE LAWS

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TURKISH FAMILY LAW.

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A LAW TO MAKE PROVISION FOR MARRIAGE AND DIVORCE
AND MATTERS INCIDENTAL THERETO REGARDING THE
TURKISH MOSLEM COMMUNITY OF CYPRUS.

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1. This Law may be cited as the Turkish Family Short title
(Marriage and Divorce) Law.

PART I.
PRELIMINARY.

2. In this Law, unless the context otherwise requires—
- “ Court ” means a judge of a Turkish Family Court established under the Turkish Family Courts Law, exercising jurisdiction as regards the matters to which this Law relates; Interpretation.
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- “ marriage officer ” means a judge of a Turkish Family Court performing the duties and exercising the powers vested in a marriage officer under the provisions of this Law and includes any person appointed by such judge to act as a marriage officer for the purposes of this Law.

Application
of the Law.

3. This Law shall apply to all cases in which at least one of the parties to any matter dealt with in this Law is a Turk resident in Cyprus professing the moslem faith and to no other cases.

PART II.

BETROTHAL.

Promise to
marry.

4. The betrothal is the mutual promise of a man and a woman to marry one another.

Breach of
promise to
marry.

5. (1) No action shall be brought claiming the specific fulfilment of a promise to marry and, subject to subsection (2), no action shall be brought claiming damages stipulated or otherwise, for a breach of a promise to marry.

(2) (a) If a party to a betrothal, without just and sufficient reason, breaks his promise to marry, or if the betrothal is dissolved for some reason for which such party is responsible, such party shall be liable to pay to the other party and to the parents of such other party or to any third party who had acted in *loco parentis* for such other party in connection with the betrothal any expenses incurred by such other party, parents or third party regarding preparations made in good faith in connection with the betrothal and in contemplation of the marriage.

(b) If a party to a betrothal is, by reason of the breach of the promise to marry, seriously injured in his person or reputation, the Court may, if of opinion that the breach was due to the fault of the other party, award to the innocent party such compensation as it may think fit in addition to any amount payable under paragraph (a) above:

Provided that, upon the death of an innocent party, the right of action shall not devolve upon the heirs of such party, unless—

(i) the other party has agreed in writing to pay compensation under this paragraph; or

(ii) prior to the expiration of the period set out in subsection (3), an action had been brought by the innocent party claiming compensation under this paragraph.

(c) The return of presents made to the betrothed by reason of their betrothal may, upon dissolution of the betrothal, be demanded by the persons who had given the same and, if such presents are no longer in existence, the

party concerned shall be liable to pay their equivalent value:

Provided that, if the betrothal comes to an end by the death of one of the parties, no claim for the return of the presents shall be entertained.

(3) No action shall be brought for or in respect of any matter set out in subsection (2) after the expiration of one year from the date on which the cause of action accrued.

PART III.

MARRIAGE.

6. (1) A man shall not marry before he completes his eighteenth year and a woman shall not marry before she completes her sixteenth year: Disability to marry.

Provided that a woman who is over sixteen but has not completed her eighteenth year shall not marry except with the consent of her father, or, if her father is dead, of her mother or of her guardian:

Provided further that, in exceptional cases and for good reason, the Court may, after hearing the parents or guardian, allow both a man and a woman to marry after completing their fifteenth and fourteenth year, respectively.

(2) No person who is of unsound mind shall be capable of marrying.

7. (1) A marriage is prohibited—

- (a) between blood relations in the direct line, between brothers and sisters of the full or half blood and between uncle and niece, nephew and aunt; Impediments to marriage on account of relationship and religion.
- (b) between relatives by marriage in the direct line even where the marriage which created such relationship has been declared invalid or dissolved by death or divorce;
- (c) between a moslem woman and a non-moslem man.

(2) For the purposes of this section relationship by blood shall extend to relationship between an illegitimate child and his descendants on the one side and the father and his relations by blood on the other side.

8. No person shall marry again unless he proves to the satisfaction of the Court that the former marriage has No new marriage except on