



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3425 OF 3RD MARCH, 1949.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 9 OF 1949.

A LAW TO PROVIDE FOR THE ADMINISTRATION OF
MOSLEM RELIGIOUS PROPERTY.

R. E. TURNBULL,]

[2nd March, 1949.

Officer Administering the Government.

BE it enacted by His Excellency the Officer Administering
the Government and Commander-in-Chief of the
Colony of Cyprus as follows :—

1. This Law may be cited as the Evcaf Law, 1949.

Short title.

Interpre-
tation.

2. In this Law, unless the context otherwise requires—
“Delegates” means the Delegates of Evcaf appointed under this Law for the time being;

The expressions “deed of dedication” and “Trustee” shall have respectively the same meaning as the expressions “Vakfieh” and “Mutevelli” in Turkish.

Appoint-
ment of
Delegates.

3. The Governor shall, subject to the sanction of the Secretary of State, appoint from time to time two Delegates to be styled “the Delegates of Evcaf”, one of whom shall be a Moslem resident in the Colony, to administer and superintend all property, funds and lands belonging to Mosques, Moslem cemeteries, Moslem schools and other Moslem religious establishments existing in the Colony.

Date of
taking effect
of appoint-
ment.

4. Any such appointment shall take effect as from a date to be named by the Governor, and all acts and things done or performed after the said date by such Delegates in the performance of their duties shall be deemed to be valid and effectual as if such Delegates had been duly appointed on that date.

Vesting of
property in
Delegates.

5.—(1) All Mazbouta and Mulhaka non-Meshrouta vakfs and all funds appertaining to the same shall, subject to the provisions of this Law, vest in the Delegates.

(2) All Mulhaka Meshrouta vakfs and all funds appertaining to the same shall, subject to the provisions of this Law, vest in the Trustees of the said vakfs.

(3) All other property, not being vakf, acquired or exchanged by the Delegates shall vest in the Delegates.

Power of
Delegates to
administer.

6. The Delegates shall, subject to the provisions of this Law, be—

(a) sole administrators and trustees of Mazbouta and Mulhaka non-Meshrouta vakfs;

(b) sole administrators of all property, not being vakf, acquired or exchanged by them;

(c) directors and superintendents of Mulhaka Meshrouta vakfs.

Establish-
ment and
status of
Evcaf
Department.

7. There shall be established in the Colony a Department, to be styled and hereinafter referred to as “the Evcaf Department”, under the control of the Delegates charged with the administration and superintendence of Moslem religious property, and such Department shall for the purposes of this Law be deemed to be a Government Department.

Delegates
under the
direction of
Governor.

8. The Delegates shall, in the exercise of the duties of their office and in all matters connected with the Evcaf Department, be under the direction of the Governor.

9. In all proceedings of a civil nature before any Court, the Delegates shall sue and be sued in the name of the Attorney-General, save that in such proceedings none of the provisions of the Cyprus Courts of Justice Order, 1927, or any Law amending or substituted for the same, relating to actions or claims by or against the Government of the Colony of Cyprus, shall be applicable.

Proceedings
by and
against
Delegates.

10. All such proceedings as aforesaid shall, notwithstanding anything contained in any other Law or Order to the contrary, be instituted in and determined by the Civil Courts established in the Colony.

Jurisdiction
of Civil
Courts.

11. The revenue of the Evcaf Department shall be kept separate and distinct from the revenue and other funds of the Colony.

Evcaf
revenue.

12. The revenue of the Evcaf Department shall, after defraying the annual cost and expenses of maintaining the said Department as approved by the Governor, be utilized exclusively for the maintenance and repair of property vested in or administered by the Delegates and for the religious, charitable and educational requirements of the Moslem Community of the Colony.

Application
of Evcaf
revenue.

13. The Delegates, as such, and the staff of the Evcaf Department shall not be deemed to be public officers in the service of the Colony.

Delegates,
etc., not
public
officers.

14. The Delegates may, subject to the approval of the Governor, appoint fit and proper persons to the departmental staff of the Evcaf Department and may with the Governor's approval dismiss the same. All other appointments and dismissals, including appointments and dismissals for various duties in connection with Mulhaka non-Meshrouta and Mulhaka Meshrouta vakfs, shall, subject to the provisions of this Law, be within the sole discretion of the Delegates.

Appoint-
ments.

15. The salaries, travelling and other expenses of the Delegates and of the departmental staff shall be defrayed from the revenue of the Evcaf Department.

Salaries, etc.

16. The Delegates shall, at the beginning of each year, prepare estimates of revenue and expenditure for Mazbouta vakfs and submit the same to the Governor for his approval, and such estimates shall include the salaries of the Delegates, the departmental staff, and of Mosque and other officials paid out of the funds of the Mazbouta vakfs.

Estimates.

Appoint-
ment and
dismissal of
Trustees.

17.—(1) The appointment and dismissal of Trustees shall be made by the Delegates, subject to the approval of the Governor.

(2) Any person aggrieved by the appointment or dismissal of any Trustee made under sub-section (1) hereof, may institute legal proceedings against the Delegates in accordance with sections 9 and 10 of this Law :

Provided that all costs incurred in defending such legal proceedings where such costs are not adjudged to be paid by the plaintiff or if adjudged to be paid by the plaintiff, cannot be recovered from him, and all costs adjudged to be paid to the plaintiff, shall be recoverable only from the revenues of the Vakf to the trusteeship of which such legal proceedings relate.

Commission
to Trustees.

18. No Trustee shall be deemed to be duly appointed, or duly qualified to act as such, save under a Commission (Berat) under the hand and seal of the Governor :

Provided that pending the appointment of a Trustee the administration of a vakf shall be carried on by the Delegates.

Trustees
residing
abroad.

19. If and when the Trustee of a vakf resides outside the Colony, the Delegates may appoint by writing under their hands a person or persons to act as agent or agents of such Trustee in the Colony, in which case the agent or agents so appointed shall have all the powers, duties and obligations of a Trustee duly appointed as such in pursuance of section 17 of this Law.

Direction,
control and
supervision
by Delegates.

20. It shall be the duty of the Delegates to supervise and control the execution of all Moslem religious trusts and endowments ; and all officers of the Evcaf Department, Trustees, or their agents and other persons entrusted with the administration of Evcaf funds, or other property of any category, shall act under the immediate direction, control and supervision of the Delegates.

Annual
accounts.

21. All Trustees, or other persons administering Mulhaka non-Meshroua and Mulhaka Meshroua vakfs, shall, as soon as possible after the 31st day of December in each year, submit to the Delegates annual accounts, showing detailed items of revenue and expenditure, supported by vouchers, of every vakf administered by them.