

No. 3 of 1951. ✓ 42/54

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

A. B. WRIGHT,  
Governor.

[29th January, 1951.]

**B**E it enacted by His Excellency the Governor and  
Commander-in-Chief of the Colony of Cyprus as  
follows :—

1. This Law may be cited as the Turkish Family Courts Short title  
Law, 1951.

## PART I.

## DEFINITIONS.

Interpretation.

2. In this Law, unless the context otherwise requires—

“heir under disability” means every heir who shall not have completed the age of eighteen years or is a lunatic, idiot, imbecile or otherwise mentally incapacitated from the management of his affairs or is absent from the Colony;

“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 vakfihs; and
- (d) administration of infants' estates.

## PART II.

## TURKISH FAMILY COURTS, JUDGES AND OFFICERS.

Turkish Family Courts.

3. There shall be established in the Colony Turkish Family Courts to take exclusive cognizance of, and deal with, religious matters concerning persons of the moslem faith:

Provided that the Turkish Family Courts shall take exclusive cognizance of any of the 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.

Power to Governor to fix number and local jurisdiction of Turkish Family Courts.

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

Constitution of Turkish Family Courts.

5. Every Turkish Family Court shall consist of one judge.

6. 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.

Appointment of judges.

7. 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 Schedule.

Oath of allegiance and judicial oath.  
Schedule.

8. 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.

Appointment of other officers.

9. 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—

Law to be applied.

(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.

10. Every decision of a Turkish Family Court shall be liable to 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.

Appeals from Turkish Family Courts.

11. For the purposes of sections 33 and 34 of the Courts of Justice (Supplementary Provisions) Law, 1949, a Turkish Family Court shall be deemed to be a Court within the meaning of the said sections and the provisions of the said sections shall apply *mutatis mutandis* to the Turkish Family Courts and to proceedings pending therein.

Obstruction in, and contempt of, Turkish Family Courts.  
7 of 1949

### PART III.

#### MISCELLANEOUS.

12.—(1) Upon the making of an inventory of the estate of a deceased moslem resident in the Colony who has died leaving an heir or heirs under disability, there shall be taken by the Turkish Family Courts a fee of two and a half per centum upon the net value of the movable property which forms the share of each heir under disability.

Fees on making inventories.