

JUDICIAL OATH.

I....., do swear that I will well and truly serve Our Sovereign Lord King George the Sixth in the office of judge of Turkish Family Courts and will do right to all manner of people after the Laws and usages of Cyprus without fear or favour, affection or ill will, — So help me God.

29th January, 1951.

O. R. ARTHUR,
Acting Colonial Secretary.

No. 4 OF 1951.

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

A. B. WRIGHT,]
Governor.

[29th January, 1951.

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

Short title.

1. This Law may be cited as the Turkish Family (Marriage and Divorce) Law, 1951.

PART I.—PRELIMINARY.

2. In this Law, unless the context otherwise requires— Interpretation.
 “ Court ” means a judge of a Turkish Family Court 3 of 1951.
 established under the Turkish Family Courts Law, 1951,
 exercising jurisdiction as regards the matters to which
 this Law relates ;

“ 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.

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

PART II.—BETROTHAL.

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

5.—(1) No action shall be brought claiming the specific Breach of
 fulfilment of a promise to marry and, subject to sub-section promise to
 (2), no action shall be brought claiming damages stipulated marry.
 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 inno-
 cent 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 sub-section (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 sub-section (2) after the expiration of one year from the date on which the cause of action accrued.

PART III.—MARRIAGE.

Disability
to marry.

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 :

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.

Impediments
to marriage
on account of
relationship
and religion.

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 ;

(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 been declared invalid or void or has been dissolved by divorce or the death of the other party.

No new marriage except on proof of dissolution of former marriage.

9. A widow or a woman whose marriage has been declared invalid or void or has been dissolved by divorce shall not marry again before the lapse of three hundred and two days after the death of her husband or after the previous marriage is declared invalid or void or is dissolved, as the case may be, unless in the meantime a child is born, to the woman, in which case the period shall determine upon such birth :

Delay for re-marriage of women in certain cases.

Provided that the period may be reduced by the Court if pregnancy of the woman by the former marriage is, in the opinion of the Court, excluded.

10.—(1) Divorced persons cannot enter upon a new marriage before the expiration of the period contained in the decree of divorce.

Delay for re-marriage of divorced persons.

(2) Nothing in this section shall apply to cases in which the divorced persons re-marry each other.

11.—(1) No marriage shall be solemnized unless the parties to the betrothal first give notice to the marriage officer at the place where the male party to the betrothal ordinarily resides.

Notice of marriage.

(2) The notice shall be in the prescribed form and shall be signed by the parties to the betrothal and a party who is illiterate shall affix his mark thereto in the presence of two witnesses. Such notice shall be accompanied by the birth certificates of the parties and a certificate of the mukhtar of the place in which each party ordinarily resides stating that, to his best knowledge and belief, no disability or impediment exists to their marriage and, where necessary, by a certificate that the former spouse is dead or by a copy of a judgment of a competent Court or other authority pronouncing a divorce or the nullity of the former marriage and by the written consent of the parents or guardians :

Provided that, in the case of a party who is not a Cypriot, the certificate or certificates required under this sub-section shall, as regards such party, emanate from some authority of the place in which such party ordinarily resides and as to which the marriage officer is satisfied that it is competent to issue such certificate or certificates :

Provided further that the marriage officer may, in his discretion, dispense with all or any of the certificates required under this sub-section.

Posting up
of notice.

12.—(1) Upon the receipt of the notice as hereinbefore provided, the marriage officer shall file the same in his office and shall, within ten days of the receipt of the notice, cause copies thereof, certified under his hand and seal, to be posted outside his office and in a conspicuous place at the place or places where the parties ordinarily reside, inserting therein the date of the posting up :

Provided that the marriage officer shall refuse to post up the notice where such notice does not comply with this Law or any rules made thereunder or where there exists to his knowledge some disability or some other legal impediment to the marriage but, in every such case the marriage officer shall give notice thereof to the parties and, if not himself a judge of the Court, shall forthwith notify the Court of such refusal and the Court shall give such directions thereon as to it may seem fit and the marriage officer concerned shall comply with such directions.

(2) If a marriage officer fails to post up the notice within ten days of its receipt as in sub-section (1) provided, he shall be deemed to have refused to post up the same and, in every such case, any party to the notice may complain to the Court for such refusal and the Court shall give such direction thereon as to it may seem fit and the marriage officer concerned shall comply with such direction.

Opposition.

13.—(1) Any person may, within ten days of the posting up of the notice, file with the Court an opposition against such marriage on the ground that either party is under disability or that there exists some legal impediment to the marriage; and no other ground shall be admissible in any such opposition.

(2) The opposition shall be filed in the Court and the opposing party shall, within the same period of ten days, serve certified copies thereof to the parties of the betrothal and the marriage officer concerned.

(3) Upon the receipt of a notice of opposition, the marriage officer shall not proceed further with the proposed marriage until and unless he receives directions from the Court.

to such shorter period as the Court may in exceptional cases

Solemniza-
tion of
marriage.

14.—(1) At any time not less than fifteen days, and not more than three months from the date of the posting of the notice, or where after an opposition has been made the Court so directs, the marriage officer shall, if so requested by the parties to the betrothal, proceed to solemnize the marriage or give to the parties a certificate under his hand and seal with regard to the due posting up of the notice and such certificate shall be sufficient authority for the