

## No. 43 of 1954.

A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING  
TO THE ADMINISTRATION OF THE ESTATES OF DECEASED  
PERSONS.

R. P. ARMITAGE,] [24th August, 1954.  
Governor.

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

### PART I.—PRELIMINARY.

1. This Law may be cited as the Administration of Estates Short title.  
Law, 1954.

Interpretation.

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

“administration” includes all letters of administration of the estate of a deceased person, whether with or without a will annexed, and whether granted for general, special or limited purposes ;

“administrator” means a person to whom a Court has granted letters of administration or letters of administration with will annexed ;

“Court” means the President of the District Court or a District Judge of the District Court of the district in which the deceased had his ordinary or last place of residence in the Colony, or the District Court of Nicosia if such place of residence is not known ;

“disposable portion” means that part of the movable property and immovable property of a person which he can dispose of by will ;

“estate” means the movable property and immovable property of which a person dies possessed ;

“grant” means a grant of probate or of administration ;

“grant in common form” means a grant obtained where there is no contention as to the right thereto or where the contest has terminated ;

“heir” means a person who by operation of law succeeds to an estate ;

“heir under disability” means a person who is an infant or a mental patient or is prohibited by the Court from the management of his affairs or is absent from the Colony ;

“immovable property” includes—

(a) land ;

(b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure ;

(c) trees, vines, and any other thing whatsoever planted or growing upon any land and any produce thereof before severance ;

(d) springs, wells, water and water rights whether held together with, or independently of, any land ;

(e) privileges, liberties, easements and any other rights and advantages whatsoever appertaining or reputed to appertain to any land or to any building or other erection or structure ;

(f) an undivided share in any property hereinbefore set out.

“ infant ” means a person who has not attained the age of eighteen years :

Provided that a married woman shall not be deemed to be under disability because she has not attained the age of eighteen years.

“ movable property ” means all property of every description which is not immovable property ;

“ non-contentious or common form probate business ” means the business of obtaining probate and administration where there is no contention as to the right thereto, including the passing of probates and administrations through the Court in contentious cases where the contest has been terminated, and all business of a non-contentious nature in matters of testacy and intestacy not being proceedings in any action, and also the business of lodging caveats against the grant of probate or administration ;

“ personal representative ” means an executor or administrator ;

“ prescribed ” means prescribed by Rules ;

“ property ” means movable and immovable property ;

“ undisposed portion ” means the whole or the part, as the case may be, of the disposable portion which has not been disposed of by will ;

“ Rules ” means rules made under this Law ;

“ statutory portion ” means that part of the movable property and immovable property of a person which he cannot dispose of by will ;

“ Turkish Family Court ” means the Turkish Family Court of the district in which the deceased had his ordinary or last place of residence in the Colony, or the Turkish Family Court of Nicosia if such place of residence is not known ;

“ value ” in connection with a property, means the amount which the property if sold in the open market by a willing seller to a willing purchaser might be expected to realize ;

“ will ” means the legal declaration in writing of the intentions of a testator with respect to the disposal of his movable property or immovable property after his death, and includes codicil.

## PART II.—PROBATE REGISTRAR AND REGISTRY.

3.—(1) The Chief Registrar shall be the principal probate registrar, and the Supreme Court Registry shall be the principal probate registry.

Principal  
probate  
registrar  
and probate  
registry.

(2) The powers and duties of the principal probate registrar may be exercised and performed by such officer of the Supreme Court Registry as the Chief Registrar with the approval of the Chief Justice may appoint to act for him.

(3) The Registrar of each District Court shall be the probate registrar for that district.

Duties of  
probate  
registrars.

4.—(1) A probate registrar shall send to the principal probate registry a notice in the prescribed form of every application made in the registry for a grant as soon as may be after the application has been made, and no grant shall be made by him until he has received from the principal probate registry a certificate that no other application appears to have been made in respect of the estate of the testator or intestate.

(2) The certificate aforesaid shall be forwarded as soon as may be to the probate registrar.

(3) All notices so transmitted to the principal probate registry shall be filed and kept in that registry.

(4) Where any such notice is received from a probate registry the principal probate registrar shall examine all notices of applications for grants received from the several other probate registries and all applications for grants made at the principal probate registry, so far as may be necessary, for the purpose of ascertaining whether application for a grant in respect of the estate of the same deceased person has been made in more than one registry, and shall communicate with the probate registrar as occasion may require in relation thereto.

(5) A probate registrar shall, once in every quarter, or oftener if required by Rules, transmit to the principal probate registry a list in the prescribed form of the grants made by him and not included in a previous return, and also copies of the wills to which the grants relate, certified by him to be correct.

(6) A probate registrar shall file and preserve all original wills of which probate or administration with the will annexed has been granted by him, subject to such regulations, with respect to the preservation and inspection of the wills, as may from time to time be made by the Chief Justice.

Calendars  
of grants.

5.—(1) The principal probate registrar shall cause to be prepared from time to time in the principal probate registry calendars of the grants made in that registry and in the several probate registries for such periods as the principal probate registrar may direct.

(2) Every such calendar shall contain a note of every probate or administration with the will annexed and of every other administration granted within the period specified in

the calendar, setting forth the date of the grant, the registry in which it was made, the name and the place and time of death of the testator or intestate, the names and descriptions of the executors or administrators, and the value of the estate, if any.

(3) A copy of every calendar so prepared shall be sent by post or otherwise to every probate registry and every copy so transmitted shall be kept in the registry or office to which it is transmitted, and may be inspected by any person on payment of a fee of one shilling for each search, without reference to the number of calendars inspected.

6. Subject to any arrangements which may from time to time be made between the Chief Justice and the Commissioner of Estate Duty, every probate registry shall, within such period after a grant as the Chief Justice may direct, deliver to the Commissioner of Estate Duty—

Copies of wills, etc., to be delivered to the Commissioner of Estate Duty.

- (a) in the case of a probate or of letters of administration with will annexed, a copy of the will;
- (b) in every case of letters of administration, a copy or extract of the letters of administration.

7.—(1) If any immovable property is affected by the will, the person to whom probate or letters of administration with will annexed is granted shall, within ten days after the grant, give notice in writing to the Officer in charge of the Land Registry Office of the district in which such property is situated, setting out in the notice a list of the immovable property affected by the will.

Notice to Officer in charge Land Registry Office.

(2) When a grant is made upon an intestacy, or an order is made under section 49 and any immovable property is comprised in the estate to be administered, the administrator or officer appointed under section 49 shall, within ten days of such grant or order, give notice in writing to the Officer in charge of the Land Registry Office of the district in which such property is situated, setting out in the notice a list of the immovable property comprised in the estate.

8.—(1) In the principal probate registry and in every probate registry there shall be used such seal or seals as the Chief Justice may from time to time direct.

Seals for use in probate registries.

(2) All probates, letters of administration, orders and other instruments and copies thereof purporting to be sealed with any such seal as aforesaid shall be received in evidence in all parts of the Colony without further proof.

### PART III.—DEPOSIT, DISCOVERY AND PRODUCTION OF WILLS.

9.—(1) Any person may in his lifetime deposit his will for safe custody with a probate registrar upon payment of such fees and compliance with such Rules as may be prescribed.

Deposit of wills.