



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3882 OF 27TH OCTOBER, 1955.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 52 OF 1955.

**A LAW TO AMEND AND CONSOLIDATE THE MOSLEM SACRED
LAW RELATING TO VAKFS AND THE LAW RELATING TO
THE ADMINISTRATION OF MOSLEM RELIGIOUS PROPERTY.**

JOHN HARDING,]
Governor.

[22nd October, 1955.

BE 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 Evcaf and Vakfs Law, Short title,
1955.

PART I.—PRELIMINARY.

Interpreta-
tion.

2. In this Law, unless the context otherwise requires—
- “beneficiary” means any person or class of persons who are to benefit by the object of the vakf ;
- “Court” means the Supreme Court ;
- “charitable purpose” or “charity” means any purpose for the relief of poverty, the advancement of education, the advancement of religion or any other purpose beneficial to the moslem Turkish community ;
- “dedication of vakf” means the written declaration by the owner of any specific property that he has dedicated the property to be vakf ;
- “dedicator” means the owner of the property, the subject of a vakf ;
- “Director” means the Director of Evcaf appointed under the provisions of this Law ;
- “High Council” means the High Council of Evcaf established under the provisions of this Law ;
- “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) easements, privileges and liberties over any immovable property and rights restrictive of the use of any immovable property which either lawfully subsists or, though not subsisting, are required to be created for the purposes of any scheme ;
 - (f) an undivided share in any property hereinbefore set out ;
- “Judge” means a judge of a Turkish Family Court ;
- “Mazbuta vakfs” includes—
- (a) all vakfs known or recognized, prior to the coming into operation of this Law, as Mazbuta ;
 - (b) all vakfs known or recognized, prior to the coming into operation of this Law, as Mulhaka non Meshrouta, not being the property of any mosque or other moslem religious institution ;
 - (c) all vakfs, the administration (mutevelliship) of which is dedicated or entrusted to a public body or the holder of any office ;

- (d) all vakfs which have lost their charitable character for any reason whatsoever ;
- (e) all other properties vested in, or administered by, the Delegates of Evcaf before the commencement of this Law ;

“ mosque ” includes mesdjid ;

“ Mufti ” means the Mufti elected under the provisions of the Turkish Religious Head (Mufti) Laws, 1953, or any other Law amending or substituted for the same, and functioning as such for the time being ;

5 of 1953.
26 of 1953.

“ Mulhaka vakfs ” includes—

- (a) all vakfs known or recognized, prior to the coming into operation of this Law, as Mulhaka Mesh-routa vakfs ;
- (b) all vakfs, the administration (mutevelliship) of which is dedicated to any person nominated in the vakfieh or under its provisions ;
- (c) all vakfs administered by the community through elected or selected representatives ;
- (d) all vakfs the beneficiaries of which are groups of persons in a trade, business or calling ;

“ object of the vakf ” means the purpose to which the owner declares that the profits or income or benefit of the subject of the vakf shall be devoted ;

“ owner ” in relation to any immovable property means the person registered or entitled to be registered in the books of the District Lands Office as the owner thereof ;

“ poor ” means poor people of the moslem Turkish community of the Colony ;

“ property ” means any immovable property and includes any movable property held or owned as accessory to immovable property, or cash or any other movable property which cannot be consumed by use ;

“ subject of the vakf ” means the property dedicated by way of vakf ;

“ testamentary vakf ” means a declaration of vakf expressed to come into effect after the death of the owner ;

“ vakf ” means the permanent dedication by a person professing the moslem faith of any property in order that the use of, or the income accruing from, such property may be devoted to any charitable purpose ;

“ vakfieh ” means the written declaration of vakf as defined in sub-paragraph (ii) of paragraph (a) of section 8 ;

“ village ” includes the quarter of any town or village.

3. This Law shall apply to all Mazbuta and Mulhaka vakfs and to all such other vakfs which may be made after the coming into operation of this Law.

Application
of the Law.

PART II.—DEDICATION AS VAKF.

Require-
ments of
dedication
of vakfs.

4.—(1) No dedication of a vakf shall be valid unless made—

- (a) by a person competent to dedicate ;
- (b) for an object provided in section 6 ;
- (c) in respect of property capable, under section 7, to be the subject of a vakf ;
- (d) in a form provided by sections 8, 9 and 10 ; and it is not void or voidable either under the provisions of this Law or of any other Law in force for the time being.

(2) Nothing in this section contained shall affect the validity of a vakf held, administered and enjoyed as such before the coming into operation of this Law.

Who are
competent
to dedicate.

5. Any person of the moslem faith competent to contract may dedicate any property, which he may dispose, as a vakf.

Objects of
vakf.

6.—(1) Subject to the provisions of sub-section (2), the object of dedication shall be charitable.

(2) No dedication shall be made for an object which—

- (a) is unlawful or prohibited by Islam ;
- (b) is of a limited duration ;
- (c) if at the time of the dedication it appears that it will fail ;
- (d) is subject to a contingency ;
- (e) consists of the repair or upkeep of a private tomb except that of a saint ;
- (f) is not defined with certainty.

Subject of
vakf.
Cap. 231,
8 of 1953,
4 of 1954.

7.—(1) Subject to the provisions of sections 35, 36 and 37 of the Immovable Property (Tenure, Registration and Valuation) Law, the subject of vakf may consist of—

- (a) any immovable property ;
- (b) any movable property held or enjoyed as an accessory of immovable property ;
- (c) any other movable property which is not consumed by use.

(2) No property may be dedicated as vakf unless the dedicator at the time of the dedication is the owner thereof.

Form of de-
dication.

8. No dedication shall be valid unless—

(a) if made *inter vivos*—

- (i) its declaration is made in writing in any appropriate words showing an intention to make a dedication by way of vakf ;

(ii) the written declaration of vakf is signed by the dedicator in the presence of at least two witnesses, competent to contract, and where the dedicator is illiterate in the presence of two such witnesses and a certifying officer, subscribing the same as witnesses and certifying the signature as certifying officer ;

(iii) is registered as in section 9 provided ;

(b) if made by will the provisions of section 10 are complied with.

9.—(1) The dedicator or his duly authorized agent shall present the vakfieh to a Judge within the jurisdiction of whom he resides or the subject of the vakf is situated.

Registra-
tion of
vakfieh, etc

(2) The Judge shall file the vakfieh and shall give notice thereof to the Director of Lands and Surveys and to the Director by forwarding copies of the vakfieh to each of them certified by him as true copies.

(3) If within ten days (or such longer period as the Judge may allow in any particular case) from the receipt of such notice neither the Director of Lands and Surveys nor the Director inform the Judge of any impediment for the registration of the vakfieh the Judge shall register the vakfieh and give notice of the fact to the Director of Lands and Surveys, the Director and the dedicator accordingly.

(4) If the Director of Lands and Surveys, or the Director, on receiving the copy of the vakfieh as aforesaid is of opinion that any impediment exists he shall inform the Judge accordingly.

(5)—(a) On receipt of any notification from the Director or the Director of Lands and Surveys under sub-section (4), the Judge shall cause a notice to be served upon the dedicator or his duly authorized agent and all other persons interested, if any, calling upon them to appear before him and show cause why the vakfieh should be registered. The Director and the Director of Lands and Surveys shall be given notice accordingly.

(b) The Judge, upon hearing all the parties, shall order according to the merits of the case before him ; and where he orders that the vakfieh be registered, he shall register the same and give notice of the fact to the Director of Lands and Surveys, the Director and the dedicator accordingly.

(6) Notice of the registration of a vakf shall be published by the Director in at least one Turkish newspaper giving the name of the vakf and particulars of the subject of the vakf :

Provided that non-compliance with this sub-section shall not in any way affect the validity of the vakf.