

# THE STATUTE LAWS OF CYPRUS

## No. 21 OF 1956.

A LAW TO MAKE PROVISION FOR THE CARE OR WELFARE OF CHILDREN IN CERTAIN CASES AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

JOHN HARDING,]  
Governor.

[18th August, 1956.]

**B**E 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 Children Law, 1956.

## PART I.—PRELIMINARY.

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

Interpretation.

“child” means a person under the age of eighteen years ;  
 “Court” means a member of a District Court of competent jurisdiction ;

“Director” means the Director of Welfare Services and includes his duly authorized agent ;

“guardian” means a person appointed by a will or by order of a Court of competent jurisdiction to be guardian of a child ;

“hospital” means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid, and “hospital accommodation” shall be construed accordingly ;

“parent”—

(a) in relation to a child adopted in pursuance of any enactment, means the person or persons by whom he was adopted, to the exclusion of his natural parents ;

(b) in relation to a child who is illegitimate, means his mother, to the exclusion of his father ;

“public place” has the meaning assigned to it by section 4 of the Criminal Code or by any Law amending or substituted for the same ;

Cap. 13  
 27 of 1949.  
 12 of 1951.  
 28 of 1952.  
 4 of 1953.  
 45 of 1953.  
 28 of 1954.  
 20 of 1955.

“relative” means a grand-parent, brother, sister, uncle or aunt, and in case of an illegitimate child, a person who would be so related if the child were legitimate.

## PART II.—CHILDREN IN NEED OF CARE.

3.—(1) Where it appears to the Director with respect to a child appearing to him to be under the age of sixteen—

Power of the Director to provide for orphans, deserted children etc.

(a) that he has neither parent or guardian or has been and remains abandoned by his parents or guardian or is lost ; or

(b) that his parents or guardians are, for the time being or permanently, prevented by reason of mental or bodily disease, or infirmity or other incapacity or any other circumstances from providing for his proper accommodation, maintenance or upbringing and there is no available person or persons capable, fit or willing to undertake the care of such child ; and

(c) in either case, that the intervention of the Welfare Department under this section is necessary in the interests of the welfare of such child,

it shall be lawful for the Director to receive the child into his care under this section.

(2) Where the Director has received a child into his care under this section it shall, subject to the provisions of this Part, be his duty to keep the child in his care so long as the welfare of the child appears to him to require it and the child has not attained the age of eighteen.

(3) Nothing in this section shall authorize the Director to keep a child in his care under this section if any parent or guardian desires to take over the care of the child and the Director shall, in all cases where it appears to him to be consistent with the welfare of the child so to do, endeavour to secure that the care of the child is taken over either—

- (a) by a parent or guardian of his ; or
- (b) by a relative or friend of his, being, where possible, a person of the same religious persuasion as the child or who gives an undertaking that the child will be brought up in that religious persuasion.

Assumption  
by the  
Director of  
parental  
rights.

4.—(1) Subject to the provisions of this Part, the Director may assume with respect to any child in his care under section 3 in whose case it appears to him—

- (a) that his parents are dead and that he has no guardian ; or
- (b) that a parent or guardian of his (hereinafter referred to as “the person on whose account the assumption was required”) has abandoned or neglected him or suffers from some permanent disability rendering the said person incapable of caring for the child, or is of such habits or mode of life as to be unfit to have the care of the child,

that all the rights and powers which the deceased parents would have if they were still living or, as the case may be, all the rights and powers of the person on whose account the assumption was required, shall vest in the Director.

(2) In the case of an assumption made by virtue of paragraph (b) of sub-section (1), unless the person on whose account the assumption was required has consented in writing to the making of the assumption, the Director, if the whereabouts of the said person are known to him, shall forthwith after the making of the assumption serve on him notice in writing of the making thereof ; and if not later than one month after such notice is served on him, the person on whose account the assumption was required serves a notice in writing on the Director objecting to the assumption, the assumption shall, subject to the provisions of sub-section (3), lapse on the expiration of fourteen days from the service of the notice of objection.

Every notice served by the Director under this sub-section shall inform the person on whom the notice is served of his right to object to the assumption and of the effect of any objection made by him.

(3) Where a notice has been served on the Director under sub-section (2) the Director may, not later than fourteen days from the receipt by him of the notice, complain to the Court of the District in which the child is in care, and in that event the assumption shall not lapse by reason of the service of the notice until the determination of the complaint, and the Court may, on the hearing of the complaint, order that the assumption shall not lapse by reason of the service of the notice :

Provided that the Court shall not so order unless satisfied that the child had been, and at the time when the assumption was made, remained, abandoned or neglected by the person who made the objection or that that person is unfit to have the care of the child by reason of unsoundness of mind or mental deficiency or by reason of his habits or mode of life.

(4) A notice under this section may be served by post but suitable evidence of posting must be provided and any notice served by the Director under sub-section (2) shall not be duly served by post unless it is sent in a registered letter.

5.—(1) While an assumption made by virtue of paragraph (a) of sub-section (1) of section 4 is in force with respect to a child, all rights and powers which the deceased parents would have if they were still living shall, in respect of the child, be vested in the Director in accordance with the assumption. Effects of assumption of parental rights by the Director.

(2) While an assumption made by virtue of paragraph (b) of the said sub-section (1) of section 4 is in force with respect to a child, all rights and powers of the person on whose account the assumption was required shall, in respect of the child, be vested in the Director in accordance with the assumption and sub-section (3) of section 3 shall not in respect of the child apply in relation to the person on whose account the assumption was required.

(3) An assumption under section 4 shall not prevent the Director from allowing, either for a fixed period or until the Director otherwise determines, the care of the child to be taken over by, and the child to be under the control of, a parent, guardian, relative or friend in any case where it appears to the Director to be for the benefit of the child.

(4) Where an assumption under section 4 is in force in respect of a child and the child has ceased to be in the care of the Director, the Director shall have power to receive the child back into his care in any circumstances in which it appears to him that his intervention under this sub-section is necessary in the interests of the welfare of the child.

(5) Where the Director receives a child into his care under sub-section (4) of this section the provisions of this Law shall apply as if the child had been received into his care under section 3.

(6) An assumption made under section 4 shall not relieve any person from any liability to maintain or contribute to the maintenance of the child.

(7) An assumption under section 4 shall not authorize the Director to cause a child to be brought up in any religious creed other than that in which he would have been brought up but for the assumption.

(8) Any person who knowingly—

- (a) assists or induces or persistently attempts to induce a child to whom this sub-section applies to run away; or
- (b) harbours or conceals a child to whom this sub-section applies who has run away, or prevents him from returning to the place from which he has run away,

shall be liable to imprisonment not exceeding three months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

This sub-section applies to any child in the care of the Director under section 3 in whose case an assumption is in force under section 4, being a child for whom accommodation (whether in a Children's Home, foster home or otherwise) is being provided by the Director in pursuance of Part III and references in this sub-section to running away shall be construed as references to running away from a place where accommodation was or is being so provided.

**Duration  
and rescission  
of assump-  
tions under  
section 4.**

6.—(1) Subject to the provisions of this Part an assumption under section 4 shall continue in force until the child with respect to whom it was made attains the age of eighteen.

(2) An assumption under section 4 may be rescinded by the Director if it appears to him that the rescinding of the assumption will be for the benefit of the child.

(3) On complaint being made—

- (a) in the case of an assumption made by virtue of paragraph (a) of sub-section (1) of section 4 by a person claiming to be a parent or guardian of the child;
- (b) in the case of an assumption made by virtue of paragraph (b) thereof by the person on whose account the assumption was required,

the Court where the complainant resides, if satisfied that there was no ground for the making of the assumption or that the assumption should in the interests of the child be determined, may by order determine the assumption and the assumption shall thereupon cease to have effect :

Provided that the Court may, in lieu of determining the assumption, order that either for a fixed period or until the Director so determines, the Director shall allow the care of the child to be taken over by, and the child to be under the control of, the complainant.