

## No. 563. THE EVCAF AND VAKFS LAW, 1955.

## REGULATIONS MADE UNDER SECTION 63.

In exercise of the powers vested in them by section 63 of the Evcaf and Vakfs Law, 1955, the High Council of Evcaf, with the approval of His Excellency the Governor, make the following Regulations :—

1. These Regulations may be cited as the Evcaf and Vakfs (Mulhaka Vakfs) Regulations, 1957.

2. With the exception of mutevellis appointed by the Court under section 29, sub-section (4), no person shall act as a mutevelli, or interfere with the vakf properties in any way whatsoever, unless the office of mutevelliship is granted and a Berat issued to him by the High Council.

3. A person shall not be qualified to be the mutevelli of any mulhaka vakf unless he furnishes any security required of him by the High Council and satisfies it that :—

- (i) He is permanently resident in Cyprus.
- (ii) He is of age.
- (iii) He has not been convicted of any offence touching his honour or morality, or of an offence punishable by imprisonment for over six months, proved by a certificate obtained from the Police Authorities.
- (iv) He is fit both physically and mentally for the proper administration of the vakf, proved by a certificate obtained from a medical practitioner approved by the Evcaf Office.
- (v) He is of good conduct in every respect.
- (vi) He has not been removed previously from the mutevelliship of any vakf.
- (vii) He has passed an examination which will be a test of his ability and knowledge required for the proper administration of the vakf ; provided that a graduate of a secondary school or of a higher educational institution shall be exempted from such an examination.
- (viii) He possesses the necessary qualifications for the mutevelliship as provided in the relevant vakfieh in proof of which, in addition to any other requirements provided, he shall submit an affidavit sworn by him in a District Court and a certificate from the Mukhtar of his village or quarter, as the case may be, certified also by the Commissioner of the relevant District, both documents giving complete details : provided however that the High Council may, at its discretion, require such a candidate to submit a judgment of a competent Court instead of such documents, to the same effect.

The costs in obtaining the documents or judgment mentioned in this Regulation shall be met by the candidate himself personally.

4. The examination referred to in Regulation 3 (vii) above, which will be written, shall be in the principles of vakf, the relevant provisions of any Evcaf Law in force at the time, these and other Regulations concerning the mulhaka vakfs and matters referred to therein, the preparation of statements of accounts and necessary reports, and in knowledge required for the administration of vakf properties diligently and in a business-like way, and shall be carried out in the Evcaf Office by a Board of Examiners composed of the Director, the Officer in charge of the Mulhaka vakfs and charitable services, the Property Manager, and the Legal Adviser, if any, of the Evcaf Office.

5. After the provisions of Regulation 3 hereinabove have been fully and successfully satisfied, and the High Council, having made due enquiries, is satisfied that the candidate possesses all the necessary qualifications required

of the mutevellihip, it will, subject to the requirements or provisions of the Law and this and any other Regulations made under it, grant the office of the mutevellihip to the candidate and cause a Berat to be issued to him.

6. It shall be the duty of every mutevelli of a vakf :—

- (i) To effect the registration, at the appropriate Land Registry Office, of all the already unregistered immovable properties belonging to the vakf he is administering.
- (ii) To keep records with full details of all the vakf properties including money, if any, in proper books to be supplied by the Evcaf Office at the expense of the vakf.
- (iii) To use contract forms, to be supplied by the Evcaf Office at the expense of the vakf, for all contracts or agreements to be made on behalf of the vakf.
- (iv) To lodge with the Evcaf Office a copy of every agreement or contract made by him on behalf of the vakf.
- (v) Apart from the necessary expenditure for repairing and maintaining the vakf properties whether subject or object, which is the first charge on the vakf, to expend the income from the vakf as it is received, within the financial year to which it relates according to the Distribution Table (Tevzin Cedveli) prepared and given to him by the Evcaf Office as it may be amended from time to time :  
 Provided that he shall lodge with the Evcaf Office, before the end of the financial year to which they relate, all the monies to be expended on all the charitable objects of the vakf with the exception of the recitation of Hatims, Mevlids, and other similar objects, in order that they may be properly and systematically expended for their fixed purposes.
- (vi) To lodge with the Evcaf Office before the end of the financial year to which it relates the sum of money fixed as a reserve in the Distribution Table which sum will be kept by the Evcaf Office for the vakf concerned.
- (vii) To enter, regularly and properly, all the receipts and expenditures for the vakf in cash books and ledgers to be supplied to him by the Evcaf Office at the expense of the vakf.
- (viii) To use receipt forms to be supplied by the Evcaf Office at the expense of the vakf for the receipts which he should give each time he receives any money for the vakf.
- (ix) To keep all the papers and documents concerning the vakf in a safe place and make them available at any time for their inspection by any Evcaf Officer.
- (x) To take any necessary legal proceedings without delay against any person or body for the protection or recovery of the rights and interests of the vakf and inform the Evcaf Office of such action and the ground for which it was taken, and subject to the approval of the Evcaf Office, retain, whenever it is necessary so to do, an advocate for this purpose.
- (xi) To lodge all money over and above the sum of £10,000 mils into a current account to be opened in the name of the vakf at a Bank approved by the Evcaf Office, and allow the Evcaf Officers to inspect and check the money kept by him and the documents relating to the Bank accounts.
- (xii) To lodge, within a week of their receipt, all the proceeds from a duly approved sale, or compulsory acquisition of any vakf property or any part thereof, whether subject or object of the vakf, with the Evcaf Office for safe custody until an exchange is effected or the money is otherwise reinstated with the approval of the High Council.