WILLS AND SUCCESSION.

20 OF 1895.

To Amend the Law relating to Wills and to Testamentary and Intestate Succession.

[*June* 29, 1895.

PART 1.

General.

1. This Law may be cited as the Wills and Succession Law, 1895. Short title.

2. In this Law the following words and expressions bear the following meanings:—

"Property" means movable property and immovable property as hereinafter defined;

"Movable property" includes all property, other than immovable property as hereinafter defined, and also includes any standing or growing crops or produce, though not severed from the soil or tree;

"Immovable property" means immovable property situate in Cyprus of the following categories:—

(1.) Mulk.

(2.) Vakouf property held as Ijarétein, where there are heirs upon whom the property would devolve.

"Heir" means a person who by operation of Law succeeds to the property of a deceased person;

"Will" means the legal declaration in writing of the intentions of the testator with respect to the disposal of his property after his death, and includes Codicil;

"Codicil" means an instrument in writing made in relation to a will, explaining, adding to, altering or revoking, in whole or in part, its disposition. It shall be considered as forming an additional part of the will.

"Executor" means a person to whom the execution of the last will of a deceased person is confided by the appointment of the testator;

"Legacy" means a gift of property by will;

"Legatee" means one who has a legacy left to him;

" Administrator " means a person to whom a competent Court has granted letters of administration, for the purpose of administering the property of a deceased person who has died intestate, or has left a will without having appointed an executor, or has appointed an executor who has renounced or become incapable of acting;

" Probate " means an instrument in writing issuing out of a Court, declaring that the will of a person has been duly proved and that administration of his property has been granted to an executor or executors named therein;

" Letters of Administration " mean the written authority given to an administrator by a competent Court to administer the property of a deceased person who has died intestate;

" Letters of Administration with Will annexed " mean the written authority given to an administrator by a competent Court to administer the property of a deceased person who has left a will without having appointed an executor, or has appointed an executor who has renounced probate or become incapable of acting;

" Court " means the District Court (or a Judge thereof) of the District in which the deceased had his usual place of residence or in which he died.

Succession either testamentary or *ab intestato.*

3. Succession to the property of a deceased person may be either by will or by the operation of Law.

Succession to property how regulated.

4.—(1.) This Law shall regulate—

(*a.*) The succession to property of all persons domiciled in Cyprus;

(*b.*) The succession to immovable property of any person not domiciled in Cyprus.

(2.) No person shall be held to have acquired a domicile in Cyprus by reason only of his residing there in Her Majesty's Civil or Military service or in the exercise of any profession or calling.

Succession to movable property of persons not domiciled in Cyprus.

5. The succession to movable property of persons dying in Cyprus but not domiciled there shall be regulated by the Law of the country in which they had their domicile at the time of their decease.

One domicile only affects succession to movables.

6. A person can have only one domicile for the purpose of succession to his movable property.

Domicile of origin.

7. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled; or if he is a posthumous child, in the country in which his father was domiciled at the time of his father's death.

The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

For the purposes of this Law Cyprus shall be deemed to be a country.

Continuance of domicile of origin.

8. The domicile of origin prevails until a new domicile has been acquired.

Acquisition of new domicile

9. A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

Priority of decease.

10. In cases of dispute as to which of two or more persons deceased died first, the party asserting the priority of the death of one of them must give proofs of his assertion. In the absence of proof the Law shall presume that they died at the same moment.

Posthumous children.

11. A posthumous child shall have the same right of succession as if he had been born before the death of the person from whom the succession is derived.

Nationality no bar to succession.

12. No one shall be incapable of succeeding to any property by reason of his being of a different nationality from that of the person from whom the succession is derived.

Incapacity to succeed through crime.

13. No person shall be capable of succeeding to any property who has been convicted of killing with premeditation, or of attempting to kill with premeditation, the person to whose property he would otherwise have suceeded, or who has been convicted of killing with premeditation, or of attempting to kill with premeditation, the child, parent, husband, or wife of the person to whose property he would otherwise have succeeded.

Incapacity to succeed where fraud or undue influence.

14. A person shall be incapable of succeeding to any property who has by fraud or any undue influence caused the person to whose property he would otherwise have succeeded to make a will or to revoke a will already made, or who has prevented him by fraud or any undue influence from making a will or altering a will, or who has submitted to him a supposititious will, or has wrongfully altered or destroyed a will already made by him, or has aided and abetted any person in any of these acts.

Incapacity how condoned.

15. The incapacity to succeed to the property of a deceased person, mentioned in sections 13 and 14, shall be annulled and removed if the deceased has voluntarily and in express terms pardoned the otherwise incapacitated person, by instrument in writing or by will.

No bar to successors of persons incapacitated.

16. The descendants of an incapacitated person, who but for his incapacity would be entitled to succeed by operation of Law to any property, shall be entitled to succeed to the property in the same manner as if the incapacitated person had died in the lifetime of the intestate; but the person incapacitated upon whose descendants the property devolves shall be barred from any subsequent right of enjoyment thereof accorded to him by the Law.

Limitation of actions to establish incapacity.

17. All actions whereby any property is claimed on the ground of the incapacity of an heir shall be commenced before the lapse of five years from the date when the inheritance accrued to him.

Vesting of rights, etc., of property of deceased.

18. From and after the grant of probate or letters of administration, whether with will annexed or otherwise, or if no such grant is made, the rights and liabilities attaching to the property of a deceased person are vested in and devolve upon the executor or administrator, as the case may be, until the property is administered; and from and after the administration of the property they are vested in and devolve upon the persons legally entitled.

PART 2.

Wills.

Power to dispose by will of property.

19. Every person who is of sound mind and who has completed the eighteenth year of his age may, subject to the provisions of this Law, dispose by will of a part or the whole of the property of which he dies possessed, according to the following rules; and the part of the property which he may so dispose of is hereinafter termed the "disposable portion," to distinguish it from that part of his property which he may not so dispose of, or has not so disposed of, which is hereinafter termed the "legal portion."

Where a person dies leaving:—

(1.) A spouse and child, or descendant thereof, the disposable portion shall not exceed one-third of the net value of the property of which he died possessed;

(2.) A child or descendant thereof, but no spouse, the disposable portion shall not exceed one-half of the net value of the property of which he died possessed;

(3.) A spouse, but no child nor descendant thereof, the disposable portion shall not exceed two-thirds of the net value of the property of which he died possessed;

(4.) Neither spouse, nor child, nor descendant thereof, the disposable portion is the whole of the property of which he died possessed.

Where a person has purported to dispose by will of a larger share of his property than he was entitled to dispose of under the above rules, such disposition or dispositions shall be reduced and abated proportionately, so as to conform to the said rules.

Add 19A from Law 21/1935

19A

Substitution of heirs, etc.

20. A testator shall have the power, in disposing of the whole or any portion of his property by will, to make provision therein for the substitution of any heir or legatee for any heir or legatee mentioned in his will.

Guardians may be appointed by will.

21. A father or mother may by will appoint a guardian or guardians for his or her child during minority.

Requisites of will.

22. A will shall be made as follows:—

(1.) It shall be in writing.

(2.) It shall be signed at the end thereof by the testator, or by some other person on his behalf, in his presence and by his direction.

(3.) The signature of the testator shall be made or acknowledged by him in the presence of three or more witnesses present at the same time.

(4.) The witnesses shall subscribe their names to the will in the presence of the testator and in the presence of each other, attesting respectively that it was signed by or on behalf of the testator in their presence and that they subscribed it at his request and in his presence.

(5.) When the will consists of more than one sheet of paper, each sheet shall be signed or initialled by or on behalf of the testator and by the witnesses.

A will may follow the form in Schedule A.

The attestation clause used for the execution of every will shall be as follows or to the like effect:—

"Signed by the said *A.B.* in the sight and presence of us, all present at the same time, who, in his sight and presence, at his request, and in the presence of each other, subscribe our names as attesting witnesses.

C.D.
E.F.
G.H."

No will shall be valid unless it is made in accordance with this section.

Qualifications of witness.

23. The witnesses to a will must be persons who have attained the age of eighteen years, of sound mind, and able to sign their names.

If any person attests a will whereby any beneficial bequest or legacy is made to such witness or to the wife, husband, or child of such witness, the bequest or legacy shall be void.

Will induced by fraud, etc., void.

24. A will, or any part of a will, the making of which has been caused by fraud or by the exercise of undue influence upon the testator, is void.

What bequests invalid.

25. No bequest shall be valid:—

(1.) If made to a person who is not in existence at the time of the death of the testator, save in the case of a bequest to a posthumous child of the testator;

(2.) If it does not express a definite intention;

(3.) Where it is dependent upon an impossible, illegal, or immoral condition.

Religious bequest.

26. No person having any relation within the third degree of kindred shall have power to bequeath any property to religious uses except by a will executed at least fifteen days before the death of the testator.

Revocation of will.

27. A will may be revoked, either—

(1.) By a subsequent will expressly revoking the former one;

(2.) By a subsequent will inconsistent with the provisions of the former one (but so far only as the provisions of the two wills are inconsistent);

(3.) By destruction or mutilation, done by the testator, or by his direction, with the intention of revoking it.

A will shall also be deemed to be revoked—

(1.) By the marriage of the testator after the execution of the will;

(2.) By the birth of a child to the testator after the execution of the will, if at the time of the making of the will the testator had no children.

Provided always that the marriage or the birth of a child shall not be deemed to revoke a will if it appears upon the face of the will that the will was made in contemplation of such marriage or birth.

Gifts in contemplation of death.

28. Any person may dispose of any movable property by a gift made in contemplation of death, if made in the presence of at least two witnesses.

A gift is said to be made in contemplation of death where a person who is ill and expects to die shortly of his illness delivers to another the possession of any movable property to keep as a gift in case the giver shall die of that illness. Such a gift may be resumed by the giver.

Such a gift does not take effect—

(1.) If the giver recovers from the illness during which it was made;

(2.) If the giver survives the person to whom it was made.

Such gifts, how treated.

29. Gifts made in contemplation of death shall be treated upon the administration of property in exactly the same way as if they were Specific Legacies.

PART 3.

Procedure with regard to Probate and Letters of Administration.

Probate, etc., and how granted.

30.—(1.) No will shall have any effect until it has been proved.

(2.) Probate of a will, or letters of administration with will annexed, or letters of administration, may be granted by the Court upon the application of any person, as hereinafter provided.

(3.) Probate of a will, or letters of administration with will annexed, shall only be so granted upon application, in those cases where the will appears to have been duly executed, and where there is no opposition to the grant, and where there is no suggestion or claim that the will is otherwise than genuine.

(4.) Every application under this section, for probate or for letters of administration with will annexed, shall be accompanied by an

affidavit of one or more of the attesting witnesses, in proof of the due execution of the will, and stating the estimated value of the movable property of the deceased. The affidavit may follow the Form in Schedule B (1.).

(5.) If any of the attesting witnesses to a will are dead or absent from Cyprus, the application shall be accompanied by an affidavit of some person or persons in proof of the deaths or absence of such attesting witnesses, and in proof of their handwritings and signatures, and of the handwriting and signature of the testator. The affidavit may follow the Form in Schedule B (2.).

(6.) Every application under this section for letters of administration shall be accompanied by an affidavit of some person or persons, to the effect that to the best of his or their knowledge and belief the deceased died intestate, and that the proposed administrator is a fit and proper person to administer the property of the deceased, and stating the estimated value of the movable property and, as far as possible, the names and places of residence of all the persons who are entitled to succeed to the property of the deceased.

Documents on application to be deposited in Court.

31. Upon every application for probate or for letters of administration, every affidavit and any will or codicil shall be deposited with the Registrar of the Court; and the Registrar shall enter in a book to be kept for that purpose a memorandum of the deposit of the will and of the condition in which it was found at the time of the deposit.

Every will so deposited shall be marked by the Registrar with a number and the date of the deposit, and shall be kept in the custody of the Registrar; and every person interested therein shall be entitled to a copy thereof on payment of a fee of 3 c.p. per folio of one hundred words.

Depository for wills of living persons.

32. There shall be kept in the office of every District Court a safe and convenient depository for the wills of deceased persons deposited under section 31 hereof, and for all such wills of living persons as shall be deposited there for safe custody; and persons may deposit their wills in the depository upon payment of such fees and under such regulations as shall from time to time be prescribed by Rules of Court made under this Law.

Proceedings as to probate and letters of administration.

33.—(1.) Upon application for probate of a will or codicil, or for letters of administration with will annexed, the Court shall inspect the will or codicil and read the affidavit or affidavits in connection therewith, and, if satisfied that the will is genuine and has been duly signed and attested according to Law, shall grant probate

thereof (or, in case no executor is appointed thereby, letters of administration with will annexed), in the form prescribed in Schedule C.

(2.) Upon application for letters of administration the Court shall read the affidavit or affidavits in connection therewith, and, if satisfied that the deceased died intestate, and that the proposed administrator is a fit and proper person to administer the property of the deceased, shall grant letters of administration to him.

(3.) The Court may, of its own motion or on the application of any person, summon the persons who made the affidavit or affidavits in connection with the will or in connection with the application for letters of administration and further examine them, or take any further evidence that may be deemed necessary with a view to the granting or refusing of probate or of letters of administration, whether with will annexed or otherwise.

Administrator to give security.

34. Before granting letters of administration whether with will annexed or otherwise to any person, the Court shall require him to enter into a security bond, with or without a surety or sureties, to the effect that he will duly administer the property of the deceased according to Law.

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Provided, however, that where on the application of the Public Trustee established under the Public Trustee Act, 1906 (6 Edw. 7, ch. 55), letters of administration whether with will annexed or otherwise are granted to the said Public Trustee the said Public Trustee shall not be required to enter into any such security bond or to give any security for the purposes aforesaid or otherwise.

Notice to Land Registry Officer.

35. The person to whom probate or letters of administration with will annexed is granted shall, within ten days after the grant, if any immovable property is affected by the will, give notice in writing to the Principal Land Registry Officer, setting out in the notice a list of the immovable property affected by the will.

Provisions as to interlineations, etc.

36. Where any interlineation, alteration, obliteration or erasure appears on the face of the will, the Court shall require proof that it existed in the will at the time of its execution or re-execution, or that the interlineation, alteration, obliteration or erasure has become valid by the execution of some codicil; otherwise all such interlineations, alterations, obliterations and erasures shall be invalid and of no effect.

Court may refuse to grant probate, etc.

37. If it appears to the Court upon an application for probate, or for letters of administration with will annexed, that the will was not duly executed, or that some person opposes the grant, or that

there is a *bonâ fide* suggestion or claim that the will is not genuine or has been obtained by undue influence or fraud, or if upon an application for letters of administration the Court is not satisfied that the deceased died intestate, or that the proposed administrator is a fit and proper person to administer the property of the deceased, the Court shall refuse to grant probate or letters of administration, as the case may be, and shall inform the applicant that he is at liberty to bring an action in the District Court claiming a grant of probate or letters of administration, as the case may be.

The Rules of Court relating to applications in actions shall as far as applicable, extend and apply to applications for probate or letters of administration, but no appeal will lie from any order of a Court made upon such an application.

Actions with regard to probate, etc.

38. Nothing in the foregoing provisions with reference to the granting of probate or letters of administration on application, shall be taken to prevent any person from bringing an action claiming such a grant, or the revocation of any such grant. Such actions shall be instituted by writ of summons in the District Court of the District in which the deceased had his usual place of residence or in which he died, and the Rules of Court relating to proceedings in actions shall, as far as applicable, extend and apply to such actions, and the District Court shall have power to hear and determine such actions, and to give judgment granting probate or letters of administration, or revoking or varying any grant of the same which may have been made upon application.

PART 4.

Rights of Surviving Spouse.

Rights of surviving spouse to share in legal portion.

39. Where a person dies leaving a wife or husband, such wife or husband shall be entitled to a share in the legal portion of the property of which the deceased died possessed, according to the following rules:—

If the deceased has left, besides such wife or husband—

(1.) Any child or descendant thereof, the wife or husband shall be entitled to one-sixth share of the legal portion, or if there be more children than five (whether they be living or represented by descendants), the wife or husband shall be entitled to a share of the legal portion equal to a share of one of such children;

(2.) No child nor descendant thereof, but any ancestor or descendant thereof within the sixth degree of kindred to the

deceased, the wife or husband shall be entitled to one-third share of the legal portion;

(3.) No child nor descendant thereof nor any relative within the sixth degree of kindred to the deceased, the wife or husband shall be entitled to the whole of the legal portion.

A wife or husband who becomes entitled to any part of the legal portion under this section shall not bring into account in reckoning such share any property received from the deceased by virtue of the marriage contract.

PART 5.

Rights of Succession to Legal Portion.

Succession by will no bar to succession by law.

40. Any person who becomes entitled to succeed to any part of the disposable portion, by virtue of the will of the deceased, is in no way debarred from succeeding to any part of the legal portion, should he be so entitled.

Provided always that any child or other descendant of the deceased who becomes entitled to succeed to any part of the legal portion, shall in reckoning his share bring into account all property that he has received from the deceased by way of advancement or marriage portion, or by way of gift made in contemplation of death, unless the deceased has by his will specifically declared that such property is not to be so brought into account.

Degrees of kindred.

41. The degree of kindred between any two persons shall be ascertained as follows:—

(1.) When the two persons are in the direct line of descent the one from the other, by reckoning the number of generations from either of them to the other, each generation constituting a degree; and where they are not in the direct line of descent the one from the other, by reckoning the number of generations from either of them up to their common ancestor and from the common ancestor downwards to the other of them, each generation constituting a degree.

The degrees of kindred down to the sixth degree are shown in the table in Schedule D.

Meaning of *per stirpes*.

42. Where in this Law it is provided that any class of persons shall become entitled to the property of a deceased person *per stirpes*, it is thereby intended that the child of any person of the defined class who shall have died in the lifetime of the deceased and who, if he had survived the deceased, would have become entitled on the

death of the deceased to a share in his property shall become entitled only to the share which the parent would have taken if he had survived the deceased.

Succession of kindred.

43.—(1.) Subject to the provisions in this Law contained as to the incapacity of persons to inherit any property of a deceased person, and subject to the rights of the surviving wife or husband, if any, to the property of a deceased person, the person or persons who on the death of any person shall become entitled to the legal portion of his property and, if more than one person shall so become entitled, the shares in which they shall be entitled shall be as follows, that is to say:—

(*a.*) All or such one or more of his lawful children living at his death, and the descendants living at his death of any of them who have died in his lifetime, and, if more than one, in equal shares *per stirpes*. And if there are no descendants of the deceased living at his death; then

(*b.*) All or such one or more of his father, mother, brothers and sisters of the full and of the half blood living at his death, or the descendants living at his death of any of his said brothers or sisters who have died in his lifetime, *per stirpes*, in the shares hereinafter specified; that is to say:—The father and the mother of the deceased and each of his brothers and sisters of the full blood shall take in equal shares; brothers and sisters of the half blood shall take half the share of a brother of the full blood. And if the father and mother of the deceased be not living at his death; then

(*c.*) The nearest ancestor living at his death shall take an equal share with a brother or sister of the full blood.

If no descendant of the deceased, nor his father or mother, nor any brother or sister or descendant of any brother or sister, is living at his death; then

(*d.*) All or such one or more of his ancesters nearest in degree of kindred, male and female, as shall be living at his death; if there are ancestors of equal degree of kindred on both the father's side and on the mother's side the ancestors on each side shall take half the property, and, if there are more than one of them on either side, in equal shares.

If no descendant or ancestor of the deceased nor any brother or sister is living at his death; then

(*e.*) All or such one or more of his nearest of kin within the tenth degree of kindred as shall be living at his death, and

if there are more than one, in equal shares, the kindred nearer in degree excluding those more remote.

(2.) If there is no person of kin to the deceased within the tenth degree of kindred living at his death he shall be taken to have died without heirs, and no one of his kin beyond the tenth degree of kindred shall on his death become in any manner entitled to the legal portion of his property not disposed of by will.

PART 4.

ADMINISTRATION [1].

Executor to obtain probate and administer property.

44. Where the deceased has left a will it is the duty of the executor, after having obtained a grant of probate, to carry out the provisions of the will and generally to administer the legal portion according to Law.

Provided that any executor may renounce the executorship, before the grant of probate to him, but if he so renounces he can take no benefit under the will, nor does he incur any liability in respect of the will.

Executor may be called on to accept or renounce executorship.

45. Any person who claims to be interested under any will may give notice in writing to any person named as executor in the will, calling upon him to accept or renounce the executorship; and he shall, within one month from the receipt of the notice, signify his acceptance or renunciation of the executorship.

Such acceptance or renunciation shall be effected by filing a declaration to that intent in the District Court in which the will has been deposited. Should he make default in filing a declaration of acceptance, he shall be deemed to have renounced the executorship.

Administrator with will annexed to administer property.

46. Where the deceased has left a will without having appointed an executor thereof, it is the duty of the administrator, after having obtained a grant of letters of administration with will annexed, to carry out the provisions of the will and generally to administer the legal portion according to law.

Duties of administrator.

47. Where the deceased has died intestate, it is the duty of the administrator, after having obtained a grant of letters of administration, to administer the property of the deceased according to law.

Inventory of property to be filed in Court.

48. An executor who has obtained probate, or an administrator who has obtained letters of administration (whether with will

[1] As to appointment of an Official Trustee as executor or administrator *see* Official Trustees Law, 7 of 1912, s. 5 (*c*) p. 649.

annexed or otherwise), shall, within such time as the Court shall direct, file in the Court an inventory of the property of which the deceased died possessed.

The inventory shall be accompanied by a declaration upon oath in the form given in Schedule E, or to the like effect.

Power to appoint temporary administrator.

49. The Court may, at any time before granting probate or letters of administration, upon the application of any person who claims to be interested under the will or in the property of the deceased, appoint any person to act temporarily as administrator of the property of the deceased, for such time as to the Court may seem necessary or desirable. And all the rights and duties of an executor or administrator shall for that time devolve upon the person so appointed.

Duties of executor or administrator.

50.—(1.) An executor, having obtained probate, or an administrator with will annexed, shall, in administering the property of the deceased, proceed as follows:—

(*a.*) Collect and get in with all reasonable speed all the property of which the deceased died possessed;

(*b.*) Pay the funeral and testamentary expenses and all the just debts of the deceased;

(*c.*) Have the residue of the property carefully valued, if it appears to be necessary so to do, and carry out the provisions of the will according to law, reducing the legacies proportionately if it appears that the testator has affected to dispose by will of more than he was legally entitled so to do;

(*d.*) Distribute the legal portion according to law.

(2.) Where the deceased has died intestate the administrator shall proceed to administer the property of the deceased in the same manner as is prescribed for an executor, save with regard to the carrying out the provisions of the will.

Order of payment of debts.

51. The following are to be regarded as the just debts of the deceased, and they shall be liquidated by the executor or administrator in the following order:—

(1.) The reasonable funeral expenses of the deceased;

(2.) The expenses incident to the acceptance and discharge of the executorship;

(3.) The expenses of the medical treatment of the deceased during his last illness, and the wages due to the domestic servants of the deceased, not exceeding six months' wages;

(4.) Debts on bonds and other secured debts according to their several priorities;

(5.) Simple contract debts.

Treatment of specific legacies.

52.—(1.) Specific legacies shall take rank and be liquidated after the payment of the just debts, and, unless the will shows a contrary intention, shall be liquidated before the general legacies.

(2.) If it appears that the value of the specific legacies, taken together, exceeds that of the disposable portion, the reduction and abatement of such legacies shall be effected in the following manner:—

All the objects of the specific bequests shall be sold and from the proceeds of sale the moneys equivalent in value to that of the disposable portion shall be set apart and distributed amongst the specific legatees in proportion to the value of their respective legacies.

Publication of notice of distribution may be ordered.

53. It shall be open to the Court to order that an executor or administrator shall give notice of his intention to distribute the assets, by such publication as may seem to the Court to be reasonable, and that the distribution of the assets shall be postponed until such time after the publication as may seem to the Court to be desirable.

Death of executor or administrator.

54. Where the executor or administrator has died or become incapable of acting before the administration of the property is concluded, the Court may, upon the application of any person, grant letters of administration to some person for the purpose of carrying out the due administration of the property according to Law.

Where such letters of administration have been granted all the rights and duties of an executor or administrator shall devolve upon the new administrator.

In default of heirs, letters of administration may be granted.

55. If all the heirs to a deceased person have renounced the inheritance, or if the deceased has died without heirs or has left heirs who are all absent from Cyprus, the Court may, on the application of the Queen's Advocate, or of any person interested in the administration of the property of the deceased, grant letters of administration or letters of administration with will annexed as the case may be, to any person; and the administrator shall under the direction of the Court:—

(1.) Collect and get in the estate of the deceased person with all reasonable speed;

(2.) Apply the assets to the payment of the liabilities of the deceased's estate, so far as the assets will extend;

(3.) Pay any balance remaining in his hands after payment of all the liabilities into the Public Treasury;

(4.) File in the District Court, within such time as the Court shall order, a true account of the property that has come into his hands as administrator, and of the manner in which it has been disposed of.

PART 7.

Acceptance and Renunciation of Inheritance.

An heir may renounce the inheritance.

56. Any person upon whom an inheritance devolves by law may either accept the inheritance or renounce it.

Every heir is presumed to have accepted an inheritance who, not having renounced it within such time as is hereinafter prescribed, shall have intermeddled with the property of the deceased except so far as may be reasonably necessary for the preservation thereof.

Liability of heir accepting inheritance.

57. The heirs who have accepted an inheritance are liable to pay the debts of the deceased so far as the property of the deceased that has come into their hands is sufficient for the payment thereof, and no further.

Debts due from the deceased to an heir are not extinguished by the acceptance of the inheritance.

Renunciation.

58. An inheritance may be renounced by any heir at any time within three months from the time when he first became aware of the death of the deceased.

Renunciation is effected by filing in the District Court of the District in which the deceased last usually resided a declaration of renunciation in the form given in Schedule F.

Proviso.

59. No heir may renounce any inheritance who has received any part of the estate, unless at the time of renunciation he shall pay into Court the full value of the part of the estate received by him.

Effect of renunciation.

60. An heir who has renounced the inheritance incurs no liability in respect of the debts of the deceased, and can receive no benefit from the estate of the deceased either by operation of law or under the will of the deceased.

PART 8.

Miscellaneous

61. On failure of heirs, all property of a deceased person with respect to which he shall die intestate, with the exception of Vacouf property, shall become the property of Her Majesty, her heirs and successors; and Vacouf property shall devolve upon the persons entitled thereto by law.

On failure of heirs, property devolves on Crown except Vacouf property.

62. This Law shall not affect the established rights of any monastic institutions or corporate body.

Rights of monasteries reserved.

63. This Law shall not apply to the property of deceased Mahommedans.

Not to apply to Mahommedans.

64. This Law shall not be applied in any case in which the application thereof shall appear to be inconsistent with any obligations imposed by treaty.

Treaty obligations reserved.

65. The High Commissioner with the advice and assistance of the Chief Justice may from time to time, by writing under the hand and official seal of the High Commissioner and the hand of the Chief Justice, make Rules of Court:—

Power to make Rules of Court.

(1.) For regulating the practice and procedure of the Courts and Judges and Officers of the Courts in carrying out the provisions of this Law;

(2.) For prescribing and regulating the fees to be taken in respect of any proceedings taken or acts done under the provisions of this Law or of any Rules of Court made in pursuance thereof.

SCHEDULE A. (S. 22.)

Form of Will.

The last will of me of in the Island of Cyprus, made this day of 189 .

1. I hereby revoke any will by me previously made.
2. I give and bequeath to
3. I also give and bequeath to , etc., etc.

And all the residue of my movable or Mulk property I give and bequeath to , etc.

I appoint of to be executor of this my will.

A. B. (testator).

Signed by the said *A. B.* in the sight and presence of us, all present at the same time, who in his sight and presence, at his request, and in the presence of each other subscribe our names as attesting witnesses.

C. D.
E. F.
G. H.

SCHEDULE B. (1.) (S. 30.)

In the District Court of
Probate Jurisdiction

In the matter of deceased.

I, of make oath and say that I am one of the subscribing witnesses to the last will of the said late of deceased, the said will bearing date the day of and having been deposited in the District Court of on the day of

I further make oath and say that the said testator executed the said will on the day of the date thereof by signing his name in the attestation clause thereof as the name now appears thereon, in the presence of me and of the other subscribed witnesses thereto, we all being present at the same time, and we thereupon attested and subscribed the said will in the presence of the said testator.

The estimated value of the movable property of the deceased is £ .

Sworn at on the day of

(Signed.)

18 , before me,

SCHEDULE B. (2.) (S. 30.)

In the District Court of
Probate Jurisdiction

In the matter of deceased.

I, of, [*or* We and of] having with care and attention inspected the last will of the said late of deceased, the said will bearing date the day of and having been deposited in the District Court of on the day of the said will beginning thus ending thus and being thus subscribed and having

observed the names set and subscribed to the said will as witnesses attesting the due execution thereof, make oath and say as follows:—

1. I am the [lawful widow *or* executor, *or as the case may be*].

2. I further say that I have made inquiries and ascertained that no person or persons was or were present at the execution of the said will, save and except the said testator and the said

3. I [*or* We] knew and was well acquainted with the said testator for many years before his death, and during such period I have frequently seen him write and subscribe his name to writings, and I am well acquainted with the manner and character of his handwriting and signature, and I verily and in my conscience believe the name subscribed to the said will as aforesaid to be of the true and proper handwriting of the said testator.

4. [*Here set out the dates of the deaths of the attesting witnesses and the belief in the genuineness of their signatures.*]

5. The estimated value of the movable property of the deceased is £ .

Sworn by the said
at this
day of
before me

(Signed.)

SCHEDULE C. (S. 33.)

In the District Court of

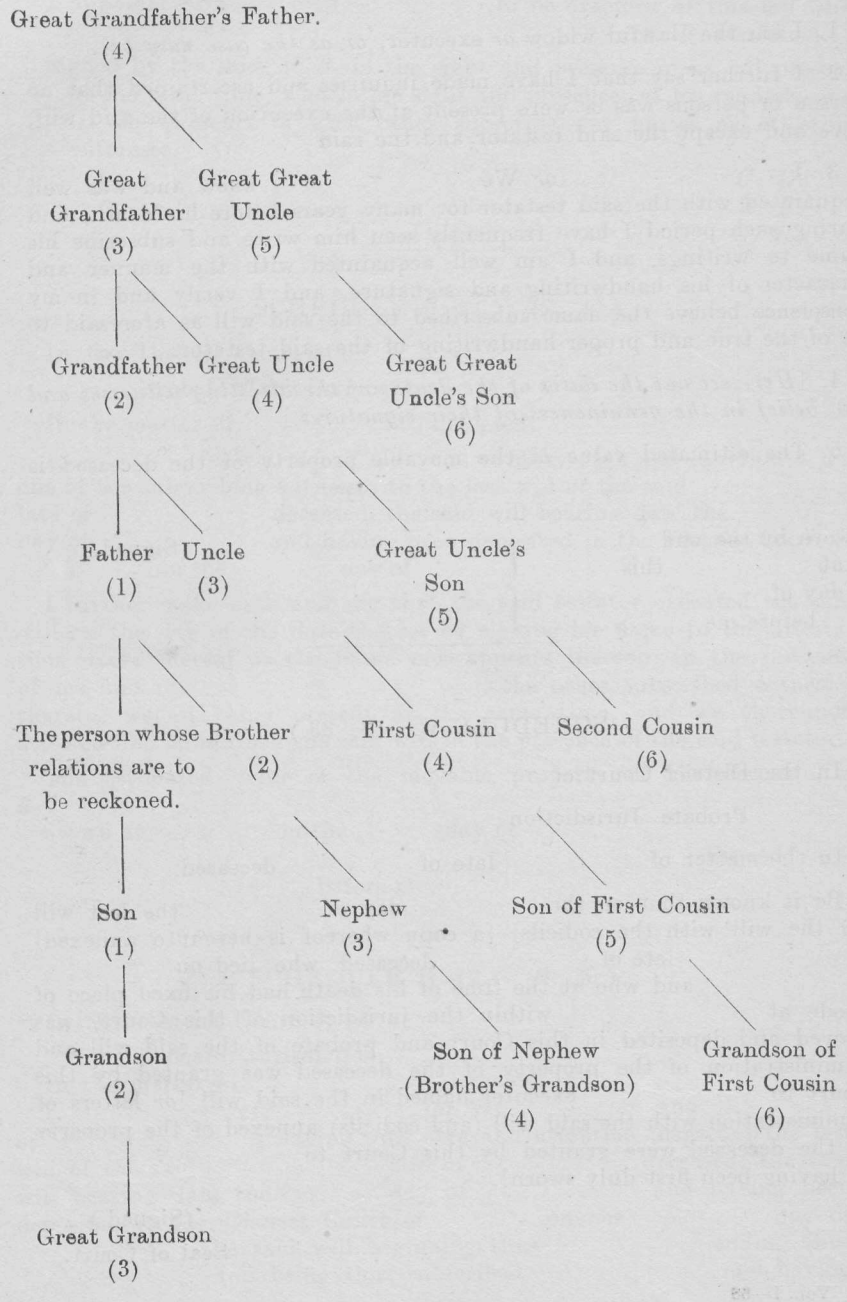
Probate Jurisdiction

In the matter of late of deceased.

Be it known that on the day of the last will [*or* the will with the codicils] [a copy whereof is hereunto annexed] of late of deceased, who died on at and who at the time of his death had his fixed place of abode at within the jurisdiction of this Court, was proved and deposited in this Court and probate of the said will and administration of the property of the deceased was granted by this Court to executor named in the said will [*or* letters of administration with the said will (and codicils) annexed of the property of the deceased were granted by this Court to he having been first duly sworn].

(Signed.)
Seal of Court.

SCHEDULE D. (S. 41.)



SCHEDULE E. (S. 48.)

In the District Court of
Probate Jurisdiction

In the matter of deceased.

I of as [executor *or* administrator, *as the case may be*], of who died on the day of and who had at the time of his death his fixed place of abode at within the jurisdiction of this Court hereby declare that

(1.) The said deceased at the time of his death was possessed or entitled to the properties mentioned in the Inventory attached hereto.

(2.) No property of the said deceased has at any time come to my possession or knowledge save as is set forth in the said Inventory,

On day of , 18 , the said was duly sworn [*or* affirmed] to the truth of the above declaration.

Before me

SCHEDULE F. (S. 58.)

In the District Court of
Probate Jurisdiction

In the matter of deceased.

Whereas late of deceased, died on the day of at intestate, having at the time of his death his fixed place of abode at within the jurisdiction of this Court, and whereas I of am his [lawful child *or* next of kin, *as the case may be*], now I the said do hereby declare that I have not intermeddled with the property of the deceased and further do hereby expressly renounce my right to inherit from the said deceased.

In witness whereof I have hereto set my hand and seal this day above written.

Signed and sealed in the presence of

L.S.

WINE AND SPIRIT DUTIES.

See CUSTOMS, EXCISE AND REVENUE.