



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3425 OF 3RD MARCH, 1949.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 9 OF 1949.

A LAW TO PROVIDE FOR THE ADMINISTRATION OF
MOSLEM RELIGIOUS PROPERTY.

R. E. TURNBULL,]

[2nd March, 1949.

Officer Administering the Government.

BE it enacted by His Excellency the Officer Administering
the Government and Commander-in-Chief of the
Colony of Cyprus as follows :—

1. This Law may be cited as the Evcaf Law, 1949.

Short title.

Interpre-
tation.

2. In this Law, unless the context otherwise requires—
“Delegates” means the Delegates of Evcaf appointed under this Law for the time being;

The expressions “deed of dedication” and “Trustee” shall have respectively the same meaning as the expressions “Vakfieh” and “Mutevelli” in Turkish.

Appoint-
ment of
Delegates.

3. The Governor shall, subject to the sanction of the Secretary of State, appoint from time to time two Delegates to be styled “the Delegates of Evcaf”, one of whom shall be a Moslem resident in the Colony, to administer and superintend all property, funds and lands belonging to Mosques, Moslem cemeteries, Moslem schools and other Moslem religious establishments existing in the Colony.

Date of
taking effect
of appoint-
ment.

4. Any such appointment shall take effect as from a date to be named by the Governor, and all acts and things done or performed after the said date by such Delegates in the performance of their duties shall be deemed to be valid and effectual as if such Delegates had been duly appointed on that date.

Vesting of
property in
Delegates.

5.—(1) All Mazbouta and Mulhaka non-Meshrouta vakfs and all funds appertaining to the same shall, subject to the provisions of this Law, vest in the Delegates.

(2) All Mulhaka Meshrouta vakfs and all funds appertaining to the same shall, subject to the provisions of this Law, vest in the Trustees of the said vakfs.

(3) All other property, not being vakf, acquired or exchanged by the Delegates shall vest in the Delegates.

Power of
Delegates to
administer.

6. The Delegates shall, subject to the provisions of this Law, be—

- (a) sole administrators and trustees of Mazbouta and Mulhaka non-Meshrouta vakfs;
- (b) sole administrators of all property, not being vakf, acquired or exchanged by them;
- (c) directors and superintendents of Mulhaka Meshrouta vakfs.

Establish-
ment and
status of
Evcaf
Department.

7. There shall be established in the Colony a Department, to be styled and hereinafter referred to as “the Evcaf Department”, under the control of the Delegates charged with the administration and superintendence of Moslem religious property, and such Department shall for the purposes of this Law be deemed to be a Government Department.

Delegates
under the
direction of
Governor.

8. The Delegates shall, in the exercise of the duties of their office and in all matters connected with the Evcaf Department, be under the direction of the Governor.

- 9.** In all proceedings of a civil nature before any Court, the Delegates shall sue and be sued in the name of the Attorney-General, save that in such proceedings none of the provisions of the Cyprus Courts of Justice Order, 1927, or any Law amending or substituted for the same, relating to actions or claims by or against the Government of the Colony of Cyprus, shall be applicable. Proceedings by and against Delegates.
- 10.** All such proceedings as aforesaid shall, notwithstanding anything contained in any other Law or Order to the contrary, be instituted in and determined by the Civil Courts established in the Colony. Jurisdiction of Civil Courts.
- 11.** The revenue of the Evcaf Department shall be kept separate and distinct from the revenue and other funds of the Colony. Evcaf revenue.
- 12.** The revenue of the Evcaf Department shall, after defraying the annual cost and expenses of maintaining the said Department as approved by the Governor, be utilized exclusively for the maintenance and repair of property vested in or administered by the Delegates and for the religious, charitable and educational requirements of the Moslem Community of the Colony. Application of Evcaf revenue.
- 13.** The Delegates, as such, and the staff of the Evcaf Department shall not be deemed to be public officers in the service of the Colony. Delegates, etc., not public officers.
- 14.** The Delegates may, subject to the approval of the Governor, appoint fit and proper persons to the departmental staff of the Evcaf Department and may with the Governor's approval dismiss the same. All other appointments and dismissals, including appointments and dismissals for various duties in connection with Mulhaka non-Meshrouta and Mulhaka Meshrouta vakfs, shall, subject to the provisions of this Law, be within the sole discretion of the Delegates. Appointments.
- 15.** The salaries, travelling and other expenses of the Delegates and of the departmental staff shall be defrayed from the revenue of the Evcaf Department. Salaries, etc.
- 16.** The Delegates shall, at the beginning of each year, prepare estimates of revenue and expenditure for Mazbouta vakfs and submit the same to the Governor for his approval, and such estimates shall include the salaries of the Delegates, the departmental staff, and of Mosque and other officials paid out of the funds of the Mazbouta vakfs. Estimates.

Appoint-
ment and
dismissal of
Trustees.

17.—(1) The appointment and dismissal of Trustees shall be made by the Delegates, subject to the approval of the Governor.

(2) Any person aggrieved by the appointment or dismissal of any Trustee made under sub-section (1) hereof, may institute legal proceedings against the Delegates in accordance with sections 9 and 10 of this Law :

Provided that all costs incurred in defending such legal proceedings where such costs are not adjudged to be paid by the plaintiff or if adjudged to be paid by the plaintiff, cannot be recovered from him, and all costs adjudged to be paid to the plaintiff, shall be recoverable only from the revenues of the Vakf to the trusteeship of which such legal proceedings relate.

Commission
to Trustees.

18. No Trustee shall be deemed to be duly appointed, or duly qualified to act as such, save under a Commission (Berat) under the hand and seal of the Governor :

Provided that pending the appointment of a Trustee the administration of a vakf shall be carried on by the Delegates.

Trustees
residing
abroad.

19. If and when the Trustee of a vakf resides outside the Colony, the Delegates may appoint by writing under their hands a person or persons to act as agent or agents of such Trustee in the Colony, in which case the agent or agents so appointed shall have all the powers, duties and obligations of a Trustee duly appointed as such in pursuance of section 17 of this Law.

Direction,
control and
supervision
by Delegates.

20. It shall be the duty of the Delegates to supervise and control the execution of all Moslem religious trusts and endowments ; and all officers of the Evcaf Department, Trustees, or their agents and other persons entrusted with the administration of Evcaf funds, or other property of any category, shall act under the immediate direction, control and supervision of the Delegates.

Annual
accounts.

21. All Trustees, or other persons administering Mulhaka non-Meshrouta and Mulhaka Meshrouta vakfs, shall, as soon as possible after the 31st day of December in each year, submit to the Delegates annual accounts, showing detailed items of revenue and expenditure, supported by vouchers, of every vakf administered by them.

22. All deeds of dedication shall be registered and with regard to their registration the following provisions shall be complied with :—

Registration
of deeds
of dedication.

- (a) the dedicator or founder of a vakf, or his duly authorized agent, shall present to a Sheri Judge the deed of dedication, duly signed by such dedicator or founder, and shall apply to him for the registration of the same ;
- (b) the Sheri Judge shall thereupon, subject to the payment of any fees prescribed for registration, file the deed of dedication and shall register it in a book kept for the purpose ;
- (c) on registration as aforesaid the Sheri Judge shall forthwith forward two copies of the deed of dedication, certified by him as correct, to the Delegates ;
- (d) the Delegates shall examine the copies aforesaid of the deed of dedication, and, if in their opinion, the deed of dedication complies with all formalities and requirements of the law, the Delegates shall act as follows :—
 - (i) one of the copies thereof shall be filed and recorded by them in a book kept for the purpose ; and
 - (ii) shall forward the other copy thereof to the Director of Land Registration and Surveys with an endorsement thereon to the effect that the deed of dedication may be registered in the books of the Land Registry Office.

If in the opinion of the Delegates the deed of dedication does not comply with all formalities and requirements of the law, the Delegates shall thereupon notify in writing the Sheri Judge to this effect ;

- (e) the Director of Land Registration and Surveys shall, on receiving the copy of the deed of dedication endorsed by the Delegates as aforesaid and unless any impediment exists to the contrary, cause the deed of dedication to be registered in the books of the Land Registry Office, and shall thereupon notify the Delegates in writing whether the deed of dedication has been registered or not ;

- (f) on receipt of a notification from the Director of Land Registration and Surveys that the deed of dedication has not been registered in the books of the Land Registry Office, the Delegates shall notify the Sheri Judge in writing to that effect ;
- (g) on receipt of any notification from the Delegates under paragraphs (d) or (f) of this section, the Sheri Judge shall cause a notice to be served upon the dedicator or founder and all other persons interested, if any, to the effect that the deed of dedication has been found not to comply with the formalities and requirements of the law, or that the deed of dedication has not been registered in the books of the Land Registry Office, as the case may be ;
- (h) within a period of three months of the service of any such notice as in the preceding paragraph provided, the dedicator or founder, and any person aggrieved by any act of the Delegates under paragraph (d) of this section or by any act of the Director of Land Registration and Surveys under paragraph (e) of this section may institute proceedings against the Delegates as provided in sections 9 and 10 of this Law ;
- (i) no deed of dedication shall be valid and effective unless and until the formalities prescribed by this section have been complied with and the deed of dedication has been registered in the books of the Land Registry Office.

Deeds of
dedication
irrevocable.

23. A deed of dedication, registered under the provisions of the preceding section, shall be deemed to be irrevocable, and the dedicator or founder of the Vakf therein created shall have no power to rescind such vakf:

Provided that such dedicator or founder may alter or amend the terms of such deed of dedication if he has reserved to himself such power therein :

Provided further that such alterations or amendments as aforesaid shall be subject to the provisions of the preceding section.

Saving of
certain
deeds of
dedication.

24. Nothing in this Law shall affect the validity of any deed of dedication made before the 1st day of January, 1929 :

Provided that the dedicator or founder of the vakf to which such deed of dedication relates, or any person so empowered therein, may alter or amend—

- (a) the term therein contained relating to the office of the Trustee, and

(b) any other term therein contained if power so to do had been reserved therein but not otherwise:

Provided further that no such alteration or amendment shall be valid and effective unless the provisions of section 22 of this Law, in so far as they can apply thereto, have been complied with in respect thereof.

25. All moneys, being the income or surplus of vakfs, formerly required to be sent to the Evcaf Treasury at Constantinople, shall merge in and form part of the revenue of Mazbouta vakfs. Moneys formerly sent to Constantinople.

26. On failure of heirs or beneficiaries, or whenever the original object of any dedication has become obsolete or for any reason impossible of performance, the property and funds connected with any such dedication shall escheat to the Delegates and shall merge in and form part of the revenue of the Mazbouta vakfs. Escheat.

27. On the application of any interested person, the Delegates shall, subject to the approval of the Governor, have power to effect exchanges (istibdal) of vakf property of any category. Exchanges of property.

28. All rents (idjarés) of dedicated lands (Mevkoufé), whether buildings have been erected thereon or not, which are leviable under any Law in force for the time being, shall be collected by or on behalf of the Delegates, and shall merge in and form part of the revenue of the Mazbouta vakfs. Rents.

29.—(1) The Governor may, with the sanction of the Secretary of State for the Colonies, by notification in the *Gazette*, declare any office in the Evcaf Department to be pensionable. Pensions.

(2) Upon any such notification as aforesaid, such of the provisions of the Pensions Law in force for the time being as the Governor shall direct shall apply to the grant of any pension or gratuity attaching to such office:

Provided that all such pensions or gratuities shall be a charge on, and payable out of, the revenue of the Evcaf Department.

30. The Governor may from time to time by order make Regulations to be published in the *Gazette*— Power of Governor to make Regulations.

- (a) regulating all matters relating to administration of Moslem religious property;
- (b) prescribing the fees and fixing the charges to be taken by the Delegates;
- (c) generally for carrying any of the purposes or provisions of this Law into effect.

Saving.

31. All acts done, including the making of appointments and Regulations, under and in accordance with the Cyprus Evcaf (Mohammedan Religious Property Administration) Order in Council, 1928, and the Cyprus Evcaf (Mohammedan Religious Property Administration) Order and Law, 1928 and 1934, shall be deemed to have been done under this Law.

Repeal.

32. The Cyprus Evcaf (Mohammedan Religious Property Administration) Order in Council, 1928, (Amendment) Law, 1934, is hereby repealed.

19 of 1934.

Date of
coming into
operation.

33. This Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette*.

2nd March, 1949.

H. G. RICHARDS,
Acting Colonial Secretary.