

No. 11 OF 1957.

A LAW TO AMEND THE GUARDIANSHIP OF INFANTS AND  
PRODIGALS LAW.

CAP. 102  
41 of 1954

JOHN HARDING,]  
*Governor.*

[24th April, 1957.]

**B**E 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 Guardianship of Infants and  
Prodigals (Amendment) Law, 1957, and shall be read as one with  
the Guardianship of Infants and Prodigals Law (hereinafter  
referred to as "the principal Law").

Short title.  
Cap. 102.  
41 of 1954.

Amendment  
of section 2  
of the  
principal  
Law.

2. Section 2 of the principal Law is hereby amended by the substitution for the definition of " Court " of the following :—

" ' Court ' means—

- (a) in proceedings for the appointment or removal of a guardian, and the custody of, and right of access to, an infant, the President of the District Court or a District Judge of the District Court within the jurisdiction of which an infant or prodigal resides ; and
- (b) in all other cases, a member of the District Court within the jurisdiction of which an infant or prodigal resides ;”.

Insertion of  
new sections  
13A, 13B, 13C  
and 13D in  
the principal  
Law.

3. The principal Law is hereby amended by the insertion therein immediately after section 13, of the following new sections :—

“ Administ-  
ration by  
guardian  
after transfer  
of infant's  
share.  
43 of 1954.

13A. Notwithstanding the provisions of section 13, when the Court has made an order under sub-section (3) of section 46 of the Administration of Estates Law, 1954, the guardian to whom the property is transferred shall administer the same in accordance with Rules of Court to be made as provided in section 19 of this Law.

Power to  
relieve  
guardian  
from  
personal  
liability.

13B. If it appears to the Court that a guardian whether appointed by the Court or otherwise, is or may be personally liable for any breach of trust, whether the transaction alleged to be a breach of trust occurred before or after the commencement of this Law, but has acted honestly and reasonably, and ought fairly to be excused for the breach of trust and for omitting to obtain the directions of the Court in the matter in which he committed such breach, then the Court may relieve him either wholly or partly from personal liability for the same.

Power to  
employ  
agents.

13C. A guardian may, instead of acting personally, employ and pay an agent, whether an advocate, banker, stockbroker or other person, to transact any business or do any act required to be transacted or done in the administration of the infant's property, including the receipt and payment of money, and shall be entitled to be allowed and paid all charges and expenses so incurred, and shall not be responsible for the default of any such agent if employed in good faith.

Power to  
insure.

13D. A guardian may insure against loss or damage by fire any building or other insurable property of the infant to any amount, including the amount of any insurance already on foot, up to the full value of the building or property, and pay the premiums for such insurance out of the infant's property.”

4. The principal Law is hereby amended by the insertion therein, immediately after section 14, of the following new section:—

“Investment of infant’s property. 43 of 1954.

14A. Notwithstanding the provisions of section 14, when the Court has made an order under sub-section (3) of section 46 of the Administration of Estates Law, 1954, the guardian to whom the property is transferred may, without an order of the Court, invest such property in such manner as may be provided by Rules of Court to be made under section 19 of this Law.”.

Insertion of new section 14A in the principal Law.

5. Sub-section (1) of section 17 of the principal Law is hereby repealed and the following sub-section substituted therefor:—

“(1) Unless otherwise provided by any Rules of Court made under the provisions of section 19 of this Law, all proceedings under this Law shall be commenced by application.”.

Amendment of section 17 of the principal Law.

6. Section 19 of the principal Law is hereby repealed and the following section substituted therefor:—

“Rules of Court.

19. The Governor, with the advice and assistance of the Chief Justice, may by writing under the hand and the official seal of the Governor and the hand of the Chief Justice make Rules of Court—

Repeal of section 19 of the principal Law and substitution of new section.

- (a) for prescribing the procedure, forms, fees of Court and advocate fees in matters relating to any proceeding under this Law before the Court ;
- (b) for requiring guardians, who are not Registrars of the Court, to give security for the due application of an infant’s property under their control ;
- (c) respecting the safety, custody and investment of an infant’s property ;
- (d) respecting the remuneration of guardians, and for fixing and regulating the fees to be taken under this Law, and respecting the payment of such remuneration and fees out of the infant’s property ;
- (e) for dispensing with formal proof of facts in proper cases ;
- (f) for facilitating the discharge by the Court of administrative duties under this Law without judicial proceedings and otherwise regulating procedure under this Law and making it simple and inexpensive ;
- (g) respecting the suspension or removal of any guardian, and the succession of another person to the office of any guardian who may cease to hold office, and the vesting in such person of any infant’s property.

- (h) for the filing and auditing of the accounts of the property of an infant under guardianship ;
- (i) for providing that all or any of the powers of the Court in relation to an infant's property may be exercised by the Registrar of the Court; and
- (j) generally for carrying out the objects and provisions of this Law.”.

24th April, 1957.

A. F. J. REDDAWAY,  
*Administrative Secretary.*