

5 OF 1890.

TO PROVIDE FOR THE ADMINISTRATION OF CONVICTS' ESTATES
DURING THE PERIOD OF SENTENCE.

HENRY BULWER.]

[May 12, 1890.

1. In this Law:—

Definitions.

“Convict” means any person against whom a sentence of death, penal servitude, or hard labour shall have been recorded by any Court of competent jurisdiction in Cyprus;

“Hard labour” means the punishment defined by Article 19 of the Ottoman Penal Code as amended by the Criminal Law and Procedure Amendment Law, 1886.

In the construction of this Law a convict shall be deemed to be undergoing sentence until he shall completely have undergone any punishment awarded to him by the Court before which he was convicted, or any punishment substituted therefor by lawful authority, or until he shall have received Her Majesty's unconditional pardon.

Judge of District Court may appoint administrator.

2. The District Court having jurisdiction in the place where a convict before his conviction usually resided, or any judge thereof, may appoint by writing under his hand an administrator of the property of the convict, to administer it during the continuance of the sentence of the convict or until he shall die or be made bankrupt.

Who may apply for appointment.

3. Such appointment may be made on the application—

- (1.) Of any person on behalf of the Government of Cyprus, or
- (2.) Of any person who shall satisfy the Court or judge that the application is made *bonâ fide* with a view to the benefit of the convict or of his family, or to the due and proper administration and management of his property and affairs, and who shall give such security for the due and proper administration of the convict's property and affairs as to the Court or judge shall seem fit, subject to any Rule of Court, made under this Law, regulating the nature and amount of the security.

The administrator to be appointed may be either the person making the application or any other person willing to accept the office and competent to discharge its duties, as to the judge may seem fit.

4. Every such administrator may receive and retain for his own benefit out of the property of the convict such remuneration as the Court or judge shall by the order appointing him direct. And the Court or a judge may, upon the application of the administrator or of any relative of the convict or of any person interested in the due and proper administration of his property and affairs, from time to time vary any such order.

Remuneration of administrators.

5. Any administrator so appointed may be removed for cause shown to the satisfaction of the Court or a judge, upon the application of any relative of the convict or of any person interested in the due and proper administration of his property and affairs, or upon the Court's own motion; and upon the death or removal of any administrator, a new administrator may be appointed; and every such new administrator shall upon his appointment be the successor-in-law of the former administrator; and all property vested in and all powers given to the former administrator by virtue of this Law shall thereupon devolve upon and become vested in such successor, who shall be bound by all acts lawfully done by the former administrator during the continuance of his office.

Removal of administrator. Appointment of new administrator.

6. Every order made by a Court or judge in pursuance of this Law shall be subject to appeal to the Supreme Court.

Orders subject to appeal.

7. 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 for regulating the procedure of the Courts under this Law, and such Rules of Court shall have the same force and effect as if they formed part of this Law.

Power to make rules.

8. Upon the appointment of any administrator under this Law all the movable and immovable property to which the convict was at the time of his conviction or shall afterwards during the continuance of his sentence become or be entitled shall vest in the administrator, for all the estate and interest of the convict therein.

Convict's property to vest in administrators.

9. The administrator shall have absolute power to let any part of the property of the convict as to him shall seem fit. Provided that no lease created under this section shall extend for more than one year beyond the period for which the convict is undergoing sentence.

Power to sell, etc.

The administrator shall by the permission of the Court or a judge have power to mortgage, sell, and transfer any part of such property.

Administrator
may pay costs
of prosecu-
tion.

10. The administrator may pay or cause to be paid out of the property of the convict or the proceeds thereof all costs and expenses which the convict may have been condemned to pay, and also all costs, charges and expenses incurred by the convict in and about his defence, and also all such costs, charges and expenses as the administrator may incur or be put to in or about the carrying of this Law into execution with reference to such property or with reference to any claim which may be made thereon.

Administrator
to appear to
action
brought
against con-
vict.

11. Every action to which the convict is a defendant at the time of his conviction shall be continued against the administrator as the representative of the convict; and if the time for the appearance of the convict in obedience to any writ of summons in an action in which he may be defendant, shall not have arrived at the time when he is convicted, it shall be the duty of the administrator, if he has notice of the writ, to appear in obedience thereto on behalf of the convict.

Every claim against the convict instituted after his conviction may be prosecuted in an action in which the administrator shall be named as the defendant in his capacity of administrator.

In any such action the administrator may defend or consent to judgment by leave of the Court, or make such compromise as to him shall seem fit.

Administrator
may pay
debts and
liabilities of
the convict.

12. The administrator may cause payment or satisfaction to be made out of the property of the convict, of any debt or liability of the convict which may be proved to his satisfaction, and may also cause any property which may come into his hands to be delivered to any person claiming to be justly entitled thereto, upon the right of such person being established to his satisfaction.

Administrator
may make
compensation
out of prop-
erty to
persons
defrauded.

13. The administrator may cause to be paid or satisfied out of the property of the convict such sum of money as to him shall seem just by way of satisfaction or compensation for any loss of property or other injury alleged to have been suffered by any person through or by means of any alleged criminal or fraudulent act of the convict, although no proof of such alleged criminal or fraudulent act may have been made in any Court of law. And all claims to any such satisfaction or compensation may be investigated in such manner as the administrator may think fit, and the decision of the administrator thereon shall be binding on the convict.

Provided always that nothing in this Law shall take away or prejudice any right, title, or remedy to which any person alleging

himself to have suffered any such loss or injury would have been entitled by law if this Law had not passed.

14. The administrator may cause such payments and allowances as to him shall seem fit, to be made from time to time out of the property of the convict or the income thereof for the support and maintenance of any wife or child or reputed child of the convict, or of any other relative or reputed relative of the convict, dependent upon him for support.

Administrator may make allowances for support of family.

15. The powers hereinbefore given to the administrator, or any of them, may be exercised by him in such order and course as to priority of payment or otherwise as he shall think fit; and all contracts *bonâ fide* made by the administrator under the powers of this Law shall be valid and effectual, and the sufficiency of the grounds on which the administrator may have exercised his judgment or discretion in respect thereof shall not be in any manner called in question by the convict or by any person claiming through him or through the administrator on his behalf.

Administrator's discretion.

16. Subject to the powers and provisions hereinbefore contained, the property of the convict and the income thereof shall be preserved and held in trust by the administrator, and the income thereof may, if and when the administrator shall think proper, be invested and accumulated in such securities as he shall from time to time think fit for the use and benefit of the convict and his heirs, or of such other persons as may be lawfully entitled thereto, according to the nature thereof. And the administrator may at any time apply to the Court or a judge for directions as to the disposal of any money in his hands as such administrator.

Property to be preserved and held in trust for convict.

17. When any convict is made bankrupt during the continuance of his sentence, his property and, subject to the proviso next hereafter contained, the right to the possession, administration, and management thereof shall devolve upon and become vested in the persons who shall be lawfully entitled thereto by reason of his bankruptcy.

Property of convict becoming bankrupt.

When any convict shall die during the continuance of his sentence, and shall not have been made a bankrupt, his property and, subject as last aforesaid, the right to the possession, administration, and management thereof, shall devolve upon and become vested in his heirs or such other persons as may be lawfully entitled thereto by reason of his death.

Devolution and re-vesting of property.

When any convict has not been made a bankrupt or died during the continuance of his sentence, then upon the expiration of his sentence his property and, subject as last aforesaid, the right to the possession, administration, and management thereof shall be re-invested in and restored to the convict.

Provided that upon any such devolution or re-vesting of the property of the convict, all the powers and authorities by this Law given to the administrator shall cease and determine, except so far as the continuance thereof may be necessary for the care and preservation of the property or any part thereof until it is claimed by the persons lawfully entitled thereto or any of them, or except so far as the continuance thereof may be necessary for enabling the administrator to obtain payment of any costs, charges or expenses which he may have incurred or rendered himself liable to the payment of in the exercise of his office of administrator.

Administrator not liable except for what received.

18. The administrator shall not be answerable to any person for any property of the convict which shall not actually have come into his hands, nor for any loss or damage which may happen, through any mere omission or non-feasance on his part, to any property vested in him as administrator.

Costs to be received by administrator.

19. All costs actually and reasonably incurred by an administrator in any action which may be brought against him as administrator with reference to any part of the property of the convict, whether during the time while it is vested in him under this Law or after it shall cease to be so vested, and all charges and expenses properly incurred by him with reference to such action, shall be a first charge upon and shall be paid out of the property, unless the Court before which the action is tried shall otherwise order.

Proceedings to make administrator accountable.

20. The Queen's Advocate or any person who, if the convict were dead, would be entitled by inheritance or succession to any share in the convict's movable or immovable property, may by leave of any Court of competent jurisdiction bring an action calling upon any administrator of the property of the convict appointed under this Law to account for his receipts and payments in respect of the property. And the Court shall have full power in the action to take all such accounts and to make and give all such orders and directions as to it shall seem proper or necessary for the proper care, administration and management of the property of the convict, and for the due and proper application of it and of the income

thereof, and for the accumulation and investment of such balances, if any, as may from time to time remain in the hands of any such administrator in respect of the property; and so long as any such proceedings are pending every such administrator shall act in exercise of all powers vested in him under this Law or otherwise in all respects as the Court shall direct.

21. Subject to the provisions of this Law, every administrator appointed under this Law shall, from and after the time when the property of the convict shall have reverted to the convict or devolved upon his heirs or successors under the provisions of this Law, be accountable to the convict, his heirs and successors, for all property of the convict which shall have been by him possessed or received and not duly administered. Administrator to be accountable when property reverts.

22. Every administrator under this Law shall, within one month of the time when the property of the convict shall have reverted to the convict or devolved upon his heirs or successors under this Law, furnish a true and just account of his receipts and expenditure with regard to the property during the time of his administration. Such account shall be verified by affidavit, and filed in the Court by which, or by a judge whereof, the administrator was appointed. Administrator to file an account.

23. This Law may be cited as the Convicts Property Law, 1890. Short title.

1 OF 1899.

TO PROVIDE FOR THE LIBERATION ON LICENCE OF CONVICTS.

W. F. HAYNES SMITH.]

[March 27, 1899.]

1. This Law may be cited as the Convicts (Licences) Law, 1899. Short title.

2. The High Commissioner may by an order in writing under the hand of the Chief Secretary, grant to any convict undergoing a term of imprisonment with hard labour a licence to be at large within the Island, or in such part thereof as in the licence may be expressed, during such portion of his term of imprisonment, and upon such conditions in all respects as to the High Commissioner seems fit; and may revoke or alter the licence as he thinks fit. High Commissioner may grant licences.

See Law 1899/27