

## REGISTRATION OF SHIPS.

*See* CYPRUS REGISTRATION OF SHIPS.

## RELIEF OF INSOLVENT FARMERS.

20 OF 1919.

FOR THE RELIEF OF INSOLVENT FARMERS.

MALCOLM STEVENSON.]

[April 29, 1919.]

Short title. 1. This Law may be cited as the Relief of Insolvent Farmers Law, 1919.

Definition. 2. In this Law:—  
 “Farmer” includes fruit grower and grazier.  
 “Judge” means a Judge of the District Court.

Declaration of insolvency. 3. Whenever it shall appear to a Judge that a farmer is insolvent, such Judge may, with the consent of such farmer, or upon the application of one or more of his creditors, declare him to be insolvent, and shall thereupon make an order staying all actions against him.

## PROCEDURE.

Effect of declaration. 4. On the date of such order, all property available for distribution, including all property which may devolve on the insolvent during his insolvency, shall be administered by the Registrar of the District Court, and from the date aforesaid all actions and other proceedings, which in bankruptcy would be brought by or against the Syndics, shall be brought by or against the Registrar.

Report by insolvent to Registrar. 5. The insolvent shall make a full report to the Registrar of all properties available for distribution. He shall give a list of all properties disposed of by him within two years of the declaration of insolvency, setting out the consideration received, the date and all other particulars of the transaction which the Registrar may require.

Meetings of creditors. 6. The Registrar may summon a meeting of the creditors, or take such other measures of ascertaining the wishes of the creditors, as he may think fit.

*Repealed by  
Law No. 8 of 1930*

7. If any creditor opposes the declaration of insolvency, the Registrar may refer the matter to be heard before the District Court or a Judge, and the Court or Judge may either rescind or affirm the declaration of insolvency.

Rehearing  
as to  
declaration.

8. The Registrar shall, after enquiry, notify to the Judge the date of the cessation of payments.

Cessation of  
payments.

9. The creditors entitled to prove, and their priorities *inter se*, shall be the same as in bankruptcy under the Commercial Code, and they shall be entitled to prove such debts as they are entitled to prove in a bankruptcy under the Commercial Code.

Proof and  
priorities.

10. All property available for distribution in bankruptcy, save so much as would be exempt from execution under any law for the time being in force, shall be divided *pro rata* among the creditors of the insolvent, due regard being had to the rights of privileged or secured creditors.

Property  
available

11. The Registrar shall have power to enquire into the amount really due to any creditor, although judgment may have been obtained against the insolvent, and although the creditor is secured by mortgage, bond, or in any other way, and where there is evidence which satisfies the Registrar that the interest charged in respect of the sum actually lent or advanced is excessive, or that the amounts charged for expenses, enquiries, fines, bonus, premium, renewals or any other charges, are excessive or that the transaction is in any respect harsh and unconscionable, the Registrar may re-open the transaction and take an account between the trader and the farmer and may, notwithstanding any account stated, or bond, or mortgage, or any agreement purporting to create an obligation, relieve the farmer of payment of any sum in excess of the sum adjudged by the Registrar to be fairly due, and if any excess over such sum has been paid or allowed on account by the farmer, may order the trader to repay it, and may set aside, or revise, or alter, any security given or agreement made in respect of money lent or advanced by the trader, and if the trader has parted with the security may order him to indemnify the farmer in respect thereof: Provided always that any decision of the Registrar upon these matters shall be subject to appeal to a Judge, and from his decision to the Supreme Court.

Power to  
ascertain  
real debt.

12. In administration of the estate, subject to this Law and to any Rules made under the power contained in it and to any special

Rules in  
Bankruptcy.

order of the Court, the Rules in force in bankruptcy, so far as they are applicable, shall be applied.

Discharge  
of insolvent.

13. After the distribution of the property of the insolvent among the creditors, the Judge may grant the insolvent his discharge unconditionally, or subject to such terms as the Judge may at any time think fit, or, if he is of opinion that full disclosure of the insolvent's property has not been made, or that he has been guilty of extravagant living, or improper or fraudulent dealings to the detriment of his creditors, or that the insolvent has committed an offence against this Law, the Judge may defer the discharge to such date as he may think fit not exceeding six years from the distribution of the final dividend.

#### MISCELLANEOUS.

Concealing  
property.

14. If the farmer has been guilty of concealing any property so as to defraud his creditors, or has made a false statement, he shall be punishable with a term of imprisonment not exceeding two years.

Fraud.

15. Any farmer who makes a fraudulent transfer of property, or commits any other fraud to obtain a declaration of insolvency, shall be punishable with a term of imprisonment not exceeding two years.

Conspiracy.

16. Any farmer conspiring with another to obtain a fraudulent declaration of insolvency of such other person, shall be punishable with a term of imprisonment not exceeding two years.

Registrar's  
duties.

17. Any duties which under the bankruptcy provisions of the Commercial Code would be discharged by the Syndics or *Juge Commissaire* shall be discharged by the Registrar, who shall make application to a Judge in any case in which application would be made by the *Juge Commissaire*, and shall after the distribution of the assets of the insolvent file in Court his final report.

Power to  
appoint  
advocate.

18. The Judge may appoint an Advocate of not less standing than five years to discharge the duties of the Registrar in any case or cases under this Law.

Controller.

19. There shall be a Controller in Insolvency who shall have power to call for and check the accounts of any person acting as *Juge Commissaire* or Syndic under this Law, and to report to the Court.

20. The High Commissioner, with the advice of the Chief Justice, may make Rules of Court prescribing the fees to be paid to any Advocate or Controller acting under this Law, and for carrying into effect the objects of this Law.

REPRINT OF STATUTES.

16 OF 1922.

TO PROVIDE FOR THE PUBLICATION OF A COLLECTED AND REVISED EDITION OF LAWS.

MALCOLM STEVENSON.]

[March 17, 1922.

1. This Law may be cited as the Reprint of Statutes Law, 1922. Short title.

2. In this Law:—

“ Commissioner for Laws ” means the Commissioner for Laws appointed in section 3. Interpretation.

“ Commissioner for Orders ” means the Commissioner for Orders appointed in section 5.

3.—(1.) Sir Stanley Fisher, Chief Justice of Cyprus, is hereby appointed Commissioner for Laws for the purpose of preparing a new edition of the Laws of Cyprus in force on the 1st January, 1922, or such later date as the High Commissioner may fix by notification in the *Cyprus Gazette*.<sup>(1)</sup> Commissioner for Laws appointed.

(2.) In case the Commissioner for Laws is unable from any cause fully to discharge his Commission under this Law, the High Commissioner may appoint some other fit and proper person to be Commissioner for Laws in his stead.

4. In the preparation of the new edition the Commissioner for Laws shall have the following powers:— Powers of Commissioner for Laws.

(1.) To omit:—

(a.) All repealing enactments contained in Laws and also all tables or lists of repealed enactments;

(b.) All Laws or parts of Laws which have been expressly repealed or which have expired or have become spent or have had their effect;

(c.) Those words in any Law which merely fix the date of the commencement of the Law, or which are merely formal;

<sup>(1)</sup> 1st January, 1924. See Cyprus Gazette 31st December, 1923.