

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
administra-
tor.

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 administra-
tors.

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 ad-
ministrator.

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 ad-
ministrators.

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