

4. If any person shall have undisputed adverse possession of any property for the period of prescription, and shall during the whole of that period have been registered as the owner thereof, no action for the recovery of the property shall be maintainable against him after the expiration of that period. As to adverse possession by person registered.

5. Until the passing of a special law on the subject of the immovable property of Religious foundations, the managers of such foundations shall have the right, even without a title or registration, to bring an action, before the expiration of the period of prescription, against persons adversely occupying the property.⁽¹⁾ Actions by managers of religious foundations.

6. Save in the case of absence from Cyprus, the time within which an action may be brought for the recovery of immovable property shall not in any case after this Law shall come into force be extended or enlarged by reason of the absence, during all or any part of that time, from the town or village in or in the neighbourhood of which the property is situate, of the person having the right to bring the action, or of any person through whom he claims. Prescriptions to run against absent persons unless absent from Cyprus.

7. This Law may be cited as the Immovable Property Limitation Law, 1886. Short title.

13 OF 1890.

TO AMEND THE LAW RELATING TO THE POWERS OF MORTGAGEES AND ATTORNEYS TO SELL MORTGAGED PROPERTY.

HENRY BULWER.]

[May 20, 1890.

1. Where immovable property is mortgaged for the payment of a debt, whether before or after the passing of this Law, and the person mortgaging it shall have named any person his attorney to sell it if the debt be not paid to the person to whom it is due at the time when it becomes payable, the property may be sold on application to be made either by the person so named attorney as aforesaid or by the person to whom the money is due to the Principal Officer of Land Registration of the District within which the property is situate (hereinafter called the Principal Officer of Land Registration), and on evidence to the satisfaction of the officer being forwarded to him:— Sale of mortgaged property where attorney to sell named by mortgagor.

(a.) That the debt for the payment of which the property is mortgaged has actually become payable;

(1) See 1 of 1893, p. 305.

(b.) That the person named attorney for the sale of the property, or the person to whom the debt is due, or some person representing them or one of them has, two months at least prior to the time when the application for the sale of the property is made, served upon the person mortgaging the property a notice in writing calling upon him to pay the money for which the property is mortgaged and informing him that if default shall be made in payment thereof for the space of two months from the time when the notice is served the property mortgaged may thereupon be put up for sale;

(c.) That the debt for the payment of which the property is mortgaged, or some part thereof, remains unpaid at the date when the application is made.

Where no attorney is named.

2. Where immovable property is at any time after the time when this Law shall come into operation mortgaged for the payment of a debt, then, whether or not any person has been named attorney as aforesaid, the property may be sold on such application and the furnishing of such evidence as is prescribed by the last preceding section, such application to be made and such evidence to be furnished by the person to whom the debt is due.

Evidence.

3. Evidence of the several matters mentioned in sub-sections (a), (b), and (c) of section 1 shall be furnished by affidavit, unless the person testifying shall object to be sworn, in which case the evidence shall be furnished by affirmation, the several facts to which the person affirming can testify being stated in writing and the statement so prepared being affirmed by him to be true. Every affirmation shall state that the person affirming objects to be sworn and the grounds on which he so objects.

Form of affidavit or affirmation.

4. Affidavits under this Law shall be made in the same manner and form as affidavits are required to be made under any Rules of Court for the time being in force for regulating the procedure of the Courts in civil actions, except that they shall be entitled with a statement showing in relation to what matter they are made, and for that purpose shall set forth the name of the person for the sale of whose property application is made and his surname, if any, or, if none, the name of his father; also his place of residence; and in other respects they may be in the Form A in the Schedule.

Affirmations under this Law shall be made as nearly as possible in the same manner and form as affidavits.

How to be made.

5. Affidavits and affirmations under this Law shall be sworn and affirmed before the Registrar of any District Court, and no fee shall be chargeable in respect to the swearing or affirming thereof.