

CHAPTER 263.

CONVICTS' PROPERTY.

CONVICTS' PROPERTY RULES.

RULES OF COURT MADE UNDER SECTION 8.

23 Revision,
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1. These Rules of Court may be cited as the Convicts' Property Rules.

2. Applications for the appointment of administrator of the property of a convict shall be made by written petition on behalf of the person sought to be appointed administrator.

Every such petition shall be entitled with the name of the Court to which it is addressed ; in the matter of the person whose property is sought to be administered; and in the matter of the said Law.

It shall contain statements setting forth :—

(1) The date when the convict whose property is sought to be administered was sentenced and the sentence passed upon him.

(2) The capacity in which the petitioner applies to be appointed administrator.

(3) Whether the convict has to the knowledge of the petitioner a wife or husband, as the case may be, and, if not, who are the nearest relatives of such convict so far as the petitioner can ascertain.

(4) Where the application is made by any person on behalf of the Government of Cyprus, that the petitioner has been duly authorized by the Government to apply to be appointed as such administrator on behalf of the Government.

(5) Where the application is made by any person not applying on behalf of the Government of Cyprus, that the application is made *bona fide* with a view to the benefit either of the convict or of his family, or that it is so made with a view to the due and proper administration and management of the property and affairs of the convict.

(6) A description of the property of the convict together with a statement of the value thereof and of the amount of the yearly income derived therefrom so far as the same can be ascertained.

(7) The circumstances which render the appointment of the petitioner necessary or desirable.

And otherwise such petition shall be in the like form as is contained in the Appendix hereto with such variations as the circumstances of the case to which each particular petition applies may require. Appendix.

3. Every such petition as aforesaid shall be lodged with the Registrar of the Court to which the petition is addressed, and the Registrar shall upon receipt thereof fix a day for the hearing of the application and inform the applicant of the day so fixed by him.

4. At or before the time of the hearing of the petition the petitioner shall file in the Court such affidavit or affidavits as may be necessary for verifying the statements contained in the petition.

5. The Court or Judge on hearing any such petition as aforesaid may require the petitioner to serve notice of his application on every person who it may appear to the Court or Judge would be more advantageously appointed administrator than the petitioner, and in such case no order for appointing the petitioner shall be made until he has furnished such evidence as the Court or Judge may require that such person has been duly served with notice of the application.

6. The Court or Judge to whom any such application as aforesaid is made, may, before disposing of it, require that any further evidence which may appear to be desirable beyond that furnished by the affidavit required by these rules shall be furnished.

7. The petitioner on being appointed administrator shall execute a bond with such person or persons as the Court may approve of as a surety or sureties for securing to the convict and all persons (other than the Petitioner) claiming through, under or in trust for him all sums of money which may become due from the petitioner to the convict, and persons claiming under him as aforesaid by reason of any act or default of the petitioner in the course of his administration.

Two sureties at least shall ordinarily be required to every such bond as aforesaid, but the Court may if it shall consider that the bond of the applicant affords a sufficient security with one surety or without surety at all, dispense with one or all of the sureties to be ordinarily required.

The liability of any surety or sureties may be limited to such an amount as the Court or Judge may consider reasonable, the limit approved of being stated in the bond.

8. Every bond given by an administrator shall be deposited in the Court for safe custody and shall be kept in such place in the Court or elsewhere as the Governor shall by writing under his hand from time to time direct.

9. Every order appointing an administrator of the property of a convict shall specify that such administrator is appointed to administer the property of the convict during the continuance of the sentence of the convict or until such time as the convict shall die or be made bankrupt.

10. If the Court on making the appointment shall require the administrator to furnish periodical statements of account the order shall direct that such statements of account shall be filed in the Court accordingly ; and every order appointing an administrator shall direct that the administrator shall, within one calendar month of the time when his powers as administrator shall have ceased in accordance with the provisions of the said Law, furnish an account of his receipts and expenditure as such administrator, and shall within such month file in the Court a statement of such account together with an affidavit verifying the correctness thereof.

11. Affidavits, judgments, summonses, notices, and other documents issuing out of or to be presented to the Court or to be otherwise used in connection with the proceedings on any application under the said Law shall be entitled with the same title as the petition by which the application was made.

12. In any matter not dealt with specifically under the preceding rules the procedure of the Courts shall be governed by the Civil Procedure Rules, so far as the same may be applicable.

APPENDIX.

FORM OF PETITION.

(Rule 2.)

In the District Court of.....

In the matter of.....

late of....., a convict,

and

In the matter of the Convicts' Property Law, Cap. 263.

To the District Court of.....

The Petition of A.B....., of..... sheweth as follows :—

1. X.Y..... late of....., within the jurisdiction of this Court was on the..... day of....., 19....., sentenced to undergo..... years imprisonment.

2. I am the brother of said X.Y..... [or Commissioner of this District or as the case may be].

3. The convict is married and his wife T..... is now living at..... [or the said convict is a widower and has several infant children living, but saving such children I am one of his nearest living relatives].

4. I have been duly authorized by Government to make this petition [or]

4. I apply to be appointed administrator of the property of the said convict *bona fide* with a view to the benefit of the convict and his family [or as the case may be].

5. The property of the said convict consists of..... The value and the yearly income thereof so far as I am able to ascertain are respectively..... and..... or thereabouts.

If made on behalf of Government. If not made on behalf of Government.

6. The convict is indebted to various persons and his creditors are threatening to take legal proceedings for recovery of their debts and the appointment of an administrator will obviate much useless expenditure and waste of the convict's property
[or as the case may be.]

And the said A.B..... under the circumstances aforesaid prays that he may be appointed administrator of the property of the said X.Y.....

(Sgd.) A.B.....

Dated the... day of, 19.....

