

**CAP. 319.**

**CYPRUS**

**ESTATE DUTY**

**CHAPTER 319 OF THE LAWS**

**1959 EDITION**

PRINTED BY

C. F. ROWORTH LIMITED, 54, GRAFTON WAY, LONDON, W.1.

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1959

p (2)

## CHAPTER 319.

## ESTATE DUTY.

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A LAW TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF  
ESTATE DUTY.

1949  
Cap. 294.

[24th December, 1942.]

Short title.

1. This Law may be cited as the Estate Duty Law.

Interpreta-  
tion.

2. (1) In this Law—

“agent,” when used with reference to a non-resident person, includes—

(a) his attorney, factor, receiver or manager in Cyprus, and

(b) any person in Cyprus who has the care, custody, possession, management or control of any property on behalf of such non-resident person;

“Assistant Commissioner” means an Assistant Commissioner of Estate Duty appointed under section 3;

“body of persons” includes any local or public authority, any body corporate or collegiate, and any fraternity, fellowship, association, or society of persons, whether corporate or unincorporate;

“British Empire” means Great Britain and Northern Ireland and any other part of Her Majesty’s dominions and includes any British Protectorate or Protected State and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by Her Majesty;

“Commissioner” means the Commissioner of Estate Duty appointed under section 3 and includes an Assistant Commissioner specially authorized by the Commissioner either generally or for some specific purpose to act on behalf of the Commissioner;

“company” means any company incorporated or registered under any law in force in Cyprus or elsewhere;

“deceased” or “deceased person” means any person dying on or after the first day of December, 1942;

“declaration of property” means a declaration furnished under this Law by an executor or other person liable to pay estate duty for the purpose of the assessment of such duty;

“estate” means—

(a) in the case of a deceased person who was at the time of his death domiciled in Cyprus, all property settled or not settled which passes on his death wherever situate, except immovable property not situate in Cyprus; and

(b) in the case of a deceased person who was not domiciled in Cyprus, all property in Cyprus, settled or not settled, which passes on his death;

“estate duty” or “duty” means the duty imposed under this Law;

“executor” means the executor or administrator of a deceased person, and includes, as regards any obligation under this Law, any person who takes possession of, or intermeddles with, the property of a deceased person, and any person who has applied or is entitled to apply to a Court for the grant or re-sealing of probate or letters of administration in respect of the estate of a deceased person;

“incapacitated person” means any minor, lunatic, idiot or person of unsound mind;

“incumbrances” includes mortgages, hypothecations, and terminable charges;

“Judge” means a Judge of the Supreme Court;

“non-resident” means not resident in Cyprus;

“person,” except when used with reference to a deceased person, includes a company or body of persons;

“property” includes movable and immovable property of every kind, and the proceeds of sale thereof respectively, and any money or investment or other asset for the time being representing the proceeds of sale;

“property passing on the death” includes property deemed to pass on the death and (property passing either immediately on the death or after any interval, either certainly or contingently, and either originally or by way of substitutive limitation; and the expression “on the death” includes “at a time ascertainable only by reference to the death”;

“settled” when applied to property means any property subject to a settlement;

“settlement” means any deed, will, agreement for a settlement, or other instrument or any number of instruments, or any parol trust, under or by virtue of which any property or any interest therein stands for the time being limited to or in trust for any person or persons by way of succession, and includes any interest in remainder or reversion not disposed of by the settlement and reverting to the settlor or descending to the testator’s heir or next of kin;

“trustee,” when used with reference to an incapacitated person, includes any guardian, curator, manager or other person having the direction, control, or management of any property on behalf of such incapacitated person.

- (2) For the purposes of this Law—
- (a) a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would, if he were *sui juris*, enable him to dispose of the property; and the expression “general power” includes every power or authority enabling the donee or other holder thereof to appoint or dispose of property as he thinks fit, whether exercisable by instrument *inter vivos* or by will, or both, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself;
  - (b) a disposition taking effect out of the interest of a deceased person shall be deemed to have been made by him, whether the concurrence of any other person was or was not required;
  - (c) money which a person has a general power to charge on property shall be deemed to be property of which he has power to dispose.

#### *Administration.*

3. (1) For the purposes of this Law, the Governor may appoint a Commissioner of Estate Duty and Assistant Commissioners of Estate Duty.

(2) The Commissioner may authorize an Assistant Commissioner, either generally or specially, to exercise or

perform all or any of the powers, duties or functions of the Commissioner under this Law.

(3) An Assistant Commissioner exercising or performing any power, duty or function of the Commissioner under this Law shall, until the contrary is proved, be deemed for all purposes to be authorized to exercise or perform such power, duty or function.

*Imposition of Estate Duty.*

4. In the case of every person dying on or after the first day of December, 1942, there shall, save as hereinafter expressly provided, be levied and paid upon the value of his estate, a duty called estate duty:

Imposition  
of estate  
duty.  
2 of 10/48.

Provided that no estate duty shall be payable where the value of the estate of any such person does not exceed two thousand pounds.

5. The value of the estate of any deceased person shall be determined in the manner hereinafter provided.

Determina-  
tion of  
value of  
estate.

6. (1) The amount of estate duty payable on the estate of any deceased person shall be computed in accordance with the provisions of this Law at the rate or rates shown in the Schedule to this Law to be the rate or rates applicable where the value of the estate of that person falls within the limits of any class or classes set out in the said Schedule:

Amount of  
estate duty  
payable.

Schedule.

Provided that where, by reason of the fact that the value of the estate exceeds the greater of the two limits of any class specified in the Schedule to this Law, estate duty is payable at the higher rate prescribed for the next succeeding class in the said Schedule, the amount of estate duty payable shall not exceed the aggregate of—

- (a) the amount which would have been payable on the estate if the value of the estate had reached, but had not exceeded, the greater of the two limits aforementioned; and
- (b) the amount by which the value of the estate exceeds such greater limit:

Provided, further, that in no case shall the amount of estate duty payable exceed the amount by which the value of the estate exceeds two thousand pounds.

3 of 10/48.

(2) For the purpose of determining the value of the estate of any deceased person, all property forming part of the estate shall be aggregated so as to form one estate:

Provided, however, that any property which forms part of the estate and on which no estate duty is payable shall not be so aggregated for the purpose of determining the value of the estate.

(3) Property passing on any death shall not be aggregated more than once, nor shall estate duty in respect thereof be more than once levied on the same death.

(4) The rate of estate duty to be paid on any property forming part of the estate of any deceased person shall be the rate determined under subsection (1) of this section in respect of that estate.

*Property passing on death.*

7. Property passing on the death of the deceased shall be deemed to include the property following, that is to say—

(a) property of which the deceased was at the time of his death competent to dispose;

(b) property in which the deceased or any other person had an interest ceasing on the death of the deceased, to the extent to which a benefit accrues or arises by the cesser of such interest; inclusive of property the estate or interest in which has been surrendered, assured, divested, or otherwise disposed of, whether for value or not, to or for the benefit of any person entitled to an estate or interest in remainder or reversion in such property, unless that surrender, assurance, divesting, or disposition was *bona fide* made or effected three years before the death of the deceased, and *bona fide* possession and enjoyment of the property was assumed thereunder immediately upon the surrender, assurance, divesting or disposition, and thenceforward retained to the entire exclusion of the person who had the estate or interest limited to cease as aforesaid, and of any benefit to him by contract or otherwise; but exclusive of property the interest in which of the deceased or other person was only an interest as holder of an office, or recipient of the benefits of a charity, or as a corporation sole;

What property is deemed to pass on death.

Life interests.



- (c) property which was subject to an annuity or other periodical payment limited to cease on the death of the deceased to the extent of the benefit which would accrue from the cesser of that annuity or other payment notwithstanding that the annuity or other payment has been surrendered, assured, divested or otherwise disposed of during the lifetime of the deceased, whether for value or not, to or for the benefit of the person entitled to the property, unless the surrender, assurance, divesting or disposition was *bona fide* made or effected three years before the death of the deceased and the person entitled to the annuity or other payment was not at any time within that period in receipt of any substituted annuity or other periodical payment limited to cease on his death, being an annuity or payment which was secured, whether by contract or otherwise, to him in return for the surrender, assurance, divesting or disposition;
- (d) property taken as a *donatio mortis causa* made by the deceased or taken under a disposition made by him purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust, or otherwise, which shall not have been *bona fide* made three years before his death, or taken under any gift, whenever made, of which *bona fide* possession and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor or of any benefit to him by contract or otherwise;

Property  
subject to  
an annuity.

Gifts.

Provided that—

(i) the property shall not be deemed to pass on the death of the deceased if subsequently, by means of the surrender of the benefit reserved or otherwise, it is enjoyed to the entire exclusion of the deceased and of any benefit to him by contract or otherwise, for three years before his death;

(ii) in the case of a gift made for a religious, charitable, or public purpose this paragraph shall be read as if one year were substituted for three years;

(iii) nothing herein contained shall apply to gifts made in consideration of marriage, or which are proved to the satisfaction of the Commissioner to have been part of the normal expenditure of the deceased, and to have been reasonable, having regard to the amount of his income, or to the circumstances under which the gift is made, or which, in the case of any donee, do not exceed in the aggregate one hundred pounds in value or amount;

(iv) where the Commissioner is of opinion that a disposition of property purporting to be a transfer for valuable consideration was not in fact a *bona fide* transfer for full consideration in money or money's worth received or receivable wholly by the deceased for his own benefit, he may treat such disposition as a gift, and the onus of proving that such disposition was in fact *bona fide* shall lie on the transferee or his successors in title;

Joint  
investments.

(e) property which the deceased, having been absolutely entitled thereto, has caused to be transferred to or vested in himself and any other person jointly, whether by disposition or otherwise, (including also any purchase or investment effected by the deceased alone, or in concert or by arrangement with any other person), so that the beneficial interest therein or in some part thereof passes or accrues by survivorship on his death to such other person;

Settlements  
with reserva-  
tions.

(f) property passing under any past or future settlements made by the deceased by any instrument not taking effect as a will whereby an interest in such property or the proceeds of sale thereof for life or any other period determinable by reference to death is reserved, either expressly or by implication, to the settlor, or whereby the settlor may have reserved to himself the right, by the exercise of any power, to restore to himself or to reclaim the absolute interest in such property or the proceeds of sale thereof:

Provided that in this paragraph the expression "settlement" shall include any trust, whether expressed in writing or not, in favour of any

person, and if contained in an instrument effecting the settlement, whether the instrument was made for valuable consideration or not as between the settlor and any other person;

- (g) money received under a policy of insurance effected by the deceased on his life where the policy is wholly kept up by him for the benefit of a donee, whether nominee or assignee, or a part of such money in proportion to the premium paid by him, where the policy is partially kept up by the deceased for such benefit; Life assurance for benefit of others.
- (h) any annuity or other interest purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased. Annuities.

8. Property passing on the death of the deceased shall not be deemed to include property held by the deceased as trustee for another person under a disposition enforceable at law not made by the deceased, or under a disposition enforceable at law made by the deceased more than three years before his death, where possession and enjoyment of the property was *bona fide* assumed by the beneficiary immediately upon the creation of the trust and thenceforward retained to the entire exclusion of the deceased or of any benefit to him by contract or otherwise. Property held as trustee.

9. Where property is settled by a person on himself for life, and after his death on any other persons with an ultimate reversion of an absolute interest or absolute power of disposition to the settlor, the property shall not be deemed to pass to the settlor on the death of any such other person by reason only that the settlor, being then in possession of the property as tenant for life, fiduciary, or usufructuary, becomes, in consequence of such death, entitled to the immediate reversion, or acquires an absolute power to dispose of the whole property. Exception to passing of property on enlargement of interest of settlor.

10. (1) Where by a disposition of any property an interest is conferred on any person other than the disponent for the life of such person or determinable on his death, and such person enters into possession of the interest and thenceforward retains possession thereof to the entire exclusion of the disponent or of any benefit to him by contract or Reverter of property to disponent.

otherwise, and the only benefit which the disponent retains in the said property is subject to such life or determinable interest, and no other interest is created by the said disposition, then, on the death of such person, the property shall not be deemed to pass by reason only of its reverter to the disponent in his lifetime.

(2) Where by a disposition of any property any such interest as above in this section mentioned is conferred on two or more persons, either severally or jointly or in succession, this section shall apply in like manner as where the interest is conferred on one person.

(3) The foregoing subsections shall not apply where such person or persons taking the said life or determinable interest had at any time prior to the disposition been himself or themselves competent to dispose of the said property.

Exception  
of trans-  
actions for  
money  
considera-  
tion.

11. (1) Estate duty shall not be payable in respect of property passing on the death of the deceased by reason only of a *bona fide* purchase from the person under whose disposition the property passes, nor in respect of the falling into possession of the reversion on any lease for lives, nor in respect of the determination of any annuity for lives, where such purchase was made, or such lease or annuity granted, for full consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease, for the use or benefit of any person for whom the grantor was a trustee.

(2) Where any such purchase was made, or lease or annuity granted, for partial consideration in money or money's worth paid to the vendor or grantor for his own use or benefit, or in the case of a lease, for the use or benefit of any person for whom the grantor was a trustee, the value of the consideration shall be allowed as a deduction from the value of the property for the purpose of estate duty.

#### *Settled Property.*

Settled  
property.

12. In the case of settled property, where the interest of any person under the settlement fails or determines by reason of his death before it becomes an interest in possession, and subsequent limitations under the settlement continue to subsist, the property shall not be deemed to pass on his death.

*Exemptions and reliefs.*

13. Estate duty shall not be payable in respect of a single annuity not exceeding twenty pounds purchased or provided by the deceased, either by himself alone or in concert or arrangement with any other person, for the life of himself and of some other person and the survivor of them, or to arise on his own death in favour of some other person; and if in any case there is more than one such annuity, the annuity first granted shall be alone entitled to the exemption under this section.

Exemptions from estate duty in case of small annuities.

14. It shall be lawful for the Commissioner to remit the estate duty, in respect of any such pictures, prints, books, manuscripts, works of art, or scientific collections, as appear to the Commissioner to be of national, scientific, artistic, or historic interest, and to be given or bequeathed to the Government of Cyprus, or to any religious body, school, university or public library in Cyprus, or to any Municipal Corporation, Village Commission or Improvement Board, and no property the duty in respect of which is so remitted shall be aggregated with any other property for the purpose of fixing the rate of estate duty.

Exemption of objects of national, etc., interest given, etc., for public purposes.

15. Estate duty shall not be payable in respect of any pension or annuity payable by the Government of any part of the British Empire to the widow or child of any deceased officer of such Government notwithstanding that the deceased contributed during his lifetime to any fund out of which such pension or annuity is paid.

Pensions of widows and orphans.

16. Where estate duty under this Law has been paid on the death of a party to a marriage in respect of property which has been settled by the will of such party or which, having been settled by some other disposition, passed on such party's death, estate duty shall not be payable in respect thereof on the death of the surviving party of the marriage unless such surviving party was at the time of his or her death competent to dispose of such property.

Property settled on parties to a marriage.

17. Where stamp duty or any other duty has been paid on or in respect of any instrument by which any property has been gifted or transferred by a deceased person and estate duty becomes payable in respect thereof on the death of that deceased by reason of the fact that the property falls within the category of property described in section 7 (d) of this Law, the amount of such duty shall

Relief in respect of stamp duty.

be deducted from the amount of the estate duty payable in respect of that property:

Provided that the amount deducted under this section shall in no case exceed the amount of the estate duty payable in respect of that property.

Relief in  
respect of  
British  
estate duty.

**18.** (1) Where the Commissioner is satisfied that in any part of the British Empire estate duty is payable by reason of a death in respect of any property situate in that part of the British Empire and passing on such death, he shall allow a sum equal to the amount of that duty to be deducted from the estate duty payable in Cyprus in respect of that property on the same death.

57 & 58  
Vict. c. 30.

(2) For the purposes of this section and of section 20 of the Finance Act, 1894, of the Imperial Parliament, the local situation of any property shall be determined in accordance with the law in force for the time being in Great Britain or Northern Ireland, as the case may require.

Relief in  
respect of  
quick  
succession  
where  
property  
consists of  
immovable  
property or  
a business.

**19.** Where the Commissioner is satisfied that estate duty has become payable on any property consisting of immovable property or a business (not being a business carried on by a company), or any interest in immovable property or such a business, passing upon the death of any person, and that subsequently within five years estate duty has again become payable on the same property, or any part thereof, passing on the death of the person to whom the property passed on the first death the amount of estate duty payable on the second death, in respect of the property so passing shall be reduced as follows—

- (a) where the second death occurs within one year of the first death, by fifty per centum;
- (b) where the second death occurs within two years of the first death, by forty per centum;
- (c) where the second death occurs within three years of the first death, by thirty per centum;
- (d) where the second death occurs within four years of the first death, by twenty per centum;
- (e) where the second death occurs within five years of the first death, by ten per centum:

Provided that where the value, on which the duty is payable, of the property on the second death exceeds the value, on which duty was payable, of the property on the first death, the latter value shall be substituted for the

former for the purpose of calculating the amount of duty on which the reduction under this section is to be calculated.

20. (1) Where—

- (a) any person dies from wounds inflicted, accident occurring, or disease contracted, within three years before death, while on active service against an enemy, whether on sea, land or air, or on service which, in the opinion of the Governor in Council, is of a warlike nature or involves the same risks as active service, and was, when the wounds were inflicted, the accident occurred or the disease was contracted, subject to any naval, military or air force law; or

Remission of estate duty in case of persons killed in war or by operations of war. 2 of 16/44.

- (b) any person, other than a person referred to in paragraph (a) of this subsection, dies from injuries received within three years of his death and which were, in the opinion of the Governor in Council, caused by the operations of war,

the Governor may, if he thinks fit, remit, or in the case of estate duty already paid, repay, in any one case, the whole or any part of the estate duty leviable under this Law in respect of property passing upon the death of the deceased to his widow or lineal descendants or lineal ancestors or to his brothers or sisters or the descendants of such brothers or sisters, not exceeding the following amounts—

- (i) where the value for the purpose of such estate duty of the property passing to the widow, lineal descendants, lineal ancestors, brothers or sisters or the descendants of such brothers or sisters does not exceed five thousand pounds, the whole of such estate duty in respect of that property, and
- (ii) where the said value exceeds five thousand pounds—
- (a) in respect of the first five thousand pounds the whole of estate duty; and
- (b) in respect of the remainder an amount not exceeding one-half of the estate duty leviable under this Law in respect of such remainder.

(2) The benefits of the relief given by this section as respects the first five thousand pounds shall be apportioned rateably among the several persons who would otherwise

bear such estate duty remitted or repaid according to the amounts which they would so bear and without regard to their respective rights of priority.

Remission of estate duty in case of property passing more than once owing to deaths caused by war.

2 of 4/46.

**21.** (1) Where the Governor is satisfied that estate duty leviable under this Law has become payable on any property passing on the death of any person to which section 20 of this Law applies and that subsequently estate duty has again become payable on the same property or any part thereof on another such death, being the death of a person to whom that property or that part thereof passed on the earlier death, the whole of the estate duty payable on the later death on that property or that part thereof shall be remitted or, if paid, shall be repaid, and that property or that part thereof shall not be aggregated with any other property passing on the later death for the purpose of determining the rate of estate duty.

(2) This section shall apply whether or not on any such death any property passes to the widow, lineal descendants, lineal ancestors, brothers or sisters, or the descendants of such brothers or sisters, of the deceased.

"Widow" in sections 20, and 21 to include widower.

2 of 16/44.

**22.** In sections 20 and 21 of this Law any reference to a widow shall, in the case of a married woman whose husband survives her, be deemed to include a reference to the surviving husband.

Application of sections 20, 21 and 22.

2 of 16/44.

**23.** The provisions of sections 20, 21 and 22 of this Law shall apply only in respect of deaths occurring on or after the first day of December, 1942.

*Value of property.*

Value of property.

**24.** (1) Subject to the provisions of subsection (2) of this section, the value of any property shall be estimated to be the price which, in the opinion of the Commissioner, such property would fetch if sold in the open market at the time of the death of the deceased; and no reduction shall be made in the estimate on account of the estimate being made on the assumption that the whole property is to be placed on the market at one and the same time:

Provided that where it is proved to the satisfaction of the Commissioner that the value of the property has been depreciated by reason of the death of the deceased, the Commissioner, in fixing the price, shall take such depreciation into account.



(2) Where income in respect of any property has accrued due but has not been received by the deceased prior to his death, the value of that property for the purposes of this Law shall be the aggregate of the price estimated under subsection (1) of this section and the amount of such income.

(3) Where the property to be valued is an undivided share in any immovable property the value of that undivided share shall be the proportionate amount of the value of the whole immovable property as estimated under subsection (1) of this section reduced by an amount equivalent to ten per centum of such proportionate amount.

25. The value of the benefit accruing or arising from the cesser of an interest ceasing on the death of the deceased shall—

Value of benefit arising by cesser of life interest.

- (a) if the interest extended to the whole income of the property, be the value of that property; and
- (b) if the interest extended to less than the whole income of the property, be such proportion of the value of the property as corresponds to the proportion of the income which passes on the cesser of the interest.

26. In determining the value of the estate of a deceased person, allowance shall be made, subject as hereinafter provided, for reasonable funeral expenses and for debts and incumbrances incurred or created by the deceased or which, having been charged upon any property forming part of the estate prior to its acquisition by the deceased, whether by way of inheritance, gift, transfer, purchase or otherwise, continued to be so charged at the date of death, but an allowance shall not be made—

Deduction for debts and funeral expenses.

- (a) for debts incurred by the deceased, or incumbrances created by the deceased, unless such debts or incumbrances were incurred or created *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit and take effect out of his interest; nor
- (b) for any debt in respect whereof there is a right to reimbursement from any other estate or person, unless such reimbursement cannot be obtained; nor
- (c) more than once for the same debt or incumbrance charged upon different portions of the estate;

and any debt or incumbrance for which an allowance is made shall be deducted from the value of the property liable thereto:

Provided that no allowance shall be made for funeral expenses incurred outside Cyprus or for debts due from the deceased to non-resident persons (unless contracted to be paid in Cyprus or charged on property situate in Cyprus), except out of property situate out of Cyprus upon the value of which estate duty is payable:

Provided, further, that if it is proved to the satisfaction of the Commissioner that the amount of the said funeral expenses and debts exceeds the value of the property of the deceased situate out of Cyprus, such excess may be deducted from the value of the estate.

Deduction  
for foreign  
estate duty.

27. Where any property passing on the death of the deceased is situate in a foreign country and the Commissioner is satisfied that by reason of such death any duty is payable in that foreign country in respect of that property, he shall make an allowance of the amount of that duty from the value of the property.

#### *Liability for Estate Duty.*

Liability of  
executor.

28. The executor of the deceased shall pay the estate duty in respect of all property of which the deceased was competent to dispose at his death and may pay the estate duty in respect of any other property passing on such death, if the persons liable to pay the duty in respect thereof request him to make such payment; but an executor shall not be liable for any duty in excess of the assets which he has received as executor, or might but for his own neglect or default have received.

Liability of  
persons  
other than  
the executor.

29. Where property passes on the death of the deceased, and his executor is not liable to pay the estate duty in respect of such property, every person to whom any property so passes or is deemed to pass for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every trustee, guardian, curator, manager or other person in whom any interest in the property so passing or the management thereof is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title, shall be liable to pay the estate duty on the property, and shall within the time required by this

Law, or such later time as may be allowed, deliver to the Commissioner a declaration of property:

Provided that nothing in this section shall render a person liable to pay estate duty who acts merely as agent for another person who is resident in Cyprus.

30. (1) Subject to the provisions of subsection (2) of this section—

Duty to be a charge on property passing on death of deceased.

(a) the estate duty payable by an executor shall be a first charge on all the property of which the deceased was competent to dispose at his death and such charge may be enforced against any such property for the recovery of the whole or any part of such estate duty;

(b) the estate duty payable by any person other than the executor in respect of any property shall be a first charge on that property.

(2) Subject as hereinafter provided, the first charge referred to in subsection (1) of this section shall rank in priority over all alienations, leases and incumbrances effected or created before or after the death:

Provided that—

(a) such charge shall not extend to any property sold prior to the date of its seizure in execution of such charge to a *bona fide* purchaser thereof for valuable consideration without notice;

(b) as regards immovable property, such charge shall not rank in priority over any lease or incumbrance effected or created *bona fide* for value by an instrument duly made prior to the date of death;

(c) as regards movable property, such charge shall not rank in priority over any mortgage or hypothecation of such property created *bona fide* for value by an instrument duly made prior to the date of death.

(3) Nothing in this Law shall be deemed to create a charge for estate duty on any property situate outside Cyprus.

31. (1) A person authorized or required to pay the estate duty in respect of any property shall, for the purpose of paying the duty, or raising the amount of the duty when already paid, have power, whether the property is or is not

Power to raise estate duty by sale, mortgage, or terminable charge.

vested in him, to raise with the consent of a President or a District Judge of a District Court the amount of such duty and any interest and expenses properly incurred or paid by him in respect thereof, by the sale or mortgage of, or a terminable charge on, that property or any part thereof.

(2) A person having a limited interest in any property, and a lessee or mortgagee of any property, who pays the estate duty in respect of that property, shall be entitled to the like charge as if the estate duty in respect of that property had been raised by means of a mortgage to him.

Apportionment of burden of estate duty paid.

**32.** As between the several persons beneficially interested in the property of a deceased person on which the executor is, under the provisions of this Law, authorized or required to pay estate duty, all such duty paid in respect of such property shall be regarded as a debt incurred by the deceased person, and shall, unless such deceased person has otherwise directed by his will, if any, be apportioned among such persons in proportion to the values of their interests in the property of such deceased person.

*Returns, etc.*

Declaration of property.

**33.** (1) The executor of every deceased person shall, within six months after the date of the death of the deceased, deliver to the Commissioner in the prescribed form a declaration of property containing a full and true statement of particulars relating to the estate of the deceased including the value thereof; and together with such declaration of property he shall deliver to the Commissioner a certified copy of the will, if any, of the deceased.

(2) Where the executor is not liable to pay estate duty in respect of any property passing on the death of a deceased person, the person liable to pay such duty shall, within six months after the date of the death of the deceased, deliver to the Commissioner in the prescribed form a declaration of property containing a full and true statement of particulars relating to such property including the value thereof.

(3) The Commissioner may, in his discretion, extend the period hereinbefore prescribed for delivering any declaration of property.

Further declaration in case of error.

**34.** Where at any time it comes to the notice of any executor or other person liable to pay estate duty that in

any declaration of property delivered by him there is an error in that—

- (a) property liable to estate duty has been omitted therefrom; or
- (b) property liable to estate duty has been undervalued therein; or
- (c) a deduction has been claimed which is not authorized under this Law,

he shall forthwith deliver to the Commissioner a further declaration setting out particulars of such error.

**35.** (1) The Commissioner may give notice in writing to any person who, in his opinion, is able to give information regarding the affairs of any deceased person or persons requiring him within the time limited by such notice to furnish such particulars as the Commissioner may deem necessary.

Commissioner may require particulars in certain cases.

(2) The Commissioner may give notice in writing to any person who is required by this Law to make a declaration of property or to whom a notice has been addressed under subsection (1) of this section calling upon such person within the time limited by such notice to produce at the time and place fixed by the Commissioner any deeds, plans, instruments, books, accounts or documents which the Commissioner may deem necessary.

#### *Assessment.*

**36.** The Commissioner may at any time, whether the declaration of property has been delivered or not, assess the estate duty payable in respect of the estate of a deceased person, and shall issue to the person or persons whom he considers liable to pay such estate duty a notice of such assessment.

Commissioner to make assessments.

**37.** (1) Where it appears to the Commissioner that the amount which any person is liable to pay as estate duty has been assessed at less than the proper amount, the Commissioner may at any time within three years of the date of the notice of the original assessment make an additional assessment of the amount which such person is, in his opinion, liable to pay:

Additional assessments.

Provided that—

- (a) where the under-assessment is due to fraud or

wilful evasion, such additional assessment may be made at any time;

- (b) the Commissioner may, notwithstanding that the above-mentioned period of three years has expired, assess at any time any liability for additional duty which may be brought to his notice by an executor or by any other person liable to pay estate duty under this Law;
- (c) an additional assessment made under this section shall not affect, or create a charge upon, any property mentioned in a certificate issued under section 52 of this Law, except in the circumstances referred to in subsection (4) of that section.

(2) Where an additional assessment of estate duty has been made under subsection (1) of this section, an executor shall not, except in the case of fraud, be personally liable for any estate duty under any such additional assessment by reason of having administered or distributed the estate of the deceased without retaining assets to satisfy the duty.

#### *Appeals.*

Appeals to  
Judge in  
Chambers.

**38.** Any person aggrieved by the amount of any assessment of estate duty made under this Law, whether on the ground of the value of any property included in such assessment or the rate charged or his liability to pay such duty or otherwise, may appeal to a Judge in Chambers in the manner hereinafter provided.

Notice of  
objection.

**39.** (1) Any such person who desires to appeal (hereinafter referred to as the appellant) shall, within thirty days after the date of the notice of such assessment, deliver to the Commissioner a written notice of objection which shall set out specifically the several grounds upon which it is contended that the assessment is erroneous or that he is not liable to pay the estate duty claimed; and if he contends that the value put upon any property in the notice of assessment is excessive, he shall identify the property in his notice of objection and state the value which he contends should be put upon that property.

(2) A notice of objection shall be signed by the objector or by his advocate.

40. A notice of objection shall not be valid unless it sets out the particulars referred to in section 39 of this Law and is delivered to the Commissioner within the period mentioned in that section.

Validity of notice of objection.

41. The Commissioner shall, as soon as may be after the delivery to him of a valid notice of objection, notify to the appellant whether the Commissioner has withdrawn the claim for estate duty or whether he has determined to maintain the assessment either in whole or in part.

Notification of Commissioner's determination.

42. (1) At any time within thirty days after the date of the notification by the Commissioner of his determination, the appellant may proceed with his appeal by filing a notice of appeal in the Supreme Court, naming the Attorney-General as respondent to his appeal. A copy of such notice shall be served by the appellant on the Attorney-General.

Notice of appeal.

(2) Where the appellant having filed a notice of appeal fails to serve a copy thereof on the Attorney-General within thirty days of the date on which such notice was filed, the Commissioner may proceed under this Law as though no such notice had been filed.

43. The appellant shall not in his notice of appeal state, or at the hearing be allowed to rely upon, any ground of appeal not specifically set out in the notice of objection.

Grounds of appeal.

44. Any party aggrieved by any decree or order of a Judge in Chambers may, on a point of law, further appeal to the Supreme Court.

Appeal to Supreme Court on point of law.

45. The decree entered in any appeal to a Judge in Chambers or the Supreme Court shall specify the amount if any, which the appellant is liable to pay as estate duty under this Law.

Decree to state amount of estate duty payable.

46. The Chief Justice may make rules governing appeals to a Judge in Chambers and to the Supreme Court, the fees payable thereon, and for the method of tendering evidence.

Chief Justice may make rules.

#### *Payment of Estate Duty.*

47. (1) Estate duty shall be paid in the manner directed in a notice of assessment on or before the date specified in such notice.

Manner of payment of estate duty.

(2) Estate duty shall be paid notwithstanding any appeal or notice of objection unless the Commissioner orders that payment of the duty or any part thereof be held over to a date specified in such order.

(3) Any estate duty not paid on or before the date specified in the notice of assessment or in any order made under subsection (2) of this section shall be deemed to be in default unless the Commissioner has agreed to accept payment of estate duty by instalments.

Interest  
on duty  
unpaid.

**48.** Simple interest at the rate of four per centum per annum shall be paid upon all estate duty from and after the expiration of twelve months of the date of the death of the deceased to the date of payment and shall be recovered as though it formed part of the estate duty in default:

Provided that where the estate duty payable has not been assessed, the executor or other person liable to pay duty may pay to the Commissioner any sum on account of estate duty thereafter to be assessed; and any sum so paid shall, on assessment, be appropriated against the estate duty due from such executor or other person, as the case may be.

Allocation of  
payments.

**49.** Where under this Law any sum is payable by any person by way of interest and estate duty, any payment made by such person shall be appropriated first to interest and then to estate duty.

Payment by  
instalments.

**50.** (1) If the Commissioner is satisfied that the estate of a deceased person consists wholly or mainly of immovable property and that the movable property of the estate available for payment of estate duty is insufficient for such payment, the Commissioner may, subject to such terms, conditions and procedure as may be prescribed by Regulations made under section 81 of this Law, accept payment of estate duty in not more than sixteen equal half yearly instalments the first of such instalments falling due for payment on a date six months from the date of the death of the deceased.

(2) No person shall be permitted to pay estate duty by instalments until he has furnished security for such payment to the satisfaction of the Commissioner.

(3) Where a person is permitted to pay estate duty by instalments and fails to pay any such instalment within



twenty-eight days after the date on which it falls due, the remaining instalments shall be deemed to be in default and the total amount of estate duty remaining unpaid may be recovered in the manner provided in this Law for the recovery of estate duty in default.

*Certificate of payment and release.*

51. (1) When any executor shall have paid or secured to the satisfaction of the Commissioner the payment of all estate duty for which he is liable, the Commissioner shall issue a certificate to that effect to which shall be attached a copy of the declaration of property in respect of which estate duty has been paid or secured. Certificate of payment.

(2) Where the Commissioner is satisfied that any executor is not liable to pay estate duty under this Law, the Commissioner shall issue a certificate to that effect to which shall be attached a copy of the declaration of property in respect of which estate duty is not payable.

52. (1) The Commissioner on being satisfied that the full estate duty has been or will be paid in respect of all property passing on the death of a deceased person for which the executor is liable to pay estate duty under this Law shall, if required by the executor, give a certificate to that effect, which shall discharge from any further claim for estate duty the property mentioned in that certificate. Certificate of release.

(2) Where a person other than the executor is liable to pay estate duty in respect of any property passing on a death, such person may, if the executor has not delivered under section 33 of this Law a declaration which includes a reference to that property, furnish to the Commissioner a full statement to the best of his knowledge and belief of all property passing on such death and the several persons entitled thereto; and the Commissioner may determine the rate of the estate duty in respect of the property for which the applicant is liable, and on payment of the duty at that rate, that property and the applicant, so far as regards that property, shall be discharged from any further claim for estate duty, and the Commissioner shall give a certificate of such discharge.

(3) On the application of the executor or of any person having an interest in any property passing on the death of a deceased person, the Commissioner may, if he thinks fit, determine the estate duty payable in respect of that

property, and, on due payment of such estate duty, may issue a certificate which shall discharge from any further claim for estate duty the property mentioned in that certificate.

(4) A certificate of the Commissioner under this section shall not discharge any person or property from estate duty in case of fraud or failure to disclose material facts, and shall not affect the rate of duty payable in respect of any property afterwards shown to have passed on the death, and the duty on such property shall be at such rate as would be payable if the value thereof were added to the value of the property in respect of which duty has been already accounted for:

Provided that a certificate purporting to be a discharge of the whole estate duty payable in respect of any property included in the certificate shall exonerate from the estate duty a *bona fide* purchaser for valuable consideration without notice, notwithstanding any such fraud or failure.

Facts stated in Commissioner's certificate need not be proved.

53. Any statement made in any certificate issued by the Commissioner shall be presumed to be correct until the contrary is proved; and, in the absence of proof to the contrary, a Court shall act on any such statement without requiring further proof thereof.

*Grant of Probate and Letters of Administration.*

Probate not to be issued until estate duty is paid.

54. No probate or letters of administration shall be granted by the Court in respect of the estate of a deceased person until—

- (a) the Commissioner has issued the certificate that the estate duty for the payment of which the executor is liable under this Law has been paid or secured, or that the executor is not liable to pay estate duty under this Law; and
- (b) the certificate so issued has been filed in Court.

*Collection of Estate Duty.*

Collection of money or debts on account of estate duty.

55. (1) Where any person proves to the satisfaction of the Commissioner that he would, on payment of estate duty, be entitled to probate or letters of administration, and requests the Commissioner to collect a sum on account of the estate duty to be paid by such person out of any money or debts forming part of the estate of the deceased, the

Commissioner may, if he thinks fit, by notice in writing, require any person or persons who hold such money or owe such debts to pay in the manner and within the period stated in such notice so much of such money or debts as the Commissioner may deem sufficient to cover the estate duty payable in respect of the property of the deceased.

(2) Any person to whom a notice is sent by the Commissioner in accordance with subsection (1) of this section, shall, notwithstanding anything contained in any written law, contract or agreement, comply with such notice to the extent of the money held by him on account of the estate of the deceased, or owed by him to such estate, and is hereby indemnified in respect of any payment made thereunder against all proceedings, civil or criminal.

(3) Nothing in subsection (1) or in subsection (2) of this section shall enable or be deemed to enable the Commissioner to collect or recover from any person any debt at any time before the date on which that debt is due to be paid by that person to the estate of the deceased.

(4) Where any sum required to be paid by a notice given under subsection (1) of this section is not paid in accordance with such notice, it shall be recoverable from the person to whom the notice was directed as if such sum were estate duty due from such person and as if such estate duty were in default.

**56.** (1) Where any estate duty is in default the Commissioner may issue to a District Court a Certificate, in this Law referred to as a collection certificate, containing particulars of such duty, the name and address of the person by whom it is payable, and a schedule of property by the sale of which the duty may be recovered. The District Court shall thereupon without further process issue its warrant for the sale of such property or a sufficient part thereof in the like manner as if it were sold by order of a competent Court for the payment of a judgment debt, and the proceeds of such sale shall be applied in payment of the estate duty due, and the surplus thereof (if any) after deducting any costs and charges that may be payable shall be paid to the person in default.

Recovery of  
duty by  
seizure and  
sale of  
property.

(2) The provisions of this section shall have no application in a case in which a decree for the payment of estate duty has been entered by a Judge in Chambers or the Supreme Court on an appeal preferred under this Law.

Recovery of  
estate duty  
out of debts,  
etc.

57. (1) Where estate duty payable on the death of a deceased person is in default, and it appears to the Commissioner to be probable that any person—

- (a) is about to pay any money to an executor for or on account of the estate of the deceased; or
- (b) holds any money for or on account of such estate; or
- (c) has authority from some other person to pay any money to an executor for or on account of such estate; or
- (d) is liable to pay for or on account of such estate money which, if paid to an executor, is bound to be credited by him to that estate,

the Commissioner may give to such person notice in writing requiring him to pay as directed in such notice any such money not exceeding the amount of the estate duty in default. The notice shall apply to such money as is in the hands of the person to whom notice has been given or is due from him or is about to be paid by him at the date of the receipt of such notice, or comes into his hands or becomes due from him or is about to be paid by him at any time within a period of thirty days after that date.

(2) Any estate duty paid in accordance with this section shall be deemed to have been paid on behalf of another person within the meaning of section 75 of this Law.

(3) Any person to whom a notice has been given under subsection (1) of this section who is unable to comply therewith owing to the fact that the money in question does not come into his hands or does not become due from him within the period of thirty days referred to in that subsection shall, within fourteen days after the expiration of that period, inform the Commissioner in writing of the facts by reason of which he is unable to comply with such notice.

(4) Where any person to whom a notice has been given under subsection (1) of this section is unable to comply therewith and has failed to inform the Commissioner as required in subsection (3) of this section, or where he has deducted or could have deducted the estate duty to which the notice relates or any part thereof and has not paid over as directed by the Commissioner the amount of such estate duty or part thereof within fourteen days after the expiration of the period of thirty days referred to in subsection (1) of this section, he shall be personally liable for the whole of the estate duty which he has been required to deduct,

and the amount of such duty may be recovered from him as a debt due to the Crown.

58. (1) Where a deceased person was at the time of his death a partner in a partnership carrying on business in Cyprus, and any estate duty payable in respect of the property passing on the death of such deceased person is in default, the Commissioner may give notice in writing to any person who was at the time of the death a partner in such partnership requiring him to pay as directed in such notice the amount of the estate duty in default or the amount of the deceased person's interest in such partnership, whichever is the less.

Recovery from surviving partners.

(2) Any estate duty paid in accordance with this section shall be deemed to have been paid on behalf of another person within the meaning of section 75 of this Law.

(3) Where any person fails to comply with a notice given under subsection (1) of this section, the amount of the estate duty which is in default, or the amount of the deceased person's interest in the partnership at the time of death, whichever is the less, shall be recoverable from him as if it were estate duty due from him and as if such estate duty were in default.

59. The special procedure prescribed by this Law for the recovery of estate duty from any person shall not affect or abrogate or be deemed to affect or abrogate the right of the Crown to recover any such duty or part thereof in any other manner or by any other procedure available under any written or other law for the recovery of debts due to the Crown.

Special procedure not to affect right of Crown to recover duty in any other manner.

#### *Repayment.*

60. If at any time within three years of the date of issue of a notice of assessment a claim is made to the Commissioner for the return of any moneys paid as estate duty and it is proved to the satisfaction of the Commissioner that such estate duty has been overpaid, it shall be lawful for the Commissioner and he is hereby required to return the amount of duty which has been overpaid:

Refund of estate duty.

Provided that—

- (a) where by reason of any proceeding at law, any debt due from the deceased which might be allowed as a deduction has not been ascertained,

and in consequence thereof the executor was prevented from claiming refund of estate duty as aforesaid within the said term of three years, it shall be lawful for the Commissioner to allow such further time for making a claim as may appear to him to be reasonable;

(b) nothing in this section shall confer or be deemed to confer on any person—

(i) any right to prefer a claim for the return, or any right to a return, of any moneys paid as estate duty on any ground which has been or could have been raised by such person by way of appeal under this Law;

(ii) any right of action against the Crown for the recovery or return of any moneys overpaid as estate duty.

*Offences and Penalties.*

Penalty for failure to deliver declaration of property, etc.

**61.** Every person who fails to deliver a declaration of property or any other statement whatsoever required to be furnished under this Law shall be guilty of an offence and shall for each such offence be liable, on conviction after summary trial by a President or District Judge of a District Court, to a fine not exceeding one hundred pounds.

Penalty for failure to furnish information.

**62.** Every person who fails to comply with a notice issued under section 35 or section 57 or section 73 of this Law shall be guilty of an offence and shall for each such offence be liable, on conviction after summary trial by a President or District Judge of a District Court, to a fine not exceeding one hundred pounds.

Penalty for making incorrect statements, etc.

**63.** Every person who without reasonable excuse—

(a) omits or understates the value of any property which is or should be included in a declaration of property or in any other statement whatsoever required to be delivered or furnished under this Law; or

(b) makes any incorrect statement in connection with a claim to an allowance under section 26 of this Law; or

(c) gives any incorrect information in relation to any matter or thing affecting the liability of himself or any other person to pay estate duty,

shall be guilty of an offence and shall for each such offence be liable, on conviction after summary trial by a President or District Judge of a District Court, to a fine not exceeding the total of one hundred pounds and the amount of estate duty (if any) which has been undercharged in consequence of such offence or which would have been so undercharged if such offence had not been detected.

**64.** Any person who wilfully with intent to evade or to assist any other person to evade payment of estate duty—

Penal provisions relating to fraud, etc.

- (a) omits from a declaration of property any property which should be included in that declaration;
- (b) makes any incorrect statement in connection with a claim to an allowance under section 26 of this Law;
- (c) signs any declaration, statement or return furnished under this Law without reasonable grounds for believing the same to be true;
- (d) gives any false answer whether verbally or in writing to any question or request for information asked or made in accordance with the provisions of this Law;
- (e) prepares or maintains or authorizes the preparation or maintenance of any false book of account or other document;
- (f) makes use of or authorizes the use of any fraudulent device, art, or contrivance,

shall be guilty of an offence and shall for each such offence be liable, on conviction after summary trial by a President or District Judge of a District Court, to a fine not exceeding the total of one hundred pounds and treble the amount of estate duty for which he or the person whom he has assisted is liable to pay, or to imprisonment for any term not exceeding six months or to both such fine and imprisonment.

**65.** The Commissioner may at any time before a prosecution has been commenced compound any offence under this Law:

Power of Commissioner to compound offences.

Provided that where a prosecution has been commenced against any person for any offence under this Law, the Commissioner may, with the consent of the Attorney-General, compound such offence at any time before judgment and may, with such consent, withdraw such prosecution.

Estate duty to be payable notwithstanding proceedings for penalties.

**66.** The prosecution of any person for an offence under this Law, the conviction of any person of any such offence, or the imposition on any person of any penalty, fine, or imprisonment under this Law, shall not affect the liability of any person to be assessed for estate duty or to pay such duty.

Prosecution not to be instituted except with sanction of the Attorney-General.

**67.** No prosecution in respect of any offence under this Law shall be instituted except at the instance of or with the written sanction of the Attorney-General.

*Vakf Property.*

Definitions.  
2 of 20/48.

**68.** For the purposes of sections 68, 69, 70 and 71—

“beneficiary” means any person on whom any Vakf property devolves on the death of the deceased;

“Vakf property” means any property made Vakf (whether before or after the date of the coming into operation of this Law) by a valid dedication under any Law for the time being in force relating to valid deeds of dedication by Moslems, but shall not include any Mazbouta and Mulhaka non-Meshrouta Vakf.

Vakf property not to be aggregated with other property.  
2 of 20/48.

**69.** Notwithstanding anything in this Law contained, for the purpose of determining the estate duty to be paid on any Vakf property and on any other property passing on the death of the deceased the Vakf property and such other property shall be treated as separate estates and the values thereof shall not be aggregated.

Payment of estate duty by beneficiary.  
2 of 20/48.

**70.** (1) The beneficiary shall pay the estate duty in respect of any Vakf property to the extent to which a benefit accrues or arises by the cesser of the interest which the deceased or any other person had in such property, ceasing on the death of the deceased.

(2) The beneficiary may elect, by giving written notice to the Commissioner within thirty days after the date of a notice of assessment, to pay the estate duty by instalments and in that event—

(a) a sum equal to six per centum of the estate duty payable shall be added thereto and the total amount paid by fifteen equal yearly instalments;

(b) the first of such instalments shall be payable at the expiration of twelve months next after the date of the death of the deceased and the fourteen



following instalments at yearly intervals of twelve months, each to be computed from the day on which the first instalment shall have become due:

Provided that if the beneficiary shall die before all such instalments have been paid then any instalments not due at his death shall cease to be payable;

- (c) if any instalment is not paid by the date on which it becomes due under the provisions of this subsection, a sum equal to five per centum of the amount of the instalment payable shall be added thereto and the provisions of subsection (4) of this section, relating to the collection and recovery of estate duty on Vakf property shall apply to the collection and recovery of such sum.

(3) Where any beneficiary dies before a notice of assessment is issued to him in respect of any liability to estate duty under this section, the legal representative of such beneficiary shall have the same rights and be liable for the payment of the same amount of estate duty for which such beneficiary would have been liable.

(4) Where any estate duty on any Vakf property or any instalment of such duty is not paid in accordance with the provisions of this section, the Commissioner may—

- (a) issue to the District Court a certificate containing particulars of such duty, the name and address of the person by whom it is payable and a schedule of the property from the income of which the duty may be received and thereupon the District Court shall, without further process, issue its warrant for the attachment of such income or a sufficient part thereof in the like manner as if it were attached by order of a competent Court for the payment of a judgment debt, and the proceeds of such attachment shall be applied in payment of the estate duty due and the surplus thereof (if any) after deducting any costs and charges that may be payable shall be paid to the person in default; or

- (b) sue for and recover such duty in his official name in a Court of competent jurisdiction, with full

costs of suit from the person charged therewith as a debt due to the Government of the Colony.

Other provisions of the Law to apply to Vakf property.  
2 of 20/48.

**71.** Subject to the provisions of sections 68, 69 and 70 of this Law, the other provisions of this Law shall, in so far as they are not inconsistent with such sections, apply to Vakf property as they apply to any other estate.

*Miscellaneous.*

Public officers to assist Commissioner.

**72.** (1) Where the Commissioner is of opinion that any public officer is in a position to supply any information which the Commissioner may require for the purposes of this Law, he may by written application request such public officer to furnish such information; and every such public officer shall supply the information required to the best of his knowledge and belief.

(2) Every public officer having in his custody any registers, books, records, papers, documents or proceedings the inspection whereof may tend to secure any duty under this Law or to prove or lead to the discovery of any fraud or omission in relation to any such duty, shall at all reasonable times permit any person authorized in writing by the Commissioner to inspect for such purpose such registers, books, records, papers, documents and proceedings, and to take such notes and extracts as he may deem necessary without fee or charge.

(3) In this section, "public officer" includes any officer in the employ of a Municipality.

Inspection of property.

**73.** The Commissioner may, by notice in writing, require any person having the care, control, custody, management or possession of any property forming part of the estate situate in Cyprus, whether movable or immovable, to permit any public officer named in such notice to inspect such property; and the person to whom any such notice is addressed shall, upon the receipt thereof, give the public officer named in such notice all facilities for inspecting the property to which that notice relates.

Agents and trustees.

**74.** (1) Any act or thing required by or under this Law to be done by any person shall, if such person is an incapacitated or non-resident person, be deemed to be required to be done by the trustee of such incapacitated

person or by the agent of such non-resident person, as the case may be.

(2) Where a non-resident person dies, any person who was the agent of such non-resident person at the time of death shall, to the best of his knowledge and belief, furnish to the Commissioner all such information and particulars as the Commissioner may from time to time require for the purpose of the levy of estate duty under this Law.

75. (1) Every person liable to pay estate duty as trustee, or from whom estate duty is recoverable or has been recovered on behalf of another person, may retain out of any assets coming into his possession or control, either on behalf of such other person or in his capacity as trustee, so much thereof as shall be sufficient to produce the amount of such duty, and he shall be and is hereby indemnified against any person whomsoever in respect of his retention of such assets. Indemnification of representative.

(2) Where any person acting as trustee has paid estate duty, and no assets of the trust come into his possession or control out of which he could retain the duty so paid, such duty shall be a debt due from the beneficiaries of the trust to the trustee.

(3) Where estate duty has been paid by or recovered from any person liable to pay estate duty on behalf of another person, and no assets of such other person come into his possession or control out of which he could retain the duty so paid, such duty shall be a debt due to him from such other person.

76. Where two or more persons, whether in partnership or otherwise, act jointly in any capacity, either on behalf of themselves or of any other person, they shall be jointly and severally answerable for doing all such acts, matters and things as would be required to be done under the provisions of this Law by an individual acting in such capacity. Persons acting jointly.

77. The secretary, manager, chairman, or other principal officer of every company or body of persons shall be answerable for doing all such acts, matters, and things as are required to be done under the provisions of this Law by such company or body of persons: Principal officer to act on behalf of a company or body of persons.

Provided that any person to whom a notice has been

given under the provisions of this Law as representing a company or body of persons shall be deemed to be the principal officer thereof unless he proves that he has no connection with such company or body of persons, or that some other person resident in Cyprus is the principal officer thereof.

Signature  
and service  
of notices.

78. (1) Every notice given by the Commissioner or an Assistant Commissioner under this Law shall bear the name of the Commissioner or Assistant Commissioner, as the case may be, and every such notice shall, if the name of the Commissioner or Assistant Commissioner is duly printed or stamped thereon, be as valid and effectual as if that notice is signed by such Commissioner or Assistant Commissioner, as the case may be.

(2) Every notice given by virtue of this Law may be served on a person either personally or by being delivered at, or sent by post to, an address furnished by him for the purpose of service of notices, or his last known address or place of abode or to any place at which he is or has been carrying on business:

Provided that a notice of assessment shall be served personally or by being sent by registered post to any such address or place as aforesaid.

Any notice sent by post shall be deemed to have been served on the day succeeding the day on which it would have been received in the ordinary course by post.

In proving service by post it shall be sufficient to prove that the letter containing the notice was duly addressed and posted.

(3) Every notice required by or under this Law to be served on a non-resident person may be served on his agent.

(4) Where any notice or certificate bears the name and official designation of any person and purports to have been issued by him under this Law, it shall be presumed, until the contrary is proved, that on the date of the issue of that notice or certificate a person bearing that name was entitled to that official designation; and the name and office of that person shall be judicially noticed.

Renuncia-  
tion of  
office of  
executor.

79. A person nominated or appointed as executor in the last will of a deceased person may, if he is unwilling to accept office as executor, apply in writing to the Commis-

sioner to be exempted from the obligations and liabilities of an executor under this Law; and the Commissioner, if he is satisfied that the applicant has not taken possession of, or intermeddled with, any property of the deceased, may issue a certificate of exemption accordingly:

Provided that any such certificate may be revoked by the Commissioner at any time if he is of opinion that the certificate was obtained by fraud or misrepresentation, or on an incorrect statement of facts, or if the holder of the certificate has at any time after the issue thereof taken possession of, or intermeddled with, the property of the deceased.

*Forms and Regulations.*

**80.** The Commissioner may from time to time prescribe **Forms.** forms to be used for all or any of the purposes of this Law; and any form so prescribed may from time to time be amended or varied by the Commissioner or some other form may be substituted by the Commissioner in place of any forms so prescribed.

**81. (1)** The Governor in Council may make **Regulations.** Regulations for the purpose of carrying out or giving effect to the objects and purposes of this Law.

(2) Such Regulations may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding in each case a sum of twenty-five pounds; and any person who contravenes or fails to comply with any Regulation for the contravention of or failure to comply with which a penalty is so prescribed shall be guilty of an offence which may be summarily tried by a President or a District Judge of a District Court.

SCHEDULE.  
(Section 6.)

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## SCALE OF RATES OF ESTATE DUTY PAYABLE.

Class	Where the value of the estate is:—		Rate of Estate Duty
	in excess of	but not exceeding	
1.	£ 2,000	£ 2,500	40
2.	2,500	3,000	50
3.	3,000	3,500	65
4.	3,500	4,000	85
5.	4,000	4,500	110
6.	4,500	5,000	140
7.	5,000	5,500	175
8.	5,500	6,000	215
9.	6,000	6,500	260
10.	6,500	7,000	310
11.	7,000	7,500	365
12.	7,500	8,000	425
13.	8,000	8,500	490
14.	8,500	9,000	560
15.	9,000	9,500	635
16.	9,500	10,000	715
17.	10,000	11,000	875
18.	11,000	12,000	1,045
19.	12,000	13,000	1,225
20.	13,000	14,000	1,415
21.	14,000	15,000	1,615

*For the remainder of the value of the estate—*

22.	on every pound in excess of £15,000 but not exceeding £ 17,000	... 21 per cent.
23.	on every pound in excess of £17,000 but not exceeding £ 20,000	... 22 per cent.
24.	on every pound in excess of £20,000 but not exceeding £ 25,000	... 23 per cent.
25.	on every pound in excess of £25,000 but not exceeding £ 35,000	... 24 per cent.
26.	on every pound in excess of £35,000 but not exceeding £ 50,000	... 25 per cent.
27.	on every pound in excess of £50,000 but not exceeding £ 70,000	... 26 per cent.
28.	on every pound in excess of £70,000 but not exceeding £100,000	... 28 per cent.
29.	on every pound in excess of £100,000 ... ..	... 30 per cent.