FABRIQUES ACT
Cap 87 – 1 January 1909

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FABRIQUES ACT

1. Short title
This Act may be cited as the Fabriques Act.

2. Interpretation
In this Act—

“Bishop” means the Bishop of Port Louis or, as the case may be, the Ecclesiastical Administrator of the Roman Catholic Diocese of Port Louis.

3. Purpose of fabriques
In every Roman Catholic Parish in Port Louis and in the other districts of Mauritius there shall be a parochial council, called the “fabrique”, for the administration of the ecclesiastical temporalities of the parish.

4. Additional fabriques
The Bishop may create additional fabriques when and as often as the occasion may arise.
5. Constitution of fabriques

(1) Each fabrique shall consist of a Chairperson, of an ex officio member and of such a number of other members not being less than 3 nor more than 7 as the Bishop may consider desirable, 2 of which other members as may be designated by the Bishop shall be the Treasurer and the Secretary, respectively, of the fabrique.

(2) (a) The Curé of each parish shall be the ex officio member of the fabrique of that parish.

(b) Where the Curé of the parish is unable to attend any meeting of the fabrique, his vicaire, or, when the Curé has more than one vicaire, any one of his vicaires delegated by him, may act on behalf of the Curé at such meeting, and while so acting, shall be deemed to be ex officio member of the fabrique.

(3) (a) The Chairperson and the members of each fabrique, other than the ex officio member, shall be Roman Catholic laymen appointed by the Bishop.

(b) They shall, in their respective capacity, hold office on such terms and conditions as may be determined by the Bishop at the time of their appointment.

(c) Their tenure of office shall terminate at the end of the month of January in the year following that in which they are appointed, and they shall be eligible for reappointment.

(d) They may resign their office by notice in writing under their hand given to the Bishop, and the Bishop may, if, in his opinion, it has become expedient to do so, remove them from office.

(4) (a) Where a vacancy occurs through the death, resignation, removal or otherwise of the Chairperson or of a member of any fabrique, the Bishop may, where he thinks it necessary, fill the vacancy.

(b) The newly appointed Chairperson or member shall hold office for the unexpired portion of the term of office of the person whom he replaces and on such terms and conditions as may be determined by the Bishop at the time of his appointment.

(c) The Bishop shall advise the President of the composition of each fabrique and of any change in such composition and the President shall cause notice of it to be published in the Gazette.

(d) Subject to section 9 (3), no proceeding or action of the fabrique shall be invalidated by reason of a vacancy subsisting in the composition of the fabrique at the time such proceeding or action.

[S. 5 amended by Act 48 of 1991.]

6. Qualification of members

Except with the approval of the Bishop, no person other than a seat holder in the parish church may be a member of the fabrique of that parish.
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9. Meetings

(1) (a) Subject to paragraph (b), the Chairperson may call a meeting of the fabrique when he thinks fit, and shall call a meeting of the fabrique if so requested by the Curé or any 2 members.

(b) There shall be a meeting of the fabrique in the month of January in every year, and not more than 3 or 6 months, as the fabrique may decide, shall elapse between 2 meetings of the fabrique.

(2) All members shall be convoked by the Secretary in writing.

(3) (a) No meeting or decision shall be valid unless more than half the members are present.

(b) The Chairperson shall have an original and a casting vote.

(c) The deliberations shall be entered in a register kept for that purpose by the Secretary, and shall be signed by the Chairperson and the Secretary.

(d) All copies and extracts from the register shall be signed by the Secretary.

(4) In the absence of the Chairperson, the members present shall select one of their number to preside over the meeting.

10. Duties of fabriques

The duties of the fabriques are to—

(a) keep safe and in good repair the church, presbytery, cemetery and other property of the parish;

(b) collect the revenues;

(c) meet the expenses detailed in section 23; and

(d) present to the Bishop an annual account of receipts and expenses, and an estimate of the receipts and expenses for the following year.

11. Administration

(1) (a) Subject to subsection (2), the fabrique may purchase immovable properties belonging to the parish, make all exchanges, leases, compound or compromise, give all acquittances, consent to all removals of inscriptions, seizures, attachments and other prohibitions with or without payment, provided the same has been authorised at a meeting of the members of the fabrique held to the above effect.

(b) All deeds and acts concerning the same shall be signed by the Chairperson and the Treasurer of the council.

(2) The fabrique shall not without the Bishop’s written authorisation—

(a) sell, mortgage, exchange, grant leases for over 3 years or otherwise alienate immovable property; or
(b) contract debts in any way, where the sum exceeds the amount collected for the bench rents of the preceding year.

12. Inspection and repair of buildings

(1) In May and December in each year, the Treasurer and the Curé shall inspect the buildings and report to the fabrique which shall provide for the necessary repairs.

(2) The Treasurer may on his own authority make small repairs not exceeding the sum fixed in the budget for such purposes.

(3) No structural change shall be made in the church without the Bishop’s consent.

13. Inventory of movables

The Treasurer with the assistance of the Curé shall make an inventory of the movables belonging to the parish in church, sacristy and presbytery, and shall verify the same annually in May.

14. Documents

(1) The Secretary with the assistance of the Curé shall keep an inventory of the documents belonging to the fabrique.

(2) These documents shall be kept in the presbytery or sacristy under 2 keys held by the Treasurer and the Curé respectively.

15. Revenues

The revenues of the fabrique shall consist of—

   (a) the bench rents;  
   (b) the fabrique’s share of the fees for funeral services;  
   (c) the proceeds of the cemetery and of other properties;  
   (d) the church collections assigned to it under section 20;  
   (e) donations, legacies and foundations.

16. Collection of revenues

(1) The revenues shall be collected by the Treasurer and deposited in the bank selected by the fabrique in the name of the fabrique.

(2) Cheques shall be signed by the Treasurer and countersigned by the Curé.

17. Free seats

 Except to the founder of a church and to his direct descendants, no free seats shall be granted other than on a formal decision of the fabrique approved by the Bishop.
18. **Reserved seats**

The most honourable places in the church outside the sanctuary shall be reserved for the fabrique, and, where appropriate, for the public authorities.

19. **Benches**

Subject to appeal to the Bishop, the arrangement of the benches and chairs shall be made with the consent of the Curé.

20. **Collections**

All matters concerning collections in the church shall be regulated by the Bishop on the report of the fabrique.

21. **Donations and legacies**

(1) Donations and legacies made to the fabrique shall be notified to the Curé by the notary who has drawn the deed, or in whose office it has been deposited.

(2) (a) The deed shall be communicated to the Bishop, who, if he finds the gift acceptable, shall apply for the authorisation of the President.

   (b) Where the authorisation under paragraph (a) is granted, the Treasurer shall sign the deed in the name of the fabrique, mentioning the authorisation.

   [S. 21 amended by Act 48 of 1991.]

22. **Foundations**

(1) Every year at the January meeting, the Curé shall certify to the fabrique that all foundation obligations for the preceding year have been fulfilled.

(2) Foundation funds shall be safely invested by the fabrique and shall not be spent until the respective obligations have been discharged.

(3) (a) All investments shall be proposed at a meeting convened for that purpose, and shall not be accepted unless approved by the unanimous vote of the members present.

   (b) In the case of persistent dissent, a majority of two thirds with the Bishop’s consent shall suffice.

23. **Expenses**

The expenses of the fabrique shall be—

   (a) the various requisites for divine worship, sacred vessels, vestments, linen, bread, wine, and the rest, and the payment of the sacristan, organist and other persons employed in the service of the church;

   (b) the interior decoration of the church;
(c) the keeping in good condition of the church and other property; and

(d) a contribution of one per cent of the bench rents to defray the cost of printing pastoral letters and other publications for the instruction of the faithful.

24. Contracts

(1) All bills shall be paid by the Treasurer.

(2) Contracts shall be signed by the Chairperson and the Treasurer, neither of whom shall be allowed to enter into any contract with the fabrique.

(3) The Treasurer shall not exceed the expenditure fixed by the budget without the authorisation of the fabrique and of the Bishop.

25. Employees

Subject to appeal to the Bishop, the sacristan, organist and other paid servants of the church shall be appointed and dismissed by the fabrique on the recommendation of the Curé.

26. Accounts

(1) At every meeting of the fabrique, the Treasurer’s account books shall be laid upon the table.

(2) The Treasurer shall submit to the fabrique, every 3 or 6 months as the fabrique may decide, a statement of receipts and expenses for the period elapsed since the last statement.

(3) (a) Every year at the January meeting, the Treasurer before going out of office shall submit to the fabrique an account of the receipts and expenses of the preceding year and the budget or estimates of receipts and expenses for the following year.

(b) The fabrique shall examine the accounts and give the Treasurer a discharge upon his handing over to his successor any balance remaining in his hands.

(c) Where the accounts are not correct or the balance is not produced, the fabrique shall take measures to recover what is due.

27. Budget

(1) The budget shall specify the estimated revenue and expenditure under the items enumerated in sections 15 and 23.

(2) The Curé shall prepare for the Treasurer in December a statement of the sums needed for the various requisites of divine worship, for salaries and for necessary repairs.

(3) The budget examined and approved by the fabrique shall be submitted to the Bishop who may modify any item on such budget and the budget as amended shall be binding for the current year.
28. **Insufficiency of funds**

   Where the estimated revenue, after deduction of other necessary expenses, is insufficient for the necessary repairs, the *fabrique* shall forward a statement to the Bishop, who, if possible, shall allot to them a share of any Government grant for that purpose.

29. **Lawsuits**

   (1) The *fabrique* shall not enter into lawsuits without the consent of the Bishop.

   (2) A *fabrique* on legal advice shall do what is needed to safeguard its rights and collect its revenues.

   (3) Lawsuits shall be carried on in the name of the *fabrique* represented by the Chairperson.

   (4) All contentions as to the temporalities of the *fabrique* shall be within the competency of the ordinary Courts.

30. **Stamp and other duties**

   (1) The registers of the *fabrique* shall be on unstamped paper and no entry shall be subject to any stamp or registration duty.

   (2) Donations and legacies made to *fabriques* shall be exempt from duty.

31. **Production of accounts**

   The Bishop at his official visitation may require the production of all accounts and books belonging to the *fabrique*, and verify the balance in hand.

32. **Negligence of fabriques**

   Where a *fabrique* neglects its duties to the notable detriment of the parish, and after written warning from the Bishop persists in its negligence during a month, the members of such *fabrique* shall be considered to have resigned and the Bishop shall report the matter to the President and, with his assent, shall create a new *fabrique*.

   [S. 32 amended by Act 48 of 1991.]