

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.]

