

**PRESBYTERIAN CHURCH OF MAURITIUS ACT**

Act 7 of 1979 – 15 September 1979

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**PRESBYTERIAN CHURCH OF MAURITIUS ACT**

**1. Short title**

This Act may be cited as the Presbyterian Church of Mauritius Act.

**2. Interpretation**

In this Act—

“Church” means the Presbyterian Church of Mauritius established under section 3;

“Committee” means the Presbyterian Committee referred to in section 4;

“congregation” means members of the Church associated in a locality for worship, witness and service;

“Kirk Session”, in relation to a congregation, means the Minister of Religion of the congregation and such persons as may have been commissioned or ordained to exercise government and discipline in the congregation;

“Minister of Religion” means a person who has been ordained as such;

“Moderator” means the Moderator of the Church appointed under section 6;

“Synod” means the body established under section 5.

**3. Establishment of Church**

(1) There is established for the purposes of this Act the Presbyterian Church of Mauritius.

(2) The Church shall be a body corporate.

#### **4. Management of Church**

(1) The management of the Church and the exercise of any of its powers shall vest in a Committee to be known as the Presbyterian Committee.

(2) The Committee shall consist of—

- (a) the Moderator;
- (b) the Ministers of Religion; and
- (c) representatives of congregations, not exceeding 12 in number, to be appointed by the Synod.

(3) The persons appointed under subsection (2) (c) shall hold office for 3 years but shall be eligible for reappointment.

(4) (a) Subject to paragraph (b), the Committee shall, every year, elect from among its members a Chairperson, a Secretary and a Treasurer.

(b) The Moderator shall not be eligible for election as Chairperson.

[S. 4 amended by Act 5 of 1994.]

#### **5. The Synod**

(1) There is established a Synod which shall have final authority on all matters relating to the Church.

(2) The Synod shall consist of—

- (a) the Moderator; and
- (b) not less than 30 nor more than 70 members, representing the various congregations and commissioned by their respective Kirk Sessions in such proportion as the Synod may determine.

(3) The quorum of the Synod shall be 12 members, or such larger number of members as the Synod may determine.

(4) The members of the Synod, other than the Moderator, shall hold office for one year but shall be eligible for reappointment.

[S. 5 amended by Act 5 of 1994.]

#### **6. The Moderator**

(1) There shall be a Moderator of the Church who shall be appointed by the Synod.

(2) Where the Moderator is for any reason unable to exercise any of the powers, functions and duties vested in him, the Committee may appoint any Minister of Religion or member of the Church to act in his place until such time as the Synod appoints another person to act in his place.

#### **7. Restriction on powers of Church**

The Church shall not sell, exchange or mortgage any property which belongs to any congregation without the consent in writing of the Kirk Session of that congregation.

**8. Donations and legacies**

Article 910 of the Code Civil Mauricien shall not apply to the Church.

**9. – 11. —**

**12. Regulations**

(1) The Committee may make regulations for—

- (a) the management of the affairs of the Church;
- (b) the procedure to be followed at meetings of the Committee;
- (c) the election of members; and
- (d) generally for the purposes of this Act.

(2) Notwithstanding the Interpretation and General Clauses Act, regulations made under subsection (1) shall not be—

- (a) approved by the Minister;
  - (b) laid before the Assembly; or
  - (c) published in the *Gazette*.
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