

chapter F-1

ACT RESPECTING FABRIQUES

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SCHEDULE

REPEAL SCHEDULE

DIVISION I

DEFINITIONS

1. In this Act, the following terms mean:

- (a) “chancellor” : the person entrusted with the keeping of the archives of a diocese;
- (b) “pastor” : the cleric entrusted with the administration of a parish in accordance with the canon law of the Roman Catholic Church;
- (c) “chapelry” : a territory canonically erected as a chapelry for the purposes of the Roman Catholic religion and the benefit of the faithful of such religion;
- (d) “ministering cleric” : the cleric appointed to administer a chapelry;
- (e) “diocese” : a territory under the jurisdiction of a bishop and situated in whole or in part in Québec; this term includes an archdiocese, a diocese, an archeparchy, an eparchy, an exarchate, a vicariate apostolic, a military ordinariate, a prefecture apostolic, a territorial prelacy and a territorial abbey;
- (f) “bishop” : the cleric who, according to the rules of the Roman Catholic Church, is appointed to administer a diocese; this term includes an archbishop, a diocesan bishop, an archeparch, an eparch, an exarch, a vicar apostolic, a military ordinary, a prefect apostolic, a territorial prelate, a territorial abbot, an apostolic administrator, a diocesan administrator, a vicar general, a provicar in a vicariate apostolic, a pro-prefect in a prefecture apostolic and a vicar deputed to a vicariate apostolic or to a prefecture apostolic;
- (g) “*fabrique*” : a legal person constituted under this Act and consisting of the chairman, the pastor of a parish or the ministering cleric of a chapelry and the churchwardens of such parish or chapelry;
- (h) “pre-existent *fabrique*” : a legal person constituted before 1 January 1966 and consisting of the pastor and the churchwardens of a parish;
- (i) “parish” : a territory canonically erected as a parish or quasi-parish for the purposes of the Roman Catholic religion and the benefit of the faithful of such religion;
- (j) “parishioner” : a person of full age of the Roman Catholic religion who belongs to a parish or chapelry and is not a cleric assigned to administer to that parish or chapelry;
- (k) (*paragraph repealed*);
- (l) “vice-chancellor” : the person who holds the office of principal assistant to the chancellor;
- (m) “chairman” : the person specifically appointed by the bishop to call and preside over, in a parish or chapelry, the *fabrique* meeting or the meeting of the parishioners or, failing such an appointment, the pastor or ministering cleric;
- (n) “register” : the register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1);
- (o) “vice-chairman” : the member of the *fabrique* specifically appointed by the bishop to call and preside over, in a parish or chapelry, the *fabrique* meeting where the chairman is absent or unable to act or refuses to act, and to preside over the meeting of the parishioners in such cases.

1965 (1st sess.), c. 76, s. 1; 1973, c. 71, s. 1; 1981, c. 14, s. 24; 1982, c. 32, s. 88; 1993, c. 48, s. 411; 1997, c. 25, s. 1, s. 15; 2010, c. 7, s. 282.

DIVISION II

THE BISHOP

2. The bishop of a diocese may, by decree, erect within his diocese parishes and chapelries, dismember, divide and abolish the same or annex them to other parishes or chapelries and change their limits. He also determines by decree the conditions which a person must fulfill to be a parishioner of such parish or chapelry.

A certified copy of such decree shall be sent forthwith to the enterprise registrar, who shall deposit it in the register.

1965 (1st sess.), c. 76, s. 2; 1969, c. 26, s. 115; 1975, c. 76, s. 11; 1981, c. 9, s. 24; 1982, c. 52, s. 200; 1993, c. 48, s. 412; 2002, c. 45, s. 508.

3. The decree of a bishop under section 2 shall, from the date of its deposit in the register, have full effect for all civil purposes.

1965 (1st sess.), c. 76, s. 3; 1993, c. 48, s. 413.

4. Within his diocese, the bishop may:

(a) establish the sites of churches, chapels and other parish buildings and of cemeteries and columbariums, and approve the plans, specifications and cost thereof;

(b) establish, with the approval of the Minister of Health and Social Services, the site of any new cemetery;

(c) close down a cemetery or order that bodies shall no longer be buried and that ashes shall no longer be deposited there;

(c.1) close down a columbarium or order that ashes shall no longer be deposited there;

(d) regulate worship in churches, chapels and other places of worship;

(e) appoint and dismiss the pastors, ministering clerics, chairmen, vice-chairmen, auxiliary clerics, pastoral associates and pastoral trainees in the parishes and chapelries;

(f) fix the diocesan dues and the fees for acts of ecclesiastical jurisdiction and determine the beneficiaries thereof;

(g) fix the remuneration and allowances payable by *fabriques* to pastors, ministering clerics, auxiliary clerics, pastoral associates and pastoral trainees, and specify the method and conditions of payment thereof;

(g.1) establish group insurance plans for the benefit of pastors, ministering clerics, auxiliary clerics, pastoral associates and pastoral trainees, conclude contracts for that purpose with insurers authorized to offer such plans and fix the terms and conditions of payment of the premiums;

(g.2) establish pension plans for the benefit of pastors, ministering clerics, auxiliary clerics, pastoral associates and pastoral trainees, conclude contracts for that purpose with persons authorized to offer such plans and fix the terms and conditions of payment of contributions;

(g.3) require *fabriques* to pay all or part of the premiums or contributions payable under the plans referred to in paragraphs g.1 and g.2;

(h) when a parish or chapelry is divided or dismembered, establish the apportionment of the property and obligations of the *fabriques* concerned;

(i) delegate to a person, partnership or body all or part of the powers conferred on him by sections 23, 26, 27, 28 and 31.

Group insurance plans or pension plans established pursuant to paragraph g.1 or g.2 may include stipulations applicable to persons remunerated by the *fabriques* but not mentioned in paragraph g.1 or g.2. However, those persons shall not be required to become members of such plans.

1965 (1st sess.), c. 76, s. 4; 1968, c. 78, s. 1; 1970, c. 42, s. 17; 1973, c. 71, s. 2; 1982, c. 32, s. 89; 1985, c. 23, s. 24; 1997, c. 25, s. 2.

5. The bishop may also make regulations for his diocese to:

(a) ensure maintenance of decency and good order in Roman Catholic churches, chapels, places of worship, cemeteries and columbariums;

(b) determine the conditions governing eligibility for Roman Catholic funerals;

(b.1) determine the conditions governing eligibility for interments in Roman Catholic cemeteries and for depositing ashes in Roman Catholic cemeteries or columbariums;

(c) fix the levies payable by the *fabriques* to the episcopal corporation of their diocese;

(d) direct the repair and maintenance of the immovables of *fabriques* and the work necessary for such purposes and prescribe that in certain cases such work shall not be undertaken without the previous authorization of the bishop;

(e) supervise the construction of churches, parsonages, columbariums and other immovables of *fabriques*;

(f) supervise and fix the conditions of expenditures of *fabriques* and prescribe expenditures not to be incurred without prior authorization of the bishop;

(g) define, for the application of paragraph *i* of section 26, the expression “movable property having a historic or artistic interest”;

(h) define the functions of a pastoral associate and of a pastoral trainee.

1965 (1st sess.), c. 76, s. 5; 1968, c. 78, s. 2; 1973, c. 71, s. 3; 1997, c. 25, s. 3.

6. The bishop shall be the visitor of the *fabriques* of his diocese. In such capacity, he may visit them and take account of all that concerns the administration and government of their affairs; he may, but subject to the rights of third parties, compel them to do whatever he deems useful and necessary for the government, administration and improvement of their undertakings, and to cease doing whatever he deems unsuitable or unnecessary for such purposes.

1965 (1st sess.), c. 76, s. 6.

7. The chancellor of the diocese shall be the custodian of the decrees rendered by the bishop under section 2; he shall keep them at the office of the chancery of the diocese where any person interested may, when necessary, refer to them, free of charge, and even take extracts or obtain certified extracts therefrom at his own expense.

1965 (1st sess.), c. 76, s. 7.

8. Copies and extracts of any document, signed by the bishop under this Act, shall be authentic if certified by the chancellor who is the custodian thereof or by the vice-chancellor.

1965 (1st sess.), c. 76, s. 8.

DIVISION III

THE *FABRIQUE*

8.1. The name of a *fabrique* must be in conformity with section 9.1 of the Companies Act (chapter C-38).
1993, c. 48, s. 414.

9. A *fabrique* shall be constituted for each parish canonically or civilly erected before 1 January 1966 the property of which is held or administered by a pre-existent *fabrique*.
1965 (1st sess.), c. 76, s. 9.

10. A *fabrique* of a parish or chapelry, by the very fact of the canonical erection of such parish or chapelry, after 1 January 1966, shall be a legal person from the date of deposit of the certified copy of the decree in the register as prescribed by section 2.
1965 (1st sess.), c. 76, s. 10; 1993, c. 48, s. 415; 1997, c. 25, s. 15.

11. The bishop of a diocese may constitute a parish *fabrique* or chapelry *fabrique* for a parish or chapelry of his diocese which was canonically erected before 1 January 1966 and the property of which is not held or administered by a pre-existent *fabrique*.

A bishop who wishes to constitute a *fabrique* under this section shall sign a declaration in duplicate drawn up according to the form which appears as a schedule to this Act; one copy of such declaration shall be sent to the enterprise registrar and the other to the chancellor of the diocese.

The enterprise registrar shall deposit the copy of the declaration sent to him in the register.

The *fabrique* shall become a legal person on the date of such deposit.

1965 (1st sess.), c. 76, s. 11; 1969, c. 26, s. 115; 1975, c. 76, s. 11; 1981, c. 9, s. 24; 1982, c. 52, s. 200; 1993, c. 48, s. 416; 1997, c. 25, s. 15; 2002, c. 45, s. 508.

12. A *fabrique* shall be designated by the name of “The *Fabrique* of the parish of” or “The *Fabrique* of the chapelry of” (*name of the parish or chapelry*), in English, and by the name of “La *Fabrique* de la paroisse de” or “La *Fabrique* de la desserte de” (*name of the parish or chapelry*), in French.
1965 (1st sess.), c. 76, s. 12.

13. A *fabrique* is an ecclesiastical corporation whose object is to acquire, possess, hold and administer property for the practice of the Roman Catholic religion in the parish or chapelry for which it is constituted.
It shall have perpetual succession and shall subsist notwithstanding lack of members.

1965 (1st sess.), c. 76, s. 13; 1968, c. 78, s. 3.

14. A *fabrique* of a parish or chapelry shall consist of the persons who hold the offices of chairman, pastor of the parish or of ministering cleric of the chapelry, and of churchwarden of such parish or chapelry.
1965 (1st sess.), c. 76, s. 14; 1982, c. 32, s. 90.

15. The head office of a *fabrique* shall be situated at the place of usual residence of the pastor or ministering cleric, or at any other place in the parish or chapelry fixed by decree of the bishop.
1965 (1st sess.), c. 76, s. 15; 1968, c. 78, s. 4; 1997, c. 25, s. 16.

16. Upon application by the bishop of the diocese in which the head office of a *fabrique* is situated, the enterprise registrar may declare such *fabrique* dissolved if the parish or chapelry whose property it holds has been abolished in accordance with section 2 of this Act. The enterprise registrar shall draw up an act of dissolution which he shall deposit in the register. The dissolution takes effect from the sixtieth day from the date of deposit. In the case of dissolution, the property of the *fabrique*, after payment of its obligations, shall revert to the bishop who shall convey it to one or more *fabriques* in his diocese.

1965 (1st sess.), c. 76, s. 16; 1969, c. 26, s. 115; 1975, c. 76, s. 11; 1981, c. 9, s. 24; 1982, c. 52, s. 200; 1993, c. 48, s. 417; 1997, c. 25, s. 16; 2002, c. 45, s. 508.

16.1. The Act respecting duties on transfers of immovables (chapter D-15.1) does not apply to a transfer of the property of a *fabrique* following the dissolution of the *fabrique* pursuant to section 16.

2000, c. 19, s. 27.

17. The certificate of the chancellor or vice-chancellor of a diocese shall be proof for all purposes of the facts mentioned therein respecting:

(a) the erection of a parish or chapelry, its union with another parish or chapelry or a change of its territory;

(b) the name of a *fabrique* and the location of its head office;

(c) the names of the members of a *fabrique*;

(d) the limits of a parish or chapelry;

(e) the qualifications of a parishioner or of a land-owning parishioner;

(f) the abolition of a parish or chapelry;

(g) the name of the diocese to which a parish or chapelry belongs;

(h) the name of the cleric who holds the office of bishop of the diocese, pastor of a parish or ministering cleric of a chapelry, the name of the person who holds the office of chairman and the name of the member of the *fabrique* who holds the office of vice-chairman;

(i) the status of bishop's delegate, for the purposes of paragraph *i* of section 4 and section 45 or 52.

1965 (1st sess.), c. 76, s. 17; 1981, c. 14, s. 25; 1982, c. 32, s. 91; 1997, c. 25, s. 4, s. 16.

DIVISION IV

RIGHTS, POWERS AND PRIVILEGES OF THE *FABRIQUE*

18. Every *fabrique* shall have the powers, rights and privileges of an ecclesiastical corporation, and may, in particular, for its purposes:

(a) have a seal and alter it at will;

(b) appear before the courts;

(c) acquire, establish, erect, possess, maintain, administer and manage churches, chapels, parsonages, cemeteries, columbariums, burial vaults and other buildings;

(d) bind itself and bind others towards it in any legal manner and especially by bill of exchange, note or other negotiable instrument;

- (e) borrow money on its credit by any method recognized by law;
- (f) hypothecate its movable or immovable property or encumber it with another charge to secure payment of its loans or the performance of its obligations;
- (g) issue bonds or other titles of indebtedness or securities and sell, exchange or hypothecate the same;
- (h) *(paragraph repealed)*;
- (i) invest its funds in accordance with the provisions of the Civil Code respecting investments presumed sound, and in securities of legal persons holding and administering ecclesiastical or religious property;
- (j) assist any person pursuing any object similar to any of its own, cede any property, gratuitously or not, and make loans to, and secure or guarantee the obligations and commitments of such person;
- (k) accept any gift, legacy or other liberality;
- (l) acquire, establish, maintain, administer and manage any work relating to its objects;
- (m) acquire, possess, lease, hold, administer and alienate property, by any legal means and by any title, without being subject to the Act respecting lands of religious congregations (chapter T-7);
- (n) acquire by expropriation, in conformity with the Act respecting lands of religious congregations, such land as may be designated by the bishop for the site or enlargement of a church, parsonage, cemetery or columbarium;
- (o) erect, hold, repair, equip, improve, transform and utilize any buildings and works suitable for the pursuit of its objects on the immovables owned by the *fabrique* or on those of which it has the enjoyment, and contribute to or aid in any manner in the erection, equipment and maintenance of such works and buildings;
- (p) remunerate the pastor or ministering cleric of the parish or chapelry whose property is held by the *fabrique*, the clerics who conduct divine service there, pastoral associates, pastoral trainees and the other persons in its employ and, where expedient, grant them allowances;
- (q) cede gratuitously or for a consideration all or part of its undertakings;
- (r) make with any public authority arrangements calculated to further the pursuit of its ends, carry out the same and exercise the rights and privileges and fulfil the obligations resulting therefrom;
- (s) approve, apply for and obtain any statute, ordinance, order, regulation or authorization or provision, legislative or administrative, which may seem calculated to benefit it directly or indirectly and oppose any proceeding or application of such a nature as directly or indirectly to prejudice its interests;
- (t) be a member of an authorized Québec insurer, other than a regulated business corporation, within the meaning of the Insurers Act (chapter A-32.1) or be a member of a financial services cooperative that is a deposit institution authorized under the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2), and deposit all or part of its funds in that financial services cooperative;
- (u) pay the contributions or premiums payable under a pension plan or group insurance plan for the benefit of the pastor or ministering cleric of the parish or chapelry whose property is held by the *fabrique*, the clerics who conduct divine service there, pastoral associates, pastoral trainees and the other persons in its employ.

1965 (1st sess.), c. 76, s. 18; 1966-67, c. 82, s. 7; 1968, c. 78, s. 5; 1973, c. 71, s. 4; 1981, c. 14, s. 26; 1992, c. 57, s. 575; 1997, c. 25, s. 5; 1999, c. 40, s. 132; 2000, c. 29, s. 652; 2018, c. 23, s. 765.

19. Every *fabrique* may make by-laws respecting:

(a) its internal management;

(a.1) cases of emergency within the meaning of section 43;

(b) the appointment, functions, duties and powers of its officers, agents and employees;

(c) the management, administration, use, control and alienation of its undertakings;

(d) the conditions for concession and occupancy of pews and seats in the church and chapels under its control;

(e) the conditions for the concession of lots and graves in its cemetery;

(f) the conditions for the concession of recesses in a columbarium held by the *fabrique*.

Such by-laws shall come into force upon approval by the bishop of the diocese of the parish or chapelry.

1965 (1st sess.), c. 76, s. 19; 1997, c. 25, s. 6.

20. Every *fabrique* must dispose, within a reasonable time, of immovables which, for a period of seven consecutive years, have not been used for the pursuit of its objects.

1965 (1st sess.), c. 76, s. 20; 1999, c. 40, s. 132.

21. With the authorization of the enterprise registrar and the consent of the bishop of the diocese of the parish or chapelry, a *fabrique* may change its name. Such change shall come into force on the sixtieth day following the date of deposit of a notice to that effect in the register.

1965 (1st sess.), c. 76, s. 21; 1969, c. 26, s. 115; 1975, c. 76, s. 11; 1981, c. 9, s. 24; 1982, c. 52, s. 200; 1993, c. 48, s. 418; 1997, c. 25, s. 7; 2002, c. 45, s. 508.

21.1. The remedy provided for in section 123.27.1 of the Companies Act (chapter C-38), adapted as required, may be exercised in respect of the name of a legal person.

1993, c. 48, s. 419; 1997, c. 25, s. 15.

22. Notwithstanding any contrary or incompatible legislative provision, legal persons constituted under the laws of Québec are empowered to make to a *fabrique* such gifts as they deem expedient, provided that the decision in that behalf be made by resolution passed by a majority vote of the directors at a meeting called for such purpose and at which there is a quorum.

1965 (1st sess.), c. 76, s. 22; 1997, c. 25, s. 15.

23. A *fabrique* may accept endowments for religious, charitable, educational or welfare purposes and consequently receive, as legal depositary, fiduciary agent, legatee or donee, the property given or transmitted by gift, will or otherwise by the founder and bind itself to carry out the charges established by the latter, the *fabrique* being bound to carry out the same with the property of the endowment only and not with its own assets.

The property of each endowment shall constitute a distinct patrimony which must be managed and administered separately, and for which the *fabrique* shall keep separate accounts. The *fabrique* shall exercise the rights of absolute owner in respect of each such patrimony and may use a special seal for each.

The *fabrique* must be specially authorized by the bishop of the diocese of the parish or chapelry to accept such endowments; it may invest the property thereof only as authorized by such bishop and must administer the same under his supervision.

1965 (1st sess.), c. 76, s. 23.

24. Encumbrances created by a *fabrique* under paragraph *f* of section 18, upon the security of property excluded from being an object of commerce shall be valid and shall have the same effect as if the property encumbered were an object of commerce.

1965 (1st sess.), c. 76, s. 24; 1992, c. 57, s. 576.

25. Every *fabrique* must keep at its head office one or more registers containing:

(a) a certified copy of the decrees of the bishop respecting the *fabrique*, or the parish or chapelry whose property it holds;

(b) the by-laws of the *fabrique*;

(c) the name, nationality and address of each member of the *fabrique*, the date when he became a member thereof and the date when he ceased to be a member;

(d) a summary of the provisions of the endowments accepted by the *fabrique* under section 23;

(e) the debts secured by hypothec on its immovables, indicating for each the principal sum, a summary description of the immovables hypothecated and the name and address of the creditor or, as regards bond or debenture issues, the name of the trustee;

(f) the minutes of the meetings of the *fabrique* and of the parishioners.

Such registers are proof of their contents in the absence of any evidence to the contrary, as shall extracts therefrom under the seal of the *fabrique* and certified by the pastor or ministering cleric or by the secretary of the *fabrique*.

Any person interested may examine such registers and obtain a certified extract therefrom at his own expense.

1965 (1st sess.), c. 76, s. 25; 1997, c. 25, s. 8, s. 16.

DIVISION V

EXERCISE OF THE POWERS OF THE *FABRIQUE*

26. Every *fabrique* must be previously and specially authorized by the bishop of the diocese of the parish or chapelry to exercise, in respect of its own patrimony and that of the endowments, the following powers:

(a) the power to acquire, lease or alienate immovables;

(b) the power to make new constructions;

(c) the power to invest capital;

(d) the power to borrow money;

(e) the power to accept or refuse any liberality except gifts by delivery (*dons manuels*);

(f) the power to accept the foundations contemplated in section 23;

(g) the powers set out in paragraphs *b, f, g, j, l, n, o, q, r, s* and *u* of section 18;

(h) require the services of persons or bodies for subscription purposes;

(i) alienate movable property having a historic or artistic interest or acquired by the *fabrique* more than 50 years previously.

1965 (1st sess.), c. 76, s. 26; 1973, c. 71, s. 5; 1992, c. 57, s. 577.

27. (1) With the authorization of the bishop, a *fabrique* may borrow money repayable during the then current fiscal year; the amount due under such loans shall not exceed one-fourth of the ordinary receipts of the *fabrique* for the preceding fiscal year.

(2) The bishop may grant any *fabrique* a general authorization to contract, on such conditions as he determines, the loans contemplated in subsection 1.

1965 (1st sess.), c. 76, s. 27.

28. Loans other than those contemplated in section 27 must be previously and specially authorized by a meeting of the parishioners and by the bishop.

1965 (1st sess.), c. 76, s. 28.

29. Subject to the authority conferred on the bishop by this Act, a meeting of a *fabrique* shall exercise the powers of the *fabrique* without being obliged to obtain the authorization or approval of a meeting of parishioners, except where such authorization or approval is expressly required by this Act.

1965 (1st sess.), c. 76, s. 29; 1981, c. 14, s. 27.

30. A *fabrique* must establish a sinking fund for all issues of its bonds or debentures not payable by annual instalments.

Every *fabrique* must keep at its head office an authentic copy of every trust deed to which it has become a party, and any person interested may refer to such copy and even make extracts therefrom at any time and without cost.

1965 (1st sess.), c. 76, s. 30; 1997, c. 25, s. 16.

31. At least two months before the beginning of its fiscal year, every *fabrique* shall forward to the bishop of its diocese, for approval, its proposed budget for the next fiscal year. The approval of the budget by the bishop shall not exempt the *fabrique* from the necessity of obtaining the authorizations required by section 26 or 27.

The budget of the *fabrique* shall be communicated to the parishioners after approval by the bishop.

1965 (1st sess.), c. 76, s. 31.

32. Within sixty days after the end of its fiscal year, every *fabrique* shall send to the bishop a report of the property in its possession and of its operations during such fiscal year, giving all information necessary to reveal the state of its affairs. Such report shall be communicated to the parishioners within the same time.

1965 (1st sess.), c. 76, s. 32; 1999, c. 40, s. 132.

33. The fiscal year of a *fabrique* shall commence on 1 January or on such other day as may be approved by the bishop of the diocese.

1965 (1st sess.), c. 76, s. 33.

DIVISION VI

CHURCHWARDENS

34. The churchwardens of the *fabrique* of a parish shall be six in number; those of the *fabrique* of a chapelry shall be three in number, but the bishop may, by decree, increase such number to six.

1965 (1st sess.), c. 76, s. 34.

35. The churchwardens shall be elected at a meeting of the parishioners called and held for such purpose during the last two months of each fiscal year; but within 60 days following the constitution of a *fabrique* under this Act, a meeting of parishioners shall be called to elect the first churchwardens.

1965 (1st sess.), c. 76, s. 35 (*part*); 1973, c. 71, s. 6; 1999, c. 40, s. 132.

36. Any parishioner who consents thereto may, at a meeting of parishioners held for such purpose, be nominated for the office of churchwarden upon motion by two parishioners present.

1965 (1st sess.), c. 76, s. 36.

37. The term of office of the churchwardens shall be three years from the beginning of the fiscal year following the month during which the meeting of parishioners must be held for the election of churchwardens.

However, among the churchwardens elected or appointed following the constitution of the *fabrique*, one-third shall remain in office only until the end of the fiscal year during which they were elected or appointed, another third shall remain in office only until the end of the fiscal year following that of their election or appointment; the term of the last third of such churchwardens shall expire at the end of the second fiscal year following that of their election or appointment.

If the choice of those churchwardens whose term of office is not to expire at the end of the second fiscal year following that of their election has not been made at the time of their election, it shall be made by a drawing of lots at the meeting of parishioners which is to elect their successors.

1965 (1st sess.), c. 76, s. 37; 1999, c. 40, s. 132.

38. The churchwardens shall retire in succession, one third at the end of each fiscal year; however, their term of office is extended until they are replaced.

A churchwarden remains eligible for that office but he may never remain in office for more than two full consecutive terms.

1965 (1st sess.), c. 76, s. 38; 1973, c. 71, s. 7; 1981, c. 14, s. 28; 1982, c. 32, s. 92.

39. Moreover, a churchwarden shall cease to act as such and his office shall become vacant:

- (a) if he ceases to be a parishioner;
- (b) if tutorship is instituted or a protection mandate homologated for him;
- (c) if he is declared bankrupt or makes an assignment of his property;
- (d) if he resigns by a written notice sent to the *fabrique*;

(e) if he is declared to have forfeited his office by a judgment of a competent court which has acquired the authority of a final judgment;

(f) if he has a direct or indirect interest separate from that of the other parishioners in a contract to which the *fabrique* is a party.

1965 (1st sess.), c. 76, s. 39; 1989, c. 54, s. 175; 2020, c. 11, s. 192.

40. If the office of a churchwarden becomes vacant during his term, his successor shall be elected for the balance of the term by a meeting of parishioners called and held within sixty days.

1965 (1st sess.), c. 76, s. 40.

41. When the churchwardens are not elected within the time prescribed by this Act, the bishop of the diocese where the head office of the *fabrique* is situated may himself appoint the churchwardens or order the holding of a meeting of parishioners to elect them.

1965 (1st sess.), c. 76, s. 41; 1997, c. 25, s. 16; 1999, c. 40, s. 132.

42. The office of chairman or of churchwarden shall be gratuitous.

1965 (1st sess.), c. 76, s. 42; 1997, c. 25, s. 9.

DIVISION VII

FABRIQUE MEETINGS

43. A *fabrique* meeting may be called by the bishop of the diocese, the chairman or two churchwardens.

Written notice of a *fabrique* meeting shall be given by the bishop, the chairman or the secretary of the *fabrique* at least three clear days before that fixed for the meeting; such notice shall state the place, day, time and purpose of the meeting.

In the case of an emergency, the members of the *fabrique* may be convened orally for an immediate meeting. Deliberations shall, however, be restricted to the resolution of the urgent problem.

1965 (1st sess.), c. 76, s. 43; 1973, c. 71, s. 8; 1982, c. 32, s. 93; 1997, c. 25, s. 10.

44. Any member of the *fabrique* may waive, in writing, notice of convocation of such meeting.

The member's mere presence at the meeting is a waiver unless he attends the meeting specifically to object to the deliberations on the ground that the meeting was not called in accordance with the rules.

1965 (1st sess.), c. 76, s. 44; 1968, c. 78, s. 6; 1997, c. 25, s. 11.

45. *Fabrique* meetings shall be presided over by the chairman, who shall be entitled to vote but shall not have a casting vote in the case of a tie.

A majority of the members of the *fabrique* shall constitute a quorum at a *fabrique* meeting.

The decisions of the *fabrique* shall be taken by majority vote of the members present.

If the chairman and the vice-chairman are absent or unable to act or refuse to act, the bishop or his delegate may preside over the *fabrique* meeting; the bishop or delegate is then considered to be a member of the *fabrique* and enjoys the same voting rights as the chairman.

1965 (1st sess.), c. 76, s. 45; 1973, c. 71, s. 9; 1982, c. 32, s. 94; 1997, c. 25, s. 12.

46. No member of a *fabrique* may participate in the proceedings or vote on any question in which he has a direct or indirect interest separate from that of the other parishioners.

The *fabrique* meeting shall decide finally and without appeal whether or not a member has a direct or indirect interest separate from that of the other parishioners, and he shall not be entitled to vote on such question.

1965 (1st sess.), c. 76, s. 46.

47. If, at a duly called *fabrique* meeting, business tabled remains, the meeting may be adjourned as often as necessary for consideration and dispatch of such business without the necessity of giving notice of these adjournments to members present or absent, but no new business may be tabled or considered at an adjournment of a meeting unless all the members of the *fabrique* are then present and agree thereto.

1973, c. 71, s. 10.

48. Minutes of the decisions taken by the *fabrique* at each meeting shall be drawn up; such minutes, after approval at the end of the meeting concerned or at the following meeting, shall be signed by the chairman of the meeting at which they are approved and by the secretary.

1965 (1st sess.), c. 76, s. 47; 1968, c. 78, s. 7.

DIVISION VIII

MEETINGS OF PARISHIONERS

49. The parishioners of the parish or chapelry to which they belong shall be entitled to attend all meetings of the parishioners of such parish or chapelry.

1965 (1st sess.), c. 76, s. 48.

50. Meetings of parishioners shall be called by the chairman, the pastor or the ministering cleric.

1965 (1st sess.), c. 76, s. 49; 1982, c. 32, s. 95.

51. The notice of meeting shall state the place, day, hour and purpose of the meeting.

The notice shall be published, at least six clear days before the date of the meeting, as follows:

- (1) it shall be read at Sunday masses;
- (2) it shall be posted on the church door; or
- (3) it shall be reproduced in a periodical printed for parishioners and of which copies are available at the church.

If the *fabrique* places other premises, in addition to the church, at the disposal of the parishioners for Sunday masses or other divine services, the notice must be made public in those premises in any manner set out in this section, with the necessary modifications.

1965 (1st sess.), c. 76, s. 50; 1997, c. 25, s. 13.

52. Meetings of parishioners shall be presided over by the chairman or the vice-chairman. However, if they are absent or unable to act or refuse to act, the bishop or his delegate may preside over the meeting. The chairman of the meeting is not entitled to vote thereat.

1965 (1st sess.), c. 76, s. 51; 1982, c. 32, s. 96; 1997, c. 25, s. 14.

53. Ten parishioners shall constitute a quorum at meetings of parishioners.

1965 (1st sess.), c. 76, s. 52.

54. Decisions at meetings of parishioners shall be taken by the majority vote of the parishioners present.

1965 (1st sess.), c. 76, s. 53.

55. The votes at meetings of parishioners shall be taken by a show of hands unless two parishioners present, seconded by five parishioners present, demand a secret ballot; in such case, the vote shall be taken by secret ballot.

1965 (1st sess.), c. 76, s. 54.

56. Minutes of the decisions taken by the parishioners at each meeting shall be drawn up; such minutes, after approval at the end of the meeting concerned or at the following meeting, shall be signed by the chairman of the meeting at which they are approved and by the secretary.

1965 (1st sess.), c. 76, s. 55; 1968, c. 78, s. 8.

DIVISION IX

Repealed, 1981, c. 14, s. 29.

1981, c. 14, s. 29.

57. *(Repealed).*

1965 (1st sess.), c. 76, s. 56; 1968, c. 78, s. 9; 1981, c. 14, s. 29.

58. *(Repealed).*

1965 (1st sess.), c. 76, s. 57; 1979, c. 72, s. 333; 1981, c. 14, s. 29.

59. *(Repealed).*

1965 (1st sess.), c. 76, s. 58; 1968, c. 78, s. 10; 1981, c. 14, s. 29.

60. *(Repealed).*

1965 (1st sess.), c. 76, s. 59; 1981, c. 14, s. 29.

61. *(Repealed).*

1965 (1st sess.), c. 76, s. 60; 1981, c. 14, s. 29.

62. *(Repealed).*

1965 (1st sess.), c. 76, s. 61; 1981, c. 14, s. 29.

63. *(Repealed).*

1965 (1st sess.), c. 76, s. 62; 1968, c. 78, s. 11; 1981, c. 14, s. 29.

64. *(Repealed).*

1965 (1st sess.), c. 76, s. 63; 1968, c. 78, s. 12; 1981, c. 14, s. 29.

65. *(Repealed).*

1965 (1st sess.), c. 76, s. 64; 1981, c. 14, s. 29.

66. *(Repealed).*

1965 (1st sess.), c. 76, s. 65; 1981, c. 14, s. 29.

67. *(Repealed).*

1965 (1st sess.), c. 76, s. 66; 1981, c. 14, s. 29.

68. *(Repealed).*

1965 (1st sess.), c. 76, s. 67; 1981, c. 14, s. 29.

DIVISION X

FINAL PROVISIONS

69. *(Repealed).*

1965 (1st sess.), c. 76, s. 72; 1981, c. 14, s. 30.

70. The registers, records or other documents which, on 1 January 1966, were in the hands of the civil commissioners for the erection of the parishes of each of the dioceses of Québec shall be transmitted to the chancellor of each such diocese who shall become the depositary thereof.

1968, c. 78, s. 14.

71. (1) A pre-existent *fabrique* shall be deemed to have had, up to 1 January 1966, the right and capacity to acquire, hold and dispose of property for purposes of recreational activities or undertakings.

(2) A pre-existent *fabrique* may dispose, gratuitously or for a consideration, on such conditions as are prescribed or approved by the bishop of the diocese, of recreational activities or undertakings which it administers and of all property utilized by it for such purposes.

1965 (1st sess.), c. 76, s. 73.

72. Every *fabrique* which holds property for recreational purposes has always had the right and capacity to acquire, hold and administer such property; it also has the right and capacity to hold and administer it and to acquire, hold and administer movable property for such purposes; upon the request of the bishop of the diocese, such a *fabrique* shall dispose, by gratuitous or onerous title, of the property which it then holds for recreational purposes, within the time and subject to the conditions which he determines.

After 5 July 1968, no other *fabrique* shall acquire, hold or administer property for recreational purposes or administer recreational activities or undertakings.

1965 (1st sess.), c. 76, s. 74; 1966-67, c. 79, s. 1; 1968, c. 78, s. 15; 1999, c. 40, s. 132.

73. No provision of this Act shall derogate from the provisions of the Act respecting the *fabrique* of the parish of Notre-Dame de Montréal (Statutes of Québec, 1956-1957, chapter 149).

1965 (1st sess.), c. 76, s. 75.

74. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

75. The Government designates the Minister responsible for the administration of this Act except the provisions relating to the responsibilities of the enterprise registrar, which are administered by the Minister of Employment and Social Solidarity.

2002, c. 45, s. 509; 2006, c. 38, s. 39; 2016, c. 29, s. 26.

Not in force

76. The Minister of Economy and Innovation is responsible for the application of this Act.

2002, c. 45, s. 509; 2003, c. 29, s. 170; 2006, c. 8, s. 31; 2019, c. 29, s. 1.

SCHEDULE

(Section 11)

I the undersigned .., Roman Catholic Bishop of .., declare that by virtue of the powers vested in me by section 11 of the Act respecting fabriques (chapter F-1), I constitute as a legal person for the parish (chapelry) of
“The *Fabrique* of the parish (chapelry) of”

The *fabrique* shall have its head office at the following address:

Signed at this day of

.....,

(signature)

Roman Catholic Bishop of

1965 (1st sess.), c. 76, Schedule; 1993, c. 48, s. 420; 1997, c. 25, s. 15, s. 16.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 76 of the statutes of 1965 (1st session), in force on 31 December 1977, is repealed, except sections 35 (*part*), 68 to 71 and 77, effective from the coming into force of chapter F-1 of the Revised Statutes.