



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 57
(1997, chapter 25)

**An Act to amend the Act respecting
fabriques and other legislative provisions**

**Introduced 14 November 1996
Passage in principle 28 May 1997
Passage 10 June 1997
Assented to 12 June 1997**

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EXPLANATORY NOTES

This bill amends the Act respecting fabriques in order to facilitate the application of its provisions.

The bill explicitly authorizes bishops to establish pension plans and group insurance plans for the benefit of pastors and other persons remunerated by the fabriques. It also enables bishops to delegate some of their powers, in particular in relation to the approval of contracts to be concluded by the fabriques.

In addition, the bill makes various changes to the internal management of the fabriques, namely by creating the office of vice-chairman and by simplifying the rules that govern the calling of fabrique meetings and meetings of parishioners. It also explicitly authorizes the fabriques to maintain columbariums.

Lastly, the bill updates certain definitions or rules included in the Act respecting fabriques and provides for consequential amendments to the Act respecting Roman Catholic cemetery corporations and the Roman Catholic Bishops Act.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-69);
- Roman Catholic Bishops Act (R.S.Q., chapter E-17);
- Act respecting fabriques (R.S.Q., chapter F-1).

Bill 57

AN ACT TO AMEND THE ACT RESPECTING FABRIQUES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING FABRIQUES

1. Section 1 of the Act respecting fabriques (R.S.Q., chapter F-1) is amended

(1) by replacing the word “cleric” in the first line of paragraph *a* by the word “person”;

(2) by replacing paragraph *e* by the following paragraph :

“(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;”;

(3) by replacing paragraph *f* by the following paragraph :

“(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 pro-vicar in a vicariate apostolic, a pro-prefect in a prefecture apostolic and a vicar deputed to a vicariate apostolic or to a prefecture apostolic;”;

(4) by replacing the word “cleric” in paragraph *l* by the word “person”;

(5) by adding, at the end, the following paragraph :

“(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.”

2. Section 4 of the said Act is amended

(1) by replacing the words “and cemeteries” in the second line of paragraph *a* by the words “and of cemeteries and columbariums”;

(2) by replacing paragraph *c* by the following paragraphs :

“(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 ;”;

(3) by replacing the words “the chairmen and auxiliary clerics” in the first and second lines of paragraph *e* by the words “chairmen, vice-chairmen, auxiliary clerics, pastoral associates and pastoral trainees” ;

(4) by replacing the words “stole fees” in the first line of paragraph *f* by the words “diocesan dues” ;

(5) by replacing paragraph *g* by the following paragraphs :

“(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* ;”;

(6) by adding, at the end, the following paragraphs :

“(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.”

3. Section 5 of the said Act is amended

(1) by replacing the words “and cemeteries” in the second line of paragraph *a* by the words “, cemeteries and columbariums” ;

(2) by replacing paragraph *b* by the following paragraphs:

“(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;”;

(3) by inserting the word “, columbariums” after the word “parsonages” in the first line of paragraph *e*;

(4) by adding, at the end, the following paragraph:

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

4. Section 17 of the said Act is amended by replacing paragraph *h* by the following paragraphs:

“(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.”

5. Section 18 of the said Act is amended

(1) by inserting the word “, columbariums” after the word “cemeteries” in the second line of paragraph *c*;

(2) by replacing paragraph *i* by the following paragraph:

“(i) invest its funds in accordance with the provisions of the Civil Code of Québec respecting investments presumed sound, and in securities of legal persons holding and administering ecclesiastical or religious property;”;

(3) by replacing the words “or cemetery” in the third line of paragraph *n* by the words “, cemetery or columbarium”;

(4) by replacing the words “its immovables” in the second line of paragraph *o* by the words “the immovables owned by the *fabrique*”;

(5) by replacing paragraph *p* by the following paragraph:

“(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;”;

(6) by replacing paragraph *u* by the following paragraph:

“(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.”

6. Section 19 of the said Act is amended

(1) by inserting, after subparagraph *a* of the first paragraph, the following subparagraph:

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

(2) by replacing the word “officiers” in the French text of subparagraph *b* by the word “dirigeants”;

(3) by adding, at the end of the first paragraph, the following subparagraph:

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

7. Section 21 of the said Act is amended by striking out the word “corporate” in the third line.

8. Section 25 of the said Act is amended

(1) by replacing the words “surname, given names” in the first line of subparagraph *c* of the first paragraph by the word “name”;

(2) by replacing the first sentence of the second paragraph by the following sentence: “Such registers are proof of their contents in the absence of any evidence to the contrary.”

9. Section 42 of the said Act is amended by inserting the words “chairman or of” after the words “office of”.

10. Section 43 of the said Act is amended by adding, at the end, the following paragraph:

“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.”

11. Section 44 of the said Act is amended

(1) by striking out the words “present at a meeting” in the first line;

(2) by adding, at the end, the following paragraph :

“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.”

12. Section 45 of the said Act is amended by replacing the fourth paragraph by the following paragraph :

“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.”

13. Section 51 of the said Act is amended by replacing the second paragraph by the following paragraphs :

“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.”

14. Section 52 of the said Act is amended by replacing the words “chairman. However, if the chairman is absent or unable to act or refuses to do so” in the first and second lines by the words “chairman or the vice-chairman. However, if they are absent or unable to act or refuse to act”.

15. The following provisions of the said Act are amended by replacing the word “corporation” or “corporations” by the words “legal person” or “legal persons”:

— paragraphs *g* and *h* of section 1 ;

— section 10 ;

— the fourth paragraph of section 11 ;

— section 21.1 ;

- section 22 ;
- the schedule.

16. The following provisions of the said Act are amended by replacing the words “corporate seat” by the words “head office” :

- section 15 ;
- section 16 ;
- paragraph *b* of section 17 ;
- the portion of the first paragraph of section 25 before subparagraph *a* ;
- the second paragraph of section 30 ;
- section 41 ;
- the schedule.

ACT RESPECTING ROMAN CATHOLIC CEMETERY CORPORATIONS

17. Section 1 of the Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-69) is amended by replacing paragraph *d* by the following paragraph :

“(d) “bishop” means 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 pro-vicar in a vicariate apostolic, a pro-prefect in a prefecture apostolic and a vicar deputed to a vicariate apostolic or to a prefecture apostolic;”.

ROMAN CATHOLIC BISHOPS ACT

18. Section 1 of the Roman Catholic Bishops Act (R.S.Q., chapter E-17) is amended by replacing paragraphs *a* and *b* by the following paragraphs :

“(a) “diocese” means 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;

“(b) “bishop” means 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 pro-vicar in a vicariate apostolic and a pro-prefect in a prefecture apostolic;”.

FINAL PROVISIONS

19. No contract concluded by bishops before 12 June 1997 to establish group insurance plans or pension plans for the benefit of persons referred to in paragraphs *g.1* and *g.2* of section 4 of the Act respecting fabriques and other persons in the employ of a *fabrique* may be cancelled on the ground that the bishops were not empowered to conclude them.

Similarly, no reimbursement of premiums or contributions or of indemnities or pensions paid under those plans may be claimed on the ground that the bishops were not empowered to conclude the contracts by which they were established.

20. This Act comes into force on 12 June 1997.