

Mauritius

## Anglican Church Incorporation Act Act 7 of 1973

Legislation as at 30 June 2017

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## Mauritius

# Anglican Church Incorporation Act Act 7 of 1973

Commenced on 1 October 1973

*[This is the version of this document at 30 June 2017.]*

### 1. Short title

This Act may be cited as the Anglican Church Incorporation Act.

### 2. Interpretation

In this Act—

"**appointed member**" means a person appointed to be member of the Board;

"**Bishop**" means the Bishop of Mauritius;

"**Board**" means the Board of Commissioners referred to in [section 7](#);

"**Diocese**" means the Anglican Diocese of Mauritius;

"**Ecclesiastical Administrator**" means the person appointed by the Board to administer the Diocese.

### 3. Constitution of Diocese

The Anglican Church in Mauritius is constituted a body corporate under the name and title "The Anglican Diocese of Mauritius".

### 4. Powers of Diocese

The Diocese shall have all the powers of a body corporate.

### 5. Management of Diocese

The management of the Diocese and the exercise of any of the powers vested in the Diocese under this Act shall be vested in the Board.

### 6. Perpetual succession

- (1) The Bishop and his successors in office shall have perpetual succession and a seal of office.
- (2) The Bishop and his successors shall be deemed to be the successors of the Bishops of Mauritius appointed before the commencement of this Act, and shall have, enjoy and exercise all the spiritual and ecclesiastical jurisdiction, rights, powers and authorities formerly had, enjoyed and exercised by the Bishops of Mauritius.
- (3) Where the Bishop is unable to exercise the powers, functions or duties of his office under this Act or where his office is vacant, the Ecclesiastical Administrator shall exercise any of those powers, functions or duties.

### 7. Board of Commissioners

- (1) The Board shall consist of the Bishop and of 13 members to be appointed by the Bishop.
- (2) The Bishop shall be the Chairperson of the Board.

- (3) Subject to subsection (6), an appointed member shall hold office for a period of 4 years and shall, at the end of his term of office, be eligible for reappointment.
- (4) Where the Bishop is satisfied that an appointed member—
  - (a) is guilty of improper conduct;
  - (b) is incapacitated by prolonged physical or mental illness; or
  - (c) is for any other reason unable or unfit to discharge his duties as a member,he shall terminate the member's appointment and notify the termination in such manner as he thinks fit, and the termination shall take effect on the date of the notification.
- (5) The office of an appointed member shall become vacant—
  - (a) on his death;
  - (b) 7 days after the date on which he gives notice in writing to the Bishop of his intention to resign his office;
  - (c) if his appointment is terminated under subsection (4);
  - (d) on the expiration of his term of office; or
  - (e) if he is, without the permission of the Bishop, absent from 3 consecutive meetings of the Board of which he has had notice.
- (6) Where the office of an appointed member is vacant, the Bishop may appoint another person to hold the vacant office for the period during which the office would otherwise remain vacant.
- (7) Subject to the other provisions of this Act, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.
- (8) Any act done or any power exercised by the Board shall not be invalid by reason only of any vacancy therein.

*[S. 7 amended by Act [14 of 1982](#).]*

## **8. Legal proceedings**

Service of process by or on the Bishop shall be equivalent to service by or on the Diocese.

## **9. Signature of deeds or documents**

Every deed, act, document or cheque relating to the Diocese shall be signed by the Bishop and 2 appointed members.

## **10. Donations and legacies**

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