

**Boy Scouts Association—New South Wales Branch
Incorporation Act.**

**BOY SCOUTS ASSOCIATION—
NEW SOUTH WALES BRANCH
INCORPORATION ACT.**

Act No. 26, 1928.

George V.
No. 26, 1928.

An Act to incorporate the Executive Committee of the Boy Scouts Association, New South Wales Branch; to confer and impose upon that body certain powers, duties, rights, and liabilities; to vest in it the property of the said Association in New South Wales; and for purposes connected therewith. [Assented to, 12th October, 1928.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Boy Scouts Association—New South Wales Branch Incorporation Act, 1928."

Interpretation.

2. In this Act, unless the context or subject-matter otherwise requires,—

"The Association" means the Boy Scouts Association incorporated in the United Kingdom by Royal Charter dated the fourth day of January, 1912.

"The Branch" means "The Corporation."

"The Constitution" means the instrument by which powers are delegated by the Association to the Branch.

"The Corporation" means the body incorporated by this Act.

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3. The Honourable Sir William Portus Cullen, ^{Incorporator.} K.C.M.G., L.L.D., Lieutenant Governor of New South Wales; The Right Honourable Sir Adrian Knox, P.C., K.C.M.G., Chief Justice of Australia; The Honourable Sir Philip Whistler Street, K.C.M.G., Chief Justice of the State of New South Wales; Sir Hugh Robert Denison, K.B.E., company director; John McLean Arnott, C.M.G., manufacturer; John Smith Purdy, D.S.O., doctor of medicine; William Archibald Windeyer, M.B.E., solicitor and notary public; Kelso King, manager; Ernest Trenchard Miller, importer; Benjamin Richard Gelling, accountant; George Montague Merivale, accountant; Walter Linton, solicitor; Robert Knight Allport, importer; Ernest Gladstone Blanshard, accountant; Henry Campbell Budge, civil servant; Robert Vicars, manufacturer; Kenneth MacKenzie, accountant; Alfred Spain, architect; Alfred Fletcher Twine, civil servant; Henry Robert Lee, secretary; Fred Danvers Power, mining engineer; and Colin Doust, engineer; (or other the members from time to time of the executive committee of the said branch) are hereby incorporated under the name of "The Boy Scouts Association, New South Wales Branch."

4. The Corporation constituted by this Act shall be ^{Name.} known as "The Boy Scouts Association, New South Wales Branch" and by that name shall have perpetual succession, and a common seal, and may sue and be sued or otherwise appear and answer and be answered or proceed, or be proceeded against in all courts.

5. The Corporation shall control the Boy Scout ^{Powers.} Movement in New South Wales and shall have power to do all things deemed necessary or requisite for providing and maintaining an efficient organisation for the purposes of the Association in New South Wales including and without restricting the generality of this provision the performance and exercise of all such duties or powers as may be delegated to it by the Association under the provisions of the Royal Charter.

6. Any person who without authority of the Corpora- ^{Un-}tion uses the name "The Boy Scouts Association" or ^{authorised} "Boy Scout" or the name of any local branch of the ^{use of name.} Association

Association or any name implying that any other society or body is the Association or a branch of the Association or falsely pretends that he is connected with the Association shall be liable to a penalty not exceeding five pounds.

User of uniforms ;
Unauthorised sale, supply, or distribution of emblems or badges.

7. (1) Any person who, except with the authority of the Corporation—

- (a) wears or uses any uniform, emblem, badge, decoration, descriptive or designating mark or title used either before or after the commencement of this Act by the Association or any branch of the Association for carrying out the purposes of the Association in such manner as to suggest that the wearer or user is authorised by the Association or such branch or is connected with the operations thereof; or
- (b) sells, supplies or distributes any such emblem or badge,

shall be liable to a penalty not exceeding five pounds.

(2) Subsection one of this section shall not extend to the sale, supply or distribution of any part of a boy scout's equipment other than an emblem or badge.

Property vested in the Corporation.

8. All real and personal property in New South Wales which is now vested in or held by or which may hereafter at any time be given, devised, or bequeathed to any person in trust for or on behalf of or for the benefit of the Association or any branch or any District Association, troop, pack or committee in New South Wales shall by virtue of this Act vest in the Corporation subject to the conditions or trusts upon which it is now held, or may hereafter be given, devised, or bequeathed; and all other persons are hereby divested of all such property of which they are seised or possessed.

Provided that property vested in, held by or on behalf of, or which is given, devised or bequeathed to any controlled troop or pack shall, subject to any express trust affecting the same, be held by the Corporation in trust for such purposes and be disposed of in such manner as the Controlling Authority of such troop or pack

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pack as defined in rule two of the one thousand nine hundred and twenty-eight policy, organisation, and rules of the Boy Scouts' Association shall from time to time by writing direct.

All rights accrued or accruing to any person in New South Wales on behalf of the Association are hereby vested in and may be enforced by and all liabilities of the Association in New South Wales or any person in New South Wales on behalf of the Boy Scouts' Association may be enforced against the said Corporation.

9. The said corporation shall be capable in law of taking, purchasing, and holding to it and its successors land and other real estate, chattels real, and chattel and other personal property, and of selling, mortgaging, demising, or otherwise disposing thereof, and shall have power to do or suffer all things which a body corporate may lawfully do or suffer.

The Corporation capable of holding and disposing of property.

10. The Corporation shall deal with or dispose of the real or personal property vested in the Corporation in such manner, subject to any special trust affecting same, as the Executive Committee appointed under the Constitution shall think fit, but subject in the case of a mortgage or sale of real property to the following conditions, namely:—

Mode of dealing with property.

- (a) Any proposed mortgage or sale of real property shall be submitted in the first instance to an ordinary meeting of the Executive Committee, and shall be specially mentioned in the notice convening the meeting.
- (b) At the next ordinary meeting of the Executive Committee of which seven days' notice shall have been given, such proposed mortgage or sale of such real property, if approved by the previous meeting, shall be submitted to the meeting, and if approved of by not less than two-thirds of those present when the motion is put, may be carried into effect by the Executive Committee.

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- (c) A copy of the resolution of the Executive Committee directing the mortgage or sale if sealed with the seal of the Corporation shall be conclusive evidence in favour of any person claiming by, through or under such mortgage or sale that such resolution has been duly passed in compliance with the provisions of this Act, and of the Constitution.
- (d) No purchaser or mortgagor shall be bound to see to the application of any moneys paid by him.

Powers and duties as aid granted.

11. The Corporation shall receive all gifts, grants of money or contributions made by the Government of New South Wales or by any municipality, incorporated body, society or person to the Association or the Branch, and shall apply the same in accordance with the terms, provisions and conditions of such gifts, grants or contributions; or if there be none such, or on such terms, provisions or conditions becoming impossible of performance, then in accordance with the objects of the Association.

Certified copy to be evidence.

12. As soon as practicable after the commencement of this Act a copy of the Royal Charter of the fourth day of January one thousand nine hundred and twelve and a copy of the Constitution, each certified under the seal of the Corporation, shall be registered in the office of the Registrar-General in the manner prescribed by regulations made under the Conveyancing Act, 1919.

Any further Royal Charter or any instrument affecting a change in the Constitution shall be certified and registered in the like manner.

The production of a copy of any instrument registered, certified by the Registrar-General or a Deputy Registrar-General, shall be received in all courts as conclusive evidence of the contents of the instrument.

Common seal.

13. It shall be lawful for the Executive Committee to design at any time and to change or alter the common seal of the Corporation; such seal shall be in the custody of the general secretary and shall not be affixed to any document except pursuant to a resolution of the Executive Committee.

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The fixing of the said common seal to any document shall not be complete without the signature of three members of the Executive Committee :

Provided that it shall not be necessary to require such seal to be affixed as evidence of the appointment by the said Corporation of an attorney, solicitor, or proctor in or for the prosecution or defence of any action, suit, or other proceeding.

14. Notice to or service upon the general secretary or acting general secretary of the said Corporation shall be deemed to be a notice to or service upon the Corporation. Service upon the body corporate.

15. Any penalty imposed by this Act may be recovered in a summary way before any stipendiary or police magistrate or any two justices in petty sessions. Recovery of penalties.
