

## New Zealand



### ANALYSIS

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| <p style="text-align: center;">Title.<br/>Preamble.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Interpretation.</li> <li>3. Fund vested in Public Trustee.</li> <li>4. Advisory Trustees.</li> </ol> | <ol style="list-style-type: none"> <li>5. Scholarships to be awarded in accordance with directions of advisory trustees.</li> <li>6. Classes of persons to whom scholarships may be awarded.</li> <li>7. Scholarships to be held at college providing higher education in agriculture.</li> <li>8. Existing scholarships.</li> </ol> |
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1941, No. 20

**Title.** AN ACT to make Provision for the Administration of the Kitchener Memorial Scholarship Fund.

*[13th October, 1941]*

**Preamble.** WHEREAS a donation received in the year nineteen hundred and sixteen from the Honourable Sir Robert Heaton Rhodes (hereinafter in this Act referred to as the donor) provided the nucleus of a Fund known as the Kitchener Memorial Scholarship Fund, which is held by the donor and the Director of Education, in accordance with an informally created trust, for the purpose of providing agricultural scholarships for sons of members of the New Zealand Expeditionary Forces who lost their lives in the Great War: And whereas the Fund has been augmented by certain other donations, by subsidies from the Consolidated Fund, and by accumulated interest, and it is now desired, in accordance with the wishes of the donor, to vest the Fund in the Public Trustee, to enlarge and define the classes of persons eligible to receive scholarships from

the Fund, and to make certain provisions with respect to the award, tenure, and value of scholarships granted from the Fund:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Kitchener Memorial Scholarship Trust Act, 1941. Short Title.

2. In this Act, “the Fund” means the Kitchener Memorial Scholarship Fund established as hereinbefore recited, and includes all moneys, investments, and other property for the time being held in trust for the purposes of the Fund. Interpretation.

3. (1) The Fund is hereby vested in the Public Trustee, without transfer or assignment, and shall be held by him in trust for the provision of scholarships in accordance with this Act. Fund vested  
in Public  
Trustee.

(2) The whole of the moneys, investments, and other property held in trust for the purposes of the Fund at the passing of this Act shall be deemed to be the capital of the Fund.

(3) Any income of the Fund not expended in the year in which it is received shall fall into and form part of the capital of the Fund.

(4) The Public Trustee may accept and receive any gift, bequest, or devise of any money or other property to be held as an accretion to the Fund and upon the trusts and subject to the provisions of this Act.

(5) Capital moneys forming part of the Fund may from time to time be invested by the Public Trustee, with the approval of the advisory trustees, in any investment authorized by law for the investment of trust funds, but, save as aforesaid, all such moneys available for investment shall fall into and form part of the common fund of the Public Trust Office.

4. (1) Subject to the provisions of this section, the donor and the Director of Education for the time being shall be advisory trustees for the purposes of this Act. Advisory  
trustees.

(2) The donor may at any time and from time to time, by writing under his hand, nominate any person to act as an advisory trustee in his stead.

(3) On the death of the donor, and thereafter from time to time, the personal representative of the donor, or, if there is no such personal representative, the

Rector of the Canterbury University College, may appoint an advisory trustee who shall be a person related to the donor in a degree of relationship not more remote than the third degree. If there shall be no person so related to the donor and able and willing to act as advisory trustee the Rector of the Canterbury University College for the time being shall act as advisory trustee.

(4) If at any time there is no advisory trustee in office other than the Director of Education, the Director of Education shall be the sole advisory trustee. References in this Act to the advisory trustees include references to the sole advisory trustee if there is only one.

Scholarships to be awarded in accordance with directions of advisory trustees.

5. (1) The award of scholarships available under this Act, their value and the terms and conditions of their tenure shall be in the discretion of the advisory trustees, and the Public Trustee shall, in accordance with the directions of the advisory trustees, pay out of the income of the Fund the amounts from time to time required in respect of any scholarship or scholarships awarded under this Act.

(2) The Public Trustee, if directed so to do by the advisory trustees, shall from time to time resort to the capital of the Fund and pay thereout in respect of any scholarships as if it were income of the Fund any sum or sums not exceeding in any one year the sum of one hundred pounds:

Provided that no such payment shall be made if the effect of making the payment would be to reduce the capital of the Fund to less than two thousand pounds.

Classes of persons to whom scholarships may be awarded.

6. (1) Scholarships in accordance with this Act may be awarded to persons of the following classes, namely:—

- (a) Past or present members or sons of past or present members of any of His Majesty's Naval, Military, or Air Forces who have been engaged on active service during any war in which His Majesty may have been engaged (whether before or after the passing of this Act), and who, at the time of their enlistment for active service, were domiciled in New Zealand, whether actually resident therein or not; or

- (b) Past or present members or sons of past or present members of the New Zealand Naval, Military, or Air Forces, not being persons to whom the last preceding paragraph applies; or
- (c) Persons who have been continuously resident in New Zealand for a period of not less than three years immediately before the award of a scholarship.

(2) Where two or more applications are received for any available scholarship, an applicant qualified in accordance with paragraph (a) of the last preceding subsection shall be given preference over an applicant who is qualified in accordance with paragraph (b) or paragraph (c) of that subsection, and an applicant who is qualified in accordance with the said paragraph (b) shall have preference over an applicant who is qualified only in accordance with paragraph (c) of the said subsection.

(3) Subject to the last preceding subsection, scholarships shall be awarded in the discretion of the advisory trustees.

7. (1) Every scholarship awarded under this Act shall be held at a college established by or in connection with the University of New Zealand and providing higher education in subjects relating to agriculture.

Scholarships to be held at college providing higher education in agriculture.

(2) Except in special circumstances, of which the advisory trustees shall be the judge, scholarships awarded under this Act shall be awarded alternately for tenure at a college in the South Island and a college in the North Island.

(3) So far as in the opinion of the advisory trustees it is practicable so to do, scholarships shall be held on conditions corresponding as nearly as may be to the conditions for the time being applicable to bursaries in agriculture awarded in accordance with any regulations for the time being in force under the Education Act, 1914, in relation to such bursaries.

8. All scholarships payable out of the Fund and in force on the passing of this Act shall be deemed to have been awarded in accordance with this Act.

Existing scholarships.