



ANNO QUARTO

## GEORGII VI REGIS.

A.D. 1940.

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### PRIVATE ACT.

An Act to incorporate the State Council of The Boy Scouts Association (Incorporated by Royal Charter) South Australian 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 South Australia: and for other purposes.

[Assented to 21st November, 1940.]

WHEREAS The Boy Scouts Association was duly incorporated in the United Kingdom by Royal Charter dated the fourth day of January One thousand nine hundred and twelve and thereafter a Branch of the Association was established in South Australia, which Branch is known as The Boy Scouts Association (Incorporated by Royal Charter) South Australian Branch: AND WHEREAS the said Branch is governed by a State Council and by an Executive Committee: AND WHEREAS it is expedient to provide for the incorporation of the said State Council and for conferring and imposing on that body the powers duties rights and liabilities hereinafter provided for and for the vesting in it of the property of the Branch in South Australia and for the management of such property as hereinafter enacted and to make further provision as hereinafter enacted: BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:—

1. This Act may be cited as the “ Boy Scouts Association— Short title. South Australian Branch—Incorporation Act ”.

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**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, One thousand nine hundred and twelve.

“The Branch” means “The Corporation”.

“The Constitution” means the instrument by which powers are delegated by the Association to the Branch and includes the present Constitution and Rules of the Branch and any amendments thereof for the time being in force, and also includes the rules and regulations of the Branch approved by the Association and under which the Branch acts for the time being.

“The Corporation” means the body incorporated by this Act.

“Controlled group” means a group registered with the Corporation as a controlled group by any organization approved by the Association or the Corporation.

“Controlling authority” means the person or committee appointed by the body concerned to exercise its functions in respect of a group registered as a controlled group.

**Incorporation.**

**3.** Without further or other authority than this Act, the members at the commencement of this Act of the hereinbefore mentioned State Council of The Boy Scouts Association (Incorporated by Royal Charter) South Australian Branch shall upon the commencement of this Act become and the members for the time being of the said State Council shall thereafter be and continue a body corporate by the name of “The Boy Scouts Association, South Australian Branch” and by that name shall have perpetual succession and a common seal; and shall by that name be capable in law of suing and being sued and subject to this Act of purchasing taking holding selling mortgaging leasing taking on lease exchanging and disposing of real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

**Name.**

The Corporation capable of holding and disposing of property.

**Powers.**

**4.** The Corporation shall control the Boy Scout Movement in South Australia and shall have power to do all things deemed necessary or requisite for providing and maintaining an efficient organization for the purposes of the Association in South Australia including and without restricting the generality of this

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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.

5. Any person who without authority of the Corporation uses the name "The Boy Scouts Association" or "Boy Scout" or the name of any local branch of the 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.

Unauthorised  
use of name.

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

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

(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 (1) 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.

7. (1) Any person—

Transfer &c. of  
properties to  
the corpora-  
tion.

(a) who at the commencement of this Act holds ; or

(b) who hereafter acquires ; or

(c) to whom is or has been given devised or bequeathed,

any real or personal property in South Australia upon trust for or on behalf of or for the benefit of the Association or any branch thereof or any county council local association group or body formed under the Policy Organization and Rules of the Association or any committee thereof in South Australia shall (if and when required by notice in writing from the Corporation so to do) transfer convey and assign unto the Corporation at its cost such real or personal property as aforesaid but subject to any conditions or trust upon which the same is held acquired given devised or bequeathed.

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**Notices.**

(2) Any notice requiring the transfer conveyance or assignment of any such real or personal property—

(a) shall be signed by the general secretary or other authorised officer of the corporation ; and

(b) shall be deemed to have been properly served upon and received by the person or persons to whom it is addressed at the expiration of three days after it has been forwarded by registered post addressed to such person or in the case of joint holders then to one of such joint holders at his usual or last known place of residence in South Australia.

**Vesting of property.**

(3) Upon service of any such notice as aforesaid the real or personal property in respect of which such notice has been given shall immediately vest in the Corporation but subject as aforesaid to any conditions and trusts upon which it is held and any person organization or controlling authority served with such notice shall be immediately divested of such real and personal property mentioned therein.

Provided that property vested in held by or on behalf of or which is given devised or bequeathed to any controlled group shall subject to any express trust affecting the same be held in trust for such purpose and be disposed of in such manner as the controlling authority of such group from time to time determines.

**Application to Supreme Court.**

(4) Any person organization or controlling authority served with any such notice as aforesaid may apply by summons to a judge of the Supreme Court for an order that any such transfer conveyance or assignment of any such real or personal property shall be subject to such terms and conditions as the judge may determine are just and equitable having regard to all the circumstances of the case.

**Provision in case of refusal to transfer.**

(5) In the event of the person organization or controlling authority holding as aforesaid any real or personal property (other than land under the Real Property Act 1886) the legal interest in which is transferable or assignable by deed or other document in writing after service upon him or it requiring him or it so to do refusing or neglecting to execute a conveyance or an assignment thereof to the Corporation or in the event of the whereabouts of any such person being unknown—

(a) the Corporation may apply by summons to a judge of the Supreme Court for an order directing the Master of the Supreme Court to execute for and on behalf of such person organization or controlling authority a conveyance or an assignment of such real or personal property to the Corporation : and

(b) upon proof to the satisfaction of such judge—

- (i.) that such real or personal property is held by such person organization or controlling authority upon trust for or on behalf of or for the benefit of the Association or any branch thereof or any county council local association group or body as aforesaid or any committee thereof as aforesaid : and
- (ii.) that notice as aforesaid requiring such person organization or controlling authority to convey or assign such real or personal property has been given in manner herein provided : and
- (iii.) that such person organization or controlling authority refuses or neglects to execute such conveyance or assignment as aforesaid or that the whereabouts of such person is unknown—

the judge may make such order and the said Master shall thereupon do and perform all such acts and things as may be necessary to convey or assign such real or personal property to the Corporation but subject as to any real property to any charge mortgage lease or easement then affecting the same and to the trusts on which it was held by such person organization or controlling authority.

(6) Any person in South Australia who has at any time acquired real or personal property by using the name of the Association or of any branch thereof or of any county council local association group or body formed as aforesaid and who is in possession of or otherwise holds such real or personal property shall be deemed to be a person holding such real or personal property upon trust for or on behalf of or for the benefit of such Association or branch thereof county council local association group or body formed as aforesaid.

Person holding property acquired by using name of Association &c. to be deemed trustee for Association &c.

(7) Any liabilities in respect of any real or personal property which may hereafter become vested in the Corporation by virtue of the provisions of this section may thereupon be enforced against the Corporation.

Liabilities.

(8) Any rights accrued or accruing or to accrue to any person in South Australia on behalf of the Association are and shall be hereby vested in and may be enforced by the Corporation.

Rights, &c.

8. 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

Mode of dealing with property.

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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—

- (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.
- (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 mortgagee shall be bound to see to the application of any moneys paid by him.

Powers and duties as to aid granted.

**9.** The Corporation shall receive all gifts, grants of money or contributions made by the Government of South Australia or by any municipality, district council, 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.

**10.** 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 lodged in the office of the Registrar of Companies who shall register the same under the provisions of the Associations Incorporation Act 1929-1935.

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

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The production of a copy of any instrument registered, certified by the Registrar of Companies, shall be received in all courts as *prima facie* evidence of the contents of the instrument.

11. It shall be lawful for the Executive Committee appointed under the Constitution 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. Common seal.

The affixing 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 Corporation of an attorney, solicitor or proctor in or for the prosecution or defence of any action, suit or other proceeding.

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

13. Any penalty imposed by this Act may be recovered summarily. Recovery of penalties.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.