

chains 41 links southerly again along that land on the south by 4 chains 50 links westerly along another reserved road and thence on the south-west by 4 chains 4 links north-westerly along the firstmentioned reserved road to the point of commencement as the same is shown on survey diagram Volume 74 Pembroke Folio 33 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

THE SIXTH SCHEDULE.

(Section 8.)

COUNTY OF CUMBERLAND.

PARISH OF ABERGAVENNY.

8A. OR. 33 7/10p.

Being portion of 500 acres located to George Brooks and portion of 1060 acres granted to Thomas Villeneuve Jean and now owned by Emily Norah Triffett. L.C. No. 4312. (O.S.)

Commencing at a point on a north boundary of Lot 459 purchased by J. Mahon distant 22 chains 43 links easterly in three bearings from the north-east angle of 500 acres located to T. Triffett and bounded on the south-west north-west and north-east by 82 chains 20 links north-westerly north-easterly and south-easterly in several bearings along portion of 500 acres aforesaid and along portion of 1060 acres aforesaid again on the north-east by 1 chain 2½ links south-easterly along a road on the south-east again on the north-east and again on the south-west by 82 chains south-westerly south-easterly and north-westerly in several bearings again along portion of 1060 acres aforesaid and again along portion of 500 acres aforesaid and thence on the south by 1 chain 1 link easterly along Lot 459 aforesaid to the point of commencement as the same is shown on survey diagram Volume 172 Roads Folio 27 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

BOY SCOUTS ASSOCIATION.

No. 57 of 1954.

AN ACT to incorporate the governing body of the Tasmanian Branch of the Boy Scouts Association, to confer certain powers and impose certain duties upon that body, to make provision for the vesting in that body of the property of the Association in this State, and for matters incidental thereto.

[10 December, 1954.]

Preamble.

WHEREAS the Boy Scouts Association (in this Act referred to as "the Association") was incorporated in the United Kingdom by Royal Charter granted on the fourth day of January 1912:

And whereas the Association has power under that Charter to form local branches and committees in all parts of Her Majesty's dominions and to apply for and exercise any powers obtained under any supplementary Charter or Act of Parliament, whether Imperial or Colonial and whether Federal or Provincial, that may be deemed expedient for any of the purposes of the Association:

And whereas for providing and maintaining an efficient organization for promoting the objects of the Association, a local branch has been formed in this State by the name of the Boy Scouts Association, Tasmanian Branch:

And whereas the Tasmanian Branch of the Association is governed by a State Council through an Executive Committee:

And whereas it is expedient to provide for the incorporation of the State Council and for conferring and imposing on it certain powers and duties, and for the vesting in it of the property of the Association in this State:

BE it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows: —

1 This Act may be cited as the *Boy Scouts Association Act 1954*. Short title.

- 2** In this Act, unless the contrary intention appears—
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| <p>“Branch” means the Boy Scouts Association, Tasmanian Branch;</p> <p>“constitution” means the instrument by which powers are delegated by the Association to the Branch, and includes the rules and regulations of the Branch that are approved by the Association and under which the Branch acts for the time being;</p> <p>“corporation” means the body corporate created by this Act;</p> <p>“Executive Committee” means the Executive Committee appointed under the constitution;</p> <p>“Royal Charter” means the Royal Charter mentioned in the preamble to this Act;</p> <p>“sponsored group” means a group that is registered with the corporation as a sponsored group by any organization approved by the Association or the corporation;</p> <p>“sponsoring authority” means the person or committee appointed by an organization to exercise its functions in respect of a group that is registered as a sponsored group.</p> | <p>Interpretation.
Cf. No. 4092 (Vict.), s. 2.</p> |
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Incorporation
of the State
Council of the
Association.
Ibid., s. 3.

3—(1) The persons who, at the commencement of this Act, are holding office as members of the State Council are, by force of this section, created a body corporate, and the members for the time being of the State Council holding office after the commencement of this Act shall continue to be a body corporate, by the name of the Boy Scouts Association, Tasmanian Branch.

(2) The corporation has perpetual succession and may have and use a common seal.

(3) The corporation—

- (a) may sue and be sued in its corporate name;
- (b) may, in its corporate name, purchase, take on lease, hold, mortgage, and exchange, and lease, sell, or otherwise dispose of, real property and personal property;
- (c) may invest, in investments authorized by law for the investment of trust funds, any moneys of the corporation;
- (d) may borrow money either upon security or otherwise, and issue debentures;
- (e) may lend any of the moneys of the corporation to such persons, for such purposes, and upon such terms and conditions, as it may think best calculated to promote the objects of the Association;
- (f) may erect, maintain, and improve such buildings, and purchase or hire such machinery, plant, and equipment, as it may think best calculated to promote the objects of the Association; and
- (g) may do and suffer all such other acts and things as bodies corporate may by law do and suffer.

Copies of
Royal
Charter and
constitution
to be
registered.
Ibid., s. 4.

4—(1) Within six months after the commencement of this Act the corporation shall cause to be deposited with the Registrar of Companies a copy, certified under the common seal of the corporation, of—

- (a) the Royal Charter; and
- (b) the constitution,

and shall cause copies (certified under the seal of the corporation) of any new, amended, or supplementary Royal Charter granted to the Association or the corporation, and all amendments of the constitution made, or any new constitution adopted, after the commencement of this Act, to be so deposited, with as little delay as possible.

(2) Upon receipt of any document required by this section to be deposited with him, the Registrar of Companies shall register it as if it were the articles of association of a company, or an amendment of the articles of association of a company, as the case may be.

(3) The production of a copy of a document required by this section to be deposited with the Registrar of Companies, certified by the Registrar to be correct, shall be received as conclusive evidence of the contents of the document by all courts and persons having by law or consent of parties authority to hear and receive evidence.

5—(1) The corporation—

- (a) has the general control and management of the Boy Scout movement in this State; and
- (b) may do all such acts and things as it may consider necessary or desirable for providing and maintaining an efficient organization for the purposes of the Association in this State.

General powers of the corporation.
Ibid., s. 5.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the powers and functions of the corporation include the exercise of all such powers, and the performance of all such duties, as may be delegated to it by the Association under the provisions of the Royal Charter.

6—(1) A person—

- (a) who, at the commencement of this Act, holds;
- (b) who, at any time after the commencement of this Act, acquires; or
- (c) to whom is or has been given, devised, or bequeathed (whether before or after the commencement of this Act),

Transfer of property to corporation.
Ibid., s. 6.

any real property or personal property in this State upon trust for or on behalf of, or for the benefit of, the Association or any branch thereof or any local association, group, or other body formed under the policy organization and rules of the Association in this State shall, if so required by the corporation, by notice in writing, transfer, convey, or assign that real property or personal property to the corporation, at the cost of the corporation, but subject to any conditions or trusts upon which it is or was held, acquired, given, devised, or bequeathed.

(2) A notice under subsection (1) of this section—

- (a) shall be signed by the general secretary or other officer of the corporation authorized by the corporation in that behalf; and
- (b) shall be deemed to have been received by the person to whom it is addressed at the expiration of the period of three days after it has been forwarded to that person by registered post at his usual or last-known place of residence in this State or, if it is addressed to more persons than one, after it has been so forwarded to any one of those persons at his usual or last-known place of residence in this State.

(3) Notwithstanding the foregoing provisions of this section, any real property or personal property that is vested in, or held by or on behalf of, or that is given, devised, or bequeathed to, a sponsored group may, subject to any express trust affecting it, be held in trust for such purposes, and be disposed of in such manner, as the sponsoring authority of that group may determine; but if a sponsoring authority deals with any real property or personal property in a manner contrary to the conditions and trusts upon which it is held, the corporation may, by notice in writing in accordance with this section, require the organization by which the sponsoring authority is appointed, or that sponsoring authority, to transfer, convey, or assign that property to the corporation.

(4) Any person, organization, or sponsoring authority to whom or to which a notice under this section is given may apply by summons to a judge for an order that the transfer, conveyance, or assignment of the property to which the notice relates shall be subject to such terms and conditions as the judge may determine, and the judge may make such order with respect to the terms and conditions to which the transfer, conveyance, or assignment shall be subject as the judge may think just and equitable, having regard to all the circumstances of the case.

(5) If—

(a) after the giving of a notice under this section any person, organization, or sponsoring authority to whom or to which the notice is given fails to execute a transfer or conveyance, or an assignment, to the corporation of the property to which the notice relates; or

(b) a person holds any real property or personal property in this State upon trust for or on behalf of, or for the benefit of, the Association or any branch thereof, or any local association, group, or other body formed under the policy organization and rules of the Association in this State, and the whereabouts of that person are unknown,

the corporation may apply by summons to a judge for an order directing the Principal Registrar of the Supreme Court to execute for or on behalf of that person, organization, or sponsoring authority a transfer or conveyance, or an assignment, of that property to the corporation.

(6) Where a summons is taken out by the corporation pursuant to subsection (5) of this section, the judge by whom the summons is heard may, upon proof to his satisfaction that—

(a) the property to which the summons relates is held by any person, organization, or sponsoring authority for or on behalf of, or for the benefit of, the Association or any branch thereof, or

any local association, group, or body formed under the policy organization and rules of the Association in this State;

- (b) notice under this section requiring that person, organization, or sponsoring authority to transfer, convey, or assign that property has been given to that person, organization, or sponsoring authority by the corporation; and
- (c) that person, organization, or sponsoring authority has failed to execute a transfer or conveyance, or an assignment, of the property to the corporation, or, as the case may be, that the whereabouts of that person are unknown,

the judge may, by order, direct the Principal Registrar to execute for or on behalf of that person, organization, or sponsoring authority a transfer or conveyance, or an assignment, of that property to the corporation, and the Principal Registrar shall thereupon do all such acts and things, and execute all such instruments, as may be necessary to transfer, convey, or assign the property to the corporation, but subject, in the case of real property, to any charge, mortgage, lease, or easement affecting it and to any trust upon which it was held by that person, organization, or sponsoring authority.

(7) A person who, in this State, has at any time acquired any property by using the name of the Association, or of any branch thereof, or of any local organization, group, or body formed under the policy organization and rules of the Association in this State shall, for the purposes of this section, be deemed to be a person who holds that property for or on behalf of, or for the benefit of, the Association or of that branch, local association, group, or sponsoring authority.

(8) Any liabilities in respect of real property or personal property that, by virtue only of the operation of this subsection, become vested in the corporation, may be enforced against the corporation.

(9) Any rights that have accrued or hereafter accrue to a person in this State on behalf of the Association are, by virtue only of the operation of this subsection, vested in the corporation, and may be enforced by or in favour of the corporation accordingly.

7 The corporation shall deal with or dispose of the real property or personal property vested in the corporation in such manner, subject to any special trust affecting the property, as the Executive Committee thinks fit, but subject, in the case of a lease, mortgage, or sale of real property, to the following conditions, namely:—

Manner of dealing with property by the corporation.

Ibid., s. 7.

- (a) A proposed lease, 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 not less than seven days' notice has been given, the proposed lease, mortgage, or sale, if approved by the previous meeting, shall be submitted to the meeting, and if approved 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 lease, mortgage, or sale, if sealed with the common seal of the corporation, is conclusive evidence in favour of any person claiming by, through, or under the lease, mortgage, or sale that the resolution has been duly passed in compliance with the provisions of this Act and of the constitution; and
- (d) A lessee, purchaser, or mortgagee is not bound to see to the application of any moneys paid by him.

Vesting of certain gifts, &c., in the corporation.
Cf. 11 & 12 Geo. VI, No. 87, s. 5.

8—(1) Any devise or bequest made by or under any will or codicil (whether the will or codicil is executed or proved before or after the commencement of this Act) and any gift made otherwise than by testamentary disposition (whether the gift is made before or after the commencement of this Act) to, or on behalf or for the benefit of, the Association or any branch thereof or any local association, group, or body formed under the policy organization and rules of the Association (whether the devise, bequest, or gift is expressed to vest or pass directly or after the death of some person or the fulfilment of some condition) shall, unless the contrary intention appears in the will, codicil, or other instrument effecting the devise, bequest, or gift, be deemed, by force only of this section and without further authority, to be a devise, bequest, or gift to, or on behalf or for the benefit of, the corporation and the devise, bequest, or gift, or the beneficial enjoyment thereof, as the case may be, shall be deemed to vest in the corporation accordingly.

(2) Nothing in this section prejudices or affects the operation of section six.

Receipt and application of gifts, &c., by the corporation.
No. 4092 (Vict.), s. 5.

9 The corporation—

- (a) shall receive all gifts, grants of money, or contributions made by the State or by any person to the Association or the Branch; and
- (b) shall apply those gifts, grants, or contributions in accordance with the terms, provisions, and conditions applicable to them, or if there are no terms, provisions, or conditions applicable thereto, or if the terms, provisions, or conditions that are applicable thereto become impossible of performance, then in accordance with the objects of the Association.

10—(1) The general secretary of the corporation shall retain the custody of the corporation's common seal. Custody and use of the seal of the corporation. *Ibid.*, s. 9.

(2) The common seal of the corporation shall not be affixed to a document except in pursuance of a resolution of the Executive Committee, and, when so affixed, shall be attested by the signatures of three members of the Executive Committee.

11 Notice to, or service on, the general secretary of the corporation or any officer for the time being performing the duties of the general secretary shall be deemed to be notice to, or service on, the corporation. Services of notices. *Ibid.*, s. 10.

12 Any receipt, release, or discharge that is signed, given, or executed— Receipts, &c.

(a) if not under seal, by—

(i) the general secretary or treasurer of the corporation; or

(ii) any two members of the Executive Committee; or

(b) if under seal, by any three members of the Executive Committee,

shall be deemed, for all purposes, to be a complete acquittance by the corporation, to the person to whom it is given, for or in respect of the matters to which it relates.

STAMP DUTIES (No. 2).

No. 58 of 1954.

AN ACT to amend the *Stamp Duties Act 1931* and the *Stamp Duties Act 1954*.

[10 December, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Stamp Duties Act (No. 2) 1954*. Short title, citation, and commencement.

(2) The *Stamp Duties Act 1931*, as subsequently amended, is in this Act referred to as the Principal Act.