

**Version
as at 24 November 1967**



Scout Association of New Zealand Act 1956

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| Private Act | 1956 No 2 |
| Date of assent | 19 October 1956 |
| Commencement | 19 October 1956 |

Act name: amended, on 24 November 1967, by section 2 of the Scout Association of New Zealand Amendment Act 1967 (1967 No 3 (P)).

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An Act to reconstitute the Boy Scouts Association (New Zealand Branch) Incorporated, and to change its name

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

Preamble

Whereas there was incorporated in Great Britain by Royal Charter dated 4 January 1912 a body corporate known as the Boy Scouts Association:

And whereas the Boy Scouts Association was the outcome of the movement initiated in Great Britain by the late Lord Baden Powell of Gilwell, OM, GCMG, GCVO, KCB, for the special training and instruction of boys in accordance with the principles and under the organisation from time to time laid down in the constitution and in the Policy Organisation and Rules of the Boy Scouts Association:

And whereas the aforesaid movement has spread throughout the British Commonwealth of Nations and elsewhere, and there has for many years past existed in New Zealand an organisation for the training of boys on the lines and in harmony with the principles of the aforementioned constitution and the Policy Organisation and Rules of the Boy Scouts Association and working as a branch of and in close co-operation with the Boy Scouts Association:

And whereas the New Zealand Branch was incorporated by the Boy Scouts Association (New Zealand Branch) Incorporation Act 1941:

And whereas the Boy Scouts Association (New Zealand Branch) Incorporated is governed by a Dominion Council and has its affairs conducted and managed by a Dominion Executive Committee in accordance with its constitution and bylaws as approved by the Boy Scouts Association in Great Britain and delivered to the Registrar of Incorporated Societies pursuant to section 8 of the said Act:

And whereas by resolution duly passed at a meeting of the Dominion Council on 21 September 1951 the Boy Scouts Association (New Zealand Branch) Incorporated, with the approval of the Boy Scouts Association in Great Britain given under the common seal thereof, amended its constitution and bylaws:

And whereas by the constitution aforesaid the Boy Scouts Association (New Zealand Branch) Incorporated became independent of the Boy Scouts Association of Great Britain and became a fully autonomous unit of the Boy Scout movement:

And whereas in the course of its existence the Boy Scouts Association (New Zealand Branch) Incorporated has acquired real and personal property in New Zealand, and gifts, grants, and contributions have been received by it or have been vested in trustees for its benefit or for its use generally or for the benefit of some particular Scout troop, Cub pack, or other local unit within the organisation of the Boy Scouts Association (New Zealand Branch) Incorporated:

And whereas it is desirable that the name of the Boy Scouts Association (New Zealand Branch) Incorporated should be changed to "The Boy Scouts Association of New Zealand" in accordance with its independent status as aforesaid.

1 Short Title

This Act may be cited as the Scout Association of New Zealand Act 1956.

Section 1: amended, on 24 November 1967, by section 2 of the Scout Association of New Zealand Amendment Act 1967 (1967 No 3 (P)).

2 Interpretation

In this Act, unless the context otherwise requires,—

the Association means the Boy Scouts Association incorporated in the United Kingdom by Royal Charter dated 4 January 1912

constitution and bylaws means the constitution and bylaws of the Boy Scouts Association of New Zealand

the Corporation means the body incorporated by this Act

New Zealand Branch means the Boy Scouts Association (New Zealand Branch) Incorporated.

3 Change of name and constitution of Corporation

- (1) The body corporate incorporated by the Boy Scouts Association (New Zealand Branch) Incorporation Act 1941 under the name of “The Boys Scouts Association (New Zealand Branch) Incorporated” shall hereafter be called “The Boy Scouts Association of New Zealand”.
- (2) The Corporation shall hereafter consist of the persons who on the passing of this Act are members of the Dominion Council of the New Zealand Branch in accordance with the amended constitution and bylaws adopted by resolution of the Dominion Council passed on 21 September 1951 and all other persons who shall in accordance with such constitution and bylaws become members of the Council, and shall be deemed to be the same body corporate as that incorporated by the Boy Scouts Association (New Zealand Branch) Incorporation Act 1941, having perpetual succession and a common seal and being capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.
- (3) All references to the New Zealand Branch in the constitution and bylaws of the Corporation or in any enactment or in any contract, agreement, deed, instrument, register, title, or other document whatsoever shall hereafter be read as references to the Boy Scouts Association of New Zealand.
- (4) Where the title of the New Zealand Branch to any real or personal property or right is or should have been entered in any register required by law to be kept, the Registrar or other person whose duty it is to keep that register shall, on the request in writing of the Executive Committee of the Corporation or of the proper officer of the Corporation, and on payment of such fee as may be payable by law in respect of the required entries in the register, make such entries in the register as may be necessary to give effect to the provisions of this section.

4 Powers of Corporation

The control of the Boy Scout movement in all its activities in New Zealand shall be vested in the Corporation, which, subject to the constitution and bylaws, shall have power to provide and maintain such organisation in New Zealand as the Corporation deems necessary or desirable to perform and exercise in New Zealand all such duties or powers as may be performed and exercised in the United Kingdom by the Association under the provisions of the Royal Charter aforesaid and generally to do all things which the Corporation may in its discretion consider necessary or desirable for promoting the welfare of the Corporation or of the Boy Scout movement in New Zealand.

5 Constitution and bylaws

The constitution and bylaws of the New Zealand Branch, as adopted by resolution of the Dominion Council on 21 September 1951 shall be the constitution and bylaws of the Corporation. The Corporation may from time to time alter and amend the constitution and bylaws and may thereby delegate the administration of any matter within the powers of the Corporation to the Executive Committee of the Corporation appointed according to the constitution and bylaws or to such other body as the Corporation thinks fit, and the Executive Committee or such other body shall in respect of any matter so delegated have all the powers of the Corporation.

6 Transfer of property to Corporation

The Corporation shall have power to require that all real and personal property, stock, funds, securities, and other assets of every description belonging to the New Zealand Branch or any unit or held in trust for or for the use of the same shall be transferred to or otherwise vested in the Corporation by any person holding the same, and on any such transfer or vesting the Corporation shall thereafter execute and perform any trust or conditions affecting any of such assets and shall defray or provide for any debts or liabilities to the discharge of which the said assets or any of them shall at the time of transfer or vesting be applicable and shall give any trustees in whom any such assets may be vested a valid receipt, discharge, and indemnity for and in respect of the transfer or vesting of the same in the Corporation. The rights of the Corporation under this section may be enforced by action in any court of competent jurisdiction.

7 Sections 13 to 18 of Incorporated Societies Act 1908 applied

Sections 13 to 18 of the Incorporated Societies Act 1908 shall continue to apply to the Corporation in all respects as if it were a society incorporated under that Act.

8 Registration of constitution and bylaws

- (1) The constitution and bylaws of the New Zealand Branch delivered to the Registrar of Incorporated Societies under the Incorporated Societies Act 1908

on 8 April 1941 and the amendments and alterations thereto delivered to the Registrar of Incorporated Societies, shall be deemed to be the constitution and bylaws of the Corporation.

- (2) True copies of any amendments or alterations that may be made in the constitution and bylaws shall be delivered to the Registrar of Incorporated Societies, accompanied by a statutory declaration made by an officer of the Corporation that such copies are true copies.

9 Repeal and savings

- (1) The Boy Scouts Association (New Zealand Branch) Incorporation Act 1941 is hereby repealed.
- (2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of the Boy Scouts Association (New Zealand Branch) Incorporation Act 1941 shall not affect any document made or any thing whatsoever done under that Act, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

10 Private Act

This Act is hereby declared to be a private Act.

Scout Association of New Zealand Amendment Act 1967

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|----------------|------------------|
| Private Act | 1967 No 3 |
| Date of assent | 24 November 1967 |
| Commencement | 24 November 1967 |

1 Short Title

This Act may be cited as the Scout Association of New Zealand Amendment Act 1967, and shall be read together with and deemed part of the Act heretofore cited as the Boy Scouts Association of New Zealand Act 1956 (hereinafter referred to as the “principal Act”).

2 Altering the Title of the principal Act

- (1) The principal Act may hereafter be cited as the Scout Association of New Zealand Act 1956.
- (2) Every reference to the Short Title of the principal Act in any enactment, rule, contract, agreement, deed, instrument, or other document whatsoever is hereby consequentially amended by omitting the words “Boy Scouts” and substituting the word “Scout”.

3 Change of name

- (1) The body corporate incorporated under the principal Act under the name of “The Boy Scouts Association of New Zealand” shall hereafter be called “The Scout Association of New Zealand”.
- (2) The change of name of the Corporation shall not affect any powers, rights, interests, securities, investments, or obligations of the Corporation, or render defective any legal proceedings by or against the Corporation; and all real and personal property of every description which immediately before the passing of this Act is held by the Corporation under its former name may, by force of this Act, be dealt with or disposed of by the Corporation under its new name, subject to all liabilities, charges, obligations, and trusts affecting the same.

4 Proof of vesting of assets

The presentation to any Registrar of Deeds or District Land Registrar or any other person of any instrument executed or purporting to be executed under the seal of the Corporation in its new name attested by 2 members of the Executive Committee of the Corporation and the Secretary or Treasurer of the Corporation and relating to any estate or interest in any land held by the Corporation under its former name immediately before the passing of this Act shall, notwithstanding that the said Corporation has not been registered as proprietor of that estate or interest under its new name, be accepted by all persons concerned as conclusive proof that that estate or interest is vested in the said Corporation,

and it shall not be necessary to record the change of name against any relevant document of title or register or record.

5 Restriction on use of names

- (1) Except with the consent of the Governor-General in Council and subject to the provisions of this section, no association of persons, whether incorporated or not, shall exercise the functions for which it is formed under the name “Scout Association” or under a name that contains those words or the words “Scout” or “Boy Scout”.
- (2) Where any enactment provides for the registration of any association of persons, the registering authority shall refuse registration if in the opinion of that authority the use of the name by which the association desires to be registered is prohibited by subsection (1).
- (3) Every incorporated association that does any act in contravention of any of the provisions of this section commits an offence and is liable to a fine not exceeding \$100 and, if the offence is a continuing one, to a further fine not exceeding \$10 for every day on which the offence has continued.
- (4) Where any unincorporated association of persons does any act in contravention of this section, every member of the association shall be deemed to have committed an offence and shall be liable to a fine not exceeding \$20 and, if the offence is a continuing one, to a further fine not exceeding \$4 for every day on which the offence has continued.
- (5) Nothing in this section shall apply to the Corporation or to any association of persons that is a member of or is affiliated to the Corporation or to any branch of such an association.
- (6) Nothing in this section shall apply to the use by any association registered, before the passing of this Act, under any enactment of any name that was in use in New Zealand by that association on the passing of this Act.

6 Restriction on use of uniforms or badges of Corporation

- (1) The Minister of Internal Affairs may from time to time by notice define the uniform of the officers and members of the Corporation and the badges that may be worn by such officers and members.
- (2) It shall not be lawful for any person who is not an officer or member of the Corporation to wear any uniform or badge defined as provided by this section, or any colourable imitations of such uniform or badges, or to pretend in any manner to be entitled to wear such uniform or badge.
- (3) Every person who acts in contravention of this section commits an offence and shall be liable on summary conviction to a fine not exceeding \$40.
- (4) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

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| Publication | The maker must publish it in the <i>Gazette</i> | LA19 ss 73, 74(1)(a), Sch 1 cl 14 |
| Presentation | It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019 | LA19 s 114, Sch 1 cl 32(1)(a) |
| Disallowance | It may be disallowed by the House of Representatives <i>This note is not part of the Act.</i> | LA19 ss 115, 116 |

Section 6(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 6(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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Notes

1 *General*

This is a reprint of the Scout Association of New Zealand Act 1956. The reprint incorporates all the amendments to the Act as at 24 November 1967, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted

enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Scout Association of New Zealand Amendment Act 1967 (1967 No 3 (P))