

Chapter 1032.

***Scout Association of Papua New Guinea Incorporation Act 1975.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 1032.

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ARRANGEMENT OF SECTIONS.

1. Interpretation.
  - “the Association”
  - “Association property”
  - “the constitution”
  - “the corporation”
  - “the council”
  - “the executive committee”
2. Establishment of The Scout Association of Papua New Guinea.
3. Incorporation.
4. Copy of the constitution to be registered.
5. Holding of Association property.
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12. Use, etc., of uniforms, etc.



INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

*Scout Association of Papua New Guinea Incorporation Act 1975,*

Being an Act to incorporate The National Scout Council of The Scout Association of Papua New Guinea, and for related purposes.

1. **INTERPRETATION.**

In this Act, unless the contrary intention appears—

“**the Association**” means The Scout Association of Papua New Guinea established by Section 2;

“**Association property**” includes all buildings, all freehold and leasehold land and premises and all personal property in the country belonging to the Association or in which the Association has any interest or title and that are or is vested in any person as trustee, and all property acquired by the corporation under this Act;

“**the constitution**” means the constitution of the Association;

“**the corporation**” means the corporation constituted by this Act;

“**the council**” means The National Scout Council appointed under the constitution;

“**the executive committee**” means the executive committee appointed under the constitution.

2. **ESTABLISHMENT OF THE SCOUT ASSOCIATION OF PAPUA NEW GUINEA.**

(1) There is established a body to be known as “The Scout Association of Papua New Guinea”, which shall be responsible for the development, control and direction of the Boy Scout Movement in the country.

(2) The aims and purposes of the Association are identical with the aims and purposes of the Boy Scouts Association incorporated in the United Kingdom by Royal Charter dated 4 January 1912.

(3) The Council shall control the Boy Scout Movement in the country and has power to do all things necessary or convenient to be done for providing and maintaining an efficient organization for the purposes of the Association in the country.

**3. INCORPORATION.**

(1) The Council is a corporation under the name of “The National Scout Council”.

(2) The corporation—

(a) has perpetual succession; and

(b) shall have a seal; and

(c) has power to acquire, hold, manage and control, and may grant, transfer, mortgage, demise, sell, dispose of, create or reserve easements in or otherwise deal with property of any kind; and

(d) may sue and be sued in its corporate name.

**4. COPY OF THE CONSTITUTION TO BE REGISTERED.**

(1) A copy of the constitution certified under the seal of the corporation shall be registered in the office of the Registrar General.

(2) A copy of any amendment to or replacement of the constitution shall, as soon as practicable, be certified and registered in like manner.

(3) The production of a copy, certified as correct by the Registrar-General, of an instrument registered under this section is conclusive evidence of the contents of the instrument in all courts and before persons having by law or consent of parties authority to hear, receive and examine evidence.

**5. HOLDING OF ASSOCIATION PROPERTY.**

The corporation shall hold all Association property on trust for the purpose of carrying on, benefiting, advancing, extending or making more effectual the working and objects of the Association and subject to that purpose, to use and appropriate it, or permit the use and appropriation of it, for the purposes of the erection and maintenance of Association buildings and for other purposes in connection with or for the benefit or maintenance of the Association or the members of the Association.

**6. ADDITIONAL POWERS OF THE CORPORATION.**

Subject to Section 3, the corporation has power—

- (a) to purchase, take on lease or acquire by gift, devise, exchange or otherwise, other property in the country; and
- (b) to sell the Association property or any part of it, together or in parcels, by public auction or private contract for cash or on credit, on such terms and subject to such conditions as the corporation thinks proper; and
- (c) to exchange the property or any part of it for other property; and
- (d) to transfer and assure the property when sold or exchanged to the purchaser or purchasers or to the person making the exchange, freed and discharged from the trusts affecting it; and
- (e) for all or any of the purposes referred to in Paragraphs (a), (b), (c) and (d), to sign, seal and execute all such contracts, transfers and other deeds and instruments as are necessary; and
- (f) to raise sums of money when and on such terms as the corporation thinks proper, by deposit of the deeds or by mortgage, with or without power of sale, of the Association property or any part of it, and to execute all proper assurances for that purpose; and
- (g) to demise and lease the Association property or any part of it for such periods at such rents and on such terms and subject to such conditions as the corporation thinks proper; and
- (h) to appoint by instrument under the seal of the corporation any person as the attorney of the corporation, either generally or in respect of specified matters, and to act in any place, and all deeds signed by the attorney on behalf of the corporation and under his seal are binding on the corporation and have the same effect as if they were under the seal of the corporation; and
- (i) to receive gifts and endowments of property, whether or not subject to any special trusts or conditions; and
- (j) to invest moneys in such lands or securities as it thinks proper; and
- (k) to employ staff and to pay wages and grant gratuities and pensions; and
- (l) to insure Association property against such risks and in such sums as the corporation thinks proper, and to insure against claims for damages or compensation by employees; and
- (m) to organize and manage superannuation and provident funds.

## **7. RENTS, ETC.**

A lessee, mortgagee, purchaser, person taking on exchange or other person paying rent or other money to the corporation is not bound to see to the application of the rent or other money, and the receipt of the corporation is a sufficient discharge.

**8. SEAL OF CORPORATION.**

The council shall provide for the safe custody of the seal of the corporation, and every instrument to which the seal is affixed shall be signed by at least two members of the executive committee.

**9. DEALINGS WITH CORPORATION.**

(1) On the sale, mortgage, lease or other dealing by the corporation or with any property, a purchaser, mortgagee, lessee or other person dealing with the corporation is not bound to inquire into the necessity or propriety of the sale, mortgage, lease or other dealing or the purpose for which or the circumstances in which, the corporation proposes to enter into, make, give or execute a sale, mortgage, lease or other dealings.

(2) A purchaser, mortgagee, lessee or other person dealing with the corporation is not bound to inquire into the regularity of the sale, mortgage, lease or other dealing.

(3) Notwithstanding any irregularity or other impropriety in a sale, mortgage, lease or other dealing, a sale, mortgage, lease or other dealing purporting to be made by the corporation shall, as regards the purchaser, mortgagee, lessee or other person dealing with the corporation, be deemed to be within the powers of the corporation, and is valid accordingly.

**10. CORPORATION TO CONFORM TO CONSTITUTION.**

The corporation shall at all times and in all dealings conform strictly to the constitution.

**11. UNAUTHORIZED USE OF NAME.**

Any person who, without the written authority of the corporation uses the name—

- (a) “Scout Association”; or
- (b) “Scout Association of Papua New Guinea”; or
- (c) “The Boy Scouts Association”; or
- (d) “Boy Scout”,

or the name of any local branch of the Association, or a 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, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**12. USE, ETC., OF UNIFORMS, ETC.**

A person who, except with the written authority of the corporation—



- (a) wears or uses any uniform, emblem, badge, decoration, descriptive or designating mark or title used at any time 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 authorized by the Association or their branch, or is connected with the operations of the Association or the branch; or
- (b) sells, supplies or distributes an emblem or badge referred to in Paragraph (a),

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Office of Legislative Counsel, PNG