

**Reprint
as at 1 March 2002**



**Kitchener Memorial Scholarship
Trust Act 1941**

Public Act 1941 No 20
Date of assent 13 October 1941
Commencement 13 October 1941

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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.

This Act is administered by the Ministry of Education.

An Act to make provision for the administration of the Kitchener Memorial Scholarship Fund

Preamble

Whereas a donation received in 1916 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.

1 Short Title

This Act may be cited as the Kitchener Memorial Scholarship Trust Act 1941.

2 Interpretation

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.

3 Fund vested in Public Trust

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

- (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) Public Trust 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 Public Trust, with the approval of the advisory trustees, in any investment authorised 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 Public Trust.

Section 3 heading: amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

Section 3(1): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100)

Section 3(4): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100)

Section 3(5): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100)

4 Advisory trustees

- (1) Subject to the provisions of this section, the New Zealand Vice-Chancellors Committee (established by section 240(1) of the Education Act 1989) and the donor shall be advisory trustees for the purposes of this Act.
- (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 New Zealand Vice-Chancellors Committee,—
- (a) that committee shall be the sole advisory trustee; and
 - (b) references in this Act to the advisory trustees shall be read as references to that committee.

Section 4(1): replaced, on 23 July 1990, by section 50(1) of the Education Amendment Act 1990 (1990 No 60).

Section 4(4): replaced, on 23 July 1990, by section 50(1) of the Education Amendment Act 1990 (1990 No 60).

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

- (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 Public Trust 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) Public Trust, 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 100 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 2,000 pounds.

Section 5(1): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

Section 5(2): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

6 Classes of persons to whom scholarships may be awarded

- (1) Scholarships in accordance with this Act may be awarded to persons of the following classes, namely:
- (a) past or present members or children 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 children 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 3 years immediately before the award of a scholarship.
- (2) Where 2 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.

Section 6(1)(a): amended, on 12 December 1983, by section 2 of the Kitchener Memorial Scholarship Trust Amendment Act 1983 (1983 No 78).

Section 6(1)(b): amended, on 12 December 1983, by section 2 of the Kitchener Memorial Scholarship Trust Amendment Act 1983 (1983 No 78).

7 Scholarships to be held at university providing higher education in agriculture

- (1) Every scholarship awarded under this Act shall be held at a university (within the meaning of the Universities Act 1961) providing higher education in subjects relating to 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 university in the South Island and a university 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 correspond-

ing 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.

Section 7 heading: replaced, on 12 December 1983, by section 3 of the Kitchener Memorial Scholarship Trust Amendment Act 1983 (1983 No 78).

Section 7(1): replaced, on 12 December 1983, by section 3(1) of the Kitchener Memorial Scholarship Trust Amendment Act 1983 (1983 No 78).

Section 7(2): amended, on 12 December 1983, by section 3(2) of the Kitchener Memorial Scholarship Trust Amendment Act 1983 (1983 No 78).

8 Existing scholarships

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.

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Notes

1 *General*

This is a reprint of the Kitchener Memorial Scholarship Trust Act 1941. The reprint incorporates all the amendments to the Act as at 1 March 2002, 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)*

Public Trust Act 2001 (2001 No 100): section 170(1)

Education Amendment Act 1990 (1990 No 60): section 50(1)

Kitchener Memorial Scholarship Trust Amendment Act 1983 (1983 No 78)
