



Western Australia

## **Sailors and Soldiers' Scholarship Fund Act 1938**

Compare between:

[06 Jul 1998, 00-a0-08] and [22 May 2009, 00-b0-04]



## **Sailors and Soldiers' Scholarship Fund Act 1938**

**An Act relating to the application by the Trustees of certain trust moneys comprised in a trust fund created for the purpose of providing scholarships and education benefits for the children of members the Australian Imperial Forces who died whilst on active service during the *Great War of 1914-1919*.**

### **Preamble**

WHEREAS in the year one thousand nine hundred and twenty a fund was established by voluntary contributions and vested in certain trustees for the purpose of providing scholarships and education benefits for the children of members of the Australian Imperial Forces who died whilst on active service during the *Great War of 1914-1918* and such fund is still subsisting and is now vested for the purposes aforesaid in Alfred Yeates, Rabbi David Isaac Freedman, and Charles Henry Lamb as trustees: And whereas there are at present not any ascertainable children aforesaid for whom scholarship and education benefits may be provided out of the said fund and it is deemed desirable that the trustees of the said fund shall be empowered to use and apply the said fund and the income thereof for the purpose of providing scholarships and education benefits not only for any children aforesaid who may be available for the same, but also for other children as in this Act hereinafter mentioned:

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

**1. Short title**

This Act may be cited as the *Sailors and Soldiers' Scholarship Fund Act 1938*.

**2. Interpretation**

In this Act —

***The fund*** means the fund established in the year one thousand nine hundred and twenty by means of voluntary contributions by the recipients of war gratuity bonds and originally vested in or managed and administered by Sir Talbot Hobbs (now deceased), Rabbi David Isaac Freedman, and Charles Henry Lamb, as trustees in trust for the purpose of providing scholarships and education benefits for the children of members of the Australian Imperial Forces who died whilst on active service during the Great War, and includes the income derived from the investment of moneys in the fund.

***The trustees*** means the persons at the commencement of this Act in whom the fund is vested or by whom the fund is managed or administered in trust for the purposes aforesaid, and includes the survivors of such persons, and any persons appointed as trustees in succession to such persons.

***The war*** means the Great War of 1914-1918.

**3. Additional purposes for which the Fund may be used and applied**

- (1) In addition to the purposes for which the fund was originally established, it shall be lawful for the trustees to use and apply the moneys now and from time to time hereafter in the fund and the income derived from the investment of the said moneys for the purpose of providing scholarships and education benefits for the children of members of the Australian Imperial Forces who served in the war and who —
- (a) since the war, have died as the direct or indirect consequence of injuries suffered whilst on active service during the war; or

- (b) since the war have become incapacitated or disabled as the result of injuries, whether suffered during the war or otherwise howsoever; or
  - (c) from any cause whatever are in poor or indigent circumstances.
- (2) Subject to subsection (1) of this section, the use and application of moneys in the fund and of the income thereof shall be in the absolute discretion of the trustees.

**4. Fund to be subsumed if no beneficiaries remain**

When there are no longer any children as described in the preceding section, subsection (1) (a), (b) and (c) entitled to receive the scholarships and education benefits, the trustees shall hand over the said fund, together with unexpended income (if any), to the trustees for the Aged Sailors and Soldiers' Relief Fund as constituted by the *West Australian Aged Sailors and Soldiers' Relief Fund Act* No. 39 of 1932.

**5. Appointment of replacement Trustee**

- (1) Where a vacancy or vacancies occur in the office of trustee either by death, resignation or otherwise the surviving or continuing trustees or trustee shall by writing appoint another person or two other persons, as the case may be, to be a trustee or trustees to fill such vacancy or vacancies.
- (2) Every new trustee so appointed shall have the same powers, authorities and discretions and may in all respects act as if he had been one of the trustees in whom the trust was originally vested.

**Notes**

- <sup>1.</sup> This is a compilation of the *Sailors and Soldiers' Scholarship Fund Act 1938* and includes [all the](#) amendments [effected](#) [made](#) by the other [Acts](#) [written laws](#) referred to in the following [Table](#) [table](#).

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Sailors and Soldiers' Scholarship Fund Act 1938</i>	9 of 1938	30 Nov 1938	30 Nov 1938

[This Act was repealed by the Statutes \(Repeals and Miscellaneous Amendments\) Act 2009 s. 3\(c\) \(No. 8 of 2009\) as at 22 May 2009 \(see s. 2\(b\)\)](#)