



# Public Works Loans Act 1882

## 1882 CHAPTER 62

An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland and the Irish Land Commission ; and for other purposes relating to Loans by those Commissioners. [18th August 1882]

WHEREAS it is expedient to grant money for the purpose of loans by the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland and the Irish Land Commission :

And whereas it is expedient to amend the Acts relating to the said Commissioners, and to make provisions respecting certain sums due in respect of loans granted by the said Commissioners ;

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

### **1 Short title**

This Act may be cited as the Public Works Loans Act, 1882.

### **2 Citation of Acts**

This Act may be cited, together with the Public Works Loans Act, 1875, and the Public Works Loans Act, 1879, as the Public Works Loans Acts, 1879 to 1882.

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*Status: This is the original version (as it was originally enacted).*

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## PART I

### GRANT OF MONEY FOR PUBLIC WORKS LOAN COMMISSIONERS

#### 3 **Grant of 3,000,000l. for Public Works loans during the period ending 30th June 1883**

For the purpose of loans by the Public Works Loan Commissioners,—

- (1) Any sum or sums, not exceeding in the whole the sum of three million pounds, may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by the Public Works Loans Act, 1875, as : amended by the Public Works Loans Act, 1879 ; and
- (2) The Commissioners for the Reduction of the National Debt may advance any part or parts of the total sum above in this section mentioned in reduction of the amount which may be so issued out of the Consolidated Fund ;  
and such sums may be issued and advanced during the period ending on the day at which a further Act granting money for the purpose of the said loans comes into operation.

The Treasury may, in the manner and subject to the limitations provided by the Public Works Loans Act, 1875, borrow the sum authorised by this section to be issued out of the Consolidated Fund, or any part of that sum.

## PART II

### GRANT OF MONEY FOR PUBLIC WORKS COMMISSIONERS, IRELAND

#### 4 **Grant of 1,200,000l. for loan by Commissioners of Public Works in Ireland during the period ending 30th June 1883**

For the purpose of loans by the Commissioners of Public Works in Ireland,—

- (1) Any sum or sums, not exceeding in the whole one million two hundred thousand pounds, may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by Part Two of the Public Works Loans (Ireland) Act, 1877, as amended by the Public Works Loans Act, 1879; and
- (2) The Commissioners for the Reduction of the National Debt may advance any part or parts of the total sum above in this section mentioned in reduction of the amount which may be so issued out of the Consolidated Fund ;  
and such sums may be issued and advanced during the period ending on the day on which a further Act authorising the issue of money for those loans comes into operation.

The Treasury may, in the manner and subject to the limitations provided by Part Two of the Public Works Loans (Ireland) Act, 1877, borrow the sum authorised by this section to be issued out of the Consolidated Fund, or any part of that sum.

## PART III

### GRANT OF MONEY FOR IRISH LAND COMMISSION

#### 5 **Grant of 400,000l. to Land Commission**

For the purpose of advances or of purchases of estates by the Land Commission in Ireland under the Land Law (Ireland) Act, 1881, any sum or sums not exceeding in the whole the sum of four hundred thousand pounds may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by the said Act, and such sums may be issued during the period ending on the day on which a further Act providing money for the purpose of such advances or purchases comes into operation.

The Treasury may, in the manner and subject to the limitations provided by the said Act, borrow the sum authorised by this section to be issued out of the Consolidated Fund, or any part of that sum.

#### 6 **Power to borrow for purposes of Arrears of Rent (Ireland) Act, 1882**

Whereas by a Bill pending in Parliament for an Act to be called the Arrears of Rent (Ireland) Act, 1882, it is provided that the liabilities incurred by the Irish Land Commission as therein mentioned should be primarily charged on the Irish Church Temporalities Fund, and, subject thereto, on the Consolidated Fund in such manner as might thereafter be provided by Parliament.

And whereas it is expedient to make provision for the discharge of such liabilities in the event of the said Bill being passed : Be it therefore enacted as follows :

- (1) In the event of the said Arrears of Rent (Ireland) Act, 1882, being passed, the Irish Land Commission, for the purpose of meeting orders for payment made under the said Act, and of making advances, and of paying money for grants under the said Act, and generally of discharging the liabilities incurred by them under that Act, may, with the consent of the Treasury, from time to time borrow, on the security of the Irish Church Temporalities Fund, such sums not exceeding in the whole two million six hundred thousand pounds, and at such rate and on such terms as may be sanctioned by the Treasury.
- (2) The Commissioners for the Reduction of the National Debt may, if they think fit, with the approval of the Treasury, out of any money in their hands on account of savings banks, lend to the Irish Land Commission, with such guarantee as is by this section authorised, but not otherwise, the whole or any part of the money which by this section the Irish Land Commission are authorised to borrow.
- (3) For the purpose of giving effect to the charge by the said Act on the Consolidated Fund, the Treasury may from time to time guarantee, in such form as they think expedient, the payment of the principal and interest of all or any part of the money for the time being borrowed by the Irish Land Commission in pursuance of this section.
- (4) Any security given by the Irish Land Commission in pursuance of this section shall be in such form and contain such provisions as the Treasury may approve.
- (5) The Treasury may from time to time, if required, for the purpose of giving effect to any such guarantee as aforesaid, issue out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for the

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payment of the principal and interest guaranteed by them, or of any part thereof; but any money so issued shall be repaid to the Consolidated Fund out of any surplus of the funds in the hands of the Irish Land Commission on account of the Irish Church Temporalities Fund.

- (6) For the purposes of this section, the Irish Church Temporalities Fund means the fund under the control of the Irish Land Commission under the provisions of the Irish Church Act Amendment Act, 1881.

## PART IV

### AMENDMENT OF ACTS

#### 7 **Amendment of 24 & 25 Vict. c.45 as to provision for loans in provisional order respecting harbours**

Whereas under the General Pier and Harbour Act, 1861, the Board of Trade can make a provisional order, subject to confirmation by Parliament, authorising the construction of a harbour, pier, or other works within the meaning of the said Act, and authorising the promoters to raise a loan to the amount specified in the order for the purpose of such harbour, pier, or works, and in many cases where the promoters are a public body difficulties arise in raising such loan on account of the defective security, while the construction of the said harbour, pier, or works is of so great importance to the inhabitants of the town or place where the same are to be constructed that they would be willing to guarantee the loan, if power were given for this purpose, and it is expedient to provide for the conferring of such power by the provisional order : Be it therefore enacted as follows :

- (1) Where a provisional order under the General Pier and Harbour Act, 1861, authorises any public body to raise a loan for the construction of any works as defined by that Act in any place, the same or any other order may authorise any rating authority as herein-after defined in that place, under the circumstances and subject to the conditions specified in the order, to charge, if they think it expedient for the inhabitants at large of such place, any fund or rate under their control for the purpose of aiding the public body in raising the said loan, or any part thereof, from the Public Works Loan Commissioners, and to give such aid by guaranteeing the principal and interest of the loan or by borrowing the sum required and advancing it to the public body, or partly in one way and partly in the other, or otherwise in manner provided by the order.
- (2) The order shall provide that the resolution of the rating authority to give the guarantee shall be a special resolution, that is to say, a resolution passed at one meeting of such authority - and published in manner directed by the order, so as to give notice to all persons interested, and confirmed at a second meeting of the rating authority held not less than, fourteen days after the first of such public notices has been given, and not less than three months after the meeting at which the resolution was passed.
- (3) The order shall provide for the time within which and the mode in which any money borrowed by the rating authority is to be repaid, and for the effectual recovery out of the said fund or rate of any sum payable under the guarantee, and of the principal and interest of any money borrowed by the said authority, and for the reimbursement of the fund or rate out of the income of the said works, or otherwise by the said public body, and shall contain such incidental provisions as seem necessary or proper for carrying this section into effect.

- (4) The promoters of an order proposing to confer power under this section on any rating authority shall, a reasonable time before they apply to the Board of Trade to settle the order, submit to the Local Government Board, or as regards Scotland to the Secretary of State for the Home Department, a statement of such proposal, and if the Local Government Board, or Secretary of State for the Home Department, declare that in their opinion, having regard to the financial condition of the rating authority, or to the necessity for such rating authority to provide a water supply or drainage for the inhabitants of the said place, or otherwise to fulfil the original duties of such authority, it is inexpedient to burden such rating authority with any such charge as is mentioned in such proposal, the Board of Trade in settling the order shall omit any provision conferring power on the rating authority under this section.

In this section,—

The expression " public body " means any rating authority, also any commissioners, or trustees, or other body or person who manage or undertake the works without any view to the payment of any dividend or profits out of the revenue from such works:

The expression " rating authority " means—

- (1) As regards England, any authority being an urban sanitary authority under the Public Health Act, 1875, and the Acts amending the same; and
- (2) As regards Scotland, the town council or commissioners of police of, or other local authority having power to levy assessments in, any royal or parliamentary burgh, or in any populous place the boundaries whereof have been fixed and ascertained under the General Police and Improvement (Scotland) Act, 1862, or under the Act therein recited or under any local Act; and
- (3) As regards Ireland, any urban sanitary authority under the Public Health (Ireland) Act, 1878, and the Acts amending the same.

## **8 Account in case of loan on security of rate**

Where after the passing of this Act any money is advanced by the Public Works Loan Commissioners on the security of a rate as defined by the Public Works Loans Act, 1875, the borrowers shall cause their treasurer to keep a separate account under the title of the Public Works Loan Commissioners Loan Account, or such other title as may be approved by the Local Government Board, and shall cause all the said advances to be carried to the credit of that account, and all orders or other documents directing payments out of such account shall show on the face of them that the payment is to be made out of that account, and an order or other document for a payment out of the said account shall not be made or given except the payment is for a purpose for which the said advances were made.

## **9 Repeal of 38 & 39 Vict. c.89 s.13 and 40 & 41 Vict. c.27 s.11 as to annual and quarterly statements of amounts required by borrowers**

Section thirteen of the Public Works Loans Act, 1875, and section eleven of the Public Works Loans (Ireland) Act, 1877, (which provided for annual and quarterly statements from borrowers of the amounts which they will probably apply to borrow) are hereby repealed.

**10 Amendment as to repayment of advances of s. 28 of 44 & 45 Vict. c.49**

Whereas by section twenty-eight of the Land Law (Ireland) Act, 1881, it is provided that any advance made by the Irish Land Commission for the purpose therein mentioned shall be repaid by an annuity in favour of the Land Commission for thirty-five years of five pounds for every one hundred pounds of such advance, and so in proportion for any less sum, and further that every such advance shall be secured to the Commission either in such manner as may be agreed upon or in manner provided by Part Three of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872.

And whereas in pursuance of the last-mentioned Acts the annuity is repayable by equal half-yearly payments on the first day of May and the first day of November in every year, and the necessary apportionment is made in respect of the first and last of such payments.

And whereas it is expedient to make such different provision respecting the said annuity as herein-after mentioned : Be it therefore enacted as follows :

Where any advance repayable by an annuity under section twenty-eight of the Land Law (Ireland) Act, 1881, has either before or after the passing of this Act been secured in manner provided by Part Three of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, the first half-yearly payment of the annuity shall, where the advance is not made on one of the gale days (namely, the first day of May or the first day of November), be due and paid on the second of such gale days after the date of the advance, and together with such first half-yearly payment there shall be due and paid an additional sum for interest on the advance at the rate of three and a half per cent. per annum from the date of the advance, until the first gale day next after that date.

*Provision as to certain Loans*

**11 Power to postpone debt due from trustees of Pulteney Harbour at Wick**

Whereas the Public Works Loan Commissioners, under the Harbours and Passing Tolls Act, 1861, advanced in the year one thousand eight hundred and sixty-eight, and subsequent years, to the British Fisheries Society for Pulteney Town Harbour in Wick Bay sums amounting in the whole to sixty-two thousand pounds, which sums were expended on a breakwater and works for the harbour, and, with interest at the rate of three and a quarter per cent, per annum, are repayable out of the revenues of the harbour by annuities amounting in the whole to two thousand six hundred and forty-two pounds five shillings, and terminating between the years one thousand nine hundred and eighteen and one thousand nine hundred and twenty-three; and by the payment of such annuities the capital sum due has been reduced to fifty-seven thousand eight hundred and twenty-one pounds thirteen shillings and twopence.

And whereas the harbour and the revenues thereof were, in pursuance of an Act of Parliament, transferred by the British Fisheries Society to the Pulteney Harbour trustees, and the said Act charged the above annuities on the revenue of the harbour next after an annual sum of sixteen hundred pounds for the maintenance and management of the harbour.

And whereas the breakwater and works upon which the said sums were expended have been almost wholly destroyed by the violence of the sea, and in consequence of the

injury thereby caused to the harbour and other causes, the revenue of the harbour, upon which the said annuities are charged has been diminishing.

And whereas with a view to the restoration of the said works or other improvement of the harbour, it is expedient to raise further loans and to empower the Treasury, on being satisfied of the circumstances herein-after mentioned, to authorise such postponement of the said annuities due to the Public Works Loan Commissioners, as is herein-after mentioned: Be it therefore enacted as follows :

If the Pulteney Harbour trustees satisfy the Treasury that works for the restoration of the destroyed breakwater and works or otherwise for the improvement of Pulteney Harbour would be of public utility, and that such works can be executed for a reasonable sum, the Treasury may authorise the Public Works Loan Commissioners to agree that notwithstanding anything in the Public Works Loans Act, 1875, any loan or loans to be borrowed for the said works should, to such amount (not exceeding the said sum) and on such conditions as may seem expedient, have priority over the advances made by the Public Works Loan Commissioners before the passing of this Act, and the interest thereon, and may further authorise them to agree with the Pulteney Harbour trustees that the payments on account of the said advances, and the interest thereon, should be wholly or partly suspended during such number of years as may be agreed upon.

The Public Works Loan Commissioners may advance the said new loan or loans if they are satisfied with the sufficiency of the security for the same, irrespective of the said advances and interest hereby authorised to be postponed.