



Borrowing (Control and Guarantees) Act 1946

1946 CHAPTER 58

1 Treasury control of borrowing, etc.

- (1) The Treasury may make orders for regulating, subject to such exemptions as may be specified in the orders', all or any of the following transactions, that is to say—
- (a) the borrowing of money in Great Britain where the aggregate of the amount of money borrowed under the transaction and of any other amounts so borrowed by the same person in the previous twelve months (including any period before the passing of this Act) exceeds ten thousand pounds ;
 - (b) the raising of money in Great Britain by the issue, whether in Great Britain or elsewhere, by any body corporate, of any shares in that body corporate ;
 - (c) the issue for any purposes—
 - (i) by any body corporate of any shares in or debentures or other securities of that body corporate, if either the body corporate is incorporated under the law of England or Scotland or the shares, debentures or other securities are or are to be registered in England or Scotland ; or
 - (ii) by any Government, other than His Majesty's Government in the United Kingdom, of any securities of that Government which are or are to be registered in England or Scotland ;
 - (d) the circulation in Great Britain of any offer for subscription, sale or exchange of—
 - (i) any shares in or debentures or other securities of any body corporate not incorporated under the law of England or Scotland ; or
 - (ii) any securities of any Government other than His Majesty's Government in the United Kingdom :

Provided that paragraph (a) of this subsection shall not apply to the borrowing of money by any person (other than a local authority) in the ordinary course of his business from a person carrying on a banking undertaking.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) The provisions of this section shall apply in relation to units under a unit trust scheme as they apply in relation to shares in a body corporate, but as if—
- (a) any reference to the issue of shares in a body corporate by that body corporate were a reference to an issue of units for the purposes of the scheme ; and
 - (b) any reference to shares in a body corporate incorporated, or not incorporated, under the law of England or Scotland were a reference to units issued under a scheme governed, or not governed, by the law of England or Scotland.
- (3) The provisions of the Schedule to this Act (which relate to enforcement and penalties) shall have effect in relation to orders made under this section but the rights of the persons concerned in any transaction shall not be affected by the fact that the transaction was in contravention of any such orders.