



Railway Companies Act 1867

1867 CHAPTER 127

Loan Capital

23 Priority of Mortgages.

All Money borrowed or to be borrowed by a Company on Mortgage or Bond or Debenture Stock under the Provisions of any Act authorizing the borrowing thereof shall have Priority against the Company and the Property from Time to Time of the Company over all other Claims on account of any Debts incurred or Engagements entered into by them after the passing of this Act: Provided always, that this Priority shall not affect any Claim against the Company in respect of any Rentcharge granted or to be granted by them in pursuance of The Lands Clauses Consolidation Act, 1845, or The Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any Rent or Sum reserved by or payable under any Lease granted or made to the Company by any Person in pursuance of any Act relating to the Company which is entitled to rank in priority to, or *pari passu* with, the Interest or Dividends on the Mortgages, Bonds, and Debenture Stock; nor shall anything herein-before contained affect any Claim for Land taken, used, or occupied by the Company for the Purposes of the Railway, or injuriously affected by the Construction thereof, or by the Exercise of any Powers conferred on the Company.

24 Power to issue Debenture Stock, subject to Part in of 26 & 27 Vict. c.118.

Any Company may create and issue Debenture Stock, subject to the Provisions of Part III of The Companies Clauses Act, 1863, (relating to Debenture Stock,) and the said Part III shall, with respect to any Special Act of a Company incorporating that Part, whether passed or to be passed, be read and have Effect as if the following Words, that is to say, " not exceeding the Rate pre" scribed in the Special Act, and if no Rate is prescribed then not " exceeding the Rate of Four Pounds *per Centum per Annum*," had not been inserted in Section Twenty-two of that Act; and for the Purposes of the present Section this Act shall be deemed a Special Act passed incorporating that Part and any Special Act of a Company passed before the passing of this Act prescribing any Rate shall be read and have Effect as if no Rate had been prescribed therein.

Status: This is the original version (as it was originally enacted).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

25 Restriction on Rate of Interest on Debenture Stock already authorized.

Provided that any Debenture Stock the Creation whereof has been authorized by a Company, but which has not been issued, before the passing of this Act, shall not be issued on any Terms other than those whereon it might have been issued if this Act had not been passed, unless and until the Issue thereof on Terms other than as aforesaid is after the passing of this Act authorized by the Company in manner provided in Section Twenty-two of The Companies Clauses Act, 1863.

26 Advances to meet Debentures falling due.

Money borrowed by a Company for the Purpose of paying off, and duly applied in paying off, Bonds or Mortgages of the Company given or made under the statutory Powers of the Company, shall, so far as the same is so applied, be deemed Money borrowed within and not in excess of such statutory Powers.