

Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.

DRAFT STATUTORY INSTRUMENTS

2019 No.

PUBLIC BODIES

The Public Bodies (Abolition of Public Works Loan Commissioners) Order 2019

*Made - - - -
Coming into force in accordance with articles 1(2) and 1(3)*

The Treasury makes the following Order in exercise of the powers conferred by sections 1(1), and (2), 6(1), (2)(a) and (5), 23(1)(a), (2)(b), and (6) and 35(2) of the Public Bodies Act 2011⁽¹⁾ (“the Act”).

In accordance with section 8 of the Act, the Treasury considers that this Order—

- (a) serves the purpose of improving the exercise of public functions, having regard to the factors set out in section 8(1); and
- (b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The Treasury has consulted in accordance with section 10 of the Act.

A draft of this Order, and an explanatory document containing the information required by section 11(2) of the Act, have been laid before Parliament in accordance with section 11(1) after the end of the period of 12 weeks mentioned in section 11(3). In accordance with section 11(4) of the Act, the draft of this order has been approved by a resolution of each house of Parliament after the expiry of the 40-day period referred to in that provision.

Citation and commencement

1.—(1) This Order may be cited as the Public Bodies (Abolition of Public Works Loan Commissioners) Order 2019.

(2) Subject to paragraph (3), this Order shall come into force on the day after the day on which it is made.

(1) [2011 c.24](#). The reference to “Public Works Loan Commissioners” was inserted into Schedule 1 to the Act by section 54 of the Infrastructure Act [2015, c.7](#).

(3) Article 7 comes into force on the day after that on which the other provisions of this Order come into force.

Interpretation

2. In this Order—

“Commissioner” means a Public Works Loan Commissioner⁽²⁾;

“the transfer date” means the day on which this Order (other than as provided in article 1(3)) comes into force.

Abolition of the Public Works Loan Commissioners

3. The office of Public Works Loan Commissioner is abolished.

Transfer of functions

4. The functions of the Commissioners are transferred to the Treasury.

Transfers of property, rights and liabilities

5.—(1) The person who immediately before the transfer date is appointed as the secretary of the Commissioners is to be treated, on and after the transfer date, as if the person had been appointed as the Public Works Loans Secretary under section 6(1) of the Public Works Loans Act 1875⁽³⁾.

(2) All land which the Commissioners own, have the benefit of, or are entitled to immediately before the transfer date is transferred to and vested in the Public Works Loans Secretary.

(3) All property, interests, rights and liabilities which the Commissioners own, have the benefit of, are entitled to, or are subject immediately before the transfer date, other than any land that is transferred to the Public Works Loans Secretary pursuant to paragraph (2) above, are transferred to and vested in the Treasury.

Final report

6.—(1) As soon as reasonably practicable after the transfer date, the Treasury must make a report (“the final report”) setting out the details in paragraph (2) for the period which—

- (a) began immediately after the end of the last period for which the Commissioners made a report under section 5(3) of the Public Works Loans Act 1875, and
- (b) ended immediately before the transfer date.

(2) The final report must contain details of—

- (a) any money issued to the Commissioners;
- (b) any loans granted by the Commissioners;
- (c) the execution of the duties of the Commissioners;
- (d) any difference that may have arisen between the Commissioners and any public department respecting the grant of any loan or the construction of any Act relating to the loans by the Commissioners; and
- (e) any other particulars as the Treasury may think fit.

(3) The Treasury must lay a copy of the final report before Parliament.

⁽²⁾ The Public Works Loan Commissioners were established by section 4 of the Public Works Loans Act 1875.

⁽³⁾ 1875 c.89.

Repeal of reference to the Commissioners in the Public Bodies Act 2011

7. In Schedule 1 to the Act, omit “Public Works Loan Commissioners”(4).

Consequential provisions

8. Schedule 1 (which makes consequential amendments to primary legislation) and Schedule 2 (which makes consequential amendments to secondary legislation) have effect.

Supplementary

9.—(1) Nothing in this Order affects the validity of anything done (or having effect as if done) by or in relation to the Commissioners before the transfer date.

(2) Anything (including legal proceedings) which immediately before the transfer date is in the process of being done by or in relation to the Commissioners may be continued on or after the transfer date by or in relation to the Treasury.

(3) Anything done (or having effect as if done) by or in relation to the Commissioners has effect, so far as is necessary for continuing its effect on or after the transfer date, as if done by or in relation to the Treasury.

(4) Subject to the express provision made in Schedules 1 and 2 and so far as necessary or appropriate for the purposes of or in consequence of articles 4 or 5—

- (a) a reference to the Commissioners in an enactment, instrument or other document—
 - (i) where such reference is in respect of land, is to be treated as a reference to the Public Works Loans Secretary, and
 - (ii) in all other cases is to be treated as a reference to the Treasury;
- (b) a reference to the secretary to the Commissioners in an enactment, instrument or other document is to be treated as a reference to the Public Works Loans Secretary; and
- (c) a reference to the Public Works Loan Board is to be treated as a reference to the Treasury.

Date

name
name
Two of the Lords Commissioners of Her
Majesty’s Treasury

(4) Public Works Loan Commissioners were inserted into Schedule 1 of the Public Bodies Act 2011 by section 54 of the Infrastructure Act 2015 c.7.

SCHEDULE 1

Article 8

Consequential provisions – primary legislation

Harbours and Passing Tolls, &c. Act 1861

1. The Harbours and Passing Tolls, &c. Act 1861⁽⁵⁾ is amended as follows.

2.—(1) Section 3 (advances of money to harbour authorities by Public Works Loan Commissioners under 19 & 20 Vict c 17) is amended as follows.

(2) In the heading, for “Public Works Loan Commissioners under 19 & 20 Vict c 17” substitute “the Treasury”.

(3) For the words “Public Works Loan Commissioners” substitute “Treasury” in each place occurring.

(4) In the words before subsection (1) omit the words “, as defined by the Act of the nineteenth year of the reign of Her present Majesty, chapter seventeen,”.

(5) For the words “said Commissioners” substitute “Treasury” in each place occurring.

(6) In subsection (6) for “the Commissioners” substitute “the Treasury.”

Public Works and Fisheries Acts Amendment Act 1863

3. The Public Works and Fisheries Acts Amendment Act 1863⁽⁶⁾ is amended as follows.

4.—(1) Section 1 (Public Works Loan Commissioners may grant priority of security in respect of loans to harbour authorities by other persons over securities given to them) is amended as follows.

(2) In the heading for “Public Works Loan Commissioners” substitute “The Treasury”.

(3) For “the Public Works Loan Commissioners” substitute “local loans made under section 3 of the National Loans Act 1968”.

(4) For “the Commissioners” in each place occurring, substitute “the Treasury”.

(5) For “the said Commissioners” substitute “the Treasury”.

5.—(1) Section 2 (such priority not to give validity to any security which could not have been given if this Act had not passed, etc) is amended as follows.

(2) For “Commissioners” substitute “Treasury” in the first and last place occurring.

(3) For “secretary for the time being of the Commissioners” substitute “Public Works Loans Secretary (see section 6 of the Public Works Loans Act 1875)”.

6.—(1) Section 3 (how priority may be granted) is amended as follows.

(2) For “Public Works Loan Commissioners” substitute “Treasury”.

(3) For “under the hand of the secretary for the time being of the Commissioners” substitute “by the Public Works Loans Secretary”.

(4) For “which the Commissioners” substitute “which the Treasury”.

7.—(1) Section 4 (harbour authorities may borrow money to pay off debts having priority over securities for loans by Public Works Loan Commissioners, etc) is amended as follows.

(5) 1861 c. 47.

(6) 1863 c. 81.

(2) In the heading for “loans by Public Works Loan Commissioners, etc” substitute “local loans made by the Treasury”.

(3) For “loan by the Public Works Loan Commissioners” substitute “local loan, made under section 3 of the National Loans Act 1968(7),”.

(4) For “relating to the Public Works Loan Commissioners” substitute “relating to local loans”.

Public Works Loans Act 1875

8. The Public Works Loans Act 1875 is amended as follows.

9. Omit section 4 (constitution, &c. of Public Works Loan Commissioners).

10.—(1) Section 5 (powers, etc of Commissioners) is amended as follows.

(2) In the heading, for “Commissioners” substitute “the Treasury”.

(3) In the words before subsection (1) for “the Loan Commissioners” substitute “local loans”.

(4) In subsection (2) for “Commissioners” substitute “Treasury”.

(5) In subsection (3)—

(a) for “Loan Commissioners” substitute “Treasury” in each place occurring;

(b) for “the Commissioners” substitute “the Treasury”;

(c) omit the words “either before or after the passing of this Act”; and

(d) omit the words “transmitted to the Treasury and shall be”.

(6) Omit subsections (4) and (5).

11. For section 6 (officers and their salaries and expenses) substitute –

“6 The Public Works Loans Secretary

(1) A person may be appointed from time to time by the Treasury to the office of the Public Works Loans Secretary and that person shall be known as the Public Works Loans Secretary.

(2) A person holds and vacates office as the Public Works Loans Secretary in accordance with the terms made by the Treasury.

(3) The Public Works Loans Secretary exercises the functions of that office on behalf of the Crown.

(4) The Treasury may appoint an assistant to the Public Works Loans Secretary as they consider necessary.”

12.—(1) Section 7 (securities given to and property vested in secretary to vest in his successor) is amended as follows.

(2) In the heading for “securities given to and property vested in secretary to vest in his successor” substitute “Securities given to and land and property vested in the Public Works Loans Secretary to vest in their successor”.

(3) Insert “or instrument” after the words “any other Act”.

(4) For “real”, in both places occurring, substitute “land”.

(7) 1968 c.13.

(5) For “secretary of the Loan Commissioners for the time being as such secretary, and in respect of his office” substitute “Public Works Loans Secretary for the time being as the holder of, and in respect of, that office”.

(6) For “secretary”, in the third and each subsequent place occurring, substitute “Public Works Loans Secretary”.

13.—(1) Section 8 (execution of conveyances, leases, etc, by secretary on behalf of Commissioners) is amended as follows.

(2) In the heading for “secretary on behalf of the Commissioners” substitute “the Public Works Loans Secretary on behalf of the Treasury”.

(3) For “Loan Commissioners” substitute “Treasury” in each place occurring.

(4) For “their secretary” substitute “the Public Works Loans Secretary”.

(5) For “such secretary” substitute “the Public Works Loans Secretary”.

(6) For “under the direction of the Commissioners”, in both places occurring, substitute “under the direction of the Treasury”.

(7) For “the secretary of the Commissioners” substitute “the Public Works Loans Secretary”.

14.—(1) Section 9 (loans for public works) is amended as follows.

(2) For the heading substitute “Local loans”.

(3) For “Loan Commissioners” substitute “Treasury”.

(4) For “loan” substitute “local loan”.

15.—(1) Section 11 (term of years for repayment of loan) is amended as follows.

(2) In the heading for “loan” substitute “local loan”.

(3) For “loan granted under this Act” substitute “local loan”.

(4) For “a loan has been granted” substitute “a local loan has been granted”.

(5) For “Loan Commissioners”, in the first place occurring, substitute “Treasury”.

(6) Omit “on the recommendation of the Loan Commissioners,”.

(7) For “may be recommended by the Loan Commissioners” substitute “they see fit”.

16.—(1) Section 12 (security for loans) is amended as follows.

(2) In the heading for “loans” substitute “local loans”.

(3) For “Loan Commissioners” substitute “Treasury” in each place occurring.

(4) For “a loan” substitute “a local loan”.

17.—(1) Section 18 (charge on property and priority of loan by the Commissioners) is amended as follows.

(2) In the heading for “of loan by the Commissioners” substitute “of local loans by the Treasury”.

(3) For “a loan” substitute “a local loan”.

(4) For “Loan Commissioners” substitute “Treasury”.

(5) For “the Commissioners” substitute “the Treasury” in each place occurring.

18.—(1) Section 19 (charges on rate of loan and loan not to be repudiated by locality having had the benefit of it) is amended as follows.

(2) In the heading for “loan and loan” substitute “local loan and local loan”.

- (3) For “a loan” substitute “a local loan”.
- (4) For “Loan Commissioners” substitute “Treasury”.
- (5) For “the Commissioners” substitute “the Treasury” in each place occurring.

19.—(1) Section 20 (securities to be taken in name of secretary) is amended as follows.

- (2) In the heading for “secretary” substitute “the Public Works Loans Secretary”.
- (3) For “any loan granted by the Loan Commissioners in pursuance of this Act” substitute “any local loan”.
- (4) For “secretary of the Commissioners on their behalf” substitute “Public Works Loans Secretary”.
- (5) For “to the Commissioners” substitute “to the Treasury”.

20.—(1) Section 21 (taking possession by commissioners of property on default of payment) is amended as follows.

- (2) In the heading for “Commissioners” substitute “the Treasury”.
- (3) For “any loan” substitute “any local loan”.
- (4) For “Loan Commissioners” substitute “Treasury”.
- (5) For “the Commissioners” substitute “the Treasury”.

21.—(1) Section 22 (powers of Commissioners when in possession) is amended as follows.

- (2) In the heading for “Commissioners” substitute “the Treasury”.
- (3) In the words before subsection (1)—
 - (a) for “Loan Commissioners” substitute “Treasury”; and
 - (b) after “authorised” insert “by this Act”.
- (4) In subsection (1) for “secretary of the Commissioners” substitute “Public Works Loans Secretary”.
- (5) In subsection (2) –
 - (a) for “The Commissioners may by themselves” substitute “The Treasury,”;
 - (b) after “aforesaid” insert “, may”; and
 - (c) for “their secretary” substitute “the Public Works Loans Secretary”.
- (6) In subsection (3) –
 - (a) for “Commissioners” substitute “Treasury” in both places occurring; and
 - (b) for “their secretary” substitute “the Public Works Loans Secretary”.
- (7) In subsection (4) for “The Commissioners may, with the consent of the Treasury,” substitute “The Treasury may”.
- (8) In subsection (5) –
 - (a) for “the Commissioners may, with the consent of the Treasury,” substitute “the Treasury may”; and
 - (b) for “neither the Commissioners, nor their secretary” substitute “neither the Treasury, nor the Public Works Loans Secretary”.
- (9) In subsection (6) –
 - (a) for “the Commissioners” substitute “the Treasury” in the first place occurring;

- (b) for “the secretary of the Commissioners” substitute “the Public Works Loans Secretary”;
and
- (c) for “the Commissioners” substitute “the Treasury” in the third place occurring.

22.—(1) Section 23 (powers in relation to rate where default made) is amended as follows.

- (2) For “a loan” substitute “a local loan”.
- (3) For “Commissioners” substitute “Treasury” in each place occurring.
- (4) For “their secretary” substitute “the Public Works Loans Secretary”.

23.—(1) Section 24 (liability of Commissioners after taking possession or in default of payment) is amended as follows.

- (2) In the heading for “Commissioners” substitute “the Treasury”.
- (3) For “Loan Commissioners” substitute “Treasury”.
- (4) For “their secretary” substitute “the Public Works Loans Secretary”.

24.—(1) Section 25 (sale and mortgage by Commissioners of mortgaged premises) is amended as follows.

- (2) In the heading for “Commissioners” substitute “the Treasury”.
- (3) For “Loan Commissioners” substitute “Treasury” in each place occurring.
- (4) After “power” in the first place occurring insert “under this Act”.
- (5) For “the Commissioners” substitute “the Treasury”.

25. In section 26 (purchaser not liable to see to the validity of sale or application of money) for “Commissioners or their secretary” substitute “Treasury or the Public Works Loans Secretary”.

26.—(1) Section 27 (terms of lease, sale, or mortgage) is amended as follows.

- (2) For “secretary of the Commissioners” substitute “Public Works Loans Secretary”.
- (3) For “Loan Commissioners, or their secretary” substitute “Treasury, or the Public Works Loans Secretary”.
- (4) For “by the Commissioners” substitute “by the Treasury”.
- (5) For “of the Commissioners” substitute “of the Treasury”.

27.—(1) Section 28 (application of money arising on taking possession, sale, mortgage, etc, by Commissioners) is amended as follows.

- (2) In the heading for “Commissioners” substitute “the Treasury”.
- (3) For “Loan Commissioners” substitute “Treasury”.
- (4) For “the Commissioners” substitute “the Treasury” in the first and second place occurring.
- (5) For “secretary of the Commissioners” substitute “Public Works Loans Secretary”.

28.—(1) Section 29 (payment of loan before it is due, and transfer of security for all or part of loan) is amended as follows.

- (2) In the heading insert “local” before the word “loan” in both places occurring.
- (3) For “Loan Commissioners” substitute “Treasury”.
- (4) For “any loan” substitute “any local loan”.
- (5) For “the Commissioners” substitute “the Treasury” in each place occurring.

(6) For “their secretary” substitute “the Public Works Loans Secretary”.

29.—(1) Section 30 (discharge of security and reversion of property on repayment of loan) is amended as follows.

(2) In the heading for “loan” substitute “local loan”.

(3) For “Commissioners” substitute “Treasury” in each place occurring.

30.—(1) Section 31 (bankruptcy of debtor) is amended as follows.

(2) For “loan under this Act” substitute “local loan” in both places occurring.

(3) For “Commissioners” substitute “Treasury”.

31. In section 32 (form of mortgage) for “secretary of the Loan Commissioners” substitute “Public Works Loans Secretary”.

32. In section 33 (recovery of debt on personal security) for “a loan granted by the Loan Commissioners (either before or after the passing of this Act)” substitute “a local loan”.

33.—(1) Section 34 (recovery of loan after the expiration of term for repayment) is amended as follows.

(2) In the heading for “loan” substitute “local loan”.

(3) For “loan under this Act” substitute “local loan”.

(4) For “Loan Commissioners” substitute “Treasury”.

34.—(1) Section 35 (security for completion of works partly finished or not commenced) is amended as follows.

(2) For “Commissioners” substitute “Treasury”.

(3) For “a loan” substitute “a local loan”.

35.—(1) Section 37 (suspension of payment of principal and interest) is amended as follows.

(2) Omit the words “, on the recommendation of the Loan Commissioners,”.

(3) For “loan granted by the Commissioners” substitute “local loan”.

(4) Omit the words “on the said recommendation”.

36.—(1) Section 38 (change of security) is amended as follows.

(2) For “Loan Commissioners” substitute “Treasury”.

(3) Omit “subject to the prescribed regulations,”.

(4) For “the Commissioners” substitute “the Treasury”.

(5) For “the loan” in both places occurring substitute “the local loan”.

37.—(1) Section 39 (concurrence by Commissioners in leases, sales, etc, of mortgaged property) is amended as follows.

(2) In the heading for “Commissioners” substitute “the Treasury”.

(3) For “Loan Commissioners” substitute “Treasury”.

38.—(1) Section 41 (regulations by Commissioners) is amended as follows.

(2) In the heading for “Commissioners” substitute “the Treasury”.

(3) For “Loan Commissioners” substitute “Treasury”.

- (4) Omit the words “the quorum and proceedings of the Commissioners and”.
- (5) For “loans under this Act” substitute “local loans”.
- (6) For “such Commissioners” in both places occurring, substitute “the Treasury”.
- (7) Omit the words from “Every such regulation shall be submitted” to “shall have effect”.
- (8) For “Every such regulation”, in the second place occurring, substitute “Any power conferred by this Act to make regulations shall be exercisable by statutory instrument and any such statutory instrument”.

39. For section 43 (accounts) substitute—

“43 Accounts

The Treasury shall keep at the Bank of England such account, in respect of local loans, as they deem necessary and under such title as they deem appropriate.”.

- 40.**—(1) Section 46 (receipt for money payable on account of loan, etc) is amended as follows.
- (2) In the heading for “loan” substitute “local loan”.
 - (3) For “loan granted under this Act” substitute “local loan”.
 - (4) For “Loan Commissioners or their secretary,” substitute “Treasury or the Public Works Loans Secretary, in respect of local loans,”.

41.—(1) Section 48 (notices to and by Commissioners) is amended as follows.

- (2) In the heading for “Commissioners” substitute “the Treasury”.
- (3) For “Loan Commissioners” substitute “Treasury” in each place occurring.
- (4) For “their secretary” substitute “the Public Works Loans Secretary”.
- (5) For “at the office of the Commissioners” substitute “to the offices of the Treasury”.

42.—(1) Section 50 (application of Act to loans under special Acts) is amended as follows.

- (2) For “by the Loan Commissioners” substitute “under such special Act”.
- (3) Insert “and the National Loans Act 1968” after the words “powers of this Act”.
- (4) For “loan under this Act” substitute “local loan”.

43.—(1) Section 51 (definitions) is amended as follows.

- (2) Omit the words “with the approval of the Treasury” in the definition of “prescribed”.
- (3) After the definition of “financial year” insert—

“The expression “local loan” means a loan made in pursuance of section 3 of the National Loans Act 1968.”.
- (4) For the definition of “special Act” substitute—

“The expression “special Act” means any Act under which local loans may be made by the Treasury and for the purposes of sections 18 and 50 of this Act only, any Act relating to any person having power to borrow money from the Treasury as a local loan.”.

44. Omit Section 55 (reference in Acts to repealed Acts).

45. Omit Section 57 (repeal of Acts).

46. Omit Schedule 2 (form of Declaration).

Public Works Loans (Money) Act 1876

47. The Public Works Loans (Money) Act 1876⁽⁸⁾ is repealed.

Public Works Loans Act 1944

48. The Public Works Loans Act 1944⁽⁹⁾ is amended as follows.

49.—(1) Section 4 (performance of functions of secretary of Public Works Loan Commissioners, in event of illness, etc, by assistant secretary) is amended as follows.

(2) In the heading for “secretary of Public Works Loan Commissioners, in event of illness, etc, by assistant secretary” substitute “the Public Works Loans Secretary in event of illness, etc”.

(3) In subsection (1) –

- (a) for “Public Works Loan Commissioners” substitute “Treasury”;
- (b) for “their secretary” in the first place occurring substitute “the person holding office as the Public Works Loans Secretary (see section 6 of the Public Works Loans Act 1875)”;
- (c) for “any of their” substitute “any of his”;
- (d) for “their secretary” in the second place occurring substitute “the Public Works Loans Secretary”; and
- (e) for “the secretary” substitute “the Public Works Loans Secretary”.

(4) In subsection (2) –

- (a) omit “of the said Commissioners”; and
- (b) omit “by the said Commissioners”.

Local Authorities Loans Act 1945

50. The Local Authorities Loans Act 1945⁽¹⁰⁾ is amended as follows.

51.—(1) Section 2 (amendment of Public Works Loans Act 1875) is amended as follows.

(2) In subsection (2) for “a loan made thereunder” substitute “a local loan”.

(3) Subsection (3) is omitted.

52.—(1) Section 4 (repayment of loans made by Public Works Loan Commissioners) is amended as follows.

(2) In the heading, for “loans made by Public Works Loans Commissioners” substitute “local loans made by the Treasury”.

(3) In subsection (1) for “Public Works Loan Commissioners” substitute “Treasury, as a local loan,”.

(4) In subsection (2) –

- (a) for “said Act” substitute “Public Works Loans Act 1875”; and
- (b) for “from the said Commissioners, or to prevent the said Commissioners or” substitute “or to prevent”.

(5) In subsection (3) –

- (a) for “the said Commissioners” substitute “the Treasury, as a local loan,”; and

⁽⁸⁾ 1876 c.31.

⁽⁹⁾ 1944 c.16.

⁽¹⁰⁾ 1945 c.18.

(b) for “the Commissioners” substitute “the Treasury”.

53. In section 7 (power to carry loans to consolidated loans funds and loans pools) for “Public Works Loan Commissioners” substitute “Treasury, as a local loan,”.

54. In section 10 (interpretation) at the end insert ““local loan” has the meaning given in section 3(12) of the National Loans Act 1968.”.

Public Works Loans Act 1946

55. The Public Works Loans Act 1946(11) is repealed.

Coast Protection Act 1949

56. The Coast Protection Act 1949(12) is amended as follows.

57. In section 20(2) (contributions towards expenses of coast protection) for “loan made by the Public Works Loan Commissioners” substitute “local loan made by the Treasury under section 3 of the National Loans Act 1968”.

Harbours Act 1964

58. The Harbours Act 1964(13) is amended as follows.

59.—(1) Section 13 (maximum amount of loans and grants under sections 11 and 12, and cesser of, certain other powers to give financial assistance) is amended as follows.

(2) In subsection (2) –

- (a) in paragraph (a) for “Public Works Loan Commissioners” substitute “Treasury”; and
- (b) omit “unless those Commissioners have agreed before the passing of this Act to make it.”.

Public Works Loans Act 1965

60. The Public Works Loans Act 1965(14) is amended as follows.

61.—(1) Section 2 (new form of local loan and automatic charge for securing it) is amended as follows.

(2) In subsection (1) –

- (a) for “Loan Commissioners” substitute “Treasury”; and
- (b) for “lending money to a relevant authority under section 9 of that Act” substitute “making a local loan to a relevant authority under section 3 of the National Loans Act 1968”.

(3) In subsection (3) for “Loan Commissioners” substitute “Treasury”.

62. In paragraph 7 of the Schedule for “Loan Commissioners” substitute “Treasury”.

National Loans Act 1968

63. The National Loans Act 1968 is amended as follows.

64.—(1) Section 3 (local loans) is amended as follows.

(11) 1946 c.41.

(12) 1949 c.74.

(13) 1964 c.40.

(14) 1965 c.63.

(2) For subsection (1) substitute—

“(1) The Treasury may issue out of the National Loans Fund such sums as are required for making loans of the descriptions set out in Schedule 4, subject to the limit in section 4.”.

(3) In subsection (2) for “loans made by the Loan Commissioners” substitute “local loans”.

(4) In subsection (3) –

- (a) for “loans made by the Loan Commissioners” substitute “local loans”; and
- (b) for “Loans Commissioners” in the last place occurring substitute “Treasury”.

(5) In subsection (5) –

- (a) For “Loan Commissioners” substitute “Treasury’s”; and
- (b) for “loans” substitute “local loans” in both places occurring.

(6) In subsection (6) –

- (a) for “Loan Commissioners”, in the first place occurring, substitute “Treasury”,
- (b) omit “in such form and manner as the Treasury may direct”;
- (c) for “all loans made by the Loan Commissioners” in the first place occurring substitute “local loans made”; and
- (d) for “all loans made by the Loan Commissioners” in the second place occurring substitute “local loans”.

(7) For subsection (11) substitute –

“(11) The Public Works Loans Act 1875 and any enactments amending that Act shall apply to local loans.”.

(8) For subsection (12) substitute –

“(12) In this Act “local loans” means loans made, in pursuance of this section, of the descriptions set out in Schedule 4 to this Act.”.

65. In section 4(1)(a) (limit for local loans) for “Loan Commissioners” substitute “Treasury”.

66. In section 22(1) (interpretation) for ““Loan Commissioners” and “local loans” have the meanings” substitute ““local loans” has the meaning”.

House of Commons Disqualification Act 1975

67. The House of Commons Disqualification Act 1975(**15**) is amended as follows.

68. In Part 3 of Schedule 1 (other Disqualifying Offices) omit “Public Works Loan Commissioner.”.

Housing Act 1985

69. The Housing Act 1985(**16**) is amended as follows.

70.—(1) Section 451 (loans by Public Works Loan Commissioners) is amended as follows.

- (2) For the heading substitute “Local loans made by the Treasury”.
- (3) For “Public Works Loan Commissioners” substitute “Treasury” in each place occurring.
- (4) After subsection (1) insert –

(15) 1975 c.24.

(16) 1985 c.68.

“(1A) Any loan made under subsection (1) is a local loan for the purposes of section 3 of the National Loans Act 1968 (see Schedule 4 to that Act).”.

Housing Associations Act 1985

71. The Housing Associations Act 1985(**17**) is amended as follows.

72.—(1) Section 68 (loans by Public Works Commissioners) is amended as follows.

(2) For the heading “Loans by Public Works Commissioners” substitute “Local loans made by the Treasury”.

(3) For “Public Works Loan Commissioners” substitute “Treasury” in each place occurring.

(4) After subsection (1) insert—

“(1A) Any loan made under subsection (1) is a local loan for the purposes of section 3 of the National Loans Act 1968 (see Schedule 4 to that Act).”.

Housing (Scotland) Act 1987

73. The Housing (Scotland) Act 1987(**18**) is amended as follows.

74.—(1) Section 231 (loans by Public Works Loan Commissioners) is amended as follows.

(2) In the heading for “Loans by Public Works Loan Commissioners” substitute “Local loans made by the Treasury”.

(3) In subsection (1) for “Public Works Loan Commissioners” in both places occurring substitute “Treasury”.

(4) After subsection (1) insert—

“(1A) Any loan made under subsection (1) is a local loan for the purposes of section 3 of the National Loans Act 1968 (see Schedule 4 to that Act).”.

(5) In subsection (4)(c) for “Public Works Loan Commissioners” substitute “Treasury”.

(6) In subsection (5) for “Public Works Loan Commissioners” substitute “Treasury”.

Housing (Scotland) Act 1988

75. The Housing (Scotland) Act 1988(**19**) is amended as follows.

76. In section 67(4) (abolition and capitalisation of certain subsidies and contributions) in paragraph (a) of the definition of “the relevant capital amount”, for “Public Works Loan Commissioners” substitute “Treasury, as a local loan made under section 3 of the National Loans Act 1968,”.

Local Government and Housing Act 1989

77. The Local Government and Housing Act 1989(**20**) is amended as follows.

78.—(1) Section 157 (commutation of, and interest on, periodic payments of grants etc) is amended as follows.

(2) In subsection (1)(b) –

(17) 1985 c.69.

(18) 1987 c.26.

(19) 1988 c.43.

(20) 1989 c.42.

- (a) for “Public Works Loan Commissioners” substitute “Treasury, in respect of local loans made under section 3 of the National Loans Act 1968”; and
 - (b) for “those Commissioners” substitute “the Treasury”.
- (3) In subsection (2) –
- (a) for “Public Works Loan Commissioners” substitute “Treasury”; and
 - (b) for “those Commissioners” substitute “the Treasury”.
- (4) In subsection (7) –
- (a) in the words before paragraph (a) for “Public Works Loan Commissioners” substitute “Treasury”; and
 - (b) in paragraph (a) for “those Commissioners” substitute “the Treasury”.

Housing Act 1996

79. The Housing Act 1996⁽²¹⁾ is amended as follows.

80.—(1) Section 23 (loans by Public Works Loans Commissioners) is amended as follows.

- (2) For the heading substitute “Local loans made by the Treasury”.
- (3) For “Public Works Loan Commissioners” substitute “Treasury” in each place occurring.
- (4) At the end insert–

“(7) Any loan made under subsection (1) is a local loan for the purposes of section 3 of the National Loans Act 1968 (see Schedule 4 to that Act).”.

Local Government Act 2003

81. The Local Government Act 2003⁽²²⁾ is amended as follows.

82.—(1) Section 38 (loans by public works loans commissioners) is amended as follows.

- (2) For the heading substitute “Local loans”.
- (3) For “Public Works Loan Commissioners” in both places occurring substitute “Treasury, in respect of local loans made under section 3 of the National Loans Act 1968,”.
- (4) For “those Commissioners” substitute “the Treasury” in both places occurring.
- (5) In subsection (3) for “the Commissioners” substitute “the Treasury”.
- (6) In subsection (4) for “The Commissioners” substitute “The Treasury”.

83. In Section 39(6) (payments towards local authority indebtedness) for “Public Works Loan Commissioners” substitute “Treasury, in respect of local loans made under section 3 of the National Loans Act 1968”.

Local Government in Scotland Act 2003

84. The Local Government in Scotland Act 2003⁽²³⁾ is amended as follows.

85.—(1) Section 38 (Scottish ministers’ power to pay off loans made to local authorities) is amended as follows.

- (2) In subsection (1) –

(21) 1996 c.52.

(22) 2003 c.26.

(23) 2003 asp 1.

- (a) for “Public Works Loan Commissioners” substitute “Treasury, in respect of a local loan made under section 3 of the National Loans Act 1968,”; and
- (b) for “Commissioners” substitute “Treasury” in both places occurring.

SCHEDULE 2

Article 8

Consequential provisions – secondary legislation

Local Loans (Procedure) Regulations 1968

1. The Local Loans (Procedure) Regulations 1968⁽²⁴⁾ are amended as follows.
2. Omit regulation 1 (meetings of the Commissioners).
- 3.—(1) Regulation 2 (application for loans) is amended as follows.
 - (2) Insert “local” before the word “loans”.
 - (3) For “Commissioners” substitute “Treasury” in both places occurring.
- 4.—(1) Regulation 3 (loans) is amended as follows.
 - (2) Omit paragraph (1).
 - (3) Omit paragraph (2).
 - (4) Paragraph (3) is amended as follows.
 - (a) insert “, in respect of local loans,” after the words “make advances”.
 - (b) for “Commissioners” substitute “Treasury” in both places occurring.
 - (5) In paragraph (4) insert “, in respect of a local loan,” after the words “No advance”.
- 5.—(1) Regulation 5 (receipts and discharges) is amended as follows.
 - (2) For “Commissioners” in the first place occurring substitute “Treasury”.
 - (3) Insert “local” in before the word “loan”.
 - (4) For “Secretary to the Commissioners” substitute “Public Works Loans Secretary”.
- 6.—(1) Regulation 6 (powers of Secretary) is amended as follows.
 - (2) For “Commissioners” substitute “Treasury” in each place occurring.
 - (3) Insert “relating to local loans” before the words “shall, if purporting”.
 - (4) Insert “such” before the words “documents may be proved”.
 - (5) For “their Secretary” substitute “the Public Works Loans Secretary”.
 - (6) For “the Secretary” substitute “the Public Works Loans Secretary” in each place it occurs.
7. For regulation 7 (powers of other officers) substitute—

“7 Powers of assistant secretaries to the Public Works Loans Secretary

Any assistant secretary to the Public Works Loans Secretary (see section 6 of the Public Works Loans Act 1875), to the extent that they are authorised under section 4(1) of the

(24) [S.I. 1968/458](#).

Public Loans Act 1944⁽²⁵⁾, shall be competent to perform any act under these Regulations which may be performed by the Public Works Loans Secretary.”.

Public Works Loans (Fees) Regulations 1991

8. The Public Works Loans (Fees) Regulations 1991⁽²⁶⁾ are amended as follows.

9.—(1) Regulation 3 (fees payable for advances) is amended as follows.

(2) In paragraph (1) for “loan” substitute “local loan (which for the purposes of this regulation has the meaning given in section 3(12) of the National Loans Act 1968)” in the first place occurring.

(3) In paragraph (2) for “loan” substitute “local loan”.

(4) In paragraph (2A) for “loan” substitute “local loan”.

(5) For “Commissioners” substitute “Treasury” in each place occurring.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes the office of the Public Works Loan Commissioners (the “Commissioners”) who together were known as the Public Works Loans Board.

Article 3 abolishes the Commissioners and article 4 transfers the functions of the Commissioners to HM Treasury. In practice these functions are the functions of providing and managing “local loans” as defined in section 3(12) National Loans Act 1968(c. 13).

Article 5 transfers the rights, liabilities, and property held by the Commissioners to the Public Works Loans Secretary. The Public Works Loans Secretary is appointed by HM Treasury and will carry out the functions of the former secretary of the Commissions and hold land and property relating to local loans on behalf of HM Treasury.

Article 7 repeals the entry in Schedule 1 to the Public Bodies Act 2011(c. 24) for the Commissioners.

Article 8 and Schedules 1 and 2 make consequential amendments to primary and secondary legislation.

In particular, section 6 of the Public Works Loans Act 1875(c. 89) is amended so that the functions of the office of secretary of the Commissioners are carried out by the Public Works Loans Secretary. Section 4 Public Works Loans Act 1944(c. 16) is amended to create the role of assistant secretaries to the Public Works Loans Secretary. Sections 3(1) and 3(12) of the National Loans Act 1968 are amended such that only HM Treasury have the power to make local loans of the description set out in Schedule 4 of that Act. Section 3(11) National Loans Act 1968 is amended to make clear that the Public Works Loans Act 1875 continue to apply to local loans.

A final report must be prepared under article 6 and article 9 makes supplementary provision in relation to matters such as the continuity of functions.

A full impact assessment has not been produced for this instrument as no impact on the costs of the business, charity or the voluntary sectors is foreseen.

⁽²⁵⁾ 1944 c.16.

⁽²⁶⁾ S.I. 1991/1539.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Public Bodies (Abolition of Public Works Loan Commissioners) Order 2020 No. 176*