



Local Authorities Loans Act 1945

1945 CHAPTER 18 8 and 9 Geo 6

E+W+S

An Act to prohibit the borrowing of money by local authorities otherwise than from the Public Works Loan Commissioners, to amend section five of the Public Works Loan Act 1941, and to make further provision with respect to local loans and the borrowing powers of local authorities. [28th March 1945]

Modifications etc. (not altering text)

C1 Act extended by [Fire Services Act 1947](#) (c. 41), s. 36(11)

Commencement Information

II Act not in force at Royal Assent; Act wholly in force at 1.8.1945 (by S.R. & O 1945/678 made under s. 12(2) now repealed)

1 ^{F1} **E+W+S**

Textual Amendments

F1 [S. 1](#) repealed by [Statute Law Revision Act 1953](#) (2 & 3 Eliz. 2 c. 5)

2 **Amendment of Public Works Loans Act 1875. 1875 c. 89.** **E+W+S**

^{F2}(1)

(2) Section eleven of the said Act (which, as amended by subsequent enactments, provides that [^{F3}a local loan] shall be repayable within a period not exceeding the period authorised by a special Act relating to the loan or, if no period be so authorised, not exceeding fifty years) shall have effect, in relation to a loan made to a local authority for any ^{F4}... purpose, as if a period authorised for the repayment of the loan by or under

Changes to legislation: There are currently no known outstanding effects for the Local Authorities Loans Act 1945. (See end of Document for details)

the enactment authorising the authority to borrow for that purpose were the period authorised by a special Act relating to the loan.

^{F5}(3)

Textual Amendments

- F2** S. 2(1) repealed by [National Loans Act 1968 \(c. 13\)](#), s. 24(2), **Sch. 6 Pt. II**
- F3** Words in s. 2(2) substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 51(2)** (with art. 9)
- F4** Word repealed by [National Loans Act 1968 \(c. 13\)](#), **Sch. 6 Pt. II**
- F5** S. 2(3) omitted (25.2.2020) by virtue of [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 51(3)** (with art. 9)

3

.....^{F6} **E+W+S**

Textual Amendments

- F6** [Ss. 3, 5](#) repealed by [National Loans Act 1968 \(c. 13\)](#), **Sch. 6 Pt II**

4

Repayment of [^{F7}local loans made by the Treasury]. **E+W+S**

- (1) Nothing in any enactment requiring that, where a sum borrowed by a local authority is repayable by instalments (whether of principal alone or of principal and interest combined), the first instalment shall be paid within a specified period from the date of borrowing shall be taken to prevent the first instalment of a sum so borrowed from the [^{F8}Treasury, as a local loan,] being made repayable within any longer period ^{F9}. . . not exceeding five years.
- (2) Nothing in any enactment requiring that, where a sum borrowed by a local authority is repayable by such instalments, the instalments shall be equal and periodical shall be taken to prevent the Treasury from postponing, under section thirty-seven of the [^{F10}Public Works Loans Act 1875], the payment of any instalment of a sum so borrowed [^{F11}or to prevent] or the local authority from agreeing to the postponement on any terms authorised by the Treasury under that section.
- (3) Where, under either of the said sections or otherwise, payment of interest on any sum borrowed by a local authority from [^{F12}the Treasury, as a local loan,] is postponed (whether the interest would, but for the postponement, have been payable separately from the principal or as part of an instalment of principal and interest combined), [^{F13}the Treasury] and the local authority may agree that it shall be a condition of the postponement that all or any of the interest accruing during the period of the postponement shall, at the end of that period, be added to the principal and bear interest and be repaid accordingly.

In this subsection references to postponing the payment of interest shall be construed as including references to arranging that the interval between the borrowing and the first payment of interest is longer than the interval between subsequent payments of interest, and references to the period of postponement as including references to the first mentioned interval.

Changes to legislation: There are currently no known outstanding effects for the Local Authorities Loans Act 1945. (See end of Document for details)

Textual Amendments

- F7** Words in s. 4 heading substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 52(2)** (with art. 9)
- F8** Words in s. 4(1) substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 52(3)** (with art. 9)
- F9** Words repealed by [Public Works Loans Act 1964](#) (c. 9), **Sch. 3**
- F10** Words in s. 4(2) substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 52(4)(a)** (with art. 9)
- F11** Words in s. 4(2) substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 52(4)(b)** (with art. 9)
- F12** Words in s. 4(3) substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 52(5)(a)** (with art. 9)
- F13** Words in s. 4(3) substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 52(5)(b)** (with art. 9)

5 ^{F14} **E+W+S**

Textual Amendments

- F14** [Ss. 3, 5](#) repealed by [National Loans Act 1968](#) (c. 13), **Sch. 6 Pt II**

6 ^{F15} **E+W+S**

Textual Amendments

- F15** [S. 6](#) repealed by [Public Works Loans Act 1964](#) (c. 9), **Sch. 3**

7 **Power to carry loans to consolidated loans fund and loans pools.** **E+W+S**

Where, by virtue of any enactment or otherwise, moneys borrowed by a local authority for different purposes are carried to a common fund or account, then, notwithstanding anything in any enactment, scheme or regulation, moneys borrowed (whether before or after the commencement of this Act) from the [^{F16}Treasury, as a local loan,] may, if the Authority think fit, be carried to that fund or account, subject to such conditions as the Treasury may determine (including conditions for securing that the basis for calculating any payment to be made to the authority in respect of those moneys out of moneys provided by Parliament shall not be affected by their being carried to the fund or account).

Textual Amendments

- F16** Words in s. 7 substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), **Sch. 1 para. 53** (with art. 9)

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8^{F17} **E+W+S**

Textual Amendments

F17 S. 8 repealed by (E. W.) [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#) and (S.) by [Local Government \(Scotland\) Act 1975 \(c. 30\)](#), [Sch. 7](#)

9 **Laying of regulations before Parliament.** **E+W+S**

- (1) All regulations made under this Act shall be laid before Parliament as soon as may be after they are made . . .^{F18}
- (2) If either House of Parliament, within the period of twenty-eight days beginning with the day on which any such regulations are laid before it, resolves that the regulations be annulled, the regulations shall thereupon become void, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.
- (3)^{F19}

Textual Amendments

F18 Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

F19 S. 9(3) repealed by [Statute Law Revisions Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

10 **Interpretation.** **E+W+S**

In this Act the following expressions have the meanings hereby respectively assigned to them:—

“enactment” includes an enactment in a local Act or in a provisional order confirmed by Parliament;

“local authority” means any authority being, within the meaning of the^{M1} Local Loans Act 1875, an authority having power to levy a rate.

[^{F20}“local loan” has the meaning given in section 3(12) of the National Loans Act 1968.]

Textual Amendments

F20 Words in s. 10 inserted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), [Sch. 1 para. 54](#) (with art. 9)

Marginal Citations

M1 1875 c. 83.

11 **Application to Scotland.** **E+W+S**

In the application of this Act to Scotland—

- (a) for any reference to paragraph (a) of subsection (I) of section two hundred and fifteen of the Local Government Act, 1933, there shall be substituted a reference to subsection (4) of section sixty-seven of the^{M2} Local Government

Changes to legislation: There are currently no known outstanding effects for the Local Authorities Loans Act 1945. (See end of Document for details)

- (Scotland) Act, 1889, and to section forty-nine of the ^{M3}Burgh Police Act, 1903;
- (b) for any reference to the Local Loans Act 1875, there shall be substituted a reference to the ^{M4}Local Authorities Loans (Scotland) Act 1891;
- (c) for any reference to the general rate fund there shall be substituted a reference to the burgh fund.

Modifications etc. (not altering text)

- C2** The text of s. 11(a), now spent, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M2** 52 & 53 Vict. c. 50.
M3 3 Edw. 7. c. 33
M4 1891 c. 34.

12 Short title, commencement and extent. E+W+S

- (1) This Act may be cited as the Local Authorities Loans Act 1945.
- (2) ^{F21}
- (3) This Act shall not extend to Northern Ireland.

Textual Amendments

- F21** S. 12(2) repealed by Statute Law Revision Act 1950 (c. 6)

Changes to legislation:

There are currently no known outstanding effects for the Local Authorities Loans Act 1945.