



Public Works and Fisheries Acts Amendment Act 1863

1863 CHAPTER 81 26 and 27 Vict

An Act to amend, so far as regards Advances for the Purposes of the Harbours and Passing Tolls, &c. Act 1861, certain of the Acts authorizing the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor. [28th July 1863]

Modifications etc. (not altering text)

- C1** Preamble (which recites the Act 3 Geo. 4 c. 86, the Act 1 & 2 Will. 4 c. 24, Public Works Loans Act 1853 (c. 40) and [Harbours and Passing Tolls Act 1861 \(c. 47\)](#)) omitted under authority of Statute Law Revision Act 1893 (c. 14)

1 ^[F1]The Treasury empowered to grant priority of security in respect of loans to harbour authorities by other persons.

Notwithstanding any provision to the contrary contained in the Acts herein-before mentioned, or in any other Act or Acts passed or to be passed relating to ^[F2]local loans made under section 3 of the National Loans Act 1968], it shall be lawful for ^[F3]the Treasury] from time to time to grant priority of security, as well for principal as interest, in respect of any loan made or to be made to any harbour authority by any person or persons other than ^[F3]the Treasury], over any security which has been or shall be given to ^[F3]the Treasury] by such harbour authority; provided, that the grant of such priority will not, in the opinion of ^[F4]the Treasury], affect the sufficiency of the security given or to be given to ^[F3]the Treasury].

Textual Amendments

- F1** Words in s. 1 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. 4\(2\)](#) (with art. 9)
- F2** Words in s. 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. 4\(3\)](#) (with art. 9)

Changes to legislation: There are currently no known outstanding effects for the Public Works and Fisheries Acts Amendment Act 1863. (See end of Document for details)

- F3** Words in s. 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. 4(4)** (with art. 9)
- F4** Words in s. 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. 4(5)** (with art. 9)

2 **Such priority not to give validity to any security which could not have been given if this Act had not passed.**

Such grant of priority shall not give any force or validity to any security which could not have been legally given if this Act had not been passed: Provided nevertheless, that where any harbour authority has, independently of the ^{M1}Harbours and Passing Tolls, &c. Act 1861, the power to borrow and secure money to a limited amount only, it shall be lawful for the [^{F5}Treasury], if they think proper, to cause to be inserted in any deed or other instrument made or executed to secure an advance by them to such harbour authority, a declaration that such advance shall not be taken as part of such limited amount; and thereupon and notwithstanding such advance, money to the full extent of such limited amount may be borrowed and secured in addition to the sum secured by the deed or instrument containing the declaration aforesaid; and the fact of the [^{F6}Public Works Loans Secretary (see section 6 of the Public Works Loans Act 1875)] being a party to such deed or instrument, and being the person to whom the security is made, shall be conclusive evidence that any such declaration as aforesaid was inserted therein by the authority of the [^{F5}Treasury].

Textual Amendments

- F5** Word in s. 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. 5(2)** (with art. 9)
- F6** Words in s. 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. 5(3)** (with art. 9)

Marginal Citations

- M1** 1861 c. 47.

3 **How priority may be granted.**

The priority by the first section of this Act authorized to be granted, may be granted either by the deed or instrument whereby the security to the [^{F7}Treasury] is made, or from time to time by any other deed or instrument in writing [^{F8}by the Public Works Loans Secretary]; and such priority may be so granted either absolutely or subject to any terms and conditions [^{F9}which the Treasury] may think proper to impose.

Textual Amendments

- F7** Word in s. 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. 6(2)** (with art. 9)
- F8** Words in s. 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. 6(3)** (with art. 9)
- F9** Words in s. 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. 6(4)** (with art. 9)

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4 Harbour authorities empowered to borrow money to pay off debts having priority over securities for ^{F10}local loans made by the Treasury].

Where any debt due from a harbour authority has or shall have priority over any security made or to be made for any ^{F11}local loan, made under section 3 of the National Loans Act 1968,] to the same harbour authority, then, notwithstanding any provision to the contrary contained in the Acts herein-before mentioned, or in any other Act or Acts passed or to be passed ^{F12}relating to local loans], it shall be lawful for the same harbour authority from time to time to borrow money to be applied in paying off any debt for the time being having such priority as aforesaid, and to grant and give security for such money similar to the security which had previously existed for the debt paid off; and all securities for money so borrowed and applied shall have the like priority as the security for the debt paid off thereout previously had.

Textual Amendments

- F10** Words in s. 4 heading substituted (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. 7(2)** (with art. 9)
- F11** Words in s. 4 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. 7(3)** (with art. 9)
- F12** Words in s. 4 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. 7(4)** (with art. 9)

5 Short title.

This Act may be cited as “The Public Works and Fisheries Acts Amendment Act 1863.”

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