

2020 No. 176

PUBLIC BODIES

**The Public Bodies (Abolition of Public Works Loan
Commissioners) Order 2020**

Made - - - - *24th February 2020*

Coming into force in accordance with article 1(2) and (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^(a) (“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 2020.

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

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

(a) 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.

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.

David Rutley
Rebecca Harris

24th February 2020

Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1

Article 8

Consequential provisions – primary legislation

Harbours and Passing Tolls, &c. Act 1861

1. The Harbours and Passing Tolls, &c. Act 1861(a) 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.”

(a) 1861 c. 47.

Public Works and Fisheries Acts Amendment Act 1863

3. The Public Works and Fisheries Acts Amendment Act 1863(a) 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.

(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(b),”.

(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).

(a) 1863 c. 81.

(b) 1968 c.13.

- (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”.

- (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”.

Public Works Loans Act 1944

48. The Public Works Loans Act 1944(a) 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(b) 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
- (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.”.

(a) 1944 c.16.

(b) 1945 c.18.

Public Works Loans Act 1946

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 The Public Works Loans Act 1946(a) is repealed.

Coast Protection Act 1949

56. The Coast Protection Act 1949(b) 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(c) 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(d) 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.

(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”.

(a) 1946 c.41.
(b) 1949 c.74.
(c) 1964 c.40.
(d) 1965 c.63.

(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(a) 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(b) 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 –

“(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(c) 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–

(a) 1975 c.24.
(b) 1985 c.68.
(c) 1985 c.69.

- (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 Public Loans Act 1944^(a), 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^(b) 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.

^(a) 1944 c.16.

^(b) S.I. 1991/1539.