CHAP. 48.

An Act to amend The Companies Clauses Act, 1863. A.D. 1869.

[2d August 1869.]

WHEREAS "The Companies Clauses Act, 1863," has been amended in certain respects as regards railway companies, and it is expedient that such amendments should extend to other companies:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of Part III. of 26 & 27 Vict. c. 118. as to rate of interest on debenture stock.

1. Part III. of "The Companies Clauses Act, 1863," shall be read and have effect as if the following words, that is to say, "not "exceeding the rate prescribed 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 22 of that Act, 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.

Restriction on rate of interest on debenture stock already authorized.

2. 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 22 of "The Companies Clauses Act, 1863."

Power to issue debenture stock, subject to Part III. of 26 & 27 Vict. c. 118.

3. Any company having power to raise money on mortgage or bond by virtue of any Act of Parliament, but not having power to create and issue debenture stock, may create and issue debenture stock subject to the provisions of Part III. of "The Companies Clauses

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Act, 1863" (relating to debenture stock), and Part III. of the said Act, as amended by this Act, shall be deemed to be incorporated with the special Act of every such company.

Advances to meet debentures falling due.

4. 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.

Power to issue shares or stock at discount.

5. Section 21 of "The Companies Clauses Act, 1863," shall, with respect to any company to which it is applicable under the provisions of this or any other Act, be read and have effect as if the following words, that is to say, "but so that not less than the full nominal "amount of any share or portion of stock be payable or paid in "respect thereof," had not been inserted in that section.

Power to issue residue of original or other capital at discount.

6. Any shares forming part of the capital (whether original or additional) authorized to be raised by any special Act of a company passed before the present session which have not been disposed of may be disposed of in manner provided by Part II. of "The Companies Clauses Act, 1863," as amended by this Act, and that Part, as so amended, shall be deemed incorporated with such special Act accordingly.

Restriction on issuing at discount shares or stock already authorized.

7. Provided, that any shares, the creation whereof has been authorized by a company, but which have not been issued before the passing of this Act, shall not be issued on any terms other than those whereon the same 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 by Part II. of "The Companies Clauses Act, 1863."

Act not to affect provisions as to capital upon which the dividend is limited.

8. Provided always, that this Act shall not be construed to alter or extend the provisions of any Act relating to share capital in respect of which the amount of profits to be divided is limited to a fixed rate per centum upon the paid-up capital of the company.

Short title.

9. This Act may be cited as "The Companies Clauses Act, 1869."

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.