

*The Loan Act, 1882*

WESTERN AUSTRALIA

ANNO QUADRAGESIMO SEXTO

VICTORIÆ REGINÆ

No. 22

An Act for raising the sum of Two Hundred and Fifty-four Thousand Pounds by Loan for the construction of certain Public Works.

*[Assented to 21st September, 1882.]*

Preamble

WHEREAS it is expedient to raise on loan the sum of Two Hundred and Fifty-four Thousand Pounds, to be expended on the Public Works, and otherwise in the manner set out in the Schedule to this Act annexed, in the amounts mentioned respectively : Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows :—

Short title

1. This Act may be cited for all purposes as 'The Loan Act, 1882.'

Power to borrow Two hundred and fifty-four thousand pounds on debentures

2. It shall be lawful for the Governor of Western Australia to raise, by the issue of debentures under this Act, any sum or sums not exceeding in the whole Two hundred and Fifty-four thousand pounds sterling, to be expended on the public works, and in the manner enumerated in the Schedule to this Act.

Loan to be charged upon general revenues

3. The principal moneys and interest secured by the debentures issued under this Act are hereby charged upon and shall be payable out of the general revenues and assets of the Government of Western Australia, and shall constitute a charge thereon, to rank next after the charges imposed thereon by 'The Public Works Loan Act, 1872,' and 'The Public Works Loan Act, 1873,' and 'The Railway Supplementary Loan Act, 1875,' and 'The Loan Act, 1878,' and 'The Loan Act, 1881.'

Amount of each debenture and rate of interest

4. Every debenture issued under this Act shall be for a sum not less than One hundred pounds sterling, and shall bear interest at a rate not exceeding five per cent. per annum.

Issue, &c., of debentures

5. The debentures shall be issued in London, on behalf of the Government of Western Australia, by the Crown Agents for the Colonies (in this Act referred to as the Crown Agents), and shall be signed by them on that behalf.

Registry of debentures

6. Every debenture shall, before being issued, be registered in a Register Book to be kept for that purpose at the Office in London of the Crown Agents.

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7. There shall be attached to every debenture coupons for the payment of the interest, to become due in each half-year upon the principal secured by the debenture. The coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the debenture has to run, or for such limited period as the Crown Agents, acting on behalf of the Government of Western Australia, may determine. Interest on coupons
8. The debentures, and the coupons thereto, may be in such form as the Governor, or the Crown Agents acting on his behalf, may direct or approve. Form of debentures and coupons
9. Every debenture and coupon, and the right to receive the principal and interest secured or represented thereby, shall be transferable by delivery. Debentures and coupons transferable by delivery
10. So long as any debentures authorised to be issued under this Act remain outstanding, the Governor shall appropriate half-yearly out of the general revenues and assets of the Colony a sum sufficient to provide for the half-year's interest on the total nominal value of all debentures issued (including any that may have been purchased or redeemed, as by this Act is provided); and from the fifteenth day of July, 1886, the Governor shall in like manner appropriate half-yearly a further sum equal to ten shillings per cent. on the nominal value of all debentures issued (including any that may have been withdrawn by purchase or lot, as by this Act is provided), and shall remit the said sums to the Crown Agents at such times as will enable them to pay thereout the then current half-year's interest on the day when it falls due. Mode of providing for payment of interest and principal
11. The Crown Agents shall, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payment, on deposit at interest in their names, with some bank or banks in London or Westminster, and shall hold all such moneys and the accumulations thereon in trust, to apply them, in the first place, in payment of the interest for the current half-year upon the debentures for the time being outstanding, and, in the next place, in the formation of a sinking fund. Application of money remitted to Crown Agents
12. The interest upon the principal sum secured by each debenture shall be due upon the day named in that behalf in the debenture, and shall be paid half-yearly, on the days named in that behalf on the debentures at the office in London of the Crown Agents. Payment of interest
13. The sinking fund shall be applied, in the first place, in payment of all expenses of, or incidental to, the purchase or redemption of debentures, including the charges of the notary public attending at any drawing thereof, and the costs and expenses of all notices required by this Act to be served; and in the next place, and subject to the aforesaid payment, in repayment of the principal moneys for the time being secured by the said debentures. Application of sinking fund
14. The debentures shall, at the option of the Crown Agents

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- Debtentures to be redeemed by purchase or by annual drawings subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, be redeemed either by purchase in the open market or by annual drawings; and, subject to the aforesaid payments, the sum to be applied annually to such purchase or redemption shall correspond as nearly as may be to, but not exceed, the amount for the time being standing to the credit of the sinking fund.
- Debtentures not redeemable for five years 15. No debtentures shall be redeemed in the manner by this Act provided, until the fifteenth day of July, 1887.
- Appointment of day for drawing debtentures 16. So long as any of the debtentures remain outstanding and unsatisfied, the Crown Agents shall in every year, commencing in the year 1887, unless the whole of the money applicable in that year to the purchase or redemption of debtentures has been applied in the purchase thereof, appoint a day in that year for the drawing by lot of the debtentures to be redeemed.
- Notice of time and place appointed for drawing 17. If a day is appointed for drawing, the Crown Agents shall give, by advertisement in the London 'Times' newspaper, not less than fifteen days' previous notice, specifying the day on which, and the hour and place at which, the drawing will take place, and the nominal amount of the debtentures to be redeemed at that drawing.
- Mode of drawing 18. On the day and at the hour and place so specified, the Crown Agents shall hold a meeting (at which the holder of any debtenture may, if he thinks fit, be present), and shall then, in the presence of such debtenture holders (if any) as may attend, and of a notary public, draw by lot, out of the whole number of redeemable debtentures for the time being outstanding, debtentures of the specified nominal amount.
- Notice of debtentures drawn for redemption 19. The Crown Agents shall thereupon declare the distinguishing numbers of the debtentures drawn for redemption, and shall, as soon as may be, by advertisement in the London 'Times' newspaper, specify those numbers; and the principal moneys secured by the debtentures so distinguished, together with all interest due thereon, shall be payable on demand to the holders thereof at the office of the Crown Agents in London, on the day on which the then current half-year's interest thereon is payable.
- Cessation of interest from day appointed for payment of principal 20. From and after the day appointed for the repayment of any debtentures, all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal have or have not been demanded.
- Redeemed debtentures to be cancelled 21. Upon the repayment of the principal moneys secured by any debtenture, the debtenture, with all the coupons thereunto belonging, shall be delivered up to the Crown Agents, to be by them cancelled and forwarded to the Government of Western Australia. Any debtenture redeemed by purchase shall likewise be so cancelled and forwarded.